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SENATE—*Monday, September 8, 2003*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Maker of sea, land and air, speak to our hearts that we may cling to the things that cannot fail. Thank You for the gift of a new day, for borrowed breath and heartbeats. Be our pilot over life's tempestuous seas, and help us to strive more for faithfulness than success.

Be with our Senators today. Use them to speed the day when people need not live in fear of one another. Empower them to give and not to count the cost; to fight and not to heed the wounds; to toil and not to seek for rest; to labor and not to ask for anything, except the knowledge that they are doing Your will.

We pray in Your Holy Name, Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, today the Senate will resume consideration of H.R. 2660, the Labor, HHS, and Education appropriations bill. The chairman and ranking member will be here this afternoon throughout the consideration of the bill. It had been the hope of the leader to schedule votes this evening on amendments to the Labor-HHS bill. However, it is our understanding there will be an objection from the other side of the aisle for any unanimous consent request that sets a vote for today. That objection extends to setting votes on executive nominations as well. Therefore, on behalf of the leader, I announce that no rollcall votes will occur during today's session. We will continue to work throughout today to resolve the remaining issues on the Labor-HHS appropriations bill, and we hope additional progress can be made on the bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant minority leader.

Mr. REID. Mr. President, my friend from Wyoming is absolutely correct. We will not agree to setting aside any amendments. As I announced last week, we on this side want to move this bill. Last Tuesday, when we started after the August break, we said we would like to have a day where we could have a vote on overtime. We said last Tuesday we thought the best time would be Tuesday, a week from that day. We spoke to the majority leader. Of course, we spoke to Senator SPECTER on many occasions about that. We do not want anyone to think we are scheduling the Senate's business around four Democratic Senators who are running for President. Since the Presidential process started, we never asked any special favors. We thought we were doing everyone a favor here by telling—in fact, telegramming them—when we thought that vote should take place.

It is possible there can be an effort made to table the Harkin amendment on overtime. This is an important piece of legislation. This one appropriations bill is, I think, about $30-odd billion. It deals with issues of extreme importance.

We want to move this legislation. But also for the men and women of this country, we feel it is so important to have an up-or-down vote on overtime. The President has made a decision that he wants to change the way overtime is paid to the men and women in this country. It is only the American way that we would simply have a vote as to whether or not the President is right.

We believe people of good will will vote with us. It is clear the reason we have suddenly not been able to have a vote is because the majority leader recognizes they will lose and we will win, but that shouldn't be a cause to bring down a whole bill. But in fairness, we believe we should have a vote on this issue.

I am only speaking for myself. It is hard for me personally to comprehend. These bills go to conference. There will be a conference with the House. Of course, if we don't like what comes out of conference, we will see what happens.

But this is a very important bill. I think people will have to look very closely at what they want to do once this bill comes out of conference.

I understand why they are not allowing us to vote on that. It is simply because they don't have the votes. But you can't win everything around here. We are entitled to win once in a while. Don't simply take away our ability to vote. That, in effect, is what is happening. It is really too bad. I hope when the conference is held with Republican Senators, they will see that.

We should be able to vote tomorrow. We contemplated finishing this bill tomorrow, Tuesday. That is what we had contemplated. We have a lot of amendments. The managers could agree to some of those. Some of them simply won't come up. Of course, one of the reasons there are a lot of amendments by both sides, if they offer them, is in effect to protect their sides in case something comes up they don't understand.

I believed we could finish this bill tomorrow. Having gotten nothing done on Friday, and now nothing today, it is really too bad. I don't believe we will be able to finish the bill on Tuesday.

Senator DOMENICI and I have worked on the Energy and water bill for many years. We have a good idea how quickly that bill will move along. It is certainly not as big dollarwise as this bill, but it is $25-plus billion. It deals with issues that are important. The difference between our bill and the Labor-

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HHS bill is that all of the money we have in our bill is discretionary spending.

I hope we can get to that, move along and get the appropriations bills done. I hope we don't have a situation where we have nine bills in an omnibus bill. We tried that. It wasn't the best way to go. We had 11 bills in the omnibus bill. We have nine bills we still have to approve.

I am disappointed the majority leader has taken this tack. I hope after meeting with colleagues this evening there will be a change.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, speaking purely on my own behalf but hopefully reflecting some of the feelings of the leader, we are terribly disappointed that until the time is set exactly as the time the Presidential candidates want to have the vote, no other business can happen in this Chamber. That isn't how this ought to work. We ought to be proceeding on other amendments. We ought to be wrapping this thing up and getting down to what evidently could be the last vote. It needs to happen.

I am terribly disappointed the overtime rule has been made into such a political hot issue. It is a proposed rule. The way rules work around here is they get published so there can be comments. There have been 80,000 comments. This amendment doesn't stop the rule. At this point, it stops the review of those comments. The Secretary of Labor can't even look at the 80,000 comments to see if she made a mistake in the rule.

It appears there are some concerns about the rule and the way it is written. But it can't even be rewritten, if this amendment passes. This amendment takes away the right of the Secretary to review those 80,000 comments so changes can be made, if needed, to the rule. That is how we do rules around here.

To take the money away and stop that process I don't think is the right way to do it. We have a process in place. We even have a process for overcoming the process. That is the Congressional Review Act. If the Secretary does not pay the attention needed to it, we have the right to overturn the rule. In fact, we have the obligation to overturn rules. That is why we did a Congressional Review Act.

I hope we will let her go ahead and read the 80,000 concerns and see what changes need to be made, see what people are thinking about the rule. Obviously, there are people with concerns. I hope the rule can be revised to take care of those concerns. It has not been revised in 50 years. Tell me that business has not changed in 50 years. Tell me that employment has not changed in 50 years. It has.

One of the provisions of this is raising the amount you have to be covered by overtime from $8,600 to $22,000. That needs to be done. People make a lot more money now than in 1950.

I hope we can go ahead with the rule. I hope we can go ahead with other amendments as we have been doing for the last week, setting aside amendments so we can debate amendments. All the amendments are still in a queue and we still have to take care of those amendments. It does not keep them from being voted on but keeps them just from being voted on in that necessary order, although you can call for regular order and put it right back in the queue in the same place. It is possible to get votes. In fact, it is impossible to avoid votes around here.

As stated, if there were a motion to table, it could be brought up again. There will be a vote. Now, whether the leader gets to set the exact time for the vote or whether the minority sets the exact time for the vote evidently is the question for debate. I hope we can get past this little rift and move on and cover some more amendments. I was hoping we could have some votes today so tomorrow we could finish up. If we were going to finish anyway tomorrow, we could finish early tomorrow so we could move on to the other bills. I hope that wedge will not remain in there and we can make some progress.

I yield the floor.

Mr. REID. Mr. President, I know the Chair wants to report the bill, but let me say we did not want an exact time. We put something in the proposed unanimous consent agreement. We just said Tuesday. We thought it would be better to do it after the party conferences. Anytime Tuesday would be fine with us.

I certainly understand the Congressional Review Act. Senator NICKLES and I wrote that. That is our legislation now in the law. It has been passed and used several times, and it will be used this week, also, on the TV ownership. It is an important piece of legislation and one of the things I am very proud I have been able to work on during my tenure as a Member of Congress.

I say to my friend, for whom I have the greatest respect, the Senator from Wyoming, we have worked together on a number of issues on a bipartisan basis. We recognize overtime has been paid by virtue of a statute in this country for more than 50 years. We think that is appropriate.

If the President wants to change this, he should change it by asking the committees of Congress to do that. We could have hearings and go forward on that basis. To have the President' act as if he is the king of this country and just set rules any way he wants, we do not agree with that. That is why the men and women of this country are really upset and why we had 80,000 comments.

The Senator from Wyoming and I are not going to make that decision. We are not in a position to do that. We are here representing others. I appreciate the courtesy of the Senator from Wyoming this afternoon, as always.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to increase funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OVERTIME PAY

Mr. REID. Mr. President, America, of course, is the land of opportunity. Americans know that if we are willing to work hard, we can realize our dreams.

Hard work has built America. Hard work is what has enabled generations of us to own a home, make a stronger community, and give our children a good education.

Americans have always been willing to work hard to reach their goals, and they are working longer hours today than ever before. About one-third of the labor force regularly works longer than a 40-hour week, and 20 percent work longer than 50 hours.

Fifty years ago, we established the principle of overtime pay which came as a result of passing the Fair Labor Standards Act. Basically, one of the provisions of that act was the establishment of overtime pay rules, and it was for those who work more than 40 hours a week. This principle recognized that the normal workweek would be five 8-hour days. This principle recognized the value of hard work and rewarded those who worked the hardest.

Families who work hard depend upon overtime pay. For the families who earn overtime, it makes up one-fourth of their total salary.

Having said all this, I can't understand, as I indicated earlier today, why the President is proposing to change the rules on overtime pay. What this legislation we would like a vote on does is prevent the President from changing the rules as to the number of people who are on overtime; that is, he cannot lower the number of people on overtime. The rules could increase the number but he could not lower the number. That is simply what the amendment does.

The President's proposal would eliminate overtime wages for 8 million workers, among whom would be nurses, firefighters, police officers, flight attendants, preschool teachers, cooks, secretaries, and fast food shift managers.

The proposal would amount to a pay cut for those hard-working people and others. It would mean fewer jobs because companies would simply force their employees to work longer hours without paying overtime instead of hiring new workers. In the current economic situation, when millions of Americans are out of work, it doesn't make sense to do something that will stifle the creation of new jobs.

Even for the workers who would still qualify for overtime, this is a bad rule. Why? Because big companies will just force the overtime-exempt workers to put in longer hours and cut the hours of those who qualify for overtime.

The rule is bad for so many reasons. It punishes working families by cutting their pay, it prevents the creation of new jobs, and I think it dishonors hard work, which is one of the things that made America great.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are presently on the Labor, Health and Human Services, and Education appropriations bill which is the funding bill for next year for all three of those Departments plus others—NIH, for basic medical research, and for a number of other independent type agencies, libraries, and things such as that.

Perhaps the biggest part of this bill in terms of where we ought to focus our energies and our attention is in the area of education. We know that without a good education, our hopes for the future of this country are much dimmer if we do not provide a class 1, world class education for all of our kids. Our future will be bleak indeed if in fact we start leaving some kids behind.

Thus, when the President talked a couple years ago about his proposal to leave no child behind, that sounded like something we could support and move ahead on because we do not want to, nor can we afford to, leave any children behind.

Now that we are here this week after Labor Day, it is back to school time. Back to school time means one thing: More claims from President Bush that he is serious about leaving no child behind.

When the President signed the No Child Left Behind Act nearly 2 years ago, he promised to give schools the money they need to improve. He said:

> We are going to spend more money, more resources, but they will be directed at methods that work.

Most people probably believed him. I know I did. There were long negotiations. I also serve on the authorizing committee that worked out the agreements with the White House on the No Child Left Behind Act. One of the major reasons I voted for it was that I trusted the President. I took him at his word that in fact we were going to have the resources.

In the No Child Left Behind Act, we made a major departure from what we had been doing in the past in terms of Federal funding for elementary and secondary education. This was the biggest mandate ever put upon local public schools by the Federal Government. The biggest mandate ever put on our local public schools by the Federal Government was Leave No Child Behind.

So I believed then, and I believe now, that if we are going to mandate certain performance levels for our schools, and we are going to penalize these schools for failing to make adequate yearly progress—if we are going to do that—then we must, by all rights, give them the money they need to meet these mandates and to improve.

President Bush seemed to agree. We took him at his word. But ever since he signed that law, the President's record on education has been long on spin and woefully short on spending. Saturday was a characteristic example of what I am talking about. The President used his radio address on Saturday to boast about how much funding he has provided for schools since he became President. He said—and again I quote; this is an exact quote from his radio address on Saturday—

> My budget for next year boosts education funding to $53.1 billion, an increase of nearly $11 billion since I took office.

Keep these figures in mind: $53.1 billion, his budget for next year; and he says: "an increase of . . . $11 billion since I took office."

Well, first, the statement is factually correct. The education budget has increased $11 billion during the Bush administration. And it is factually correct that next year's budget does call for $53.1 billion. But let's take a look at those two. The $11 billion increase during this administration has taken place, but no thanks to President Bush. The budgets increased $11 billion because Democrats in Congress insisted on it over the White House's strong objections. It is like I was saying last week about the weather, it has rained a lot around here during President Bush's administration, sometimes it has been hot during his administration, sometimes it has even snowed during his administration, but his administration did not actually have anything to do with the weather.

The same thing with education funding: President Bush deserves as much credit for the recent education funding increases as he does for the weather outside. This chart will explain what I mean.

In fiscal year 2001, the last budget of the Clinton administration, education funding was at $42.2 billion. The next year, President Bush's first year, in his budget he asked for an increase to $44.5 billion. That would be about an increase of $2.3 billion.

Now, at the end of the day, at the end of the year, the actual funding went up to $49.9 billion. Why? Did President Bush come down here and ask for more money? No. Education got up to $49.9 billion because we Democrats insisted on it during the negotiations for the No Child Left Behind Act. We said, if you are going to have these mandates, let's get the money in there. And since the President wanted to get votes for his bill, he agreed. But he never asked for it. We insisted on it. So the next year we went up to $49.9 billion.

Now, the next year, President Bush asked for $50.3 billion. That was an increase of only $400 million from the previous year, seven-tenths of 1 percent. That is what he asked for. That is all he asked for. Again, we got it up to $53.1 billion. Again, why? Because Democrats insisted on it. We fought for it hard. We fought for it on the floor of the Senate, and we got it up to $53.1 billion.

Now, the real kicker is this: In his radio address, the President said:

> My budget for next year boosts—

—"boosts," "boosts"—

> education funding to $53.1 billion. . . .

Mr. President, we are already at $53.1 billion. You have asked for $53.1 billion for next year. That is not a boost. That is the same as we spent last year.

Well, actually I want to be factually correct. His budget would increase funding by $26 million, .05 percent over last year. It is such a minuscule amount it does not even show up on a chart.

As I said before, it is true education spending has risen $11 billion during the Bush administration, but President Bush has only asked for $2.7 billion of that $11 billion. All the rest resulted from Democrats here in Congress pushing for and fighting for increased education funding. So I wanted to make that record clear.

Now, what is more, the President is trying to take credit for these education increases at the very same time the White House, this President, is working to defeat Senator BYRD's amendment, one of the pending amendments on this bill, that would fully fund title I at the fiscal year 2004 authorized level. The title I program is the key to the success of No Child Left Behind because title I helps the students who need the help the most, the millions who are now being left behind—low-income, poor kids, kids from low-income areas. It is the program also, under the No Child Left Behind Act, that will hold schools accountable for improving student performance. So title I is a program that has been in existence for a long time, and it funnels Federal funding to those most in need, the kids who are now being left behind.

In the No Child Left Behind Act we put in there the mandates that will hold schools accountable, that will penalize schools if they do not improve student performance.

President Bush and Members of Congress spent a lot of time negotiating over how much money was needed year by year for title I. This was part of the negotiations process when we passed No Child Left Behind. What we settled on was a figure of $18.5 billion for fiscal year 2004. That is the second year after the law went into effect. That is the authorized level.

Unfortunately, the bill before us provides $12.35 billion for title I. That is the amount requested by President Bush. Again, some on the other side want to play games with the numbers. They argue title I funding has risen by $2.9 billion during President Bush's administration, again, as if the President deserves the credit for it. The fact is, President Bush requested only $1.3 billion of the $2.9 billion title I has increased between 2001 and 2003. Again, the only reason title I increased more than he asked for was we Democrats here in Congress insisted on it.

Again, this chart shows the story. In fiscal year 2001, title I got $8.8 billion. In fiscal year 2002, the President requested a minuscule increase of just $300 million to $9.1 billion. The authorized level was $13.5 billion. Again, we Democrats in Congress fought hard, and we got it up to $10.35 billion.

Some on the other side have said, well, the Democrats ran the Senate for fiscal year 2002, and they didn't fund title I at the authorized level. Well, that is true, but remember, we only controlled the Senate, we did not control the House, and we did not control the White House like the Republicans do now, and we managed to get more for title I than the President requested.

In fiscal year 2003, the year we are in right now, the President requested $11.35 billion for title I, when the authorization level had risen to $16 billion. Again, thanks to Democratic pressure here in Congress, we got it up to $11.7 billion.

Now for fiscal year 2004, the President has requested $12.35 billion, $6 billion short of the authorized level of $18.5 billion.

People have said: That is the authorized level. We hardly ever fund to the authorized level.

In most cases that is true. But in this case, we have a different situation. We have mandates. Schools, you have to do this, this, this. You have to meet annual yearly progress of this, this, and this. We have now mandated it. We never did before. And, in the negotiations on No Child Left Behind, we agreed on these figures: $13.5 billion for 2002, 16 for 2003, and 18.5 for 2004, and so on. So this is not just like something else. This is the biggest Federal mandate ever on our public schools.

The biggest part of No Child Left Behind is title I, and the President has shortchanged it by over $6 billion this next year. I think we need to help President Bush keep the promise he made when he signed the No Child Left Behind Act by approving Senator BYRD's amendment. The Byrd amendment, more than any other, will show the Nation how serious we are about leaving no child behind. Do we give the schools the money they need to improve? Or do we just give them a bunch of mandates and hang them out to dry? That is what is at stake with the Byrd amendment.

I emphasize, the Byrd amendment is not just about dollars. If you want to hire good teachers, it takes money. If you want to reduce class sizes so teachers can teach, it takes money. This Byrd amendment would provide enough funding to hire more than 100,000 highly qualified teachers for the students who are at most risk of being left behind. That means over 2 million disadvantaged students would be taught in smaller classes. They would receive the full range of instructional services called for under the No Child Left Behind Act.

In his radio address on Saturday, the President said:

> Schools are getting the Federal resources and help they need to improve.

I am sorry, Mr. President. That is factually incorrect. They are not getting the Federal resources. They are not getting what you promised 2 years ago when you signed this bill into law. So I say let's help the President keep his promise. I urge my colleagues to support the Byrd amendment when it comes up for a vote. All we are asking for is $6.2 billion to get it up to the authorized level.

The President says he doesn't have the money for that. We have this huge deficit. We don't have the money to get out to these schools to fully fund this. We don't have the money.

Last night when I turned on my television set to watch the President address the country, he said he is going to send up a supplemental appropriations request for $87 billion for reconstruction in Iraq and Afghanistan—mostly Iraq. We had an earlier bill this year that was $79 billion, of which $70 billion was for Iraq and Afghanistan. So 70 and now 87; in the space of 6 months this President has asked us to take taxpayers' dollars and put $157 billion into Iraq and Afghanistan. And we don't have $6 billion to leave no child behind, the poorest kids in the poorest areas, the low-income areas. We don't have it. Somehow we don't have that.

Mr. Bremer is talking about rebuilding schools in Iraq. They are going to rebuild schools or build schools. I don't think we bombed schools in Iraq. Maybe we are going to build new schools. I don't know. What about the schools here in America? What about our kids here who are being left behind?

One hundred fifty-seven billion dollars? At the beginning of the Iraq war, the Department of Defense estimated we were going to be spending about $2.2 billion a month after the war. In June, that went to $3 billion. As of July, they said they were spending about $3.9 billion a month in Iraq, and another $1 billion in Afghanistan. Well, if I am not mistaken, there are 12 months in a year. If we assume that is the end of it for the whole year, 12 months, $87 billion, it seems to me that comes down to more than $7 billion a month. And they told us earlier it was going to be $2.2 billion for Iraq, and going down quickly. And now it is up to $6 billion in Iraq and $1 billion in Afghanistan, if we assume they are not going to ask for any more. And I would not make that assumption. So in 1 year, $7 billion a month for Iraq and Afghanistan.

In February, the administration said Iraq's oil reserves would help shoulder much of the burden for its own reconstruction. Mr. Wolfowitz said on April 6:

> There are enormous resources available from other sources than just the American taxpayer to help the Iraqi people in reconstructing their country. And the oil revenues of Iraq now for the first time in decades will be dedicated to the welfare of the Iraqi people.

Well, it sure looks like the American taxpayer is footing the bill to me. I don't know when those oil drills are going to start coming back again and when we are going to start making money off that. Right now it is the American taxpayer.

My point is, for Iraq and Afghanistan they have asked for $157 billion in 6 months. Yet we can't fund title I. That doesn't make sense to me at all. We should have—we do have the resources. Quite frankly, if we don't meet those needs and if we don't fund No Child Left Behind, then obviously children are going to be left behind. And they are going to be the kids of the poorest, low income, because their schools will not meet the annual yearly progress reports, the mandates that are out there. We are going to lose teachers because schools won't be able to pay them what they are worth. Yet we are going to ask the American taxpayer to keep coughing up money for this quagmire that we are in now in Iraq.

A lot of people have said: This isn't Vietnam.

I am one of those who lived through Vietnam. I was in the military during the Vietnam war. This may not be Vietnam, but, boy, it sure smells like it. Every time I see these bills coming down for the money, it is costing like Vietnam, too. No one wants this country to be vulnerable to terrorists. We want to take all reasonable diligent steps that may be necessary to protect the American people. That is the duty of the Commander in Chief. But the Commander in Chief, being an elected person, also has to be accountable for how he has gone about ensuring the security of the American people. At what cost? At what impact on our society?

So the President has to be held accountable for this. I don't pretend to have all the answers for what ought to be done in Iraq or Afghanistan, but I do know something—that if we as a nation decide to go it alone in the world in anything—but especially in the war on terrorism—if we decide to go at it alone, in our way and only in our way, without the concurrence of and the help and support of our allies, old and new, and of our friends in democratic countries around the world, then I think that two things will happen. One, we will not address the scourge of terrorism as fully and all-encompassing away as it needs to be done—globally—because we are going to need the help of other countries in finding terrorists, locating them, breaking up their cells, giving you advance warning and giving themselves advance warning. That will be the first. We will do it in a military rifle-shot-type of manner. You may accomplish something for a little bit but that doesn't wipe out the terrorist network or the nests. That is the first result of our going it alone. The second result is what is quite obvious right now—the American taxpayer will foot the bill for everything.

Those are the two things I see happening right now in the world. So I think it is time to have an accounting.

Quite frankly, I think it is time we begin to reach out to other nations—our friends and our allies—to enlist their aid and support, and to vow that never again are we going to go marching off with just the word of the President of the United States. The threat of terrorism is not just at us; it is at people all over the world. It is not just up to our President—any President—to decide when and how to go after these terrorists. It is up to us globally. It is up to the United Nations. It is up to NATO, our allies and us working together to decide how and when to go after these terrorists.

I say this because in this bill now there is a shortage of funding for education, for health care, for medical research. We are even shortchanging the National Institutes of Health on medical research. I think Senator SPECTER will have an amendment later on that, which I will support. But we are told we simply don't have the funds. But we do have $157 billion for Iraq and Afghanistan. Well, it is all a matter of priorities. I think we have to get our priorities back in order.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have heard my distinguished colleague, Senator HARKIN, talk about the funding on Iraq and the war on terrorism, and I agree with him about the desirability of involving other nations. I believe the President is trying to do just that right now at the United Nations.

The decision to authorize the use of force was a tough decision back on October 11 of last year. The vote was 77 to 23. I don't want to, if avoidable, get into an extensive discussion about members of the Democratic Party who supported that authorization but they were considerable. It was a very substantial vote, with more than three-fourths of the Senate voting in favor of the use of force. I supported the use of force and the objective of deposing an authoritarian dictator who had committed brutal acts against humanity, murdering tens of thousands, really hundreds of thousands, of his own people.

Saddam Hussein conclusively had weapons of mass destruction in December of 1998, and there was never an explanation as to what he did with them. He had chemical weapons. He used them in the Iran-Iraq war. He used chemical weapons against the Kurds. He had bioterrorism. Now there are efforts to establish a democracy in Iraq and it is very difficult, admittedly, to secure law and order and maintain the peace there. The President is reaching out to other countries with the U.N. resolution, and I think the prospects are good that there will be a resolution.

It is difficult to deal with the French and Germans. The French have always been difficult when it comes to a matter of U.S. leadership. The French backed out of NATO militarily decades ago. Behind the French and German opposition is an eye on the Iraqi oil. I think Russia will come along. I think China will not object. I think we will have a U.N. resolution and we will have a chance to get Muslim countries, Pakistan and Turkey, in and give more confidence to the Arab world and a broader base, perhaps ultimately in Egypt and other countries. We are working on that.

If we can establish a democracy in Iraq, it will go a long way toward changing the complexion and face of the Middle East. I think there have already been significant changes in the attitude of Iran and other Arab countries with the tremendous demonstration of military power that the United States put on in winning the war so rapidly. And now the harder part, as it has eventuated, is to secure order in Iraq and move it toward democracy.

We will have to wait and see the specifics of the President's proposal, and I will be interested in the vote of the Senator from Iowa and others. It will not be an easy vote to put up very substantial sums of money in Iraq but it will not be easy either way.

The President is saying we have to stay the course, and I believe there is a very strong presumption in support of what the President will want to do as a matter of executive leadership when he comes forward with the specification as to how much money he wants and what he wants to use the money for.

We will see. It is certainly true that at any time on the budget of the United States, whether President Clinton, President Reagan, the first President Bush, the current President Bush or President Carter is in the White House, if either Democrats or Republicans did not spend money on defense, we could spend more money on education. There is no doubt about that.

We have a budget. It is a large budget. It is $2,200,000,000,000. So we make allocations. We allocate so much for various areas. When the argument is made that President Bush should not be given credit for increases in the education budget, I think that simply belies the facts.

The support for President Bush is really present in the request he has made on the budget, and when the budget for the fiscal year was at $40 billion for 2001 and the first request was made by President Bush, he asked for $44.5 billion. The next year, 2003, he asked for an increase to $50 billion. This year, the administration's request is for $53 billion, slightly in excess. So from the 2001 budget, which was the last year of his predecessor, to this year, 3 years, there has been a 33 percent increase.

If we take a look at the first 3 years of President Clinton, or the 3 years from fiscal year 1996, when the budget was $26 billion, through 1999, it went up to $32, a 23 percent increase. If we take the 3 years from 1998 through 2001, from $29 billion to $40 billion, there is a 33 percent increase.

There has not been any characterization that President Clinton shortchanged education, and I think similarly there ought not to be the accepted argument that President Bush has shortchanged education.

When it comes to the question of money for title I, I think it is fair to note—and I called attention to these facts when Senator BYRD offered this amendment last Tuesday—that when the Democrats controlled the appropriations process in the year 2001, looking for the 2002 budget, the authorization for title I was $13.5 billion. The appropriation made by the Democrats was $10,350,000,000, or $2,950,000,000 under what the authorization was. It is well known that the authorizations are characteristically much higher than the appropriations.

When the argument is made that the authorization for title I is $6 billion higher today than the appropriation requested by the President, that is right in line with what was done when the Democrats controlled the appropriations process for fiscal year 2002 on the authorization bill, which passed on December 18, at $13.5 billion, and the appropriations bill which passed 2 days later, on December 20, at $10.35 billion.

So I believe there has been a recognition of the education needs. It is my hope that we will spend more time talking about the substantive needs of schoolchildren than the issue of attaching political blame.

It is my hope that we can move ahead with the completion of this bill. Last Wednesday and Thursday, we were talking about compiling a list, a list has not been compiled, and there was also talk about having a vote on the amendment offered by the Senator from Iowa on overtime pay with a request by the Democrats that the vote be scheduled for Tuesday. We were trying to work toward that objective. At least in the early stages of that discussion, they were not tied together, as I recollect the discussions. Senator HARKIN and I have very infrequently disagreed. I cannot remember any disagreements on the facts. If we do have different recollections, we are usually very gentle about it and do not press the point on what could be misunderstandings.

I see we are heading for a tough stalemate that is going to boil down to what occurs from time to time as to who is running the Senate, to put it bluntly. Is there a Republican majority leader or is it a majority leader in name only? I would very much like to work it out.

I must say I am not pleased to have to arrange the Senate schedule around the availability of Senators who are running for President. I have considerable sympathy for Senators who run for President. There are three Senators in the Chamber today, plus the Chair, and two of the four have run for President. So it is a matter where it is not uncommon for Senators to run for President.

In one of the first columns I read by John Kilpatrick when I came to the Senate after the 1980 election, he wrote—I thought it was in jest but I think he was serious—that when somebody rises and addresses the Chair of the Senate and says "Mr. President," 35 heads turn, which is the way the Senate operates.

It is a little disconcerting, to be mild about it, to have to arrange our schedule on voting for when the aspirants are in town. I am not unaware that if any one Senator wants to start to talk, the Senate will not conduct any other business and we could go to regular order. I have examined the procedures and we could vote on the Byrd amendment on a motion to table, which would not get us too far. We could vote on another amendment on a motion to table. We have to have unanimous consent to set anything aside. We had hoped to vote this afternoon on a series of amendments.

I received a call this morning, when I was in Pittsburgh—I have a day job in Pennsylvania—from the floor leaders, and it appeared we would not be able to vote this afternoon and we should make that known so that people would not be rushing back to an empty Senate Chamber without any votes.

Let me inquire, if I may, through the Chair, to my learned, distinguished, eminent colleague from Iowa, what are we going to do about our schedule?

Mr. HARKIN. Well, if the Senator will yield without losing his right to the floor, I will try to respond to his question about the schedule. I do want to respond also to my friend's earlier comments on education funding, but I will do that when I get the floor in my own right.

To respond to the inquiry about the schedule, I say to my friend from Pennsylvania, there are two observations on who is running the Senate. The Senate right now is 51 Republicans, 48 Democrats, and 1 Independent. The Independent, Mr. JEFFORDS, caucuses with the Democrats, although he maintains an independent status. So it is not the case where we have a dictatorship. It is a case where the Senate is very closely divided and where there should be a comity in which people work together—as the Senator from Pennsylvania and I have done for 13 years, by the way, I would note for the record—in terms of accommodating and trying to reach reasonable accommodations on votes.

I say to my friend from Pennsylvania, I mentioned last week I was going to offer an amendment on overtime. It was no secret. I read it into the RECORD. It was not my side, nor was it this Senator's decision, saying that we would only have two votes on Friday morning and then go home. We could have stayed Friday and voted. It was not this side or this Senator's decision to have one vote on Monday and then later cancel it and not even have any votes on Monday.

The Senator from Pennsylvania knows as well that on Fridays there is a vote or two in the morning, everybody takes off, and then we have maybe a vote at 5 or 5:30 on Monday—what we call a bed check vote. It was this Senator's judgment that most of the votes—and we have a finite list of amendments for this bill, I say to the Senator. We agreed. Senator REID, our assistant leader on this side, got a finite list of amendments, which is very important because that tells us we can bring closure to this bill.

So it became clear that the big voting day was going to be Tuesday. Everyone is going to be here. It will be a long day. We can wrap up. We can have a whole series of votes on Tuesday, maybe bring this bill to a close by Wednesday—certainly Thursday at the latest.

I say further to my friend from Pennsylvania that the record shows that in the last several years about the average length of time spent on this bill, whether it has been in Democratic hands or Republican hands, has been about 5 to 7 floor days because this is such a big bill. There is a lot in it. There are a lot of amendments, and usually a lot of debate on different aspects of this bill. So it would not be unusual for this bill, under the leadership of my friend, and very good leadership I might say, that we would be on the Senate floor for 5 or 6 days on this bill.

We were on it Wednesday. We had no votes Tuesday—again not our decision. The decision was made by the majority leader that we would not vote on Tuesday. We were on it Wednesday and Thursday. That is 2 days. We had two votes on Friday. Today, we are here talking but no votes. So Tuesday and Wednesday, that would give us about 5 legislative days that we would be on it. We can probably finish this bill by Wednesday night, I say to my friend from Pennsylvania.

So that is the schedule. I am not holding up anything. We couldn't vote today anyway. We couldn't vote on anything. The majority leader made the decision that we were not going to have votes on this bill today.

When I heard that, I said, OK, I am going to offer my amendment, and I will object to going off of my amendment for anything else until we vote on it because we can vote on it first thing tomorrow morning. We can come in tomorrow morning and vote on it, or tomorrow afternoon we could vote on this amendment. We will vote on it.

I did not mean to go on. I yield.

Mr. SPECTER. It was my understanding the Senator took the position Friday morning there would not be any unanimous consent to setting aside the pending amendment until there was an agreement to vote on the amendment of the Senator from Iowa on overtime pay on Tuesday.

Mr. HARKIN. That is true.

Mr. SPECTER. That was on Tuesday.

Mr. HARKIN. That is true.

Mr. SPECTER. So this morning when the floor staff was considering the matter, in the absence of any agreement to set aside the Harkin amendment so we could vote on other matters or take up other matters, it was not possible to do.

There is not agreement on this side of the aisle to give a time certain. My view is to do so, as a matter of comity.

Mr. HARKIN. I agree. I appreciate that. I appreciate that.

Mr. SPECTER. As a matter of power, in other contexts, in prior avocations, there were stronger terms which were used as to the situation. But I would call it concessions of power. That is a nicer characterization than others might be.

But anger flares around this place pretty fast. There are a hundred Senators. This Chamber is barely big enough to contain the egos when people are calm, let alone when tempers flare. Right now there is a lot of flare over here, although you can't see it.

Mr. HARKIN. I have a hard time seeing it over there.

Mr. SPECTER. The other 49 Republican Senators are not here. But in absentia. They are flaring, invisible flares all around the Senate Chamber.

So we are heading for a tough time, I am afraid.

Mr. HARKIN. Will my friend yield for a question?

Mr. SPECTER. I do.

Mr. HARKIN. I don't understand why there is a flareup. This bill, we are moving ahead on it. Wednesday and Thursday we had good debates. We had amendments. We voted. We brought up amendments, most on our side. I think there were a couple on the Republican side that came up.

I don't know why there should be a flareup. We have the amendments pending. We said let's set a time to vote on it. We can move ahead. That is the sort of comity you work out. We will work out a time. We know we are going to vote on it, so let's find a time that is agreeable. In fact, in the well Thursday night, I thought there was an agreed-upon time, for the afternoon, for two. I said that is fine; I don't care. Then when I came in Friday morning, I found out that had been blown out of the water—not by our side but by the Republican side.

Mr. SPECTER. If the Senator from Iowa will yield, there is a flareup because some people on this side of the aisle think they are being dictated to. I heard the terrible word "blackmailed" used in the Senate cloakroom, and I rushed out of the cloakroom. I didn't want to be subject to listening to that kind of language. But there is a feeling that we are being told what to do.

I do believe it is accurate and fair to say that when the Senator from Iowa and I, and the Senator from Nevada and I, were negotiating on the list, that it was a sea change to say we are not going to go ahead with the list and we are not going to go ahead with the Dodd amendment Friday morning. The Senator from Connecticut was waiting to give the amendment unless we have a commitment from Republicans on voting on the Harkin amendment on overtime pay on Tuesday. That was the proposition.

Mr. HARKIN. Will the Senator yield on that point?

Mr. SPECTER. I do.

Mr. HARKIN. Thursday night—you don't have to take my word for it. We were in the well with the majority leader——

Mr. SPECTER. I will take your word for it.

Mr. HARKIN. The minority leader on our side, Senator REID. I was involved in the discussion. We were just talking about moving ahead and getting a vote on this amendment on Tuesday.

I wouldn't say that hands were shaken and it was agreed, but someone said 3 or 3:15 on Tuesday. I said—someone said that to me. I didn't say that—I said, fine, OK, let's work it out. We will have a time on Tuesday we can work.

The Senator is right. Some of this does have to do with the fact that there are a number on our side running for President. We know that. They have been out. But everyone is going to be here tomorrow. The point is, not everyone is here today, Monday, not even on your side or our side, but everyone is going to be here tomorrow; so that Thursday night there was sort of a gentlemen's agreement—the assistant leader was there, too—that we would set a time on Tuesday to vote on this. That is the kind of thing we work out here.

If I could just finish? Then, when we come in Friday, I find that has been yanked away from us, that we can't have a time agreed upon to vote.

That is when this Senator decided, I am going to lay down my amendment and I am going to object to going off it until we get some kind of agreement worked out. It is not blackmail. It is just trying to move this process forward.

Mr. SPECTER. If the Senator will yield—I think I still have the floor, but in any event I will make the next statement. I think we were heading to a situation where we would have worked out a Tuesday vote had there not been the sea change with the articulation of your position, the Senator from Iowa, about not going ahead unless there was a commitment. We were talking about it and we were working on it, but one of the great problems we have to avoid around here, so the so-called cooler heads will prevail, is trying to get it in concrete, trying to get it worked out so we can move this process along.

Here we are, 3:30 on Monday afternoon, and it looks to me it is very difficult to iron out this issue at this time.

Mr. HARKIN. If my friend will yield further, I say why not? Tomorrow everyone is going to be here. If you want to agree on a time, you and I could agree on a time. I don't care. Everyone is going to be here tomorrow. We will agree on a time and we will move forward. There is no reluctance or resistance on our part to doing that. I don't know what the blocking is.

Mr. SPECTER. If the Senator would yield—as our expression goes.

Mr. HARKIN. You have the floor.

Mr. SPECTER. If the Senator from Iowa would agree to set aside his amendment, he and I could agree on that and in the absence of objection we could then proceed with other amendments.

Mr. HARKIN. I would be glad to set it aside. I would be willing to agree on a time tomorrow and set it aside.

Mr. SPECTER. I am saying agree to setting it aside without agreeing to a time tomorrow.

Mr. HARKIN. What happens to the amendment? Will the Senator absolutely assure me if I set it aside that we will vote on this amendment tomorrow afternoon?

Mr. SPECTER. I do not have that authority to make that assurance, as I think the Senator from Iowa knows.

Mr. HARKIN. Well, there you go.

Mr. SPECTER. I think we have aired it thoroughly. We will try to see if the world's greatest deliberative body can undertake some deliberation. I yield.

Mr. HARKIN. I say to my friend, we will work it out. I am sure it will be worked out.

Mr. SPECTER. I yield the floor.

Mr. HARKIN. Mr. President, I know my friend from Louisiana wishes to speak. I want to take a couple of minutes to respond to the remarks of my friend from Pennsylvania about the education bill.

I am constrained to, once again, point out some facts, as I did with this chart. I want to hold it up again. Perhaps my friend wasn't on the floor when I held this chart up before. This is education funding from fiscal year 2001 to fiscal year 2004. In his radio address on Saturday, President Bush was boasting about the fact that he had an $11 billion increase in funding in his administration. That is true. It went from $42 billion to $53 billion. That is $11 billion. But no thanks to him.

As I pointed out before, in fiscal year 2001 it was $42.2 billion, and in 2002 Bush asked for $44.5 billion—a very slight increase.

In negotiations with the President on the No Child Left Behind Act, Democrats insisted and got it up to $49.9 billion. The next year President Bush asked for $50.3 billion—a $400 million increase, a .05-percent increase.

We Democrats fought hard and got it up to $53.1 billion. Now the President said in his radio address that he has a boost in education funding for next year. As I pointed out, this year it is $53.1 billion, and he asked for $53.1.

Those are the facts. Facts are stubborn things. You can have all the rhetoric and dress up your words but facts are stubborn things. The fact is, of the $11 billion increase for funding in education since this President came to office, the President has only asked for $2.7 billion of that increase. That is the fact. Facts are very stubborn things.

My friend from Pennsylvania dresses it up. But as we say in Iowa, you can put an apron and a pink ribbon on a pig but it is still a pig. You can dress this up in all kinds of fancy language. Quite frankly, we are leaving education funding behind.

I wanted to, again, bring out the facts and make sure that people had the facts in education funding and why we need to get the Byrd amendment agreed to on title I.

Again, when we negotiated No Child Left Behind, the President and the Congress agreed on these funding levels for title I. Now we are $6 billion less than what we agreed upon earlier.

Facts are very stubborn things.

That is why we need to adopt the Byrd amendment.

I thank the Senator from Louisiana for her patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to support Senator HARKIN in his call for additional funding to support the reform underway for education.

I would like to speak a minute about the reforms, the importance of living up to our promises and meeting the requirements of the quite historic act of Leave No Child Behind, as well as to support Senator HARKIN in his call to scuttle an unneeded, untimely, and in many ways unsettling and disappointing rule that the Labor Department is proposing to strip away overtime pay for 8 million workers.

Since the Senator spoke in just the last moment on education, let me start with that. I listened during the last several weeks to so many different speeches about the level of education funding. Let me be the first to say as a Democrat that I am proud to have led the effort to come up with a bipartisan bill that holds out hope and promise to every child in our country for a better education.

I tire of the criticism this side of the aisle receives when people say all the Democrats care about is more money and more money. Let me remind people about the fact that many of us on this side of the aisle rejected the call for more funding just being dumped on the same old system. We stood our ground and argued with some Republicans—not all—whose initial efforts were in many ways to just abandon the public school system, eliminate the Department of Education, remove all Federal involvement in education, walk away from our Governors, walk away from our legislators, and say: Fine. The school system is yours. But luckily there were enough Republicans so we rejected that wrong-headed thinking. We came together and said it is not a straight voucher system that is going to solve public education and we don't need to abandon public schools. Then some Democrats said it is not just more money which we need. It is accountability with added investment and an expectation of results that are going to work.

People would ask me: Senator, how do you know this? Why do you feel so strongly about it? How can you be so confident about it? It is not a concept for me and for Senator BREAUX who represent the State of Louisiana that it would be 3 years down the road of reform and accountability before we passed the Federal law. We started out—along with about five other States—pioneering this new effort to identify through strong testing the schools that are working and those that aren't; when we identify those that aren't, to give added resources, whether they are urban areas or rural areas, to help them turn around and improve; when they can and when they fail.

Then we have the power at the State and Federal levels to close those schools or reconstitute those schools so we can provide better leadership, a better framework, and better opportunity so the children in those schools, along with better qualified teachers, more committed administrators, and more involved parents and communities can learn and get the job done.

But all of those new requirements for every child to take a test and pass, for teachers to have certification and not willy-nilly certification—not the old-fashioned certification but the new kind of certification—obviously a college degree but also nontraditional certifications such as teachers and executives who have been successful and perhaps retired and want to come into the classroom—new and innovative ways but still a standard to be met and teachers coming into the classroom with good skills and good requirements. We said if we are going to raise the bar and increase the mandates and require accountability and certification, then we will fund those efforts.

The other side of the aisle wants to keep saying that all Democrats want is more money. We don't just want more money. But we do want this administration and we want the President to commit and live up to the promises he made to fund the reforms.

Yes, the amount of money for education has increased, but it does not increase because the President has asked for enough money to meet the new and rigorous demands that he and we are expecting from our school system. We have deadlines in the bill to require States such as Louisiana—and in some parishes 40 percent of the teachers are unqualified and uncertified, not because people do not want to teach but because the salary levels are so low; because of the underfunding and the traditional ways we fund education, which is not at all equitable throughout this Nation—for any number of reasons we are not able to keep those teachers' salaries up. Yet the new law which we all supported requires that we have certified teachers.

While we have doubled, tripled, and quadrupled the mandate, or the expectation, or the standards—however you want to define them—we have not quadrupled or tripled funds. Therein lies the problem.

As we raise the standards and expect higher accountability and, as Senator BYRD from West Virginia has pointed out a number of times on this floor, refuse to step to the plate and fund that level, we leave our schools and our local communities—whether it is out in the mountains of Montana in big sky country or the bayous, flatlands and lowlands of Louisiana, or whether it is an urban center like New York or Chicago, we leave our schools and our administrators struggling with a mighty task and limited resources. It is wrong.

Finally on education funding, several decades ago we said to the States, we will help you identify special-needs children. The deal is if you put up X amount of dollars we will put up X amount of dollars because we believe even if children are visually impaired, hard of hearing, or have some mental incapacities, they still should receive a quality education. We submit to the States, if we identify these special-needs children, we will pick up the tab. Again, that was an empty promise because today we are picking up much less than the 40 percent we promised—I think perhaps 10 percent when we promised 40, 50, or 60 percent.

Yes, we do need a higher level of commitment from this President and from the administration, not to throw money at the old system but to help build the new system he and the Republican leadership helped to craft. But it is like putting up the framework of a skyscraper and not providing the rest of the money necessary to make those changes real and to make them stick.

I know Governors and administrators are struggling. I want them to know that at least this Senator and many Democrats, some Republicans, are in Washington trying to do what we can to squeeze out additional dollars to live up to the promise we made.

A final point. I am tired of the other side saying, we never meet authorization levels. What are you talking about? We authorize X in housing, yet we only fund X. We authorize X in research but we only fund X. I know that is normally what we do. But Leave No Child Behind is not just routine business. It is not just another day at the office. It is not just, we will do it when we get to it, and when we don't, we can't. This is a national priority this Congress resolved to commit to, saying yes, we believe it is an American birthright not just to be able to walk into a school but to be able to walk out with a diploma that means something. It is in the family's interest, the individual's interest, and in the Nation's interest to have that kind of school system. We will fund it. And then the next year we didn't.

The President and the administration deserve and should stand up and take the criticism they deserve for not funding it fully as was implied, if not directly promised.

It brings me to, interestingly, in this debate over education funding, which the underlying bill helps to focus on, another interesting fight or debate about the District of Columbia. This is a school system of 500,000 people, a school system with about 75,000 children. We have been debating in Washington a proposal by the original sponsors, Republican leaders in the House. Their basic solution to the fact this school system is not quite doing what it should do was not, why don't we fully fund what we promised in Leave No Child Behind? Why don't we fully fund Title I for the District of Columbia? Why don't we fully fund special education? Why don't we really hold these teachers and the school system accountable and make sure these schools that are failing are closed?

No. Before the ink was dry on the Leave No Child Behind Act, there was a group that said, Vouchers are the answer.

With all due respect to well-meaning colleagues, vouchers are not the answer to education challenges in America. Full funding for Leave No Child Behind, funding teacher certification, smaller classroom size, funding to repair dilapidated school systems, and funding research and innovation, and giving flexibility at the local level is what will help our local school system.

If there was an opportunity under Leave No Child Behind, if a school was identified as needing reform and it had to be closed and there are several hundred children or perhaps even 1.000 in some of these schools—it is allowable now, permissible now at the local level, without any action Congress might take with that local school system, to use a voucher proposal: not federally mandated, not federally required, not contingent upon getting any new funds, but it is allowed now for those students in failing schools to opt out to either higher performing public schools or charter schools or to a private school that is accredited with that money. And that maybe if it is designed specifically for children in failing schools, if there is the same accountability requirements—in other words, children in public schools have to take certain tests to make sure the public dollars being spent are being spent well—if those accountability measures are followed by the accountable voucher proposal, then perhaps that is something that should be considered, but in the context of more full funding for Leave No Child Behind and in the context of supporting other admirable reform efforts in the schools like charter schools and the transformation of some of the public schools that are going on today.

I was recently criticized by the Wall Street Journal for my position in this particular debate. Although it is not worth putting it into the CONGRESSIONAL RECORD, the article was factually incorrect on so many different points, including criticizing me for changing my position. My position on this has been constant over the last several years. Again, I don't believe a mandate in public schools of going to a system of vouchers helps to strengthen the public school system. However, I believe when failing schools are identified, children from families with limited resources should be allowed but not required, if the vouchers meet the same accountability standards as Leave No Child Behind allowed, to be able to move to a higher performing school.

My position has been consistent. I ask unanimous consent to have printed in the RECORD a beautiful letter written by the head of the Georgetown Day School, Peter M. Branch, where my children attend. This letter is in response to the Wall Street Journal editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2003.

DEAR EDITOR: In a Wall Street Journal editorial on September 5, 2003, you described Georgetown Day School of Washington, D.C., which is attended by Senator Mary Landrieu's children, among many others, as "one of the district's toniest private academies." It is clearly purposeless to quarrel with the media's generic description of independent schools as "tony" or "elite," but the not so subtle comparison to private segregationist academies that arose post Brown vs. Board of Education (1954) is repulsive in view of the well known history of our school. Founded in 1945 by black and white parents who did no want their children to attend the legally segregated public schools in the District of Columbia, Georgetown Day was the first integrated school in our Nation's capital. That commitment to a quality education for a diverse student population has been central to the mission of GDS throughout our history. It is the reason that Thurgood Marshall, Walter Washington, Harry Belafonte, Roger Wilkins, Walter Fauntroy, and, I believe, Senator Mary Landrieu have sent their children to this school.

As a school that is nearly one third students of color and provides financial aid to 17 percent of our students, GDS is a strong supporter of school choice for all children. However, the proposed vouchers for D.C. will not cover our tuition without financial aid, will require us to forfeit any selection process, and will subject us to governmental interference which will jeopardize the independence of action that enabled us to exist in the first place. For perhaps 2,000 district students, this bill may give them an opportunity to move out of the public schools. But there is no indication that there will be sufficient space in the non-public sector or that the schools willing to sacrifice their independence will offer greater quality. And this bill will be of no help to the 64,800 students who will remain in the public schools of D.C. which still require reform and adequate funding. Your editorial described the voucher bill as "the bill to liberate D.C. children." I fear that description is as inaccurate as your description of Georgetown Day School.

Sincerely,

PETER M. BRANCH,
Head of School, Georgetown Day School.

This letter is from Mr. Peter Branch, a very dignified and able administrator in the District. My husband and I are proud to send our children to a school that was formed specifically to fight segregation. To this day, it is one of the most integrated schools in the District of Columbia.

All of us who pay a pretty steep tuition to send our children there are pleased and proud that a portion of that tuition goes to one of the most aggressive scholarship programs that allows other families who don't have the same kind of economic opportunity to send their children to a school of this quality.

I can tell you, there is not a day I walk into that school that I don't say thank goodness I can finally see what excellence really is. It gives me a view and a vision for what can be accomplished in our public schools, in our public charter schools. And through the Leave No Child Behind Act—if followed, if implemented, if funded, and if adhered to by our Governors and by our superintendents, and embraced by our teachers and our administrators, and embraced by our parents, and followed through on behalf of our children—we can indeed provide a quality public education, a charter education, a magnet school education; and then, in the event those options fail, yes, a private school or parochial school choice for children who are in schools that are absolutely not working.

This approach provides more choice and more opportunity and more competition for people of all stripes and backgrounds and situations. That is what this debate is about. It is about full funding—not just throwing more money at the system but full funding of the reforms and the promises we made. It is about making the right decisions when it comes to choice and to scholarships. And if we are going to have accountability in the public school sector, then let's most certainly—before we take a step in the direction to have accountability in our voucher proposal for failing schools and designed specifically—if it is truly meant to help children in failing schools, then let's at least have the proposal directed to children in failing schools and not the broad sweep as currently under the Gregg-Feinstein language.

So I join my colleague Senator HARKIN in his plea for stronger funding, better policies, and more and better implementation of the Leave No Child Behind Act in this bill.

AMENDMENT NO. 1580

In addition, Mr. President, I want to say a word about another amendment that is pending on this bill. It does not have to do with education, but I guess it does have to do with the health of our workers, the health of the American people. That has to do with the overtime regulation the Bush administration is putting forward.

I really couldn't think of a more wrongheaded change of a law at a worse time than this particular regulation, which seeks to undermine the 40-hour workweek for 8 million workers, most of those workers being women, but affecting many workers—white, black, Asian, and Hispanic. As I say, the way the rule is proposed and crafted, many women would be affected.

Right now, if you make the minimum wage—and this administration and the Republicans have refused to raise the minimum wage. Although plea after plea has been made to raise the minimum wage, they have refused. The minimum wage is still $5.15 an hour. If you work 40 hours a week at the minimum wage, you make the whopping salary of $10,400. How someone in America is to send their children to the doctor, send their children to school, buy groceries, pay rent, or buy a house on $10,400 a year, I don't know. But the Republican administration, led by the President, refuses to agree to a gradual increase in the minimum wage. Luckily, minimum-wage workers are exempt from this draconian rule the administration is proposing.

But for workers making between $30,000 and $65,000 a year, many of whom are nurses, policemen, firemen, dental hygienists, postmasters, motor service carriers, preschool teachers, welfare eligibility workers, agricultural inspectors, zoning inspectors, conservation agents, white-collar workers—because of this rule, because of the Labor Department's insistence or determination that these workers no longer need or deserve the protection of the 40-hour workweek, they will be stripped of their ability to earn overtime.

I don't know what the Labor Department was thinking. When they wake up in the morning, the administrators, do they read the headlines of the paper? Are they following the situation where many people are out of work? As an example, perhaps in a particular family, one spouse is out of work. The Republican administration is saying, well, we know your wife is out of work or your husband is out of work, and you are now basically making ends meet with overtime, but our new rule in Washington says we are going to take the overtime from you.

I don't even understand why we would be considering a rule at this time. We should be encouraging small businesses to expand opportunities for workers. If they can pay these workers the same amount of money for 60 hours as 40 hours, there is no need to hire additional workers. If we take this overtime requirement away, there is no reason why a small businessperson would go out and hire a new worker. So it does not help us increase the number of jobs in this country. It is unfair to the workers who are earning the overtime. And it is very unfair to the middle class, particularly women—in many instances single women raising children.

In conclusion, I find it very ironic that just last Friday, September 5, we adopted a sense-of-the-Senate resolution, S. Res. 210. This sense-of-the-Senate resolution expresses that October should be designated as National Work and Family Month. It is a resolution that was submitted by Senator HATCH and several other Members. We unanimously adopted this resolution last week. It expresses "the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity. . . ."

It says:

> Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;
>
> Whereas there is a clear link between work-family policies and lower absenteeism;
>
> Whereas the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job;
>
> Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress. . . .

And it goes on and on. And it says:

> *Resolved*, That—it is the sense of the Senate that—reducing the conflict between work and family life should be a national priority; and the month of October should be designated as "National Work and Family Month". . . .

So I guess in honor of National Work and Family Month, we now decide it is going to make people less cranky if they can work 60 hours a week and not get paid overtime for 20. They are working 40 hours, and we would pay them for that, but now we are to require them to work 60 hours and not pay them overtime and expect them to be happier, less grumpy, and more fulfilled at work and at home.

May I suggest we stop adopting resolutions such as this if we are going to start promoting rules such as the one that is proposed by the Labor Department, and let's just be honest with ourselves.

So I hope we won't go to another amendment. I hope we won't vote on anything else until we either withdraw this sense-of-the-Senate resolution, which makes no sense considering we are just about ready to pass a rule that says you can work but we are not going to pay you overtime, we are going to require that you work and we are not going to pay overtime, and we want you to be happy doing it—that is basically what we would be saying—I suggest we either repeal the sense-of-the-Senate resolution or not pass the overtime rule that is being proposed by the Bush administration and by the Secretary of Labor at this time.

So for all these reasons, let's stay on this bill. It is an important bill for education. It is an important bill for our children. It is a very significant issue I hope we can resolve. If we do give the opportunity for children in failing schools to move to a higher performing school, let's do it the right way, with accountable vouchers, remove the Federal mandate, and not be sidetracked with a siren song about how supporting a few children in schools is going to correct the fact that President Bush refuses to fund Leave No Child Behind.

Let's not pass this new labor amendment which would strip overtime from 8 million workers. That paycheck for overtime that many of those workers are picking up is helping them to pay a mortgage and make ends meet at a time when the economy is not as strong as it should be and could be with different leadership.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REBUILDING IRAQ

Mr. DORGAN. Mr. President, last evening President Bush addressed the Nation about the situation in Iraq. I wish to comment briefly about his request for $87 billion in supplemental appropriations for fiscal year 2004 request that he will soon send to Congress.

I believe every single penny requested to support the troops who are now serving in Iraq ought to be appropriated by the Congress. When America sends its sons and daughters to war, it should provide all that is necessary for them to do their job, to protect themselves, and to carry out their missions. So speaking for myself, I believe every single penny requested and necessary for the soldiers who represent this country in the Iraqi theater and in Afghanistan and other areas must be made available.

There are not a lot of good choices in Iraq. We understand that. This is a difficult situation. But this country cannot now leave Iraq. We are opening mass graves, football-field-size graves with 10 to 12,000 skeletons in them. We know that what happened in Iraq was genocide. We also know that if we leave today, there will immediately be massive numbers of murders and revenge killings. We simply cannot allow that to happen. We are faced with a circumstance in which there are not a lot of good choices, but we must be there at this point.

That said, it seems to me that the Administration ought to aggressively seek assistance from the United Nations, from NATO, and from other countries and get them to supply the troops and resources to help us carry out this mission. The U.S. military is stretched too thin to stabilize Iraq by themselves.

Part of the $87 billion that the President is going to request from Congress will be for the reconstruction of Iraq. There need to be some significant questions asked about that. It is not that I question the need for reconstruction in Iraq. It is a precondition for the development of a new democracy in that country. But Iraq has the second largest oil reserves in the world next to Saudi Arabia. One question is, What kind of support shall these oil reserves provide in the future for reconstruction? How will the Iraqi oil now under the sands—again, the second largest oil reserves in the world—contribute to the reconstruction? And what kind of support will other countries provide for reconstruction? Who will provide what resources? Who will make what contributions?

I ask all of those questions on behalf of the American taxpayer because I don't believe Americans should have the sole responsibility for paying to reconstruct Iraq. This in fact is a situation that affects not only our country but the entire world. Again, we need to seek aggressively the assistance of the United Nations, NATO, and other countries in meeting these obligations. It is important for us to ask the administration for detailed plans and an aggressive approach to address the issues with respect to future reconstruction of Iraq.

Then the final question with respect to all of this is, how do we reconcile the President's request for $87 billion in additional spending for Iraq with last week's announcements that the President would like additional tax cuts? We know this year the Federal deficit will be somewhere around $475 billion, and next year it is expected to grow to over $500 billion. If we are talking, on the one hand, with this President, about additional tax cuts and, on the other hand, about additional spending, $87 billion at a time when we have the highest deficits in the history of our country, it is important to ask: How does this add up? How do we find this money? Where does it come from? What do we do to achieve the resources to do the job in Iraq?

Again, stating the obvious, we must spend every penny requested to support the troops. Those men and women who have been called to serve our country do so willingly. They protect our liberty and our freedom, and this country can do no less than provide all that is necessary for their support.

But, it is important for the people of America to ask the larger questions about what is the economic plan that provides the resources and the strength for the economic engine that makes all of this possible. What is happening in this country? How do we produce the revenue, restart the economic engine in order to make all of this possible?

I noticed this weekend, on Saturday in the New York Times, "Job Losses Mount for the Second Straight Month," 93,000 fewer jobs in this month than in the previous month. We have roughly 11 million people looking for work; some say 9 million. There are a couple million more at least who have been part of the unemployment rolls who have actually stopped actively searching, having not found a job for some long while.

The question is, How do they find work? How do we employ those in this country who need employment?

This headline suggests, once again, that while the economy seems to be growing, perhaps slowly—more slowly than we would like—it may also be the case that this is a "jobless" recovery. If that is the case, that is very troublesome. Paul Gregg Roberts, who was a Reagan economist in the 1980s, has written about the prospect of a jobless economy, and he said, in fact, that this economy is growing some and it is producing jobs—it is just that the jobs are not being produced in the U.S.

There is something called "offshoring." That means companies are deciding increasingly to move jobs offshore—jobs that used to be American jobs, used to be jobs inside this country, which provided a living for a family with decent pay, decent benefits, working in a safe workplace, all of those things the American people have come to expect if you work hard and play by the rules. The fact is, too many jobs are now being sent offshore because you can perform these jobs much less expensively offshore.

If offshoring is a way to export American jobs, even as the American economy expands some, the question is, What kind of an economy do you have in the future? Jobless recoveries do not solve the problem we face in this country. The reason it relates to the question that I think the President has raised last evening and last week of $87 billion in additional spending, at the same time that we increase the tax cuts or provide additional tax cuts at the request of the President, the question is, How does this add up?

The fact is, our economy has a cycle called the business cycle. No one—no economist can repeal the business cycle.

The business cycle means you have an expansionary phase of the economy and a contractionary phase. That is just as inevitable as the tides. What causes that? Is it because there are a bunch of economists who talk about monetary and fiscal policy and this ship of state of ours is somehow moving on the high seas and there is someone in the engine room and they are fine-tuning this, that, and the other thing—dials, levers, gauges, M(1)(b) investment tax credit, accelerated depreciation, monetary and fiscal policy? No, that is not what causes the ship of state to move forward. There is, in my judgment, an overblown sense of self-importance among economists who talk about what they know or don't know—mostly about what they think they know. Our economy moves forward when the American people are confident in the future.

The expansion side is people being confident about the future. When they are confident, they do things that manifest that confidence—buy a house, buy a car, take a trip. That is the expansion side of the economy.

When they are not confident about the future, they do the exact opposite. They decide not to buy the car, not to buy the house, not to take a trip because they are not certain about the future. That is the contraction side of the economy. As it is now, they see an economy with very large deficits—the biggest deficits in the history of our country by far. They see an economy that 3 years ago had very large surpluses that were predicted to exist for the next 12 years. In fact, the Federal Reserve Board—God bless them, they always have a great sense of humor—the Federal Reserve Board worried that the surpluses were going to be far too large and that would create a drag on the economy. I guess they are not so much worried about that these days because in 3 years the largest surpluses in the history of this country have turned into the largest deficits for as far as the eye could see. There is nothing in the next 10-year projections that show us reaching a balanced budget.

The reason this is important is, the people need to be confident about the future of this economy to expand, and this expansion of the economy must not be just in numbers, it must be in jobs as well. This offshoring must be abated somehow so that the expansion of jobs is also an expansion of jobs in this country.

That is the only way this great economy of ours—the strongest on the face of the Earth—is going to provide the resources to sustain and provide that which we need to do what the President talked about last evening. So I just think it is very important for us at this point to begin thinking seriously about the larger questions of fiscal policy and confidence as well.

In conclusion, I am going to support every single dollar requested that will support the troops we have sent abroad to fight for this country. However, that does not mean I am going to support every dollar the President requests for the Pentagon. For example, I expect we will soon have the opportunity to offer some amendments to save money by cancelling some new nuclear weapons that the administration has proposed in the budget.

Let me describe a couple of them. These are things I will not support and hope to cut funding for. We have some people downtown in the administration who believe nuclear weapons should be treated like any other weapon and that we should have a policy to use them in certain circumstances. That is a very dangerous way of thinking. We have never used nuclear weapons, with the exception of at the end of the Second World War. Up to now, American policy has been to have nuclear weapons in order to prevent nuclear weapons from ever being used. That is called the mutually assured destruction concept, which we have lived with for 40 to 50 years. Now we have people who see them as any other weapon. They talk about using them, and they are suggesting we might need to use them first.

Some would like to begin testing nuclear weapons again. We have not tested nuclear weapons for over a decade. The President's budget requests research and development money for the development of new earth penetrator, bunker buster nuclear weapons. The President has requested money for what are called low-yield nuclear weapons. Apparently, they are designer nuclear weapons that can be used more easily on the battlefield. I think this is horribly dangerous for this country. What kind of a signal do we send to other countries that have or want to acquire nuclear weapons? That nuclear weapons can be usable if you just design them in a different way? That if you want to find somebody holed up in a cave, you should just build a designer bunker buster nuclear weapon—not so little really—that you can lob in to destroy the cave.

This is terribly destructive to this country's public policy. I think it is hard for me to find the adjectives to describe how shortsighted and dangerous I think this is. I intend to offer an amendment—and I know some of my colleagues will as well—to take some of that money out that would produce these designer nuclear weapons. We don't need them. After all, there are around 30,000 nuclear weapons on the face of this earth. A couple of years ago, there was a flurry of anxiety in the government when there was a rumor that terrorists had stolen one nuclear weapon. One stolen weapon would cause a seizure, and there are roughly 30,000 strategic and tactical nuclear weapons on the face of the Earth.

We don't need to build more nuclear weapons. And, as the leader in the world, we ought to be striving to use our prestige to prevent the spread of nuclear weapons and to reduce the number of nuclear weapons. The last thing we ought to do is undermine nonproliferation efforts by saying that we need to build nuclear weapons to bust bunkers and for other uses.

I think that is horribly dangerous and destructive. That is one area where we might save a little money and begin ratcheting down this deficit that we and the President have to come to grips with.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to a period for routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Denver, CO. On November 6, 2001, a 35-year-old Middle Eastern man was attacked by two men while on an evening walk. One of the men attacked the victim with a soda can, knocking him to the ground. Once on the ground, the second assailant kicked the victim in the ribs and threw soda cans at his head. The assailants also yelled obscenities and racial slurs at the victim ordering him to "Go back to his country."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I today honor a true American hero from Arkansas—SGT James Sides of the U.S. Army. A native of Wynne, in east Arkansas, James recently returned from Iraq, where he was seriously wounded in action four months ago.

On May 9, two Blackhawk ambulance helicopters with the 571st Medical Company were dispatched to rescue an 11-year old Iraqi child who had stepped on a land-mine. As one helicopter landed to evacuate the boy, the other was circling above when it snagged on a power line while trying to avoid enemy fire from below. James a crew member, a flight medic, on the latter helicopter, which crashed into the Tigris River.

Of the 4-member crew, 3 were killed. James was pulled from the wreckage after having been submerged in the water for an estimated five to seven minutes. He was unconscious and near death, with a broken bone in his upper arm and nerve damage. But thanks to swift emergency care from his fellow soldiers he was kept alive until he could be evacuated to a hospital. James was in a coma for a month afterward. He was hospitalized in Kuwait, Germany, and Washington, and spent time in a rehabilitation facility in Tampa.

In July, SGT James Sides returned home to a richly deserved hero's welcome in Wynne. We're all glad to have him back home, but not more than his loving family: His parents, Carter and Leslie Sides; his wife, Rebecca Sides and his two sons, James Jr. and Devin.

Upon his homecoming, James was interviewed by his local newspaper. He credited his survival to his faith and that of his family and friends. In his words: "If it wasn't for prayers and the good Lord watching over me, I wouldn't be here. God took care of me. The prayers of everyone were answered and I just appreciate all of the prayers. There's no doubt in my mind that prayers get answered." He also noted that he's not a hero: "If I'm a hero, where would that put the guys who are still over there? We can't forget them. They are the ones we should be thinking about." Well, James Sides may be too modest to call himself a hero, but the rest of us recognize him as just that—a man of tremendous courage, commitment, and patriotism whose service to his country has been exemplary.

I ask that all my colleagues in the Senate join me in thanking SGT Sides for his service and for his sacrifice, which we can never sufficiently recognize or repay. We wish him a swift and full recovery. We wish all the best to him and his family.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 63. Concurrent resolution authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3918. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2003-28, relative to Albania, Bosnia and Herzegovina, Djibouti, Mauritius, and Zambia; to the Committee on Foreign Relations.

EC–3919. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a Danger Pay Allowance for Jordan; to the Committee on Foreign Relations.

EC–3920. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" received on September 2, 2003; to the Committee on Foreign Relations.

EC–3921. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" received on September 2, 2003; to the Committee on Foreign Relations.

EC–3922. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, the report of a nomination confirmed and discontinuation of service in acting role for the position of Deputy Director, Peace Corps, received on September 2 , 2003; to the Committee on Foreign Relations.

EC–3923. A communication from the General Counsel, Peace Corps, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Peace Corps, received on September 2, 2003; to the Committee on Foreign Relations.

EC–3924. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, a report entitled "Bringing Farmers into Global Trade"; to the Committee on Foreign Relations.

EC–3925. A communication from the Vice President of the United States, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–3926. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–3927. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, a report of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3928. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3929. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3930. A communication from the Vice President of the United States, transmitting, pursuant to law, the text of the Agreement between the Parties to the North Atlantic Treaty for Co-operation Regarding Atomic Information and related texts; to the Committee on Foreign Relations.

EC–3931. A communication from the Comptroller General, transmitting, pursuant to law, the Comptroller's list of General Accounting Office reports issued during the previous year; to the Committee on Governmental Affairs.

EC–3932. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation; to the Committee on Governmental Affairs.

EC–3933. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the governmentwide status of financial management dated August 22, 2003; to the Committee on Governmental Affairs.

EC–3934. A communication from the Director, Trade and Development Agency, transmitting, a report on the Agency's audit and internal activities; to the Committee on Governmental Affairs.

EC–3935. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy General Counsel; to the Committee on Governmental Affairs.

EC–3936. A communication from the Director of Compensation and Benefits, AgFirst Farm Credit Bank, transmitting, pursuant to law, the Bank's Annual Reports of Federal Pension Plans; to the Committee on Governmental Affairs.

EC–3937. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3938. A communication from the Secretary, Department of Agriculture, transmitting, the Department's Management Report for the 6-month period ended September 30, 2001; to the Committee on Governmental Affairs.

EC–3939. A communication from the Office of Government Ethics, transmitting, pursuant to law, the Office's Inventories of Commercial and Inherently Governmental Activities for 2003; to the Committee on Governmental Affairs.

EC-3940. A communication from the Director, Office of Compensation Administration, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay for Administrative Judge Positions" (RIN3206-AJ44) received on August 11, 2003; to the Committee on Governmental Affairs.

EC-3941. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, the Board's report under the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC-3942. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Research and Training Centers—Disability Demographics and Statistics Center; Community Integration Outcomes Centers; and Health and Function Centers" (RIN1820-ZA18) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3943. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects Program—Research Projects; Research Infrastructure Capacity Building; Technical Assistance Resource Center on Parenting With a Disability; and Development Projects" (RIN1820-ZA17) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3944. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Projects Program—Collaborative Research Projects in Traumatic Brain Injury" (RIN1820-ZA24) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3945. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients" (RIN0910-AA01) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3946. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients" (RIN0910-AA01) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3947. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Sodium Copper Chlorophyllin" (Doc. No. 00C-0929) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3948. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives: Food Contact Substance Notification System" (RIN0910-AB94) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3949. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Breath Nitric Oxide Test System" (Doc. No. 2003D-0209) received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3950. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 13, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3951. A communication from the Director, Directorate of Cooperative and State Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Approval of the Virgin Islands State Plan; Resumption of Exclusive Federal Enforcement Authority in the Private Sector; and Conversion and Approval of the Virgin Islands State Plan to a State Plan for Public Employees Only" received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3952. A communication from the Regulations Coordinator, Office of Special Programs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Smallpox Emergency Personnel Protection Program: Smallpox (Vaccinia) Vaccine Injury Table" (RIN0906-AA60) received on September 2, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3953. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Office of Legislation and Congressional Affairs, Department of Education, received on August 13, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3954. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Office of Legislation and Congressional Affairs, Department of Education, received on August 13, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3955. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3956. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Secretary's report relative to Federal expenditures and out-of-pocket expenditures for Medicare beneficiaries and the quality of the health services provided under such contracts; to the Committee on Health, Education, Labor, and Pensions.

EC-3957. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the 2001 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

EC-3958. A communication from the Associate General Counsel, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Fees for Fiscal Year 2004" (RIN0651-AB60) received on August 11, 2003; to the Committee on the Judiciary.

EC-3959. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, transmitting, pursuant to law, a rule entitled "Definition and Registration of Reverse Distributors" (RIN1117-AA19) received on August 11, 2003; to the Committee on the Judiciary.

EC-3960. A communication from the Chair of the Sentencing Commission, transmitting, a report relative to examination of federal cocaine penalties; to the Committee on the Judiciary.

EC-3961. A communication from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, transmitting, pursuant to law, the report of a rule entitled "Extension of Validity Period of Approved For I-600A, Application for Advance Processing of Orphan Petition" (RIN1615-AB07) received on August 11, 2003; to the Committee on the Judiciary.

EC-3962. A communication from the Chairman, Central Interstate Low-Level Radioactive Waste Commission, transmitting, pursuant to law, the report of a revocation of Nebraska's membership in the Central Interstate Low-Level Radioactive Waste Commission; to the Committee on the Judiciary.

EC-3963. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Rescheduling of the Food and Drug Administration Approved Product Containing Synthetic Dronabinol in Sesame Oil and Encapsulated in Soft Gelatin Capsules from Schedule II to Schedule III" received on September 2, 2003; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1589. An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-146).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1589. An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1590. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1591. A bill to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building"; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN:

S. 1592. A bill to require negotiation and appropriate action with respect to certain countries that engage in currency manipulation; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1081

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1081, a bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1287

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1287, a bill to amend section 502(a)(5) of the Higher Education Act of 1965 regarding the definition of a Hispanic-serving institution.

S. 1484

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1484, a bill to require a report on Federal Government use of commercial and other databases for national security, intelligence, and law enforcement purposes, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. TALENT), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from Ohio (Mr. DEWINE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1564

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1564, a bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault.

S.J. RES. 17

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1561

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1561 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 1562 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1564

At the request of Mr. COLEMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 1564 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1572 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1592. A bill to require negotiation and appropriate action with respect to certain countries that engage in currency manipulation; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, if you should find yourself hankering for a hamburger, may I respectfully suggest that you go to Beijing? That's where you'll find the world's cheapest hamburgers.

I have this useful information courtesy of the good people at The Economist magazine, who for over 15 years have periodically compiled their "Big Mac" index to chart the relative values of national currencies. The index is based on what it costs to buy one of the world's most ubiquitous commodities.

Now the recipe for a Big Mac is pretty much the same everywhere, and in a perfect world it would presumably cost about the same everywhere. The Economist uses this observation to gain an insight into currency valuations. But we find that instead of costing about the same, as one would expect, in Chinese yuan a Big Mac costs about 56 percent less than it would in the average

American city. This differential is greater than that for any other country in the most recent Big Mac index in April. Such a bargain.

Why does this massive price differential exist? It exists because the yuan has been systematically kept at low value—an artificially low value—pursuant to intervention by the Chinese government in currency markets. The yuan has been systematically undervalued by a lot. Fifty-six percent—the differential in the April index—is probably a bit high. Many experts put the figure at closer to 40 percent. That's plenty.

That's why China has the world's cheapest hamburgers. The Chinese have held the yuan at a nearly fixed value relative to the dollar since 1994, and that value is about 40 percent lower than it should be in an unfettered currency market.

How has China achieved this unnatural and non-market result? The Chinese maintain the yuan's low value through mandatory foreign-exchange purchases by their central bank, and since 1994 they have bought almost 300 billion U.S. dollars to keep the yuan's value low.

What is so bad about cheap hamburgers in China and this intervention in the currency markets? If we were only dealing with hamburgers, I would not object, but the Big Mac Index explains a good deal about why we have seen a catastrophic and growing trade deficit with China and why this is causing massive layoffs in the U.S. manufacturing sector.

The undervalued currency is driving the Chinese export machine and simultaneously smothering U.S. manufacturing. China has some very real competitive advantages in international trade, including a low-cost, hard-working labor force. But their exports start out with a 40 percent price advantage based purely on their artificially undervalued currency. This is artificial and unfair.

To keep the yuan's value down China is buying dollars at a rate of about $120 billion a year, which happens to be about the same amount as our trade deficit with China.

And we're seeing the results of this undervalued yuan on a daily basis here in the United States. The results are vanished jobs in our manufacturing industries, closed plants, a hollowing out of our manufacturing sector. Last week we learned of an additional 44,000 manufacturing jobs lost in August alone, and that was a continuation of a sad, sad trend.

Manufacturing employment has fallen monthly for 37 consecutive months.

Two point seven million manufacturing jobs have been lost since July 2000. Manufacturing job losses have accounted for as much as 90 percent of our total job losses in this so-called "jobless recovery". In Connecticut we've lost more than 14 out of every 100 manufacturing jobs that we had in July 2000.

And it's clear that trade plays a major role in this. Manufacturing is deeply dependent on trade—manufactured goods make up 80 percent of all U.S. merchandise exports. Our manufacturing trade deficit with China is the worst bilateral manufacturing deficit in the world. Not surprisingly, when you consider that 40 percent price advantage, we have a trade deficit with China in every major manufacturing industry except aircraft, with electronics, machinery, textiles and apparel the worst.

I've used China as an example of this pernicious manipulation of currency values, but it does not stand alone in this black art. Last month Japan outdid China in currency market intervention, spending $11 billion to defend the yen, which is estimated to be undervalued by approximately 20 percent. Central banks in Taiwan and South Korea have been purchasing dollars aggressively as well, holding down the values of their currencies. Together those four countries hold about $1.21 trillion in currency reserves, and the vast majority of these reserves, perhaps as high as 90 percent, are thought to be in dollars. Significantly, those same four countries—China, Japan, Taiwan and South Korea—account for about 60 percent of the U.S. trade deficit in manufactured goods.

To date the Bush Administration response to this assault on our manufacturing sector has been belated, tepid and ineffectual. It tried to ignore it. Lately, when it became clear even to the Administration that they could no longer ignore the depressing job losses, Treasury Secretary Snow traveled to Beijing to try his hand at persuading the Chinese to let their currency rise to its natural market level. He got the brush off. Why should the Chinese government take this Administration seriously about the currency issue when it is clear that the Administration isn't, in fact, serious about it? Why should this be a priority to China when it's not a priority of the United States?

We can no longer afford to make gestures regarding these issues. We have to be serious to be taken seriously. To this end, I am today introducing legislation to require prompt and firm action against those nations that most egregiously manipulate their currencies to achieve an unfair trade advantage.

The Bush Administration has options under the international trade laws to deal with this situation, options it is not yet willing to pursue. Under my legislation the Administration will be pressed to defend legitimate U.S. interests and avail ourselves of our rights and authority under a variety of international trade agreements.

These options include taking action under the articles of the International Monetary Fund that prohibit currency manipulation by member states in order to achieve an unfair competitive advantage. They include action under the General Agreement on Tariffs and Trade and the World Trade Organization that members will not use currency exchange rates to frustrate the organization goals of reciprocal and mutually advantageous trade. We also have rights under U.S. trade law and our bilateral agreements, including Section 301 and Section 406.

I introduce this legislation knowing full well that these are complex issues and that trade policy decisions does occur in a vacuum. Certainly some in the U.S. receive benefits from cheaper imports. If not cheaper hamburgers than certainly cheaper electronics, cheaper clothing, and cheaper machinery are flooding our markets. What we gain at the checkout counter, however, we are losing at the payroll window. When some here gain from cheap imports because of illegal and unfair manipulation of currencies, the gains are not worth the price that they extract from U.S. companies seeking a fair opportunity to compete with these imports or to export U.S. products. They are not worth the price we pay in terms of U.S. credibility in standing up for our legitimate rights and interests.

I am well aware that China, like Japan, deploys its massive currency reserves to buy up U.S. debt. This helps us finance the U.S. debt at low interest rates. Given the Bush Administration fiscal policy, we are now headed towards doubling the national debt, making us more dependent on foreign funding of our debts. This is a form of dependency that comes at a price, much like our dependency on foreign oil. If the Administration were to become serious about currency manipulation, it could strengthen its hand; it would adopt a fiscal policy that reduces our dependence on foreigners to finance our national debt. While I am concerned about our ability to finance our government debt, I believe that there are ample reasons why China, Japan and others will maintain these investments even if they abandon their intervention in the currency markets.

I am also aware that the United States maintains a multifaceted strategic relationship with China and Japan. We and the rest of the world would benefit, for example, from China's assistance in negotiations with North Korea. But again, this is no reason not to be forceful with these countries when they transgress the international norms and laws for international trade.

There are many vital and strategic issues at stake in our relationships with China and Japan, but when all is said and done we cannot afford to turn a blind eye to these illegal and unjustified currency manipulation games. We simply cannot give away our manufacturing sector and manufacturing jobs.

If we tolerate these manipulations, we lose credibility in dealing with other policy issues that arise in these relationships.

I believe that everyone in this chamber recognizes that I am strongly committed to free trade. But I cannot defend free trade unless it is also fair. And what we have today with these currency manipulations is not fair trade. It's manipulation, it confers an unfair competitive advantage, and it is hurting Americans. It is long past time to act, it is time to take this challenge seriously, and it is time to defend legitimate American interests. We are acting assertively in pursuit of our national interest in Iraq, and it is time to do the same with countries that seek to secure an unfair competitive advantage in international trade.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Currency Enforcement Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The manufacturing sector is an important driver of the United States economy, contributing almost 30 percent of our economic growth during the 1990's, and twice the productivity growth of the service sector during that period.

(2) The manufacturing sector contributes significantly to our Nation's development of new products and technologies for world markets, performing almost 60 percent of all research and development in the United States over the past two decades.

(3) The manufacturing sector provides high quality jobs, with average weekly wages in 2002 nearly 26 percent higher than jobs in the service sector.

(4) The manufacturing growth creates a significant number of jobs and investments in other sectors of the economy, and this "multiplier effect" is reckoned by economists to be larger (2.43 to 1) than for any other significant sector of the economy.

(5) The "jobless recovery" from the recent recession has witnessed the worst job slump since the Great Depression and the weakest employment recovery on record.

(6) The manufacturing sector has been hit the hardest by the jobless recovery, with more than 2,700,000 jobs lost since July 2000, accounting for nearly 90 percent of the total United States jobs lost.

(7) A significant factor in the loss of valuable United States manufacturing jobs is the difficulty faced by United States manufacturers in competing effectively against lower priced foreign products.

(8) A significant obstacle to United States manufacturers in competing against foreign manufacturers is the practice of some governments of intervening aggressively in currency markets to maintain their own currencies at artificially low valuations, thus subsidizing their export sales and raising price barriers to imports from the United States.

(9) Certain Asian countries exemplify this practice. China, Japan, South Korea, and Taiwan together have accumulated approximately $1,200,000,000,000 in foreign currency reserves, about ½ of the world's total reserves. The vast majority of these reserves, perhaps as high as 90 percent, are in dollars. These same 4 countries account for 60 percent of the United States world trade deficit in manufactured goods. These reserves are symptomatic of a strategy of intervention to manipulate currency values.

(10) The People's Republic of China is particularly aggressive in intervening to maintain the value of its currency, the renminbi, at an artificially low rate. China maintains this rate by mandating foreign exchange sales at its central bank at a fixed exchange rate against the dollar, in effect, pegging the renminbi at this rate. This low rate represents a significant reason why China has contributed the most to our trade deficit in manufactured goods. The United States trade deficit with China increased from $57,000,000,000 in 1998 to $103,000,000,000 in 2002, while China accumulated dollar reserves totaling over $345,000,000,000 as of June 2003, keeping the value of the renminbi essentially flat since 1994.

(11) Economists estimate that as a result of this manipulation of the Chinese currency, the renminbi is undervalued by between 15 and 40 percent, effectively creating a 15- to 40-percent subsidy for Chinese exports and giving Chinese manufacturers a significant price advantage over United States and other competitors.

(12) Japan held foreign currency reserves worth $526,600,000,000 as of June 2003, and for the previous 6 months increased its reserves by an average of $12,500,000,000 per month. Experts estimate that the yen is undervalued by approximately 20 percent or more, giving Japanese manufacturers a significant price advantage over United States competitors.

(13) In addition to being placed at a competitive disadvantage by foreign competitors' exports that are unfairly subsidized by strategically undervalued currencies, United States manufacturers also may face significant nontariff barriers to their own exports to these same countries. For example, in China a complex system involving that nation's value added tax and special tax rebates ensures that semiconductor devices imported into China are taxed at 17 percent while domestic devices are effectively taxed at 6 percent.

(14) The United States has the right and power to redress unfair competitive practices in international trade involving currency manipulation.

(15) Under section 3004 of the Omnibus Trade and Competitiveness Act of 1988, the Secretary of the Treasury is required to determine whether any country is manipulating the rate of exchange between its currency and the dollar for the purpose of preventing effective balance of payments adjustments or gaining unfair advantage in international trade. If such violations are found, the Secretary of the Treasury is required to undertake negotiations with any country that has a significant trade surplus.

(16) Article IV of the Articles of Agreement of the International Monetary Fund prohibits currency manipulation by a member for the purposes of gaining an unfair competitive advantage over other members, and the related surveillance provision defines "manipulation" to include "protracted large-scale intervention in one direction in the exchange market".

(17) Under Article XV of the Exchange Agreements of the General Agreement on Tariffs and Trade, all contracting parties "shall not, by exchange action, frustrate the intent of the provisions of this Agreement, nor by trade action, the intent of the Articles of Agreement of the International Monetary Fund". Such actions are actionable violations. The intent of the General Agreement on Tariffs and Trade Exchange Agreement, as stated in the preamble of that Agreement, includes the objective of "entering into reciprocal and mutually advantageous arrangements directed to substantial reduction of tariffs and other barriers to trade," and currency manipulation may constitute a trade barrier disruptive to reciprocal and mutually advantageous trade arrangements.

(18) Deliberate currency manipulation by nations to significantly undervalue their currencies also may be interpreted as a violation of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization (as described in section 101(d)(12)) of the Uruguay Round Agreements Act, which could lead to action and remedy under the World Trade Organization dispute settlement procedures.

(19) Deliberate, large-scale intervention by governments in currency markets to significantly undervalue their currencies may be a nullification and impairment of trade benefits precluded under Article XXIII of the General Agreement on Tariffs and Trade, and subject to remedy.

(20) The United States Trade Representative also has authority to pursue remedial actions under section 301 of the Trade Act of 1974.

(21) The United States has special rights to take action to redress market disruption under section 406 of the Trade Act of 1974 adopted pursuant to the provisions of the United States-China Bilateral Agreement on World Trade Organization Accession.

(22) While large-scale manipulation of currencies by certain major trading partners to achieve an unfair competitive advantage is one of the most pervasive barriers faces by the manufacturing sector in the United States, other factors are contributing to the decline of manufacturing and small and midsized manufacturing firms in the United States, including but not limited to non-tariff trade barriers, lax enforcement of existing trade agreements, and weak or under utilized government support for trade promotion.

SEC. 3. NEGOTIATION PERIOD REGARDING CURRENCY NEGOTIATIONS.

Beginning on the date of enactment of this Act, the President shall begin bilateral and multilateral negotiations for a 90-day period with those governments of nations determined to be engaged most egregiously in currency manipulation, as defined in section 7, to seek a prompt and orderly end to such currency manipulation and to ensure that the currencies of these countries are freely traded on international currency markets, or are established at a level that reflects a more appropriate and accurate market value. The President shall seek support in this process from international agencies and other nations and regions adversely affected by these currency practices.

SEC. 4. FINDINGS OF FACT AND REPORT REGARDING CURRENCY MANIPULATION.

(a) IN GENERAL.—During the 90-day negotiation period described in section 3, the International Trade Commission shall—

(1) ascertain and develop the full facts and details concerning how countries have acted to manipulate their currencies to increase their exports to the United States and limit their imports of United States products;

(2) quantify the extent of this currency manipulation;

(3) examine in detail how these currency practices have affected and will continue to affect United States manufacturers and United States trade levels, both for imports and exports;

(4) review whether and to what extent reduction of currency manipulation and the accumulation of dollar-denominated currency reserves and public debt instruments might adversely affect United States interest rates and public debt financing;

(5) make a determination of any and all available mechanisms for redress under applicable international trade treaties and

agreements, including the Articles of Agreement of the International Monetary Fund, the General Agreement on Tariffs and Trade, the World Trade Organization Agreements, and United States trade laws; and

(6) undertake other appropriate evaluations of the issues described in paragraphs (1) through (5).

(b) Report.—Not later than 90 days after the date of enactment of this Act, the International Trade Commission shall provide a detailed report to the President, the United States Trade Representative, the Secretary of the Treasury, and the appropriate congressional committees on the findings made as a result of the reviews undertaken under paragraphs (1) through (6) of subsection (a).

SEC. 5. INSTITUTE PROCEEDINGS REGARDING CURRENCY MANIPULATION.

At the end of the 90-day negotiation period provided for in section 3, if agreements are not reached by the President to promptly end currency manipulation, the President shall institute proceedings under the relevant provisions of international law and United States trade laws including sections 301 and 406 of the Trade Act of 1974 with respect to those countries that, based on the findings of the International Trade Commission under section 4, continue to engage in the most egregious currency manipulation. In addition to seeking a prompt end to currency manipulation, the President shall seek appropriate damages and remedies for the Nation's manufacturers and other affected parties. If the President does not institute action, the President shall, not later than 120 days after the date of enactment of this Act, provide to the appropriate congressional committees a detailed explanation and accounting of precisely why the President has determined not to institute action.

SEC. 6. ADDITIONAL REPORTS AND RECOMMENDATIONS.

(a) National Security.—Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide a detailed report to the appropriate congressional committees evaluating the effects on our national security of countries engaging in significant currency manipulations, and the effect of such manipulation on critical manufacturing sectors such as semiconductors.

(b) Other Unfair Trade Practices.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall evaluate and report in detail to the appropriate congressional committees on other trade practices and trade barriers by major East Asian trading nations potentially in violation of international trade agreements, including the practice of maintaining a value-added or other tax regime that effectively discriminates against imports by underpricing domestically produced goods.

(c) Trade Enforcement.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall report in detail to the appropriate congressional committees on steps that could be taken to significantly improve trade enforcement efforts against unfair trade practices by competitor trading nations, including making recommendations for additional support for trade enforcement efforts.

(d) Trade Promotion.—Within 90 days of the date of enactment of this Act, the Secretaries of State and Commerce, and the United States Trade Representative, shall prepare a detailed report with recommendations on steps that could be undertaken to significantly improve trade promotion for United States goods and services, including recommendations on additional support to improve trade promotion.

SEC. 7. CURRENCY MANIPULATION DEFINED.

In this Act, the term "currency manipulation" means—

(1) large-scale manipulation of exchange rates by a nation in order to gain an unfair competitive advantage as stated in Article IV of the Articles of Agreement of the International Monetary Fund and related surveillance provisions;

(2) sustained, large-scale currency intervention in one direction, through mandatory foreign exchange sales at a nation's central bank at a fixed exchange rate; or

(3) other mechanisms, used to maintain a currency at a fixed exchange rate relative to another currency.

AMENDMENTS SUBMITTED & PROPOSED

SA 1589. Mr. STEVENS (for Mrs. Feinstein) proposed an amendment to the resolution S. Res. 212, welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

TEXT OF AMENDMENTS

SA 1589. Mr. STEVENS (for Mrs. Feinstein) proposed an amendment to the resolution S. Res. 212, welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy, as follows:

On page 1:

In the preamble, strike:

Whereas the Dalai Lama has been a strong voice for the basic human fights of all peoples, particularly freedom of religion;

and insert:

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

WELCOMING THE FOURTEENTH DALAI LAMA

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 212 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 212) welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom and democracy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask further unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, that the preamble, as amended, be agreed to, that the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1589) was agreed to as follows:

(Purpose: To make a technical correction)

On page 1:

In the preamble, strike:

Whereas the Dalai Lama has been a strong voice for the basic human fights of all peoples, particularly freedom of religion;

and insert:

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

The resolution (S. Res. 212) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 212

Welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

Whereas for over 40 years in exile, His Holiness the Fourteenth Dalai Lama has used his position and leadership to promote compassion and non-violence as a solution to not only the present crisis in Tibet, but to other long-running conflicts around the world;

Whereas the Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his efforts to seek a peaceful resolution to the situation in Tibet, and to promote non-violent methods for resolving conflict;

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

Whereas the Dalai Lama has personally promoted democratic self-government for Tibetans in exile as a model for securing freedom for all Tibet, including relinquishing his political positions and turning these authorities over to elected Tibetan representatives;

Whereas the Dalai Lama seeks a solution for Tibet that provides genuine autonomy for the Tibetan people and does not call for independence and separation from the People's Republic of China;

Whereas the envoys of the Dalai Lama have traveled to China and Tibet twice in the past year to begin discussions with Chinese authorities on a permanent negotiated settlement of the Tibet issue;

Whereas the successful advancement of these discussions is in the strong interest of both the Chinese and Tibetan people; and

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the visit of the Dalai Lama to the United States in September 2003 is warmly welcomed;

(2) the Dalai Lama should be recognized and congratulated for his consistent efforts to promote dialogue to peacefully resolve the Tibet issue and to increase the religious and cultural autonomy of the Tibetan people; and

(3) all parties to the current discussions should be encouraged by the Government of the United States to deepen these contacts in order to achieve the aspirations of the people of Tibet for genuine autonomy and basic human rights.

ORDERS FOR TUESDAY, SEPTEMBER 9, 2003

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, September 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2660, the Labor, Health and Human Services and Education appropriations bill. I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, tomorrow the Senate will resume consideration of H.R. 2660, the Labor, Health and Human Services, and Education appropriations bill. The hope of the majority leader is that we can work out an agreement which will allow us to proceed with the amendment process. The bill managers will be here throughout the day tomorrow and Senators who wish to offer an amendment are encouraged to contact the bill managers so they can schedule an orderly process for the consideration of amendments.

Members should expect rollcall votes throughout the day tomorrow. Members will be notified when the first vote is to be scheduled.

ORDER FOR ADJOURNMENT

Mr. STEVENS. I ask unanimous consent that the Senate adjourn following the remarks of Senator REID.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. I have nothing to say, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Tuesday, September 9, at 9:30 a.m.

Thereupon, the Senate at 4:24 p.m., adjourned until Tuesday, September 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 2003:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL O'GRADY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE PIYUSH JINDAL, RESIGNED.

DEPARTMENT OF JUSTICE

DOMINGO S. HERRAIZ, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE, VICE RICHARD R. NEDELKOFF, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD V. REYNOLDS, 1156

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES L. JOHNSON II, 5967

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE L. SMITH, 7660

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM R. LOONEY III, 5052

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOHN M. MATECZUN, 4993
REAR ADM. (LH) DENNIS D. WOOFTER, 5921

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

ANDREW D. STEWART, 3254

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL C. BOWN, 3175

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL H. EVERS, 6323

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 9, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9 a.m.

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the cause of the August 2003 Northeast blackouts, and what the federal government can do to ensure that blackouts of this magnitude do not occur again.

SD-342

10 a.m.

Finance

Business meeting to consider a substitute to H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children.

SD-215

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine terrorism two years after 9/11.

SD-226

SEPTEMBER 11

9:30 a.m.

Foreign Relations

To hold hearings to examine U.S.-China relations.

SD-419

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, S. 511, to provide permanent funding for the Payment In Lieu of Taxes program, S. 432, to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System, and S. 1582, to amend the Valles Preservation Act to improve the preservation of the Valles Caldera.

SD-366

Veterans' Affairs

To hold hearings to examine the Department of Veterans Affairs' Capital Asset Realignment for Enhanced Services (CARES) Initiative.

SR-418

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

SEPTEMBER 15

2:30 p.m.

Governmental Affairs

Financial Management, the Budget, and International Security Subcommittee

To hold hearings to examine defined benefit pension plans and the Pension Benefits Guaranty Corporation, focusing on specific changes that may be required within the current pension system to help ensure the financial stability of companies with underfunded pension liabilities.

SD-342

SEPTEMBER 16

9:30 a.m.

Judiciary

Rules and Administration

To hold joint hearings to examine the continuity of the United States government in relation to the Presidency.

SR-325

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH-216

SEPTEMBER 17

10 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Governmental Affairs

To hold hearings to examine what can be done to ensure the future viability of the U.S. Postal Service.

SD-342

Indian Affairs

To hold hearings to examine S. 420, to provide for the acknowledgement of the Lumbee Tribe of North Carolina.

SR-485

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine the report of the Mental Health Commission.

SD-430

SEPTEMBER 18

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine abuse of the elderly.

SD-430

SEPTEMBER 23

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine health technology.

SD-430

SEPTEMBER 24

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

Indian Affairs

To hold hearings to examine the proposed Indian Child Protection and Family Prevention Act of 2003.

SR-485

SEPTEMBER 25

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity.

SD-430

SEPTEMBER 30

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities industry.

SD-538

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine underage drinking.

SD-430

CANCELLATIONS

SEPTEMBER 10

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Tuesday, September 9, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, author and creator of the world's joys, bearer of the Earth's sorrows, we have loved You but not enough; we have sought You but not diligently enough; we have heard but not understood; we have hoped for things heavenly but clung to eartherly possessions.

Thank You for loving us in spite of our failures. Help us not to waste our hopes and talents on unworthy pursuits. Instead, give us freedom, not to do as we like but to like to do as we ought.

Guide our Senators today and give them Your peace.

Especially, we pray today for those who mourn.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to make the following statement.

For the information of all Senators, this morning the Senate will resume consideration of H.R. 2660, the Labor, HHS, and Education appropriations bill. There are a number of pending amendments that will need to be disposed of and it is therefore my hope that we can reach an agreement to vote in relation to those amendments. Many of these amendments have been fully debated and will require a rollcall vote.

I understand that on the other side of the aisle there is a reluctance to vote on any of the amendments until an agreement is reached with respect to the Harkin amendment. I encourage Members to allow us to move forward on the bill until that issue is resolved. There are a number of amendments that were pending prior to the Harkin amendment. Again, these amendments have been debated previously and are at this stage ready—should be ready for the Senate to work its will. Therefore, I hope we can begin to schedule those votes to allow further progress on the bill.

Rollcall votes are anticipated throughout the day and it is still my expectation to complete the Labor-HHS bill as early as possible this week.

Also, I would supplement what the leader has said, that there is no reason we can't finish this bill if we can get a schedule of votes. It conceivably could be done today but certainly no later than tomorrow if we move ahead and break this logjam as to when the votes are going to occur.

The leader concludes his own statement: As a reminder, today the Senate will recess from 12:30 to 2:15 for the weekly party lunches to meet.

In addition to the comments I have read on behalf of the leader, as the manager of the bill I would supplement what the leader has said to urge us to move forward. There is a certain reluctance, understandable reluctance, on the part of the Members on this side of the aisle, to be, in effect, dictated to as to when we are going to vote.

I understand the problems faced by the Democrats, where they have a number of people running for President who are out of town. From my personal point of view, I would like to accommodate them and I would like to move on. But it draws considerable consternation and ire to be told when we are going to vote.

I had a colloquy yesterday with the Senator from Iowa, a colleague and a very good friend with whom I have worked very closely for more than a decade. There is scarcely a disagreement between Senator HARKIN and myself. As we change control of the gavel, we use the expression, "change seamlessly." But I pointed out, we have a majority, and under the rules of the Senate, the majority is supposed to determine the schedule. It is not a very big prerogative. We can't impose our will beyond a filibuster. And the Senators on the other side of the aisle are competent, able, resourceful as they articulate their views and carry their policies forward. That is something we understand.

But when it comes to a matter of the schedule it is my hope that the majority's prerogative to establish the schedule will be respected.

When I commented about our being in the majority, my esteemed colleague, Senator HARKIN said: Well, it's only 51 to 48 and 1.

There have been closer elections. There have been elections by 1 vote, not by 2½ votes.

So it is my hope that we can at least be accorded the prerogative of running the schedule. If people on this side of the aisle dig in their heels, like people on the other side of the aisle, and people on the other side of the aisle dig in their heels, we are not going to be able to conduct the people's business.

I see the Senator from Nevada waiting to speak. I will conclude. The Senator from Nevada has been in the Chamber more in the past several years than anybody else, managing the business of the Senate. He has done that when he has been in the majority and he has done that in the minority. I know he does his utmost to try to work these matters out.

So it is my hope that reason will prevail and we can find a way to get out of the entrenched positions, move ahead, do the public's business, and finish this bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I would like to respond to my friend. He is absolutely right. He and Senator HARKIN have set an example after which many of us have modeled our responsibilities on the Appropriations Committee.

I would say this. I think we should. I agree with the Senator from Pennsylvania. Why don't we go ahead and finish this bill? I think we have lost the time—we won't be able to do it today, but maybe we could do it tomorrow.

I had suggested and made a unanimous consent request that there be a vote at 3:15. When do you want the vote today? It is the pending amendment. When do you want the vote? I would say that. Let's vote on that. We have a number of amendments on which we can go ahead and vote. We have a couple more people who want to speak on the overtime issue, but they could do that quickly.

I say to my friend from Pennsylvania, check with the majority leader. See when he wants the vote. He can set the vote on overtime. We won't set it. Let him set it. Set the time for that. We can go ahead and dispose of other amendments. I think if he came back and said fine, vote on it at 2:15, or whenever—give us a suggestion—then we will try to finish this bill.

Mr. SPECTER. Mr. President, I would direct this question to the Senator from Nevada. He says let the majority leader determine when the vote should be set. I would agree with that. But suppose the majority leader says we ought to take the Harkin amendment vote after we take the votes on the other amendments?

Mr. REID. Fine.

Mr. SPECTER. And vote, but not necessarily today.

Mr. REID. Mr. President, I would say to my——

Mr. SPECTER. Mr. President, let me add, I personally don't object to voting today, but there are a lot of people on this side of the aisle who do as a matter of protocol and principle.

That is why I am going to leave the Chamber in a few minutes and, along with the President pro tempore, who is the chairman of the full committee, discuss the matter with the majority leader.

But as I understand the position of the Senator from Nevada and his side of the aisle, it is that they insist on the vote today.

Am I incorrect about that?

Mr. REID. Mr. President, we have never in the past 6 months, during the time four Members are running in the Presidential campaign, said to the majority that we can't vote today because people are running for President. We have never done that. We have lost by one vote. And we have gone ahead and refiled amendments. We have taken our lumps.

On this occasion, we gave adequate notice that we think it is a good idea to vote on Tuesday. But we never tried to play games as to why we wanted that. We have done this on one occasion. This is an extremely important vote for the country.

What I am saying is that I guess we are in a no-win situation. If the majority leader says we are not going to vote on it today, then I don't see any alternative. But we are not going to be able to finish this bill. This is an important bill for the people of the State of Nevada.

It is an important bill for the people of this country. But the overtime issue is also an important issue.

I say to my friend from Pennsylvania that we are going to vote on this issue whether it is on this bill or if we are unable to finish this bill when it comes back or on a continuing resolution—however it gets here. We have a right to vote on this amendment.

I don't understand why we cannot have a vote sometime today. That is my point. Let the leader schedule it, if he wants to, right now. Do it now. If he wants to do it at 6 o'clock tonight—whenever he wants to do it—we can set it up and get rid of all of these other amendments and be in pretty good shape to finish this bill tomorrow sometime.

Mr. SPECTER. Mr. President, we will try to find the position of the leader on this issue as he represents the majority. We will report back as promptly as we can.

Mr. REID. Mr. President, if I may say one other thing, this kind of reminds me of Roger Miller. He was a songwriter. He wrote songs which I identified with more than my friend from Pennsylvania who probably likes opera and other things. But one of the lines in one of the songs which Roger Miller wrote was pride is the chief reason for the decline in the number of husbands and wives. I think that is really true. That is what we have here. We are being prideful saying I got you and you got me. Why don't we, as adults, try to work this out so we can have a vote on overtime. We want it at 3:15. Have the leader set it any time he wants today but complete the other amendments that are important. It is a tough vote. There is no question about that. Most of them are 60-vote waivers.

I would like to finish this bill. I know the Presiding Officer has a real interest in this. Once we knock this out, we have eight more appropriations bills to go. We might be able to do another one this week. That would leave seven. That puts us in pretty good shape to finish all of this.

We want a certain time this afternoon, but we can do it some other time. We will swallow whatever pride we have, and hopefully you folks will, and we can finish this bill.

Mr. SPECTER. Mr. President, the Senator from Nevada has articulated some wisdom this morning in his comments about pride. I think of the statement "pride goeth before a fall." I think we can retain our pride and also get this worked out.

RECESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. to give us an opportunity to try to ascertain the position of the majority leader and the Republican caucus.

There being no objection, the Senate, at 9:44 a.m., recessed until 10:10 a.m. and reassembled when called to order by the President pro tempore (Mr. STEVENS).

RECESS

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent that the Senate stand in recess until 10:45 a.m.

There being no objection, the Senate, at 10:10 a.m., recessed until 10:44 a.m. and reassembled when called to order by the President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, last week the Labor Department announced we had lost almost 100,000 more jobs in the month of August. Almost 9 million American people are unemployed. Almost 2 million of these people have been out of work for more than 6 months. As bad as these numbers are, the real story is even worse. These figures don't include 1.7 million people who want work but have given up looking for it and are no longer counted in the unemployed listed by the Labor Department. They don't qualify.

The problem is especially frightening among minority groups. Unemployment among African Americans is double the rate for whites. It is much harder for Hispanic and Asian Americans to find jobs.

Some may have heard the economy in Nevada is booming. We are so fortunate. It isn't as bad as it is in some places. But "booming" is not the proper term for it. People in Nevada, as good as it is, are having a lot of problems. We have more than 90,000 people out of work. These numbers are grim, and they don't even begin to tell the story.

Every time we lose a job, it threatens another family's American dream—the dream of owning a home, building a strong community, giving children a good education.

Some have said the economy is recovering. But is it recovering when we are still losing jobs to the tune of 100,000 a month? We know job loss is not a normal function of the business cycle. Job loss reflects more serious underlying problems with our economy such as the alarming loss of manufacturing jobs. In the last 3 years, we lost 16 percent of our manufacturing jobs. This is serious, and we need to take it seriously. We need a plan to create more jobs.

Unfortunately, the administration's only plan seems to be more of the same. Since January of 2001, we have lost more than 3 million jobs. This is the first administration since Herbert Hoover to lose jobs, and our President says more of the same.

We have to do something different. Instead of a continual program of tax breaks for those who have the most, we have to create jobs for those who want to work. We can create jobs by building new schools, roads, bridges, by rebuilding our decaying sewer systems, and by replacing broken water pipes. Any State in the Union qualifies for new schools, new roads, new bridges, and, of course, rebuilding our decaying sewer systems and replacing broken water pipes.

All over America there are plans no longer on the drawing boards. They are ready to be executed. They just need the money. We can create jobs. For every billion dollars we spend on a public works project, we create 47,000 high-paying jobs. We can also create jobs by promoting new technology to produce energy, and we can do this by having a view that we should do more with renewable, nonpolluting sources. This will not only create jobs, it will benefit our environment and help us achieve energy independence.

We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families and small businesses. We can reverse this trend. We can save the jobs we have and help create new ones. We have to be innovative.

I hope the President will consider joining with this Senator and others who want to push what we call the American Marshall Plan; that is, have the Federal Government spend money to create jobs. These jobs are not Government jobs; they are private sector jobs.

I repeat, for every $1 billion we spend, there are 47,000 high-paying jobs, and the spinoff from those jobs is unbelievably large. That is what we need to do. America needs it. We need it to create jobs, but we also need it to make America a better place to live with better roads, bridges, dams, cleaner water, and able to adequately dispose of our sewer problems.

Mr. President, I hope we can do some of these activities in the immediate future, and I hope we are joined by the administration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1580

Mr. HARKIN. Mr. President, last week I offered an amendment to the pending appropriations bill that would prevent the administration from implementing a new regulation that could result in millions of American workers losing their overtime pay protection.

My amendment is very straightforward. It would allow the administration to increase overtime pay protection for working Americans but not take it away from those who currently have that protection.

I was quite surprised, as a matter of fact, to come to work yesterday and find that on Friday, after we had debated this appropriations bill—we adopted a couple of amendments on the appropriations bill last Friday, and, we all know, at the end of the day, the leader always has unanimous consent requests agreed to that have been worked out on both sides. I was quite surprised to see that last Friday, the Senate passed unanimously, by consent, a sense-of-the-Senate resolution supporting a balance between work and personal life being in the best interest of national worker productivity and families.

S. Res. 210 was adopted last Friday. It is sponsored by Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, and I assume others. It expresses the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity and that the President should issue a proclamation designating October as "National Work and Family Month."

I will read a few of the clauses that we all voted for last Friday:

> Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers and retention. . . .
>
> Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;
>
> Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;
>
> Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;
>
> Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates. . . .
>
> Whereas nearly all working adults are concerned about spending more time with their immediate family. . . .
>
> *Resolved*, That—
>
> (1) it is the sense of the Senate that—
>
> (A) reducing the conflict between work and family life should be a national priority; and
>
> (B) the month of October should be designated as "National Work and Family Month";
>
> (2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

We adopted this resolution last Friday, unanimously. Maybe some did not know about it. I did not know about it either, but I support it. It sounds very good: It is the sense of the Senate that reducing the conflict between work and family life should be a national priority.

We have this resolution, and now we have the proposal by the administration, rolled out this spring under cover of darkness—there was not one public hearing anywhere in the Nation—which changes rules and regulations that will affect overtime protection for over 8 million American workers and their families.

It is interesting that the administration did not ask us to change the law. No, they just want to do it by rules and regulations.

We cannot have it both ways. We cannot have a sense-of-the-Senate resolution saying—we all say—we have to reduce the conflict between work and family life, and it ought to be a national priority; that people need to spend more time with their families, and then let the administration implement these changes in rules and regulations which mean that people will have to work longer hours with less pay. That is exactly what it means: longer hours with less pay.

I found it so interesting that we have been debating my amendment—it came up last week. I guess we talked about it a couple of times during the week. We talked about it at length on Thursday. We spoke about it on Friday, and yet on the very same day we adopt a sense-of-the-Senate resolution unanimously saying we want to reduce stress on families. We want to recognize that workers need more time with their families. Well, OK, here is a chance to not just have a sense-of-the-Senate resolution but to take concrete action to make sure that happens by telling the administration that we are not going to permit these changes in rules and regulations that would take away overtime protection for up to 8 million people.

Again, a quick summary of the Bush administration's proposal is simply this: Eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently guaranteed overtime pay protections under the Fair Labor Standards Act passed in 1938. This proposal is antiworker. It is antifamily. It is the antithesis, the total opposite, of what we passed on Friday as a sense-of-the-Senate resolution. It is an attack on America's middle and lower income workers. It will not create one job. In fact, just the opposite; it will kill a lot of jobs.

Why do I say that? Because employers right now know that if workers work more than 40 hours a week, they have to pay time and a half overtime. So in many cases, they might find it better to go ahead and hire someone new, hire another person, rather than paying that kind of overtime pay.

Let's say one changes the rules of the game. No longer is one protected by time and a half. That means their employer can say they need them to work 43 hours this week, 44 hours, 45, but guess what. They do not get any more money. They get the same salary they had before. They just do not get any more money.

Now, what is an employer going to do? Why, here is a new pool of labor that is not going to cost him a cent. So why would they go hire someone new to work when they can take an existing person and say work longer at no extra pay?

Employers will have a financial disincentive to hire new workers if they can force current workers to work these longer hours without pay.

Who are we talking about? We are talking about nurses—again, we have a nursing shortage right now and we are trying to get more nurses—police officers, firefighters, retail managers, insurance claim adjustors, journalists, medical technicians, paralegals, surveyors, secretaries, and so on. For most of those men and women, the overtime pay they earn is not spare change. It is not for frivolous spending. Sometimes it is essential to help pay the mortgage, feed the children, pay for college, and save for retirement.

In fact, I have a recent letter from the National Association of Police Organizations which represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

> Under such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded to them for their efforts.

A few days ago President Bush was asked a question about my amendment. He said that basically I was wrong. He said that the proposal would increase overtime coverage for low-income workers.

Interestingly enough, part of the proposal does raise the income threshold, and I will get into that in a minute. So he says it is going to cover more people. The other part of the proposal, though, in changing the rules, would result in up to 8 million people losing overtime pay protection.

By raising this income threshold, most of the people who are already getting overtime pay are already over that threshold so they are going to be covered anyway. They are covered now. They are going to be covered then. So it is really not going to increase the number of people paid overtime pay because they are already getting it. But do not take my word for it. This is what industry and their consultants had to say about it from Hewitt Associates. On their Web they say their clients include half of the companies on the Fortune 500 list. This is what Hewitt Associates said:

> These proposed changes likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt—

Meaning exempt from overtime pay.

> The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

The administration argues the proposal they are putting out is simply to update and clarify current regulations under the Fair Labor Standards Act. Again, the Society for Human Resource Management, which touts itself on its Web site as the world's largest association devoted to human resource management, said the following:

> This is going to affect every workplace, every employee and every professional.

I will explain a little bit about how some of these rules work right now. Under the Fair Labor Standards Act of 1938, hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. Many salaried workers are also eligible for overtime pay under this law. The administration's proposal will make it much easier for employers to deny salaried workers overtime pay protection. The result: Millions of salaried workers earning more than $22,100 a year would be denied overtime under the proposed changes. This proposal would keep workers from spending time with their families without compensation.

Now, we said last week we want workers to spend more time with their families. One of the ways to do that is if they have guaranteed overtime.

Maybe the employer says, well, I do not need an employee to work overtime because I have to pay time and a half. Well, now if I do not have to pay them time and a half, they can work 44, 48 hours a week and I do not have to pay anything extra.

I have always thought at least—and I think it has sort of been generally accepted as a kind of a social contract in this country—that we wanted people to spend more time with their families, but if an employer needed someone to work overtime, that they would be compensated for that at more than just their regular pay because we were taking away the time they could spend with their family that would be beyond their normal workweek, and therefore we paid time and a half, or on Sundays sometimes double time, for that kind of overtime.

Right now, American workers already work longer hours than any industrialized country and nearly all Third World countries. This is a chart that shows that. U.S. work hours increase, over the years, while those in other industrialized nations decrease. Here is the change in annual average hours worked from 1979 to 2000. We see in the United States it went up 32 hours. In Japan, it has fallen 386 hours; Germany, fallen 489 hours; France, fallen 244 hours; Italy, 88; United Kingdom, 107 hours; Canada, minus 31 hours; Australia, minus 44 hours. This is from the Organization for Economic Cooperation and Development, 2001.

Already, our workers are working more than their counterparts in all of these countries, from Japan to Australia to the United Kingdom, France, and Germany. They have made a decision in those countries that one can still have high productivity and still give workers time off to be with their families, and they have a better social system and stronger families because of it, and because workers are not working so much they are more productive in the time they do work. In America we just keep on working people more and more, longer hours all the time. So already American workers are working longer hours.

Under this proposal put out by the Bush administration to take away overtime protection, in a few years this number is going to be skyrocketing. As I said before, it is not enough that we export all of our manufacturing jobs out of this country to Third World countries; now we are importing Third World labor standards into this country: No labor protections and no overtime protection, just work however long your employer wants you to work without overtime pay protection.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose the administration's proposal because they fear an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

I said last week that the first wave of people who will be hit, if this proposed change goes through, will be women. This charts show what I mean and why it will be women who will be hit first and hardest. I am not saying men won't be hit; they will be. But I am saying the first wave of people hit the hardest by taking away overtime pay protection will be women.

If we look at the labor force participation rate for men and women from 1948 until today, we see participation of women has climbed dramatically. Women's participation in the labor force climbed from slightly over 30 percent to over 60 percent, and participation rates for men consequently have declined from about 88 percent to about 74 or 75 percent. So it is women who have come into the workforce in the last 30 or 40 years.

We see some other statistics here. We find that 61.3 percent of married couples with children were dual earners in 2002.

In 1975, 47.3 percent of women with children were in the labor force. In 2002, it was 71.8 percent.

Women with children under 3—in 1975, only 34 percent of women with children under age 3 were in the workforce. Now it is over 60 percent of women with children under 3 who are in the workforce. And 66 percent of women with children worked 40 hours or more in 2002.

Who are these women? Bookkeepers, paralegals, clerks, nurses, physical therapists, social workers, et cetera, those who are really doing the nitty-gritty hard work to keep our society together. These are the facts right here. Now we are going to tell these women: Sorry, we know you have children in daycare, we know you have to pay a lot for childcare, but we need you to work longer hours per week.

Maybe in the past, if these women had worked longer hours, they got time and a half for overtime, but now they will not; they will get the same salary rate. Now they will have to continue to pay for more childcare. Yet they will not get 1 cent more for their labors.

This chart also shows what is happening with middle-income families. Remember last week we passed a sense-of-the-Senate resolution saying it is the sense of the Senate that reducing the conflict between work and family life should be a national priority? We recognized:

> Whereas nearly all working adults are concerned about spending more time with their immediate family;
>
> Whereas 85 percent of U.S. wage and salaried workers have immediate day-to-day family responsibilities off the job;
>
> Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends. . . .

That is what we said last week on the Senate floor.

Here is what is happening with our middle-income families. Average weeks worked per year by middle-income families with children: In 1969, the number of average weeks worked per year by middle-income families with children was 78.2. Look at it now, 97.9 weeks per year, average, for a middle-income family in America with children. That is why I showed this first chart, where you see the United States is going up in hours worked and all the other countries are going down. And you wonder why American workers and their families are stressed out, why we are having family strife in this country, why families are breaking up, why the divorce rate gets higher, why our kids don't have parents around after school to help nurture them. We wonder why we are having such trouble in our society. Because we are not letting our working parents spend more time with their families.

Columnist Bob Herbert recently wrote in the New York Times:

> You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the Administration is about.

Since the Senate overwhelmingly supported the Hatch resolution last Friday, which I just quoted from—passed unanimously—I would think it would be a no-brainer to support my amendment saying the administration cannot take away overtime pay protection for millions of Americans. But I don't know what the situation is right now with the leadership. We wanted to vote on it today. We wanted to vote on it today, but I guess the leadership on that side, on the majority side—I don't know what they are deciding right now, whether or not we can vote on it today or not.

But we are all here.

The Senator from Pennsylvania earlier mentioned something about Democratic Presidential candidates being gone. That is true. They are running for President. The Senator from Pennsylvania sought the Presidency himself once. So did this Senator from Iowa. You know what it is like when you have to be out there on the campaign trail and attend to your duties here. But it just so happens everyone seems to be here today. So why don't we vote today? Why is there an empty Chamber? Why don't we move ahead and vote—now, later, I don't care when—and we can wrap up this bill by tonight.

Again, I don't know why we would want to make it easier to deny American workers overtime pay. Why would we want to make it easier? It seems to me we would want to make it tougher. If we want people to spend more time with their families, reduce that kind of stress, you would think we would want to make it tougher, harder to deny American workers overtime pay. But the proposed regulations of the Bush administration would make it easier. I don't know. Why would we want to do that? How would this help the economy? How does it strengthen families? How does it help people who need to work overtime for extra pay?

I read into the RECORD last Friday a statement by a worker—I forget what State she was from—who had a disabled child, and she was saying she needed the overtime pay for her upkeep and to keep her child home and she relied on her overtime pay.

Here it is. Michael Farrar, from Jacksonville, FL. He and his wife need overtime pay to support their 21-year-old disabled son Andy who lives with them. Michael Farrar said:

> When I took this job, it was clear that I was expected to work more than 40 hours per week. And I agreed to it because I knew I'd need the money. We'd be devastated without the overtime now—we have no more corners to cut.
>
> When I took this job it was clear that I was expected to work more than 40 hours a week. And I agreed to it because I knew I would need the money.

Michael Farrar of Jacksonville, FL.

Sheila Perez of Bremerton, WA said:

> I began my career as a supply clerk earning $3.10 an hour in 1976.
>
> I entered an upward mobility program and received training to become an engineer technician with a career ladder that gave me a yearly boost of income. It seemed though that even with a decent raise each year I really relied on overtime income to help make ends meet. There are many more single parents today with the same problem. How does one pay for the car that broke down or the braces for the children's teeth?
>
> When I as a working mother leave my 8-hour day job and go home, my second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other house work that must be done which adds another 3 to 4 hours to your workday. When one has to put in extra hours at work, it takes away from the time needed to take care of our personal needs. It seems only fair that one should be compensated for that extra effort.

These are not my words. These are the words of Sheila Perez of Bremerton, WA.

> It seems only fair that one should be compensated for that extra effort. Overtime is a sacrifice of one's time, energy and physical and mental well-being. Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy and expertise that is being used. It has been a crime that many engineers and technicians were paid less than even their straight time for overtime worked. It has never made sense to me that

> the hours I work past my normal 8 are of a lesser value when those additional hours are a cost of my personal time.

What do we say to Sheila Perez? What do we say to Michael Farrar? I think what we say to them is that we understand. We passed a sense-of-the-Senate resolution last Friday. That is what we did. We passed a sense-of-the-Senate resolution expressing the sense of the Senate that workers are overstressed and overworked. They are concerned about spending more time with their families. We said it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Yes, Michael Farrar, that is what we said. Yes, Sheila Perez, we said that on your behalf last Friday. But, Michael Farrar; but, Sheila Perez, today, on Tuesday, the week after, we are not going to do one single thing to stop the Bush administration from changing rules and regulations that will take away your overtime pay protection.

It is not what we do, Ms. Perez or Mr. Farrar, that is important around here. It is what we say that is important. We said: We are on your side. We understand your problems. Gosh, we think it should be a national priority. But don't count on our votes to make it happen. Listen to what we say but don't watch what we do around this place.

It is time for us to stand and be counted and to put into form what we said last week the facts are. These are all nice words on a piece of paper. This is what we believe without actions to back up our beliefs.

What I am asking is the Senate now back up those nice words that we said last Friday in this sense-of-the-Senate resolution—back them up with a strong vote saying that we are going to protect overtime pay protection. We are not going to permit overtime pay protection to be taken away. If you do not to strengthen it, or if you want to extend overtime pay protection for more workers, that is fine. But don't take it away from the workers who now have it.

That is what this amendment that I have offered is all about. I am hopeful we can get to a vote on it today. We are here to vote. It is Tuesday. It is already 11:30. We haven't had one vote today. Why not? Why don't we vote on this? It is the pending amendment. I don't know why we can't vote on it. But evidently, for some reason, the Republican majority doesn't want to vote on my amendment. The majority, for some reason, doesn't want to bring it up for a vote. Why, I don't know. After all, Republicans, as well as Democrats, voted unanimously last Friday saying that it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Why we don't want to vote on this today, for the life of me, I can't understand.

I end my comments now, but I will be back to talk more about this overtime issue because it is a national issue. It is one that strikes at the very heart of the middle-income and middle-class families in this country. It is an issue that strikes at the very heart of our productivity as a country. It is an issue that strikes at the very heart of what kind of society we want to be and to become. It strikes at the very heart of working women who have children and who want some time, as Ms. Sheila Perez said, to attend to personal needs and to a second shift at home with their kids and family. That is what it strikes.

It is time for us to do our duty, to do our job, to stand up for working families and to stand up for the men and women of this country who are now being overworked and underpaid. If this proposed change in regulations goes through, it will mean more overwork and more underpay. That is the wrong direction for our country. It is time for the Senate to say no to these changes in regulations that would take away overtime pay protection for millions of middle-income Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the Department of Labor overtime proposal is the latest in a series of assaults on working Americans that began in the early days of this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. I am also concerned about the approach this administration has taken on the collective bargaining process through its use of the Railway Labor Act and the Taft-Hartley Act. We have also seen the reintroduction in Congress of so-called "family friendly" workplace bills that we all know really seek to rob working families of vital overtime pay.

In March of this year, the Department of Labor proposed a regulation that builds upon these efforts to tear down worker protections by denying millions of Americans vital overtime pay. This proposed rule would change the three tests that must be met to declare a worker exempt from the wage and hour protections of the Fair Labor Standards Act, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

Under current law, a worker must meet each of three tests to be declared exempt from overtime protections. First, workers earning less than a certain level each week cannot be exempted. Second, workers must be paid a set salary, not an hourly rate, in order to be exempt. Finally, only workers whose job responsibilities are primarily classified as administrative, professional, or executive can be exempt from overtime protections. The proposed rule would reduce the educational levels required to be classified as a professional or administrative employee, thus allowing employers to substitute as little as 2 years of work experience for education when considering whether an employee should be entitled to overtime protections.

I am deeply concerned that the administration continues to characterize these changes to overtime protections as "small" or "insignificant." During an August 31 interview with National Public Radio, the Secretary of Labor said of the proposed rule, "it's not an overtime regulation. We have many, many overtime regulations. This is not one of the major ones. This is a small part of the Fair Labor Standards Act that pertains to white collar workers. So it's got nothing to do with blue collar workers."

The wage and hour protections of the FLSA are intended to protect all workers from being forced to work excessive hours without additional compensation. The Secretary's attempt to differentiate between white collar and blue collar workers in such a way as to imply that only blue collar workers are protected by the FLSA is troubling.

According to the Economic Policy Institute, EPI:

> The revised regulations—would dramatically increase the number of workers whose jobs are classified as professional, administrative, or executive and therefore ineligible for overtime pay. The blurring of the lines between managerial and hourly staff, coupled with a downgrading of the educational standards required to exempt employees from overtime pay, will give employers a powerful incentive to switch millions of workers from hourly to salaried status in order to reap the benefit of a newly created pool of unpaid overtime hours.

In essence, this rule would create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it.

The administration has claimed that they are trying simply to update and clarify the FLSA as it applies to white collar employees. According to the Secretary:

> "[W]hat we are trying to do is clarify a regulation that has not been modernized in well over 50 years. And the ambiguity in the regulation is impeding the Department's ability to enforce the law so that we cannot protect workers who need protection. So what we are trying to do is to guarantee vulnerable, low-wage workers the overtime that they deserve, and we also want to provide clarity so that business people know what they're supposed to be doing.

It seems to me that the FLSA is abundantly clear: if a worker who is covered by the act works more than 40 hours per week, he or she is entitled to time-and-a-half pay for each extra hour worked.

According to the EPI, the administration's proposed changes go far beyond simple clarifications. "It is troubling that such dramatic losses in overtime protection are being proposed as a means of bringing clarity to the regulations and reducing litigation. As [our report] has shown—the proposed rule is rife with ambiguity and new terms—that will spawn new litigation."

The Secretary's contention that the FLSA has not been updated in 50 years is just plain false. Congress has amended and revised the FLSA numerous times since its enactment in 1938, most recently just 3 years ago. I regret that this administration continues to characterize Federal labor protections as "outdated" and claims that it seeks to "update" them for the new century, when, in fact, many of its proposals would roll back protections for workers around the country.

Who are the 8 million workers who will be affected by this proposed rule change? According to EPI, 257 "white collar" occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. And that is less than half of the occupational groups that would be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the Department of Labor is seeking to deny overtime benefits to a wide range of workers, including police officers, firefighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and those who work in health care professions, which, of course, as we know, already are facing severe staffing shortages. I am also disappointed that the Office of Management and Budget issued a "Statement of Administration Policy" document on this bill that states that the President's advisers would recommend that he veto this important appropriations bill if the Harkin amendment is adopted. I think it is irresponsible to threaten to veto a bill that includes crucial funding for labor, health, and education programs because the administration, apparently, is digging in its heels about a proposal that would deny millions of Americans overtime pay. I regret that this administration is so determined to undermine labor protections for American workers that it would actually threaten to deny funding for schools, health care, job training, and other programs that it regularly claims are a priority.

I urge my colleagues to support working families by supporting the Harkin amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, just prior to the caucus recess I had the opportunity to talk to Senator FRIST about the pending schedule. We both had indicated to each other that it was our expectation we would talk to the caucus about where we are with regard to that schedule. I had indicated it would be my expectation we could complete our work on the Labor, Education appropriations bill prior to September 11; I couldn't guarantee it, but that would be my expectation. What we really wanted was an opportunity to do what Senator HARKIN has been calling for since he offered his amendment on the overtime regulation last Friday. We have said if we can get a vote, which is, of course, the right of any Senator to expect if he offers his amendment, if we have that vote, if they cooperate, then certainly we can reciprocate. It is our desire to reciprocate and cooperate.

However, I come to the floor this afternoon simply to reiterate how vitally important this issue is. Eight million people in this country today will be affected by the vote to be taken here. With absolutely no consultation, with no public hearings, with little public debate, last spring the administration promulgated new rules weakening overtime protection for workers. Again, as I said, there was no consultation with us or the millions of workers affected before the most sweeping change in overtime rules was issued.

The overtime regulations have changed over the years but, as Senator HARKIN has so ably and eloquently pointed out, this is the first time the Department of Labor has used their efforts to update the salary threshold as a back door to take away overtime protection for millions of workers. This is a major constraint being created in the overtime rules.

What is remarkable is that overtime pay now accounts for 25 percent of the income of workers who work overtime—25 percent. These rules affect firefighters. It affects policemen. It affects first responders in various ways—emergency medical technicians, licensed practical nurses, pilots, dental hygienists, health technicians, electrical technicians, air traffic controllers. They are all affected, and that is not a complete list.

Senator HARKIN has noted it was just last Friday we passed S. Res. 210. I will not reread the whole thing, he did such a good job earlier today, but we cite:

> . . . the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job . . .
>
> Whereas 46 percent of salaried workers are parents with children under the age of 18 who live with them at least half-time . . .
>
> Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year . . .

With all those "whereas's"—again, I will not repeat them all—we concluded just last Friday, unanimously, that it is the position of the Senate that we should reduce the conflict between work and family life; that this should be a national priority; that the month of October—next month—should be designated as "National Work and Family Month"; and that the President should issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

If I had been on the Senate floor, I would have offered an amendment. I would have called for the passage, as well, of the Harkin amendment. How could you possibly proclaim "National Work and Family Month" and then tell millions of workers who earn overtime pay that they don't have the right to the protection that the Fair Labor Standards Act has provided them now for over 65 years?

The Republicans' actions makes a mockery of this resolution.

This is a critical vote. Whether it is today, tomorrow, or it is at some point in the future, we will have a vote on this legislation. We will vote on whether to protect American workers against this incredibly sweeping and irresponsible attack on their right to be compensated for overtime worked in this country today.

Nothing could be more important. As far as we are concerned, nothing in this bill is any more important than this amendment.

I come to the floor again to express the hope that we can have the vote today and that we can move to complete our work on the bill this week and send the right message, along with the resolution we just passed last Friday, that we do respect the right of all workers and that we respect their right to be paid fairly for the work they do.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from Illinois.

Mr. DURBIN. I would like to ask this question: Is it not true that since President Bush took office we have lost 3.3 million private-sector jobs in America, more jobs lost than any President since Herbert Hoover and the Great Depression, and that 75 percent of the jobs lost have been manufacturing jobs and good paying jobs across America? Despite the fact that manufacturing jobs account for less than 14 percent of our private-sector economy, 75 percent of the private-sector job loss has been in manufacturing jobs. These jobs have been lost to Third World countries—China and other nations.

Is it not also true that this proposal to cut overtime and basically defy the sacred 40-hour workweek would result in the importation of Third World wage standards into the United States? It is bad enough that we have lost millions of jobs to the Third World and overseas. Is this proposal by the Bush administration adding insult to injury by bringing those Third World work standards to America's families we honored with that resolution last Friday?

Mr. DASCHLE. I am afraid the Senator from Illinois is exactly right. This is a license to import Third World wage standards into the United States—to turn the clock back 65 years. That is exactly what we are doing. We are telling the workers that you are not only not going to get overtime, but this is just the beginning. If they get away with this, where does it end?

The Senator is right about unemployment, whether the number is 2.7 million or 3.3 million. There were 93,000 last month alone.

The situation is going from bad to worse. We are not only losing jobs, but those who have jobs are losing pay. As the Senator from Illinois said so well, we are importing Third World standards on those wages as a result of these proposed regulations.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from California.

Mrs. BOXER. I would like to ask a question of my colleague. Here we are in the week of September 11. We are going to memorialize the heroes of September 11. The last memory we all have of our President going down to Ground Zero and placing his arms around the shoulders of these brave people—and we just found out they were in serious danger due to what was happening in terms of the quality of the air. We have found that it was not what it was said to be. Everything that I am reading and the mail I am getting indicates that many of our firefighters, emergency workers, and nurses are workers who rely upon overtime pay in order to keep their families together. I have the most emotional letters which I have put in the RECORD on this point.

Does my friend not see the irony in the fact that we are approaching the September 11 date and honoring the heroes of that day and they are the ones who are going to be hurt by this terrible ruling of the administration unless we prevail and have a vote to overturn it?

Mr. DASCHLE. Mr. President, the Senator from California has articulated it better than I did. I would call it bitter irony as we approach September 11 in recognition of so many first responders who gave their lives—and in some cases because of the injuries inflicted gave their livelihoods—as we pass additional commemoration on September 11 resolutions of praise and gratitude to the first responders, how ironic that there would be an effort to promulgate a regulation that takes away their rights to compensation which they so richly and justly deserve. How ironic.

The Senator from California is right. If we are going to pass these commemorations again—and indeed we should—let us make them meaningful. Let us say that we also recognize the contribution you make every day—not just what you contributed on September 11, 2001, but what you are contributing on September 11, 2003, and every single day you come to work. Let us acknowledge that contribution. Let us acknowledge it with a meaningful commitment in pay by overturning this harsh regulation.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DASCHLE. Yes.

Mr. KENNEDY. Do I understand correctly that it is the position of the Republican Party that rather than giving an opportunity for the Senate to express itself, the President has announced that if this particular provision is turned over—effectively if we vitiate what the administration is attempting to do on overtime—they are prepared to veto legislation which is vital for the education of the children, K–12, legislation which provides important help and assistance for those young students who are trying to continue along in terms of higher education, and effectively emasculate or undermine, as well, the funding that is necessary for the National Institutes of Health? This administration evidently is saying it is more important to deny nurses, firefighters, and policemen overtime than to provide the funding which is essential to educate the children and to provide for essential health needs.

Is that the understanding of our leader as to the position of the majority on this legislation?

Mr. DASCHLE. Mr. President, I was struck by the extraordinary statement made by the administration last week in a statement of administration policy. Last week it said we know there is approximately $21 billion in here for education and for those going to college. The NIH funding is about $28 billion. This bill will affect every school district in America. It will affect children under title I and disabled children under IDEA. It will affect afterschool programs, preschool programs, and school lunch. It will affect virtually every aspect of education in America. And the President said he is going to veto this legislation if we overturn the regulation on overtime. What kind of message does that send to America and to those who heard this President say over the course of his time in the White House that education is important to him, and that education is a special priority to him?

Apparently, it is not as much of a priority as it is to ensure that we don't pass an amendment protecting workers from losing their earned overtime.

Mr. KENNEDY. Mr. President, if I could ask one more question of the Senator, the Senator is very familiar with the fact that our Republican friends refuse to permit the Senate to have a vote on increasing the minimum wage. If we don't increase the minimum wage, it will be the lowest in terms of purchasing power in the history of minimum wage. Republicans won't permit that. They oppose the Davis-Bacon provision which permits construction workers to be able to have a decent income. They have effectively also withdrawn—listen to this—the tuberculosis standard in OSHA which is so essential in order to protect people who have contamination in their lungs. We have seen the pensions of working families collapse over the period of the last 3 years.

What in the world has this administration got against working families? This seems to me to be symbolic of their attitude about working families: Let them eat cake. Let them eat cake. As the Senator has pointed out time and time again, it is the working families who have been the backbone of our economy historically when things have gone well and it is the working families who have taken the brunt when we have had mismanagement of the economy.

Does the Senator share my view? Is that a fairly good indicator of the kind of contemptuous attitude the administration has generally with regard to working families?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has put his finger on the right word, "contemptuous." There was a contemptuous attitude on the part of this administration with regard to the importance of the minimum wage.

With regard to the importance of pension security, how many millions of workers have been adversely affected by the corporate governance scandals over the last couple of years? There is not one peep out of this administration when it comes to pension security.

How many millions of workers, especially those first responders, 8 million workers, will be affected by this ban on overtime pay? How many millions of workers are affected each and every day by the health and safety issues they continue to fight—ergonomics and a whole array of other issues, issues we have forced the Senate to consider over the years as we try to make the workplace a safer and healthier place for all workers?

On each and every one of these issues and many more, this administration has demonstrated a contemptuous attitude. I say it is the most antiworker administration we have seen, at least in my time in public life.

Mr. HARKIN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. HARKIN. I thank the Senator from South Dakota for his strong support of working families not only on this issue but on every issue that comes up in the Senate. The Senator from South Dakota has always been there for working men and women and their families, as he is today. I thank the Senator from South Dakota, our Democratic leader, for his stalwart, strong support to make sure we have fairness and justice for our working families. I thank the Senator for his strong support for making sure these workers who are asked to work overtime get paid justly for that.

The Senator mentioned a number of the people to be affected, first responders and others. It has been said, and I ask the Senator to respond, that perhaps the first wave of people to be hit by the changes in rules and regulations would be women because so many women have come into the workforce in the last few years. Many of them are salaried and now they would be exempt, they would not get paid for overtime.

One of the first waves to be hit is nurses. Right now, we are facing a nursing shortage in our country. I know in South Dakota and Iowa and the Midwest we have a terrible nursing shortage. Nurses under the age of 30 represent only 10 percent of the nursing workforce. By 2010, 40 percent of the nationwide nursing workforce will be over the age of 50, nearing retirement. Right now, nurses are already forced to work mandatory overtime. Go to a hospital anywhere and you will find nurses being told to work overtime. The only good thing is they are paid time and a half now.

With these proposed changes, if they were to go into effect, I ask the Senator from South Dakota, since nurses are on salary, if they could be reclassified and they would then have to work mandatory overtime but they would not be paid for it; is that the Senator's understanding?

Mr. DASCHLE. Mr. President, the Senator's appreciation of the impact of this amendment on nurses is absolutely correct. I commend the Senator, again, for his extraordinary efforts and his leadership over the last couple of weeks. He has made me so proud. Every working person in America owes Senator HARKIN a debt of gratitude for his powerful articulation of their cause, as we have addressed this and other issues affecting employees, not just nurses.

In answer to his question, absolutely, nurses are affected because nurses often work extraordinarily long hours earning overtime. In fact, there is probably no category of workers today, at least in the health care field, more overworked than our nurses, in large part because of the shortage the Senator has addressed in his question. We have a chronic shortage of nurses in America, especially in rural areas and especially in South Dakota. Far too many nurses in South Dakota would be adversely affected by this regulation.

We have to recognize what a blow it would be to them. If 25 percent of their income is derived from overtime, we are taking away one-quarter of their purchasing power in one fell swoop by this regulation. That is why this is such a critical fight for us and why it is so important to make this case on this bill.

Mr. HARKIN. If the Senator will yield further for one more question, I thank him for his kind words on my behalf. I respond by saying I am fortunate to have good leadership, the leadership of the Senator from South Dakota and the Senator from Nevada, in carrying this fight forward. I thank both for their great leadership.

As I pursue this issue about women being affected, face it, most nurses are women. That is the way it is. They will be greatly affected.

Another figure we ought to look at—and I ask the Senator for his thoughts on this—in 1975, women who had children under the age of 3 made up only 34 percent of our workforce; today that is 60.2 percent. Over 60 percent of women with children under the age of 3 are now in the workforce.

I ask the Senator, is it true that these women—maybe not all but most of them—have to have daycare, some childcare, for their children? So now, these women who are paying a lot for childcare, if they do not have to be paid overtime under the proposed changes the Bush administration wants to make, would be forced to work overtime. Does that not mean they would have to pay even more for childcare than what they are paying now, yet they would not get one nickel more in their income to help pay for it? Is this not also what would happen to women under the proposed changes in the overtime proposal?

Mr. DASCHLE. I say to the Senator from Iowa, that is exactly the case. You do not need to be an accountant to realize the dramatic financial consequences this will have on so many working women but especially those who are faced with extraordinary childcare costs today. I am disappointed on that front.

I understand we will take up the welfare reform reauthorization tomorrow. I am told the childcare funding increase was cut from $5.5 billion to $1 billion in the markup before the Finance Committee. I am astounded that anyone could, with a straight face, say we want you off of welfare to work but we will cut your access to childcare under this legislation. So not only is the problem for working women reflected in this regulation but in the very legislation we could address as early as tomorrow in the Finance Committee.

This legislation cries out for fairness for working women, for those working two and three jobs just to make ends meet. There is no way we can pass the resolution we passed last Friday calling for a recognition of the American worker during the month of October and fail to recognize the importance of repealing this regulation before October even begins.

Mr. HARKIN. If the Senator will yield for one last question, last week I was talking to one of my colleagues on the Senate floor about my amendment, about this amendment, and about the impact on overtime pay. My colleague said: One of the strange things about this is that I have heard no big movement in my State. There is no uprising in my State about changing the overtime laws. I have not heard from business. I have not heard from workers. I got to thinking: You know, neither have I. I have not had any businesses in my State coming to me saying: Senator, we have to change these overtime laws. They are a terrible burden on us. We have to get rid of them. We have to change them. I have not heard them say that. Where does this come from?

I ask my fellow Senators, I ask the Senator from South Dakota, has anyone here been really lobbied hard by anyone in their States to change these overtime laws? Where is it coming from?

Mr. DASCHLE. I respond to the distinguished Senator from Iowa, Mr. President, that this resolution could have been written by a good employer because the good employers that you and I talk to in Iowa and South Dakota understand and agree with what this resolution recognizes.

Mr. HARKIN. The one we adopted last Friday.

Mr. DASCHLE. Yes, the one we adopted last Friday:

> Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention.

Every good employer in South Dakota understands that. That is as clear and as unambiguous a principle of good management as you will ever find. So is the next one:

> Whereas there is a clear link between work-family policies and lower absenteeism.

So the Chamber of Commerce could write that. If we want to make sure we have low absenteeism, if we want to make sure we have high job productivity, job satisfaction, commitment to employers, and retention, what do you do? You tell those workers in more than just a resolution that their contribution matters, and that if we are going to ask them to work longer than a 40-hour workweek, we are going to compensate them for that.

We became one of the most productive nations in the world over the course of the last 70 years. Why? Because we had the most productive workers. Why did we have the most productive workers? Because there were enough businesses who understand those basic principles of good business.

That is all we are suggesting. Let's stick to those principles. Our country deserves no less.

Mr. KENNEDY. Mr. President, the Senator has been very generous with his time. I bring two matters to the attention of the Senator and ask whether he agrees; I have listened to the exchange between the Senator from Iowa and the Senator from South Dakota.

This chart I have points out that middle-income mothers are working 55 percent more hours today than 20 years ago. This chart shows 1979 up through 2000. We have seen this dramatic expansion of the number of hours that women are working in the workforce to provide for their families.

At the same time we are seeing this dramatic increase, we are finding out that there is a reduction in terms of overtime. As the Senator pointed out earlier, we are finding out that American workers—this column on the chart indicates the number of hours Americans are working in relation to other industrialized nations. So workers are working harder, they are working longer hours, they are more productive, and all they are asking is to be able to get decent pay.

But the question I ask the Senator is in relation to this particular chart. This is enormously interesting. Workers without overtime protections are more than twice as likely to work longer hours. If you take those workers who do not have overtime protection, they work more than twice as long as those who have the overtime protection.

If you take away this kind of protection, the word ought to go out to workers that they are going to have to work longer and harder for less pay because that is what is happening today. And that is what is happening for 40 hours a week. And for 50 hours a week, you work three times as long if you don't have any overtime protection than if you have it.

It is very clear that the Business Roundtable and others are correct as they understand that by eliminating the overtime pay it is affecting the bottom line.

Earlier I heard the Senator talking about what is happening in terms of the police and the firefighters. I bring this chart to the attention of the Senator and see whether he agrees. This is from the National Association of Police Organizations. The Bush proposal would deny overtime:

> Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts.

This is from the International Union of Police Associations:

> The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens.

The implementation of these rules would mark a critical step backwards for our public safety. . . .

> I just wanted to reaffirm what the Senator said in his excellent comments about the impact this would have on women, the impact this would have on first responders, and the real threat and danger this poses to the hardest working men and women in industrial society. They are the American workers and they have the most to lose.

I thank the Senator.

Mr. DASCHLE. Mr. President, I thank the Senator for his contribution and for his clarity with regard to the impact this will have on the workers who he has again addressed, and women in particular.

The irony could not be more evident. As we praise the American workers' productivity, we take away their very right to fair and just compensation. We drive them into schedules that require even longer hours, away from their children, away from their families. We adopt resolutions lauding them—the American worker and the working family—for the entire month of October. Yet we can't take 15 or 20 minutes on a Tuesday afternoon in September to say that we mean what we say in October—we are going to make sure you get the overtime you deserve when you work over 40 hours. How bitter of an irony is that?

Then, perhaps the irony of ironies, as we turn our attention once again to the great tragedy of 2001, in just 2 days, we will come to the floor and we will speak with reverence for those who lost their lives. We will thank those who continue to put their lives on the line. We will express, in as heartfelt a way as I know everyone can, on Thursday, how grateful we are to the first responders, to the policemen and the firemen all across this country—in South Dakota, in Massachusetts, and every place else—and then turn right around and take away their overtime.

How, in Heaven's name, can we say to any of them, with any credibility: We care for you. We support you. We are grateful to you. But we just don't want to pay you the overtime you have earned.

Let's not do that. The Senate, on a bipartisan basis, ought to rise above that kind of hypocrisy and say: We are not only going to support you next month, we are not only going to support you this Thursday, but we are going to support you every day—by simply supporting the law that has been on the books since 1938, the Fair Labor Standards Act. That is what this amendment is about, and that is why it is so important to many of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, I thank the distinguished Democrat leader for his comments and others for their comments. I was going to ask him a question myself, but I think our leader has already been standing on the floor for about an hour, so I will spare him that. I commend him for his eloquence on this issue and for his passion about it.

This is an issue that is befuddling, to put it mildly, to many of us. I have several amendments pending on the education bill. I would very much like to raise them on Head Start and on special education. We can't get there apparently because we can't get a vote on this simple proposition.

Not only are we not going to be able to vote on overtime this afternoon, but we can't even vote on whether or not we ought to do more on special education. We can't do something more on Head Start, title I, Pell grants. Here we are, coming in the midst of September, the waning days of the Session, with huge issues before us, and it is now the midpart of Tuesday—this started last week some time—and it would take, I suspect—and the Senator from Iowa is here, our leader; he can correct me—maybe another 15 minutes of debate and we could have a rollcall vote on this and move on.

I will take a few minutes to express my views, which are very similar to those expressed by the distinguished minority leader, as well as Senator KENNEDY, Senator DURBIN, Senator HARKIN, Senator BOXER, and others, on this matter. But I think it is a great tragedy.

I thank the leader for taking the time to express to the American public his great concern about this issue and the wonderment he expresses about why we can't even have a vote on this proposal. I thank him and I know he has a busy afternoon.

I want to share with my colleagues my own thoughts on this issue as well. I think it is remarkable. This is yet one additional bad decision after another when it comes to the economy.

We have seen what has happened regarding tax cut policy. I note an article written by Mike Allen and Jonathan Weisman in the Washington Post appearing this past Saturday, page A6, titled "Tax Cut Claims Gain Criticism As Employers Shed More Jobs." I won't read the whole article, but let me quote from it, if I may:

> Before the latest tax cut plan passed, White House economists had predicted it would add 1.4 million new jobs through the year 2004, on top of 4.1 million jobs that a growing economy would have generated anyway, a rate of 344,000 jobs created a month. By its own accounting, the Bush administration has fallen 437,000 jobs short of its own projections in August, a shortfall not lost on the President's critics.

We have seen already tremendous job losses in this country. The minority leader mentioned a job loss of 3.2 million jobs; 2.5 million of those job losses have occurred in the manufacturing sector of our economy; 93,000 jobs lost in America in the month of August, up sharply from the 43,000 jobs lost in July. For the seventh consecutive month, companies have slashed payrolls.

So the economy, when it comes to joblessness, is cratering. The tax cuts that the administration jammed through the Congress only a few short months ago are already demonstrating what a hardship they pose to the recovery and to putting Americans back to work.

As I mentioned, 93,000 jobs were lost in the month of August; 44,000 of those jobs in the manufacturing sector. Just over 2.5 million manufacturing jobs have been lost in the last 32 months.

African Americans and Hispanics bear the brunt of the economic downturn. The unemployment rate among African Americans is now hovering around 11 percent, almost twice the national average.

The unemployment rate among Hispanics is almost 8 percent. Long-term unemployment is on the rise. In August, almost 2 million people had been unemployed for over 6 months, triple the number at the beginning of the Bush administration.

A surge in discouraged workers masks the true impact of the economic downturn. Currently, 1.7 million people are marginally attached to the labor force. About 503,000 of these workers have stopped looking for work altogether because they believe that no work is available for them. That is an increase of 125,000 over the past year.

A new study suggests that job losses since 2001 are gone for good. A study by the Federal Reserve Bank of New York has concluded that the vast majority of job losses since the beginning of the 2001 recession were the result of permanent changes in the U.S. economy and are not coming back. This means the labor market will not regain strength until new positions are created in new economic sectors. Manufacturing is the area that is suffering the largest brunt of this decision.

An additional 1.3 million people are in poverty nationwide. The number of Americans living below the poverty line has increased by more than 1.3 million in the last year, even though the economy technically edged out of a recession during the same period. The number of families living in poverty went up by more than 300,000 in 2002, and the number of children in poverty rose by more than 600,000 in the same period.

We are heading in the wrong direction. On top of all that, we now have a decision being made by the administration to eliminate overtime pay. People in more than 250 white-collar occupations will lose their right to overtime. I won't list them all, but they include the critical areas of nursing, firefighting, police forces, emergency medical services, health technicians, clerical workers, surveyors, chefs, TV technicians, and reporters. Overtime pay will be eliminated.

I don't understand—in light of the news we are getting about the unemployment picture in this country and the hardships being faced, the rising level of poverty, the more difficult time families are having to make ends meet—why the administration persists in pursuing a policy of denying overtime pay. There was a very close vote in the House of Representatives. At least they voted. I am told the vote was 210 to 213 against blocking the President's proposed rule, so it was narrowly defeated by the Republican majority in the House of Representatives.

I want to know whether or not this body wants to confirm what the House and the President said they want to do. And should not the American public have the right to know what the answer of this body would be?

In 250 occupations, they want to know whether or not they are going to be able to get overtime pay. Overtime pay makes a huge difference for them economically. It can amount to as much as 25 percent of a worker's annual income. Denying 25 percent of someone's income at a time of already economic uncertainty is wrongheaded. It is dangerous for us to be pursuing that path.

I regret deeply that we will not have a chance to vote this afternoon on the administration's overtime proposal. We are faced with one more bad economic idea after another. We have the largest annual deficits in the Nation's history, one of the largest percentages of the gross domestic product, because they include, obviously, Social Security moneys in their calculations. We have lost more than 3 million jobs in the last 32 months.

Instead of working towards creating new jobs and helping working families and individuals, the administration has proposed a regulation to deny overtime protection to millions of people. These workers would have their jobs reclassified as professional, administrative or executive, even if their job duties do not change, thus losing the benefit of overtime pay. As I mentioned, more than 250 white-collar occupations could be impacted. Employees could be forced to work longer hours without the benefit of overtime pay.

I was speaking with a group of nurses in Connecticut. They were saying to me: We don't have the choice of not working additional hours in hospitals. If an emergency occurs, or there are problems with patients, you are always asked to stay on a few more hours and help out.

And they do it. The idea that we would be asking these people to continue to provide the valuable services they do to sick individuals in our Nation's hospitals and not provide them compensation for doing so is truly outrageous. The same goes for our firefighters and police officers.

Senator BOXER had it right when she said earlier: You can well imagine in the next 48 hours or so the kinds of images we are going to have, a replay of the tremendous outpouring of gratitude being expressed to the police officers and firefighters in New York and Connecticut, New Jersey, and others who gathered to fight for the lives at the World Trade Center almost 2 years ago. Yet what expression of gratitude do we provide them 2 years later? We tell them: Sorry, but your overtime pay no longer exists. What kind of a message is that to these people?

Asking employees to work longer hours and not providing overtime pay is significant because overtime pay can provide as much as 25 percent of a person's annual income. This is not the type of balance between work and family that the distinguished Democratic leader pointed out when we adopted unanimously a resolution offered last week. I was pleased to cosponsor S. Res. 210, a bipartisan resolution supporting striking a balance between work and personal lives as being in the best interest of worker productivity.

I find it terribly disheartening that at a time when this body is asking the

President to designate October as National Work and Family Month, the administration is working to finalize a regulation to strip overtime pay for millions of people.

The 1938 Fair Labor Standards Act has been the backbone of worker protection. Never in its 65-year history have such sweeping overtime changes been proposed.

Hard-working individuals are deeply concerned about these changes and many of us here stand shoulder to shoulder with them in expressing our outrage. It is unfortunate that we are not going to be able to have a vote today in this body on whether or not we can overturn that decision.

I also find it ironic that the President suggested he would veto the underlying appropriations bill on education and health services if this amendment is accepted. In fact, an August poll of nearly 900 adults found that 74 percent—cutting across all regional and political lines—oppose the Bush administration's proposal to eliminate overtime protection. Almost 75 percent of those polled said don't do it.

Further, in 2001, the Department of Labor commissioned its own study that concluded that the current narrow overtime exemptions under the Fair Labor Standards Act are still relevant today.

Why then did the Bush administration unveil these proposals last March? One can only conclude that whatever the reasons, they do not include supporting the ability of working people to earn a decent pay for a day's work.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. The Senator made two points. First, on the issue of police officers, fire individuals, and first responders, I believe the administration and the Department have made it very clear that those officers would not be impacted by this decision in any way and, in fact, to quote the President of the Fraternal Order of Police, the largest police union in the country representing 310,000 people, Chuck Canterbury, said:

> Thanks to the leadership of Secretary Chao, we have no doubt that the overtime pay will continue to be available to those officers currently receiving it. And if the new rules are approved, even more of our national police officers and firefighters and EMTs will be eligible for overtime. This development was possible because this is an administration that listens to the concerns of the Fraternal Order of Police and because of their commitment to the Nation's first responders.

The Senator from Connecticut represented a couple of times how police officers are going to be denied overtime pay. This is the president of the largest representative group of police officers in the country saying just the opposite. The Department has said just the opposite. The administration has said just the opposite. I am wondering what factual basis the Senator concludes that the head of the police, the National Fraternal Order of Police, is wrong; the Secretary of Labor is wrong; and the administration is wrong on this point?

Mr. DODD. Mr. President, very simply, as my colleague pointed out, I would be delighted if the administration was going to change its policy. I wish they would do it across the board, just back this up all together.

The fact is, if you do a simple recategorization of what these people do as either being professional, administrative, or executive, then you are covered under this rule. I don't know what the various heads of these organizations are saying, but that is what the regulation that has been proposed by the administration says. Within the 250 employment categories, police and firefighters are included, if they are recategorized. If you do not recategorize them, they are going to be fine. But you leave that up to the whim of whether you want to move them to those different levels of pay. That is how they get covered.

Mr. GREGG. Will the Senator yield for a further question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. Mr. President, I tend to side with the head of the National Fraternal Order of Police in his assessment of this situation and the commitment made by Secretary Chao that the police officers, fire individuals, and EMTs will not be impacted. It has been made very clear the regulation has no impact on them, and I think it is just not correct to make that statement, although I can understand the Senator can read the regulations and has concluded that, but nobody else has.

Mr. DODD. Mr. President, let me respond to my friend. The National Association of Police Officers and the International Union of Police Associations oppose the regulations. We have correspondence from them. There is obviously some disagreement.

Mr. GREGG. Opposition is not the issue. The issue is whether police officers, fire, and EMT will be affected. I believe the administration made it clear they won't be affected, and I believe the assessment, as reflected in this quote from Mr. Canterbury, is accurate.

My second question is on the issue of nurses because the Senator also said all nurses would be affected. I am sure, as the Senator knows, nurses are already exempt from the FSLA, and to the extent nurses are affected by overtime, it is because of a contractual agreement in their union contracts. As a practical matter, therefore, the vast majority of nurses who are subject to union contracts will have no impact on their overtime, and there is no adjustment here in any way to the nurses of this country, as again has been made clear by the administration and again reflects the fact that the present law is in place and that nurse overtime is tied to contractual agreements, not to FSLA regulations.

To throw the nurses in—and I can go down, actually, the whole list. I could go down to cooks, reporters, clerical workers, teachers, physical therapists, lab technicians, social workers—all these individuals who have been put on the Senator's list actually are not on the list. They actually are not on the list.

Mr. DODD. Mr. President, let me regain my time and respond. I appreciate my colleague raising these questions. I ask unanimous consent that letters from the International Union of Police Associations and the National Association of Police Organizations, expressing their opposition to the regulation, be printed in the RECORD.

INTERNATIONAL UNION OF
POLICE ASSOCIATIONS, AFL–CIO
Alexandria, VA July 25, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: In the very near future, either an amendment, or a stand-alone bill, will be brought forward in the Senate which will seek to restrict the Department of Labor (DOL) from implementing any regulatory rules changes in the Fair Labor Standards Act that would remove workers' overtime rights. It would not interfere with the Secretary's ability to expand overtime protections for low income workers. On behalf of the International Union of Police Associations (IUPA), representing more than 100,000 active duty, rank and file law enforcement officers from across the country, I urge you to support this effort.

On March 31, 2003, the DOL's proposed rule changes were first published under the guise of expanding overtime rights to lower paid employees. These rule changes, if implemented, would dramatically alter the classification of workers who could be exempted from the provisions of the FLSA and the 40-hour work week. These changes would reduce the compensation for our nation's police officers and EMS personnel, just as we are routinely calling on them to do more and more in the interest of national security. The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens. The implementation of these rules would mark a critical step backwards for our public safety officers, just when we need to be moving ahead.

IUPA has been closely following the events surrounding these changes. We consider this legislation to be the most important single issue we face. Its critical impact on rank-and-file law enforcement officers throughout the country makes it a true litmus test, when it is time for us to decide who truly supports the men and women who form the thin blue line. We intend to carefully note and announce to our membership those who are willing to stand with our nation's police and firefighters with their votes. Whatever form this struggle takes, I hope we can count on your support. If you or your staff desires any additional information from IUPA, I hope you will feel free to call upon us.

Very Respectfully,
DENNIS SLOCUMB,
International Executive Vice President.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Washington, DC, July 14, 2003.

DEAR SENATOR: The full Senate will soon consider the Labor HHS Appropriations Bill, S. 1356. On behalf of the National Association of Police Organizations (NAPO), representing 230,000 rank-and-file police officers from across the United States, I would like to request your support for an amendment to S. 1356, which will be offered by Senator Tom Harkin (D-IA) and will safeguard the ability of millions of Americans, and America's law enforcement officers, to continue to earn overtime pay for their professional efforts.

On March 31, 2003, the Department of Labor issued a proposal which called for significant alterations concerning the ability of law enforcement officers to receive hard earned overtime pay. Under the Fair Labor Standards Act of 1938, most workers, including law enforcement officers, are entitled to overtime pay for excessive time worked. The Department's proposal dramatically lowers the bar for employers to classify employees as "executive, administrative or professional," thus exempting them from paid overtime status.

If allowed to go into effect, these proposed regulations will have a tremendous impact on workers who depend on overtime pay, not as an added frill, but as a necessity to ensure the promotion and well being of their families. Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts. These proposed regulations have seen no hearing nor achieved any legislative approval.

The Harkin Amendment will protect these benefits and only blocks the expanding of exemptions for those who are currently eligible for overtime, while not blocking efforts to expand overtime eligibility for more workers. I hope you will support the amendment and ensure these hard earned benefits. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Lucian H. Deaton, at (202) 842-4420.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. DODD. Mr. President, I will address both points my colleague has raised. If my colleagues on the other side are so concerned about first responders, why not just oppose the regulation altogether because this is the major group about which we are talking. For example, let me point out what I am suggesting.

Police sergeants and lower-level police supervisors are likely to lose their overtime through the executive exemption. Let me explain why.

The fact that a sergeant performs nonmanual work such as walking the beat during 90 percent of his work hours does not matter if he also has a primary duty of supervising two officers or performing nonexempt administrative work.

Highly compensated police officers will not even have to have a primary duty of performing exempt work. If they perform any "office or nonmanual work" and perform any one exempt duty of an executive, administrative, or professional duty—no matter how little of their time is spent doing it—they lose the right to overtime.

How much imagination does it take to move people into those categories to be exempt from overtime compensation?

Police departments have been prevented from exempting police officers who teach in police academies because the instructors did not exercise sufficient independent judgment and discretion in how they taught their courses. The proposed rule eliminates the requirement for independent judgment and discretion.

Under the current law, an exempt executive is an employee "who customarily and regularly exercises discretionary powers; and who does not devote more than 20 percent . . . of his hours of work in the workweek to activities which are not directly and closely related to the performance of [exempt] work. . . .

Under the proposal by the President, those current law requirements are eliminated.

Let me address the nurse issue. Nurses, skilled health technicians, and technologists could lose their overtime protection under the proposed regulations because of the changes to the educational requirement.

Registered nurses who do not hold a bachelor's degree are currently eligible for overtime protections, unless they hold administrative or managerial positions.

Under the Bush proposal, these RNs would lose their overtime protection if they have a few years of work experience.

Nonmanagerial licensed practical nurses—LPNs—have a right to overtime protection under current law. Under the administration's proposal, LPNs with a few years of work experience would also lose their right to overtime compensation.

Let me read current law and then read the regulation proposed by President Bush.

The current law:

> Employees are exempt if they do "work requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes."

Under the President's proposal:

> Employees qualify for exemption as a learned professional if they have a primary duty of performing office or nonmanual work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of intellectual instruction, but which may also be acquired by an equivalent combination of intellectual instruction and work experience.

That is very broad, very general language. Obviously, one can drive a Mack truck through it. That is why the nurses of this country, the RNs and LPNs, are vehemently opposed to this proposed regulation, because they know exactly what is going to happen, just as police officers do. That is why so many of us feel so strongly about this and why we would like to vote on it.

If a majority wants to uphold the President and vote for this stuff, then so be it; the Administration can go forward and it will become the law of the land. But I would like to know where 100 Senators stand. America would, too. As I mentioned, nearly seventy-five percent of the people polled in a recent survey said they are opposed to the administration's proposed rule. Let's find out where this body is. I think the proposed rule to eliminate overtime pay is wrong and I support the Harkin amendment. I hope that we will have a vote soon and I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I always enjoy the eloquence of the Senator from Connecticut. I am a great admirer of him as a legislator and as a colleague in this body, but I must disagree with his analysis of what this proposed regulation does.

Let's begin with the fact that this is a proposed regulation. That means it is not final. It means the Department is still in the process of adjusting it, of building it, of designing it. They have received 80,000 comments.

The approach of the other side of the aisle is to say we do not care what the 80,000 comments were; we do not care what the process is for regulatory review. We are going to step in, and we are going to unilaterally decide that a law that has not been adjusted in over 30 years is a good law, shall be law, and shall never be changed. It makes very little sense.

When this regulation was initiated, America was an entirely different country. It had a different employment structure, different individual types of responsibilities within the employment structure. We had jobbers. We had people who were working on the line as the primary responsibility of our manufacturing structure. Today we are a much more mobile society. We are a much more dynamic and flexible workplace. We are a workplace which reflects massive change in the way we compete and are successful as an economy.

Yet a law passed 30 years ago does not keep up with those changes. It has not adjusted to the change in the workplace that has occurred as a result of the information age coming to fruition. It does not reflect the fact that so many people who work in the workplace today earn a heck of a lot more than what they were paid under this law when it was originally passed.

On the face of it, the administration has done a job of trying to address low-income individuals. They have said under the present law that if someone earns $8,000 or less, they can get overtime by law. Well, that is ridiculous. That is a ridiculously low number.

What this administration has said is if a person earns $21,000 or less, they will have the right by law to get overtime. It does not matter how their job is classified; they have the right to overtime. That is a very reasonable approach. Basically, it empowers an additional 1.3 million people in this country who will automatically be qualified for overtime who are not qualified for it today because of this absurdly low threshold which was placed in law over 30 years ago. That is the type of reason we need to revisit this type of regulation.

It is also important to recognize that there is a huge debate over who is and who is not covered in this law. A think tank—and we have a lot of them in this city and they are all very aggressive—which is essentially funded by the national Washington labor movement came up with this number of 8 million. So I have kept asking my staff: Well, how did they get to 8 million?

The Department, which used outside counsel, outside consultants, and a bevy of outside experts in this law, and economists, came to the conclusion that this will give 1.3 million people overtime and it may affect somewhere between 600,000 and 700,000 who might lose their overtime under this law. They decided that that trade-off was worth it, first because on the plus side more people would be getting overtime than not, but secondly because the law has become so convoluted, so complex, and has such a large gray area—as one moves into the higher income brackets, people up around $65,000—that we basically created a lawsuit mentality in the area of the workplace relative to overtime pay questions.

In fact, this is the fastest growing area of lawsuits for trial lawyers. This is sort of the new oil field they have struck. You know how sometimes we strike oil fields in Kansas or in Saudi Arabia or in the North Slope. Well, this is the new oil field that the trial lawyers have struck, which is the inconsistency, the confusion, of the overtime law. It has become the new gusher for one element of the bar.

The Labor Department said: Let's try to straighten these regulations, get some order to them, make sense of them. Did they do a perfect job? No, they did not. That is why 80,000 comments came in. I do not subscribe to this regulation as it is presently structured. I think it can be improved and I think the 80,000 comments are probably going to significantly impact the way the Department of Labor addresses this regulation, but I do not think we should short-circuit the process and suddenly say no, it does not work.

If it is such a bad regulation when it finally comes out, we have the ability in this Congress, as we are now proceeding to do under the proposal of the Senator from North Dakota in the area of FCC ownership, to bring to the floor an amendment on a privileged resolution within a very short period of time that only requires 36 signatures. We have to bring it to the floor, we have to debate it for 10 hours, we have to vote on it, and then we can repeal this. We ought to at least give the process the ability to move forward to see if we can straighten out some of the fundamental flaws of this law which have over the years evolved to a point where we basically have created a new gusher for trial lawyers but very little constructive, efficient, market-oriented events for the productive side of our community, which is the workers.

To get back to the question of how many people are impacted, as I said, the Department of Labor came up with their numbers which were independently evaluated, independently reached, and which were certified essentially by people who understand and who are expert in this area. Where did this 8 million number come from, that we have heard bandied about as if it had been sacrosanct, delivered to us from the mountain on high, by some tablet that said 8 million workers are going to be impacted?

This number came, as I mentioned, from some think tank in Washington, which think tank is funded by an interest group which has a very significant role in this debate, which is the major labor union leadership in Washington. It was put together not by a group of economists, not by a group of experts in this law. It was put together by two individuals whose expertise in this law is new, to be kind. I think one has a social worker's degree and the other has some sort of other degree, but they are not recognized national leaders in this area.

They did not support their findings with anything that was substantive. They just sort of picked a number, 8 million. They picked that number, it appears, without, one, understanding the regulation as it was proposed, two, maybe stretching it as it has been proposed, or, three, just simply fabricating the number in the sense that the number has no relationship to anything the regulation actually says.

Let's begin with the biggest fabrication in their proposal of 8 million, which is that they have included part-time employees. Now, how they can include part-time employees, which is probably about 6 to 7 million of the people they added to the 8 million—I do not know the number because they did not attach a number to it, but part-time employees is a big number in our society—is beyond me when we are dealing with a law that requires someone to work 40 hours a week before they can get the overtime. By definition, a part-time employee is not kicked into overtime except in that rare case where they decide to become a full-time employee, and then they should not be counted as a part-time employee under this proposal.

So right off the bat, that 8 million is extraordinarily suspect as to the vast majority of the numbers in that 8 million.

Then we go down to the other folks they added to their list, and we begin with the firefighters. Independent of what my learned friend on the other side of the aisle says, the fact is it has been made very clear by this administration, by the Secretary, and by the people who are involved in the drafting of this regulation that firefighters—firemen and first responders, such as EMTs—will not be impacted by this language. That is why, I presume, the national chairman of the organization, the Fraternal Order of Police, has essentially signed off and said that is the case.

I submit, since we are submitting materials, a release from the FOP, which is entitled "F.O.P. Confident of Satisfactory Resolution on DOL Overtime Regulations," and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

F.O.P. CONFIDENT OF SATISFACTORY RESOLUTION ON DOL OVERTIME REGULATIONS

Today, National Fraternal Order of Police President Chuck Canterbury announced his full confidence in the success of the F.O.P.'s efforts to protect the right to overtime pay for more than a million public safety officers across the nation. Following a productive dialogue with U.S. Department of Labor (DOL) officials regarding the proposed changes to the rules governing overtime compensation, Canterbury asserted that the issue would be resolved to the benefit of our nation's public safety officers.

"Thanks to the leadership of Secretary Chao, we have no doubt that overtime pay will continue to be available to those officers currently receiving it and, if the new rules are approved, even more of our nation's police officers, fire fighters and EMTs will be eligible for overtime," Canterbury said. "This development was possible because this is an Administration that listens to the concerns of the F.O.P., and because of their commitment to our nation's first responders."

On 31 March, the Department of Labor published a Notice of Proposed Rulemaking in the Federal Register to revise and update the exemptions from overtime under the FLSA for executive, administrative, and professional employees. The F.O.P. was the first union to weigh in on behalf of America's law enforcement community regarding the proposed change and recommended the exclusion of all public safety personnel from the Part 541 or "white collar" exemptions from overtime—including those employees who are classified as exempt under the existing regulations. The organization argued that the exclusion of these employees was necessary because of the increased burdens placed on public safety officers following the terrorist attacks of 11 September 2001.

"Since the beginning, it's been clear from our dialogue with Secretary Chao and Department officials that it was never their intention to cut overtime for public safety employees," Canterbury said. "So we decided early on that the interests of our members could best be served by working cooperatively with the Department. While others saw an opportunity to demonize this Administration, we chose cooperation over conflict, partnership over partisanship."

Canterbury also noted that it was this spirit of cooperation that led DOL to agree that public safety officers should not be classified as exempt under the proposed regulations. "To the F.O.P., this was never a partisan political issue," Canterbury said. "Instead, it was a chance to make things better for police officers and their families."

"Thanks to the dialogue between the F.O.P. and the Department, we are confident that when the final regulations are issued, that overtime pay will be available to even more public safety officers in the country than under current regulations," Canterbury said. "What we have accomplished by working together will be arguably the most significant victory for public safety officers in decades."

In a recent speech at the organization's 56th Biennial National Conference in Providence, Rhode Island, Labor Secretary Elaine L. Chao praised the F.O.P.'s work on the issue. "The bottom line is that Chuck Canterbury and the F.O.P. are known for bringing facts and constructive solutions to the table," Chao said. "That's why you are respected, that's why you get results, and that's why police officers trust the F.O.P. to look out for their interests."

On 1 September, Canterbury also traveled with President George W. Bush to a Labor Day event at the Ohio Operating Engineer's Richfield Training Center in Richfield, Ohio, where the President spoke on jobs and the economy. Traveling with key Administrative officials afforded President Canterbury the opportunity to continue the dialogue on this important issue.

Canterbury concluded by clarifying what the new rules, if adopted, will mean to rank and file officers across the country: "Basically, if you get overtime pay now, you're going to keep it. If you're currently exempt from overtime pay, you may be getting it very soon."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 310,000 members.

Mr. GREGG. That is a big chunk, but how many police officers and firefighters and EMT workers they included in that number, I don't know. I would not be surprised if, of the million or million and a half or maybe 2 million who were not part time who were included, it is probably close to about half that. I don't know because this report did not have the integrity to put the numbers on their people.

They also included nurses. As we just had this little exchange, nurses are already exempt from FLSA. The reason for that is they are deemed to be essentially professional as a result of their training experience. The present law is fairly clear in this area. I believe I have it somewhere here. Basically it makes it very clear that nurses are not covered by FLSA. The reason nurses get overtime is because the vast majority of nurses reach a contractual agreement in their union negotiations which gives them overtime. Those are not going to be changed, obviously. As a practical matter, nurses should not be included. So there you have another, who knows, 200,000-plus people who were added to this 8 million number, which is bogus.

Then you have cooks. There is a difference here on cooks. There are chefs, professional chefs—yes, they would probably lose overtime, or be suspect, or have that as part of the compensation, depending on whether they have a union contract. The 4-year culinary school graduate who is a professional chef who manages a kitchen, that person is probably going to have to negotiate their overtime independent of these rules. But there are not any other cooks who are going to be covered. The fellow working down at the local diner or the persons working in a restaurant are not going to be covered by this law because they are clearly not exempt individuals. The vast majority—who knows, probably 90 or 95 percent—are not going to be exempted and will continue to get overtime.

So you have a number, however, that was included, which I believe is all the cooks. At least that is the implication of the language. Probably another 200,000 people are in that category of work.

Reporters—this is another one listed by my colleagues across the aisle. All reporters are going to lose their overtime. That is a fight reporters have been having for a long time. That is a fairly public fight, whether reporters are professionals or not professionals. I guess every reporter has to get up in the morning and look in the mirror and decide whether they are professional. But those who decide they are not professional who want overtime are going to have to negotiate their union contracts for that, probably, because as a practical matter that reporter issue is being settled in the court system.

How it breaks down is very much an issue. But it certainly is not going to be affected by these regulations. It is already decided in large part by court decisions and will continue to be so. So to throw reporters in here is again a very bogus figure.

Clerical workers clearly are not going to be covered. The vast majority are not going to be covered, vast majority are not going to be covered by this regulation nor will it have any impact on their overtime.

Teachers are entirely exempt by law already from FLSA. To put teachers on the list is again misleading. It either reflects a lack of knowledge of how the law works or an intent to try to inflate the number. Teachers clearly get overtime, but it is a function of their contract negotiations, not a function of FLSA.

The same goes for physical therapists, lab technicians, and social workers. In all these categories the vast majority of people who fall in the last three categories are not going to be impacted in any way by this proposal—by exemption, but will continue to get coverage for overtime activities or will pick it up through their union contracts, many of them being unionized, especially social workers, for example.

As a practical matter, what we have here is a grossly inflated number which has no economic or statistical support behind it, which has virtually no law support behind it, especially in the biggest categories—part time, police, fire, first responders, nurses, and teachers. And as a result, this number of 8 million which we keep hearing thrown out on the floor is a bogus number. It is a completely bogus number.

The real number is probably closer to what the Department had assessed by outside counsel, by outside review, and which shows a plus. In other words, it shows more people are going to get overtime out of this regulation change than have the potential of losing overtime under this regulation change.

Does that mean it is perfect? Of course not. There are ways to improve it, as I mentioned when I started, with 80,000 people commenting on it. But this issue is clearly not ripe for this Senate to be acting on it. Let's wait and give the Department a chance to review the options, review what it hears from the various people including, I think, some very cogent and thoughtful comment that came in from some of the major labor unions that are concerned about this. Although if you are in a labor union, by definition you are probably not going to be impacted by this law. But as a practical matter—you may be. As a practical matter, there was cogent, thoughtful comment put forward. There were 80,000 comments. Not all of them, I assume, were cogent and thoughtful, but a great deal made some thematic sense. Let's allow the Department to sift through this and update a law or regulation that has been on the books for 30 years and really does need updating. We are a different society. We have a different work structure now. We have a much more flexible and educated workforce, a highly technical workforce, a value-added workforce. We need to have an overtime law which reflects and answers the needs of that workforce, not the needs of a workforce in 1950 or 1960.

I simply say it is premature to be going forward with this proposal at this time. Let's wait until the final regulation is passed. It is extremely inappropriate for us to be going forward on the basis of a number which is being used as the bludgeon for pushing through this amendment, this 8 million figure, which is totally inflated and, in my opinion, clearly bogus and inaccurate, especially if you compare it with the hard figures which were brought forward by the administration on this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend leaves the floor, and I don't want to keep him waiting while I make my statement, I think he made some interesting points. As he knows, I generally have great respect for him. But some of these things sort of don't pass the smell test. I ask the rhetorical question: Does anybody in here believe this administration is changing work rules in order to be able to pay more people overtime?

Let me say that again. Does anybody believe the Secretary of Labor, and this President of the United States, backed by the Chamber of Commerce and many other decent, honorable business people as their core supporters, is trying to change the law to give more people access to overtime?

Mr. GREGG. If that is a question which the Senator has presented, which I think was rhetorical in its nature?

Mr. BIDEN. I would be happy to have you answer it.

Mr. GREGG. By definition, this administration has shown it intends to give more people overtime. It has said people now earning up to $21,000 will be guaranteed overtime. Under the present law, if you are earning up to $8,000 you are guaranteed overtime, but between $8,000 and $21,000 you can be doing a number of jobs in the country which deny you overtime, where your employer can say, I am sorry, we are not going to pay you overtime because you happen to be an exempt employee. Under this proposal from this administration, over 1.3 million people will be getting overtime they would not get under the present law because the threshold goes up to $21,000.

I appreciate the Senator's question.

Mr. BIDEN. I am delighted to hear that. I am glad to see the President has had an epiphany. I find it absolutely fascinating. I come from a corporate State. I come from a State where business is a great citizen and they are very active. I have never had one small businessman, I have never had one large businessman, I have never had one come and say: You know what the problem is here, Biden? You Democrats are denying people overtime. We want to expand that contract made in the thirties between labor and management to make sure our workers who are not getting it get overtime.

As they say in the neighborhood I come from, give me a break. Give me a break.

I am going to go to my formal statement in a moment. My friend from New Hampshire made a couple of very important points that are accurate, but draw exactly the wrong conclusion. He said that, in effect—my words—the social contract we entered into 30, 40, 50, 60 years ago with American workers said if you engage in manual labor, you will be rewarded for your efforts. We the American people, we the American Government value manual labor. We value what you have done to build this country. We are going to make sure that you get treated fairly. One of the things they said that related to being treated fairly was that nobody should have to work more than 40 hours. That was a judgment made. In Germany, or in France—I don't know which one it is—they say you only have to work 35 hours, and there is a debate about whether it should be 40 or 50 hours.

We made a deal as a nation. We said: Look, if you work more than 40 hours—those of you who do manual labor—you ought to be compensated time and a half for doing it—just like you work on Sunday. They say that is a day of rest. Most contractors say if you have to work Sunday, we will pay double time. That was the deal we made.

As my friend points out, there are not many manual labor jobs left in America. We have exported them overseas—or the bulk of them overseas. We made it easier for business to take all those manual labor jobs and send them overseas. This is a different world. We have now become a service economy. We have a lot less people doing manual labor. What was the underlying rationale as to why we were going to pay people overtime? We were going to pay overtime not to those who did manual labor. That is what it happened to turn out to be. We said we are going to give people overtime if in fact they are in the workplace and they don't have control over their destiny. They do not get to determine the work rules. They don't get to decide how much longer they will keep the lathes going. They don't decide whether or not they work on Saturday or Sunday. It is about control.

The underlying rationale was we said workers who by and large were manual laborers and do not have a say in their work conditions, do not have a say in how they function, do not have a say in whether they start at 8 or 10 in the morning or 4 in the morning, do not have a say in when the shifts run, and do not have a say in whether or not they get a window outside their work space, we are going to pay those guys something when we ask them to work more than 40 hours.

But for those folks who have a say, and those folks who have some control—theoretically white-collar workers, people who get a room with a view, people who have some say on whether or not the boss starts the shift or opens the door at 8 in the morning or 4 in the morning or 10 in the morning, and those folks who are more like management—they have a say and we are not going to compensate them. Their compensation is in effect because they have a say.

As a former Governor of California used to say, there is psyche remuneration for being white collar.

Just like around here, I get to pick my office. I get to decide whether I have a room with a view. I get to decide to have a more commodious work space. The person who works for me who happens to be answering the mail doesn't get that decision. If I put the mail room in a place where there is no window, as long as it meets OSHA's requirements, they work. Guess what. Hang on everybody. For those of you who ain't management, you ain't going to get overtime anymore when the boss says: By the way, show up. I have an election. You get overtime now. You all get overtime. Get ready.

At any rate, the point is this: It is about control.

My friend said the world has changed. It is a different economy than it was in the 1950s and 1960s. That is right. But if it is based upon the premise of control, which is the underlying rationale for the Fair Labor Standards Act, I would argue my friend from New Hampshire is right. The world has changed. But guess what. White-collar workers don't have control now. As we move to a service economy and white-collar workers, we don't have people digging ditches. We don't have people lifting lumber. We don't have people moving heavy equipment. They are still there, but we have white-collar workers who wear blue collars and who are in high-tech industries and industries that are the service economy—who work in restaurants and work at all these other places—who, in fact, still have no control.

Let me ask you a rhetorical question. Am I missing something here? Every single survey I have read during the last decade asking about satisfaction that American workers derive from their jobs—am I wrong or have all those surveys come back and said there is less satisfaction?

We are not allowed to talk to the galleries. So I am not going to.

But I wonder whether people watching this or sitting in the galleries as I ask a rhetorical question will ask themselves this: Am I satisfied in the workplace? Do I feel my job is rewarding? Do I have any element of control over my job?

The funny thing I have found is whether they are a DuPont engineer or a chemist or an analyst at a brokerage house, they are all afraid they are going to show up one day and find that the company has been sold and they don't have a job. They don't have any control. Guess what. They don't have much.

I agree with my friend. The world has changed. But the values haven't changed. The value we are operating on is that people who do not get much say in how and when and where and under what conditions they work when you ask them to work more than 40 hours should get paid overtime. The fact that there are fewer people wearing sweatshirts and sweating as they perform their jobs is not the issue. How many of those folks in the new service economy have any more control over their jobs than those folks who did manual labor 40 years ago?

That is the first point I want to make.

The second point I want to make to my friend from New Hampshire, who is a very bright guy—I am not being solicitous; he really is.

The second point I make, I agree. He says there is more flexibility in the workforce. I will make a bet. I will make the staffers and my Republican colleagues a bet. I bet if they go out tonight, as they stop in the grocery store or stop to pick up the bottle of milk, or if they are single, stop at the local watering hole to commiserate with their colleagues, ask the following question to whomever they encounter: What does flexibility in the workplace mean to you? Although I have never done this, I make a bet the answer everyone gets is the following: It means my boss can fire me when he wants. It means I have to work part time. It means I am flexible, but they do not have to pay health care. It means I do not have to get benefits I used to get when it was not so flexible.

Flexibility does not translate into control. It does not translate into you being able to determine, in effect, compensation for being asked to stay longer, the environment in which you work or the circumstances in which you work. Flexibility translates to most American workers as flexibility for the boss to tell me I am part time.

My friend did point out part time. I am not going to get into a debate whether it is 8 million or 1.3 million. That is focusing on the trees and not the forests. What is the big picture, folks? The big picture is my Republican colleagues have a very different set of values than I have. They are good people. They are decent people. I am not impugning their motive, but they have a different value set. I think the basic principle is if, in fact, you work in a circumstance where you do not have much control over your environment, and I ask you to work longer than 40 hours, you should have to be paid overtime. That is a basic fundamental value. To me it is simple.

What has this President done? He is a decent, honorable man. What has he done? He has a very different view of American labor and the rights of American labor. Look at his tax structure. All our existence in this last century and the beginning of this century, what was our tax structure designed to do? It was designed to treat the guy and woman who make their living using their hands the same way as the guy who makes his living using his head.

We did not make a distinction in this country based upon whether you pay taxes—until now. What has this administration said now? It depends whether you have—and it is a fancy term—earned income or unearned income. All those listening to me know the difference. Earned income means when you receive a salary, basically. Unearned income is when you have a return on an investment.

What have we done in trying not to tax dividends? We have said, if you sit in your living room, in your home library, in your corner office on the 67th floor, wherever you sit, and you manage your investments, you do your work with your brain alone trying to figure out how to best place the money you have to get a return, if you make money, if you make that week $1,000, then we are not going to tax you. But if you run a piece of heavy equipment, digging out the World Trade Center, and you make $1,000 because of your hourly wage and your overtime, we are going to tax you. Ain't that sweet?

This is the administration—my friend from New Hampshire wants me to believe—that is changing these rules in order that more people will get overtime. That does not pass the laugh test. Look, even the stenographer knows I am telling the truth. It does not pass the laugh test. Let's get real here, OK.

There is a sound philosophic argument for the position of the Republicans based on a different value set than I have, but it is sound. They argue the reason why you shouldn't tax the guy who doesn't break a sweat is because he will provide the liquidity, the pooling of money out there from which people can borrow money, make investments, cap investments, to put guys like my dad to work when he was alive. God love them being so concerned about my dad. But that is a legitimate argument. And what they say is, we value that effort, because it is a more societal consequence, than we value the guy sitting behind a crane or a heavy piece of equipment because we will tax him, but we will not tax the guy who creates something of greater value. He does not break a sweat. He does not put his body at risk. He puts his money at risk.

Now we are creeping into a two-tiered notion of what is the most valuable thing to be compensated in this country. It is a legitimate argument with which I fundamentally disagree. Make no mistake about where those guys are coming from. Don't try to tell me they are trying to help my brother, the laborer. Don't try to convince me they are trying to help the average middle-class guy. Don't try to tell me they are trying to create wealth among those who are raising their kids in split-level homes and trying to pay for tuition. Don't try to tell me that. They are trying to do that indirectly because if you let the big guy have more money, he will take a greater risk and he will invest it and maybe employ that man or woman in the $100,000 split-level home with three bedrooms and four kids. But for God's sake don't tell me that is their major concern.

This is about values. It is obvious this administration does not have the same value set, at least speaking for myself, that I have, or that we have had, or value the social contract in effect that we fought over all during the teens, 1920s, and 1930s, and began to put into place in the 1940s, 1950s, and 1960s.

The nature of the economy has changed, but the nature of those who have control and do not have control has not changed. That has not changed. Those numbers and proportions have not changed. This is not fair. But it is consistent. It goes back to the trickle-down, bubble-up disagreements, a very simplistic way to show the differences between our parties. We think average folks can actually make decisions for themselves. We think they can actually and should be rewarded for what they do. That will generate economic growth. They think, no, let the wealthiest among us make those judgments and that will trickle down and benefit my noncollege-educated father and mother. It is a legitimate argument. But it is different value set. It is a different way of looking at the world.

For Lord's sake, do not try to convince me this administration is seeking to change the overtime work rules so more people get overtime. In the last 3 years, more than 3 million private sector jobs have disappeared. And for each of those 3 million jobs lost, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or at least deferred. A job loss is not just another statistic, it is a real human tragedy.

Paraphrasing President Truman, and I didn't know what he was doing at the time, my grandfather Finnegan from Scranton used to say, Joey, when the guy up in Throop loses his job, it is an economic slowdown; when my brother-in-law loses his job, it is a recession; when I lose my job, it is a depression.

There is a lot of depression for a lot of folks out there. For 3 years now, this administration has told us that tax cuts are the only thing we need to do to get this economy rolling. They said tax cuts were all we needed to create new jobs. You know the talk about creating new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single—hear me now—a single, not one net new job to the economy in the United States of America—not one. And I will bet the President anything he wishes to bet that at the end of his term—defeated or reelected—on election day 2004, this will be the first administration since Herbert Hoover not to create one single solitary net new job. As they used to say on "Saturday Night Live," "Ain't that special?"—not one new job.

Not only have we failed to create new jobs, we are losing the ones we have. Tax cuts were the only policy we had, but it is painfully clear they haven't worked, at least in relation to jobs. And now it is clear that tax cuts and deficits are credited for crippling our ability to meet our responsibilities here at home in homeland defense and to shoulder the burdens we face around the world, at exactly the time the President has rightfully called on us to come up with another $87 billion for Iraq.

I think it is time to ask the question: If we are not going to create any new jobs—and the President's Council of Economic Advisers argued, by the way, that last year's tax cuts would produce 5.5 million jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promise already. I challenge them to create one new job during this administration.

The latest official numbers look slightly improved on paper, but that is because nearly 2 million men and women who have been out of work for over half a year know that good jobs are just not there so they have completely given up looking for work.

I know my friend from West Virginia has been through a lot. He could, not figuratively but literally, write a book on this. He has witnessed what has happened to his coal miners. He has witnessed what has happened to the folks in his State. He has been through a depression. He was part of those who worked us out of that. He knows what not having a job means to somebody.

So most of us here—all of us, Democrat and Republican, know that the key to our dignity as human beings is being able to provide for ourselves, and it is also the key to a healthy economy.

A jobless recovery, which we have right now, means nothing to the millions still out of work. And this so-called jobless recovery is in danger of causing the recovery as a whole to sputter out because its foundation is not very solid.

There is little hope for sustained, healthy economic growth without solid, good-paying jobs. Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they are going to have a secure job, a job that pays a fair wage for a fair day's labor.

For over half a century, American workers have known what that meant: a 40-hour workweek and time and a half for overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

So I would just ask, what has changed in America that says when you work more than 40 hours a week, you should not get compensated more for it? What is it that has changed that says the premise of overtime pay is no longer sound? What is it? What is it that has changed, that is different from the agreement we made—business and management and labor—that if you don't control your work environment, you should be compensated monetarily when you are asked to work in that environment beyond 40 hours? What has changed?

What is happening? Have we taken on a new set of basic values or is there something in the marketplace that has changed that demands this?

I will conclude with this. The irony of all of this is that at the very time when people are feeling less secure physically, the very time when people are feeling less secure about their jobs, at the very time when we have lost millions of jobs, and no reasonable prospect of seeing them regained in the near term, why is it they have to pile on now—pile on now—and begin to change that basic contract?

You would think they would at least have the good grace and the courtesy to wait until things have improved a little bit. It just seems to me to be really bad form, just bad form, because you know a lot of those guys and women who are making overtime are helping pay their mother's prescription bill, are making sure that their brother, who lost his job, is able to keep his kids in school.

A lot of that money for overtime is family overtime. And now we want to change that. I think it is getting a little bit greedy. I think it is just a little bit greedy. I think it is bad form. And I sincerely hope I turn out to be wrong. I sincerely hope the economic conservatives in this administration really are attempting to provide a change in the rules to make sure that more people get overtime. I will come to the floor and say: I'm sorry, I misjudged you. I thank you for your concern for working-class people. I thank you for your concern that not enough of them were getting paid overtime, and I appreciate the fact you are now willing to pay more people more overtime. I don't think I will have to make that speech. I hope I am wrong.

Mr. President, last month 93,000 Americans lost their jobs. Over the last 3 years, more than 3 million private sector jobs have disappeared. And for each one of those 3 million lost jobs, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or deferred.

A job loss is not just another statistic, it is a real human tragedy.

For 3 years now this administration told us that tax cuts are the only thing we need to get the economy rolling again. They said tax cuts are all we need to create new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single new job to this economy.

Not only have we failed to create new jobs, we are losing the ones we used to have. Tax cuts were the only policy they had, but it is painfully clear that they have not worked. And now it is clear that the tax cuts and the deficits they created are crippling our ability to meet our responsibilities here at home and to shoulder the burdens we face around the world—at exactly the time the President has rightfully called on us for $87 billion for Iraq.

It is time to ask the question: Can this administration create just one new private-sector job, one more job than existed when they took office?

The President's Council of Economic Advisors claimed that the last tax cut would produce 5.5 million new jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promises already.

I challenge them to create just one new job during this administration, one new job before the next election.

The latest official unemployment number looks slightly improved on paper, but that is because the nearly 2 million men and women who have been out of work for over half a year know that god jobs are just not there and they have completely given up looking for work.

Jobs are the key to our dignity as human beings. And they are the key to a healthy economy.

A jobless recovery like we have right now means nothing to the millions still out of work. And this so-called jobless recovery is in danger of sputtering out because it lacks a strong foundation.

There is little hope for sustained, healthy economic growth without solid good-paying jobs.

Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they have a secure job, a job that pays a fair wage for fair days' work.

For over half a century American workers have known what that meant, a 40-hour work week, and time and a half if you worked overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

Many workers often have no choice about working overtime, it is up to their boss. But they have to work those extra hours, their employer is required to pay them time and a half.

This has been a cornerstone of the social contract between labor and management, between workers and employers.

For other workers, higher overtime pay is often absolutely essential to making ends meet. For those struggling along on the minimum wage or a little more, overtime pay can make all the difference when you are trying to make ends meet.

We know that many workers simply schedule themselves as much overtime as they can physically bear so that they can stay above water financially. But despite the key role of the 40-hour work week, despite the wide-spread reliance on time and half pay for work past those 40 hours, this administration has proposed crippling changes in the regulations governing overtime pay.

That is why I am here as a cosponsor to the Harkin-Kennedy amendment to prohibit funding for those new overtime regulations.

Senator HARKIN deserves our thanks, and the thanks of millions of workers, for his leadership on this issue.

On its face, the issue could not be clearer. The administration wants to take away the rights of millions of workers to overtime pay. They want to make it easier for employers to reclassify as many as 8 million hourly workers—who now get overtime pay—to make them ineligible for overtime pay.

Right now, for most workers, if you are not "white collar" working in management, your boss has to pay you time and a half for all the work you do over 40 hours a week. The idea is that more highly educated workers, who participate in management, who have significant authority over the workplace, are more properly classified as salaried, not hourly, workers. They get a fixed amount of pay, no matter how many hours they may put in a week.

Hourly workers, on the other hand, who do not manage the conditions under which they work, who have less to say about how the work week is organized, must be compensated if they work more than the basic 40 hours.

That has been the definition of a fair day's work for a fair day's pay for more than half a century, and its basic fairness still makes sense today.

America has changed, but not our values. But the administration's new regulations would make it easier—would actually create an incentive for employers to classify workers who have little advanced education and little or no authority—to classify those workers as white collar workers.

Those regulations would lower the amount of education currently required to classify someone as white collar or professional. And they would also loosen the definition of management activities to make it easier to claim that a lot of the basic paperwork many hourly workers currently do actually makes them administrators or executives.

Overnight, with the stroke of a computer key, millions of workers could lose the right to overtime pay. These rules are designed not only to make it easier to reclassify workers, but to make it pay for employers who do so.

Employers will save money, since they will no longer be required to pay workers time and a half for work that they are now guaranteed. There would be no change in the number of hours they could be required to do, no change in their education, no change in their responsibilities, just one change in the regulations in Washington—and they are out overtime pay and out of luck.

Today, when the biggest problem facing our economy is the loss of job, when a well-paying job is so hard to come by, these regulations are the worst thing we could do.

This administration has the worst record of job loss since Herbert Hoover—3.2 million jobs lost. Faced with the obvious fact that his economic policies have failed to create a single new job, faced with the fact that years into a so-called recovery, we are still losing jobs, the President recently announced a warmed over package of his failed policies and labeled it a job creation plan. I suppose it is a good thing that he finally realizes that he is presiding over the worst job creation of any modern President.

Unfortunately, there is nothing new in his announcement, and absolutely nothing that would create one new well-paying job. If he truly wants to do something for the working men and women of America, I respectfully suggest that the President simply rescind these proposed regulations. That alone would protect the overtime pay on which so many men and women and their families depend today.

Now is not the time for this administration to use its regulatory power to cut the pay of millions of American workers. But if we will not stop this pay cut for millions of Americans, we can do that today here in the Senate. We can vote to prohibit any funds from going to enforce this unfair and wrongheaded change in our basic social contract, in the deal we have struck between millions of workers and their employers.

I urge my colleagues to join me in voting for this amendment.

Mr. President, I thank my colleagues and yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from West Virginia.

Mr. BYRD. Mr. President, are we operating under any time constraints?

The PRESIDING OFFICER. No, we are not.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 1543

Mr. President, when President Bush signed the No Child Left Behind Act, he promised to give schools the funding they needed to help every young person in this country succeed in the classroom.

That promise has not been kept. And there is no better example of that broken promise than the education funding levels in this appropriations bill. The most glaring example is the title I program. Title I helps the students who need help the most—the millions who are being left behind. It is also the program that, under the No Child Left Behind Act, will hold schools accountable for improving student performance.

We did not have this program in my day and schools did not have to be held accountable, either, for improving student performance. It was a given that students went to school to learn and that they were expected to study hard. That is why we had our schools. We were there to get an education.

That is why, when Congress wrote the No Child Left Behind Act, it authorized specific funding levels for title I for every year through fiscal year 2012. The authorized amount for fiscal year 2004 is $18.5 billion. That is enough to fully serve 6.2 million needy children, according to the Congressional Research Service.

How much does this bill provide? This bill provides just $12.4 billion. That is enough to fully serve only 4.1 million children.

The amendment I am offering would increase title I funding by $6.1 billion, for a total of $18.5 billion, the fiscal year 2004 authorized level, and it would extend the full educational benefits of title I to 2.1 million children who otherwise would be left behind. This would allow us to keep the promise we made in the No Child Left Behind Act.

I have to my left a chart. This chart shows what this amendment will mean for schools in all 50 States. I know that their listing here creates a chart on which it is difficult to read from any distance virtually. But here they are, 50 States. Let's take a few examples.

Take for example New Hampshire. Under my amendment, New Hampshire schools will receive $19.5 million more than they would receive under the Senate bill. That is a 66-percent increase over the fiscal year 2004 level.

Let's take a look at Pennsylvania. Pennsylvania schools will receive $223.4 million more under my amendment. That represents a 51-percent increase over the fiscal year 2003 level.

In Maine, schools will receive an additional $24 million for a 50-percent increase. In my State of West Virginia, schools will receive $47 million, $46.8 million more under my amendment than they would receive under the Senate bill, also for a 50-percent increase over the fiscal year 2003 level.

There are other schools. All of the States on this chart—and there are 50 of them—under my amendment every State receives an increase over the Senate bill.

Massachusetts will receive $129.3 million more under my amendment than it would receive under the bill. Alaska would receive $18.4 million more. New York would receive $682.2 million more. California would receive $899.5 million more than it would receive under the Senate bill. That is the way it goes all the way down the line. The District of Columbia would receive $27.8 million more. The State of Ohio would receive $203.8 million more. So every State would gain under the Byrd amendment.

This amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill and reappropriating those moneys in fiscal year 2003. That is the exact same mechanism that Chairman STEVENS and Chairman SPECTER are using to add $2.2 billion to the base bill—the same mechanism. My amendment simply builds upon their mechanism and adds $6.1 billion more for title I.

Unfortunately, there has been some confusion over this point. I was disappointed last week to hear a Senator from the other side of the aisle refer to my amendment as a gimmick. Yes, referred to my amendment as a gimmick. Think of that. That Senator on the other side of the aisle said my amendment was a gimmick. The exact words were "a gimmick of classic proportions."

Well, I would like to call the Senate's attention to page 76 of the base bill. Lines 1 and 2 add $2.2 billion in fiscal year 2003 spending. Now read exactly what is in the bill, lines 1 and 2, "by striking $4,651,199,000 and inserting $6,895,199,000." So you see, lines 1 and 2 add $2.2 billion in fiscal year 2003 spending.

Now just drop two lines; just go down the page two lines and read lines 3 and 4; 3 and 4 offset that increase by rescinding $2.2 billion in fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill. So my amendment uses the same funding mechanism as has been used in this bill.

Mr. SPECTER, chairman of the subcommittee, can verify that. Mr. STEVENS, chairman of the full committee, one of the finest chairmen there have been since that committee was created in 1867, will verify that. He will verify that I am reading this accurately and that that is what is being done.

So my amendment uses the same funding those two illustrious gentlemen used in writing the bill. And if my amendment is a gimmick—hear me—if my amendment is a gimmick, what does that say about the base bill? Is it also a gimmick? I ask, is the base bill also a gimmick?

Opponents of my amendment have also argued that the Congress is under no obligation to fund title I at the authorized level because authorizations are just guidelines.

Well, title I is not your average authorization program. Most education authorizations don't put mandates on States. The title I program in the No Child Left Behind Act puts more Federal mandates on our Nation's schools than any law in 35 years.

This law requires every State to develop a plan for helping all students reach a proficient or advanced level of achievement within 12 years. That is all students—all students, not just those in the wealthy suburbs but poor students, students from Appalachia to Alaska, children with disabilities, students of all races and ethnicities.

Schools must leave no child behind, and if schools that receive title I funds fall short of this goal, they face serious consequences. Schools that fail to make adequate yearly progress in raising student performance for 2 consecutive years have to give the students the opportunity of transferring to another public school. That means the school has to take money it would have spent for instruction and use that money instead for transportation. The penalties get more severe as time goes on. Ultimately, if a title I school fails to make adequate progress for 5 years in a row, it can be taken over by the State or the entire staff can be fired and replaced.

These are serious penalties, Mr. President, and I support them. I believe it is high time we held schools accountable for their performance, but I also believe if we are going to threaten schools with penalties—and these are severe penalties—we have a responsibility to provide those schools with the resources they need to improve.

Senator KENNEDY and President Bush agreed on what those resources would be when they negotiated the No Child Left Behind Act. Senator KENNEDY and President Bush agreed that title I should be funded at $18.5 billion in fiscal year 2004 and Congress voted overwhelmingly to endorse that figure when it passed the law.

When President Bush signed that law a few weeks later, he said:

> We are going to spend more money, more resources, but they will be directed at methods that work.

But this appropriations bill which mirrors the President's budget request falls more than $6 billion short.

Let me take just a moment to explain what schools could do with that $6 billion. The amendment I am offering would provide enough funding to hire more than 100,000 highly qualified teachers for the students who are most at risk of being left behind. That means over 2 million disadvantaged students would be taught in smaller classes, and they would receive the full range of instructional services called for under the No Child Left Behind Act.

It is no wonder students and teachers across the country are clamoring for this funding. In West Virginia, the Department of Education announced this summer that 326 of the State's 728 schools failed to make adequate yearly progress under the No Child Left Behind Act. That is 45 percent of all the schools in the State.

In many other States, more than half of all the schools failed to make adequate progress. So I ask my fellow Senators: Where is the money going to come from to help these schools improve? State governments are facing a fiscal crisis. So State governments are not in a position to respond to the needs. Where will the schools turn? State governments are in no position to make up a funding shortfall from the Federal Government. Yet this appropriations bill underfunds title I by more than $6 billion.

This bill is a betrayal of the No Child Left Behind Act. It is unfair to all the people in this country who are working so hard to implement it. Parents and teachers want their schools to be held accountable. They want every child to succeed. They are holding up their end of the bargain.

Where is the President? What happened to his commitment to education? I will tell you what happened. Once the President signed the No Child Left Behind Act and the cameras stopped rolling and the sound bites faded away, the President walked away from the job of funding education.

Sadly, we have seen this picture before. This January in his State of the Union Address, President Bush announced a 5-year, $15 billion global AIDS initiative. Later he signed a law promising to fund that initiative at $3 billion a year. Then this summer, he went to Africa and promised to do all in his power to make sure Congress fully financed that law. But when it came time to put the money behind that promise, where was the President? The President fell short. And he is doing the same thing with education.

The Congress is being asked to provide billions of dollars for the reconstruction of Iraq—the Appropriations Committee, I hope, will conduct hearings on that request—for what we are told is Saddam Hussein's willful neglect of all major infrastructure needs, including schools. So the President wants money for Iraq. He wants to make up for Saddam Hussein's willful neglect of all major infrastructure needs, including schools.

Mr. President, if the United States Government is to address infrastructure needs in Iraq, why can we not find the money to support our own domestic education system in the form of funding the No Child Left Behind Act? Where are our priorities? I voted for the No Child Left Behind Act. I support the reforms in that law, but schools need more funding if we are truly going to leave no child behind.

I urge my fellow Senators to approve this amendment. We gave our word to the people when we passed the No Child Left Behind Act. So let us, Mr. President, keep our word.

Mr. KENNEDY. Will the Senator from West Virginia be kind enough to yield for a question?

Mr. BYRD. I will be happy to yield for a question.

Mr. KENNEDY. The Senator from West Virginia was here at the time we had the debate on the No Child Left Behind Act and remembers it very clearly. I remember one of the finest education talks I have heard in the Senate was where the good Senator from West Virginia reviewed for the Members of the Senate his personal experience—it was shared by a few others—in terms of the value of education as a young person when he was growing up in the State of West Virginia. As he remembers the debate on the No Child Left Behind Act and the debate we had the year before when we were looking at the reauthorization of the Elementary and Secondary Education Act, there was a general recognition in this body that just providing resources without reform was not meeting our responsibility to the children of this country. But if we were going to have reform, we were going to have to have resources.

As I remember the discussions we had with the President of the United States on this point, this was a simple concept, but a rather basic concept, one which gathered broad bipartisan support and was the keystone of the whole No Child Left Behind Act. I am wondering if the Senator remembers at least that general debate and discussion in which this body said, OK, we have not been able to use the resources we have used in looking at title I and elementary and secondary as effectively as we would like to, but we are strongly committed toward reforming our educational system because education is so important to the future of our country, and that was a debate that took place, that resulted in No Child Left Behind, and it is to that issue that the Senator from West Virginia is addressing the Senate, as I hear him this afternoon: that we have put in place the reforms but what is not there are the resources to give life to the reforms. This is what is at the heart of the Senator's amendment, as I understand it and as I interpret it. Am I correct?

Mr. BYRD. Yes. The distinguished Senator from Massachusetts, who has been a leader in this field, and who is a leader in this field, remembers very clearly and accurately the purposes and the debate on the No Child Left Behind Act.

I have never wanted to just throw money at anything. I never felt that just throwing money at education was going to educate our students, but I have been in favor of the reforms that are in this act. I believe we ought to do everything we possibly can to utilize those reforms, to put them into effect, enforce them, and at the same time have the money available to these schools so the reforms can be made, will be made, and will be enforced. They are pretty tough reforms.

As I indicated in my remarks, we have an obligation to provide the monies to those schools. When I was going to school, I started out in a little two-room schoolhouse in Algonquin, WV, in the southern part of West Virginia. I entered school long about 1923. Of course, we did not have Federal aid to education then. We had good teachers, although they were not paid a lot. During the Depression, many of them had to take a reduction on their paychecks to get those checks cashed, but we had teachers who cared. I had foster parents who cared. Our schools were not much, but we studied hard and we tried to make a better life for ourselves and our parents. So I know something about the disadvantaged children and disadvantaged schools. I came through that Depression. I am proud to say I was alive in that Great Depression. I am proud to say I lived through it because it taught me a lot of lessons. It taught me the worth of an education.

Benjamin Disraeli, who was Prime Minister of Great Britain, said in the House of Commons in 1874—the reason I remember the date easily is it was the year before my foster father, Titus Dalton Byrd, was born. So it was 1874. Benjamin Disraeli said: Upon the education of the people of this country the fate of this country depends.

I think the Senator will join me in saying we ascribe to that; that upon the education of the people of our country the fate of this country depends. So this is a vote to improve the education of disadvantaged children. It is a vote to keep our word that we gave when we passed the No Child Left Behind Act.

I congratulate the Senator from Massachusetts. I said he has been a leader. I said he is a leader and he was a leader on this bill. He spoke with President Bush and he worked this approach out with President Bush. I congratulate him for it, but we have to do what we can to live up to it, and that is what we are doing here.

Mr. KENNEDY. I appreciate what the good Senator has said in his comments. These figures might get complex for people who are watching this debate. Basically, the No Child Left Behind Act said, No. 1, we are going to let the States develop their own curriculums.

No. 2, we are going to have well-trained teachers who are going to learn that curriculum and be able to teach the students.

No. 3, we are going to have smaller class sizes so a well-trained teacher in the classroom is going to be able to interact with the students in those classrooms.

No. 4, we are going to find out how much those children learn over the course of the year by giving them not just robot tests and situations where teachers teach to the test but really inquire about what these children are learning in the classroom.

No. 5, we are going to have supplementary services to help those children if they fall behind so they will be able to keep up. That is effectively what we were looking at in the No Child Left Behind proposal.

We demanded accountability, as the Senator remembers. We demanded accountability from parents because we gave parents the report cards not only about how the children were doing but how their school was doing. We gave accountability to the teachers that they were going to have to upgrade their skills in the courses they were going to have to teach. We gave accountability to the school systems that unless the school systems were going to perform, if they were going to effectively abandon their children or not perform for their children, that they would effectively be taken over by the State. And we were going to insist on a good quality education.

Does the Senator, in his comments today, agree with me that we are getting accountability with the students who are working in America and the teachers who are trying hard and those in local communities who are trying to get the small classes, but we do not have the accountability by the President of the United States and the administration providing the resources to let them do it and that the amendment of the Senator from West Virginia would meet our accountability and our commitment when we voted on behalf of that bill?

Would the Senator agree that is effectively what we are trying to do? That is the way I read the Senator's amendment.

Mr. BYRD. The Senator reads it as I intended it to be read and as other Senators who are cosponsoring this amendment intended likewise.

There is no question about the fact that we were trying to give our children smaller classrooms. The Senator might know—of course he would not know how many students were in my graduating class. I was valedictorian of that class in 1934. If there had been one more student in that class, I might not have been valedictorian. There were 28 graduates. What a large class. But it was not by virtue of the kind of legislation that we have been supporting. That was the number of students in those southern Virginia coalfields.

We had good teachers. They were not paid a good deal, but we knew the worth of a good teacher. They were dedicated. What we are trying to do today is give our children smaller class sizes so they will get from the teachers the kind of attention they need. We are trying to give them good teachers. We are holding the teachers to high standards, also.

Yes, I am somewhat amazed and offended by the fact that our President is wanting $87 billion now for Iraq. That is $87 billion for Iraq. That is not counting the $69 billion the Congress has already appropriated, no questions asked, by the way, for Iraq, making a total of $166 billion for Iraq. So we are going to be asked to consider a supplemental for Iraq.

I am going to consider that. But why not consider more moneys for our own students, for our own teachers, for our own schools? That is what we are trying to do here. We are trying to live up to the word the President and Senator Kennedy and I and others in Congress gave to the American people, to the students of our country, and to the parents, and to the teachers.

Mr. KENNEDY. I want to just bring to the attention of the Senator from West Virginia the results of the scores that are taken in my own State of Massachusetts, which really began this effort, which is very similar to what I have just outlined here, 5 years ago.

Let me just read the front page on September 4, 2003 of the Boston Globe:

> Scores show broad gains on MCAS test.

That is the statewide standard test, which is basically equivalent to what we call the NAEP test. Let me read this.

> More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.
>
> About 75 percent of the class of 2005, or about 52,000 students passed both the English and math portions of their 10th-grade test on their first try this spring. That is significantly better than 69 percent of students in the class of 2004 and 68 percent of students in the class of 2003 who passed the first time they took it.
>
> Jubilant state officials hailed the scores at a State House news conference yesterday as "extremely impressive" proof that the Massachusetts 10-year effort to improve public schools is bearing fruit.

Curriculum reform, better teachers, smaller class size, afterschool programs—this is just what has happened in one State, I say to Senator Byrd. These were the same things we were committed to for every State in the country, to see this kind of progress.

We have not solved all the problems. We still have many others. I will not take the time of the Senate to review all of the different categories, the ethnicity, the student status, all the different categories. I ask unanimous consent to have this article printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Scores Show Broad Gains on MCAS

(By Anand Vaishnav)

More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.

About 75 percent of the class of 2005, or about 52,000 students, passed both the English and math portions of the 10th-grade test on their first try this spring. That is significantly better than the 69 percent of students in the class of 2004 and the 68 percent of students in the class of 2003 who passed the first time they took it.

Jubilant state officials hailed the scores at a State House news conference yesterday as "extremely impressive" proof that Massachusetts' 10-year effort to improve public schools is bearing fruit. But they acknowledged that a racial achievement gap persists, with more than half of Latino students and almost half of African-American students failing one or both of the 10th-grade tests.

"There have not been wholesale brain transplants. There has not been an increase in the IQ of the citizenry of Massachusetts," Governor Mitt Romney said. "Instead, our education system is doing a better job with our kids."

About 527,000 students in grades 3, 4, 5, 6, 7, 8, and 10 took one or more sections of the MCAS in April and May, in English, math, or science.

The results were particularly encouraging for 10th-graders, members of the class of 2005, who were in first grade when the 1993 Education Reform Act, which introduced the tests, became law. About 80 percent passed the math test on their first attempt, and 89 percent passed English.

Scores also improved for students with disabilities and those with limited English skills—two groups that have struggled with the exam since it became a graduation requirement with the class of 2003. About 46 percent of disabled students passed the 10th-grade test after just one round, up from 32 percent of limited-English students passed, double the 17 percent who passed a year ago. The jump came despite new federal and state laws allowing few students with a native language other than English to skip the test.

To some observers, the signs were clear that 10 years of efforts on education, from billions of dollars in new funding to the first statewide curriculum standards, were paying off. Massachusetts has recorded parallel gains on national tests such as the SAT and the National Assessment of Educational Progress.

"All signs are that education reform is taking root, and this is part of the harvest," said Andrew Effrat, dean of the School of Education at the University of Massachusetts at Amherst.

Still, Effrat said, the battle is not over, calling the failure rates for minority students significant.

For example, 84 percent of white 10th-graders passed MCAS on their first try, compared with 44 percent of Latinos and 52 percent of blacks.

Last year, a group of students in the class of 2003 sued the state, saying the Board of Education had exceeded its authority in enacting a graduation requirement and that schools had not prepared them for it.

Students in 10th grade can take the test five times before graduation, but they must pass MCAS and all of their classes to earn a diploma. Individual school and district scores will be released in about two weeks along with retest scores from the class of 2003 and 2004 that will show how many students still must pass before earning their diploma.

MCAS opponents yesterday questioned how the gains could last as schools facing significant budget cuts this year have laid off teachers, boosted class sizes, and slashed supplies. In addition, the Legislature sliced the $53 million in state money for MCAS tutoring to $10 million this year, and a Romney spokeswoman said she could not say whether the governor will include more money for MCAS help in his forthcoming supplemental budget.

Some MCAS critics attributed the gains to a relentless focus on test preparation in schools and the practice of holding back ninth-graders who are not prepared for the exam, and who may later drop out.

"Clearly, test preparation makes test scores go up, and other things contribute, like attrition, which has been a consistent theme and not so much paid attention to" by the Department of Education, said Lisa Guisbond, a statewide coordinator for the Massachusetts Coalition for Authentic Reform in Education, which opposes the MCAS graduation requirement. "These are things that continue to be troubling."

However, Massachusetts commissioner of education, David P. Driscoll, and the state Board of Education chairman, James A. Peyser, pointed to higher scores for black and Latino teens as evidence of a "dramatic breakthrough" in the achievement gap. In 2001, 77 percent of white 10th graders passed MCAS on their first try, compared with 29-percent of Latinos and 37 percent of blacks.

Left unanswered yesterday were questions about a steep drop in the number of black test-takers. State education officials said they will need to study why only 3,530 black 10th-graders took the test this spring, down from 4,587 last year. The number of white test-takers also dropped, from 49,866 to 44,131. One possible explanation is that fewer students specified their race this year, state officials said.

It could also stem from an increase in the number of students dropping out, leaving Massachusetts, or repeating ninth grade.

First administered in 1998, the MCAS test has sparked rallies, protests, and a campaign for a statewide ballot question to get rid of the graduation requirement.

Guisbond also questioned whether changes in scoring could have inflated results. This year, 10th-graders needed 19 out of 60 points on the math test to pass, down from 20 out of 60 last year, state officials said. On the English test, they needed 38 out of 72 points to pass, down from 41 out of 72.

Jeff Nellhaus, associate commissioner for students assessment, said the Department of Education lowered the number of points needed to pass because a statistical analysis of the exam showed that it had harder questions than the year before.

School districts received their students' scores last month and are just now analyzing the results. Tyshawanna Richardson, a junior at the Codman Academy Charter School in Dorchester, passed English but not math. Twenty-five sophomores at the school took the exam—all passed English, and about two-thirds passed the math section.

"I plan on going over whatever I didn't get, to understand it so this time I can pass," said Richardson, 16, of Mattapan. "It wasn't that hard."

Mr. KENNEDY. But I want to ask the Senator this last question. In the Budget Act, the budget for fiscal year 2002, the conference report—this is what bothers me. We have seen the increase in the education budget going from 1997 to 2001 up to 13 percent, to 2002, to 16 percent. That is when Democrats and Republicans worked with the President to try to begin the downpayment on this effort. This is when we had the bipartisan agreement.

Then the next year, as the Senator has pointed out, after the television lights had faded and the crowd had disappeared, we have in the budget, with the Republicans in charge:

> For the years beyond 2002, this report assumes the 2000 discretionary function level grows by inflation.

It grows by inflation. Therefore, under the Republicans, it was going to be zero, zero, zero, zero, zero. That is what was in the Republican budget. After we passed the bill and we saw the bill increase, this is what they were saying.

Many of us were saying that might have been, but we will hope for the next year from the President of the United States, who specifically negotiated those increases—we thought: That's a mistake—we will find something different. But instead what we have effectively found, as this chart here indicates, under the Bush budget, it leaves millions of children behind. We are going to be leaving 6.2 million children behind; 5.89 in 2005; 5.8 million in 2006; 2007, more than 5 million; 5 million; 5 million. Effectively, under the Byrd proposal, if we continued that progress we achieve what the No Child Left Behind committed us to, and that was we were going to have, at the end of 12 years, proficiency in the public schools for the disadvantaged children of this country. That is what the Byrd amendment puts us on a pathway to. That is why it is so important, so essential.

If the Senator would permit me one more moment? We attended the Armed Services Committee meeting earlier today. Does the Senator not agree with me the investment in education is essential if we are going to have the best fighting men and women in the world; that investing in education is essential if we are going to have the strongest economy in the world; and that investing in education is absolutely necessary if we are going to be able to preserve democratic institutions in the greatest country of the world? That this is the core value?

Parents understand that. You and I understand it. Senator HARKIN and Senator MURRAY understand that. That is what the amendment of the Senator from West Virginia commits us to here, at a time when we are being requested $87 billion, to say we can have a downpayment of $6 billion for the children of this country.

Mr. BYRD. Mr. President, there is no question about it. I want to thank the distinguished Senator for his work in this field. I want to thank him for his work on the Armed Services Committee. And I want to thank him for his leadership in making laws that will better prepare our young people for the future, for what lies ahead of them. Of course, we need better educated people in our Armed Forces. Of course, we have to have better educated people if we are going to keep this country as the superpower of the world.

I want to thank him for what he has done in this respect. I know he must feel very proud of the record that has been established by his schools up there, to which he referred a little while ago. Those performances were in English and math. They are not easy subjects, as I recall—not the easiest. But there is no subject matter that is more important than that of English, grammar, mathematics. He must feel justly proud of the performance those schools have made, that has been made possible, to a considerable extent, by his work on this legislation. So I thank him for his contribution here to our debate today also.

Mr. KENNEDY. I thank the Senator very much.

Mr. BYRD.

I took a piece of plastic clay
And idly fashioned it one day,
And as my fingers pressed it still,
It moved and yielded to my will.

I came again when days were past—
The bit of clay was hard at last;
The form I gave it, it still bore,
But I could change that form no more.

I took a piece of living clay
And gently formed it day by day,
And moulded with my power and art
A young child's soft and yielding heart.

I came again when years were gone—
It was a man I looked upon;
He still that early impress wore,
And I could change him nevermore.

That is what we are talking about. That little piece of clay. That little piece of clay.

Just a closing thought about our teachers:

A builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.

Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.

None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.

But the temple the teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

Mr. President, I ask unanimous consent the following Senators be added as cosponsors to the amendment I have offered: Senators HARKIN, DODD, DORGAN, KOHL, BINGAMAN, LIEBERMAN, DAYTON, PRYOR, CORZINE, MIKULSKI, SCHUMER, KENNEDY, JOHNSON, EDWARDS, MURRAY, ROCKEFELLER, LAUTENBERG, LINCOLN—the first name of the Senator who graces the chair and presides over this August body at this moment, with a degree of dignity and skill that is so rare as a day in June—LEAHY, GRAHAM, KERRY, LEVIN, CLINTON, JEFFORDS, REED, SARBANES, CANTWELL, LANDRIEU, STABENOW, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor this afternoon to speak about the amendment offered by Senator HARKIN, and I will do so in just a minute. But first I want to congratulate Senator BYRD for his tremendous work on education and thank him for his extremely strong voice in this area.

I know many students are starting school this week. Many young people are just starting out in kindergarten across the country this year. They will be grateful for Senator BYRD and his strong support of education. But so will the many students who have traveled to school while he has been here in the Senate advocating for them. I thank him for his work on their behalf over the many years. For all the young people out there who benefited from his wisdom and support but also, very importantly, for the teachers who will benefit as well, I thank my colleague from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Washington, Mrs. MURRAY.

AMENDMENT NO. 1580

Mrs. MURRAY. Mr. President, I came to the floor today to speak in strong support not only of Senator BYRD's amendment but also of the amendment offered by Senator HARKIN. The amendment Senator HARKIN has offered is extremely critical in today's world. It is offered in order to protect hard-working Americans such as our police, firefighters, and our nurses who rely today on overtime pay.

It is unbelievable to me that today as families struggle in this extremely difficult economy, the Bush administration wants to cut overtime pay for millions of Americans who depend on it just to make ends meet at home.

My colleagues have been in the Chamber discussing the Bush administration's proposed changes to the Fair Labor Standards Act which sets the rules regarding overtime pay in this country. According to the Economic Policy Institute, those changes are going to mean a pay cut for up to 10 million working families. These proposed changes will mean a pay cut for up to 10 million working Americans. These families are working really hard today. They are playing by the rules. They are trying to make ends meet. And this administration is squeezing them once again. To me that is unacceptable. That is why the Harkin amendment is so important today.

The question I have is this: Haven't American workers been punished enough by this President's economic policies? Not only have we seen millions of Americans lose their pensions but we have seen massive tax cuts for the few while everyone else struggles just to get by.

In my home State of Washington alone, we have lost more than 73,000 good-paying jobs since this administration came into office. My State unemployment rate is now the third highest in the Nation at 7.5 percent. In fact, just recently one of our business columnists suggested that the actual unemployment rate for Western States could be as high as 11.8 percent, if you count all of our unemployed workers.

Here we are with so many people out of work and so many people struggling to keep their jobs. Now this administration wants to force a pay cut on those people who are working overtime for their employers and are just trying to make ends meet. I don't think we should forget that these workers are now often the only breadwinners in their family. This change will hurt up to 10 million hard-working Americans. I come to the floor today to talk about some of the real people who are going to be squeezed by this amendment.

Right now, our firefighters, our policemen, and our EMTs are working very hard on the front lines on homeland security. They have gone above and beyond the call of duty, often with inadequate training and often with inadequate equipment. But they are doing it to protect us in this dangerous age. Today, many of them are working overtime in order to do that.

Now the Bush administration is telling our firefighters, our policemen, and our EMTs that they don't deserve overtime pay for the extra work they do. I find that very insulting. We know it will hurt their ability to provide for their families who every day watch these men and women go off to work and hope they return safely at the end of the day. Even worse, it really violates the great trust we place in this country on our first responders.

The International Union of Police Associations has estimated that 200,000 midlevel police officers will lose $150 million in overtime pay if these new regulations are implemented. I believe our firefighters, our policemen, and our EMTs deserve overtime pay for their overtime work. The Bush administration is trying to squeeze them, and that is wrong.

Let me give you another example of whom this change will hurt. In communities across the country we have a shortage of nurses. I hear it from everyone who comes into our office. It is really causing hardship everywhere. These nurses are working really hard. They are providing care under extremely difficult conditions. Now the Bush administration is going to prevent more than 230,000 licensed practical nurses from getting overtime pay. They work hard for it. Frankly, in my view, they deserve every penny they get.

When I first heard about this disturbing proposal, I joined with my colleagues to tell the Bush administration they are on the wrong track. As the ranking Democrat on the Subcommittee on Employment, Safety, and Training, I was proud to join with Senator KENNEDY and 40 other Senators in sending a letter to Secretary of Labor Chao. We asked her not to implement the proposed regulation that would deny overtime pay to hard-working Americans.

In our letter, we asked the Secretary to consider millions of workers who depend on overtime pay to make ends meet and to pay for things such as food, childcare, housing, health care, and sending their kids to college—what every family wants today. We know overtime pay also makes up to 20 to 25 percent of an eligible worker's wages. But it seems this administration would rather provide tax cuts for the rich—that is where their priorities are—while cutting the pay of working Americans who most often live paycheck to paycheck.

During this debate, we heard some dubious arguments from the other side. We heard that we need to update the Fair Labor Standards Act because it was passed back in 1938. But what they haven't told us is that Congress has updated that act in fact eight times.

n 1985, Congress reviewed the law and extended it to State and local governments, leaving in place the current overtime exemptions.

Furthermore, the Bush administration is taking some unprecedented steps. Never before has the legislative branch authorized changes in the overtime rule. Never before has Congress directed the Department of Labor to take overtime pay away from millions of American workers.

You have to wonder, why the urgent need now to gut these time-tested worker protections? Could it be that the Bush administration and its business allies want to reduce the amount they pay in wages? Maybe it is because employers know in this very tough economy employees will just go along and accept the loss of overtime because they are so afraid they will be laid off. I will leave it to others to answer those questions.

The Senate should not support this coercive antiworker proposal. It will drain the wallets of millions of Americans who are working hard today to put food on the table. This proposal from the White House, in my opinion, is just another slap to working Americans. We need to stop it in the Senate.

I commend the Senator from Iowa for offering this critical amendment. Senator HARKIN has always been a great friend to working Americans, and today those Americans need this Harkin amendment to protect them from this administration's designs.

I urge my colleagues to stand up for our firefighters, stand up for our police, stand up for our EMTs, stand up for our nurses who work every day for Americans. Stop this proposed pay cut for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I congratulate my colleague, Senator MURRAY, for speaking on the overtime amendment offered by Senator HARKIN, and Senator ROBERT BYRD for speaking on his amendment involving funding the President's mandate, the No Child Left Behind legislation. I address both of those issues for a moment.

First, I say to the Senator from Washington, what she has outlined in her State can be repeated in virtually every State across America. For the last several years, we have seen a loss of jobs in America virtually unprecedented in recent history. In fact, you have to go back so far as President Herbert Hoover in the Great Depression to find a time when America has lost as many jobs as we have lost since President Bush took office. Remember, in the preceding 8 years we created 22 million new jobs in America, but since President George W. Bush has taken office we have lost almost 3 million jobs. This is a modern record, a sad record felt in every State, my own included.

I have also been told that some 90 percent of the jobs we have lost have been manufacturing jobs, jobs which have been lost to Third World countries, countries such as China, that have taken away the manufacturing jobs that used to be the bread and butter for the communities of America. They are leaving in droves. Since President Bush took office we have lost 120,000 manufacturing jobs in Illinois. In the last 5 years, we have lost one out of every five manufacturing jobs, and there is no end in sight.

I held a press bipartisan conference today with some of my colleagues who decried the current situation in China where they are sucking away all of our jobs because of currency manipulation. The point is that will be addressed in another bill.

In this bill, we have to be concerned not with the exodus of American jobs to Third World countries but the immigration of Third World labor standards into the United States. The Bush administration, through the Department of Labor, is establishing a standard which says that some 8 to 10 million workers in America will no longer qualify for overtime pay. Those included in that group, as we have heard from my colleagues on the floor, are firefighters, nurses, many who have important jobs in communities related to health and safety. The Bush administration has said they will not be entitled to overtime in the future.

Those with a sense of history can remember from our history courses and our readings how many lives were lost in America in the establishment of the labor movement to fight for one particular thing: the 40-hour workweek. This was, frankly, one of the most contentious issues. We finally said, as a matter of law in America, businesses could only work their employees 40 hours a week or they would have to pay time and a half for the extra time. That was a bitter battle that went on for decades with a lot of bloodshed and lives lost because of social upheaval as workers across America spoke out for their rights. But eventually it was established. The 40-hour workweek in America became a sacred precept, not just in collective bargaining contracts but as well in legislation, to apply to everyone. The understanding was that beyond 40 hours you would have to pay extra.

What is the basis for it? Certainly so the workers' rights would be respected. It would lessen exploitation. It would say to the employer, if you are going to work someone beyond 40 hours, that certainly is a physical impediment, one that could be a hardship, as well as a family hardship, and you should pay more for it.

Now comes the Bush administration saying it is family friendly and eliminating the right to overtime pay for 8 to 10 million Americans. It could not come at a worse time. It could not be a worse idea.

Senator HARKIN of Iowa offers an amendment which my friends on the other side of the aisle are afraid we will call for a vote on, an amendment that says we will not allow the Department of Labor to go forward with this bad idea.

I totally support the Harkin amendment. We need to protect the rights of workers in America today, rights that have been fought for decades, over a century of effort by men and women to bring dignity to the workplaces under assault because of this proposal from the Bush administration.

Let me say a word about the Byrd amendment before the Senate. Senator ROBERT C. BYRD of West Virginia has offered an amendment which basically says to the President: Keep your word. Keep your word.

When this President came to office as the education president, he said: I am going to bring Democrats and Republicans together. He turned to my friend and colleague behind me, Senator KENNEDY, and said: Join me in passing the No Child Left Behind legislation. Let's do it right. Let's do it in a bipartisan fashion.

Senator KENNEDY joined him, as did Congressman GEORGE MILLER of California, in a bipartisan effort, supported by many, including myself. No Child Left Behind demanded accountability in schools but said if the children are having a tough time passing the test, we want to provide extra resources to school districts across America so the test scores will improve.

Resources for title I is a program where school districts directly help students and their families, students who are falling behind. The amount that was to be authorized for this was spelled out in law, written down and approved by the President, signed into law, and No Child Left Behind went into effect.

Across America, public schools are bound by the requirements and mandates of No Child Left Behind. But, unfortunately, when it came to President Bush's budget, he failed to appropriate the funds necessary to pay for this mandate. So the mandate goes unfunded at the local level.

I don't know about the States of my colleagues but I can speak about Illinois. We are in a terrible fiscal crisis. We had to cut $5 billion in State funds this year—a very difficult thing to do—and our schools have suffered in the process. For us now to say that this Federal mandate of No Child Left Behind is not going to be funded as President Bush promised means that the President is not keeping his word to the schoolchildren and families of America.

Senator BYRD's amendment says to the President: Keep your word. Find the $6 billion you promised to send to these school districts.

I happen to think Senator BYRD is right. I am happy to be a cosponsor of his amendment. We cannot at this point in time establish new mandates and new responsibilities on school districts across America struggling to survive and not provide the resources.

In my home State of Illinois, almost half of the school districts are now in desperate financial straits. In the city of Elgin, IL, a growth area in my State, they appropriated funds 2 years ago to build four new schools that were to be open this fall when school opened. Sadly, the Elgin School District does not have the resources to open the schools. They cannot afford the teachers. They cannot afford the overhead costs. The four brandnew school buildings sit vacant, an indication of how difficult it is to fund education at the local level in the midst of a recession, in the midst of a situation when State budgets are struggling to find balance.

That is a compelling argument for us to keep our word, to make certain that school districts across America have the money to help the kids improve their test scores, improve their education, become better readers, understand math and science, and improve as students. Unless and until we do that, we have no business mandating on these school districts that they have to start transporting students across school district lines and all of the other penalties associated with No Child Left Behind.

Let's pass the Byrd amendment. Let's keep our word to the schoolchildren across America, even if the Bush budget does not.

The last point I make is an amendment which I plan to offer at the first opportunity. Again, it relates to a promise made by President Bush. I was at the State of the Union Message, as most Members of the Senate attended, just a few months back. I listened carefully as the President made a pledge on behalf of the people of the United States. It was historic in terms of its commitment. The President said: We in the United States would lead the world in battling the global AIDS epidemic. President Bush said to standing, thunderous ovation from both sides of the aisle that he was pledging $15 billion a year over the next 5 years to fight the scourge of HIV and AIDS around the world. It was the right thing to do. The President was showing the leadership, which we expect of him, and leadership which makes all of us proud as Americans. Frankly, most of us believed at that point the deal was cut, that from that point forward no questions would be asked.

Now look at the bill before us and what do you find? Do you find that the $15 billion over 5 years results in $3 billion in spending in the next year, as one might expect? No. Scarcely $2 billion will be available—$2 billion to meet a $3 billion commitment.

There have been many serious casualties in Iraq. We have lost many lives. Many of our service men and women have been injured. But now we are dealing with the other Iraqi casualties—funding for our schools, funding for the global AIDS epidemic.

The President again must be held to the standard that he set, the standard of American leadership around the world in dealing with the global AIDS epidemic. I certainly hope my colleagues, many of whom voted for the resolution offered by JEFF BINGAMAN, the Senator from New Mexico, a few weeks ago—I think there were over 80 votes in favor of it, and we said we should put $3 billion in the budget this year for the global AIDS epidemic. I hope they will support my amendment which I hope I can offer later today or the first thing tomorrow, because in that amendment we will be able to keep our word.

Recently, in the Chicago Tribune, there was an editorial. This editorial suggested that this is a key floor vote on whether we are going to implement President Bush's bold $15 billion 5-year plan to fight AIDS in Africa and the Caribbean. The Tribune went on to say:

> The vote will go a long way toward determining if the U.S. will keep its promise to lead the world in the fight against AIDS.
>
> That noble pledge seems to be wilting under the heat of other budget pressures. Bush has lobbied Congress for no more than $2 billion for the first year. The Global Fund to Fight AIDS, Tuberculosis and Malaria would be particularly hard-hit by the reduced commitment.

They go on to say, my colleague from Illinois, Representative Henry Hyde, in the House:

> . . . secured approval for legislation specifying that $2 billion, plus an additional $1 billion for the Global Fund, would be disbursed each year, rather than "backloading" the money into later years.

Make no mistake, the AIDS epidemic is upon us. Every year we delay, every dollar we delay will increase the number of deaths and hardships and orphans created by this terrible disease. We have an opportunity to do something significant in terms of the global AIDS epidemic, in terms of our Nation's commitment, in terms of what President Bush has said he would do as our leader in this country. But we need to follow through. Let's not look for excuses. Let's, instead, look for the opportunity to lead, which is before us today.

I encourage my colleagues to join on these three amendments by supporting TOM HARKIN to stop the overtime pay change, which the Bush administration is pushing; secondly, to support Senator ROBERT BYRD, who has said the President must keep his word to fund the mandate which he has sent to public schools across America; and again, in my amendment, to offer the $3 billion to a world desperately in need of our help to deal with the global AIDS epidemic.

We can do this. We can keep our word. We can show the leadership that the President has promised.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1566

Mr. KENNEDY. Mr. President, I will speak briefly about my higher education amendment, which I offer with my friend and colleague, Senator COLLINS, from the State of Maine.

It is our hope that we might be able to vote on the Byrd amendment and the amendment of the Senator from Connecticut and this amendment later this evening. I do want to take a few moments, once again, to review the importance of adding the $2.2 billion to make sure the Pell Grant Program will continue to be alive and well.

Very quickly, the issue of availability of college for young people on the basis of their talent and educational achievement goes back to the 1960 campaign. That was a prime issue in that campaign: whether we, as a matter of national policy, were going to say to any young person in America, that if they had the ability to get admitted to any of our fine universities across this country, the size of their pocketbook or wallet would not limit them in terms of attending any of the great public or private universities, that they would be able to put through a package which would include grant programs, some loan programs, perhaps some work-study programs, perhaps a summer job program, and whatever else they might bring to the table, but at least it was going to be available.

There was going to be help and support for any young person in America. And any young person who was to take advantage of it was not going to have to mortgage their future in terms of borrowing from banks or from loan agencies. That was enormously important.

As a result of that, we have seen the opportunity for higher education available to millions of Americans. It was not really much of a surprise because we had seen the GI bill and then the cold war GI bill that was made available to veterans who took advantage of it.

The GI bill, after World War II, opened up enormous opportunities for new generations. Any careful review and study of that GI bill would find that paid back into the Treasury $9 for every $1 that was invested in students. It more than paid for itself just in terms of the bottom line economics of it, let alone the opportunity it gave to millions of young people. And then we had the cold war GI bill.

So this issue has been discussed and debated in this country as a matter of national policy. But what we are seeing, in the very recent times, is the sliding away from that fundamental commitment that says young people, if they are able to meet the academic standards, would be able to go to college.

In fact, I can remember a Secretary of Education, under a Republican administration, testifying before the Education Committee and saying: That is not what this Republican administration is really all about. Any young person will go where they can afford to go. And it should not be the Federal Government that is going to provide them with any of the help and the assistance.

That was an absolute retreat on what I thought for a time was a matter of a national kind of policy and priority. But, nonetheless, we have had to have that battle every several years. We have to have that battle on this Appropriations Committee because any careful reading of this appropriations bill would reflect that this Republican bill does effectively nothing to help families afford college. This has a zero increase in individual Pell grants. It has a zero increase in campus-based aid. It has a zero increase in the college work study. These are programs to provide job opportunities in the schools, as well as the Pell Grant Program.

If we look at the difference, the contrast between grants and loans, we can look back over the recent history. This goes back to 1980, 1981, where you will see that 55 percent of the education assistance was actually in grants, and then about 42 or 43 percent were actually in loans.

If you look at where we are now, in 2001, 2002, you will find 58 percent are loans and 41 percent are grants. This is a dramatic shift.

What this has meant is that great numbers of young people—estimates are anywhere from 35 to 45 percent—who are attending higher education are working 25 hours a week or more.

If you visit any of the campuses, you will find that the young people, at the time there is a break in the instruction, are talking about their jobs rather than talking about the books or their poems or the ideas which they are taking from their classes.

What we have seen is enormous indebtedness that the young people have experienced over this period of time, and this is for the average student who is going to any of the schools. About 68 percent of any of the young people who are attending schools or colleges get some financial aid.

Four years ago, when they were graduating from any of the public and private institutions across the country, the average was $27,000, $28,000 a year in terms of debt. Now that has doubled effectively because of the increase in the amounts the young people have to borrow. That has increased dramatically with a number of the young people who are going to graduate schools. And it is not infrequent that those who are graduating from the graduate schools end up with debts of $100,000 or $120,000.

This chart shows the shrinking buying power of the Pell grant. Going back to the late 1970s, if you got a Pell grant, it was about 84 percent of the cost of your education, if you went to a public 4-year institution. If you went to a private institution, it was still about 40 percent. Now we find it is 39 percent instead of 84 percent, if you are going to a public 4-year institution. If you are going to a private 4-year institution, it is down to 15 percent.

One of the most dramatic factors is the median income for the Pell grant recipients. It has gone from a little over $11,000 for family income in 1989 to 1990, to the year 2000 where it is now $15,000. This is the average income, 15,200 for 4.8 million young people who get the Pell grant who go to college today. But these are individuals who have the academic know-how and who have worked hard, come from humble backgrounds, and have been able to excel academically and gain entrance into some of our finest schools and colleges in the country. They are demonstrating an extraordinary perseverance.

What we are saying with this amendment is that we are going to make sure the Pell grant is going to continue its value in terms of young people who are qualified for it. Under this particular amendment, it will add $450 to the value of the Pell grant, which will mean 200,000 more children will be able to take advantage of the Pell grant in this $15,000 range. These are young people of talent, commitment, and conviction, who are hard working. This gives them the opportunity. That is what this is about. If this amendment is not successful, there will be over 100,000 Pell grant recipients, it is estimated, receiving the Pell grant today who will lose it as a result of the increase in the tuition that we have seen escalate over the past year.

I will not take the time to go over the increases, but every Member of the Senate understands what has happened in terms of increases in their States.

Finally, I draw the Senate's attention to the administration's policy itself, talking about Pell grants. The bill provides $12.7 billion for Pell grants, $538 billion less than the President's request for the high priority program. We are asking for $2.2 billion in order to provide for the Pell grant but also the TRIO programs, which are the indispensable link for children who come from disadvantaged educational circumstances but are gifted and talented, so they are able to gain entrance into the schools, as well as the GEAR UP Program which has been such a success.

We believe this is one of the most important amendments. If you care about education, you will stand with BOB BYRD, with his increase in No Child Left Behind. If you care about providing opportunities for the sons and daughters of low- and middle-income families who have ability, who have creativity, who have demonstrated their willingness for hard work, you will vote for this amendment. This amendment makes sense. It is an expression of a nation's priorities. I hope we will have a strong vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we will engage in a colloquy now to explain a little bit about what has been going on today and yesterday and outline what the plans will be for tonight and tomorrow. It will be myself and Senator DASCHLE and the managers of the bill, to clarify our general understanding.

First of all, last week tremendous progress was made on the bill. The managers have done a superb job in taking what we all know is a large, very important bill, a complicated bill, and systematically addressing the amendments that Senators have brought to the floor. A particular amendment, the Harkin amendment, has been the amendment talked about today and over the last 3 days. And it is an amendment that people feel very strongly about on both sides of the aisle.

In addition, both sides have looked at a whole range of amendments. And the managers have been made aware of those amendments.

As is always the case, the list is very long. But after discussion with the managers, it is clear that we have a manageable number of amendments that can be addressed if we started right now, tonight, in which case we would have to go very late tonight, tomorrow, and tomorrow night and complete action on the bill.

What it would mean is going back, in essence, to regular order in the sense of going back and voting shortly on four amendments, starting in a few minutes, after which the general understanding is that we would debate about six amendments tonight. Again, these are amendments which have been presented. They have been talked about and discussed. They would be debated tonight with the expectation that tomorrow morning we would vote on those amendments that require a vote and that we would vote on the Harkin amendment in the morning.

All of this is with the understanding that we would complete the bill tomorrow night and that we would stay and complete the appropriations bill as long as it takes tomorrow night, understanding that it is going to be challenging, that we are going to have to stay right on the bill and the amendments under discussion and stay focused in order to complete that bill tomorrow night.

If that could be done—and it will be done, based on the agreement—then it would be possible for us not to have rollcall votes on Thursday or Friday. We have September 11 on Thursday. We will have services here at the Capitol, and most of us will be participating in services either in our districts or here. So it is a challenging day. But I also think it is important for us to continue the normal business of the Senate on September 11 around those services. We would have a legislative day on Friday. In fact, we would be able to move to other business on Thursday and on Friday. But when we finish the bill tomorrow night, it would be with the understanding that we would address the amendments that I mentioned tonight, the specifics of which we will talk about shortly, and that we would finish the bill tomorrow night; that we would not leave until we finish the bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I concur with what the majority leader has just described as the current understanding. It is not our intention to ask for unanimous consent. That is not necessary. We have a number of amendments under regular order that can now be called up. It is our hope that we could get at least through four of them, perhaps more. It is also our expectation that we will have additional amendments offered tonight with an understanding that those votes will occur in a stacked sequence tomorrow morning, following the vote on the overtime amendment.

I believe it is possible for us to finish our work tomorrow if we put in a full day. We have lost a lot of time, unfortunately. But I think we can make up for that lost time tomorrow, with the understanding that Senators have to travel to their States, in many cases. We know of at least eight Senators, those most affected by 9/11, who will want to be in their States on Thursday.

I think it is important that we accommodate their understandable need to be in the States they represent. To do that, we really, out of necessity, will have to try to finish tomorrow night. I think we can do that.

The managers on both sides have done a very good job of working through the list of amendments we have, and we are prepared to vote on a substantial number of amendments already. If we do that tomorrow, with the assurances given by the majority leader—and there is also one other assurance. It is my understanding from previous conversations that we would be going to another appropriations bill as the next order of business whenever we complete this one. I know there is the outstanding question of when the so-called legislative veto of the FCC rule will occur, but except for that, it is the understanding, I think, on both sides, that we will stay on appropriations bills for the foreseeable future.

Mr. President, it would be my hope that we could begin voting soon to accommodate that schedule. I would like to work with the majority leader to complete our work on time tomorrow night.

I yield the floor.

Mr. REID. Mr. President, while the two leaders are on the floor, I have spoken with Senator BYRD. His amendment has been pending for a long time. He indicated he is ready for a vote now. I wonder when the two leaders wish to begin that first vote. It is on amendment No. 1543, Senator BYRD's amendment. Can we do that?

Mr. DASCHLE. Mr. President, if I understand the regular order, that would be the first amendment. With his cooperation, I see no reason why, at least on our side, we couldn't begin the vote almost immediately.

Mr. FRIST. Mr. President, before we call for the regular order, again, a lot of what we are going over today, tonight, and tomorrow is on good faith that we are going to finish this bill tomorrow night and do everything within our power.

A lot of people say: Why don't you put it in writing; get a unanimous consent agreement. We are not doing that because of this determination and good-faith effort as we go forward.

Before going to the regular order, I ask the managers to make a statement that they understand what the two leaders have said in terms of completion of the bill; that we will start voting here shortly, offering other amendments tonight, stacking votes in the morning, having a full and productive day, and staying here as long tomorrow afternoon or tomorrow night as it takes to complete the bill.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the majority leader and the Democratic leader for their statements. I am prepared to move ahead with the vote on the Byrd amendment. We have Senator DURBIN waiting to offer an amendment.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I do.

Mr. REID. To give people a little bit of notice, Senator DURBIN is going to be one of the four votes tonight. He is going to take 10, 15 minutes to offer his amendment, which is one of the four amendments tonight. As soon as he does that, maybe we can start voting. He needs 15 minutes and the Senator from Pennsylvania needs time to speak in opposition to the amendment.

Mr. SPECTER. Mr. President, that arrangement is satisfactory. I want to be sure we do not go to the vote on Senator BYRD's amendment before we give Senator DURBIN a chance to offer his amendment with a brief reply, if necessary, on this side.

I reiterate, perhaps supplement, what has been said that we are going to be looking for at least six more amendments to debate tonight. We will be discussing with the Members during the votes their intentions, with an effort on all sides to pare down the list to the maximum extent possible.

I yield the floor.

Mr. HARKIN. Will the leader yield?

Mr. FRIST. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. I thank the leader for yielding. I wish to express my thanks to the majority leader, the Democratic leader, Senator REID, Senator McCONNELL, and, of course, my appropriations leader, Senator SPECTER, for helping to work this out. In good faith, we are going to move ahead on this bill.

I concur with everything our majority leader has said. I believe we can move ahead. I believe we can get these votes in tonight. We can have debate on a number of amendments, and we can stack them for votes in the morning. I see no reason why we cannot finish this bill tomorrow night. I will make every effort to make sure that is accomplished.

Again, I want to make it clear, that after Senator DURBIN offers his amendment and makes his speech, we could then move to four amendments we can vote on quite rapidly. That will be Senator BYRD's amendment on title I, Senator KENNEDY's amendment on Pell grants, Senator DODD's amendment on Head Start, and Senator DURBIN's amendment on global AIDS.

For those Senators who may be watching in their offices right now and their staffs, we are going to move ahead very aggressively on this bill. We have a number of amendments people have contacted me about, stating they want to offer them and on which they want a vote. If Senators want to offer an amendment and get a vote on it, be here this evening and offer that amendment and debate it. We will stack it in the morning because after tomorrow morning, things are going to move pretty rapidly. We know how things go.

I am saying: A word to the wise. If any Senator has an amendment and wants to offer it and wants an up-or-down vote, I respectfully suggest and hope they will come over this evening and offer that amendment so we can vote on it in the morning.

Mr. DORGAN. Mr. President, may I ask the majority and minority leaders, who are in the Chamber, a question about another scheduling item? I understand there is no unanimous consent request pending with respect to this bill, and I understand the desire to finish this appropriations bill. I am a member of the committee and know we have a lot to do, so I am fully supportive of moving ahead and finishing this bill.

As the leaders know, there is a privileged resolution on the calendar dealing with the Federal Communications Commission rules and the resolution of disapproval. I filed that with a discharge petition with 35 signatures. It is bipartisan. We will need time to have a Senate vote on that. This is attendant to a 10-hour period for debate and then a vote on the resolution of disapproval on the rules that the FCC has now developed dealing with broadcast ownership.

These are very controversial. This is a very important issue. I have spoken with both the majority and minority leaders previously about this. I ask the majority and minority leaders if we can expect at some point in the next day or so to set a time so the Senate will know when we will vote on the resolution of disapproval.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, this is, in part, related to the Democratic leader's request about order of business. The Dorgan issue will be brought up at a mutually agreed time, and I think we will have an opportunity to do that this week. Depending on how things go tonight and tomorrow night, that means we have Thursday and Friday which, when we complete the bill tomorrow night, the agreement is we will not be voting Thursday or Friday. I think what we might well consider is doing the Dorgan bill Thursday or Friday. Again, I am a little hesitant because Thursday there is so much going on in terms of ceremonies, although I know we will be in session Thursday afternoon—we will be in session all day—but Thursday afternoon there is a block of time, or Thursday night or Friday. I would like to move to another appropriations bill on either Thursday or Friday. I think we can work that out. We would probably vote Monday night, if that is a reasonable time. We will have other votes Monday night because if we go to an appropriations bill, likely we will have several votes Monday evening.

Mr. DORGAN. Mr. President, it is my intention to be cooperative, and I want to finish the appropriations bill as well. I think we can work in a way that gives the Senate an opportunity to know when the vote will occur. We can find a way to do the debate and give us an opportunity to weigh in on this issue.

Incidentally, it is the Dorgan-Lott proposal. It is bipartisan, with many Members of the Senate from both sides of the political aisle. What I hear correctly is we probably could get some final arrangements for a vote next Monday evening. That makes great sense to me. Then we can have the debate between now and that period. I am only interested in nailing this down so Senators understand exactly what will happen.

I thank the majority leader for his response.

Mr. FRIST. Mr. President, I believe we are ready to proceed. Thus, I ask unanimous consent that the vote in relation to the Byrd amendment No. 1543 occur at 5:50 this evening, with 15 minutes for Senator DURBIN and 5 minutes for Senator SPECTER, and that there be no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1591 TO AMENDMENT NO. 1542

Mr. DURBIN. At the conclusion of my remarks, I will offer an amendment which I understand will be fourth in order for voting tonight.

I rise today to offer an amendment to fulfill our pledge to the millions of people around the world, in Africa in particular, who suffer from HIV/AIDS.

AIDS is fast becoming the worst plague the world has ever endured. Already, 25 million people have been killed by the disease. These charts have been provided to us by the United Nations World Health Organization. If we will look at these startling numbers, they indicate the number of adults and children newly infected with HIV during the year 2002: 3.5 million in sub-Saharan Africa; 700,000 in South and Southeast Asia; 270,000 in East Asia; 150,000 in Latin America; 250,000 in Eastern Europe and Central Asia. The numbers of newly infected people last year are truly startling.

Take a look at those who are living with HIV/AIDS at the end of the year 2002: 29.4 million in sub-Saharan Africa; 1.2 million in East Asia; 6 million in South and Southeast Asia; 1.2 million in Eastern Europe and Central Asia; almost a million in North America. The numbers are startling.

Then, of course, the mortality tables really tell an equally sad story. The estimated adult and child deaths from HIV/AIDS during the year 2002: 2.4 million in Africa. I know what happens when these numbers are read. Eyes glaze over, minds turn numb, and one thinks, I cannot calculate all of these numbers.

If you had been there, as I and so many of my colleagues have been, to meet with the families who are infected, who understand that they have a death sentence from HIV/AIDS, families who show extraordinary courage every single day getting up and doing their work, realizing they will never be able to afford the medicine necessary to prolong their life, families trying to keep it together with their children for that last moment, realizing their time will soon come, you would never ever forget it.

The statistics, as I said, may be something that numbs our mind but, frankly, for those who seen it firsthand, as I have, they will never forget it. As parents are dying, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans. Each year, the world loses a population greater than the city of Chicago because of AIDS.

We know how to stop the deaths. In his State of the Union Address, President Bush made a 5-year pledge of $15 billion to help millions of AIDS sufferers in Africa and around the world in fighting the AIDS epidemic. Listen to what he said:

> We can turn our eyes away in resignation and despair, or we can take decisive, historic action to turn the tide against this disease and give hope of life to millions who need our help.

Unfortunately, the President's solid and courageous rhetoric was not backed up by his own budget request. His budget this year falls nearly $1 billion short of the $3 billion for the coming year that is needed to meet the 5-year $15 billion pledge.

Sadly, the President's shortchanging on AIDS will cost lives. The additional $1 billion we seek to restore today will put 1 million people on treatment and prevent 2.5 million new infections.

In July of this year, Senator JEFF BINGAMAN of New Mexico, a real leader on this issue, asked us to enact a sense-of-the-Senate resolution to tell the world, listening carefully to what we have to say on this issue, what we believe. Senator BINGAMAN offered a very courageous resolution, as follows:

> It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels in the Concurrent Resolution on the Budget. . . .

Senator BINGAMAN said we should put $3 billion into this fight on AIDS as we promised, and he said we should do it even if it violates the budget resolution.

What happened to Senator BINGAMAN's resolution? It passed with 78 Members voting in favor of the resolution.

The Members who stood up and said they are prepared to vote for $3 billion to fight the global AIDS epidemic include the chairman of the subcommittee on appropriations which brings this bill to the floor, Senator SPECTER of Pennsylvania; the Republican majority leader, Senator FRIST, his assistant leader, Senator MCCONNELL of Kentucky; as well as the Presiding Officer from Georgia. All of these Senators and many more voted in favor of this resolution, saying they were prepared to stand up and vote for $3 billion to fight for AIDS. In just a few minutes, they are going to have that chance. They will be able to demonstrate to the world that what they voted for in the Bingaman amendment was more than just posing for holy pictures, that they were in fact prepared to cast the vote even if it broke the budget resolution because the AIDS epidemic was that powerful and that overwhelming.

With those 78 votes, this Durbin amendment should pass easily. Maybe I do not even need to complete my speech, but on the off chance that some of my colleagues might be thinking of changing their minds—having voted for the Bingaman resolution and now given a chance to actually vote for the money, decide they want to vote the other way—let me tell them why they should not. Remember what the President himself said:

> We care more about results than words. We're interested in lives saved.

Now is our opportunity to go beyond words and fulfill the pledge the President made in his State of the Union Address and the pledge we made in the Senate this last July. Keeping our promise and fighting against AIDS is in America's interest. AIDS is not just a humanitarian crisis, it is a security crisis. Living up to President Bush's promise on AIDS is important for showing the world we will keep our commitments.

As the CIA Director recently said when asked is AIDS a security issue, Director Tenet said: You bet it is. With more than 40 million people infected right now, a figure that by 2010 may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa. As this disease spreads, it unravels social structures, decimates populations, and destabilizes nations around the world.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by the year 2010.

AIDS is particularly devastating to national armies around the world that ensure the stability of their nations. In South Africa, according to the Rand Institute, some military units have infection rates as high as 90 percent. Keeping our promise on AIDS to the world is not only the compassionate thing to do, it is the smart thing to do in terms of national security as well.

Today, we have a chance to change the course of the AIDS pandemic by providing $3 billion, as promised, in the next fiscal year. The amendment I am putting forward would close the gap between the rhetoric of our promise in the State of the Union Address and our 78 votes on the Senate floor and the real needs of AIDS sufferers by fully funding the $3 billion. The amendment provides $939.7 million to close the gap and fully fund this $3 billion pledge.

The stakes could not be higher. Let me quote Majority Leader FRIST who said recently:

> History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history or performed one of its most heroic rescues.

Senator FRIST is right. In just a few moments, with the Durbin amendment, on a bipartisan basis, we can say to the world we will not stand idly by and make budgetary excuses about an epidemic that threatens our world; we will come to the rescue as we promised.

Instead of fulfilling this pledge, unfortunately, the White House is claiming that the full amount cannot be spent in the next year. All the leading development organizations and medical authorities have rejected this White House claim. This week in Roll Call, a newspaper on Capitol Hill, all—and I underline "all"—of the leading relief and development organizations in the United States placed an ad endorsing the fact that the full $3 billion could be well spent. Don't fall for the argument: That $3 billion, they won't know what to do with it.

The fact is, there are ample opportunities to stop the spread of AIDS right now. There are not enough funds available, and $2 billion does not meet the global need. By putting in the full $3 billion we promised, we will save lives. By not appropriating that money, lives will be lost, more people affected, and more AIDS orphans to populate this troubled world.

The White House is also ignoring the capacity of the Global Fund to fight AIDS, TB, and malaria, the most effective tool we have to beat AIDS. The Global Fund that is chaired by the Secretary of Health and Human Services, a member of President Bush's Cabinet, Secretary Tommy Thompson, is scaling up successful programs on the ground in Africa and is working to stop the wave of the pandemic in India. It needs hundreds of millions of dollars this fall to fund the grant applications which they know will work to slow down the spread of AIDS.

The White House should not forget the extraordinary needs of AIDS orphans. According to a soon-to-be-released report by the Earth Institute at Columbia University, orphans and vulnerable children need $15 billion each year for basic health, education, and community services. The Global HIV Prevention Group found that AIDS prevention spending falls $3.8 billion short of what is needed by 2005. Although we can spare the lives of babies with AIDS for the price of a Sunday newspaper in the United States, only 5 percent of the women at risk have access to medication to prevent mother-to-child transmission.

I say to my 78 colleagues who voted for the Bingaman amendment just a few weeks ago, understanding that to meet the $3 billion funding request might cause us to go beyond the allowed amounts in the budget resolution, you, including my friend from Pennsylvania, who is the chairman of this subcommittee, voted in the affirmative and said you understood the seriousness of this challenge. You were prepared to take an extraordinary step on the floor of the Senate for an extraordinary challenge which faces the world.

Have they forgotten? Will the rollcall reflect political amnesia on the part of my colleagues or will they stand strong and stand tall for the position that they took not that long ago when we voted on this Bingaman amendment just a few weeks back?

I hope they will join me and commit to fully funding the $3 billion to fight AIDS. We have a unique chance to change the future and save lives. It is in our hands.

Today, a 15-year-old boy in Botswana faces an 80-percent chance of dying of AIDS. I have been to Botswana. This wonderful country unfortunately has a clouded future because of the specter of AIDS which hangs over it today. If we act now, we can change the future for these children before it is too late. I beg my colleagues in the Senate, please look beyond the sterility of this budget resolution. Look in your heart and realize, as Senator FRIST has said, we cannot stand idly by. We cannot make procedural arguments. We cannot find any comfort or refuge in some procedural element that suggests maybe we can't afford it. We know better.

We voted with Senator BINGAMAN. I hope my colleagues will join me in voting for this amendment.

I ask unanimous consent Senator MURRAY be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I don't know if it is appropriate now to ask that the amendment be read by the clerk?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, and Mrs. MURRAY, proposes an amendment numbered 1591.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the prevention, treatment, and control of, and research on global HIV/AIDS)

At the appropriate place, insert the following:

SEC.   . For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, $939,700,000, to remain available until expended: *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,834,899,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $330,000,000 shall not be available for obligation until September 30, 2004.

Mr. DASCHLE. Mr. President, I rise in strong support of the Durbin amendment regarding the global AIDS fight. I commend Senator DURBIN for his brave leadership on this issue.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend $3 billion for the next 5 years on a comprehensive program to combat AIDS. Congress passed this legislation in response to the President's call for action in his State of the Union address. Legislators on both sides of the aisle commended the President for his leadership and vision in recognizing the need to launch a major offensive against the spread of a disease that has already killed 25 million people worldwide, and infected 42 million more.

Unfortunately, President Bush's call to action proved to be nothing more than empty rhetoric. Despite Congress's commitment to combating AIDS, President Bush's own budget request has fallen fall short of his promises, seeking under $2 billion, more than $1 billion less than what he is authorized to spend.

President Bush argues that the full $3 billion amount cannot be invested effectively in the fight against HIV/AIDS, citing the lack of administrative infrastructure in Africa and other regions plagued by the disease. He says that he does not believe Africa and Asia can absorb so much in the way of resources for the fight against AIDS.

I wholeheartedly disagree. I traveled to Africa last summer and visited with health care workers and their patients at AIDS clinics in South Africa, Botswana, Nigeria, and Kenya. I saw the overwhelming positive impact of voluntary counseling and testing programs on women in Soweto and Nairobi and Kasane. Those who test positive are taught to prevent the virus's spread, and those who test negative are taught to stay virus-free. I saw how Nevirapine can save a child's life when it prevents mother-to-child transmission of the virus. I saw what we in the United States now consider a standard course of anti-retroviral drugs rescue an AIDS-ridden man from the virtual throes of death.

My trip to Africa showed me clearly that what Africa needs to fight AIDS is not fewer resources, but more. I believe that the $3 billion Congress has authorized not only can be spent, but is desperately needed.

First, the Global Fund to fight AIDS, TB and malaria assures us it can put millions of dollars of additional resources to critical use immediately. Moreover, as the President argued in France earlier this spring, additional investments in the Fund from the United States will pressure our friends in Europe and Asia to contribute their fair share to this fight.

Second, additional resources can dramatically expand the remarkable training programs the United States runs through the CDC, NIH, and USAID, particularly in those countries not included in the President's Emergency Plan for AIDS Relief covered, so that we can jumpstart our efforts to improve health infrastructure in those countries already struggling with HIV/AIDS—and those, like India, we know soon will be.

Third, we ought to vastly expand education programs in schools and universities throughout Africa, Asia, and Eastern Europe, increase the voluntary counseling and testing centers that have already helped thousands of AIDS-positive men and women, and expand the work of those centers to provide treatment for those who need it.

As the Washington Post reported recently about local women overturning that country's tradition of the sexual healer, women armed with information and options will halt the transmissions of this deadly disease.

It's easy to become overwhelmed by the sheer magnitude of the problem. Misinformation and misguided traditions exacerbate this crisis and absolutely must be addressed. But there are thousand of public health experts and community leaders across Africa and Asia who understand the problem and are ready to take these concrete steps to save millions of lives—if they only had the resources. We cannot hide from the fact—nor should we want to—that if we make an investment now, we have the opportunity to avoid a tragedy of far greater proportions. For example, since the President's historic announcement in January, new studies have found what we feared may be the case—the epidemic is moving with a vengeance into huge population centers like India, where U.S. HIV/AIDS assistance remains inadequate—and we remain unprepared.

Senator DURBIN's amendment will restore AIDS funding to the full level authorized in this chamber earlier this year. It says, very simply, that we will fulfill our promise. I commend the Senator for his commitment to seeing the U.S. lead the world in this essential fight, and I encourage my colleagues to cast their votes for saving lives.

Mr. LAUTENBERG. Mr. President, I rise to offer my overwhelming support for Senator DURBIN's amendment on AIDS funding, of which I am a co-sponsor. I urge my colleagues to vote on this matter based on principle rather than politics. This amendment does nothing more than fulfill President Bush's promises to the international community that he made this year in his State of the Union Address.

In January, President Bush called on Congress to increase U.S. funding for global anti-AIDS work to $15 billion. In the spring, he signed a bill authorizing $15 billion over the next 5 years. And he spoke often of this comment during his recent trip to Africa, the continent hardest hit by the AIDS plague.

But while the President signed a bill to authorize this important and critical cause, he failed to appropriate adequate funding for it. While signaling his intent to help deal with the global AIDS crisis, he did not back his intentions with actions.

Senator DURBIN's amendment holds the administration's feet to the fire. It will fully fund the $3 billion authorized to combat HIV/AIDS in Fiscal Year 2004. This should be an easy vote for my colleagues, who seemed to support the AIDS authorization bill in May.

Some of my colleagues have registered concern that we cannot fully appropriate funding this year to the authorized level because the necessary humanitarian and non-governmental organizations would not know how to handle so much money so soon. With all due respect, this is just not accurate.

The Global Fund to Fight AIDS, Tuberculosis, and Malaria, which was established with support by this administration, is inundated with applications for international AIDS/HIV treatment, vaccination, and public education projects that cannot even be read because of the scarcity of funds.

AIDS killed 2.5 million Africans in 2002. Current infection rates in Africa, Asia, Central Europe and elsewhere are staggering. I urge my colleagues to recognize the awesome responsibility they hold to save lives and to support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment, of which I am a cosponsor, and I commend my friend from Illinois who has been so passionate, and so relentless, in seeking additional funding to combat AIDS.

Senator DURBIN has been carrying on this fight for several years. He has offered amendment after amendment. He has urged the White House to declare AIDS an emergency, which we all know that it is. And time and again he has been opposed, by the White House and some in the Congress. I hope that does not happen again today.

This debate is not about whether AIDS is a catastrophe of historic proportions. It is not about whether it is the worse public health crisis in history. There is no dispute that 15,000 people are becoming infected with this deadly disease each day, that over 42 million people are already infected, and that over 25 million people have already died.

Nor is this debate about what needs to be done. We know what types of prevention programs work, and that it depends on the culture and practices in each country. We know that only a tiny fraction of people infected are receiving treatment, and that care often amounts to nothing more than a hospital bed, if that.

We know that in many countries, where the infection rate is increasing and where there are already millions of AIDS orphans, faith-based and other private voluntary organizations are working around the clock, with nowhere near the staff or resources they need.

There are countless examples of grandmothers struggling to care for a dozen orphaned grandchildren, or children as young as 9 years old caring for their younger siblings.

We know that no country is immune, and that the number of people infected is increasing exponentially, especially in Asia.

We also know that people infected with HIV often succumb to tuberculosis, which is rampant in many countries, including drug resistant TB. And we know that malaria kills 1 million people each year, mostly African children. Many of these deaths could be prevented. An estimated 500 million people get sick from malaria each year.

Again, this debate is not about any of that. Rather, it is about whether the United States should spend $2 billion in 2004 to combat AIDS, tuberculosis and malaria, or $3 billion.

Earlier this year, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis. I commend him for that, and for going to Africa, where he highlighted the suffering caused by AIDS there.

President Bush has shown real leadership on AIDS, although Senator DURBIN and I and others have been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized $15 billion over 5 years. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take AIDS seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing a check without enough money in the bank.

The President's budget for 2004 contains only $2 billion of the $3 billion we authorized for AIDS.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to $1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For 2004, the President only budgeted $200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of $150 million from what was appropriated last year.

There is another problem. While the President's 2004 budget for Foreign Operations includes approximately $1.3 billion to combat AIDS, TB and malaria, it robs Peter to pay Paul to pay for increases in these programs. The President's budget would cut other essential global health programs.

Child survival and maternal health programs would be cut by 12 percent. These are the programs that provide lifesaving child immunizations. They help to prevent the 600,000 pregnancy-related deaths each year that could be avoided. The President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles, SARS, or ebola, by 32 percent. Measles kills 1 million children not 100,000 or 200,000 but 1 million children a year. Again, this disease is easily preventable.

These are not my numbers; these are the administration's numbers. These numbers are in the President's budget.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to fight AIDS. It is the same with child nutrition. It is the same with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Senator MCCONNELL and I were able to restore the funds for these other global health programs. In fact we increase funding to combat other infectious diseases, and to support child and maternal health. But because of that, we did not have additional funds to fight AIDS. That is why we need this amendment.

Senator DURBIN's amendment builds on an amendment in July by Senator BINGAMAN to the State Department Authorization bill. That amendment, which passed 78–18, called for full funding—$3 billion—for the first year of the President's $15 billion AIDS initiative, even if it means exceeding the budget ceilings.

His amendment would provide an additional $984 million that we already authorized. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment. Senator DURBIN's amendment would do it.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start doing what we say.

We are spending over $4 billion each month in Iraq. This amendment would provide an additional $1 billion for the year to combat the worst health crisis in world history. Americans are threatened with AIDS not just in this country, but every time they travel abroad.

I have traveled to Africa, to Haiti, to Vietnam and China, to Central Europe and the former Soviet Union. I have seen how AIDS is ravaging those countries.

In all my travels, and in all my conversations with the leaders of those countries and with public health experts—from the Gates Foundation, to USAID, to the World Health Organization, to the directors of America's public health institutions, to the private voluntary and faith based organizations doing the work in those countries, I have never met anyone, no one, who believes that the additional funds provided by this amendment could not be well spent.

No one who works in the field or AIDS prevention and treatment, or TB or malaria, who I have spoken to, believes that we do not need these additional funds. We need them now, not a year from now.

The White House argues that $3 billion could not be spent effectively in combating AIDS in the 14 countries where it plans to focus. They may be right, but that is not what the United States Leadership Against AIDS, TB and Malaria Act says. Why limit our efforts to 14 countries, when 5 times that many countries are being ravaged by these diseases? Why ignore the other two dozen countries in Africa, or Russia, or China or India where AIDS is spreading out of control? It makes absolutely no sense. It is a false argument.

Fighting AIDS is not about 14 countries. There are dozens of countries that need help, and if there are not enough trained people or infrastructure, we should help build that capacity. We should train more people and provide the vehicles, the testing equipment, the drugs, to carry out effective prevention and treatment programs. Ask anyone working in public health in those countries, and they will tell you what needs to be done.

I really cannot understand the White House's argument. It is not based on fact. It is not based on reality. It is not based on public health.

Is it because they don't want to spend the money? We are paying far more today to fight AIDS than if we had faced up to this disease back when it was just beginning. We wasted two decades, and 25 million people died, in part because we and others failed to act. We will spend far more tomorrow if we do not do what is needed today.

That is what this amendment does. I commend the Senator from Illinois. I urge the White House not to oppose this amendment. I urge the majority leader to support it. He recently traveled to Africa and saw the same tragic consequences of AIDS that many of us have seen there. We need to work together. Let's not make the same mistake again.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. It is my understanding I have control of the time until 15 minutes before 6, and I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I support the Senator and his amendment. There are certain things in life, if we apply our efforts, our research, our development, our technology, we can ultimately lick. One of them that, of course, we are working real hard on is cancer. One of them, another big killer, is heart disease. And clearly the plague of AIDS is one of them.

I support the Senator and thank him for bringing this amendment to the floor.

At the appropriate time I would like to address another amendment with the manager.

I yield the floor.

Mr. DURBIN. Mr. President, in the remaining few seconds I have under the unanimous consent agreement, I urge my colleagues on both sides of the aisle to help us. We heard from the President the other night. We need to rally as a nation to put up our resources where we made our commitment in Iraq. We made a commitment, as well, through the President and through the Senate, to deal with the global AIDS crisis.

Frankly, I think it would be difficult for us to explain how we can find $87 billion in Iraq and not find the $3 billion that the President promised to the world, and we in the Senate stood behind him by a vote of 78 in favor to support. This will be our chance to do it.

When we do it, we will be able to look back at this moment as not only doing the right thing, but doing something very important for generations to come.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I request of the manager of the bill I be given some opportunity to speak on another amendment, but at his pleasure. I will speak whenever he would prefer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I may respond to the Senator from Florida, we are now moving ahead to the 5 minutes on my time, in response to the Senator from Illinois. We are then going to proceed to four votes. But we will be here following those votes. We are looking for amendments, and we will put the Senator from Florida first on the list following the votes.

Mr. NELSON of Florida. I thank the Senator.

Mr. SPECTER. Mr. President, I ask unanimous consent that immediately following the vote in relation to the Byrd amendment, the Senate proceed to a vote in relation to the Kennedy amendment, No. 1556, to be followed by a vote in relation to the Durbin amendment, No. 1591; further, that no amendments be in order to the mentioned amendments prior to the votes. I also ask unanimous consent there be 2 minutes equally divided for debate prior to the second and third votes in sequence. And, finally, I ask unanimous consent the last two votes in this sequence be limited to 10 minutes each.

I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we think this is a tremendous step forward. However, we are trying to get a fourth vote as the two leaders have requested. Both of those amendments are those by the Senator from Connecticut, the senior

Senator from Connecticut: one dealing with Head Start and one dealing with special education. The one on Head Start he has not offered yet, but he wanted to do that tonight. There was a time period—we were told we could not do that because there was a second-degree amendment. We next come to the special education amendment, No. 1572. We are told the same thing.

We are in good faith trying to move this bill. But we can't be expected to meet the impossible. We have waited here a couple of days trying to move this stuff forward. We come up with amendments and people say we can't let you do that one. We are doing our best to meet the suggestion of the Senator from Tennessee, the majority leader. We asked Senator DODD, and he has agreed to do it in 20 minutes evenly divided—Head Start.

Mr. DODD. Reserving the right to object, Mr. President, I was just informed of a different proposal than I was operating under when I had the discussion with the distinguished minority whip and the ranking member of the chair of the committee. If you will give me 2 minutes to resolve the conflict, which of these matters should be dealt with tonight or tomorrow, we could come right back to this. I am sure we will get an agreement. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor and cannot suggest the absence of a quorum. Is there objection?

Mr. REID. There is no objection at this point to the unanimous consent request. We hope we can add to it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe in short order we will be able to work out an additional portion of the unanimous consent for the vote on the Head Start amendment.

Mr. DODD. I hope so, yes.

Mr. SPECTER. We will sequence that prospectively fourth in line for another 10-minute vote. The expectation is there will be a short time for debate, expected to be 10 minutes equally divided.

Mr. DODD. Something like that.

Mr. SPECTER. We can work that through in just a few moments.

Mr. REID. We can announce that prior to the next vote beginning.

Mr. SPECTER. We can.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, inquiry: Do I now have 5 minutes to respond to the Durbin amendment?

The PRESIDING OFFICER. The Senator has 1 minute 18 seconds remaining.

Mr. SPECTER. Mr. President, I agree a great deal with what the Senator from Illinois has said about funding on HIV/AIDS. Just a few months ago, the Senator from Illinois and I offered an amendment of $700 million on the foreign aid bill. Before it became generally recognized that there should be major U.S. appropriations for AIDS, the President included in his State of the Union speech a program for $15 billion. As much as I would like to see another $900 million-plus added, we simply do not have it in the budget resolution. We are now up to the amount of $137.6 billion in the budget resolution and in the allocation.

I think it is important to note that we have in this bill in excess of $14 billion.

I ask unanimous consent that a table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL HIV/AIDS FUNDING

[Dollars in thousands]

	FY 2003 final	FY 2004 request	FY 2004 Senate
CDC Global AIDS Program	$142,569	$143,763	$142,569
CDC Int'l Applied Prevention	11,000	11,000	11,000
Mother-To-Child Transmission	40,000	150,000	90,000
Global Fund for HIV/AIDS	100,000	100,000	150,000
Bilateral TB and Malaria	15,000	15,000	15,000
NIH Global AIDS research	252,300	274,700	274,700
Global AIDS in the workplace	10,000		10,000
Total	570,869	694,463	693,269

TOTAL HIV/AIDS FUNDING IN THE FY 2004 SENATE LABOR-HHS BILL

[Dollars in thousands]

Health Resources & Services Administration	$6,996
Centers for Disease Control & Prevention	932,189
National Institutes of Health	2,869,858
Substance Abuse & Mental Health Services	171,774
Agency for Healthcare Research & Quality	1,800
Office of the Secretary	63,113
Global Fund for HIV/AIDS	150,000
Ryan White CARE Act Programs	2,041,599
Total Discretionary Including Ryan White	6,237,329
HIV/AIDS Services in Medicare and Medicaid	7,800,000
Grand Total in Labor-HHS bill	14,037,329

[In thousands of dollars]

Program	FY 2003 appropriation	FY 2004 budget request	FY 2004 Senate
Subcommittee—Foreign Operations:			
Child Survival Assistance for bilateral programs	591,500	650,000	500,000
Other Economic Assistance	38,500	40,000	50,000
Bilateral Malaria & AIDS	105,000	105,000	105,000
State Department Global AIDS Initiative[1]		450,000	700,000
Global Fund Contribution	250,000	100,000	[250,000]
Other	2,000	1,500	2,000
Total Foreign Operations	987,000	1,346,500	1,357,000
Subcommittee—Labor-HHS:			
CDC Global AIDS program	142,569	143,763	142,569
CDC Mother to Child Transmission	40,000	150,000	90,000
CDC International Applied Prevention Research	11,000	11,000	11,000
NIH International Research	252,300	274,700	274,700
DOL AIDS in the workplace	10,000		10,000
Global Fund Contribution from NIH	100,000	100,000	150,000
CDC Malaria & Tuberculosis	15,000	15,000	15,000
Total Labor-HHS	570,869	694,463	693,269
Subcommittee—Defense: DOD HIV-AIDS education w/African Armed Forces	7,000		
Subcommittee—Agriculture: Section 416(b) Food Aid	25,000		
Total—All Subcommittees	1,589,869	2,040,963	2,050,269

[1] Includes up to $250 million for Global Fund.

Total to Global Fund is $400,000,000 ($250 million from Foreign Ops & $150 million from NIH).

Mr. SPECTER. Mr. President, we have an additional $4 billion from other Departments.

I ask unanimous consent that a chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIV/AIDS PROGRAM LEVEL 2002–2004

[Dollars in millions]

	2002	2003	2004
HHS:			
HHS Discretionary	$5,789	$6,130	$6,390
Medicaid (Federal Share)	4,200	4,700	5,200
Medicare	2,050	2,350	2,600
Sub-Total, HHS	12,039	13,180	14,190
All Other Government:			
Social Security—DI	961	985	1,014
Social Security—SSI	390	410	430

HIV/AIDS PROGRAM LEVEL 2002–2004—Continued

[Dollars in millions]

	2002	2003	2004
Veterans Affairs Department	391	396	402
Defense Department	96	78	88
Agency for International Development	510	740	790
Justice/Bureau of Prisons	16	17	19
State Department	0	0	459
Labor Department	11	1	1
Education Department	0	0	0
Housing and Urban Development	277	292	297

HIV/AIDS PROGRAM LEVEL 2002–2004—Continued

[Dollars in millions]

	2002	2003	2004
Ofc. Personnel Mgmt.—FEHB	297	321	343
Sub-Total, All Other Government	2,949	3,240	3,834
Total, HIV/AIDS	14,988	16,420	18,024

Mr. SPECTER. Mr. President, we are making enormous strides with some $19 billion. Much as I would like to see another sum added, we simply do not have the money in our resolution.

I refer to a letter from Dr. Joseph O'Neil, Director of the Office of National AIDS Policy, to Senator FRIST dated July 17 specifying—and I will not take the time to read it now—that the $2 billion on this particular program is all that can be usefully expended.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 17, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing $15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for $2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increased each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's FY 2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

DR. JOSEPH F. O'NEILL,
Director, Office of National AIDS Policy.

Mr. SPECTER. Mr. President, I ask unanimous consent that following the last stacked vote in this sequence, Senator DODD be recognized to offer an amendment relating to Head Start; there be 10 minutes equally divided for debate in relation to the amendment; further, that following the debate, the Senate then proceed to a vote in relation to the Dodd amendment, with no amendment in order to the amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1543

Ms. MIKULSKI. Mr. President, I rise in support of the Byrd amendment to fully fund title I. America's strength is our opportunity ladder. One of the strongest rungs on the ladder is our public schools. Education is what gives parents hope for their children. That is why it is so important to continue our commitment to improving public schools.

When Congress passed the No Child Left Behind Act, we placed the burden on schools to improve. It is a worthy goal—but it will be a difficult task. We knew this when we passed No Child Left Behind, and so we promised to give schools adequate resources. Yet only 1 year later, the Senate Labor, Health and Human Services, and Education bill falls far short of our commitment to providing the resources needed to make the reforms work. I have heard from teachers and parents from all over Maryland. They all tell me that they are worried about whether their school will make the grade. They are worried about how they're going to meet all the requirements in No Child Left Behind—especially in this time of budget cuts and budget crunches.

This bill shortchanges our schools and our students. I am concerned that we have lost track of what America stands for—empowerment, hope, and opportunity. Instead of funding for our schools, this Congress passed a tax cut for the rich. And guess what? The tax cut left us shackled. It left us with no money in the Federal checkbook for education.

That is why I am proud to cosponsor this amendment, which would provide an additional $6.15 billion for title I. Title I is vital to the success of No Child Left Behind. Reforms without resources is a hollow opportunity. Fully funding title I will help our Nation's poorest schools hire more teachers, buy more computers, and implement the kind of reforms they need to improve student achievement.

There is a lot of talk about leaving no child behind. Yet today we are still fighting to make sure our children go to good schools with good teachers and up-to-date books and facilities. The No Child Left Behind Act will be a hollow promise if we don't match our rhetoric with resources. That is why this amendment is so important. We must make sure no child is left out of the budget. I urge my colleagues to vote for the Byrd amendment.

Mrs. CLINTON. Mr. President, I support the Byrd amendment, which provides $6.15 billion in additional funding for title I grants.

Two years ago, we promised school districts that they would have the resources they needed to meet new standards mandated by the Federal No Child Left Behind Act.

As it stands, this bill fails to adequately, fund title I—the cornerstone of No Child Left Behind, NCLB. In fact, it provides $6.15 billion below the amount promised to school districts for fiscal year 04.

This funding level in this bill is even $334 million below the increase that was slated for title I in the budget resolution for fiscal year 04.

Children are failing in many of our schools in all of our states. These children need extended learning time. They need instruction from high-quality teachers and they need to learn in smaller classrooms.

The Byrd amendment gives schools the resources they need so that they can create the best possible condition in which all teachers can teach and all children can learn.

Today, 23.3 percent of all children in New York are living in poverty, more than all but six other States.

The proposed appropriation in this bill fails to meet the need for more resources for these children. As a result, 458,745 eligible New York children would not be fully served and will consequently be left behind.

Funding title I at its NCLB-authorized level of $18.5 billion would provide New York with $682,595,000 more than the current proposal.

Title I grants help school districts in all States pay for tutoring instruction, specialized services, class size reduction and other critical support services to help the neediest of all children achieve high standards.

With this funding, New York school districts can hire up to 13,379 teachers to reduce class size and provide specialized instruction in math and reading aimed at helping these needy children meet state standards.

The impact of the proposed funding level is especially felt in key cities across New York State. Without the resources provided by this amendment, 243,803 eligible children in New York City, 2,902 children in Albany, 15,222 in

Buffalo, 7,362 in Syracuse and 5,887 children in Yonkers will not be fully served. These children will be left behind.

Securing these additional funds could enable districts to hire an additional 72 teachers in Albany, 385 in Buffalo, 7,862 in New York City, 312 in Rochester, 164 in Syracuse, and 159 teachers in Yonkers.

If we expect every single child to succeed there should be no exception to our commitment to turning around struggling schools. This amendment will reaffirm our commitment by giving schools the resources they need so that teachers can teach to the highest standards and all of our children can learn.

I urge my colleagues to support this amendment.

Mrs. LINCOLN. Mr. President, I rise today to speak in support of the amendment of my colleague from West Virginia to increase funding for the title I program by $6.15 billion. By bringing the total up to $18.5 billion, title I would be funded at the level authorized in the No Child Left Behind Act for fiscal year 2004.

The title I program is critical for disadvantaged students because it targets federal resources to the poorest school districts where Federal dollars are needed most.

In my State of Arkansas, this funding is crucial because 67 percent of students attend title I schools. These schools depend on these important funds to upgrade technology, provide professional development for teachers, and implement school-wide programs.

Like dozens of other States today, Arkansas is currently experiencing a serious budget crisis at the same time the State is expected to meet the new requirements we imposed in No Child Left Behind.

To make the situation even more challenging for my State, the Arkansas Supreme Court ruled last November that the current funding level for education in Arkansas is inadequate and that the distribution of funding is inequitable. The AR Supreme Court gave the state until Jan. 1, 2004 to comply with its order.

Arkansas is not alone. States all across the country are facing similar financial woes, which means title I funding is more important than ever.

Like title I, additional funding for IDEA is also critical to students and school districts in my State. I hear more complaints from constituents about the Federal Government's failure to meet its obligation under IDEA than any other Federal education program.

Even though Congress has increased funding for IDEA in recent years, the funding level in this bill falls far short of the promise we made in 1975 to pay 40 percent of the costs of providing a quality education to special needs students.

Currently, IDEA is an unfunded mandate, which is profoundly unfair to school districts, teachers, and the students they serve. I am disappointed that an amendment offered last week by Senator DAYTON to fully fund IDEA in fiscal year 2004 was not adopted.

For the sake of the students who depend on the services provided under IDEA and the educators who are responsible for implementing the law, I am hopeful the Senate will have another opportunity to consider full funding either on this legislation or another bill before Congress adjourns this year.

We also need to pass meaningful legislation that will encourage more students in Arkansas and the Nation to pursue a college education. I think that promoting post-secondary education is an essential element of any effort to prepare our workforce to meet the demands of today's global marketplace.

I also believe we should continue to build on our success regarding Federal student financial assistance. That is why I am pleased to support an amendment to this bill by Senator KENNEDY that would increase student financial aid in fiscal year 2004 by $2.2 billion, which is essential to keep up with the growth in college costs.

One of the most worthwhile financial assistance programs is the Pell grant. Since its inception in 1972, students nationwide have received enormous benefits from Pell grants, so I think we need to continue to make a larger investment in this area. The higher education funding amendment would increase the maximum Pell grant by $450, which would give close to 2,000 more Arkansans access to financial assistance for higher education.

This higher education amendment also includes additional funding for the TRIO programs, which are particularly important to Arkansas. The TRIO programs are designed to help low-income, first-generation college students prepare for, enter, and graduate from college. While student financial aid programs help students overcome financial barriers to higher education, TRIO Programs help students overcome class, social and cultural barriers. Considering Arkansas has one of the lowest percentages of residents with a four-year college degree, the more than 50 TRIO programs currently serving participants in my state provide a critical source of encouragement and support to thousands of students who might otherwise never receive their college degree.

As many of my colleagues know, for the last 3 years I have circulated a sign-on letter with the Senator from Maine to increase Federal support for the TRIO programs. Our goal is to increase the population served under these programs from 6 percent to 10 percent of eligible students. By passing the Kennedy higher education amendment, we would be making a significant downpayment on that goal.

Nearly 40 percent of the children in this country attend rural schools. These schools face enormous challenges such as teacher recruitment and retention and small student populations.

I am extremely disappointed that the Senate rejected an amendment that I supported which would have fully funded the Rural Education Achievement Program, REAP. This program recognizes the unique needs of small and rural schools while ensuring accountability. It provides essential funding that many of these schools rely on because they lack the personnel and resources to apply for competitive grants.

Last year, well over half of Arkansas' school districts received approximately $5.6 million in total funding under this program to help meet critical educational needs. And this funding is needed now more than ever as schools strive to meet the new accountability measures of the No Child Left Behind Act.

I want to close my remarks by emphasizing my strong belief that education can be and must be a high priority for our Nation.

I was proud to support a bold reform plan for our Nation's public schools a few years ago because I believe firmly that every child deserves a chance to receive a quality education regardless of where they live or go to school.

The approach I supported created a new contract between the Federal Government and local school districts—more funding and flexibility for public schools in return for greater academic achievement for all students.

I said at the time that additional funding and reform go hand in hand—you can't have one without the other and expect to succeed.

As many of the accountability requirements of No Child Left Behind take affect, it is critical for Congress to meet its obligation to provide schools and students with the resources they need to meet higher standards.

I hope my colleagues will rise to the occasion during consideration of this bill and deliver on the promise of equal opportunity for all students.

My greatest fear is that we won't meet our obligations to our children in this bill. In the years ahead, our children will provide the workforce and leadership for our nation. Indeed, our children are our future. We don't have the luxury of waiting to fund these programs adequately at some undetermined time in the future. We should fulfill our responsibility today.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and, therefore, is not in order; that is, as to the Byrd amendment on which we are about to vote.

The PRESIDING OFFICER. Under the previous order, the Byrd amendment is now pending.

Mr. REID. Mr. President, under the applicable statutes, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) the Senator from Massachusetts (Mr. KERRY) the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas, 44, nays, 51, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1566

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Kennedy amendment No. 1566.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

There are 4.8 million young Americans who take advantage of the Pell Program. That is $4,050. The average cost of public university tuition has increased 10 percent. This amendment effectively provides the $2.2 billion that will increase the Pell grant to $4,500. That is an increase of 10 percent. Without this kind of increase, more than 100,000 students who have been admitted to colleges on the basis of merit will drop out. There is no question about it; this amendment is about opportunity. It is about hope. It is about the future of America. I hope the Senate will accept it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt that the Pell grants are very important. We have increased Pell grants in the past decade, almost doubling them. And while I would like to see more money in this education budget and fought to have a greater allocation, we simply do not have it within the budget resolution to appropriate any more money. With respect to the higher education items, there is very substantial funding in TRIO, GEAR UP, Perkins, and other education programs. So as much as I would like to see this appropriation, we simply do not have the funds in the budget resolution or in the allocation of the subcommittee.

I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and therefore is not in order.

Mr. KENNEDY. Mr. President, I move to waive section 504 of the concurrent resolution for the purpose of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, this is a 10-minute vote.

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1591

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate evenly divided prior to a vote on the Durbin amendment No. 1591.

Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, my colleagues will remember the President's State of the Union Address, during which $15 billion over 5 years was pledged to fight global AIDS.

This bill only provides $2 billion. When Senator BINGAMAN offered his amendment on the floor on July 10, by a vote of 78 to 18, we said we want it to be $3 billion regardless of the budget resolution; 45 Democrats and 33 Republicans voted for $3 billion in spending. It can be spent. Every major organization has come forward and said the need is there, the need is now.

To my friends on the other side of the aisle, including the chairman of the subcommittee, who voted for the Bingaman resolution, if 33 Republicans will step forward today as they did July 10 for the same proposition, we guarantee our 45 Democratic votes will be there with you. Let's pass this resolution and keep our promise to fight the global war on AIDS. Stand behind President Bush's promise of $3 billion.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Illinois on the importance of fighting HIV/AIDS. A few years ago, Senator DURBIN and I joined together on an amendment for $700 million before there was a general recognition of the importance of U.S. funding on AIDS and even before the President made his speech committing some $15 million.

We have in the budget at the present time $14 billion. We have some $4 billion from other agencies. The Director of the Office of National AIDS Policy has expressed the view that the $2 billion now for global AIDS is all that can be used.

Much as I would like to see additional funds, we simply do not have it in the budget resolution or in our allocation. So I must oppose the amendment, and I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

Mr. DURBIN. Mr. President, I move to waive section 504 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Collins
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Domenici
Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Under the previous order, the Senator from Connecticut is recognized to offer an amendment on which there will be 10 minutes of debate evenly divided prior to a vote.

The Senator from Connecticut.

AMENDMENT NO. 1597 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER, proposes an amendment numbered 1597 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for Head Start)

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) HEAD START FUNDING.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional $350,000,000 for such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $700,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,245,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,433,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and a number of my colleagues. I will not recite the entire list of all of those who have joined with me on this Head Start amendment.

This amendment would increase the appropriation by $350 million above the increase recommended by the Appropriations Committee over the coming fiscal year. Very briefly, what this means, in the absence of this amendment being adopted, we will have to cut the number of children who are presently in Head Start programs. With the adoption of this amendment of $350 million, we can increase the enrollment by 36,000 children in Head Start programs across the country.

There are 19,000 centers and 50,000 classrooms. This is a program that has worked remarkably well over the past almost 40 years. It serves children by helping them get ready to learn. It has been remarkably successful. We are still underserving a very needy population, as the Presiding Officer knows. If we do not get them started right, these are the children who drop out of school, who become teen parents, who end up in the juvenile justice system, and become people who abuse substances.

Head Start works. We are going to be reauthorizing the program in the coming year, to do a variety of things to improve the program even further. In the absence of this kind of a start, when we now know the poor population of children has been increased by 600,000 just in the last 2 fiscal years, to be reducing the number of children presently in the program would be a huge mistake. These are poor children. They come from single-parent families. They are struggling to make ends meet. Head Start gives them an opportunity to get on the right track early on before they begin a formal education.

I urge my colleagues on both sides to be able to find the resources to do this. Head Start has been remarkably successful. It deserves our bipartisan support, and I urge my colleagues to support this amendment.

I yield to my distinguished friend from Florida who would like to be heard on this issue as well.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have been to Head Start facilities all over my State. What a wonderful little academic atmosphere for these 3-, 4-, and 5-year-olds who are starting the program, as well as those who are younger than 3. It is this little academic atmosphere where they start to learn their letters, the alphabet, and their numbers. They start to learn respect for their fellow little citizens, respect for property. In addition to that academic environment, we are looking at their health, their physical health, their mental health, their dental health.

Back in July, the House of Representatives by a 1-vote margin, 217 to 216, started to sound the death knell on this fantastically successful and wildly popular program by saying, instead of funding it directly to the Head Start centers, they were going to put it in a nice little block grant and send it to eight State legislatures and Governors.

You know the fiscal distress the States are in. You know the temptation it is going to be for those States if we ever entertain anything like that.

To the contrary, here we have an opportunity to take a stand with the amendment of Senator DODD, to say responsibly we are going to increase the Head Start Program that gets these little fellows, these little children, prepared to enter prekindergarten and the first grade.

I support the Senator's amendment.

Mr. DODD. Mr. President, I want to close by talking about the reauthorization of Head Start. We need these resources to keep trying to expand the number of children who can participate in this program. We all know the importance of literacy. We know the importance of getting these children ready to learn. If we end up reducing the number of children presently in the program, as we will if we accept just the language of the pending appropriations bill, it is a major setback in early education.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support the Dodd amendment to add $500 million to the Head Start Program. I have heard from communities all over Maryland that are being forced to make tough choices because funding for Head Start is inadequate. Communities have to choose between two bad options: diluting the quality of Head Start, or shutting the doors on some eligible children.

And what does President Bush propose to solve this problem? Instead of putting the resources in the budget, he proposed dismantling Head Start by handing it over to the States. Head Start is already one of the more successful Federal programs. Head Start can be even more effective than it already is. But you know what? It is going to take Federal leadership and a serious investment—not a block grant and a prayer. That is why I am proud to cosponsor the Dodd amendment.

Currently, only 60 percent of eligible preschool children are in Head Start, and only 3 percent of eligible infants and toddlers are in Early Head Start. In Maryland, about 25 percent of eligible children under 5 are in Head Start and Early Head Start. At the same time, we are trying to improve Head Start by requiring stricter teacher qualifications, by improving academic instruction, and by maintaining vital health and social services. Yet this bill provides only $148 million more for Head Start. That is not even enough to cover inflation.

The Bush budget puts communities in a tough position. They have to choose between diluting the quality of their Head Start programs or serving fewer children. In my own State of Maryland, we are facing this kind of impossible choice. For years, Montgomery County contributed $16 million of its own money to run a very high quality Head Start Program. But they still didn't have enough money to serve to all the low-income children in Head Start.

Recently, the county proposed using its money for a pre-K program that would serve more children. But they also proposed making cutbacks and sacrifices. They proposed cutting back on comprehensive health and family services for the new pre-K classes. They proposed shortening pre-K classes, which would mean teachers couldn't accomplish as much. And they proposed reducing the number of children in Head Start by almost half.

The Bush budget forced Montgomery County into this situation by not providing the resources to serve all children in Head Start. I think we need to put the money in the Federal checkbook so that communities won't have to make bad choices between bad options. The Dodd amendment is a step in the right direction.

You can't get more for less. You get what you pay for. We need to increase Federal funds so that all eligible children can benefit from high-quality Head Start. I urge my colleagues to support the Dodd amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Connecticut about the desirability of Head Start. I think it is a marvelous program and the increase in appropriations reflects a doubling in the past decade. In my capacity as chairman of this subcommittee, whenever we could find an extra dollar we put it into Head Start.

In fiscal year 2000, we increased Head Start by more than $600 million. In fiscal year 2001, we increased Head Start by $933 million.

I just wish we had the funds available now to add the $350 million requested by the Senator from Connecticut. For next year, we have funded an increase in Head Start for almost $150 million. Regrettably, we are stretched very thin with respect to the budget we have here, on the budget resolution and on the allocation to this subcommittee.

My colleagues are coming to me for relatively small sums, some in tribute to former Members of this body, and we simply do not have the money. The Senator from Wisconsin wants $1 million, not a large request in a $137.6 billion bill, but there is just not enough money here. Being a manager of a bill has a great many challenges getting it organized and getting it in gear. But in the last 3 days I have cast more controversial votes—I would consider really bad votes, according to my own instincts of what I would like to see done—than I cast in the whole last year.

The title I Amendment offered by Senator BYRD, I voted against and I deplore the inadequacy of funding on title I. With regard to Pell grants, Senator HARKIN and I have led the way. When we pushed it up to $4,000 a couple of years ago, the Director of OMB came to my office and threatened a broadscale rescission of the entire bill.

I would very much like to see more money for Head Start. But we just do not have it in the resolution and we don't have it in the allocation. You can't squeeze blood out of a turnip and this bill has turned into a turnip. I don't think it is a lemon but I think it is a turnip.

Mr. President, for that reason I raise the point of order under section 504 of the concurrent resolution on the budget for the fiscal year 2004 that the amendment exceeds the discretionary spending and therefore is not in order.

Mr. DODD. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd

Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Domenici
Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this question, the yeas are 47, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, in our sequencing, we now turn to the Senator from Nebraska; how long does the Senator intend to speak?

Mr. HAGEL. I request 4 minutes.

Mr. SPECTER. Fine.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1572

Mr. HAGEL. Mr. President, I rise tonight in support of an amendment I have offered, along with my colleagues, Senators DODD and JEFFORDS and others, to increase funding for the Individuals with Disabilities Act, IDEA, part B, by an additional $1.2 billion in fiscal year 2004. This amendment would bring the total IDEA fiscal year 2004 increase to $2.2 billion, which was the level approved by the Senate in the fiscal year 2004 budget resolution earlier this year.

For the past 3 years, I have worked with Senators HARKIN, DODD, JEFFORDS, and many of my Republican colleagues to increase funding for IDEA. I have argued that no education funding priority is as important or will do more for States in this time of budget crisis than meeting our Federal commitment to IDEA.

As we all know, in 1975 Congress guaranteed children with disabilities the right to free and appropriate education. This meant that, whatever the cost, States and local school districts would be mandated by Federal law to provide the necessary services to educate a child with a disability. Congress understood that this Federal mandate would be costly. As a result, they agreed to provide States with 40 percent of the cost of educating these children. That was almost 30 years ago.

Unfortunately, Congress has not kept its end of the deal. While our schools continue to meet the necessary requirements under IDEA year after year, they also bear more than their fair share of the costs for complying with this law. Today, the Federal Government's commitment to IDEA is only 18 percent.

As in years past, I offered legislation with Senator HARKIN and others to ensure that the Federal Government provides for special education by making funding increases for this program mandatory. But we will have this discussion on mandatory versus discretionary funding for this program when we take up the IDEA reauthorization legislation later this year.

We are here today because, again, as years in the past, this appropriations bill has failed. We failed to keep our funding proposition. That is why we need this amendment. The fiscal year 2004 budget resolution approved by this body allowed for a $2.2 billion increase for IDEA, part B funding. Unfortunately, the Senate Appropriations Committee underfunded this program, only providing an increase of $1 billion.

The Dodd-Hagel-Jeffords amendment provides an additional $1.2 billion for IDEA, meeting the approved budget increase of $2.2 billion already approved this year.

Additionally, the amendment would put us on a realistic path to reaching our obligation to provide States and local school districts with 40 percent of the cost of educating children with disabilities.

This is the responsible thing to do. I ask my colleagues to support this amendment when it comes up for a vote tomorrow morning.

Mr. President, I thank you and yield the floor.

Ms. COLLINS. Mr. President, I rise today in support of the Dodd-Hagel-Jefford amendment to increase funding for the Individuals with Disabilities Education Act or IDEA. I am pleased to join Senators COLEMAN, MURRAY, DORGAN, BINGAMAN, KERRY, MIKULSKI and others as a cosponsor of this amendment.

IDEA is based on two fundamental principles: first, that all disabled children are entitled to a free and appropriate public education. And second, to the maximum extent possible, these children should be educated along side their nondisabled peers.

To help States achieve these principles, Congress authorized funding at 40 percent of the average per pupil expenditures. Unfortunately, this funding level has never been realized, leaving States with insufficient resources and jeopardizing the achievement of IDEA's goals.

In 1996, the year I was first elected to the Senate, the Federal Government provided only $2.3 billion for IDEA funding, about 7 percent. Last year, IDEA funding had risen to $8.9 billion, about 18 percent. While clearly we have made great strides in this area, the currently IDEA funding is still less than half of the 40 percent originally promised by Congress. Over the years, this shortfall has placed a tremendous financial stress on States in providing these services, and in particular on small rural communities such as those in Maine.

As startling as these shortfalls are, they fail to fully convey the crushing financial blow which can result to a small community when a medically fragile, high cost child locates there. In these situations, school systems are often forced to cut back in services to all children, both disabled and nondisabled, in an attempt to meet their legal obligations. Unfortunately, this can result in resentment of these children by members of their own community.

Increased Federal support is desperately needed, and that is why I want to thank Chairman SPECTER for the substantial increase in IDEA funding he has included in the Senate base bill. He has included nearly a billion-dollar increase over last year's level.

Our amendment seeks to further boost this funding by providing an additional $1.2 billion for IDEA Part B State Grants. This increase would result in a $2.2 billion increase over fiscal year 2003 funding and will keep us on the track toward full funding. Our amendment would also be consistent with action taking during Senate consideration of the fiscal year 2004 budget resolution, which similarly provided for a $2.2 billion increase for IDEA. In Maine, passage of this amendment would result in a $10 million increase over fiscal year 2003 funding levels.

With this amendment, we would raise the Federal Government's commitment to roughly 21 percent of the costs of special education. I urge my colleagues to join us in support of this amendment. Let's continue our efforts to make good on our promise and fully fund IDEA.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New York.

AMENDMENT NO. 1598 TO AMENDMENT NO. 1542

Mr. SCHUMER. Mr. President, I rise to offer an amendment to increase the funding levels in the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL, proposes an amendment numbered 1598 to amendment No. 1542.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for programs under the Ryan White Care Act)

On page 61, between lines 14 and 15, insert the following:

SEC.   . In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) $74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) $50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) $214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) $21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) $25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) $10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) $5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

Provided, That of the funds appropriated under this Act for the National Institutes of Health, $750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,296,629,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,381,871,000.

Mr. SCHUMER. Mr. President, I will be brief because I know we have a lot to do to finish this bill tomorrow.

This amendment increases the funding levels of all titles contained in the Ryan White CARE Act by a total of $401 million, with $214 million specifically going toward the AIDS Drug Assistance Program, commonly referred to as ADAP.

The CDC estimates that nearly 900,000 people are living with HIV in the United States, and among those are 362,000 who are living with AIDS.

Forty percent of the new estimated HIV infections each year occur in the New York City metropolitan area. So obviously this has great importance to us.

Adolescents, women, and minority communities are particularly hard hit by this epidemic. Over 80 percent of the new estimated HIV infections in women occur among African-American and Latino populations.

In the last 10 years alone, the number of AIDS cases among women has more than tripled, and every hour in this country two people under the age of 25 become infected with HIV.

Now the interesting thing here is, this is not just limited to New York. Cleveland, OH, and Atlanta, GA, have been named as two hot spots for this growing trend in the increase in AIDS and HIV, particularly among women.

In his fiscal year budget of 2004, President Bush stated his goal to help reduce the number of HIV infections in the United States by 50 percent by 2005. However, the President's budget provides no new domestic prevention funding for CDC to meet this goal.

The Ryan White CARE Act provides resources to State and local health departments and community-based organizations for primary medical care, drug treatments, and supportive services for low-income, uninsured people living with HIV and AIDS.

The ADAP program provides access to vital but costly new drug treatments that have enabled many people to live longer, more productive lives.

Since 1996, the number of people served by ADAP alone has more than doubled, expenditures have quadrupled, and the need for services still outpaces available services. If we do not provide full funding for ADAPs, we will accumulate as many as 21,000 Americans on waiting lists in the next 20 months.

With no access to lifesaving drugs, they will experience HIV disease progression, they will end up in hospital emergency rooms and intensive care units, and they will incur very significant, avoidable costs to local health care systems.

Currently, Oregon, Kentucky, and Alabama have the longest waiting lists. Alaska, Colorado, Idaho, Nebraska, New York, Oklahoma, South Dakota, Washington, and West Virginia all currently have severe access limitations due to the lack of funding and will have to close enrollment sooner than they planned.

To effectively fight the spread of HIV/AIDS in the United States, America's leading organizations committed to fighting this epidemic have called for an increase of $400 million for domestic prevention activities at CDC. My amendment attempts to fill in these gaps.

As increasing numbers of people with HIV/AIDS live longer, the cost of their care and treatment places greater financial demands on State and local governments and community-based organizations. We can provide funding for these needed services through the Ryan White CARE Act.

I urge my colleagues to adopt this much-needed amendment.

Mr. President, I yield back my remaining time.

Mrs. CLINTON. Mr. President, I thank my colleague from New York for addressing the HIV/AIDS epidemic on behalf of the millions of people affected by HIV/AIDS in New York and around this country. The profound human tragedy of HIV/AIDS has exacted an incalculable economic and human toll on civilization—the Ryan White CARE Act programs have helped to fill the gaping holes in care and survival we have experienced these last few decades. This amendment will provide essential funding for those programs so that those struggling to survive each day can access necessary, life-saving treatments.

We are all familiar with the statistics—800,000 to 900,000 Americans currently live with HIV/AIDS, 77,000 in my State of New York alone. Furthermore there are a devastating 40,000 new infections in the U.S. each year.

This is why we need the $401.43 million that this amendment would provide for the Ryan White CARE Act programs, including a $214.8 million increase for the AIDS Drug Assistance Program or ADAP. The Ryan White CARE Act provides invaluable resources to State and community health organizations for primary medical care, drug treatments, supportive services for low-income, and uninsured people living with HIV/AIDS. Ryan White is also crucial to helping people follow complicated drug treatments, to alleviate high medical costs for people with low incomes and to combat HIV/AIDS in communities with a high degree of new HIV/AIDS cases.

It is precisely because of Ryan White CARE Act's documented success that we need to help the program survive, so they can help patients survive. Improvements in care and powerful drug therapies are well publicized and indeed many people with HIV/AIDS are living longer, more productive lives. Yet as patients live longer, the cost of their care and treatment places greater demands on community-based organizations and State and local governments. This funding is vital for health facilities and State budgets, which have come under considerable financial strain due to costly new drugs.

For example, the AIDS Drug Assistance Program, ADAP under Title II of the CARE Act was created in part to address the enormous need brought on by the advent of new combination drug therapies. However, several States have been forced to cap or restrict access to drug treatments through ADAP, and continually deplete their ADAP budgets long before the fiscal year ends. Turning our backs on patients who have clearly benefited from better access to newer, more effective drugs would be a step backwards.

I urge my colleagues, on behalf of patients and states, to support this amendment. We need to keep one step ahead of this disease with education and prevention efforts, focusing on hard hit populations such as women and minorities, or else we risk sliding backwards in our battle. Millions continue to face the daily grind of living with this insidious disease, and it is my sincere hope that funding these programs will bring a measure of help and hope to New Yorkers and Americans who suffer each day.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe the Ryan White HIV/AIDS program is a very important one. I wish we had additional funding so we could accept the amendment offered by the Senator from New York, who seeks to add $400 million to this program.

There have been very substantial increases in the program. In 1999, the program was set at approximately $1.4 billion and that has increased to the current appropriation of $2.041 billion.

Overall, on HIV/AIDS, in the Labor-HHS bill, we have in excess of $14 billion. The entire bill, which we have, has an allocation $137.6 billion. I fought to have a larger allocation, but this is the maximum appropriation we can make within the budget resolution and within our allocation, as much as I would like to see even more resources directed toward HIV/AIDS.

For those reasons, Mr. President, because it does exceed the budget, I raise a point of order under the Budget Act.

Mr. SCHUMER. I move to waive the appropriate section of the Budget Act, Mr. President.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. We are going to vote on this tomorrow, Mr. President, but now we are set to go.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1595 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1595 with respect to LIHEAP.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE, proposes an amendment numbered 1595.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981)

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional $300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,195,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,483,301,000.

Mr. REED. Mr. President, first let me start off by commending Chairman SPECTER for his efforts to meet the needs that are so evident in this appropriations bill in a very difficult budgetary climate.

The amendment I offer this evening, together with my colleague from Maine, Senator COLLINS, would be to increase funding for the Low-Income Home Energy Program to $2.3 billion for fiscal year 2004.

I thank my other colleagues and cosponsors—Senators KENNEDY, LEAHY, ROCKEFELLER, VOINOVICH, JEFFORDS, KERRY, LIEBERMAN, SCHUMER, CORZINE, SARBANES, BINGAMAN, LINCOLN, LEVIN, HARKIN, CLINTON, DURBIN, and SNOWE—for cosponsoring this amendment.

The amendment Senator COLLINS and I are offering will provide $300 million for the LIHEAP contingency fund. This money is available under certain specified conditions: a significant home energy supply shortage or disruption, a significant increase in the cost of home energy, a significant increase in home energy disconnections, a significant increase in participation in a public benefit program, or a significant increase in unemployment.

Contingency money for LIHEAP is very important to ensure that these resources can be quickly dispensed and targeted to those areas of the country and those populations that are experiencing either severe weather or severe economic distress.

Today, on September 9, it is a balmy day in Washington, DC, but no one can forecast the weather that will take place throughout the course of this winter on the east coast, in the Northeast, or on the west coast, nor can we forecast hot weather that could occur in the summertime. So this contingency fund is absolutely essential.

What we need to do is to ensure that this funding is there in sufficient quantity so there will be no disruption in meeting the needs of people who are facing crises, either economic distress or severe weather.

I particularly thank Senators SPECTER, HARKIN, STEVENS, and BYRD for their commitment to the basic program. This appropriations bill contains $2 billion for the LIHEAP State grant program. It is the first time we have had $2 billion for the basic LIHEAP program since 1986, and it is a testament to the commitment and effort of Senators SPECTER and HARKIN and their colleagues. It is the absolute minimum we need for the state grant program. Any lower amount represents a real cut in dollars. But we also need something else, and that is the contingency funds. If we don't have those contingency funds, I don't think we can respond to the needs many of us foresee taking place this winter.

Last year, States provided LIHEAP assistance to over 4 million families. Yet this is only about 15 percent of the 30 million households who were eligible for LIHEAP assistance. So 85 percent of eligible Americans could not be helped because of constrained funding in LIHEAP.

My colleague, Senator BINGAMAN, is going to offer an amendment later which would try to increase the basic State grant by $1 billion up to $3 billion. This is a goal Senator COLLINS and I have aspired to for many years. We annually send a letter asking for state grant funding of $3 billion. I certainly support that proposal. But I readily understand, given the constrained budget, where this is a very difficult judgment to be made by the committee and by the Senate. Nevertheless, I do believe—and that is why I offer, with Senator COLLINS, this amendment—we need, for operational efficiencies and for the ability to respond, the $300 million in contingency funds. I hope on a bipartisan basis we can support this $300 million contingency fund.

My colleague is here. I know she wishes to speak on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the program for low-income home energy assistance is a vital program. Pennsylvania, my State, compares about the same as the State of the Senator from Rhode Island in terms of weather. It gets very cold. I am well aware of the fact that for many people, especially seniors, it is a matter of heat or eat.

Since I have been on the subcommittee, we have made enormous progress in increasing the funding for LIHEAP. I thank the Senator from Rhode Island for noting the allocation which Senator HARKIN, the ranking member, and I had put in at $2 billion. When the Senator from Rhode Island cites statistics on the number of people who will not be covered, it is true. If his amendment is adopted, there will be some people who won't be covered. If a vastly increased sum of money were added, we would simply have to make the allocations.

We had an allocation last year of $1.7 billion with a $300 million amount in the contingency fund. This year the Senator from Iowa, Senator HARKIN, and I decided to put the full $2 billion in the main account so you wouldn't have to get the contingency to activate those expenditures. I would like very much to have more money in this account. I fought hard on the budget resolution for more money for this subcommittee. If we had more money, nothing would give me greater pleasure. I don't think I have voted against any increase in funding for LIHEAP in the time I have been in the Senate.

There are very heavy responsibilities on the manager of the bill. One is to get the bill moving. If we don't get this bill through by September 30, we lose $3 billion. So it is with great reluctance that I have to oppose the amendment from the Senator from Rhode Island, because I would like to see this funding granted, but it does exceed the budget resolution. And therefore, with reluctance, I raise a point of order.

The PRESIDING OFFICER. A point of order has been made.

The Senator from Rhode Island.

Mr. REED. Mr. President, pursuant to section 504(b)(2) of the concurrent resolution on the budget, I move to waive section 504 of that concurrent resolution and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be and is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, the plan is to stack this vote until tomorrow morning.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join with my colleague and friend from Rhode Island, Senator REED, in offering an amendment that would increase the funding for the Low Income Home Energy Assistance Program, commonly known as LIHEAP, by $300 million.

Before I begin my formal comments, I, too, want to pay tribute to the distinguished chairman of the subcommittee, Senator SPECTER, for his longstanding support of low-income heating assistance funding. Due to his efforts, there is in this bill a $200 million increase in LIHEAP funding over last year. Moreover, the bill would provide $300 million more in much-needed regular LIHEAP funding than either the administration's request or the House bill. So the legislation before us represents significant progress.

Nevertheless, I am joining in the effort of my colleague from Rhode Island because I think it reflects a realistic appraisal of the needs for more assistance in this program.

During the past year, the Nation has gone from energy crisis to energy crisis. In just this year alone, we have seen price spikes involving home heating oil, natural gas, gasoline, and electricity. Earlier this year, one of the largest suppliers of oil to American markets, Venezuela, ceased production as a result of political turmoil. A harsh cold snap occurred at about the same time, causing home heating oil supplies to plummet and prices to surge upward.

More recently, we have run into a shortage of natural gas that has again sent prices shooting upward. Three weeks ago, 50 million Americans suffered through the biggest blackout in American history. And finally, most recently, the price of gasoline rose with unprecedented speed to approximately $1.75 per gallon.

These energy crises impose an especially heavy burden on our low-income families and on those of our elderly who are living on limited incomes. Low-income families spend a greater percentage of their incomes on energy and have fewer options available when energy prices soar. High energy prices can even cause some families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine.

These are choices no American family should ever have to make. Despite the hardship which energy emergencies impose on low-income Americans and despite the frequency with which we have all been forced to suffer through energy emergency after energy emergency, the bill before us does not provide any contingency LIHEAP funds to respond to these kinds of emergencies. Given the frequency with which we have been beset by energy crisis after energy crisis, in my view it is only prudent that we plan ahead and that we include some contingency funding to ensure low-income families can get through the next energy crisis on the horizon.

I hope we won't have to use that funding. I hope prices will be stable, that the winter will not be unusually harsh or long, and that there will be no energy emergencies in fiscal year 2004. If there aren't, if we are lucky or fortunate, then we will have no need to spend this money and we will all be much relieved. But just in case the future repeats the past, doesn't it make sense, just in case there is another shortage of home heating oil or natural gas or price spikes or heat-related crisis next summer, we be better prepared? Should we not set aside some funding to help those who will need the help the most?

I call upon my colleagues to join Senator REED and me in supporting this amendment which will set aside an additional $300 million for energy emergencies.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Rhode Island.

Mr. REED. I believe we have concluded our discussions on this amendment. I ask unanimous consent to lay aside this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1592 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1592.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL, proposes an amendment numbered 1592 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for immunization services)

On page 61, between lines 14 and 15, insert the following:

SEC.   . In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional $50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,945,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,733,301,000.

Mr. REED. Mr. President, once again, I have to commend Senator SPECTER and Senator HARKIN for trying their best to meet extraordinary demands with very limited resources. In this case, it is with respect to childhood immunization. This is an issue that is too often taken for granted because it has been such a success throughout many decades in American public health. They have tried extremely hard to maintain these funds. They did not accept the President's proposal for a $28 million decrease from the previous year's funding.

Nevertheless, the CDC, the principal Federal agency for immunization policy and implementation, after enjoying several years of increases, will only receive a $5 million increase over last year's funding for global vaccine activities. Regrettably, it is not sufficient to continue meeting the challenge of vaccinating all of our children and truly protect children from diseases that are preventable through immunization.

States and public health authorities throughout the country are facing difficult issues of increased prices for vaccines and increased demands for services. These factors argue very strongly for increased funding, not level funding.

Right here in the District of Columbia, school began last week and the school department is struggling to contend with thousands of children who are not up to date with respect to their vaccinations.

The amendment I offer today, in conjunction with Senators MURRAY, DURBIN, and CANTWELL, would increase funding for the CDC National Immunization Program by $50 million. This additional funding will ensure that State and local immunization programs can maintain their commitment to protecting the health and well-being of our children.

One of our greatest successes in the area of public health has been the campaign to have all children properly immunized by the age of two. During this century, substantial progress has been made toward eliminating and controlling many vaccine-preventable diseases. Simply level funding this effort will not allow us to stay ahead of the problem but to actually lose ground in this public health campaign. That is why I am proposing this amendment.

Immunization initiatives have a proven track record of success. They are terribly cost efficient. Our efforts today have resulted in high levels of coverage around the country and record low numbers of outbreaks of diseases. In fact, by looking at this chart, you can see the success we have enjoyed with immunizations for vaccine-preventable diseases, including diphtheria, measles, mumps, polio, and rubella. These diseases struck fear in the hearts of Americans many years ago.

Today, we see a record of success in which diphtheria, for example, has been reduced by over 99 percent on an annual basis; measles has been reduced by 99 percent; polio, which when I was a young child was the most dreaded disease one could imagine, has been eliminated in the United States. This is a testament to the success of immunizations. We have to do more than what we were doing last year just to maintain current services.

Now, the other factor that we have seen in terms of the success of immunization is the direct and indirect savings when it comes to health care costs. For example, for every dollar invested in the hepatitis B vaccine for infants at birth to 2 months of age, that dollar saves $14.50 in direct and indirect costs. The mumps, measles, and rubella vaccine saves about $23, or approximately $9 billion each year. This is an incredibly cost-effective program as well as a very necessary program. We cannot rest on our laurels. We have achieved this success, but if we relent and do not continue to put in the effort, we will find ourselves with fewer children immunized and higher incidence of disease outbreaks.

There is another factor, and that is at the time we are funding these immunization programs, we are discovering that science is making great breakthroughs and creating new vaccines, but these vaccines add to the cost of the program.

This chart illustrates the recommended immunization schedule in the year 2003—hepatitis shots, diphtheria shots, polio shots, et cetera. All of these are multiple dosages over a number of months. All of them are expensive or getting more expensive. So what we have here is an increased demand not only in terms of children but also in terms of the vaccines and the immunizations they must receive.

The CDC is at the heart of our efforts. This chart depicts the six stages or elements of a good immunization program: community assessment; outreach and education; delivery of the recommended vaccines by providers; followup; tracking; maintenance of coverage rates and outbreak control. On all of these efforts, CDC is using their resources by giving grants to States, by making vaccines available under their programs.

This is an involved, intricate, and, frankly, expensive program that we must support. To do otherwise would risk what I fear would be a lack of progress in the days ahead with respect to the protection of our children in particular.

Now, the next chart illustrates one other aspect of the dilemma that is facing public health authorities—many more vaccines to be delivered, and also the cost of vaccines are going up, particularly the latest vaccine added to the inventory, the pneumococcal vaccine. The diagram describes the recommended vaccines in 1985. Back then, it was diphtheria, polio, and 1–2 MMR, or measles, mumps and rubella. Also, notice that the cost per child was very low, relatively speaking. Today, in 2003, with additional vaccination requirements, that cost has shot up significantly. So the range is almost $450 compared to $50. That is putting a greater burden on States, causing an additional need for Federal resources.

One of the things that is happening because of the clash of demand and limited Federal resources is that, in some cases, we are seeing a two-tier immunization system. Now, 32 States have implemented the new pneumococcal vaccine using Section 317 funds; 19 States have not done it. So in many respects, these 32 States are on the leading edge of providing total protection—or as much as we can ensure today for children—and yet 19 States are lagging behind. The principal reason for that is the inability to finance these new vaccines. Another very important reason we must, I believe, increase the appropriation this year for our immunization program.

You can see by these charts that we are beginning to lose a little bit of ground. This was 2001. The blue figures are the highest levels of vaccination, ranging from 80 to 89 percent. The yellow are the passing, if you will, 70 to 79 percent. The red is 60 to 69 percent of coverage.

Back in 2001, there was one State, Louisiana; and in 2002, because of strained resources, we are seeing many more red States show up. They are Louisiana, Oklahoma, Colorado, New Mexico, and other States are on the decline in terms of coverage. This is another reason why we have to insist—at least I feel it is important enough to insist—that we increase funding for this very important program. We all, as I said initially, sometimes take for granted that our vaccine programs are working, that polio and rubella and measles are something of the past.

You can just look around the country at some of the headlines we are seeing in local newspapers: "Whooping Cough Rates Soar in Three Oregon Counties." This one says "Tetanus Continues to Pop Up in the U.S." "Officials Warn of Pertussis Outbreak." "Whooping Cough Cases Could Double." There are other examples.

It reminds us that we cannot take immunization for granted. I know the chairman has tried valiantly to put more resources into this program. I urge my colleagues to do what they can to support this amendment so we can increase funding for this very worthwhile and very efficient program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt about the tremendous need for adequate vaccines to protect our children from a wide variety of maladies. The Senator from Rhode Island seeks to add $50 million to existing accounts. I appreciate his acknowledgment of the work which Senator HARKIN and I have already done on the appropriations for vaccines.

The current bill has almost $3 billion for vaccination programs. Health Resources and Services Administration has $1.6 billion. The Centers for Disease Control and Prevention has $1.65 billion. From that, $1.14 billion is for vaccines for children. The Center for Medicine and Medical Services has $300 million related to an immunization program. The vaccine development at NIH has almost $1 billion—$988 million. In addition to the funds provided in this bill, Indian Health Services has $1.526 million.

I suggest when we are dealing in the $3 billion range, there has been very substantial consideration, really adequate consideration for this important issue.

The Centers for Disease Control is an installation which has received special attention from this Senator. Three years ago, I made a trip to the CDC when I heard that it was in deplorable condition and I found prize-winning scientists with desks in hallways and poisonous materials unguarded in hallways.

With the cooperation of the ranking member, Senator HARKIN, we made an immediate addition of $170 million and added to that $250 million, and last year $250 million, and have increased the administration's request by some

$300 million this year with an additional $250 million for capital improvements.

This past Saturday, I traveled to Atlanta and took a look at the Centers for Disease Control. I take second place to no one in my concern for the Centers for Disease Control and all their important operations on SARS, on HIV/AIDS, and the bioterrorist threats which now confront America.

Simply stated, I think we have done a pretty good job in this vaccination area. Certainly, $50 million more might be nice under some circumstances, but I think this program is adequately funded.

The amendment offered by the Senator from Rhode Island exceeds the budget and, therefore, Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act and the allocation for this subcommittee.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. Mr. President, I move to waive section 904(c) of the concurrent resolution on the Budget for fiscal year 2004 for purposes of the pending amendment, and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that a chart showing the extensive expenditures on this line be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMUNIZATION PROGRAMS IN THE FISCAL YEAR 2004 BILL

	Fiscal year 2002	Fiscal year 2003	Fiscal year 2004
Health Resources and Services Administration (in millions)	$1.6	$1.6	$1.6
Centers for Disease Control and Prevention (in billions)	1.617	1.683	1.655
Vaccines for children (in billions)			1.145
Centers for Medical and Medicaid Services (in millions)	270	285	300
Vaccine development, NIH (in millions)	610.2	962	988
Total in Labor-HHS bill (in billions)	2.498	2.731	2.944
Indian Health Service (in millions)	1.526	1.556	1.580

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1596 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1596 with respect to museums and libraries.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN, proposes an amendment numbered 1596 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain literacy, library, and museum programs)

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional $24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional $5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, $20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,939,562,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,738,938,000.

Mr. REED. I thank the Chair.

Mr. President, once again, I rise to offer my final amendment of the evening, and I again commend Chairman SPECTER and Senator HARKIN for their efforts.

My amendment is designed to increase funding for libraries and museums. I am pleased to be joined by Senators KENNEDY, BINGAMAN, CORZINE, LEVIN, LAUTENBERG, SARBANES, BOXER, SCHUMER, JOHNSON, and FEINSTEIN in offering this critical amendment.

The appropriations bill before us essentially levels or cuts the funds in the library and museum accounts for this fiscal year.

The Federal Government has a long history of supporting our Nation's libraries and museums. The Federal Government started providing direct assistance to public libraries in 1956 and funding to museums in 1976. So this is a function we have taken on for many decades.

We all understand that museums and libraries are rich sources of culture and learning. They are part of the fabric of our intellectual and civic life in every community, small and large, throughout America. Libraries have been the foundation of education for years. They are vital sources of literacy training, of community activities, and so many things that are important to the quality of life in every community in America. Our museums bring into the lives of our people great art, scientific discoveries—indeed a host of discoveries and amazing items that educate, inform, and, inspire the people of this country. These institutions are more important now than ever because we must recall our past to deal with a very difficult present and a challenging future.

These facilities are also in great demand. If you speak to librarians and museum directors, they would like to stay open longer and offer additional programs and services because the demand is there, but the funds are not there.

We are facing these issues and facing this appropriations bill just a few weeks after we passed the Museum and Library Services Act of 2003. This body passed it with strong, bipartisan support. It would reauthorize these Federal programs for the next 6 years.

Among the many aspects of the bill that passed was providing for a doubling of the minimum allocation to each State, which is very important to smaller states like Rhode Island. Also, it established a reservation of 1.75 percent for museum services for Native Americans, to match the reservation currently provided for library services.

We are charting down a new reauthorization path but, unfortunately, we have not been able to, in this appropriations bill, match the design for that authorization. Indeed, this is one of those situations in which the President's budget is much more robust with respect to funding than the Appropriations Committee's proposal to the Senate. The President sometimes gets criticized for not following through, and then we have to do more. This is a case where the President's proposals have been strong with respect to museums and libraries.

For example, in the No Child Left Behind Act, we authorized a program called Improving Literacy through School Libraries. This program is designed to provide library resources to schools throughout this country, a central part of learning. The bill before us would fund that at $12.4 million. The President requested $27.5 million because I believe both the President and the First Lady recognize the importance of school libraries and books and materials for those libraries.

I was the principal author of this legislation in the Health, Education, Labor, and Pensions Committee, and I feel very strongly that we must make a greater commitment to our nation's school libraries. Too often when you go to a school library, you find books that are out of date—vastly out of date—or books that are insufficient in number or quality for students to truly learn.

Indeed, in an ideal world, every young American should have two libraries to call upon: A good school library and a good neighborhood public library. This will allow them to learn, to explore, and to understand that education is not just the hours in school, but it is every opportunity they have to read and to explore on their own.

I hope we could raise our efforts to increase the level of funding to $27.5 million, the President's proposal, and not the funding level contained in the bill. Indeed, the President, in his statement of administration policy on this bill, said:

> The administration also urges the Senate to provide the full request for . . . Literacy Through School Libraries.

My amendment will also increase funding for the Library Services and Technology Act by $24.1 million to bring the new total to $171.48 million. This increase in funding for the Library Services and Technology Act would reach the President's funding request of $169.6 million for library State grants plus provide an additional $1.6 million needed to double the minimum State allotment which is a key reform in the recently passed Museum and Library Services Act of 2003.

If we do not follow through with this funding, we are going to inhibit the ability of libraries to serve their neighborhoods. We are going to inhibit the ability of libraries to take part in literacy programs which is one of the centerpieces of the President's overall educational policy. We see it every day in our hometowns and across our States, where libraries cut back hours, cut back access, cut back collections and, indeed, as many States face fiscal crises, one of the first areas that is cut in State budgets is libraries and museums.

I believe we should be able to, hopefully, step into the breach and help a bit more.

My amendment would also boost funding for the Museum Services Act by $5.18 million to again reach the President's funding request. Our museums are key partners not only of our educational programs but also of our culture and our national memory. I hope we can increase funding in this regard.

This is a modest amendment, in total increasing resources by $43.36 million that will directly help our museums and libraries throughout the country.

I reiterate that I understand the difficult challenge both Senator SPECTER and Senator HARKIN face in trying to fund all of these programs. I think they would be the first to point out how valuable they are. I feel very moved to point out how I believe we can do better. In this case, simply matching the President's request would do much better.

My amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations and reappropriating those funds in fiscal year 2003. This is the same mechanism Chairman STEVENS and Chairman SPECTER used to add $2.2 billion to the underlying appropriations bill.

I urge my colleagues to support museums, libraries, and the Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment by the Senator from Rhode Island with some trepidation, because of two factors: My sister Shirley Katy is a professional librarian, and my sister Shirley Katy is reportedly watching this debate on C-SPAN. Senator HARKIN just said, sotto voce—I had better be careful.

That is one of the problems of being a manager of a bill. You have to try to keep the bill within the budget resolution, within the budget allocation. If it conflicts with the longstanding interests of my sister Shirley Specter Katy, that is just one of the costs of being the manager of the bill.

I might say parenthetically, and not too much at length because of the hour, that my sister was a great inspiration to me on developing early reading habits. It actually led to my downfall; I became a lawyer. She was always with a book. She has been a librarian in the Elizabeth, NJ, school system for many years. She recently retired.

From her and from my educational experience generally, I have great reverence for libraries. I would like to see the libraries funded even more than they are. The Institute of Museum and Library Services has an appropriation of $243,889,000. Notwithstanding the difficulties of the budget, we were able to maintain that figure.

It is worth noting that the figure is $1,865,000 above the President's request. Here again, I would like to see more money in libraries, but we simply do not have the money within the budget resolution or within the allocation for this subcommittee. Therefore, it is with reluctance that I raise a point of order that this amendment exceeds the budget resolution and therefore is not in order.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. I move to waive the Budget Act under Section 504 for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1602 TO AMENDMENT NO. 1542

Mr. CORZINE. Mr. President, on behalf of myself, Senator LAUTENBERG, and Senator CLINTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Jersey [Mr. CORZINE], for himself, Mrs. CLINTON, and Mr. LAUTENBERG proposes an amendment numbered 1602 to amendment No. 1542.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To restore cuts in student aid)
>
> At the end of title III add the following:
>
> SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $200,000,000 shall not be available for obligation until September 30, 2004.

Mr. CORZINE. Mr. President, my amendment is simple. It would block the Department of Education from implementing recent changes in student aid eligibility that will reduce financial aid to college students by billions of dollars starting in the fall of 2004. Let me repeat that—billions of dollars.

These changes come at a time when tuition is rising dramatically, double digits in many of our State schools across the country; just 9 percent in the State of New Jersey. Students and working families are straining to provide the financial wherewithal to access America's promise of access to higher education.

This challenge to working Americans has been vividly documented in a feature article in U.S. News & World Report September 8, entitled "Beyond Their Reach."

I ask unanimous consent that a copy of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORZINE. It goes through tuition hikes. It goes through how Federal funding for grants and loans has not kept pace with the rise in tuition. It talks about students having to work many additional hours to be able to meet the financial stress. It is a very complete review of what the burden on working families is with regard to paying for higher education and having access to the American promise that provides.

I put that into the RECORD because it sets the framework for what I am talking about with regard to these regulations on financial aid.

I will explain these cuts in student aid which I feel are inappropriate for the times, but I think I can show they are totally unfair within the context of what is happening in the real world. This is a case where people in the Department of Education are operating off of information that is dated and is not applicable to the current circumstances.

I will take a few minutes to explain the situation, which is not immediately obvious, but it is very clear it undermines access to higher education in a very substantial way. On May 30 of this year, the Department of Education changed the formula for determining eligibility for Pell grants and other types of Federal financial aid. The formula is complex. It looks a lot like a tax return. I guess people have to go to H&R Block to figure it out, but it is very clear what this does. A family starts with their gross income and through a series of calculations subtracts from that their income to calculate what is called the expected family contribution. They start with gross income and subtract away a number of items to get to expected family contribution.

As the name implies, this is the amount a family is expected to contribute toward the college education of their child in any given year, at least for those families above $15,000 in gross income—hard-working, middle-class families. Expected family contribution then is subtracted from the cost of education for that year to determine a student's need for the purpose of Federal aid, such as Pell grants. The expected family contribution is also used by many State and private institutions. This is important to understand. This doesn't just apply to Pell grants; it applies to private institutions as well, all kids who are going to school, not in every instance but in most instances. It impacts their ability to get financial aid and basic allocation of financial assistance for both loans and grants across the country.

In other words, changes in a student's expected family contribution has direct impact on that student's eligibility for all kinds of financial aid. As a student's expected family contribution goes up, their eligibility for financial aid goes down.

As I noted earlier, the way the student's expected family contribution is calculated is similar to the way Federal taxes are calculated. One of those similarities is the fact that you get credit for State and local taxes that you pay. For income tax purposes we call it a deduction, and it reduces the amount of your taxable income. In the financial aid world it is called an allowance, but it works in a similar way. A student's family gets an allowance for paying State and local taxes. This allowance then reduces the amount of their student's expected family contribution. So, as the State and local tax goes up, the student's expected family contribution goes down. The eligibility for financial aid goes up. If the allowance goes down, the opposite happens: A student's family gets less credit for paying State and local taxes and the student is eligible for a smaller amount of financial aid. This gets at the heart of the problem, this issue I am trying to address tonight.

The allowance for State and local taxes is not determined for families based on what they pay; it is not individualized; it is determined by the Department of Education, and through publication in the Federal Register they establish those for each and every State.

Each year, the Department of Education publishes a table, and the percentage of income that family can deduct from their income as an allowance for paying State and local taxes is established. Until this year, the Department of Education had not changed these allowances in 10 years. Let me repeat: They had not changed these allowances in 10 years. Somehow or another they decided to do it this year but had not done it in 10 years, while State and local taxes are moving up and down in different amounts in all different environments. On May 30 they decided to slash the allowances across the board.

I will just show you this chart, show what actually is taking place in many States. I would like to show, for instance in South Carolina, they would argue taxes fell from 7 percent to 3 percent, so they reduced the allowance by 57 percent.

If I am reading this correctly, the Presiding Officer, who lives in Missouri—they have gone from 5 percent to 3 percent and they reduced the allowance for Missouri citizens 40 percent, the deduction to change the eligibility for families to access financial aid.

You can go through this chart for every State. Local tax allowances were cut in every State but one, Connecticut. Some of those allowances were 100 percent, 50 percent, 80 percent. New Jersey is one of the lucky ones; it was only 14 percent.

I see the Senator from Pennsylvania. Pennsylvania's cut was, if I am reading it correctly, 50 percent.

It is important that people understand that, again, this is determining financial eligibility of families on a very wide basis. We can talk about each of the States and how much is being cut. Almost every State except, as I suggested, Connecticut has reduced the allowances we have here.

The bottom line is students and their families all across America will get less on allowance for State and local taxes next year for purposes of applying for Federal financial aid. I repeat, it also applies for many private institutions and private aid beyond that.

As a result, the expected family contribution, what families are expected to contribute, will go up for nearly all American families and students. While the financial aid impact will vary from family to family, it is clear that an increase will reduce aid for many students.

I am having a hard time understanding, as I read the newspapers and I hear that State income taxes and local income taxes are going up, why we have decided to implement this today.

This is a very hard thing to calculate for a lot of different issues, but one of the places the Department of Education has worked with CRS is with regard to local allowances as they apply to Pell grants. They have acknowledged that there will be 84,000 students across America who will lose their Pell grants entirely. Not everybody is going to lose them. Some are going to lose just a portion of their eligibility. I will go through an example later.

We know that for those 84,000, that is a $270 million drop in the amount of financial aid being provided for students in grants across the country. The fact is, if you sum it up for those who are partially participating and all the others, we are talking about billions of dollars. I emphasize, it is not just Pell grants.

Listen to the assessment of Bryan Fitzgerald, the Director of the Advisory Committee for Student Financial Assistance, created by Congress to advise it on higher education. Mr. Fitzgerald was quoted in the New York Times on July 18. Asked about whether damage from the Department's action would just affect the Pell Grant Program, Mr. Fitzgerald said:

> It doesn't stop there. It will have a ripple effect through all the other financial aid programs—State grants, loans and institutional dollars. The cumulative effect will be much larger.

Bryan Zucker, president of the Human Resources Capital, in the same New York Times article stated:

> [I]n aggregate, there's no question that we're talking about a swing of billions of dollars [in financial aid.]

I think it is important that we have laid out these facts, that tinkering around with the formula is going to end up undermining the ability of literally hundreds of thousands of middle-class Americans to have access to financial aid grants and loans. It is going to make something that is already very difficult even more troubling, to have access to higher education.

I think it is very difficult to understand why we are doing it.

Let's put this in the context of what is going on in our States. The Department of Education is reducing the allowance families get for paying State and local taxes. But I think everyone in this Chamber knows State and local taxes are not going down; they are going up. According to the National Association of State Budget Officers, States raised taxes by more than $8 billion in fiscal year 2003 and already plan to enact additional tax increases of over $17 billion for 2004.

It is likely through the 2003 and 2004 period that we will see State taxes go up by $25 billion, compared to what the

Department is using, where they are saying they are going down. That is before we take into consideration what is happening at the local level, local taxation in many places.

I want to use one example. Students and families in Pennsylvania, for example, will have their State and local tax allowance cut from 6 percent to 3 percent. For purposes of this calculation, Pennsylvania families will get 50 percent less credit next year than they did this year. But in fact the senior Senator knows, State taxes are going up in Pennsylvania. In fiscal year 2003 they were raised by $569 million, and in 2004 Pennsylvania is planning more increases. I don't think that is fair to Pennsylvania any more than I think it would be fair in New Jersey. In fact, we have many of the same situations.

I think you can go State by State and look at it, look at this possibility. I will not go through each State but I think you can calculate it for every State but Connecticut and you will see there is a loss. State taxes are going up. Local taxes are going up. The only people who do not realize it seem to be the Department of Education.

I want working families to have an opportunity at this American dream. I think this needs to be done.

I also would cite this article about which I spoke. There is a specific case of a lady named Lynn Caputo of Massachusetts, one of hundreds of thousands of students going through this process about which I spoke.

I am not going to read this article. We have a quote here that shows how deeply flawed this is when you apply it to an individual. Ms. Caputo lost a father. By these calculations, she will lose over $1,000 in financial aid next year. Just at the time when her personal situation is changing, taxes are going up in Massachusetts. By these standards of how we deal with expected family contributions, she is doing better than she would have been doing before. It is very hard to understand how that fairness fits with the reality of the world in which we live.

Eighty-four thousand students are losing Pell grant loans, and 270 million of them broadens it out to billions of dollars when you take into account all of the other higher education needs.

I think we need to do something about this. We can do that without impinging on our budget formulation. That is what my amendment would do. It says the Department of Education cannot use any funds to implement new State and local tax allowances to the extent that they would reduce aid for any student.

By the way, there are some technical things about one class of students here or there. But the vast majority are losing.

I should note that the amendment is fully offset by provisions to delay the obligation of $200 million in NIH funds until September 30, 2004. As a practical matter, this should have no real impact on their operations or change their needs. We are talking about a serious impact on a broad swath of middle-class Americans having access to financial aid.

This isn't partisan. There are Republican States and Democrat States. This is just bureaucracy not keeping up with the times.

Let me repeat that they haven't changed these formulas in 10 years. They somehow or other woke up on May 30 and thought we needed to change these formulas. They have not done it for 10 years. Now they are reducing that allowance for taxes at just the time taxes are going up. I don't get it. We are trying to do this in a fiscally sound way by getting an offset. I think we can make a big difference in a very substantial way for a lot of folks. It will not cut Pell grants in any way. I think it will make a big difference in providing access to higher education for kids who are really stretched.

I hope the Senate will consider this tomorrow. It really is something that I think goes to the heart of everyone in this Chamber. We are not talking about costing money. We are talking about costing working families in America money.

EXHIBIT 1

[From the U.S. News and World Report, Sept. 8, 2003]

BEYOND THEIR REACH

(By Rachel Hartigan Shea)

In July, administrators of tiny Unity College in Maine tagged 100 fish with vouchers totaling $165,000 in scholarships and other goodies and dumped the finned financial aid into a nearby lake. Nearly 100 students and parents pushed off from shore in canoes, kayaks, and rowboats, all hoping to snag the big one: a fish carrying the $56,800 that would cover four years tuition at the private collage, known for its outdoorsy majors such as aquaculture and forestry.

It was a good day to be a smallmouth bass. After seven hours, all but one of the students participating in Unity's first annual "Fishing for Scholarships" paddled back empty-handed. Mike Bradford, a sophomore from Bear, Del., reeled in a $50 tuition coupon and a free sea-kayaking trip donated by a local merchant. Nice, but it hardly covered those hefty college bills.

A lot of families these days feel as if they're facing college costs without enough funds on the line. Salaries are flat, jobs are scarce, investments haven't fully recovered and savings are tapped out. Financial aid can't seem to keep pace with financial need, and now the Department of Education has tinkered with the financial aid formula to some families' detriment [story, Page 54]. Tuition, particularly at state schools, continues to rise. Families aren't alone in their anxiety: Colleges, too, wonder how they will pay the bills, with endowments down 6 percent last year, the biggest drop since 1974, and 25 states cutting higher education appropriations by as much as 14 percent. Many schools have had to cut classes and sports teams, freeze salaries, and lay off employees to deal with the budget shortfalls.

Yes, it looks like a crisis. But before you despair, listen to this: It's still possible to get help paying for college. There's more financial aid money available today than ever before, and more students are getting a piece of it. But the piece is smaller, and it might be in the form of an IOU. It all adds up to a substantial shift in who ends up footing a big chunk of the bill for college: you. "Students and their families are paying more of the share than they did a decade ago," says Donald Heller, senior research associate at the Center for the Study of Higher Education at Penn State.

Financial aid was originally designed, of course, to make college affordable for everyone. In 1965, Lyndon B. Johnson signed the Higher Education Act which gave colleges government grants to distribute to needy students and established a loan program for the middle class. Seven years later came the debut of the Pell grant, the primary funding mechanism for low-income students. In its early years, the Pell—with a maximum award of $452 based on family income—covered as much as 84 percent of college costs. But while federal spending on Pell grants has gone up 8 percent since 1991, tuition and fees have increased by 38 percent. The Pell's current maximum of $4,050 covers roughly 39 percent of the average cost of tuition and room and board. And with the White House and Congress eager to limit spending, it's unlikely that the Pell will be raised this year.

Gap math. Because of the high cost of grants, the federal government in the late 1970s began turning to loans to fill the gap between federal grants and family need. Two thirds of federal aid now comes in the form of loans. Subsidized Stafford loans allow students with demonstrated need to borrow up to $2,625 their first year ($6,625 for independent students) and more in subsequent years, up to a maximum of $22,265. The government pays the interest—currently 3.42 percent—until the student has been out of school for six months. Students not deemed needy can take out unsubsidized Stafford loans; parents can turn to Parent Loans for Undergraduate Students. Both also boast low rates.

It sounds like a pretty good deal. But more loans means more students (who are today outborrowing their parents) are paying the bulk of their college costs. "The student aid system was based on the parental responsibility to pay for college," says Brian Fitzgerald, staff director of the Department of Education's Advisory Committee on Student Financial Assistance. "Loans mean it's the actual student who is bearing the burden." Nationwide, student debt is up 66 percent since 1997.

Take Erin Brindell, a 21-year-old from St. Louis. In April, her father, an accountant, took early retirement rather than risk losing his job. Her mother, a teacher who's been fighting cancer, also retired. With Brindell's family income down almost 60 percent from last year, and two other siblings in college (another four have already graduated), the senior asked her school, a private university in Missouri, for more aid. The college said it was out of money and pointed her to a state loan agency. She borrowed $9,700, bringing the grand total of her debt upon graduation next spring to $60,000. Brindell, who is majoring in secondary education, will end up paying for what her family could not, which promises to be a struggle on a teacher's salary.

Deep debt. This fall, Congress will consider raising the Stafford loan cap during the reauthorization of the Higher Education Act. The combination of low interest rates and a higher limit, some education experts argue, will help more students pay for college without resorting to private loans, which generally have higher interest rates and require quicker repayment. But critics respond that the debt load is already too high and looms darkly over students' futures, forcing them to consider majors—and careers—based on potential earnings rather than academic inclination. Some experts suspect a higher loan limit would not translate into more aid: Institutions will just reduce grant aid by the extra amount students can borrow.

At the same time that federal policy is influencing the growth of loans at the expense of grants, states are driving up public university prices and accelerating the cost shift to students. State support for universities has been steadily declining over the past two decades. Legislators see that colleges have sources of funds like tuition and private donations that other pressing budgetary needs like primary education and healthcare do not. And the recent fiscal crises have just exacerbated the decline. This year was the third in a row of drastic cuts to university funding nationwide. The Maryland university system lost 14 percent of its budget, while California lost $700 million of the $9 billion it usually spends on higher education. Experts predict an additional 2.3 percent decline next year. And remember this all comes at a time when many states expect higher enrollments. Nevada, for example, is bracing for a 33 percent boom in high school graduates by 2007.

So what can the state systems do? Mostly, raise tuition. The tab at the University of Virginia and the University of California shot up 30 percent this year; the University of Arizona's, nearly 40 percent. And many of the increases are on top of previous tuition spikes; 16 states raised tuition by more than 10 percent last year. Of course, state universities are still a bargain for in-state students, almost 70 percent of whom pay less than $8,000 per year. But low-income students can't afford even small jumps in their share of college costs. For the poorest families, the cost of attendance at a public university is more than half their income. And according to a study last year by the Department of Education's Advisory Committee, there is a $3,800 gap between what families in the lower income brackets need to attend public universities and the financial aid they receive.

Some states, like Arizona, have tried to shield the neediest students. "We ran the numbers to see how we can increase tuition and set aside enough to hold the most needy harmless," says Jack Jewett, former president of the state's board of regents, who notes that 14 percent of all tuition revenue will be funneled into financial aid.

But many states are coming up short. Indiana managed to boost spending but not enough to cover higher tuition, so it will now have to limit the amount of the awards. And Minnesota couldn't give out any grants to new college students last spring, despite an extra $8 million in the budget, because current students had already consumed the available money. "I think that policymakers are siding with aid programs more than institutions in terms of cuts," says Kristin Conklin, a senior policy analyst with the National Governors Association, "but that relative protection is not translating into more buying power for students."

Individual universities are exhausting their financial aid dollars as well. Take Penn State: While it raised tuition 9.8 percent to about $9,500 for incoming freshmen, it has lost $45 million in state funding over the past two years. "Something would have to be traded off, like competitive wages for faculty or forgoing already delayed maintenance on buildings," says Anna Griswold, an assistant vice provost.

But there may be another significant reason why there's not enough money to go around. Some critics say that too much is being spent on merit aid. Over the past decade, state grants have gone up 447 percent, but much of that is not need-based. Since 1993, the Georgia HOPE Scholarship, the granddaddy of all the state scholarship programs, has doled out more than $1.9 billion to more than 693,000 students with B averages or better in high school. But programs like Georgia's tend to favor middle- and upper-class students whose families probably could afford college without a scholarship. And with several states funding the merit programs through lotteries, a 2002 study by the Civil Rights Project at Harvard University argues that lottery players, who are "disproportionately low income, poorly educated, and black," are paying for the college education of these better-off kids. The study found that 12 states with merit programs gave out nearly three times as much money for those scholarships as they did for need-based aid.

Not surprisingly, colleges limit their financial aid bills by being choosy in the admissions game. "If a student is marginal and has money, his chances of being admitted are better than a student who is marginal and has no money," says Robert Massa, vice president for enrollment, student life, and college relations at Dickinson College. That said, the private Pennsylvania school, which finances most of its aid through tuition, enrolled more students this year because the class as a whole was needier. "Those additional 30 students are helping us afford financial aid to assist the entire student population," says Massa. Just a few dozen schools—all of them private—still pledge that a student's financial need won't influence the admissions process and that they'll meet the full need of the students they accept. Trouble is, poorer students are gravitating to the few need-blind colleges that are left. "Places like Macalester are reaching a point where we have to consider not being need blind," says Michael McPherson, the Minnesota college's former president.

Looking up. Yet there are bright spots on the horizon. Institutional aid from private universities rose almost 197 percent in the past decade. Schools with generous endowments can purposely keep loans to a minimum. "A one-year downturn doesn't necessarily severely impact our ability to maintain our [financial aid] policies," says Joseph Russo, director of financial aid at Notre Dame. And a group of wealthy schools (called the "568 Group" for a section of federal law that allows them to collaborate) are giving out more grant aid this year, having decided to cap home equity at 2.4 times a family's income in its eligibility test. (The federal government does not count home equity when assessing need.) So, those families whose home prices shot up while their salaries stagnated will find themselves with better aid offers.

Even Erin Brindell, with her $60,000 debt, isn't gloomy. "I can't worry too much," she says. "I've had a great college experience."

Mr. SPECTER. Mr. President, will the Senator from New Jersey yield for a question?

Mr. CORZINE. Sure.

Mr. SPECTER. Has the Senator from New Jersey considered offering legislation which would be taken up by the Committee on Health, Education, Labor, and Pensions? I believe he is a member of that committee.

Mr. CORZINE. I wish I were. I wish the Senator from Pennsylvania could make the argument that I could be on that committee. I would be happy to be on that committee.

Mr. SPECTER. I withdraw that portion of my question.

I ask the Senator: Isn't it true the Senator can offer an amendment which would be considered by that committee?

Mr. CORZINE. I very much will consider looking at all of the various ways. I think we have legislation pending to be reviewed in that committee. It just so happens this is one of those places where we deal with higher education. It seems quite appropriate since we have a budget-neutral approach both to raise this issue and to make sure we address it now so people can make their financial plans.

Mr. SPECTER. Aside from considering a substantive law change, has the Senator from New Jersey proposed one?

Mr. CORZINE. We have a bill that has been submitted. I will check out the number for the senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise that question because this is an issue of some complexity. Nobody has been a greater proponent of higher education than this Senator. It may be that the whole approach on making deductions or changes based on taxes is an inappropriate way to deal with the funding of higher education. What we have here is an effort to stop funding on a change in a formula which involves a substantive change in law. We have very few amendments offered. We have to reach some substantive objective by limitation of funding.

If it is something which is fairly direct, I would think it appropriate. But where you have something which is as complicated as this matter is—there have been no hearings on it, there has been no opportunity for the Secretary of Education to come in to offer an opinion, there has been no opportunity for the Secretary of the Treasury to come in and offer an opinion.

We have an article from U.S. News & World Report which I can't even get a copy of. I sent over for a copy a few minutes ago so I could have an opportunity to read it and so I would be in a position to know a little something about what the Senator from New Jersey offers an amendment to effect, as he calls it, a "swing" of billions of dollars. I would not like to swing on billions of dollars on a U.S. News & World Report article I can't even get a copy to read.

The Senator from New Jersey has an amendment. It would have been helpful to have had it in advance of the moment when he offered it. If he is relying on an article, it would have been helpful to have the information.

I am very much concerned about what is proposed to be an offset here. The last part of his amendment, which I have just seen, provides that the funds appropriated under this act to the National Institutes of Health—$200 million—shall not be available for obligation until September 30, 2004.

Anybody who tampers with the funding of the National Institutes of Health for any amount of money is going to draw strenuous objection from this Senator. The ranking member, Senator HARKIN, and I have worked for many years to double NIH funding from $12 billion to $27 billion. On a murky amendment such as we have today and not knowing where it goes, I would strenuously object to it on the grounds that it ought to be considered in an authorizing committee, and that before we tamper with the National Institutes of Health on this funding, even though it may not amount to a great deal of money, because I don't know how much they will obligate, the $200 million has the potential to be very substantial. But I would strenuously urge my colleagues to reject the amendment.

I hope to have an opportunity to read U.S. News & World Report before the night is over.

Mr. HARKIN. Mr. President, I am sorry. I don't know who has the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. CORZINE. I thank the President. I will respond to the Senator from Pennsylvania.

It is not the U.S. News & World Report calculations. The Congressional Research Service calculated what the impact is. It is a Federal study. The stimulus doesn't come from U.S. News & World Report. It is reporting to the public what some of the changes are. I think it is important that we do what is necessary to make sure higher education is openly available to every student and to every family.

That is what the amendment is about. It is very simple. It is not changing the law. It is dealing with an issue of regulation. The Department of Education has chosen to deal with one in 10 years. It is going to change the flow of funds that is made available—Pell grants, loans, and other financial aid—to students across the country.

I would be more than happy to provide my own copy of U.S. News & World Report. But they didn't do the analysis. The analysis was done by the Congressional Research Service in a study provided to the Department of Education.

I hope we can consider this not on the basis of publications but looking at it from the effective study of some of the Government agencies that have looked at it.

Mr. HARKIN. Will the Senator yield?

Mr. CORZINE. Certainly.

Mr. HARKIN. First, I thank the Senator for his amendment on issues at NIH. I very seldom disagree with my esteemed friend and chairman of the subcommittee, Senator SPECTER. I may have a slight disagreement here.

A couple of questions: First, I noticed on the chart that the deduction for my State of Iowa was 57 percent. That looked to be one of the highest of all the States, if I am not mistaken. Is a 57-percent reduction correct?

Mr. CORZINE. The distinguished Senator from Iowa is reading the chart correctly.

Mr. HARKIN. Would the Senator state what that would mean? Give me some idea what that might mean for a family in Iowa that applied for student aid, has been getting student aid, a son or daughter going to a private college—Simpson College or Graceland or Clarke or a number of colleges in Iowa. They have been applying for student aid and all of a sudden they get hit with this change. Give me some idea what that means for that family that is eligible for student aid with a couple of kids in high school and maybe they have a couple of kids in college.

Mr. CORZINE. The Federal study has shown that 84,000 kids across this country would be dropped from the Pell grant program itself, completely eliminated.

Mr. HARKIN. Is the Senator saying there could be young men and women in Iowa who are in college who are getting Pell grants, eligible for Pell grants today, who, because of this change in this Department of Education regulation—not a law, but a regulation—will be denied access to Pell grants next year?

Mr. CORZINE. This change in regulation is done once in 10 years, by the way, not on a systematic every-year basis looking at what is going on in the States. It will have the potential to affect your students in Iowa or my students in New Jersey and anywhere across the country. The effect is quite substantial, and it also can reduce that amount somebody would be eligible for a Pell grant. So $4,000-plus could be reduced to $2,000. This could be meaningful dollars in grants that are lost to students across this country just at a time, by the way, when tuition is going up 10 percent a year—in that neighborhood—in State universities across the country, at the same time that universities are having to cut back classes because they do not have the resources coming and budgets are being reduced from the State governments. It is a difficult mix of things to be implemented.

We ought to act sooner rather than later. That is why we are talking about it now.

Mr. HARKIN. Would the Senator say further that this change in this regulation not only affects the families that need this student aid, the young people going to college who need the student aid but, again, when they get the student aid, they use it usually to pay their tuition at school, so not only does it hurt the families—it is a double hit—it also hits the schools, too?

Mr. CORZINE. When students have to drop out or are not be able to go, and there is a decreased demand for higher education from students, that would happen. We are losing a major investment in human capital as time goes on.

Clearly, universities are hurt. They are having to deal with trying to find other sources of aid, basically trying to find jobs for kids so they can work at the same time they go to school.

It seems to me we are being very shortsighted in implementing such a regulation which does not conform with the facts anywhere. It has been talked about broadly, obviously in the media. There have been studies equally by a number of government institutions. I hope the Senate will consider this in the long run best interest of the country. We are not changing the fiscal year for the NIH funding, just delaying the timing.

Mr. HARKIN. If the Senator will yield for my last question, I want to make sure I am correct that the Senator in his amendment is not taking any money away from NIH; is that correct?

Mr. CORZINE. That is correct. As a matter of fact, I am supportive of what both the Senator from Pennsylvania and the Senator from Iowa have done to double NIH funding over a period of time. I will continue to support that. I believe very strongly in it.

Mr. HARKIN. I know the Senator has been supportive of our efforts to increase funding of NIH.

As I understand the amendment of the Senator from New Jersey, it delays until September 30, the last day of the fiscal year, by $200 million, NIH obligations. It is my information that NIH estimates that it will obligate $8 billion next September. In September of next year it will obligate during September, 1 month, $8 billion.

I assume they work on a 5-day workweek. I assume that. I know NIH does research 7 days a week, but in terms of this, that is 20 days out of the month, so $8 billion for 20 days. If we could figure out how much that is a day, that is $400 million a day.

What the Senator is basically saying, we are just asking for one-half day, to delay until September 30.

Now, if, in fact, they do $8 billion in September and do it evenly, which they do not normally do, but if they do, they will be obligating $400 million on September 30 anyway, so the Senator is saying that for purposes of getting the funding we need for this, we are simply going to ask to officially delay $200 million until the last day of the month. They can still obligate it. This gets us the money we need to pay for the Senator's amendment. Am I correct in what I said?

Mr. CORZINE. The Senator from Iowa is exactly correct. He is talking about how budget accounting works in the Federal Government, which is a cashflow system. We are in no way trying to undermine the ability of NIH to be effective.

Mr. HARKIN. One last observation. If it is $200 million, we take no money away. They will obligate $8 billion in September anyway. That $200 million is one dollar out of every 40. That is all you are saying they will obligate on September 30. I have to believe it. I have been around NIH now for the 19 years I have been privileged to serve on this committee, and I watched how they obligate money and how they spend money. Quite frankly, it is in this Senator's judgment that asking NIH to obligate $200 million the last day of the month is nothing. That is a no-brainer. They will do that anyway, but it gets us the money needed to make sure we do not shortchange the kids and their families needing help for Pell grants and help meet the needs of our higher education, our institutions so they can get the young people in and pay the tuition.

In that regard, I ask unanimous consent to add my name as a cosponsor, and I ask unanimous consent, also, that Senator REID of Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I yield the floor.

Mr. SPECTER. Mr. President, my calculations differ. I took $8 million—and I don't know if that is a correct figure or incorrect figure—and that works, to me, to be $20 million a day. So if you are talking about $200 million, that is considerably more than the calculations we have just heard.

I don't think it is too important how much money it is. If it is delayed funding which is available for the National Institutes of Health, I think it is a bad idea.

Mr. HARKIN. Four hundred million dollars a day.

See, Mr. President, that is why we need a hearing. I thank the Senator from Iowa for proving my point. This is not something that you can roll off the back of your hand going into the 15th hour of the day, a little before 9 o'clock Eastern Standard Time.

But whatever the calculation comes out to be, I would strenuously object to tampering with any of the NIH money. And I say that after having put a lot of blood, sweat, and tears, along with my colleague from Iowa, on getting the funding up.

When the Senator from New Jersey says he is not changing the law, I think he is categorically wrong. If you are stopping the funding so that the change in the formula cannot be worked out, it is conclusively changing the law.

This amendment to this appropriations bill is a specific effort to change the law. When you talk about a swing of billions of dollars—and I don't know whether that is right, wrong, or indifferent, but that is the representation made by the Senator from New Jersey—the impact on looking for an offset can hardly be de minimis, can hardly be minuscule, can hardly be irrelevant.

You are talking about a swing of billions of dollars. I don't know that is so, but I would like to know a lot more about this amendment and what its impact is. And I would like to know a lot more about this whole idea of reducing student aid based upon some formula. I am not familiar with it. And this is something which I think the Department of Education and the Department of the Treasury would like to comment about.

In an effort to peruse this Congressional Research Service document just a bit, I have some bedtime reading. In fact, I have quite a bit—U.S. News & World Report. But I note a paragraph in this CRS document. It is CRS–8, and it says this:

> Quantifying the impact of the May 30th revisions to the state and other tax allowance tables' will require identification of which students will have their eligibility for federal aid affected by changes in their [expected family contributions] and to what extent. Although it would appear that the levels of federal aid awarded to many students will be affected by these revisions, without substantial and complex modeling, the size of that student population and the financial effect on federal aid programs remain largely undetermined.

So to repeat, it says: "It would appear that the levels of federal aid awarded to many students will be affected by these revisions. . . ." It does not know it for sure. It says "without substantial and complex modeling"—which supports what I am talking about, that you need to know what this is really all about, which you should have a hearing on—"the size of that student population and the financial effect on federal aid programs remain largely undetermined."

I would ask the Senator from New Jersey, since he cites this as his authority, How does he explain this authority saying that it is largely undetermined on the basis of the existing record?

Mr. CORZINE. The Senator from Pennsylvania is asking me a question. I would just remark that the Education Department indicates that Pell grant costs will be potentially impacted by $270 million or less. And they estimate—the Department of Education—based on the information of the CRS, that 84,000 students would lose eligibility altogether. They did not make an estimate about how many other students would lose partial eligibility, partial coverage. And they made no estimate with regard to how other people in private institutions or State institutions, using the same calculations of allowances for State and local taxes, would do it. Just know it will be quite substantial, not impacting the Federal Government but impacting how student aid is allocated nationally.

Now, very clearly, the Education Department accepts the estimation of 84,000 students losing eligibility for Pell grants. It is not U.S. News & World Report. It is their estimate from their own budget service.

I think the Senator is looking at the CRS report of June 25, 2003. And that point is made on—let's see if I can help the Senator from Pennsylvania. It is on CRS–8.

Mr. SPECTER. Well, Mr. President, I have an additional question.

How can the Senator from New Jersey make the assertions he has when his own authority says there would have to be "substantial and complex modeling" to determine "the size of that student population and the financial effect on federal aid programs" which "remain[s] largely undetermined"?

Mr. CORZINE. I think the Senator from Pennsylvania has heard me say that the only number I have used specifically is the 84,000 that CRS has estimated would lose all Pell grant assistance, not the full calculation of how many individual students would lose partial benefits on grants and student loans, by way of Stafford loans and other things, which would be much more complex. And that is what they are pointing out.

Mr. SPECTER. Well, Mr. President, the essence is that when you want to stop funding to carry out existing law, there ought to be a lot more understanding of what is going on. And our processes for legislation are customarily carried out by the introduction of bills and by hearings. And when you affect the Department of the Treasury, you affect the Department of Education, you affect swings of billions of dollars—again, the language of the Senator from New Jersey.

This is not the way to accomplish that result. I oppose this amendment.

Mr. President, are we prepared to move now to the final amendment of the evening, the amendment from the Senator from Nevada?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603 TO AMENDMENT NO. 1542

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes an amendment numbered 1603.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain education and related programs)

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) an additional $6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) an additional $4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) an additional $11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) an additional $1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) an additional $12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

(7) an additional $69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, $146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,085,011,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,593,489,000.

Mr. REID. Mr. President, I am not going to debate this amendment tonight. We have no vote scheduled tomorrow. I am not sure we are going to have a vote on it tomorrow. But I will discuss it tomorrow. I am not going to discuss it anymore tonight.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will my friend yield?

Mr. SPECTER. I do.

Mr. REID. It is my understanding you are going to raise a budget point of order on the amendment offered by the Senator from New Jersey?

Mr. SPECTER. No, I am not because it does not lie. If I could, I would.

Mr. REID. I missed the first part of the debate.

Mr. SPECTER. I missed most of the debate myself.

Mr. REID. Mr. President, I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Without objection, it will be in order to request the yeas and nays at this time.

Mr. REID. I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, the White House and the Republican Congress see a perfect storm coming. Our policy in Iraq is crashing, the Federal budget is crashing, and so are State and local budgets. Family budgets are crashing, too. The administration and the Republican Congress are worried that their power to stay in office is crashing along with the electric power grid.

The overtime issue should be an embarrassment for anyone who supports the Republican position. It's a symbol of all that's wrong with so many of their other policies.

Three million Americans have lost their jobs since President Bush took office. Ninety-three thousand more were lost in August alone—the seventh consecutive month of job losses.

This is no time to end overtime. It's precisely the wrong time.

We need to create more jobs to bring this troubled economy back to life.

But under the Bush proposal, businesses can raise their profits by asking employees to work harder for lower pay, and avoid hiring new employees.

Especially in times like these, the right to overtime pay is a clear incentive for firms to create jobs, because it encourages employers to hire more workers instead of asking current employees to work longer hours.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should do is to allow this anti-worker administration to make the balance worse than it already is.

What can the administration be thinking, when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely?

According to the Congressional General Accounting Office, employees without overtime protection are twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before—longer than in any other industrial nation. At least 1 in 5 employees now has a work week that exceeds 50 hours, let alone 40 hours.

Congress cannot sit idle while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the open wounds.

The 8 million Americans who will lose their right to overtime under the Bush administration regulation include police officers, firefighters, nurses, and EMTs the heroes of September 11. With the anniversary of that tragic day just 2 days away, we can't help but remember the horrifying images of that day. The many lives lost.

The exhausted firefighters raising the American flag. And we recall the long, grueling hours so many of our first responders invested to protect and save their fellow Americans.

Today our first responders work long hours keeping our Nation safe from terrorism and other threats. President Bush wants to take away their overtime pay.

Cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of the total pay of workers who receive it. The administration's proposal will mean an average pay cut of $161 a week for them. Hard-working Americans don't deserve this pay cut, and it's wrong for the administration to try to force it on them.

Our Democratic amendment is clear. It says that no worker now eligible for overtime protections can lose it as a result of the new regulation.

The overtime protections in the Fair Labor Standards Act have been a fundamental right of the Nation's workers for more than half a century. That basic law was enacted in the 1930s to create a 40-hour workweek. It requires employees to be paid fairly for any extra hours.

I urge my colleagues to support this essential proposal to keep the faith with the Nation's working families. We will continue the battle to restore jobs, provide fair unemployment benefits, and raise the minimum wage, and we will do all we can to preserve the overtime protections on which so many Americans families depend.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, the Senate proceed to a vote in relation to the following amendments in the order stated: Harkin 1580, Schumer 1595, Reed 1595—I have two 1595s—the three Reed amendments, 1592, 1596, and Corzine 1602. I further ask unanimous consent that there be 2 minutes equally divided for debate prior to the vote in relation to each amendment beginning with the second vote; further, that no amendments be in order to any of the amendments prior to the vote.

Mr. REID. Reserving the right to object, Senator SCHUMER has offered only one amendment, so we will make sure that we are voting on the right amendment. Senator SCHUMER is No. 1598, so the RECORD should reflect that. I ask, further, that the request of my friend from Pennsylvania be modified that the following would be added: That there be 4 minutes for debate equally divided prior to Reed amendment No. 1595. That would be after the Schumer amendment. Rather than 2 minutes, it would be 2 minutes on each side, a total of 4 minutes. Further, I ask that the votes following the Harkin amendment be 10 minutes in length.

Mr. SPECTER. Agreed to.

Mr. REID. Prior to entering the consent, Mr. President, I would note that we hope to have three more votes lined up here. On the Mikulski amendment, there has been a good faith offer made by the other side. We will discuss that with Senator MIKULSKI in the morning. Maybe we won't have to have a vote on that. And then we were hoping to have a vote on the Dodd and Gregg amendments. We will do those side by side. The two leaders agreed that those two votes would follow the Harkin amendment. I am not going to say a lot about that now. I know Senator GREGG says he does not have his ready to go yet. I have spoken to Senator DODD at home this evening. He said he is agreeable to doing it following this sequence of votes. So following the Corzine amendment, I hope we can have the two votes that are going to be cast dealing with Dodd and Gregg which are on the same subject matter, I understand.

Having said that, I have no objection to the consent as modified.

The PRESIDING OFFICER. Without objection, as modified, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST PENALTIES ENHANCEMENT ACT OF 2003

Mr. SPECTER. Mr. President, I have sought recognition to speak on a bill that I will introduce to increase the criminal penalties relating to terrorist murders and to deny Federal benefits to terrorists, and for other purposes.

I authored the Terrorist Prosecution Act of 1986, which provides for extraterritorial jurisdiction to try in United States courts anyone who assaults, maims, or murders a U.S. citizen anywhere in the world. And that bill, which provides for the death penalty, has been enacted into law and has been very helpful.

I have been trying to extradite Palestinian Authority terrorists who have murdered United States citizens abroad. This bill would go beyond existing law to provide for the death penalty in all terrorist offenses resulting in death. It adds the death penalty as a punishment in a number of situations that do not currently provide for the death penalty, such as sabotage of a national defense installation, sabotage of a nuclear facility, or destroying an energy facility.

In addition, this legislation includes conspiracy and attempt to commit terrorist acts in the list of terrorism offenses subject to the death penalty. It would enable prosecutors to seek the death penalty for terrorist fundraisers, for example.

Another important aspect of this legislation would be to remove the so-called gateway factors to impose the death penalty for terrorist offenses. It adds terrorism to the list of offenses, espionage and treason, for which the death penalty can be imposed without the gateway factors being met. For other offenses, the death penalty can only be imposed if there is a direct link between the criminal act and the death of a victim and prosecutors do not believe they can establish such a link in the case of a terrorist fundraiser.

There are Supreme Court decisions which preclude the imposition of the death penalty, for example, on the driver of a getaway car in a felony murder or robbery murder. Someone in the getaway car cannot get the death penalty because the Supreme Court has said it is too remote. And when I have pressed the Department of Justice to proceed with criminal prosecutions and to seek the death penalty for terrorists, for people who contribute to organizations such as Hamas, where they know there are terrorist branches and instigation of the murdering of U.S. citizens, as they did some months ago at Hebrew University and in other situations, the prosecutors have said to me they are concerned that the analogy to the driver of a getaway car might prevent the imposition of the death penalty.

Frankly, I disagree with that assessment because the driver of a getaway car may not be considering the consequence of death. And the contributors to terrorist organizations, knowing what those organizations do, are really on notice and are accessories before the fact to murder. I think they ought to be held liable under existing law. But to clear up any ambiguity, this legislation would remove those limitations and would make such contributors to terrorist organizations liable for the death penalty as accessories before the fact.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Penalties Enhancement Act of 2003".

SEC. 2. PENALTIES FOR TERRORIST MURDERS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339D. Terrorist offenses resulting in death

"(a) PENALTY.—A person who, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

"(b) TERRORIST OFFENSE DEFINED.—In this section, the term 'terrorist offense' means—

"(1) international or domestic terrorism as defined in section 2331;

"(2) a Federal crime of terrorism as defined in section 2332b(g);

"(3) an offense under this chapter;

"(4) section 175, 175b, 229, or 831 of this title;

"(5) section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(6) an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5).".

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

"2339D. Terrorist offenses resulting in death.".

(c) AGGRAVATING FACTORS.—

(1) IN GENERAL.—Section 3591(a)(1) of title 18, United States Code, is amended by striking "or section 2381" and inserting "2339D, or 2381".

(2) CONFORMING AMENDMENT.—Section 3592(b) of title 18, United States Code, is amended—

(A) in the heading, by striking "AND TREASON" and inserting ", TREASON, AND TERRORISM"; and

(B) in paragraph (1)—

(i) in the heading, by striking "OR TREASON" and inserting ", TREASON, OR TERRORISM"; and

(ii) by striking "or treason" and inserting ", treason, or terrorism".

SEC. 3. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—As used in this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

"2339E. Denial of Federal benefits to terrorists.".

REMEMBERING GENERAL BILL CREECH

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a man of remarkable leadership, dedication, and courage and to join Nevadans and Americans in mourning the loss of retired Air Force General Bill Creech.

As chairman of the Military Readiness Subcommittee, I have learned a great deal about what it has taken and what it will continue to take for our armed services to be the top military in the world, bar none. For the strength, effectiveness, and success of today's Air Force, this nation owes a debt of gratitude to Bill Creech.

Creech started as a private in the Air Force in 1944, and as he rose 14 rungs to four-star general, he never forgot what it was like to be at the bottom. During almost 40 years of service to this nation, he flew 280 missions as a combat pilot and was decorated 39 times, including 22 awards for bravery in combat.

In 1960, he came to Nellis Air Force Base in Las Vegas where he was director of operations for the "Top Gun" Fighter Weapons School and during which his relationship to southern Nevada first formed.

In 1978, he earned his fourth star and became commander of the Tactical Air Command, or TAC, at Langley Air Force Base in Virginia. During his 6½ years as commander, Creech showed the Air Force how to get the job done, and his leadership continues to be a lesson to us all. Under his direction, TAC's productivity improved by 80 percent and resulted in $12 billion of savings for the government.

And while Creech cut out the fat and waste, he oversaw the development of a new generation of air fighters including many modern jets as well as our prized Stealth fighter that eludes radar detection. Creech also used his experiences in Vietnam to develop night-flying tactics that led to our victories in the Persian Gulf War and Iraq.

After his retirement from the military, Creech became an internationally recognized management consultant with a best-selling book on total quality management based on his success restructuring the Air Force. For anyone who manages a single office or a multi-billion dollar corporation, Creech's message is invaluable. By rewarding accomplishments, creating pride in ownership, and developing a team atmosphere, the human factor endures and success results.

To southern Nevadans, Bill Creech will always hold a special place in our hearts for his loyalty and dedication to our beloved Thunderbirds, the air demonstration team that calls Nellis Air Force Base home. A Thunderbird pilot who flew 125 demonstration shows, Creech was once referred to as "the father of the Thunderbirds," and he believed that the Thunderbirds inspired young people to join the Air Force.

The Thunderbirds exist today because Bill Creech stood up for them. After four pilots were killed in fight, he publicly stated that if the team suffered an accident during his tenure he would resign. We are grateful that he took that stand. I have had the honor of watching the Thunderbirds in action on many occasions. They display the power and awesomeness of our Air Force and the dedication of people like Bill Creech who lift this nation to new heights so that we may all continue to soar.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and Americans. This great Nation that Bill Creech risked his life for and lived his life for will always be grateful for his contributions.

THE SMALL BUSINESS ADMINISTRATION 50TH ANNIVERSARY REAUTHORIZATION ACT OF 2003

Mr. BOND. Mr. President, I rise today in recognition of S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This bill revitalizes existing SBA programs and brings to life new pilot programs, all of which promote the demands and growth of the small business community. I commend the Chair, Senator SNOWE, for passing this bill through the Small Business Committee with unanimous support.

Upon final passage of this bill, we will take a giant step toward improving and refining the SBA and its programs. With the new provisions that enhance Agency recordkeeping and realign program operations under a more appropriate department, it is clear that Agency accountability and oversight will be strengthened. In addition, small businesses will benefit from improvements in the lending programs, greater access to capital, new innovations in the entrepreneurial programs, expansion of procurement programs, and improved training and assistance provisions.

According to the SBA's Office of Advocacy, small businesses represent more than 99.7 percent of all employers, employ more than half of all private sector employees, and generate 60 to 80 percent of net new jobs annually. Given these statistics and the difficult financial times we face in today's economy, I urge Congress to continue to nurture the needs of the small business community. We must show enthusiastic support for this bill, which I am confident will provide the SBA with greater tools to keep pace with the ever-changing global economy and to serve the small business community in a more effective and efficient manner. To act otherwise could jeopardize this Nation's much-needed job growth and innovation.

I refer to an important small business program titled the Historically Underutilized Business Zone Contracting Program, or as it is commonly referred to, the HUBZone Program. This small-business program was one of my personal priorities as former chairman of the Senate Small Business Committee. It was established in 1997 with the intent to create jobs in severely economically distressed communities, both rural and urban. In addition, the HUBZone program provides a federal contracting preference as an incentive for small businesses to locate in these low-income areas. The jobs created by the HUBZone Program bring money to those blighted areas and create a demand for more goods and services, which leads to the creation of more small businesses and increased commerce in the area. Little by little, the community's economic base is reborn.

Today, there are over 8,378 small businesses that are HUBZone certified, and the Government has procured approximately $1.7 billion in HUBZone contracting this year. The SBA reports that in fiscal year 2001, each dollar spent on the program yielded a return of $288 in contract awards and as a result, the program helped to create 12,782 jobs in the U.S., approximately 8,974 of which were located in distressed areas.

Based on fiscal year 2001 procurement statistics, HUBZone firms increased employment 33 percent to 50 percent as a result of contract awards. Nearly 50 percent of HUBZone firms increased capital expenditures as a result of receiving contracts in fiscal year 2001. As our economy struggles during these difficult times, this vital program will continue to bring jobs to our Nation's inner cities, poor rural counties, and Indian reservations.

I urge Congress to support the HUBZone Program in its current form along with the new amendments provided in the Senate's version of the SBA Reauthorization Act of 2003. Any additional changes not supported by the full Senate Committee on Small Business could seriously undermine the original intent of the program.

Thank you for the opportunity to speak today on behalf of the small business community. I encourage my colleagues to support Senator SNOWE and S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003.

FINDING THE CONNECTION

Mr. VOINOVICH. Mr. President, it has been nearly 2 years since terrorists attacked the United States on September 11, 2001. As our Nation prepares to honor the memory of those who were lost on that tragic day, I would like to submit for the RECORD a piece that I read in yesterday's Cleveland Plain Dealer that was written by Christy Ferer, whose husband, Neil Levin, perished in the World Trade Center. I was deeply moved by her words, which serve to remind us of the reason behind our ongoing efforts to promote the virtues of freedom and democracy as our men and women in uniform remain on the front lines in the fight against terrorism in Iraq, Afghanistan, and other parts of the world. We owe them our deepest gratitude.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Sept. 8, 2003]

FINDING THE CONNECTION

(By Christy Ferer)

When I told friends that I was making a pilgrimage to Iraq to thank the U.S. troops, their reactions were underwhelming at best.

Some were blunt: "Why are you going there?"

They couldn't understand why it was important for me, a Sept. 11 widow, to express my support for the men and women stationed today in the Persian Gulf.

The reason seemed clear, as far as I was concerned. I was going not to embrace the war, but to embrace the warriors.

I didn't intend to use the emotional capital generated by my connection to Sept. 11, 2001, to defend the U.S. presence in the Gulf. And I am certainly aware there is no proof yet that Saddam Hussein was linked to those terrorist attacks.

But I wanted to go to Iraq because I am the daughter of a World War II veteran who was decorated with a Purple Heart, and because I am the widow of a man who lost his life in what some feel was the opening salvo of World War III.

I wanted, needed, to honor my father and my husband, their service and sacrifice, by standing before those who were now making sacrifices and serving our country.

But my friends' reactions were so politely negative that I began to doubt my role in the first USO/Tribeca Institute tour into newly occupied Iraq. Besides, with Robert DeNiro Wayne Newton and Rebecca and John Stamos, who needed me? I'm hardly a celebrity.

Did U.S. soldiers really want to hear about my husband, Neil Levin, who went to work as director of the Port Authority of New York on Sept. 11 and never came home?

How would they relate to the two other bereaved people traveling with me—Ginny Bauer, a N.J. homemaker and mother of three who lost her husband, David, and former Marine Jon Vigiano, who lost his only sons, Jon, a firefighter, and Joe, a policeman?

As we were choppered over the bleached deserts, I wondered if I'd feel like a street hawker, passing out Port Authority pins and baseball caps as I said "Thank you" to the troops. Would a hug from me compare to hugs from a Victoria's Secret model, or the Dallas Cowboys cheerleaders?

The first "meet and greet" made me weep. My own daughters are old enough to be soldiers. Here were their peers—18-years-olds, armed with M–16s and saddlebags of water in the 120-degree heat. The soldiers swarmed around the stars for photos and autographs. Then it was announced that a trio of Sept. 11 family members was also in the tent.

It was as if an emotional dam had burst.

Some wanted to touch us, as if they needed a physical connection to our sorrow, and living proof of one reason they were there. One mother of two from Montana told me she'd signed up because of Sept. 11, and dozens of others said the same. One young man showed me his metal bracelet engraved with the name of victim he'd never known and that awful date none of us will ever forget.

At every encounter with the troops, there was a surge of reservists—firefighters and cops, including many who had worked in the rubble of Ground Zero—who had come to exchange a hometown hug. Their glassy eyes still didn't allow anyone to penetrate to the place where their trauma is lodged, the trauma that comes with devastation unimaginable to those who didn't witness it. It's there in me, too. I forced my way downtown on that terrible morning, convinced I could find Neil beneath the rubble.

I was not prepared for the soldiers who showed us the World Trade Center memorabilia they'd carried with them into the streets of Baghdad. Others had been holding in stories of personal Sept. 11 tragedies that had made them enlist.

To those men and women, it didn't seem to matter that Saddam's regime had not produced the murderers of Sept. 11. What they made clear to me was their belief that despotic rulers like Saddam fuel the volatile anti-American sentiment that breeds such terrorism: They feel they are in Iraq to stabilize the Gulf region, and thus to protect U.S. soil.

At Saddam Hussein International Airport, where Kid Rock gave an impromptu concert in a steamy hangar, Capt. Jorge Vargas from the Bronx tapped me on the back. He'd enlisted in the Army after some of his wife's best friends were lost at the World Trade Center. When he saw the piece of recovered metal from the Towers that I had been showing to a group of soldiers, he grasped for it as if it were a grail.

Then he handed it to Kid Rock, who passed the precious metal through the 5,000 troops in the audience. They lunged at the opportunity to touch the steel that symobilized what so many of them felt was the purpose of their mission. Looking into that sea of khaki gave me chills, even in the blistering heat.

When I got to the microphone, I told the soldiers we hadn't made the journey to hear condolences, but to thank them and to say that the families of Sept. 11 think of them every day. The crowd interrupted me with chants of "U.S.A.! U.S.A.! U.S.A.!" Many cried.

What happened next left me with no doubt as to why I had come.

There I was on stage, quaking before thousands of troops because I was to present a small piece of the World Trade Center steel to Gen. Tommy Franks. As I handed him the icy gray block, his eyes welled up.

I was stunned when the proud four-star general was unable to hold back the tears, which streamed down his face as he stood at center stage before his troops. The men and women in khaki fell silent.

And he turned from the spotlight to regain his composure, I put my arms around him and tried to comfort both of us with an embrace.

ADDITIONAL STATEMENTS

TRIBUTE TO CHESTERFIELD SMITH

• Mr. GRAHAM of Florida. Mr. President, I rise today to pay tribute to the memory of an extraordinary Floridian who was also an American treasure—Chesterfield Harvey Smith.

On Wednesday, July 16, 2003, we lost this resounding voice of conscience to cardiopulmonary complications at Doctor's Hospital in Coral Gables, FL. He was 85.

Chesterfield Smith often called himself a "country lawyer," but he was a pillar of this Nation's legal community. After graduating from the University of Florida's law school in 1948, he joined a law firm that he led through mergers and acquisitions to become one of the country's largest, Holland & Knight. He served as president of the Florida Bar Association in 1964, and then became president of the American Bar Association in 1973.

While ABA president, Mr. Smith condemned President Richard Nixon following the firings of an attorney general and others in the so-called "Saturday Night Massacre" during the Watergate scandal. Mr. Smith's comment—"no man is above the law"—has been described as a turning point in public opinion. Smith urged that an independent special prosecutor be employed to investigate the President.

"The justice system was being torn down by Nixon's actions," Mr. Smith recalled in an interview with The Associated Press in 1999.

Mr. Smith challenged members of the legal profession to provide quality, affordable legal services for all persons in need, insisting that law firms fill in where government funding came short. Always a visionary, he proposed testing of lawyers to weed out incompetents and was an early advocate of equal rights for women and minorities. Among his many honors, in 1969, the Florida State Chamber of Commerce named Chesterfield Smith the first "Distinguished Floridian of the Year," and he was subsequently honored as a "Great Floridian" by Governor Lawton Chiles and the Florida Cabinet.

In 2002, Supreme Court Justice Ruth Bader Ginsburg presented Mr. Smith with an award in recognition of his lifelong commitment to pro bono service.

Born in the small town of Arcadia in southwest Florida, Chesterfield served from 1934 to 1938 with the Florida National Guard. He joined the Army in 1940, prior to Pearl Harbor, where he quickly achieved the rank of Technical Sergeant and was recommended for Officer Candidate School. After attending OCS and being commissioned as a Field Artillery Officer, he served during World War II combat as the Commander of B Battery with the 390th Field Artillery Battalion, 94th Infantry Division, that participated in the Northern France, Rhineland, Ardennes-Alsace and Central Europe Campaigns. His bravery in these campaigns resulted in his being awarded the Bronze Star Medal. He was also awarded the American Defense Service Medal, American Campaign Service Medal, European Middle Eastern Campaign Medal with four Bronze Service Stars and the World War II Victory Medal.

Chesterfield was discharged from the Army, having attained the rank of Captain, in December 1945. He served 6 more years in the Army Reserve, retiring in 1951 with the rank of Major.

After the war, he returned to Florida and graduated from law school at the University of Florida. He joined the firm of Holland, Bevis & McRae in Bartow and quickly made partner. Later, under Smith's leadership, the firm merged with the Tampa firm Knight, Jones, Whitaker and Germany in 1968, and the new firm became Holland & Knight. Smith served as the firm's managing partner for 18 years. Today, Holland & Knight is our nation's eighth largest firm and sets the standard for public service.

In short, this son of Florida bravely served his Nation as a member of the armed services and as a civilian. He truly was worthy of what was his most cherished title: "Citizen Smith."

I urge my colleagues to join me in expressing heartfelt condolences to Chesterfield's widow, Jacqueline Allee Smith of Coral Gables, FL and in expressing our appreciation for this great man's lasting legacy.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3964. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Grapefruit and Oranges (Texas and States Other Than Florida, California, and Arizona); Grade Standards" (Doc. No. FV–00–304) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3965. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Grades of Pistachio Nuts in the Shell and United States Standards for Grades of Shelled Pistachios" (Doc. No. FV–98–304) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3966. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Increased Assessment Rates" (Doc. No. FV030–916–4 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3967. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate and Defined Fiscal Period" (Doc. No. FV03–958–1 FR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3968. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc. No. FV03–916–2 IFR–A) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3969. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Change in Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States" (Doc. No. FV03–996–2 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3970. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Upper Midwest Marketing Area—Final Order" (Doc. No. DA–01–03) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3971. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Marketing Area—Technical Amendment" (Doc. No. DA–03–09) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3972. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of Mexican States of Baja California, Baja California Sur, Chihuahua, and Sinaloa" (Doc. No. 01–074–2) received on August 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL#7323–1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3974. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Doc. No. FV03–993–4 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3975. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Mandatory Outgoing Prune Inspection and Quality Requirements, and Modification of the Undersized Prune Disposition Requirements Under the Marketing Order; and Suspension of the Prune Import Regulation" (Doc. No. FV03–993–3 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3976. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Doc. No. FV03–920–1 FR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3977. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Additional Storage Payments Regarding Reserve Raisins Intended for Use as Cattle Feed" (Doc. No. FV03–989–7 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3978. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Revision of Varietal Types" (Doc . No. FV03–989–6 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3979. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Disqualification for Crop Insurance Fraud" (RIN0560–AG70) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3980. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program" (RIN0560–AG95) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3981. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1794, Environmental Policies and Procedures" (RIN0572–AB73) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3982. A communication from the Administrator, Food and Safety Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Calendar Year 2003" (RIN05823–AC94) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Testing of Plants Genetically Engineered to Produce Industrial Components" (Doc. No. 03–038–1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Removal of Areas from Quarantine" (Doc. No. 02–117–9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry .

EC–3985. A communication from the Regulatory Contact, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Packer Marketing Contracts; Contract Library" (RIN0580–AA71) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3986. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propylene Carbonate; Exemption from the Requirement of a Tolerance" (FRL#7323-7) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3987. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerance" (FRL#7324-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3988. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment" (FRL#7323-9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3989. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions" (FRL#7321-3) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3990. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3991. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin, Pesticide Tolerances for Emergency Exemptions" (FRL#7319-4) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3992. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances for Emergency Exemptions" (FRL#7320-2) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3993. A communication from the Chief of Staff, Trade and Development Agency, transmitting, pursuant to law, a report of Agency relative to Colombia; to the Committee on Appropriations.

EC–3994. A communication from the Secretary of Transportation , transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Federal Transit Administration; to the Committee on Appropriations.

EC–3995. A communication from the Chief of Staff, Trade and Development Agency, a report of Agency funding obligations relative to Colombia and Pakistan; to the Committee on Appropriations.

EC–3996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Procurement Authority for Environmental Services for Military Installations" (DFARS Case 2003-D004) received on August 11, 2003; to the Committee on Armed Services.

EC–3997. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Buy-to-Budget Acquisition of End Items" (DFARS Case 2002–D036) received on August 11, 2003; to the Committee on Armed Services.

EC–3998. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the conclusion of test programs regarding the transportation of household good; to the Committee on Armed Services.

EC–3999. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4000. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4001. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's Consolidated Financial Statement, Independent Auditor Report, and Opinion of the Auditor General of the Army; to the Committee on Armed Services.

EC–4002. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transactions Other than Contracts, Grants, or Cooperative Agreements for Prototype Projects" (RIN0720-AA49) received on August 11, 2003; to the Committee on Armed Services.

EC–4003. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the C–5 Modernization Program and Alternative Live Fire Test and Evaluation Test Plan; to the Committee on Armed Services.

EC–4004. A communication from the Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the Corps' 2001 Annual Audit and Annual Report; to the Committee on Armed Services.

EC–4005. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report relative to a decision to convert to contractor performance a function of the Department of Defense (DoD) performed by 307 DoD civilian employees; to the Committee on Armed Services.

EC–4006. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Army, received on August 11, 2003; to the Committee on Armed Services.

EC–4007. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Special Operations/Low Intensity Conflict, received on September 2, 2003; to the Committee on Armed Services.

EC–4008. A communication from the Assistant Secretary, Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2003 Indian Reservation Roads Funds" (RIN1076–AE34) received on August 13, 2003; to the Committee on Indian Affairs.

EC–4009. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation dated June 5, 2003; to the Committee on the Budget.

EC–4010. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–137–FOR) received on August 13, 2003; to the Committee on Energy and Natural Resources.

EC–4011. A communication from the Commissioner, Federal Election Commission, transmitting, the report of a Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations; to the Committee on Rules and Administration.

EC–4012. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; the Spine" (FIM2900–AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC–4013. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Medication Prescribed by Non-VA Physicians" (RIN2900–AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC–4014. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War" (RIN2900–AL36) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC–4015. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Increases in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900–AL41) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC–4016. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services" (RIN2900–AL18) received on August 22, 2003; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. Ensign):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. Daschle, Mr. Dodd, Mr. Lieberman, Mr. Johnson, Mr. Bingaman, Mrs. Lincoln, Mr. Feingold, Mr. Lautenberg, Mr. Leahy, and Mr. Durbin):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1596. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the “S. Truett Cathy Post Office Building”; to the Committee on Governmental Affairs.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL):

S. Res. 219. A resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. Res. 220. A resolution designating the ninth day of September of each year as “National Fetal Alcohol Syndrome Awareness Day”; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN):

S. Res. 221. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL):

S. Con. Res. 66. A concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 170, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and further purposes.

S. 290

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 290, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 606

At the request of Mr. GREGG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions .

S. 642

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 642, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 780

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 971

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 971, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr . LAUTENBERG) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1201

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1201, a bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1381

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1434

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1528

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1528, a bill to establish a procedure to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1550

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1550, a bill to change the 30-year treasury bond rate to a composite corporate rate, and to establish a commission on defined benefit plans.

S. 1587

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from New York (Mr. SCHUMER), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

AMENDMENT NO. 1543

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Rhode Island (Mr. REED), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Ms. CANTWELL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Ms. STABENOW), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1543 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1561

At the request of Mr. DEWINE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 1561 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1562 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1566

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1566 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004 , and for other purposes.

AMENDMENT NO. 1588

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1588 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, it's been more than a year and a half since the No Child Left Behind Act became law. By passing that bill into law, we reaffirmed our commitment to provide every American child with a quality education.

The education of our children must be one of our top priorities, because they are the future of this country. We have to give them the tools they need to succeed.

Unfortunately, the fight against terrorism and the war in Iraq have driven education off the national agenda. This is especially disappointing now because public schools across the Nation are in jeopardy as States struggle to close unprecedented budget deficits. At a time when NCLB is imposing new unfunded mandates on States and local governments, schools have watched helplessly as their budgets have been slashed. Many of these schools are located in poor and rural areas, where the achievement gap is widest. These schools simply don't have the resources they need to do their job, and children are being left behind as a result.

Some States, including Nevada, face an additional problem. These States have extremely high rates of population growth, and as a result they find themselves in a never-ending race to fund the growing demand for education. The formulas that allocate Federal education dollars usually don't factor high growth rates into their calculations. So, schools in these States find their backs against the wall even in the best fiscal conditions. You can imagine how precarious their situation is in a time of record federal and state budget deficits.

I mentioned my State, Nevada. The condition of its public schools is, in many ways, quite dismal. Nevada has one of the highest high school dropout rates in the country and one of the lowest high school graduation rates. It is near the bottom in performance on national reading, writing, and math tests. Per-pupil, Nevada spends less money on its students than all but five other States. I could cite many other statistics, but you get the picture—and it isn't pretty.

There is no magic fix for the problems facing schools in Nevada, or any other state. And because schools are primarily the responsibility of individual states, there is only so much the federal government can do to help. But I believe Nevada's problems stem in part from the fact that its high growth rate prevents it from receiving its fair share of Federal education funding. Nevada is the fastest growing State in the Nation by a wide margin. Its schools struggle each year to make room for new students. Despite all this, Nevada is dead last in Federal per-pupil education funding. And I want to reiterate that this problem is not unique to Nevada—schools in other states also face budget strains as a result of high population growth rates.

These States deserve their fair share of federal education dollars. It is an issue of fundamental fairness. I hope that we will address this problem in a comprehensive manner the next time we revisit NCLB. In the meantime, however, we should take this opportunity to correct a similar flaw in the way we fund Head Start.

Throughout its 38-year history, Head Start has helped put millions of at-risk children on the path to success by giving them the social and academic skills they need to succeed in elementary school. It is a textbook example of a Federal program that has worked.

Consider some of the statistics. At-risk children who participate in a quality early childhood education program are 33 percent more likely to graduate from high school, and 25 percent less likely to repeat a grade. Since a year of public education for one student costs approximately $5,900, it is safe to say that Head Start has saved taxpayers millions of dollars.

Young women who participated in a quality early childhood education program have 33 percent fewer children out of wedlock, and are 25 percent less likely to become teen mothers. Every dollar we invest in Head Start translates into four dollars of benefits for at-risk children, their families, and American taxpayers.

So as you can see, Head Start is a critical component of public education in this country. Its holistic approach also addresses many of the underlying causes of poor academic performance by providing medical services and guidance for parents of at-risk children.

But State budget crises have placed Head Start programs under siege along with all other aspects of public education—and programs in high-growth states are among the hardest hit. Nevada has seven centralized Head Start agencies that administer almost 50 Head Start programs throughout the State. At current funding levels, these programs serve approximately 2,500 at-risk children not nearly as many as they could serve with adequate resources.

We need to do everything in our power to help Head Start programs meet demand, because better-prepared students make elementary and secondary schools more effective. And because Head Start is a partnership between the Federal Government and States, Congress has the power to make a real difference on this issue.

That is why I am today introducing the High Growth Head Start Assistance Act. It will reward high-growth States, such as Nevada, for their commitment to Head Start by ensuring that programs in their state receive their fair share of Federal funds.

Congresswoman BERKLEY has introduced a similar bill in the House of Representatives, and I applaud her leadership on this issue.

This bill will make a difference in the lives of thousands of at-risk children in Nevada and across the Nation. It is a matter of fundamental fairness. Most important, it represents a small but significant step toward fulfilling the promise we made a year and a half ago—a promise to leave no child behind.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UPDATING POPULATION DATA.

Section 640(a)(4) of the Head Start Act (42 U.S.C. 9835(a)(4)) is amended in the flush matter following subparagraph (B)—

(1) by striking "shall use the most recent data available" and inserting "shall use data that is not more than 2 years old"; and

(2) by striking "use of the most recent data available" and inserting "such data".

By Mrs. FEINSTEIN (for herself, Mr. DASCHLE, Mr. DODD, Mr. LIEBERMAN, Mr. JOHNSON, Mr. BINGAMAN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators DASCHLE, DODD, LIEBERMAN, BINGAMAN, JOHNSON, FEINGOLD and LINCOLN to introduce legislation to require the President to report to Congress on his vision for a democratic, economically viable, and politically stable Iraq, his plan for achieving those goals, and an estimate on how much this is going to cost.

After months of dodging questions, giving half-answers, and ignoring Congressional requests, the time has come for this Administration to level with the American people and Congress and spell-out its plan for rebuilding a country torn apart by years of dictatorial rule, ethnic strife, war, and terror.

Our legislation requires the President within 60 days of the enactment of this act to report to Congress on: the current economic, political, and military situation in Iraq including the number, type and location of attacks on U.S. and Coalition military and civilian personnel in the previous 60 days; a discussion of the measures taken to protect U.S. troops serving in Iraq; a detailed plan for the establishment of civil, economic and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics in Iraq; the current and projected monetary costs incurred by the United States, by Iraq, and by the international community; actions taken and to be taken by the Administration to secure increased international participation in peacekeeping forces and in the economic and political reconstruction of Iraq; a detailed time-frame and specific steps to be taken for the restoration of self-government to the Iraqi people; cost estimates for achieving those goals; and U.S. and international military personnel requirements for achieving those goals.

I am pleased that, as Secretary of State Colin Powell announced last week, the Administration has finally decided to seek an additional United Nations Security Council Resolution authorizing increased U.N. participation in multinational peacekeeping forces and the political and economic reconstruction of Iraq.

Nevertheless, President Bush waited far too long to seek additional help and, as a result, we will face an ever greater challenge in rebuilding Iraq in the months and years ahead. And this past Sunday, President Bush announced his intention to seek an additional $87 billion to fund reconstruction efforts and military and intelligence operations in Iraq and Afghanistan.

What we need now is a plan on how to rebuild Iraq, an estimate on how much it is going to cost, what personnel, both military and civilian, U.S. and international, will be needed, and what the end game will look like.

Our troops, along with our British and Australian allies, performed brilliantly in executing Operation Iraqi Freedom. Their unmatched skill, bravery, and professionalism made us all proud. They overthrew a tyrannical regime in three weeks and, for the first time in over thirty years, brought hope to millions of Iraqis. We owe them a tremendous debt of gratitude.

But I believe United States troops assumed too great a burden in terms of manpower and exposure to risk, and will be forced to remain in Iraq longer than expected and at a higher financial cost.

Let us look at the facts.

Sixty-seven Americans have died in hostile action since the President declared an end to major combat operations on May 1, 2003. In total, 286 U.S. troops have died in Iraq, 146 since May 1.

One hundred and thirty-nine thousand U.S. troops are currently serving in Iraq, comprising 85 percent of coalition forces.

Four car bombings in the past month have killed 121 people, including the UN's top envoy to Iraq, Sergio Vieira de Mello.

Earlier this year, Secretary of Defense Donald Rumsfeld stated that the United States is spending approximately $4 billion a month in Iraq and, given the President's statement Sunday, there is no indication that this figure will go down anytime in the near future.

These are enormous commitments, and yet, we do not have a clear indication from the Administration about its intentions in Iraq. And that is why I am introducing this legislation.

We have assumed an enormous responsibility in Iraq and we must stay the course. But let us hear from the Administration on how it intends to stay that course and where that course will lead us. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Although President George W. Bush declared an end to major combat operations in Iraq on May 1, 2003, as of early September 2003, conditions in parts of Iraq continue to be unstable, and President Bush has not yet provided Congress with a detailed plan that outlines the strategic objectives of Operation Iraqi Freedom, explains how and when the President plans to accomplish these objectives, and estimates the costs to be borne by United State taxpayers and the international community.

(2) On September 7, 2003, President Bush announced his intention to seek an additional $87,000,000,000 to fund reconstruction efforts and military and intelligence operations in Iraq, Afghanistan, and elsewhere.

SEC. 2. REPORT.

Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth—

(1) a description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on United States and other Coalition military and civilian personnel in the preceding 60 days;

(2) a discussion of the measures taken to protect United States troops serving in Iraq;

(3) a detailed plan for achieving the goal of establishing civil, economic, and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics;

(4) the monetary costs currently incurred and projected to be incurred by the United States, the United Nations, Iraq, and the international community;

(5) the actions taken and to be taken by the President to secure increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq;

(6) a detailed schedule and specific steps for achieving the goal of restoring self-government to the Iraqi people; and

(7) United States and international military and civilian personnel requirements.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on terror has imposed a tremendous burden on many of our country's small businesses. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. At the same time, more than one-third of military reservists and National Guard members suffer a pay cut when they're called to defend our Nation. Large businesses have the resources to provide supplemental income to reservist employees called up for active duty and to replace them with a temporary employee. However, many small businesses are unable to provide this assistance or temporarily replace the employee. I believe the Federal Government must take action to help small businesses weather the loss of an employee to active duty and protect small business employees and their families from suffering a pay cut to serve our Nation. That is why I am introducing legislation that will provide an immediate tax credit to assist both military reservists who are called to active duty and the small businesses who must endure their absence.

The Small Business Military Reservist Tax Credit Act that I am introducing today will provide immediate help to affected small businesses through a Federal income tax credit and a reduced withholding requirement to help pay the difference in salary for a reservist called up to active duty and the cost of temporarily replacing that employee while he or she is serving our Nation. Specifically, the bill will provide a tax credit of up to $12,000 to any very small business, defined as any business with up to 50 employees, whose employee has been called up for active duty. Up to $6,000 can be used to assist in paying any difference in salary for the activated reservist and up to an additional $6,000 can be used to help hire a temporary replacement. For small manufacturers with up to 100 employees, the bill will provide a tax credit of up to $20,000, up to $10,000 to hire a temporary replacement. This tax credit is critical to immediately help struggling entrepreneurs keep their small businesses running after the loss of an employee to temporary military service. Too many American small manufacturers are already facing a difficult economy and strong international competition. This legislation provides higher thresholds for small manufacturers because they need greater help and employ more technical workers who are more expensive and difficult to replace. It will also help cushion the financial cost of being a citizen soldier for our reservists. I am pleased that this legislation is supported by the Reserve Officers Association.

Since 1973, the United States has built an all-volunteer military of which reservists are an essential part. Our reservists are much more than weekend warriors. When they are called to active duty, they are a critical ingredient of any long-term or significant deployment of American forces. Everyone knows the contributions our reservists have made in the Army, Navy, Air Force, Marines and Coast Guard. They have been serving our country with distinction and pride for many years and should not be penalized financially for their honorable service. The use of reservists is a significant way to reduce the costs of maintaining a standing army and the cost of carrying a full standing army, in lieu of having a critical reservist component, far outweighs the small, targeted tax credit developed in this legislation.

Reservists have become a vital component of U.S. forces in Iraq and the war on terror. On September 14, 2001, President Bush issued Executive Order 13223 authorizing the activation of up to 1 million military reservists for up to two years of active duty. Since October 2002, there has been a presidentially approved ceiling of 300,000 on the number of reservists that can be on duty at any one time. Some 295,000 reserves have been called up cumulatively since the issuance of the original Executive Order. Today, there are about 181,500 reserves on active duty in the war against terrorism.

Just today, the Army announced that thousands of National Guard and Army Reserve forces will be required to extend their tours of duty. The new order requiring 12-month tours in Iraq and elsewhere means that many National Guard and Army Reserve troops could have their mobilizations extended anywhere from 1 month to 6 months. Extending tours of duty will make it more difficult for reservists, their families and the small businesses where they work to endure the hardships associated with serving our nation. It is imperative that we provide them with immediate assistance.

A recent story in the Financial Times demonstrates the heavy price that some small businesses are forced to pay when one of their employees is called up for active duty. Lt. Col. Stephen Brozak, a Marine reservist and small business partner, was called up for active duty in November 2002. In addition to being a partner in the small financial services firm, Westfield Bakerink Brozak, Stephen is the only research analyst in the San Diego-based company. Since Stephen left to serve our country, the company has been unable to continue working on the investment banking issues he covered. This has dramatically affected the company's profitability and bottom line. To compound the problem, this small businesses is unable to provide Stephen a salary while he is on active duty and cannot afford to hire a replacement. Small businesses, like Stephen's, should not be crippled or incapacitated when their workers are called to serve our Nation. Our reservist solders who are called away from their jobs to serve our country should not have to endanger their family's finances to do so.

The United States Chamber of Commerce estimates that 70 percent of military reservists called to active duty work in small- or medium-size companies. Everyone knows that small businesses continue to be a most effective at creating new jobs and spurring economic growth nationwide. Small businesses employ over 50 percent of the nation's work force. Nationwide, small businesses are currently creating 75 percent of new jobs. Furthermore, many these small businesses provide quality goods and services that are a vital link in the supply chain for our national defense. Many these small companies need immediate help to keep their business going while their employees are sacrificing for our country in Iraq and elsewhere.

Many of our reservists left their companies in good shape. They were profitable, providing goods or services, creating jobs, adding to the tax base. Our nation should do everything possible to ensure that upon their return, reservists and their businesses to do suffer unnecessary hardships that ranges from impaired operations financial ruin; from deserted clients to layoffs, and even closure.

Beyond the hardship of leaving their families, their homes and their regular employment, more than one-third of military reservists and National Guard members face a pay cut when they're called for active duty in our armed forces. Many of these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay. Unlike many big businesses that can afford to provide supplemental income to make up for the salary disparity for military reservists called to active duty, most small businesses cannot afford to provide this benefit. This makes it more difficult for small businesses to attract and keep workers. I think it is imperative that we help families of reservists maintain their standard of living while their loved one serves our nation. We must ensure that our great tradition of citizen soldiers does not fade or stop because of the effect service has on work and family.

Back in 1999, I wrote the Military Reservist Small Business Relief Act, which was enacted into law during the 106th Congress and authorized the Small Business Administration (SBA) to defer existing loan repayments and to reduce the interest rates on direct loans that may be outstanding, including disaster loans, for small businesses that have had a military reservist called up for active duty. It also established a low-interest economic injury loan program administered by the SBA through its disaster loan program. These loans have been available to provide interim operating capital to any small business when the departure of a military reservist for active duty causes economic injury. According to published reports, more than 10,000 small businesses have applied for these loans since August 2001. However, in today's economy, many small businesses are unable to take on additional debt to continue their operations. These small businesses need immediate tax relief to assist them in hiring a replacement and to pay their reservist worker who is away serving our country.

This bill will help every small business whose owner, manager or employee is called to active duty. Most immediately, this bill will assist those small businesses whose employees are in service in Iraq and elsewhere but the act also applies to future contingency operations, military conflicts, or national emergencies.

I ask all my colleagues to support this important legislation to help both military reservists and the small businesses they are forced to leave when they are called up for active duty.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLEN. Mr. President, I rise today to introduce the Homestead Preservation Act which would make available low-interest loans to American workers who have been displaced by international trade so they can continue to make home mortgage payments. This legislation would provide needed mortgage payment assistance to these Americans facing difficult times.

While the relaxation of trade barriers and free trade agreements have opened some new markets to American products and services, it has also led to a decline in the U.S. manufacturing and textile industries. These are the jobs that hard working Americans have depended on for generations and plants and facilities that have helped to sustain communities for decades.

Americans are industrious, hardworking and innovative, but it is unfair to ask them to compete for employment with workforces that do not operate under comparable environmental or labor regulations and in countries that do not reciprocate and violate trade rules. I want to make sure that free trade is at the same time fair trade. The opening of the U.S. market offers great benefit to all Americans, but we should mitigate harm to people making a living in manufacturing or textiles. The People's Republic of China through their currency manipulations, dumping of wood bedroom furniture, textile commands and illegal semiconductor taxation violate rules of fair trade. One can also look to the recent decision by the Department of Commerce finding that South Korean subsidies provided to Hynix Semiconductor, Inc. have caused great damage to U.S. computer chip manufacturers. As our government continues to follow international trade rules, we owe it to our workers to hold foreign governments accountable for their violations of these agreements.

Going forward, I pledge to take a hard look at all proposed free trade agreements to make sure the interests of the United States are not being compromised. It is essential in the negotiation of these new trade pacts not to place traditional U.S. industries at a distinct disadvantage. Free trade agreements have the opportunity to greatly enhance the economies of the U.S. and its partners, but they must offer generally equal benefits to people in both countries.

Unfortunately, recent years have seen the closing of numerous textile and manufacturing plants in the Commonwealth of Virginia and many can be attributed to international competition. These economic disasters are not unique to my Virginia alone. People in communities in our sister States of North Carolina, South Carolina and Georgia have experienced such disasters as well. People from Maine to Ohio to California understand and have endured these large layoffs. With each of these closings, a community is thrown into turmoil with families left wondering how ends can be met until new employment is found.

I understand no government program or assistance can substitute for a secure, well-paying job, but I believe the U.S. government can reasonably assist these families as they transition from one career to another. Presently, there are useful assistance programs that aid American workers seeking new employment, but unfortunately, there is nothing currently in place to protect what is usually a family's most valuable financed asset—their home.

The Homestead Preservation Act has been introduced to meet that need. My legislation would provide families vital temporary financial assistance enabling them to keep their homes and protect their credit ratings as they work toward strengthening and upgrading their skills and search for new employment. Individuals seeking to take advantage of this program would need to be enrolled in a job training or job assistance program. Training and education programs that focus on new technology and emerging industries would aid displaced workers in gaining a skill that will allow them to find a good-paying and secure job in a new field.

At a time when families are dealing with an uncertain future they should feel secure that food will be on the table and a roof will be over their heads. The loans to be provided by the Homestead Preservation Act would not solve all of the problems facing unemployed workers, but they would provide important assistance for families facing the prospect of losing their home.

In closing, I would like to thank my colleagues Senators WARNER, EDWARDS, DOLE, HOLLINGS, GRAHAM, CHAMBLISS and SNOWE for joining me in introducing this legislation. They know and understand the hardship facing these families and I am grateful that they have signed on to help provide this needed assistance. When offered in the 107th Congress, this Homestead Preservation Act received tremendous bipartisan support. I would respectfully urge my colleagues to consider the value Americans place on owning a home and support this caring and needed initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2004 through 2008.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, since the terrorist attacks of September 11th, 2001, we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw during the drafting and consideration of the airline security bill, the United States has not cornered the market on security innovations and measures—there is much that we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office (GAO) to initiate a study examining passenger rail security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the $15 billion channel tunnel—or "Chunnel"—linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct GAO to complete, no later than June 2004, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to enhance the security of our Nation's passenger rail network.

Before the terrorist attacks of September 11, 2001, boarding an Amtrak train was little harder than riding the subway—and in some ways it was easier, because you could purchase a ticket on board the train. Those days have passed, as Amtrak now requires photo identification and no longer permits ticket purchases on-board the train. But there has not been a similar change in the screening of baggage. The bill I am introducing today would create a new pilot initiative to screen passengers and carry-on baggage on the Amtrak passenger rail system. In addition, my legislation will examine ways to provide this screening, providing a proportional response that will reassure train passengers and step-up security.

As a member of the Senate Commerce Subcommittee on Surface Transportation, I believe that by conducting a limited test of security screening of passengers and carry-on baggage on certain Amtrak routes, we can determine the feasibility of expanding screening to other Amtrak stations. Moreover, by starting with a cross-section of stations throughout the network, we can gain perspective on the expense, the infrastructure, and the personnel who might be needed to bring screening system-wide.

This legislation will direct the Department of Transportation to initiate a demonstration project at five of the ten stations with the heaviest passenger traffic. Amtrak would be required to conduct random passenger and carry-on baggage checks or screening at these stations. Under the legislation, the Secretary of Transportation would be given authority to select additional stations in order to determine how screening works at smaller facilities. The bill envisions examination of a variety of X-ray and explosive detection devices, and metal detectors that would help assure safety on Amtrak.

I urge my colleagues to join me in a strong show of support for this legislation.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE to introduce the Indian Needs Assessment and Program Evaluation Act of 2003.

Recently, a significant report has been issued that, once again, calls into question the equity and effectiveness of Federal spending on Indian programs.

This is not a new problem and the U.S. Civil Rights Commission's report entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" shows that the volume and methodologies of Federal spending are still both off the mark.

The Commission's report found an ongoing failure to provide funds for the health, education and safety of Indian communities at levels equivalent to other U.S. populations and determined that, despite many studies, "no coordinated, comprehensive Federal effort has been made to audit spending and develop viable solutions."

The Commission's Report recommended each of the six agencies primarily responsible for delivery of Federal services to Indians to: (1) conduct internal monitoring of its spending and budgeting for Indian programs; (2) ensure better coordination with other agencies; and (3) monitor unmet needs. It also urged Congress to appropriate funds to meet the unmet needs of Indian people and urged the Office of Management and Budget (OMB) to create uniform standards for tracking and spending on Indian programs.

The bill I am introducing today will address these ongoing problems and bring a rigorous analysis to the actual needs of Indian people, gauge how Indian programs are funded, and better tailor these programs so that needs are met and programs are carried out in an effective and efficient way.

The bill: 1. directs the Secretary of the Interior to develop a uniform method, criteria, and procedures for determining, analyzing, and compiling the program and service assistance needs of Indian tribes and Indians nationwide; 2. requires Federal agencies to conduct Indian Needs Assessments aimed at determining the actual needs of tribes and Indians eligible for programs and services administered by such agencies; 3. directs the Secretary to develop a uniform method, criteria, and procedures for compiling, maintaining, keeping current, and reporting to Congress all information concerning: (a) agency annual expenditures for programs and services for which Indians are eligible; (b) services or programs specifically for the benefit of Indians; and (c) agency methods of delivery of services and funding; 4. requires Federal agencies responsible for providing services or programs to or for the benefit of tribes of Indians to: (a) file Annual Indian Program Evaluations with specified congressional committees; and (b) publish annual listings in the Federal Register of all agency programs and services for which Indian tribes may be eligible; 5. directs the Secretary to: (a) report to specified congressional committees on the coordination of Federal program and service assistance for which tribes are eligible; and (b) file a Strategic Plan for the Coordination of Federal Assistance for Indians.

I urge my colleagues to join me in supporting this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Needs Assessment and Program Evaluation Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States and the Indian tribes have a unique legal and political government-to-government relationship;

(2) under the Constitution, treaties, statutes, Executive orders, court decisions, and course of conduct of the United States, the United States has a trust obligation to provide certain services to Indian tribes and members of Indian tribes;

(3) Federal agencies charged with administering programs and providing services to or for the benefit of Indian tribes and members of Indian tribes have not provided Congress adequate information necessary to assess the adequacy of the programs and services meeting the needs of Indian tribes and members of Indian tribes, hampering the ability of Congress to determine the nature, type, and magnitude of those needs or the ability of the United States to respond to those needs; and

(4) Congress cannot properly fulfill its obligation to Indian tribes and Indian people unless it has an adequate store of information concerning the needs of Indian tribes and members of Indian tribes nationwide.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that Indian needs for Federal programs and services are known in a more certain and predictable fashion;

(2) to require that Federal agencies carefully review and monitor the effectiveness of programs and services provided to Indian tribes and members of Indian tribes;

(3) to provide for more efficient and effective cooperation and coordination of, and accountability from, the agencies providing programs and services, including technical and business development assistance, to Indian tribes and members of Indian tribes; and

(4) to provide to Congress reliable information regarding both Indian needs and the evaluation of Federal programs and services provided to Indian tribes and members of Indian tribes nationwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) NEEDS ASSESSMENT.—The term "needs assessment" means an assessment of the program and service needs of Indian tribes and members of Indian tribes, that includes, at a minimum, consideration of—

(A) the population of each Indian tribe (including the population of tribal members located in the service area of an Indian tribe, where applicable);

(B) the size of the service area;

(C) the location of the service area;

(D) the availability of similar programs within the geographical area to Indian tribes or tribal members; and

(E) socioeconomic conditions that exist within the service area.

(3) PROGRAM EVALUATION.—The term "program evaluation" means an evaluation report developed in accordance with section 4(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NEEDS ASSESSMENTS AND PROGRAM EVALUATIONS.

(a) NEEDS ASSESSMENTS.—

(1) DEVELOPMENT OF METHOD, CRITERIA, AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation and coordination with tribal governments and with the Secretary of Agriculture, Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of Labor, Attorney General, Secretary of the Treasury, Secretary of Transportation, Secretary of Veterans Affairs, Administrator of the Environmental Protection Agency, Secretary of Housing and Urban Development, Secretary of Health and Human Services, and heads of other agencies responsible for providing programs or services to or for the benefit of Indian tribes or members of Indian tribes, shall develop a uniform method, criteria, and procedures for determining, analyzing, and compiling a needs assessment.

(2) NEEDS ASSESSMENTS.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, each Federal agency, in coordination with the Secretary, shall—

(A) conduct a needs assessment to determine the needs of Indian tribes and members of Indian tribes eligible for programs and services administered by the agency; and

(B) submit to the Committee on Appropriations and Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the needs assessment.

(b) PROGRAM EVALUATIONS.—

(1) DEVELOPMENT OF METHOD, CRITERIA, AND PROCURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a uniform method, criteria, and procedures for compiling, maintaining, updating, and reporting to Congress a program evaluation containing all information concerning—

(A) the annual expenditure by a Federal agency for programs and services for which Indian tribes and members of Indian tribes are eligible, with specific information including—

(i) the names of Indian tribes that are participating in or receiving each service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year;

(B) programs or services specifically for the benefit of Indian tribes and members of Indian tribes, with specific information including—

(i) the names of Indian tribes that are currently participating in or receiving each program or service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year; and

(C) the methods of delivery of the programs and services, including a detailed explanation of the outreach efforts of each agency to Indian tribes.

(2) PROGRAM EVALUATIONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each Federal agency responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the program evaluation.

(c) ANNUAL LISTING OF TRIBAL ELIGIBLE PROGRAMS.—On or before February 1 of each year, each Federal agency described in subsection (b)(2) shall publish in the Federal Register—

(1) a list of all programs and services offered by the agency for which Indian tribes or members of Indian tribes are or may be eligible; and

(2) a brief explanation of the program or service.

SEC. 5. REPORT ON COORDINATION OF PROGRAMS AND SERVICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report detailing the coordination of Federal programs and service assistance for which Indian tribes and members of Indian tribes are eligible.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, after consultation and coordination with the Indian tribes, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a strategic plan for the coordination of Federal assistance for Indian tribes and members of Indian tribes.

(2) CONTENTS OF STRATEGIC PLAN.—The strategic plan under paragraph (1) shall contain—

(A) an identification of reforms necessary to the laws (including regulations), policies, procedures, practices, and systems of the agencies responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes;

(B) proposals for remedying the reforms identified in the plan; and

(C) other recommendations consistent with the purposes of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE to introduce the "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003" to combat child abuse in Native American communities.

First enacted in 1990, the Indian Child Protection and Family Violence Prevention Act was aimed at prosecutions of Federal and tribal employees for child abuse and issues arising from child abuse and family violence.

The act established extensive reporting requirements and character investigations for Federal and tribal employees who have regular contact with Indian children, and provided funding for prevention and treatment programs.

Like so many social pathologies, American Indians are victimized by violence more than any other ethnic group.

Research also shows that Indian victims of violence by family members or intimate partners are more likely than any other ethnic group to be injured and need hospital care.

The act is expiring and needs to be reauthorized, but it also needs to include tougher criteria for background checks and a structured method for tribal assumption of child abuse prevention, prosecution and treatment programs.

The bill is designed to improve the ability of the tribes to combat child abuse in their communities, build tribal capacity, and identify the impediments to more effective prevention, investigation and prosecution of child abuse.

The bill also authorizes funding for building comprehensive tribal programs, and training and technical assistance—the cornerstones in developing the necessary expertise in the field. The bill will also facilitate establishment of safety measures for child protection workers to reduce unnecessary stress and improve program effectiveness.

In its 2002 report entitled "Violence Against Women: Data on Pregnant Victims and Effectiveness of Prevention Strategies are Limited", the General Accounting Office cited the Centers for Disease Control and other researchers who found that there was a need for prevention strategies that incorporate cultural perspectives in serving ethnic populations. This bill will promote cultural perspectives by giving special considerations to tribal programs which incorporate traditional healing methods.

Abuse by the Federal and tribal employees was the main reason for enacting the 1990 Act, however, employees are not the only ones that come in contact with Indian children. The bill I am introducing today will expand the scope of positions subject to character investigations and include contractors who have regular contact with Indian children.

This bill clarifies the requirement that all positions within the Departments of Interior and HHS—not simply the Bureau of Indian Affairs and Indian Health Service—that have regular contact with children must undergo character investigations.

I ask unanimous consent that the text of the bill be printed in the RECORD and urge my colleagues to join me in supporting this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) finds that—

"(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

"(B) the number of reported incidences of child abuse on Indian reservations continues to rise at an alarming rate, but the reduction of such incidences is hindered by the lack of—

"(i) community awareness in identification and reporting methods;

"(ii) interagency coordination for reporting, investigating, and prosecuting; and

"(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

"(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

"(i) education to identify symptoms consistent with child abuse;

"(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

"(iii) strategies to ensure the safety of child protection workers; and

"(iv) support systems for the victims of child abuse and their families; and

"(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.";

(B) in paragraph (2)—

(i) by striking "two" and inserting "the";

(ii) in subparagraph (B)—

(I) by inserting after "provide funds for" the following: "developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for"; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) implement strategies to increase the safety of child protection workers;

"(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

"(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies."; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "prevent further abuse" and inserting "prevent and prosecute child abuse";

(B) in paragraph (2), by striking "authorize a study to determine the need for a central registry for reported incidents of abuse" and inserting "build tribal infrastructure needed to maintain and coordinate databases";

(C) by striking paragraph (3);

(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking "sexual";

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "Area" and inserting "Regional";

(G) in paragraph (6) (as redesignated by subparagraph (D))—

(i) by inserting "child abuse and" after "incidents of"; and

(ii) by inserting "through tribally-operated programs" after "family violence";

(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

"(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse;"; and

(I) by striking paragraph (8) and inserting the following:

"(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and"..

SEC. 3. DEFINITIONS.

Section 403(3) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(3)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) any case in which a child is subjected to family violence;".

SEC. 4. REPORTING PROCEDURES.

Section 404(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203(b)) is amended by adding at the end the following:

"(3) COOPERATIVE REPORTING.—If—

"(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

"(B) a preliminary inquiry indicates a criminal violation has occurred;

the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.".

SEC. 5. CENTRAL REGISTRY.

The Indian Child Protection and Family Violence Prevention Act is amended by striking section 405 (25 U.S.C. 3204) and inserting the following:

"SEC. 405. BARRIERS TO IMPLEMENTATION.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

"(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) any findings made in the study;

"(B) recommendations on ways to eliminate impediments described in subsection (a); and

"(C) cost estimates for implementing the recommendations.".

SEC. 6. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(including contracted and volunteer positions)," after "authorized positions"; and

(B) in paragraph (3), by striking the period at the end and inserting the following: ", which—

"(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

"(B) may include a review of applicable State criminal history repositories."; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting after "who is" the following: "a volunteer or contractor or is"; and

(B) in paragraph (2), by striking "employ" and inserting "contract with, accept, or employ".

SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

(1) in subsection (a), by striking "sexual";

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following:

"(e) DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.

"(2) APPLICATION.—

"(A) IN GENERAL.—An Indian tribe, tribal organization, or inter-tribal consortium may submit an application to participate in a demonstration project in such form as the Secretary of Health and Human Services may prescribe.

"(B) CONTENTS.—As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—

"(i) the information described in subsection (b)(2)(C);

"(ii) a proposal for development of educational materials and resources, to the extent culturally appropriate; and

"(iii) proposed strategies to use and maintain the integrity of traditional healing methods.

"(3) CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family."; and

(4) in subsection (f) (as redesignated by paragraph (2))—

(A) by striking "there" and inserting "There"; and

(B) by striking "$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997" and inserting "such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010, of which a specific sum shall be specifically set aside each year for the demonstration projects established under subsection (e).".

SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a) by striking "area" and inserting "Regional";

(2) in subsection (b)—

(A) by striking "Secretary and" and inserting "Secretary,"; and

(B) by striking "Services" and inserting "Services, and the Attorney General";

(3) in subsection (d)(5), by striking "area" and inserting "Region";

(4) in subsection (f)—

(A) in the second sentence, by striking "an area" and inserting "a Regional"; and

(B) in the last sentence, by inserting "developing strategies," after "Center in";

(5) in the second sentence of subsection (g)—

(A) by striking "an area" and inserting "a Regional"; and

(B) by striking "Juneau Area" and inserting "Alaska Region"; and

(6) in subsection (h), by striking "$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996 and 1997" and inserting "such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010".

SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting "coordination, reporting and" before "investigation";

(B) in paragraph (2) by inserting "child abuse and" after "incidents of";

(2) in subsection (d)—

(A) in paragraph (1)(C), by inserting "and other related items" after "equipment"; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ", and" at the end and inserting a semicolon;

(ii) in subparagraph (C), by inserting after "responsibilities" the following: "and specify appropriate measures for ensuring child protection worker safety while performing responsibilities under this title"; and

(iii) by adding at the end the following:

"(D) provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements necessary to fulfill the responsibilities under any intergovernmental or interagency agreement; and

"(E) develop and implement strategies designed to ensure the safety of child protection workers while performing responsibilities under this Act;";

(3) in paragraph (6), by striking "and" at the end;

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

"(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and"

(6) by redesignating subsections (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively;

(7) in paragraph (1) of subsection (g) (as redesignated by paragraph (6)), by striking subparagraph (A) and inserting the following:

"(A) evaluate the program for which the award is made, including examination of—

"(i) the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in the training programs;

"(ii) the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and

"(iii) the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse."; and

(8) in subsection (h) (as redesignated by paragraph (6)), by striking "$30,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996 and 1997" and inserting "such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.".

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the "September 11 Victim Compensation Fund Extension Act of 2003" to extend the pending deadline of the September 11 Victim Compensation Fund to December 31, 2004. I thank Senators DURBIN, SCHUMER, DODD, LIEBERMAN, CLINTON, CORZINE, and LAUTENBERG for joining me as original cosponsors of this legislation.

Along with Senator DASCHLE, Representative GEPHARDT and others, I worked hard to create the Victims Fund over the objections of some in the administration and Congress. We insisted that it be included in the legislation to bail out the airlines passed in the wake of the most devastating terrorist attacks on American soil. The current deadline for applying for compensation from the Victims Fund is rapidly approaching, but it has become apparent that many families need more time. Thus far, just under a third of eligible families have applied to the Fund for compensation—only about 1,282 death claims and 1,050 injury claims have been filed so far by victim families, according to the Department of Justice.

Ken Feinberg, the Special Master for the Fund, is doing his best to get victims families to understand their rights. Recently, he has even taken out extensive advertisements in a number of newspapers and created a series of informational meetings and claim assistance sites to assist victims' families to file for compensation with the Victims Fund instead of filing a lawsuit against the airlines industry. I commend him for his efforts.

It appears that only a few relatives of victims of September 11 are opting out of eligibility for the fund by filing a lawsuit against the airlines industry. While some families are likely weighing that decision, the number of disqualifying lawsuits is low—69 as of last month—and only three of those were in the last three months, according to The New York Times.

Instead, victims support groups have told me that they receive calls daily from individuals who understand that the deadline is approaching but cannot face the emotional pain of preparing a claim. Mr. Feinberg has also commented that many victims are still too paralyzed by their grief to confront the logistical burden and emotional pain of filing a death claim.

In light of this painful reality, I believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004—an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund. In recent days, I have been in contact with several September 11 victims support groups, all of which agreed that such an extension would provide some relief during these dark days for victims' families as they endure the grieving process.

As the anniversary of the tragedy of September 11 approaches, victims' families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. This is something we can do now for victims of September 11. I urge my colleagues to support the "September 11 Victim Compensation Fund Extension Act of 2003."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 219—TO ENCOURAGE THE PEOPLE'S REPUBLIC OF CHINA TO ESTABLISH A MARKET-BASED VALUATION OF THE YUAN AND TO FULFILL ITS COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS

Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 219

Whereas the currency of the People's Republic of China, the yuan or renminbi, has been tightly pegged to the United States dollar at the same fixed level since 1994;

Whereas the undervaluation of China's currency makes exports from China less expensive for foreigners and makes foreign products more expensive for Chinese consumers, an effective subsidization of China's exports and a virtual tariff on foreign imports;

Whereas the Government of the People's Republic of China has significantly intervened in its foreign exchange markets in order to hold the value of the yuan within its tight and artificial trading band, resulting in enormous growth in China's dollar reserves, estimated to be over $345,000,000,000 as of June 2003;

Whereas the practice of "currency manipulation" to gain a trade or competitive advantage is a violation of the spirit and letter of the World Trade Organization and International Monetary Fund agreements, of which the People's Republic of China is now party;

Whereas the undervaluation of China's currency has had and continues to have a negative impact on the United States manufacturing sector, contributing to significant job losses and business closures;

Whereas the undervaluation of China's currency also has had and continues to have a negative impact on the economies of its neighbor nations, the European Community, Mexico, and Latin America;

Whereas the free fluctuation of currencies is a key component to the health of global trade, and the stability of the world economy; and

Whereas China's central bank governor has stated that the value of the yuan will eventually be determined by market forces rather than pegged firmly to the dollar: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) supports the Secretary of the Treasury's work with regard to the Secretary's discussions with the Government of the People's Republic of China leading to a market-based valuation of the yuan; and

(2) encourages the People's Republic of China to continue to act on its commitments to the trade rules and principles of the international community of which it is now a member.

SENATE RESOLUTION 220—DESIGNATING THE NINTH DAY OF SEPTEMBER OF EACH YEAR AS "NATIONAL FETAL ALCOHOL SYNDROME AWARENESS DAY"

Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 220

Whereas fetal alcohol syndrome is the leading cause of mental retardation in western civilization, including the United States, and is 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas economists estimate that each individual with fetal alcohol spectrum disorders will cost United States taxpayers between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol syndrome/effect (FAS/E) came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: "What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe "National Fetal Alcohol Syndrome Awareness Day" with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of the ninth day of September to remember that during the 9 months of pregnancy a woman should not consume alcohol.

Ms. MURKOWSKI. Mr. President, at nine minutes after the hour of nine in communities across Alaska and around the world, people are pausing today to observe International Fetal Alcohol Syndrome (FAS) Awareness Day. International FAS Awareness Day was first observed on September 9, 1999. It began with a small group of parents of children afflicted with FAS and Fetal Alcohol Effect (FAE) who came together on the Internet to ask this compelling question, "What if a world full of FAS and FAE parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the nine months of pregnancy a woman should not consume alcohol?"

These pioneering activists, most of whom were adoptive and foster parents, led by Brian Philcox and Bonnie Buxton of Toronto, Canada, did not have the resources of large public relations firms or well connected lobbyists. They organized the first International FAS Awareness Day on a shoestring using the Internet. Rapidly their group grew to include more than 70 volunteer coordinators in eight countries. Through this grassroots awareness effort, many women of childbearing age learned for the first time that no amount of alcohol in pregnancy is good.

Each year their simple message travels further. On this fifth International FAS Awareness Day, we know that the message is getting across. Numerous observances are planned in my home State of Alaska. In Nome, a birthday cake celebration will honor all babies who will be born in the region in the coming year. In Kenai the American Legion will sponsor a breakfast and the ringing of bells at 9:09 AM. The Mayors of Anchorage, Haines and Wasilla, to name a few, have issued local proclamations.

The Commissioner of our Alaska Department of Health and Social Services, Joel Gilbertson, and the staff of his Division of Behavioral Health, are to be commended for their diligent efforts in bringing International FAS Awareness Day to Alaska. An excellent resource manual to help communities plan their observances, is accessible through the Internet page of the State of Alaska, Department of Health and Social Services. I would also like to thank the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services, which is publicizing International FAS Awareness Day on their website.

Yet, in spite of all of the hard work of dedicated volunteers over the last several years to publicize International FAS Awareness Day, I was surprised to learn that legislation has not been introduced in the Congress to ask that the President designate September 9 of each year as National FAS Awareness Day across the United States. The resolution that I am introducing today would do just that.

The resolution, like the day itself, is intended to focus attention on the high cost of Fetal Alcohol Spectrum Disorders to our Nation and the ease of prevention. At the same time it asks that the American people treat those afflicted with these disorders with compassion and support. FAS is the largest cause of mental retardation in Alaska, the United States and all of western civilization and it is one hundred percent preventable. The simple fact is that no amount of alcohol during pregnancy has been established as safe for the fetus. If women do not drink alcohol—any alcohol—during the nine months of pregnancy; alcohol-related birth defects will be eliminated.

It is high time that we recognize the efforts of the dedicated volunteers who conceived and developed International FAS Awareness Day with a national observance in the United States. On the first International FAS Awareness Day in 1999, Bonnie Buxton put forth this question to those who care for FAS and FAE children, "What if we made a noise? Would the rest of the world listen?" To Bonnie and all of the others who have made International FAS Awareness Day a reality, I want to say that the United States Senate is listening and proudly joins in your efforts to spread the word. Thanks to your good works, the world is listening.

SENATE RESOLUTION 221—RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND THE IMPORTANCE AND ACCOMPLISHMENTS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 221

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities are credited with making higher education financially attainable for individuals who otherwise may not have been able to afford postsecondary education;

Whereas historically Black colleges and universities have significant success rates;

Whereas historically Black colleges and universities provide a supportive social, cultural, and racial environment for people of color who are seeking a college education;

Whereas in the United States historically Black colleges and universities have educated 75 percent of all Blacks having Ph.D.s, 46 percent of all Black business executives, 50 percent of all Black engineers, and 80 percent of all Black Federal judges;

Whereas in the United States historically Black health professional schools have trained an estimated 40 percent of all Black dentists, 50 percent of all Black pharmacists, and 75 percent of all Black veterinarians;

Whereas in the United States historically Black colleges and universities have educated an estimated 50 percent of all Black attorneys and 75 percent of all Black military officers; and

Whereas historically Black colleges and universities have produced Members of the United States Congress, State legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers, and doctors: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals of National Historically Black Colleges and Universities;

(2) salutes and acknowledges historically Black colleges and universities and their presidents, faculties, staff, and trustees for their vigorous and persistent efforts in support of equal opportunity in higher education;

(3) commends the students who benefit from historically Black colleges and universities for their pursuit of academic excellence; and

(4) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

Mr. SARBANES. Mr. President, I am proud today to join my colleague from Maryland and others in the Senate in submitting a Senate Resolution recognizing the accomplishments and importance of our Nation's Historically Black Colleges and Universities. This resolution is a companion to a resolution my colleague from Maryland in the House of Representatives and Chair of the Congressional Black Caucus—Elijah Cummings—introduced earlier this year.

There was a time in our history when African Americans had few choices to further their education other than Historically Black Colleges and Universities. Legal and historical segregation closed the doors of many colleges and universities, leaving them few options. Fortunately, Historically Black Colleges and Universities filled the void magnificently. They may be small in number compared to other universities, but their impact is impressive. In the 1950s, Historically Black Colleges and Universities produced more than ninety percent of Black professionals. It is difficult to imagine where this country would be without the service and dedication of the professors, administrators and supporters of our Nation's Historically Black Colleges and Universities.

For example, Thurgood Marshall, denied admission at a segregated University of Maryland School of Law, went on to obtain his law degree at Howard University. He later was appointed to the United States Supreme Court and was on the bench when the Court decided Brown v. Board of Education, the landmark decision that once and for all held that separate learning facilities for school children are unconstitutional. The University of Maryland—now a very different, a more just and diverse place, much like the United States—acknowledged the historical error of its ways and welcomes all students. In fact, it has named its law library after Justice Marshall. We may have missed the benefits of Justice Marshall's brilliant contributions to the legal profession had Howard University not been there to accept, nurture and superbly educate African American legal scholars of his era. It is impossible to calculate how many doctors. Members of Congress, attorneys and engineers might not have completed their educations if these institutions had not been there to serve them.

Historically Black Colleges and Universities continue to demonstrate their value as thousands of students who have the opportunity to attend any school choose to enroll in these unique institutions. Maryland is fortunate to have four of these institutions: Bowie State University, Coppin State University, Morgan State University, and the University of Maryland, Eastern Shore. According to the National Association for Equal Opportunity in Higher Education (NAFEO), 103 Historically Black Colleges and Universities enroll more than 370,000 students and graduate approximately one-third of all Black students each year. NAFEO notes that students who attend Historically Black Colleges and Universities graduate with greater frequency than African American students at predominantly white institutions and receive greater academic and social support.

As many universities face the challenges of State budget constraints, disappearing corporate donations, and reduced endowments, Historically Black Colleges and Universities are hit especially hard. Many of them make it their goal to educate low-income students, making their student bodies even more reliant on financial aid. As our Historically Black Colleges and Universities face struggles, the Federal Government, State governments, alumni and friends must make sure they continue to thrive. We must guarantee that future generations will continue to benefit from the academic and cultural richness Historically Black Colleges and Universities provide. Let this resolution symbolize Congress' commitment to continuing the mission of Historically Black Colleges and Universities and ensuring their future success.

SENATE CONCURRENT RESOLUTION 66—COMMENDING THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR ITS CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan nongovernmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1593. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1594. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1595. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1596. Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1597. Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1598. Mr. SCHUMER (for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1599. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1600. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1601. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1602. Mr. CORZINE (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. HARKIN, and Mr. REID) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

SA 1603. Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, supra.

TEXT OF AMENDMENTS

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC.   . Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66, 107 Stat. 312), section 1923(g)(1)(A) of the Social Security Act (42 U.S.C. 1396r-4(g)(1)(A)) is amended—

(1) in the first sentence, by inserting "(or by a related organization of the hospital treating hospital patients)" after "by the hospital"; and

(2) by striking the second sentence and inserting the following: "For purposes of this subparagraph—

"(i) payments made to a hospital for services provided to indigent patients made by a State or a unit of local government within a State shall not be considered to be a source of third party payment; and

"(ii) costs incurred during the year of furnishing hospital services shall include the costs to the hospital or a related organization, including a faculty practice plan that is affiliated with an academic medical center, of physicians' services provided at the hospital.".

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading "Global AIDS Initiative" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, $939,700,000, to remain available until expended:' *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,834,899,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $330,000,000 shall not be available for obligation until September 30, 2004.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional $50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,945,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,733,301,000.

SA 1593. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) STUDY.—The Comptroller General of the United States shall conduct a study concerning the long-term impact of competitive outsourcing at the Department of Health and Human Services on both cost savings as well as performance and efficiency. In conducting such study, the Comptroller General shall examine—

(1) the monetary value of the cost of paying and providing benefits for Federal employees as compared to the cost of contracting out such positions to non-Federal individuals and private entities, including the cost of conducting outsourcing studies, managing contracting out, and monitoring contractor compliance;

(2) the effects of outsourcing on Federal efficiency, specifically the benefits of a stable, integrated workforce on internal Departmental communications, institutional memory, workforce diversity, consistent application of policy (both internal and external), institutional relations with clients (including hospitals, researchers, nonprofit entities, and the general public), and the ability to recruit and retain the highest levels of expertise within crucial health agencies; and

(3) performance and accountability in outsourced work compared to work conducted by Federal Government agencies, specifically, whether or not there are adequate measurements in contracts to ensure performance levels, and if there exists a comprehensive means for determining accountability in the carrying out of Federal Government contracts.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a).

SA 1594. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) INCREASE IN FUNDING FOR HEALTH PROFESSIONS PROGRAMS.—In addition to any amounts otherwise appropriated under this Act for health professions programs and activities under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), there are appropriated an additional $257,000,000 for the Health Resources and Services Administration to fund such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, $480,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,152,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,526,301,000.

SA 1595. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional $300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,195,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,483,301,000.

SA 1596. Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional $24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional $5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, $20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,939,562,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,738,938,000.

SA 1597. Mr. DODD (for himself, Mr. Kennedy, Mrs. Murray, Ms. Mikulski, Mr. Daschle, Mr. Reed, Mr. Bingaman, Mr. Lautenberg, Ms. Stabenow, Mr. Akaka, Mr. Corzine, Mr. Pryor, Mr. Kerry, Mr. Johnson, Mr. Nelson of Florida, Mrs. Clinton, and Mrs. Boxer) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

Sec.   . (a) Head Start Funding.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional $350,000,000 for such programs and activities.

(b) Offset.—Of the funds appropriated in this Act for the National Institutes of Health, $700,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,245,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,433,301,000.

SA 1598. Mr. SCHUMER (for himself, Ms. Landrieu, Mr. Durbin, Mr. Lautenberg, Mrs. Clinton, Mr. Kennedy, Ms. Stabenow, Mr. Bingaman, and Ms. Cantwell) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

Sec.   . In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) $74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) $50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) $214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) $21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) $25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) $10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) $5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)). *Provided*, That of the funds appropriated under this Act for the National Institutes of Health, $750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,296,629,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,381,871,000.

SA 1599. Mr. KENNEDY (for himself, Mr. Bingaman, Mrs. Murray, Mr. Lautenberg, and Mr. Akaka) submitted an amendment intended to be proposed by him to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

Sec.   . (a) Health Workforce Diversity Programs.—In addition to amounts otherwise appropriated to enable the Bureau of Health Professions to carry out the programs described in paragraphs (1) through (4), there are appropriated an additional $109,000,000 to the Bureau of Health Professions to support health workforce diversity programs, including—

(1) Centers of Excellence;

(2) Health Career Opportunities Programs;

(3) Disadvantaged Faculty Loan Repayment;

(4) Scholarships for Disadvantaged Students; and

(5) Health Professions Education in Health Disparities and Cultural Competency.

(b) Offset.—Of the funds appropriated in this Act for the National Institutes of Health, $150,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,004,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,653,301,000.

SA 1600. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

Sec.   . (a) Mother-to-Child HIV Transmission Prevention.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities.

(b) Reduction in Amounts.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, and related agencies shall be reduced on a pro rata basis by $60,000,000.

SA 1601. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

Sec.   . (a) Mother-to-Child HIV Transmission Prevention.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities.

(b) Reduction in Amounts.—Each amount appropriated under this Act (other than amounts appropriated for mother-to-child HIV transmission prevention activities) that is not required to be appropriated by a provision of law shall be reduced on a pro rata basis by $60,000,000.

SA 1602. Mr. CORZINE (for himself, Mrs. Clinton, Mr. Harkin, and Mr. Reid) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III add the following:

Sec. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $200,000,000 shall not be available for obligation until September 30, 2004.

SA 1603. Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

Sec. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) an additional $6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) an additional $4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) an additional $11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) an additional $1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) an additional $12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

(7) an additional $69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, $146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,085,011,000 and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,593,489,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2003, at 10 a.m., to receive testimony on U.S. military commitments and ongoing military operations abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 10 a.m. to conduct a hearing on "The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 9, 2003, at 9:30 a.m. on oversight of transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9 at 10 a.m. to consider the nominations of Suedeen G. Kelly to be a member of the Federal Energy Regulatory Commission and Rick A. Dearborn to be Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 9, 2003, at 10 a.m., to hear testimony on "The Alias Among Us; The Homeland Security and Terrorism Threat from Document Fraud, Identity Theft and Social Security Number Misuse."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 9:45 a.m. to hold an all-Member briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 10:00 a.m. in the Dirksen Senate Office Building Room 226 on "Ensuring the Continuity of the United States Government: The Congress."

Witnesses

Panel I: The Honorable Brian Baird, United States Representative [D–WA]; The Honorable David Dreier, United States Representative [R–CA].

Panel II: Dr. Norman J. Ornstein, Senior Counselor, Continuity of Government Commission, Resident Scholar, American Enterprise Institute, Washington, DC.

Mr. Doug Lewis, Director, The Election Center, Houston, TX.

Mr. Raymond F. DuBois, Deputy Under Secretary of Defense, Installations & Environment, Department of Defense, Arlington, VA.

Mr. Thad Hall, Program Officer, The Century Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 2:00 p.m. in the Dirksen Senate Office Building Room 226 on "Pornography, Technology, and Process: Problems and Solutions on Peer-to-Peer Networks."

Witnesses

Panel I: Linda Koontz, Director of Information Management, U.S. General Accounting Office, Washington, DC.

John Malcolm, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, DC.

Thomas J. Spota, Suffolk County District Attorney, Hauppauge, NY.

Robbie Callaway, Chairman, National Center for Missing and Exploited Children, Alexandria, VA.

Stephen Hess, Associate Academic Vice President for Information Technology, University of Utah, Salt Lake City, UT.

Douglas W. Jacobson, President and Chief Technology Officer, Palisade Systems, Ames, IA.

Panel II: William Barr, Esquire, General Counsel, Verizon Communications, Washington, DC.

Cary Sherman, President, Recording Industry Association of America, Washington, DC.

Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, September 9, 2003 from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 2:00 p.m. to conduct a hearing on "Oversight of the Federal Home Loan Bank System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore; S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the park.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WORK AND FAMILY MONTH

On Friday, September 5, 2003, the Senate passed S. Res. 210, as follows:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas there is a clear link between work-family policies and lower absenteeism;

Whereas the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments, to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year;

Whereas nearly all working adults are concerned about spending more time with their immediate family; and

Whereas as an increasing number of baby boomers reach retirement age in record numbers, more and more Americans are faced with the challenge of caring for older parents: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) reducing the conflict between work and family life should be a national priority; and

(B) the month of October of 2003 should be designated as "National Work and Family Month"; and

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, SEPTEMBER 10, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the current legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow the Senate will resume consideration of this bill, and we have already specified the amendments which are going to occur. Following those votes, the Senate will continue to work on the bill. The majority leader has stated his intention to complete the bill tomorrow. There are a number of pending amendments. The chairman and ranking member will be here throughout the day to work through the amendments. Senators can expect rollcall votes.

Mr. REID. If my friend will yield for a brief statement, all Senators should recognize that we will have no more rollcall votes if we finish this bill tomorrow night. That would work well because of September 11. Things have already been scheduled. We have eight Senators who will be gone a good part of that day because of their States having been so badly affected by the events of 9/11.

I say to all Senators, if we finish tomorrow, no matter what time, there will be no more votes for the remainder of this week, and we will do other legislative business. But there will be no votes.

Mr. SPECTER. Mr. President, there are still a couple of other wrap-up items.

DESIGNATING THE "ED EDMONDSON UNITED STATES COURTHOUSE" IN MUSKOGEE, OKLAHOMA

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1668, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1668) to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1668) was read the third time and passed.

STAR PRINT—SENATE REPORT 108–113

Mr. SPECTER. Mr. President, I ask unanimous consent that Senate report No. 108–113 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETION OF H.R. 2660

Mr. SPECTER. Mr. President, I thank the assistant Democratic leader. I think it has been a productive day—starting at 5 o'clock. I am happy to have had the votes. It breaks the logjam. We had quite a number of amendments offered this evening. I think the stage has been set to move with dispatch tomorrow.

The assistant Democratic leader has made the suggestion about early votes, which I think is a good idea. Very little remains on both sides. There is always great temptation to proceed with alacrity once the light at the end of the tunnel signifies no additional votes, at which point the railways and airlines become congested with 100 passengers. So we now have that incentive to move ahead with dispatch tomorrow to complete the bill. I think it will be a signal accomplishment to get it done.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:11 p.m., adjourned until Wednesday, September 10, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 9, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

MILITARY DEATH GRATUITY TAX REPEAL

Mr. JONES of North Carolina. Mr. Speaker, I came to the floor today because let me first explain the posters on my left and right are the faces of young men and women who have died fighting for freedom in Iraq and Afghanistan, and also, Mr. Speaker, I hold up a photograph of a young man from Connecticut whose name is Tyler Jordan, 6 years old. He has the American flag folded under his arm, and he is looking at the casket of his father who died for freedom. Gunny Sergeant Phillip Jordan from Connecticut died for freedom.

Mr. Speaker, the reason I am on the floor today is that last year I introduced a bill that would repeal the tax on the death gratuity. The American military family receives when a loved one dies a small amount of money. It is $6,000, and there is a tax on $3,000 of the $6,000. And last year we passed in a larger bill a repeal, and it was sent to the other body and they did nothing with it. This year again the House has passed the same language which was in H.R. 693, the Military Death Gratuity Tax Repeal, the bill I put in. It was put into a larger bill that went to the Senate, and they still have taken no action. Let me tell the Members what that means.

From September 11, 2001, to December 31, 2001, over 292 military were killed and their families paid a tax on the gift of their son or loved one fighting for freedom. That is absolutely horrible in my opinion, Mr. Speaker. And in the year 2002, 1,007 families had to pay a tax on the death of a loved one. Again, Mr. Speaker, I want to say that we, the House, have done our part and we have sent to the other body legislation to repeal this tax. It is unacceptable that any family in this country who has a loved one who has died for freedom would get a bill tax due from Uncle Sam. And, Mr. Speaker, I am calling on the House leadership to bring up H.R. 693, bring it to the floor as a stand-alone bill, let us pass it and send it over to the other body, because if we will do that, Mr. Speaker, I will go on every radio show I can get on, every TV show I can get on, and ask that we not leave this October/November without passing this bill to eliminate the tax on the death gratuity. $6,000 is not enough. We need to raise that, but there is one thing we can do, take off the tax.

Again I hold up the photograph of this young man, Tyler Jordan, who gave his father to this country, and why in the world should his family, in the year 2004, get a tax due bill from Uncle Sam? Is not giving the life of a loved one fighting for freedom enough?

So, again, Mr. Speaker, I ask the House leadership, both Republican and Democrat, to join me and bring to the floor H.R. 693. Let us repeal this death tax and send it over to the other body, and let us put pressure on them to get it to the President so that the other Phillip Jordans throughout this country will not have a mother or father saying I owe Uncle Sam tax on the gift of my loved one.

Mr. Speaker, with that, I want to close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God in His loving way to hold in his arms those who have lost ones fighting for freedom, and I ask God to bless the American people, the House and Senate that we will do what is right. I ask God to give strength and wisdom to the President of the United States. And I ask God three times, please, God; please, God; please, God, continue to bless America.

WTO MINISTERIAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we have seen little press coverage in the United States of the World Trade Organization before its ministerial beginning this week in Cancun, Mexico. But around the globe, the WTO's 5th Ministerial is a big story. The divide between WTO nations about its future is coming into public view. At stake in Cancun is the future of the World Trade Organization and how it will implement corporate globalization. Success or failure depends on which side of the divide countries stand. Given that the most powerful countries of the WTO, partnering with the supposedly neutral WTO Secretariat, have set the meeting's agenda to suit their goals. There can be no good outcome.

The best result is what the U.S. media may report as a "failure." The small block of powerful nations fail to steamroll the majority of the WTO's members who are developing nations, and the summit ends in deadlock. The problem is that the U.S., the European Union, Japan, and a handful of other rich nations want the WTO to be "the constitution for a single global economy," a description that the first WTO Director General famously uttered in a moment of unguarded candor.

They want the WTO to enforce one-size-fits-all rules on an array of issues ranging far beyond trade which all WTO countries must adopt as their domestic practices. These broad WTO rules would implement worldwide what has become known as the "Washington Consensus."

While this agenda has proven to be a devastating failure; its agenda of eliminating a role for Government and public interest regulation of the market, establishing new property rights and protections for corporate interests, of creating tradable units out of vital public services, privatizing water, supplies, all of that, genetic materials and common resources, is at the heart of the WTO, which currently enforces 18 expansive agreements implementing this version of corporate-led globalization. Yet to the world's largest corporations and their client governments, this is only the beginning.

The U.S., the European Union, Japan, and others are pushing for decisions in Cancun to add to the WTO extreme terms that are now only contained in the clearly failed North American Free Trade Agreement. These new issues include expansive new investor rights, rules on government procurement eliminating local or environmental preferences, undercutting domestic environmental food safety laws, and new rights for foreign service corporations to turn Government services such as water treatment facilities, how we get our water, into for-profit foreign or domestic corporations.

Meanwhile, an increasingly consolidated block of developing nations have a different view. These nations want the WTO to deal simply with trade, World Trade Organization, and do so in a way that benefits all of the WTO nations, not just the most powerful and the richest countries.

While different developing nations have different ideas about fair trade, they are united in opposing any expansion of the WTO into these new areas outside of just trade. When the Uruguay Round in 1994 created the WTO, developing countries were promised major gains. They were promised that industrialized nations would lower and eventually eliminate tariffs on items like textiles and apparel and cut agriculture subsidies that have enabled huge agribusinesses to dominate the world market. They were promised the WTO would be good for development in the poor countries. Newspapers and opinion shapers largely endorsed the ideas and promoted it.

As the WTO, however, moves forward on new issues of negotiations, these promises remain utterly unfulfilled. If the WTO is to maintain trade credibility as a trade organization rather than evolving into the CHO, the Corporate Handout Organization, it must revisit the issues that affect developing nations before adding to its agenda and it must stop pandering to the largest, most powerful multinational corporations in the world.

ULTRASOUND SURVEY RESULTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come to the House floor to talk about my bill H.R. 195, which is the Informed Choice Act. The results of a recent survey commissioned by Care Net of 802 female registered voters nationwide unequivocally demonstrate that women coast to coast, and from all walks of life, agree that providing ultrasound technology for women's health centers is an important and worthwhile cause. It is clear that these women view ultrasound as an essential resource for women who are faced with unplanned pregnancies and the related decision to either terminate or to continue that pregnancy.

Nearly nine in 10, 87 percent of women, said it is important for nonprofit women's health centers to provide ultrasound services, including a considerable majority, 64 percent, who believe this is a very important priority.

A majority of female registered voters believe that women facing crisis pregnancies would benefit from having access to ultrasound. Over half, 51 percent of those surveyed, said that women who are considering abortions should have access to ultrasound consistent with the rest of the prior to finalizing their decisions. In contrast, just 31 percent claim that seeing an image of what is inside would make such a decision more difficult.

Mr. Speaker, it is clearly the belief of these women that ultrasound provides understanding, not uncertainty. It is with this new information in mind that I remind my colleagues about my bill, H.R. 195, "The Informed Choice Act." I have introduced this legislation authorizing HHS to establish grants for which nonprofit health clinics could apply and, if awarded, purchase the needed ultrasound equipment. Many uninsured women are prohibited from finding the health care they need because the free health clinics to which they have access are unable to provide medical services because of the lack of funds to purchase such medical equipment. The mother is, therefore, forced to wander from one clinic to another in search of the services that she so desperately needs. Enabling these health clinics to purchase ultrasound equipment would be a persuasive push in the direction of transitioning from a health clinic to a medical facility.

The advantages of ultrasound are many. It is fast and relatively cheap, costing about $50 per exam. Ultrasound exams are performed at about 10 to 14 weeks of the pregnancy and are considered the best way to gauge growth before birth. Ultrasound can diagnose heart problems in the unborn child, find neural tube defects including spina bifida, and determine the position of the placenta. There is even now an ultrasound piece of equipment that can provide a 3–D image that can rotate 360 degrees to see all sides of the baby.

My legislation will ensure that doctors can provide critical information to mothers in the decision-making process regarding their pregnancies. Nothing in my bill makes ideology regarding abortion a condition for the grant. Whether a center offers abortion or abortion alternatives, the clinic is eligible so long as it meets the criteria set forth in the bill.

In the controversy today over abortion in America, emotionally charged rhetoric clouds the issue and does damage, I think, to the efforts made on behalf of mother and child. No matter one's conviction concerning abortion, we can all agree that the mother deserves as much information as is available in making this solemn decision. Information is the best weapon in diffusing the volatile discussion and returning us to our first concern, which is the health of the mother and child. The ultrasound equipment is a valuable tool in expanding the debate beyond traditional platitudes on both sides of the argument.

Modern medicine has provided us with a window into the womb. These advances in technology empower women with as much information as possible regarding their pregnancy. The goal of my legislation is to provide women who find themselves with an unplanned pregnancy with the full scope of information such that they may finally make an informed choice.

This bill is about the dissemination of information. The bill is about extending more free services to women and about making available this vital technology to the very poor women as well as to the rich.

So in conclusion, Mr. Speaker, there are times when people of good faith who differ on an issue can come together and find a place to agree. I believe my legislation, H.R. 195, brings us beyond the shrill arguments regarding abortion and makes a meaningful effort to care for the mother and the child.

THE TIME FOR TRUTH AND CANDOR

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, President Bush's televised speech on Sunday night, calling for tens of billions of dollars in additional funding to support the U.S. occupation of Iraq, was extremely disappointing, disappointing because the President failed to explain to the American people the details on how he is going to change this failing policy.

It is clear that his administration rushed to war with too little thought given to the implications of an American occupation of Iraq. We were not welcomed with open arms as some administration officials have predicted. On the front page of today's Washington Post is an article entitled "Spy Agencies Warned of Iraq Resistance," detailing how U.S. intelligence agencies warned the Bush Administration before the war that there would be significant armed opposition to a U.S.-led occupation. In all the many briefings I attended, I do not recall any administration official sharing that information. We have not found the weapons of mass destruction that we were told existed in such abundance.

And while the administration continues to link Iraq to the terrible tragedy of September 11, so far it has produced no evidence to support such a claim. In fact, the occupation of Iraq has increased the terrorist presence in that country, not lessened it.

On Sunday night President Bush had the opportunity to tell the American people of his plan, including his exit strategy for the brave American men and women who are serving in Iraq with such incredible distinction. Instead, the President detailed nothing.

This is a war that should never have happened. As awful as Saddam Hussein was, he was not an imminent or direct threat to the people of the United States. Months into the war, the Congress and the American people are still waiting to hear a clear, consistent and convincing justification for it. Why did we need to invade Iraq? What was so urgent that it required us to go to war when we did? Why could we not have spent the necessary time to build an international consensus on how to best deal with Saddam? What was so threatening to our country that made this Congress spend only 1 day, 1 day debating the authorization authorizing war?

As of today, 284 brave young Americans have lost their lives and 1,450 have been wounded. And in preparation for this war, this Chamber could only manage to devote a single day in October debating it. That is shameful.

Now the President says he wants another $87 billion and expects everyone to just go along, no questions asked. Mr. Speaker, like so many people throughout this country, I have a lot of questions and I am not prepared to just go along. I want to make sure that American troops have all the resources they need and I am not advocating that we walk away from our obligation to the people of Iraq. However, I also want to make certain that the hard-earned tax dollars of the American people are not wasted on more of the same. I have no problem with helping Iraq build hospitals, health clinics, schools, roads and housing. But I do have a problem with the lack of support by this administration for the building of hospitals and health clinics, schools, roads, and housing right here in the United States.

Why did the President not tell us on Sunday that in the face of this enormous price tag, he is willing to forego his tax cut for millionaires so that we can avoid going deeper into debt? If this is a time for sacrifice, then why do the people in the income bracket of President Bush and Vice President CHENEY not have to make any sacrifice? I cannot vote for 87 billion additional dollars without some accountability and some clarification. What is the plan? How long are we going to be there? Eighty-seven billion dollars is for just 1 year. What about next year or the year after that? How is the $87 billion going to be spent? How were the $79 billion we appropriated in April spent? We are now at $166 billion and counting.

The President wants us to spend $87 billion more mostly for Iraq. For months some of us have been trying to get just $1.8 billion more for our veterans' health care only to be told by the administration that there is not enough money. We have been trying to get $7 billion so that the Pell grant program fully lives up to its promise and students are not buried under a mountain of debt. The administration says no. We have been trying to get just $300 million to fund the Global Food for Education Initiative, to provide a nutritious meal in a school setting for millions of children, but the administration tells us that the money just is not there.

The American people need to know what is at stake here. They need to know about the choices the administration is asking us to make. This is a time for truth and candor. We have had enough spin. We have had enough deception. This is also the time for this Congress to do what it failed to do before the war: ask the tough questions, demand the straight answers, and debate thoughtfully the implications of what we are doing. We must be more than a rubber stamp, and I would urge my colleagues respectfully to proceed with caution.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, my intention is to talk about the need for a prescription drug benefit for seniors under Medicare, but when I listened to the previous speaker, the gentleman from Massachusetts (Mr. MCGOVERN), he made it a point about the President's speech on Sunday night about how this $87 billion in new funding that the President is requesting for Iraq is going to have a direct impact on domestic programs, and I have to say it was very disturbing to me today to read in the New York Times in the lead story on the front page that some Republicans were suggesting that because of the additional needs for Iraq as outlined in the President's speech that maybe some of them would now reconsider whether they would support a prescription drug benefit for seniors.

Let me tell the Members the Republican leadership in this House as well as the President have been saying for over 2 years that they are going to provide a prescription drug benefit for seniors and there is no reason not to do it. The notion that somehow now we do not have enough money for it is bogus, given the fact that the Republicans passed all these tax cuts, a series of three tax cuts that now have put us into a deficit. In addition to that, the fact of the matter is if they were willing, which they have not been, to provide some kind of cost controls or some requirement that part of the Medicare prescription drug program would assume that the Secretary would negotiate lower prices for discounts, we would be able to afford a good prescription drug benefit.

I do not want to hear and I am not willing to listen to those Republicans who are going to tell us over the next few months that we cannot afford a prescription drug benefit. It is their own policies that have put us into this deficit situation. It is their own policies that make it difficult for us to negotiate any kind of price reductions or put any kind of price controls in effect because they oppose it ideologically.

It is interesting because earlier this week there was another article in New York Times that talked about the VA programs and how successful the veterans program has been in trying to keep costs down for prescription drugs, and that is because they negotiate price reductions. They insist as part of the VA program that when they buy drugs in bulk that they get a discount price. We should be doing the same thing here for seniors in general. We should provide a prescription drug benefit that takes care of all seniors, regardless of their income as long as they are eligible for Medicare and also a prescription drug program that goes directly to the issue of price by saying that the Medicare administrator, the Secretary of Health and Human Services, should be empowered and should be mandated to reduce prices by negotiating price reductions because he now represents 40 million seniors who are part of the Medicare program.

Instead, the Republicans, because I know the conference is now going on between the House and Senate versions of this Medicare prescription drug bill, we hear the Republicans still insisting on the fact that they want to privatize Medicare, give senior citizens a voucher, and tell them that they have to go out and buy private insurance at some point in the future if they want to continue with their Medicare program in general. And then we are told that if they want to get any kind of prescription drug program under the Republican proposal, that they have to join an HMO because if they do not join an HMO or some kind of private program, they will not get the prescription drug benefit. That is bogus.

Today in the New York Times there was an article on page A–21 where they talked about fewer people on Medicare are being dropped by HMOs this year and the head of the Trade Association for HMOs was so proud of the fact that this year, or I guess next year, they estimate that only 39,000 to 40,000 Medicare beneficiaries will be dropped by their HMOs. So what? What about the fact that so many other seniors have been dropped by their HMOs in the last few years? It is estimated in this article that only about 11 percent of the 40 million seniors are now in HMOs or getting some kind of a drug benefit through their HMO. How in the world are the Republicans going to propose saying that the only way they get a prescription drug benefit is if they join an HMO, when only about 11 percent right now of seniors are in HMOs and fewer and fewer every day because even with this drop in the number that are essentially being dropped, there is still another 40,000 that will not be able to keep their HMO as a means of continuing with their Medicare?

The bottom line is, and this is what the Democrats have said, there is an obligation on this Congress and this President to pass a prescription drug bill that provides a prescription drug benefit to all seniors, whether or not they are in an HMO or not, and the Medicare prescription drug proposal should not be used as an excuse to privatize Medicare in general.

There is going to be a motion to instruct this week. I believe it is going to be proposed by my colleague from Maine, to make the point that the conferees should not require people to have to join an HMO to get their prescription drug benefit and that we should not be moving down the road of privatizing Medicare, and we need to pass that motion, but we also need to have some kind of way of dealing with the issue of price. Otherwise, we are never going to be able to afford this prescription drug benefit.

INTRODUCTION OF THE STUDENT TESTING FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized during morning hour debates for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, last spring I received an e-mail from a sixth grade math teacher by the name of Dawn Spurr. Dawn teaches in a small town in my district, and she wrote to me just after she had given her students a standardized test that she did not feel fairly measured her students' progress. She told me that several of her students were very upset. Some even left the classroom in tears because they simply did not have enough time to finish the test even though she felt they knew the answers, and she was upset as a teacher because she will be judged based on how well her students perform on that test. As a result, she said in her letter, Congressman, "instead of teaching students, I am to teach a test."

As a result of this e-mail I received, today I am introducing a bill titled The Student Testing Fairness Act. This bill will address some of the problems with all of the new testing mandates contained in the No Child Left Behind law. Even though the test Dawn gave her students was not one mandated by the No Child Left Behind law, the law does mandate certain standardized testing procedures which will make the situation even worse.

The No Child Left Behind law establishes two important goals: First, the law requires schools to make all students proficient in reading and math by the year 2013–2014 school year. And, second, the law requires schools to close the achievement gap between subgroups of poor and minority students and their more affluent nonminority peers. The No Child Left Behind law requires annual testing in reading and math of all students in grades three through eight and once in grades ten through 12 beginning in the 2005–2006 school year.

Mr. Speaker, effective and appropriate standardized tests can be used to measure student progress and to target help where it is most needed. However, test scores alone cannot accurately measure a student's success or a school's success. Other measures such as attendance rates, dropout rates, and the percentage of students taking advanced placement tests all contribute to the overall picture of a school's success or failure. While the No Child Left Behind law does allow the use of multiple measures in assessing a school's success or failure, it provides no balance.

Test scores are always a prerequisite for a school's success, and other indicators cannot be used to help a school succeed even though they can be used to determine whether or not a school is sanctioned. This has very troubling consequences. For example, since schools cannot succeed by reducing dropout rates but they can incur sanctions if their test scores fail to show consistent annual improvement, they have little incentive to keep at-risk students who are more likely to get lower test scores from leaving school.

The Student Testing Fairness Act will give schools and teachers and students the flexibility to measure progress using more than just a single standardized test. Among several other provisions, my bill will give schools credit for any student improvement, not just improvement that brings a subgroup of students into the proficiency category. And my bill will ensure that help is targeted where it is needed by limiting public school choice and supplemental services to those subgroups of students who have failed to improve.

Standardized tests can work, but they are not the only answer, and I hope my colleagues will join me in ensuring that the educational reforms enacted by the No Child Left Behind bill are truly effective by passing the Student Testing Fairness Act into law.

Mr. Speaker, we have passed huge mandates from the Federal Government down to the States. We are underfunding those mandates by $8 billion. As a result, students will drop out and teachers and schools will be unfairly punished.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURGESS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of mercy and love, You offer all peoples of the Earth the dignity of sharing in Your life.

Strengthen the people of this Nation to overcome all racial hatreds and religious prejudices that we may truly be one Nation under God enlightened and free; a real witness of inner freedom to the world.

May the Members of the House of Representatives be united in enacting laws and formulating policies that assure everyone equal justice under the law. This we ask and for this we are eternally grateful and praise You Lord now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOMETOWN HERO

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, over the years the first district of South Carolina has been home to many heroes. I would like to thank one of them today.

Brigadier General Jerry Black retired this Sunday after 36 years of distinguished service in the U.S. Air Force and Air Force Reserve.

A low country native, General Black graduated from St. Andrews High School and the Citadel. From there the Air Force sent him all over the world.

From pilot training in Texas to service in Vietnam, from Panama to the Middle East, in peacetime and in war, General Black was always eager to answer his country's call to duty.

Most recently, General Black served as the wing commander for the 315th Air Wing in Charleston Air Force Base. It was here that I had the pleasure to meet with him on several occasions. I can personally attest to the many long hours he dedicated to ensure success in both Afghanistan and Iraq.

General Black leaves behind a legacy of dedication, selflessness, and integrity. Our country is better for his service, and the first district is proud of this hometown hero.

CELEBRATING THE 19TH ANNIVERSARY OF NEW COVENANT ASSEMBLY CHRISTIAN MINISTRY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this past weekend marked the 19th Founder's Week and Church Anniversary Services for the New Covenant Assembly Christian Ministry of Columbia, South Carolina.

Led by Pastor C.L. Hardy and his first lady, Cynthia Hardy, this ministry has risen from humble beginnings in 1984 at St. Andrews Community Center to an inspiring edifice changing lives across the midlands of South Carolina.

Additionally, Dr. Hardy founded the NCA Community Development Center. Its mission is to aid, service, and develop people to reach their highest and fullest potential by providing special outreach programs, promoting educational success, and by enhancing permanent leadership.

Dr. Hardy's success has been recognized by his appointment as Suffrogan Bishop in region three of the Pentecostal Assemblies of the World and his election as chairman of the Carolina State Council. However, as Dr. Hardy often says, "It's all about the Lord, not me."

I ask my colleagues to join me in honoring Dr. and Mrs. Hardy for their many achievements and wish them well for many more years of dedicated service to the people of both Carolinas.

SUPPORTING THE AMERICORPS PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of AmeriCorps, a program that offers an opportunity for young people and Americans of all ages to contribute to their communities. It makes the dream of college education a reality for families who work hard and play by the rules while meeting compelling human needs in our communities in a cost-effective manner.

I have been supportive of all national and community service initiatives President Bush appealed for in his 2002 State of the Union address. But the majority side of the appropriators refused to include AmeriCorps funding in the supplemental appropriations bill.

Mr. Speaker, the lack of supplementary funding for AmeriCorps has had a vital impact on Dallas, my hometown, and the other AmeriCorps programs across the State.

Throughout the past year, nearly 72 AmeriCorps volunteers have tutored 691 youths in the State of Texas including the Dallas Habitat for Humanities and the YMCA of Dallas Oak Cliff Branch.

In Texas, as in other States, AmeriCorps volunteers provide a host of services including building affordable housing, teaching computer skills to youth and seniors, and managing after-school programs aimed at youngsters who might otherwise drop out of school.

Mr. Speaker, we will not find common ground or reach higher ground if we turn national service into a partisan playground.

I will continue to work hard and do everything I can to strengthen this program, and I ask my House colleagues to do everything as well.

DEMOCRACY MEANS YOU

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, my office, just like any other office here on the Hill, responds to thousands of constituent concerns each month. We spend a great deal of time responding in a timely manner to these letters, e-mails, and phone call requests; and this give and take is the hallmark of our democracy.

Lately, I have been receiving more and more letters and e-mails sent by organizations supposedly on behalf of my constituents. One of these organizations recently sent a letter to my office from one of my constituents. The problem is that this constituent is a personal friend of mine who did not ask them to send a letter to me with his name on it. In fact, he did not even agree with the content of the letter. He simply signed up to receive e-mail updates. He told me in an e-mail last month that "every week this group would send junk to the people on their list, and then ask you to forward it to your politicians. What a scam. I never forwarded any of that garbage." Yet one of those messages got to me with his name on it.

It is outrageous that any group would send mass mailings to Members of Congress under false pretenses, deceptively putting someone's name on it without their knowledge or consent. We rely on the integrity of the mail so that we can reply in good faith; and when that good faith is undermined, it is shameful and a disgrace to the American democratic system.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BURGESS). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1412

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 4, 2003, the amendment by the gentleman from Tennessee (Mr. COOPER) had been disposed of, and the bill was open for amendment from page 53, line 3 through page 157, line 2.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except the amendments designated in the order of the

House, which may be offered only by the Member designated in the request, or a designee, shall be considered read, shall be debatable for the time specified in the request, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC.   . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $893,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I will not take the 5 minutes. I will try to make this as quick and painless as possible in deference to our chairman here.

Mr. Chairman, I rise today to offer an amendment to cut by 1 percent the level of funding in the appropriations bill, which amounts to $893 million. As most Members are aware, I have introduced similar amendments to appropriations bills. The same tiny 1 percent translates to one penny of every dollar we spend. Some might ask what we get for this penny. My amendments would have saved over $3 billion.

Mr. Chairman, I think the committee has done a good job; but we do have a deficit crisis, I think, and we need to deal with it. I think now is the time to deal with it, and this is one little way we can approach that.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman from Colorado, and despite my great sympathy with his amendment, I cannot support it. The amendment seeks to make across-the-board cuts in this bill, which we have carefully crafted to try to balance priorities. That means that had we received an allocation of lesser numbers, such as the gentleman effectively would create, we would have changed priorities, not done an across-the-board cut.

I certainly appreciate his desire, but let me state that what we have done in the bill is to go through and tighten and clamp down on everything that it was in my power to do, Mr. Chairman.

□ 1415

In doing so, we have tried to put as much money as possible where I believe we have some of the greatest need in this country and where the taxpayers have been paying through their fuel taxes at the gasoline and the diesel pump, namely, the highway construction program, which has a great backlog. It, unfortunately, would be affected most heavily by the gentleman's amendment. Some $428 million from highway construction programs would be lost under the gentleman's amendment. That would greatly diminish our ability to work upon the $400 billion backlog that we have throughout the country, the tens of thousands of dangerous bridges that we are trying to address through the funding in this bill.

There are other impacts upon other agencies, but most especially, it would affect the highway program which we have gone to great lengths to adjust priorities in this bill to try to give the taxpayers something for what they have been paying at the gasoline pump, namely, some improvements in the road situation that is costing taxpayers billions of dollars a year in lost income and in delays due to the heavy amount of congestion and difficulty they have in traffic.

So I have great sympathy for the proposal that the gentleman offers, but I rise in opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Massachusetts (Mr. OLVER) each will control 5 minutes.

Mr. OLVER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a couple of minutes when I finish speaking, I will move to withdraw my amendment from the floor and acknowledge the propriety of the point of order and the circumstances.

This amendment would increase the American-made content of the equipment purchased under the bill from 50 to 65 percent. This modest increase will strengthen the job-creation benefits of the bill. I am all for having a strong construction industry in America, and the infrastructure funded by this bill will provide many jobs in that industry. At the same time, I want to give our manufacturing industry the same boost. Our Nation's industrial workers deserve no less, and their need for help is great.

The Washington Post said on September 3, 2003, "In his Labor Day address, the President signaled that the loss of 2.6 million manufacturing jobs during his administration had moved to the top of his list of domestic policy concerns."

In 1981 Rockford, Illinois, which I have the privilege to represent, had an unemployment rate of 25 percent, the highest in the Nation. Today it is around 11 percent, and I do not want to see a recurrence of 1981. This summer we lost two more factories. We are in danger of seeing our industrial base irreparably harmed. Many of these well-paying jobs are leaving forever. How do we get back the jobs once they are moved to a foreign-producing country?

In August, manufacturing employment declined again for the 37th consecutive month. That is a record. That is another 44,000 manufacturing jobs erased from the payroll.

For the first time in our Nation's history, we have fewer than 10 percent of our jobs in the manufacturing sector of the labor force. That means fewer employees at any time since 1961 when the U.S. population was 100 million smaller. Manufacturing & Technology News said on May 16, 2003, "The U.S. manufacturing sector is now producing 1 billion per day less than its own domestic markets demand as a flood of cut-throat-priced imports displaces output and jobs at an unprecedented rate. U.S. industry now produces $10 billion less auto parts each month than our own markets demand, $3 billion less in computer and computer parts, and so on throughout the sector."

Are not our manufacturers deserving of this modest help that we can give them here today? Mr. Chairman, we need help in the manufacturing sector.

Mr. Chairman, I ask unanimous consent to withdraw this amendment because of the rules.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available in this Act may be used to operate individual Amtrak routes whose Operating Ratio (defined as expenses divided by revenues, where revenues include State subsidies) is identified as greater than 2.0 in the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Rail Passenger System".

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Massachusetts (Mr. OLVER) each will control 5 minutes.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a modest attempt to inject an objective standard into the Federal Government's Amtrak route funding decisions. Under the Amtrak Reform and Accountability Act of 1997, Federal financial assistance to cover operating losses incurred by Amtrak were to be eliminated by the year 2002. Sadly, Amtrak is nowhere near eliminating its need for Federal financial assistance to cover its operating losses. I cannot say we are any closer to achieving that goal now than we were in 1997.

The Amtrak Reform and Accountability Act of 1997 established and provided for an independent commission known as the Amtrak Reform Council, which was statutorily charged with evaluating Amtrak's performance and making recommendations for achieving further cost containment, productivity improvements, and financial reforms. Its work has not gone completely unnoticed by this Member. At least I believe one amendment and change should be made as a result of its report that was made in February 2002 to Members of Congress.

Appendix V of that report, which I have blown up for Members' consideration and will include for the RECORD, calculates in its last column what is known as the operating ratio for each of its 2001 routes.

My amendment simply states that based on each route's operation ratio, Amtrak either gets fiscal year 2004 Federal funding to operate the route or it does not. The routes highlighted in green on this chart will make the cut and receive Federal 2004 funding. Those are routes that recoup 50 cents in revenue which include State subsidies for each dollar in operating costs. The routes highlighted in red on this chart will not make the cut and will receive no fiscal year 2004 funding. I believe these routes unfairly stretch the pocketbooks of the American taxpayer and put the Amtrak system at risk.

This amendment is an honest and modest attempt to inject some objectivity into the Amtrak funding process. As Members can see, the lion's share of the corridor trains will stay in business in fiscal year 2004 under my amendment. That is because they show the greatest potential for ridership and for achieving the goal of the Amtrak Reform and Accountability Act of 1997 of eliminating Federal assistance to cover Amtrak's operating losses.

Six of the 19 long-distance trains will receive 2004 Federal funding under my amendment. Those that cannot show at least $1 for every $2 in cost will not. This amendment is more than reasonable. With it, Congress simply says any passenger route that fails to generate just $1 in revenue for $2 in cost is a route not worth keeping in the upcoming financial year. This amendment also involves more than just a concentration of funds on the most visible lines of Amtrak. It also involves America's trust.

The public must trust in what Congress is doing with their money. Amtrak is not a public welfare project. It provides a real service, it buys capital equipment, it owns a significant amount of real estate, and it holds substantial quantities of hard assets, all of which were once in the hands of the private sector.

My amendment is also about running a railroad. If we lay any claim to being a competent governing body capable of spending taxpayer money wisely, then we have to take the responsibility for the money and we have to make sure that the way it is spent is put to good use. Putting a cap on poor performance and the routes that do not make this revenue cut simply is something that Congress must step up to the plate and address. Allowing Amtrak to operate any and all unprofitable lines without any limitation forfeits far too much of our credibility with this body that we can run a railroad or be worthy stewards of the taxpayer money.

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES

[From the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System."]

	Ridership (000)	Revenue excluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding depreciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating ratio expenses divided by revenues (including State subsidies)
Corridor Trains:							
Keystone & Clocker	3,021	42.4	45.2	65.6	(20.4)	(6.75)	1.45
Route 1, Metroliner/Acela Exp.	2,652	271.2	271.2	220.0	51.3	19.33	0.81
Route 3, Ethan Allen Exp.	42	2.0	2.2	4.5	(2.2)	(52.91)	1.99
Route 4, Vermonter	69	4.3	5.8	6.4	(0.6)	(9.09)	1.11
Route 5, NE Direct/Acela Regional	6,262	328.6	328.6	400.1	(71.5)	(11.42)	1.22
Route 15, Empire Service	1,304	52.5	52.5	89.0	(36.5)	(27.97)	1.69
Route 20, Chicago-St. Louis	254	7.8	11.5	27.7	(16.1)	(63.63)	2.40
Route 21, Hiawathas	424	7.6	12.6	26.0	(13.3)	(31.47)	2.06
Route 22, Chicago-Pontiac	295	9.7	9.7	30.9	(21.2)	(71.95)	3.20
Route 23, Illini	105	3.5	6.0	9.1	(3.1)	(29.75)	1.52
Route 24, Illinois Zephyr	100	2.7	5.5	8.2	(2.7)	(27.09)	1.49
Route 29, Heartland Flyer	58	1.2	5.8	5.2	0.6	9.93	0.90
Route 35, Pacific Surfliner	1,716	31.0	52.5	78.6	(26.1)	(15.21)	1.50
Route 36, Cascades	565	15.5	31.8	38.1	(6.3)	(11.21)	1.20
Route 37, Capitols	1,073	11.7	30.2	34.6	(4.4)	(4.11)	1.15
Route 39, San Joaquins	712	19.8	43.0	52.0	(9.0)	(12.62)	1.21
Route 40, Adirondack	100	4.4	7.1	7.8	(0.7)	(7.29)	1.10
Route 41, International	105	3.4	7.1	10.0	(2.9)	(27.47)	1.41
Route 56, Kansas City-St. Louis	177	4.5	10.5	12.6	(2.1)	(11.75)	1.20
Route 65, Pere Marquette	59	1.9	4.1	6.6	(2.5)	(42.61)	1.61
Route 67, Piedmont	51	0.7	4.0	5.0	(1.0)	(20.35)	1.26
Totals, Corridor Trains	19,146	826.4	946.9	1,137.9	(191.1)	(9.98)	1.20
Long Distance Trains:							
Route 16, Silver Star	266	30.7	30.7	60.8	(30.0)	(112.86)	1.98
Route 17, Three Rivers	134	26.5	26.5	59.3	(32.8)	(244.69)	2.24
Route 18, Cardinal	68	4.4	4.4	17.1	(12.6)	(186.91)	3.85
Route 19, Silver Meteor	252	28.5	28.5	49.8	(21.2)	(84.12)	1.74

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES—Continued

[From the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System."]

	Ridership (000)	Revenue excluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding depreciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating ratio, expenses divided by revenues (including State subsidies)
Route 25, Empire Builder	398	53.3	53.3	98.7	(45.4)	(114.14)	1.85
Route 26, Capitol Limited	154	21.4	21.4	45.6	(24.2)	(157.33)	2.13
Route 27, California Zephyr	361	51.7	51.7	103.7	(52.0)	(143.93)	2.01
Route 28, Southwest Chief	265	65.9	65.9	128.7	(62.8)	(236.76)	1.95
Route 30, City of New Orleans	187	15.3	15.3	39.1	(23.7)	126.81)	2.55
Route 32, Texas Eagle	149	22.4	22.4	60.7	(38.4)	(258.25)	2.72
Route 33, Sunset Limited	110	17.7	17.7	56.1	(38.3)	(347.45)	3.16
Route 34, Coast Starlight	494	41.2	41.2	87.1	(45.9)	(92.98)	2.11
Route 45, Lake Shore Limited	293	30.6	30.6	72.4	(41.9)	(142.65)	2.37
Route 48, Silver Palm	219	28.3	28.3	57.0	(28.7)	(131.31)	2.01
Route 52, Crescent	265	30.8	30.8	65.8	(35.0)	(132.37)	2.14
Route 54, Kentucky Cardinal[1]	29	1.4	1.4	7.6	(6.2)	(211.65)	5.39
Route 57, Pennsylvanian	90	9.2	9.2	35.4	(26.3)	(292.34)	3.87
Route 63, Auto Train	214	54.6	54.6	66.4	(11.8)	(54.96)	1.22
Route 66, Carolinian	242	13.5	16.2	20.2	(4.0)	(16.37)	1.24
Totals, Long-Distance Trains	4,190.0	547.5	550.2	1,131.4	(581.2)	(138.71)	2.06
Grand Total, All Trains	23,335.7	1,374.0	1,497.1	2,269.3	(772.2)	(33.09)	1.52

[1] Kentucky Cardinal classified as a long-distance train because it is an overnight train with sleeping accommodations.

Source: Amtrak; excludes special trains and $4.3 million in unallocated labor expense.

Mr. SESSIONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I rise to support the gentleman's amendment. I believe it is a common sense amendment. Amtrak says that with the allocation we have for them in this bill, they cannot operate at their current level. It is only common sense that they should look at the routes where they lose the most money, routes that cost them to run that do not have local support and do not have State support sufficient to justify the operation. That would enable them to focus their operations on the areas of the country where things make more sense. So I certainly support the gentleman's amendment, and I appreciate his offering it.

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment would eliminate from the present list of roughly 40 routes that Amtrak operates 16 of these routes, including such routes as Chicago to St. Louis and Chicago to Pontiac, which are two of the key routes within the Chicago hub system, routes which, interestingly enough, are part of a hub system, which has been much touted for in the long-term high-speed-rail development.

In fiscal year 2003, Amtrak did not initiate additional changes in its long distance routes because the individual long distance routes would not result in any significant savings, and no savings at all in the first several years. In the interim, severance costs would be very costly expenses, estimated up to a billion in the first year for taxpayers if one were to eliminate the long-distance routes.

I have not analyzed whether these routes are exactly the same routes, but there is a great deal of overlap between the routes that have been considered for long-distance elimination and to what I have said applies, that there would be no savings in the short run; and, in fact, would have considerable severance costs involved.

The gentleman's amendment bans the use of States to subsidize these routes, routes like the Chicago to St. Louis and the Chicago to Pontiac or to Detroit, those represent part of a close-in system where urban areas are close to each other and which by every indication the President himself has been suggesting that these should be routes that ought to be supportable for operating purposes and for some capital purposes by the States, that they ought to be involved. This amendment, as I understand it, bans the uses of States to subsidize routes.

□ 1430

I do not know if we should be in the business of telling States how to spend their own money. The issue of long-distance trains, and how to deal with those, really is one for the authorization committee and not for the Appropriations Committee.

I urge a "no" vote on this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. This amendment is designed to eliminate virtually all of Amtrak's long-distance train operations. If enacted, it would mean the end to our national system of intercity rail passenger service. The nation would be left with an unconnected collection of corridor-type services and whole regions of the nation would lose access to this mode of travel.

The amendment calls for eliminating any passenger train route where operating expenses are twice operating revenues as determined by the Amtrak Reform Council in its Final Report. At first blush, this might not seem all that unreasonable. The reality is, however, that what this amendment would accomplish is highly unreasonable. The gentleman from Texas ignores the fact that hardly any passenger train service in the world comes close to covering its cost. Most rail transit operators, for example, would be thrilled to have a 50 percent cost recovery factor. Let's look at the impact of adopting this amendment.

Intercity rail passenger service between New York City and Chicago would be eliminated, as Amtrak would have to drop its Lake Shore and Three Rivers services. Service between Washington, D.C. and Chicago likewise would disappear with the termination of the Capitol Limited and Cardinal trains. There would be no more rail passenger service from the East Coast to Amtrak's hub in Chicago, as the Pennsylvanian service between Philadelphia and Chicago would also be eliminated.

Service between Chicago and San Francisco on the California Zephyr would be history. As a result, rail travel through some of the most scenic parts of North America would be no more. Gone, too, would be the fabled City of New Orleans, as all service between Chicago and New Orleans would have to crease. Service between Chicago and Los Angeles via St. Louis, Little Rock, Dallas, and San Antonio would end with the elimination of the Texas Eagle. Service between Florida and Los Angeles on the Sunset Limited through New Orleans and Houston would also be axed. Amtrak's popular and scenic train along the West Coast between Seattle and Los Angeles, the Coast Starlight, also would be cut, as would Amtrak's Crescent train between New Orleans and New York via Atlanta and Washington.

With the exception of Amtrak's Silver services between New York and Florida and the Southwest Chief from Chicago to Los Angeles via Arizona, there would be no rail passenger train service in the Southern half of the nation. In fact, the only other long distance train that would survive would be the Empire Builder between Chicago and Seattle.

And the cuts are not limited to Amtrak's long-distance train operations. Under the route elimination criterion established by this amendment, passenger train services between Chicago and Milwaukee, Chicago and St. Louis, and Chicago and Pontiac, Michigan, also would have to be discontinued. These are critically important components of the Midwest High-speed Rail Initiative. It makes no sense whatsoever to stop service today when these corridors are leading candidates for significant upgrades for high-speed service.

If this amendment were to pass, many of America's largest cities would be left without any intercity rail passenger service including: Birmingham, Alabama; Little Rock, Arkansas; Phoenix, Arizona; Denver, Colorado; Atlanta, Georgia; New Orleans, Louisiana; Omaha, Nebraska; Reno, Nevada; Cincinnati, Cleveland, and Toledo, Ohio; Austin, Dallas, El Paso, Houston, and San Antonio, Texas; and Salt Lake City, Utah.

And to what purpose? If this amendment were to pass, little, if anything, would be saved. Moreover, once these routes were gone, the remaining services would have to share a greater part of the cost burden. Another round of cutbacks would be sure to follow. There is a cascading effect as the connecting revenues lost from these services affect the financial performance of the remaining trains.

It also should be clear that once these routes are eliminated, they will be gone forever. The nation's freight railroads will be quick to take steps to ensure that passenger train services will not be reinstated. The freight railroads have long only grudgingly accommodated Amtrak's operations.

The loss of the long-distance train affects many who rely on these trains for trips between online city pairs. It is true that relatively few people use the trains for transcontinental travel, but millions of riders each year use them to travel between places other than the terminal cities. This travel will be lost and we will lose forever the ability to develop these intra-route corridors.

Finally, the approach taken by the Amtrak Reform Council to measure the route losses, is, in itself, flawed. Amtrak and the Federal Railway Administration have developed a more accurate measure of train performance, which takes into account downstream effects of route eliminations. Mr. Chairman, I remind my colleagues that the Amtrak Reform Council repeatedly erred in both assumptions and facts in its reports. In fact, each year of the ARC's existence, the House cut the ARC's budget to indicate its overwhelming displeasure with the ARC's clear agenda to attack Amtrak.

Therefore, this amendment must be rejected. It arrives at the wrong solution through flawed analyses. We need positive approaches to rebuilding and expanding our nation's intercity rail passenger system. We need to find ways to give Amtrak President, David Gunn, and his staff the resources needed to correct the years of neglect from a lack of funding.

I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HONDA:

At the end of the bill (before the short title), insert the following:

SEC. . For an additional amount for new fixed guideway systems under the heading "Federal Transit Administration—Capital Investment Grants" for the Silicon Valley, CA, Rapid Transit Corridor, and the amount otherwise provided under such heading for the San Francisco, CA, Muni Third Street Light Rail Project is hereby reduced by, $1,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

I offer a simple amendment that subtracts $1 million from the San Francisco Muni Third Street Light Rail Project and adds that amount to the Silicon Valley Rapid Transit Corridor Project.

The Silicon Valley Rapid Transit Corridor Project is a meritorious project that deserves Federal funding. It will connect BART with the highly frequented Santa Clara County destinations, including Santa Clara County's light rail system, ACE rail system, Cal Train's San Jose Station, the planned people mover at the Norman Y. Mineta San Jose Airport, and thousands of Silicon Valley employers.

In addition, this project is the last link needed to complete the connection of all the region's rail systems around San Francisco Bay. Mr. Chairman, I am honored and thankful that the gentlewoman from California (Ms. PELOSI), the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) support this effort, and I urge my colleagues to support this amendment as well.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I would not claim the time in opposition because I do not oppose the amendment. As the gentleman indicated, I support it. I appreciate the Members that have worked together to transfer funds among some things that are all involved in the Bay Area of northern California and I know, as the gentleman and I have visited together about this, that there is a huge amount of local financial support that predominates far and away over any Federal funding anticipated.

I support the shifting of funds, and I appreciate the cooperation of Members toward this effort, knowing that it is all part of that interrelated Bay Area system as well.

Mr. HONDA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the Honda amendment?

Mr. HONDA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 157, insert the following after line 2:

SEC. 742. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

The Flake-McGovern-Emerson-Delahunt amendment is very simple. It prohibits any funds in this bill from being used to enforce the regulations that restrict United States citizens from traveling to Cuba. Under current law, ordinary Americans cannot travel to Cuba unless they fit into narrowly defined categories and endure an arduous bureaucratic application and screening process.

In March of this year, while a sweeping crackdown in sentencing was going on in Cuba, the Office of Foreign Assets Control, under the direction of the

State Department, eliminated the people-to-people category of travel licenses to Cuba. This is in direct opposition to the administration's stated intent to increase people-to-people contact with ordinary Cubans. My amendment would effectively end the travel ban and allow ordinary Americans to travel to Cuba and to take their ideals and values to ordinary Cubans.

This is an issue of freedom for Americans. Let me repeat that. This is an issue of freedom for Americans. We allow for freedom of travel to North Korea, to Iran, to Syria and to other countries where the human rights records are despicable and where animosity toward the U.S. is the basic foreign policy. Restricting travel to Cuba is not only ineffective, it curbs the basic American freedom to travel and to export American ideals and values.

This past March, the Castro regime carried out a sweeping crackdown on democracy and human rights activists, journalists, independent library operators and other dissidents who were exercising basic rights.

Following the roundup of more than 80 people, they were subjected to summary trials that flew in the face of justice and were sentenced to several years in the horrible Cuban prisons. These prison sentences carried terms of up to 28 years and, given the health of some of these individuals, they are in effect death sentences.

The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) introduced a resolution that was quickly brought to the floor after this crackdown. Several of my Cuba Working Group colleagues and myself eagerly supported the Diaz-Balart resolution and joined him at these podiums in condemning the Castro regime and again demanding the release of Cuban political prisoners.

The crackdown left many speculating about Castro's timing and his motives. Some expressed shock and utter disappointment, as if Castro had at some point turned away from being the oppressive dictator that he is. I do not think many of us were surprised because, sadly, Castro has been doing this kind of thing for over 40 years.

There is an old saying, Mr. Chairman, "if you want to keep getting what you're getting, just keep doing what you're doing." What we have been doing is isolating Cuba for more than 40 years. And what we have been getting is this kind of attitude from that regime. I do not think any of us ought to be surprised that Castro is not a reformed man. What we should not do is emulate Castro's heavy-handedness by curtailing the freedom of our own citizens.

Critics suggest that allowing Americans to travel to Cuba will provide the Castro regime with the financial resources it needs to sustain itself, but that regime has had enough resources to sustain itself for over 40 years, including beyond the post-Soviet era in which many predicted a sure demise within only months. That regime will sustain itself without American travelers going there, but ordinary Cubans will continue to be deprived of contact with Americans.

Whether we like it or not, Cuba's economic troubles will not lead to political instability. We should not base our policy on the hope that economic catastrophe will cause suffering, political unrest and ultimately political change. If we base our policy on this hope, we will be waiting a long, long time over and above the period that we have already waited. Instead, we ought to unleash the real source of American influence by allowing all Americans to travel freely to Cuba, just as Cuban-Americans are currently allowed to do.

In July of this year, 12 Cubans who fashioned a 1951 Chevy into a boat nearly made it to America, but they were sent back to Cuba after State Department officials reportedly negotiated 10-year prison terms with the Cuban government for these individuals. Upon returning to Cuba, I understand that six were promptly sentenced to these 10-year terms.

Keep in mind that this is our own State Department officials, the same ones who pore over applications for travel licenses and purport to know what is best for ordinary Americans who wish to travel to Cuba. Think about it. If you vote against this amendment, you are turning over your right as an American to travel to the same bureaucrats who do not have enough sense but to negotiate prison terms in Castro's jails for the Cubans it sends back to the island.

Under Democratic and Republican administrations, it has been a bedrock principle of American foreign policy that travel is a device that opens closed societies. American travelers are our best ambassadors. They carry the idea of freedom to people in Communist countries.

It is interesting to note that among the sentencing documents used by the Cuban government to consign nearly 80 political prisoners to jails in Cuba were written materials like Time Magazine, the Miami Herald, speeches by President Bush and other U.S. publications. These were considered subversive by the Castro regime.

Cubans want contact with Americans. Cuban dissidents regularly tell us that they oppose the travel ban because they believe that American travelers have a positive impact in Cuba.

It is time to listen to the Cuban people, and it is time to return to our basic American values. Americans deserve the freedom to travel to Cuba to see the island for themselves. I urge my colleagues to support the Flake-McGovern-Emerson-Delahunt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 30 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the number one policy objective of the Cuban dictatorship is obtaining U.S. mass tourism and the billions of dollars it would generate for the dictatorship.

Travel to Cuba is now legal, but with a license for humanitarian, educational or journalistic reasons. But mass U.S. tourism is the dream, the number one goal, of the dictatorship.

The gentleman from Arizona and those who are pushing for this goal here in Congress say that Castro fears tourism. "Let's adopt a real get-tough policy toward Castro. Let's send him tourists and their dollars," they say. If Castro fears U.S. tourism and its billions of dollars, then why is obtaining U.S. tourism his number one objective? His views are very public about this goal. What did he have to say just 1 year ago when these amendments passed this House?

"The House of Representatives voted with determination and courage for three amendments that bring glory to that institution. We shall always be grateful for that gesture."

That was the statement of the Cuban tyrant 1 year ago. To say that granting the dictator his number one policy goal is to get tough on the dictatorship, in my view, constitutes uncalled for cynicism.

We have an embargo against the Cuban dictatorship, Mr. Chairman, because it is in the national interest of the United States for there to be a transition to democracy in a country 90 miles from our shores.

It is in the U.S. national interest for there to be an end to a terrorist regime that has had the head of its Air Force indicted for murder 2 weeks ago, the head of its Navy indicted for drug trafficking, and which carries out aggressive espionage and infiltration operations on all branches of the U.S. Government, including this Congress, over 15 Cuban spies having been arrested in the last years alone, with dozens more having been expelled from the U.S. The FBI confirms that there is no more aggressive, hostile intelligence service in the United States than Castro's operation.

It is in the U.S. national interest for there to be an end to a regime that harbors hundreds of international terrorists and a large number of felony fugitives from the United States. And just as Europe told the dictatorships in Spain and Portugal in the 1970s that access to the European Economic Community, now the European Union, required democracy in those countries, and that requirement was fundamental to the democratic transitions in those countries once the dictator of 40 years, Franco, died in Spain and the dictator of even more time in power, Oliviera, died in Portugal, our policy of conditioning access to the U.S. market, including mass tourism, to the liberation of all political prisoners and concrete movement toward free elections in Cuba, in other words, retaining the embargo until the Cuban people free themselves from their chains, is absolutely fundamental.

It is in the U.S. national interest, Mr. Chairman, for there to be an end to a regime that has systematically attempted to derail and hamper U.S. intelligence efforts against international terrorism in the post-September 11 era, a regime that harbors countless international terrorists.

It is in the U.S. national interest for there to be an end to a regime that maintains a biological weapons program 90 miles from the shores of the United States.

In the last 6 months, yes, the Cuban people have witnessed the most brutal crackdown on courageous pro-democracy leaders and independent journalists, leaders like Marta Beatriz Roque and Dr. Oscar Elias Biscet and Jorge Luis Garcia Perez (Antunez), all of them who agree that it is fundamental that we maintain the U.S. embargo, including the travel restrictions.

As a consequence of this crackdown, the European Union has imposed travel restrictions and other sanctions on the dictatorship's henchmen. Important newspapers, such as the Los Angeles Times, have changed their prior positions on sanctions.

For example, the Los Angeles Times wrote, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes. Fidel Castro has thrown up a roadblock that cannot be ignored. He sicced his political police on about 90 independent journalists, political dissidents and union activists.

Before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up and demonstrate that his nation is moving toward democracy and away from totalitarianism."

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That change of position by the Los Angeles Times was a call to conscience.

None of the political prisoners, either of the recent ones or those serving decades in the torture gulag, have been freed. Over a dozen are known to have begun hunger strikes to protest the inhumanity of their captivity. Some are near death.

What this moment calls for, Mr. Chairman, is for this Congress to bring glory to itself, but not by spending more dollars to the Cuban tyrant. No. Not a tyrant's kind of glory. But to insist on the release of all political prisoners and on concrete steps toward free elections before a single additional dollar is sent to the enslaved island.

That is the glory that this moment requires, the glory characteristic of the American people, liberator of oppressed nations and their sovereign free institution, this people's House, not the glory of a tyrant like the quote that we looked at before, a tyrant who dispatches his goons to terrorize and imprison unarmed men and women and who sends those who dare to dream of freedom to the firing squad after farcical sham trials.

Mr. Chairman, I thank President Bush for his veto threat regarding these uncalled-for amendments, but I ask my colleagues here to not make it necessary for the President to carry out his threat. I ask my colleagues to defeat these sad amendments.

Mr. FLAKE. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Flake-McGovern-Emerson-Delahunt amendment to limit funding for the enforcement of the travel ban to Cuba. This amendment is offered on behalf of the 52-member bipartisan Cuba Working Group.

For 40 years, U.S. Cuba policy has violated the right of every American to travel freely. While Americans may travel to Vietnam, to China, and even to North Korea, they may not legally travel to Cuba.

For 40 years, the American people have been told that the sanctions against travel to Cuba, like other economic sanctions, will bring human rights and democracy to Cuba and the downfall of the Castro regime. This policy has failed, and it has failed miserably.

Currently, Cuba and the United States are engaged in a dangerous spiral of escalation and recrimination. The Cubans engage in a cruel crackdown against dissent on the island. The United States tightens the restrictions on travel and eliminates people-to-people educational and cultural exchanges.

At the very moment when the Cuban Government was trying to break the spirit of Cubans who dare to think differently, the United States Government restricted even further the exposure of Cubans to individuals and groups who could provide alternative information and provoke discussion, the American people. We need a better, more rational, more mature approach.

Mr. Chairman, Americans are a pragmatic and practical people. We like things that work, that do the job, that deliver results.

After 40 years of a failed policy on Cuba, it is long past time to try something else. If this policy was going to work, it would have worked by now. I believe that ending the ban on travel is one of the best steps we can take. I believe the Cuban people can benefit from more contact, not less, with the American people. Now is the time to invade Cuba with doctors and writers, teachers, students, business leaders, bicyclists, grandmothers, activists and more. They are, indeed, our very best ambassadors.

I agree with Human Rights Watch and Amnesty International that the 40-plus years of a U.S. policy of isolation has not contributed to the betterment of human rights in Cuba and, in many respects, has had a negative impact on human rights and that the travel ban should end.

I agree with the vast majority of dissidents living on the island, including Vladimiro Roca, president of the Cuban Social Democratic Party, and Oswaldo Paya, leader of the democratic reform movement known as the Varela Project, who have expressed their full support for an end on the ban on travel by Americans to Cuba.

I agree with independent journalist Miriam Leiva, wife of imprisoned dissident Oscar Espinosa Chepe, when she wrote to President Bush this May declaring: "The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy."

This amendment represents the bipartisan majority of this Congress and the majority view of the American people. It represents the mainstream view in this country.

For 3 consecutive years, this House has voted overwhelmingly to lift the ban on travel, only to have a small group of Members undermine the will of the House in conference committee. I would say to the leadership of this House, do not just talk about democracy; respect democracy. Respect the will of this House. Respect the Members of the greatest deliberative body in the world. Do not hide behind closed doors and secret negotiations. Do not hide behind rhetoric that questions the integrity of those who disagree with you.

The current policy has failed. It is time to take a new approach. Support the freedom of Americans to travel, support Cubans who want to interact and meet with Americans, support the bipartisan amendment to end the travel ban on Cuba.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I am honored to yield 6 minutes to my distinguished friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my friend from Florida for yielding me time.

Mr. Chairman, it is unconscionable that after the recent arrest and the sentencing of close to 80 dissident human right activists and opposition leaders by the Castro regime, that we would be here seeking to reward the dictatorship for its deplorable action, because, make no mistake, that is what this amendment seeks to do. It is going to provide it with much needed currency to continue this reign of terror.

It defies all understanding that as the most recent prisoners of conscience languish in squalid sells, devoid of any light, malnourished, denied medical attention, the response of the United States Congress to this would be to bestow to this pariah state another victory.

In the past, as we heard from the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the Castro dictatorship, Fidel Castro himself, has publicly thanked the U.S. House of Representatives for passing this amendment.

I wonder if Hector Raul Valle Hernandez, a political prisoner at Guantanamo, would be as understanding. Hector languishes in a tiny, dark, squalid isolation cell. He is malnourished. He is given contaminated water. As a result, he has an increasing number of parasites in his system and is denied any medical treatment. Since his arrest of March of this year, he has lost over 40 pounds. However, he does not succumb to this torture. He remains true to his principles and beliefs. Would he be as understanding about this vote?

Like Hector, we have Marta Beatriz Roque, Oscar Espinosa Chepe, Victor Rolando Arroyo, Hector Palacios, Omar Pernet Hernandez, Juan Carlos Gonzalez Leyva, and scores of other political prisoners, like Antunez, Jorge Luis Garcia Perez, and Dr. Oscar Elias Biscet, who truly deserves the Nobel Peace Prize.

Their bodies are weak, they are rapidly deteriorating; but their courage, their spirit, their commitment to a free Cuba from its enslavement is stronger than ever. What message would we be sending to these brave souls about our own commitment to their freedom?

What about our brothers and sisters just 90 miles away? Do they not bleed when they are stricken? Do they not cry out? Are they not entitled to freedom and democracy? Are they not entitled to security?

Even the European Union is realizing that its economic entanglements with Castro are not sound. In June of this year, the EU began restricting its contact with the dictatorship, citing deep concerns "about its flagrant violations of human rights and of fundamental freedoms of members of the Cuban opposition and of independent journalists."

Just last week, the Italian foreign minister, whose country, Italy, holds the EU presidency, stated, "We have to say that the Cuban Government has not taken a single positive step to meet the goals that Europe has set and in fact the situation of human rights has worsened yet further."

After years of unrestricted travel by these European tourists and officials, all of them from EU countries, countries with rich democratic traditions, has the situation of human rights in Cuba improved? No. They even say it has worsened.

So this leaves one to question the arguments raised by the proponents of this amendment about exporting democracy. Let us look at recent examples.

Georgetown University is planning an educational trip to Cuba. It cites as one of its stops El Valle de Vinales. El Valle de Vinales is a lush and beautiful valley, an environmental paradise. Not many Cubans living there. It is a wonderful tourist stop. How will being in this tourist stop help democracy grow in Cuba?

Then they highlight a tour of Old Havana and a tour of Cuba's Revolutionary Museum. Exactly to whom would the participants be exporting democracy in these visits?

And there is also a case of a delegation which traveled to Cuba just a few weeks ago. They received a license from OFAC to attend a religious retreat. It turns out that several of them were participating in a golf tournament. That was exporting democracy? OFAC is investigating this further.

Particularly revealing is the fact that when Members of Congress, certain Members of Congress, seek to travel to Cuba in order to visit political prisoners in their jail cells, rather than to meet with the dictator and his cronies, they are denied visas by the regime.

Just ask our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH), Members who have made their reputation defending human rights and holding dictators accountable for their actions. On more than one occasion, they have tried to travel to Cuba with the expressed and limited purpose of engaging the peaceful and democratic pro-democracy forces within the island. But the regime has not allowed them to travel to Cuba.

Proponents of this amendment have also recently argued that it is needed by certain sectors of the U.S. economy which have been seriously affected by the terrorist attacks of September 11. My response to that is if we wanted to help the tourism industry, come to my district. Come visit Key West, come visit Miami Beach.

Also, we are talking about much-needed currency to a state sponsor of terrorism. We are engaged in an international war against terrorism. Cuba is engaged in a joint venture with the Iranian regime, having built a complex on the outskirts of Tehran to work on biological technology. The regime needs money to keep this program going. This amendment will help the regime get those funds.

The Cuban regime is also working in concert with other pariah states like Libya and Syria on what it terms "scientific cooperation." Thus this amendment runs contrary to President Bush's commitment to deny terrorists the financing to carry out the attacks against the Americans and our American interests and allies. I ask our colleagues to reject this amendment, which will help Fidel Castro.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, through you to my colleagues, it has been 43 years that we have had this embargo with Cuba. It has not worked. It seems to me we should do one of two things: we should either make the pain greater for the Cuban people, as we so with the embargo, or we should make some changes to improve communications.

How do we make those kind of changes? One change that I think of is perestroika in Russia. In the late 80s, when more open communication was started, when the Russian people started learning about what America was and what we were doing, we saw the beginning of change in Russia.

How can we better communicate with the Cuban people? I was down in Cuba about a year and a half ago, and most people of Cuba that I talked to do not seem to really know what America is all about, what the free market and free enterprise and liberty is all about. Of course, because under Castro they have not had it.

I think it should be clear that none of us support Castro. None of us disagree that Castro is bad. None of us disagree it would be good to have Castro out of the way. The question is, how do we do something better than what we have done for the last 43 years?

We talk about some of the prisoners, saying, keep up the pain and keep your embargo going. I would quote one of the prisoners, Espenosa Chapa, who said, "The policy of isolating Cuba, far from bringing freedom, has only served to give the regime an alibi that the embargo is the cause of all the ills the country suffers, and it has kept Cuban society away from a greater flow of democratic ideas and values."

The current ban on travel is only one element of the embargo. Mr. Chairman, I would say it is somewhat akin to increased free trade worldwide where there is freer interaction and more open communication.

So I just call on my colleagues, do not go along with the status quo. Let us make a change, because the last 43 years have not accomplished the goals that we want to accomplish. Support the Flake amendment.

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Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I have said in the past, doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, lifting any aspect of the embargo or allowing Americans to travel to Cuba could mean subsidizing Castro.

Most Cuban tourist operations and resorts are owned and operated by fronts for the Cuban military and internal security services. These so-called "companies" funnel money directly into Castro's military, earning the regime the hard currency it needs to perpetrate its oppressive policies. Is that where Americans should be spending their money?

Castro has come to rely almost solely on his income from tourism; formerly profitable industries like sugar now only represent a small amount of the island's income. Proponents of travel will lead you to believe that if only Americans were allowed to travel to the island, then the Cuban people would realize the great freedoms they are missing and rise up and demand political and humanitarian reforms from their leaders.

But, Mr. Chairman, the people of Cuba are not ignorant. Most speak regularly with their families here in the U.S. and they are fully aware of their lack of freedom and opportunities. In fact, the people of Cuba have risen up in protest to their government, only to have Castro throw over 80 nonviolent opposition leaders behind bars, sentencing many of them to life sentences in subhuman conditions in Castro's jails.

Tourist travel to Cuba will not increase purposeful contact with the Cuban people. Europeans and Canadians have been traveling to Cuba for years and clearly they have had no positive effect on Cuba's leaders or political machine.

By lifting these sanctions with nothing in exchange from the Cuban government, we are betraying the very people these policies were designed to help. I urge my colleagues to join with me and oppose any amendments that lift travel restrictions or lift the embargo and to remain committed to their support of the Cuban people.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a man who has worked tirelessly on this issue for years.

Mr. DELAHUNT. Mr. Chairman, let me respond to the gentleman from Florida for 1 minute regarding his observation that this was Castro's priority. I do not necessarily believe the words of Fidel Castro. I honestly wonder if this crackdown that we all condemn was a canard to continue the policy of the Castro government to use the ban on travel and the economic embargo as an opportunity to sustain the government and the regime in power. But, as others have indicated, 40 years, more than 40 years and counting of a failed policy that has brought about no change in Cuba. That cannot be denied.

The magnitude of the failure of this policy is so colossal that it is inconceivable that we continue to pursue it. Because while it has not benefited the Cuban people, it has also diminished American freedoms. As the former Supreme Court Justice William Douglas once said, and I am quoting, "Freedom of movement is the very essence of our free society, setting us apart. It often makes all other rights meaningful."

Imagine travel police who tell you where you can go and how much you can spend when you are there, even if you simply want to scatter the ashes of a beloved parent like one American citizen did. That does not sound like America travel police, but it is. That is the reality. We have our own travel police. It is called the Office of Foreign Asset Control, or OFAC. They decide who will go to Cuba and who does not. They insist that you account to them what you did there when you arrived and what you spent. If they do not believe you, they can punish you. They have even threatened to garnish Social Security benefits from one individual.

We should all be offended as Americans by this policy.

So yes, this debate today is about democracy. It is all about democracy; our democracy as well as democracy in Cuba.

This amendment would end this affront to American liberty and American rights. What makes the curtailment of this freedom of Americans so particularly repugnant is the hypocrisy of the policy. For example, and others have alluded to it: Americans can travel today to Iran, to North Korea, the remaining members of the axis of evil club. And remember when Saddam Hussein was in power, you could go to Baghdad and use your American Express card. You cannot do it in Havana.

Those who would maintain the status quo and continue to deny Americans the freedom to travel proclaim that all Cuba has to do is to conduct free and fair elections, legalize all political parties, allow freedom of the press and association, permit the existence of independent labor unions, and then, we will restore to Americans their freedom to travel. Those are worthy goals.

Well, if the rights of Americans to travel are predicated on these standards, then how about Egypt, a one-party State where elections are a sham, where political and religious dissent is repressed, and freedom of the press is restricted. But for Egypt, the penalty, the penalty is $2 billion worth of American foreign aid every year.

What about Saudi Arabia, one of the most repressive regimes on earth according to our own State Department, where women can not drive, and where American soldiers could not practice their religion openly on Saudi soil.

Well, I have seen women driving in Cuba, and I have attended mass in Havana with Cuban dissidents. And 15 of the terrorists who attacked the United States on September 11 were from Saudi Arabia. There was not a Cuban among them. And yet, some of the most ardent proponents of the Cuba travel policy today vote for United States assistance to Saudi Arabia. Is it not time to end the hypocrisy? We ought not to be the land of the licensed, but the land of the free. Support the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, the first thing I want to do is to thank my good friend, the gentleman from Arizona (Mr. FLAKE), who really is a great freedom fighter and somebody I admire and respect a great deal. But I have a huge difference of opinion in terms of what promotes freedom, not just in our hemisphere, but throughout the world with respect to this specific issue.

One of the many arguments I have heard from the proponents of this amendment is that the Cuban citizens would be better off if they had American tourists. Arguably, Iraqi citizens would have been better off if we had a free flow of Iraqi oil throughout the world and the prosperity that that might have brought, but not if Saddam Hussein was using the profits to terrorize his own people and to export terrorism and totalitarianism elsewhere throughout the world.

That is precisely the predicament we are in. Fidel Castro, as long as he is alive and in charge in Cuba, will use every last dollar to terrorize his own people, to basically jail dissidents, to execute people that disagree with him, and to export terrorism throughout the world. He is the single last remnant of the 100-year terrorism that communism plagued upon our entire planet in the last century. Yet, he stands just 90 miles off of our shores in Florida where he put missiles aimed at the people of the United States less than 25 years ago.

I will tell my colleagues that when the lambs lay down with the lions, lambs get slaughtered, and the day to capitulate and to acquiesce and to acknowledge Castro as some reality that we have to put up with, condone, and even support with tourism dollars is not here and it will never be here, as long as those of us who truly believe that the way to freedom is to show up and stare down dictators, not cooperate with them.

I will tell you this one out is the last remnant of communism, totalitarianism, repression, and it is the original terrorist state. We need to stare down Castro and not succumb to his evil deeds.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I thank the gentleman from Arizona. I am also a proud member of the working group, the Cuban working group that was established almost 2 years ago, and I have to tell my colleagues, as someone from California, I am on the other side of the country, but I know that many in my district in Los Angeles and throughout California have had the chance to visit and also meet with people from Cuba. One of the things they tell me as a Congresswoman is that they would love to be able to go and spend more money there, to interact through educational programs, to visit different tourist sites there, but to engage with the people there.

On my visit there 2 years ago, I found it very striking that yes, indeed, the free market is working. It is working in Cuba. I visited a small restaurant where I sat with the family who owned their own restaurant. The money that we gave them in dollars was sufficient at the time. Maybe if we did more of that, they would be able to have a lot more, but we are not allowing for that. We need to lift the travel ban. Even in the State of California, where I served as a member of the Senate, our Senate members voted for a resolution to come to this House to say that we ought to lift the travel ban. By opening up our doors of education, culturally, and also economically, we have a lot to gain as well.

I had the opportunity to meet with other people from different countries in Cuba, from Canada and from Europe, and I saw that they are indeed taking advantage of helping to create a market base there, in different areas, and in agriculture, in the arts, and in the hotel and tourism industry. Why is not the United States, why cannot California engage in that by lifting this travel ban and allowing for the free flow of ideas and exchange, something that all of us here I think believe in.

When you say terrorism, I do not see that when I think about Cuba. I see hard-working people who want to be a part of our culture, the western civilization. I saw people wearing jeans, clothing that was reflective of people on our streets here in Washington, D.C., and I think that they are earnestly looking for a lifting of this travel ban. I urge Members to do so.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from South Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I am actually amazed that we are even here discussing this issue. We are right now in the midst of a war against terrorism. Should we take steps that help fund anti-American terrorist states, particularly one that is just 90 miles away from the United States?

Mr. Chairman, right after 9–11 during the joint session of Congress, President Bush spoke to Congress and he said "Either you are with us or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." And yet, we are discussing an amendment that would provide billions of dollars to a terrorist anti-American regime, just 90 miles away from the United States.

Mr. Chairman, I hear, well, but we do business with China. Mr. Chairman, there are seven nations on the list of terrorist countries: Iran, Libya, North Korea, Sudan, Syria, Iraq, I guess that one is no longer on the list, and Cuba, a terrorist, anti-American thug just 90 miles away from the United States. But yet I hear, well, but if he had money, if he only had money, he would change. He would be different. He would do really good things with the people of Cuba and also would become a friendly nation.

But, Mr. Chairman, what did Mr. Castro, that terrorist thug, do when he did have money, when the Soviet Union gave him the funds, the billions of dollars that now this amendment hopes to replace? What did he do? He had troops in Africa. He was helping terrorists in Africa. He had troops in Grenada, and the U.S. actually invaded Grenada to liberate those people and there were Cuban troops there, terrorist Cuban troops there supporting that Communist regime. He was helping to fight democracies in Latin America. He was funding troops throughout the world. That is what he did when he had money.

Those who say the embargo has not worked, it sure has worked for the interests of the United States of America, because that man is not doing what he was doing: exporting terrorism. Now, he is limited, he is limited. But this amendment wants to give him billions of dollars so he can do what he does best: terrorism, anti-American terrorist activities. This is amazing to me, Mr. Chairman, that we would be discussing it right now.

The gentleman from Massachusetts (Mr. DELAHUNT) said we cannot believe what Castro says. I do not believe, I would say to the gentleman, what Castro says. I believe his deeds. Yes, he says that he wants to get rid of the embargo. Yes, he says that he wants to get rid of the travel ban. And yes, he congratulates the gentleman from Arizona (Mr. FLAKE) and others when he helped him in doing that. But his deeds also show that, Mr. Chairman.

Here, for example, he has sent out hundreds of thousands of flyers to travel agents, spending thousands and thousands of dollars on glitzy brochures saying, please get rid of the travel ban.

□ 1515

No, the record is clear. Let us not fund anti-American terrorist 90 miles away. Let us not fund a person who has said in Iran that he wants to get the United States to be on its knees. Let us not fund an enemy of the American people 90 miles away. Let us not support this amendment. Let us stand tall with the Cuban people who want to be free. Let us stand with the President of the United States in his war against international terrorism.

The way to do that is not by helping Castro, which is what this amendment will clearly do.

Mr. FLAKE. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 11 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Flake amendment which would prohibit funds in the underlying bill to enforce the current ban on travel to Cuba.

I believe it is the right of all Americans to be able to travel wherever they choose. It is unAmerican to prohibit our citizens from choosing where they want to travel.

And why? Why should we single out Cuba? We have a right to travel almost anywhere. This is clearly not about whether U.S. citizens should travel to an undemocratic or militarily repressive country. If that were true, then Americans would not be able to travel to countries such as China, Sudan, Syria, Iran, North Korea. And do you know what? Americans are able to travel freely to these countries. Yet, they are forbidden to travel to Cuba.

Thus, the real question is why do we continue to prohibit travel to Cuba? Why do we deny American citizens a right Cubans are denied in Cuba, to travel freely? Human rights activists Elizardo Sanchez and Vladimiro Roca have said it best, and I quote, "Just as we insist on the right of Cubans to travel, to leave and return to our country freely, a right now denied to us, so do we support the right of Americans to travel freely, including travel to Cuba."

The travel ban is an archaic part of our archaic foreign policy on Cuba. We are not defending the Cuban government or its poor human rights record, especially in light of the most recent crackdown on its dissidents. We must always speak strongly against the abuse of human rights in this world and hold these repressive governments accountable.

But Cuban dissidents regularly tell us that they oppose the travel ban because they believe American travelers would have a positive impact on Cuba. Further, Human Rights Watch reports that the U.S. embargo has not only failed to bring about human rights improvements in Cuba, it has actually, and I quote, "become counterproductive to achieving this goal."

Current U.S. policy towards Cuba hurts the 11 million innocent Cuban men, women and children who could benefit from our travel, our new ideas, our steadfast belief in democratic ideals, freedoms and way of life. We will not advance rights to the Cuban people by embracing a policy of isolation that has failed for 40 years.

Further, the more we normalize relations with Cuba, the faster Fidel Castro will lose his grip on the Cuban people. It has worked in Vietnam. It has begun to work in China, and it can work in Cuba.

Mr. Chairman, I urge my colleagues to support this amendment. Our policies have failed, and this is the right thing to do for the Cuban people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), my good friend.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just want to say to my colleagues, if you voted in favor of the Flake amendment in the past, I respectfully ask you today to reconsider your vote this year.

While I make no secret of the fact that I have opposed, and will continue to oppose, lifting the travel ban until all political prisoners are released and other modest human rights forums are initiated. Today is clearly not the time to be embracing an easement on travel.

The outrages of last spring, the brutal arrest, conviction and incarceration for up to 28 years of approximately 80 of Cuba's best and brightest and bravest is just the most the visible and the most recent act of hate and cruelty by Fidel Castro. For decades to come, these individuals, these reformers will now join approximately 400 other political prisoners in Cuba's infamous Gulags, which the U.S. State Department has described as "harsh and life threatening", where there is torture, physical and psychological. Don't get sick in one of those Gulags because if you do, you will likely not get medical treatment and your condition will be permitted to fester.

Just read the U.S. State Dept's Country Reports of Human Rights Practices for this year and see how horrific those conditions are. The treatment of political prisoners is a scandal.

Look at what the L.A. Times said recently, and I would quote them briefly. This is an editorial in the L.A. Times, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes." Hit the brakes my colleagues. Do not liberalize and allow Castro to reep upwards of $5 billion of profit—money that goes directly into Castro's coffers. We need to hit the brakes and at least say, not now.

Reference was made earlier about how the gentleman from Virginia (Mr. WOLF) and I tried to visit Cuba. We were turned down. We wanted to visit prisoners. We wanted to see Dr. Biscet and others and do what the International Committee of the Red Cross cannot do. As we know, the ICRC has been denied, repeatedly, access to prisoners. We tried to do it, and we were turned down. And what did Fidel Castro say in one of his speeches? Because we wanted to go into the prisons and assess the situation firsthand we were "provocateurs."

Mr. Chairman, the gentleman from Virginia (Mr. WOLF) and I have visited many political prisons around the world, from Perm Camp 35 in the Soviet Union, when it was the Soviet Union, to China, Beijing Prison Number 1, where convicts from Tiananmen Square were being mistreated. I have even gotten into prisons in Indonesia, and met with East Timoree leader Xanana Gusmao, and yet we cannot get into Cuba. Yet, some Members want to lift the travel ban. Lifting the ban now sends a clear message to those who are suffering from Castro's hate and abuse that we do not care.

I know this is not the maker of this amendment's intention, but that is the message nonetheless, and I hope Members will vote no on this amendment. Stand with the oppressed in Cuba, not the oppressor.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for yielding me time.

Let us face it. This is not a problem about Castro. This is a problem about us. We made this law. And this administration wants to enforce this law. This is not about Fidel Castro. This is about the present administration and Members of Congress.

It is very interesting that those who do not want to lift this ban are also exempt from it. Cuban-Americans, can travel freely back without our country's permission. And as Members of Congress, you can travel to Cuba, but you cannot do that as a regular American citizen.

What has this law done? Has it prevented Americans from going to Cuba? Absolutely not. It is estimated 100,000 Americans went to Cuba last year, 75 percent of them went illegally. Why are they going to Cuba? It is only 90 miles off our coast. That is probably why they are not going to Iraq and North Korea and other places which the President identifies as the axis of evil, and our government does not ban you from going there.

They are also fascinated by the history Cuba played in the American Revolutionary War. They are fascinated by a country that wins music Emmys. They are fascinated by a country and culture that produces good rum and cigars, yet it is illegal for Americans to drink that rum or smoke those cigars. It is illegal for Americans to have fun. That is what this law says.

It is so un-American. It is so unpatriotic. It is so unenforceable. What are we going to do? Put everybody who went down there to ride bicycles, to dance, to drink mojitos in jail? That is not what our country can do. We cannot enforce this law. And to say that nobody can travel there, and when they will go illegally you will stop that, what you are doing is stopping the legitimate travel of educators, of doctors, of people in professions that want to go to try to upgrade humanity.

Human rights organizations are certainly going to know more about the abuses in Cuba by sending people who are interested in human rights as good ambassadors. The law now does not allow that to happen.

This is a good amendment. I thank the gentleman from Arizona (Mr. FLAKE) for introducing it, and I urge that all of us pass this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my good friend.

Mr. MENENDEZ. Mr. Chairman, I rise to strongly oppose the Flake amendment. I would like to make a series of points in response to some of what I have heard.

First, what the gentleman from Arizona (Mr. FLAKE) does is, in essence, invite lawlessness. It says that we will prohibit the Treasury Department from doing what the law says. It does not undo the law. It, in essence, prohibits the Treasury Department from enforcing the law. So this Congress would promote lawlessness.

Yes, it is illegal to travel to Cuba under certain circumstances, but we will look the other way. We will not allow that element of law enforcement within the Treasury Department to enforce our laws. What a slippery slope that is when we begin a process that says the law is the law, but we are not going to allow it to be enforced. What a slippery process that is.

To my dear friends who talk about the Soviet Union and how they fell because we went over there, the reality is the Soviet Union fell because they could not keep up with the arms race with the United States, and they decided internally on Glasnos and Perestroika. And when they unleashed those forces of opening, then the people of what was the Soviet Union began to move. But that crumbling began with from within, not from without.

I hear about failed policy, let me tell you about a failed policy. The failed policy is millions of visitors, millions upon millions of visitors from Canada and Mexico and Spain and other part of Europe and Latin America in the last decade and what has happened? Not one positive action towards democracy and human rights has taken place. That to me is a failed policy. It is a failed policy when prostitution flourishes inside of Cuba so that foreign tourists can take advantage of Cuban women. That to me is a failed policy.

It is a failed policy when we believe that by having millions of Americans go to Cuba and sun themselves on the beaches of Varadero, smoking a Cuban cigar, and sipping Cuban rum is the way in which we are going to liberate the Cuban people. What is incredible to me is the deafening silence of those who advocate these amendments, but when repression takes place in Cuba, they are virtually silent, and their silence is deafening.

I say that a vote for this amendment, particularly at this time, flies in the face of all of those who languish inside of Cuba who risked their liberty and their lives to make change within their country.

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny. A vote to support this amendment is a vote to support a regime that executed three men by firing squad after closed-door summary trials. A vote for this amendment is a vote to continue to fund the regime that brutally arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote for this amendment is to say to those who languish in Castro's jails, we will go visit the beaches of Cuba, we will smoke the cigars that were mentioned here, but you will continue to languish in Castro's jail.

The Cuban government sentenced many of these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed-door summary trials. Our answer to that is, let us have a grand old time on Varadero Beach. That is our answer to all those who languish.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, sanitary conditions and who languish in Castro's jails.

The tales emerging from their prison cells include allegations of beating, psychological torture, solitary confinement in jail cells infested with rats and scorpions.

□ 1530

The prison conditions are so deplorable that 15 Cuban dissidents who were jailed in the crackdown started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the prison conditions had led them, the prisoners, to make the terrible decision to declare themselves on a hunger strike that compromises their health and, in many cases, even their lives.

So let us recall Raul Rivero, Miriam Leiva, Gisella Delgado and others that, in fact, their suffering and their languishing in those jails are responded to by us having more tourism.

Vote against this amendment. Vote against such an infamy and let us begin to speak up for those people who are risking their lives and liberty.

TRAVEL BAN AMENDMENT

To prohibit the use of funds to enforce the ban on travel to Cuba by U.S. Citizens.

Congress has already passed the law that supports the travel ban. This amendment would only create sloppy legislation. The amendment doesn't change the underlying law. Instead, the amendment would prevent Treasury from supporting the existing law.

The belief that Americans can change Castro through tourism flies in the face of evidence that millions of visitors from Canada, Mexico, Spain and other parts of Europe and Latin America visited Cuba in the last decade, without impacting one iota of positive change toward democracy and human rights.

Cuba Travel restrictions are constitutional, according to the Supreme Court [Regan vs. Wald 1984]. Other courts: the 9th Circuit 1996, and the 11th Cir. 2000, agreed.

Cuba has been on the list of state-sponsored terrorism since 1982 and remains on the list for supporting Foreign Terrorist Organizations, for providing safe haven to U.S. designated foreign terrorist organizations including the ELN and the FARC from Colombia. Cuba also continues to harbor fugitives from the U.S. justice system.

Due to the end of Soviet Subsidies and his disastrous economic policies, Castro is bankrupt. His lack of cash restricts his ability to engage or support anti-American actions around the world. Castro has used American tourist dollars to take the place of Soviet payments.

The money obtained from tourism is not invested to benefit the Cuban people. It is invested to reinforce a state security apparatus that is used in developing a tourism infrastructure which only benefits the government.

The tourism infrastructure doesn't benefit average Cubans. Instead, Castro sets aside hotels, beaches, stores, restaurants, even hospitals for foreigners, prohibiting Cubans from staying in those hotels and patronizing those facilities. American tourism under current conditions would freeze in place Castro's tourist apartheid.

The infusion of U.S. tourist dollars will provide the regime with a lifeline. Lifting the travel ban without securing meaningful changes in Cuba will: (1) Guarantee the continuation of the current totalitarian structures, and (2) Strengthen Castro's security forces.

AMENDMENT TO END THE EMBARGO

Why would members of Congress even suggest ending the embargo at a time when we are seeing the worst wave of repression in Cuba since right after the Revolution? The State Department calls this new wave "the most despicable act of political repression in the Americas in a decade."

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny.

A vote to support this amendment is a vote to support a regime that executed three men by firing squad, after closed door summary trials.

A vote to support this amendment is a vote to support a brutal government which arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote to support this amendment is a vote to support this massive crackdown and Cuban style justice, or more accurately, injustice. The Cuban government sentenced these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed door, summary trials.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, and sanitary conditions and who languish in Castro's jail. The tales emerging from their prison cells include allegations of beatings, psychological torture, solitary confinement and jail cells infested with rats and scorpions.

The prison conditions are so deplorable that 15 Cuban dissidents, who were jailed in the crackdown, have started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the prison conditions, "have led them (the prisoners) to make the terrible decision to declare themselves on a hunger strike, which compromises their health and even their lives." While the names of the dissidents on the hunger strike have not been published, the letter in support of the strike was signed by the wife of poet and dissident journalist Raul Rivero (sentenced to 20 years in jail), Miriam Leiva, wife of economist Oscar Espinosa Chepe (sentenced to 20 years in jail), and Gisella Delgado, the wife of activist Hector Palacios (sentenced to 25 years in jail).

A vote to support this amendment is a vote to support the government that has jailed Oscar Manuel Espinosa Chepe. Mr. Chepe, a Cuban economist and independent journalist, was sentenced to 20 years in jail for criticizing the Cuban government. At age 62, Mr. Chepe, according to the Lawyers' Committee for Human Rights, is suffering from a chronic kidney condition, a thoracic hernia, persistent hypertension, and severe weight loss. The Cuban government refused to provide him with medical treatment. Only when he was near death and only after intense international pressure, was he transferred to a hospital.

A vote to support this amendment is a vote to allow funds to flow to the government that jailed Oscar Elias Biscet. Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana. On February 27, 1999 he was arrested for hanging the national flag sideways at a press conference and was sentenced to three years in jail. After his release, he organized seminars on the Universal Declaration of Human Rights for Cubans. And he was arrested again in December of 2002 for organizing these seminars. In April of this year he was sentenced to 25 years in jail and sent to a special state prison.

A vote to support this amendment is a vote to support the jailing of Marta Beatriz Roque Cabello. She is an economist and director of the Cuban Institute of Independent Economists and is the only woman who was detained. She is the recipient of the 2002 Heinz R. Pagels Human Rights of Scientists Award of the New York Academy of Sciences. In April, she was sentenced to 20 years in jail for her opposition work. She is in acute pain, has nausea attacks and the left part of her body has become numb, according to the opposition news agency CUBANET. In spite of her pain, she must sit on a stool throughout the day since prisoners are not allowed to stay in bed during the daytime.

I'll say again, a vote to support this amendment is a vote to support the tyranny and brutality of the Cuban government. The embargo is our strongest weapon against the Castro regime. Vote, "no"' to this amendment. Show the men and women who suffer in Cuban jails for the right to freedom that we stand with them in their fight for human rights, justice, and a country free of dictatorship.

Mr. FLAKE. Mr. Chairman, I yield myself 5 minutes.

I just heard that those who support this amendment were silent when Castro jailed over 80 dissidents in Cuba just months ago. I would remind the gentleman from New Jersey that the same individuals who are here in support of this amendment came to the floor and argued on behalf of the Diaz-Balart amendment condemning Castro for this action. So we have stood firm, the Cuba Working Group, and others who support this amendment against the atrocities that have happened there.

I also wanted to respond to whether or not this is a good use of taxpayer dollars to actually use these dollars to enforce the travel ban as opposed to actually wage the war on terrorism.

The Office of Foreign Assets Control at the Treasury Department currently spends between 10 and 20 percent of its resources actually enforcing the Cuba travel ban. This is the office charged with the task of tracking down al Qaeda money, to actually shutting down the international war on terrorism, the financial war; yet they are spending over 10 percent of its resources tracking down, in essence, grandmothers from Iowa who are going on a biking trip to Cuba or the gentleman from Washington who spent less than 24 hours in Cuba to scatter his parents' ashes at the churches they built in the 1950s. The man returned home to a fine, enforced by the Office of Foreign Assets Control.

I would submit that if we are serious about the war on terrorism then we will stop this charade of actually limiting Americans' ability to travel.

Let us stipulate that Fidel Castro is a bad guy. He is a horrible guy, he is a thug, I have said it many times from this podium; but our hatred for Castro should not cause us to punch ourselves in the face, and that is what we are doing in essence here, by imposing upon the American people a ban on their right to travel. We simply should not do that.

It has been mentioned through here that some of the dissidents actually support what we are doing and with regard to travel. I should note here that many do not. In fact, I would submit that a majority do not. As Oswaldo Paya has mentioned, the leader of the Varela Project and leading democracy activist said, we appeal to all foreigners who come to our country as tourists to show solidarity, to take part in demonstrations to support the opening up of Cuba.

Members have mentioned that some people go to Cuba just to lay on the beaches of Varadero. This is certainly true. Some of them, however, go down to protest or some go down to take books to independent libraries. We do not know who is going to. We should not pretend that we know, and for us to pretend that we do makes us look like Fidel Castro. Let him do this.

It is often submitted that if we lift this travel ban that surely Fidel Castro will impose his own. I have no doubt that he will, that he will try to limit those who are coming down to Cuba. He will try to determine who is a sunbather and who is a protestor. That is a policy befitting of Fidel Castro. It is not a policy befitting of this great country.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to point out that I find it somewhat ironic that when we speak of the wives of Oscar Chepe and Hector Palacios, prominent leaders in the dissident movement in Cuba who are currently incarcerated in Cuban jails, for whom my colleague and I and members of the Cuba Working Group have advocated strenuously for their release and will continue to do so, that when references to their spouses are made, it is left to be suggested that they support the ban on travel, when the contrary is true.

Let me quote from Miriam Leiva, the wife of Oscar Espinosa Chepe: "The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy." I know we all share that. Let us support this.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Just a few points to clarify. Let us be clear, to remind our colleagues, for example, of who Dr. Oscar Elias Biscet is. There is no one more respected in Cuba today than Dr. Biscet. Dr. Biscet, because he is so respected by the Cuban people, has been sentenced to 25 years in the gulag. Dr. Biscet says that it would be unconscionable to lift the embargo, to alleviate the embargo in any way and to send the resources to the dictatorship.

This young man Antunez is serving 18 years because ever since he has been in high school he has been fighting for democracy in Cuba, and he says it would be unconscionable to send resources to the dictatorship.

Let us be clear and on and on, Marta Beatriz Roque, the leaders who represent the Cuban people, who are in prison, do not want resources sent.

The gentleman from Arizona (Mr. FLAKE), who keeps on saying that he knows that the dictator is a bad guy but he keeps on introducing amendments that would have the effect of sending billions of dollars to the dictator, has said this time that the dictator, and others have said, that he should not be believed, the dictator should not be believed when he says, yes, I want billions of dollars, I want billions of dollars. Imagine if the Flake theory would hold and every enemy of the United States now received billions of dollars from the United States because they are enemies of the United States and they cannot be believed because since they are really enemies of the United States, but we cannot believe enemies of the United States, it is good to send them billions of dollars. Imagine that theory.

Imagine that theory. That is the Flake theory and of the United States, billions of dollars. Do not believe enemies of the United States, billions of dollars. Let us vote down this amendment; and let us stand with the people in the Cuban prisons, and let us vote to support the sanctions until there are free elections in Cuba, Mr. Chairman.

Mr. FLAKE. Mr. Chairman, has all time expired for the other side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 2 minutes remaining, and the time of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has expired.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of the time.

I appreciate the comments from the other side. I would maintain that none of us really know when Fidel Castro is telling the truth and when he is not.

I do not think that we should pretend that we do. I do not think we should even try. Therefore, we simply ought to adopt a policy that is right and consistent with our objectives. That is what ending the travel ban is all about. It is doing what is good policy regardless of whether we think Fidel Castro supports it or whether he does not.

I should mention there are others that have called for an end to the travel ban, other dissidents. Oscar Espinosa Chepe has been cited here a couple of times. This is a man I met just weeks before he was imprisoned in what for him may be a life sentence. He said, "When the travel of Americans to Cuba is approved, the struggle for democracy and freedom will by no means end. To the contrary, these measures create better conditions to achieve these objectives."

That is what we are trying to do here. We are trying to comport with the wishes of the dissident community in Cuba and to do what is right for us as well, to lift the ban on Americans to travel.

We need today to strike a blow for freedom. We can do that by allowing Americans to travel freely as they wish.

If it is freedom that we want for the Cuban people, let us start by exercising a little more of it ourselves by allowing our citizens to travel to Cuba and to take their values with them.

Mr. FARR. Mr. Chairman, I rise today in strong support of the Flake amendment regarding the Treasury Department's limitation of the right of Americans to travel.

This amendment is based on a core principle—that the policy of limiting the right of ordinary Americans to travel to Cuba, is an infringement of all Americans' right to travel anywhere they want at any time they choose.

Nevermind that the U.S. Cuba policy has been an outright failure for the last forty years. Nevermind that the travel ban prevents American businesses from creating jobs in Cuba and the United States, that it prevents Americans from sharing their best ideas and ideals with a close neighbor; and it does nothing to advance the cause of freedom and social justice.

The travel ban runs counter to the core Constitutional concept that the American right to travel is an absolute and non-negotiable right, a reflection of the free and open nature of our society.

If you believe in our constitutional rights, if you believe in the power of travel and trade, if you believe our citizens are the best ambassadors of American values, and if you agree with President Bush that engagement is the engine of liberty—then we need to pass this amendment legislation to legalize travel by Americans to Cuba.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Flake Amendment to end the unnecessary and counterproductive ban on travel to Cuba, and I want to recognize and applaud both Mr. FLAKE and Mr. DELAHUNT for their outstanding leadership on this issue and the agenda of the House Cuba Working Group. In fact, I am a proud sponsor of H.R. 2071, the Working Group's Export Freedom to Cuba Act, which would accomplish the same objective as this amendment, and would allow travel between the United States and Cuba. I have long supported normalizing relations with Cuba and frankly, Mr. Chairman, find it embarrassing that our policy has remained unchanged and stagnant in the 26 years since I first got involved in efforts to normalize relations. I wonder when the Administration will realize that November 9, 2003 marks 14 years since the end of the Cold War.

Americans do not need a license to travel half-way around the world to North Korea, Iraq and Iran, but the "dangerous" island nation of Cuba 90 miles off the coast of Florida requires stricter regulation. This policy seems particularly absurd when there is bi-partisan, bi-cameral support to end the embargo; most Americans oppose the trade and travel ban. Even Cuban Americans are divided on the issue.

In 2000, a Florida International University poll showed that 63 percent of Americans nationally and 75 percent of Americans of other than Cuban descent in Miami-Dade favor unrestricted travel to Cuba. We constantly seem to be moving backwards in our foreign policy, when our constituents are saying the opposite. Where is the logic in punishing Americans? A significant number of Representatives from both sides of the aisle actually agree on ending the travel ban. However, we are still unable to normalize travel and trade. In 1999 we granted permanent normalized trade relations to China, but are still unable to travel and trade with Cuba freely. Whether or not other nations agree with the practices of the Cuban regime, they believe that our policy is ridiculous and outdated.

Mr. Speaker, the obsession with Cuba is two-fold: Those who support the travel ban are driven by 44-year-old memories of the revolution. Americans, who are eager to travel, are drawn to the rich, vibrant Cuban culture. Along with most of my constituents, I belong to the latter group which believes that we have much to learn from each other.

The Oakland City Council in 1998 passed a resolution to eliminate the trade sanctions against Cuba and the Bay Area has numerous sister-city relations with Cubans; these exchanges benefit students, arts initiatives, encourage humanitarian projects and research sharing for important diseases like HIV/AIDS, kidney failure and high blood pressure.

Farmers across the country are eager to engage in trade with Cuba as the U.S. economy continues to plummet.

The recent elimination of the people-to-people category, within the OFAC regulations, proves again how the administration is more concerned with maintaining a grudge than reinstating the American right to travel.

Mr. Chairman, not only does the travel and trade embargo undermine and contradict the values upon which our great country is based, but they are also very costly and logistically difficult to administer between the Departments of State, Treasury, and Commerce. We should not be persecuting Americans who are guilty of nothing more than a sense of curiosity and eagerness to learn and explore our island neighbor, Cuba.

Vote "yes" to promote democracy, vote for American's freedom to travel, vote for the Flake amendment.

Mr. WELDON of Florida. Mr. Chairman, since the early 1960s, U.S. policy towards Cuba has consisted largely of isolating the island nation through comprehensive economic sanctions. In addition, these sanctions were made stronger with the 1992 congressional approval of the Cuban Democracy Act (CDA). I feel strongly that it has never been in our nation's best interest to recognize countries in our hemisphere that rebel against the ideas and freedoms we hold so dear. Some people feel that it is time to lift these sanctions.

I believe it is important to uphold the principles of democracy and freedom, human rights and liberty for which our Founding Fathers fought so hard. All peoples—including Cubans—have the right to enjoy these basic, inalienable rights as well. It is my understanding that once again, recently, the Cuban dictatorship took aggressive action to stifle the efforts of freedom-loving Cubans. Today is not the day to reward this repressive behavior. I urge my colleagues to reject the Flake-Delahunt-Davis Amendment.

Today's proposed amendments, which would open the floodgates of American dollars to the Castro dictatorship, would only prolong and strengthen the dictator's grip on the people of Cuba. To allow the American travel industry to engage Castro would send the worst of all messages to the freedom-seeking Cuban dissidents who rely on the United States not to give into this regime.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 14 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mrs. MALONEY:

At the end of title II insert the following new section:

SEC. 213.(a) IN GENERAL.—None of the funds appropriated by this Act may be used to assess or collect any tax liability attributable to the inclusion in gross income of amounts paid (from funds referred to in subsection (b)) to any person as assistance on account of any property or business damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001.

(b) FUNDS.—The funds referred to in this subsection are amounts appropriated by—

(1) Public Law 107–206 under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Community Planning and Development",

(2) section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73),

(3) amounts appropriated by Public Law 107-38 and designated by the President for community development block grant purposes, and

(4) amounts appropriated by Public Law 107-117 for the Community Development Fund under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PLANNING AND DEVELOPMENT, COMMUNITY DEVELOPMENT FUND".

(c) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—None of the funds appropriated by this Act may be used to treat amounts to which subsection (a) applies as income or resources for purposes of—

(1) the United States Housing Act of 1937,

(2) title V of the Housing Act of 1949,

(3) section 101 of the Housing and Urban Development Act of 1965,

(4) sections 221(d)(3), 235, and 236 of the National Housing Act,

(5) the Food Stamp Act of 1977, and

(6) the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of September 4, the gentlewoman from New York (Mrs. MALONEY) and a Member in opposition to the amendment each will control 5 minutes.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank my colleagues for their leadership on behalf of New York following the tragedy of 9/11.

I have never seen Congress so united and determined. We responded with a national commitment to help New York City rebuild. Part of this rebuilding effort was Federal grants to businesses and individuals in Lower Manhattan near Ground Zero.

Just yesterday the New York Times wrote of problems getting all of the aid to those who needed it most. But what is more disturbing is that after deserving victims of 9/11 got the aid, the IRS in a surprise announcement decided to take part of it away in taxes.

Many grant recipients accepted the aid and spent every penny, not knowing that they would have to pay taxes on it.

It is just unfair for these cash-strapped businesses and individuals to take another financial hit, a financial hit that the Joint Committee on Taxation estimates to be $268 million.

The IRS is taking back $268 million in Federal aid that the President pledged to New York City. This IRS decision has also had a ripple effect on other Federal benefits that survivors of 9/11 may receive.

Since many agencies rely on the IRS decision and definition of gross income, some recipients' eligibility for programs like Medicare, Medicaid, and Social Security may be in jeopardy.

The amendment that I am offering today with my colleague from New York (Mr. NADLER) would bar the use of any of the funds for 1 year for the IRS to enforce the decision to collect taxes on these grants to Lower Manhattan. After all, the Federal Government is supposed to be sending aid to disaster victims, not taking it away.

Taxing the grants violates the spirit of Federal disaster aid. This is not the first action that I and others have taken to right this wrong. Actually, it is the latest in a series of actions.

Along with others in the New York delegation, we have written IRS, the Secretary of Treasury, we have written the President, Speaker HASTERT, and the leadership of the other body.

I have introduced bipartisan legislation. The Committee on Ways and Means is aware of the problem. The Congressional Research Service has done a memo. I have gone before the Committee on Rules seeking to add it as an amendment to H.R. 1308. And I am on the floor today with this amendment.

I ask my colleagues, who have the ultimate authority to decide who gets taxed, for their help. I am confident that it was never this Congress's intent to tax this disaster aid.

Making this amendment subject to a point of order means that this Congress has made a decision to continue to tax this 9/11 aid 2 days before the second anniversary of these attacks.

Mr. Chairman, I call upon my colleagues to support me with this amendment. It is fair. It was the intent of Congress.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment that the gentlewoman from New York (Mrs. MALONEY) and I are offering, which corrects an incredible injustice faced by some victims of the 9/11 attacks.

Shortly after the attack, which occurred in my district on September 11, Congress moved quickly to ease the economic suffering of businesses and residents in Lower Manhattan.

Over $3 billion was appropriated through the Community Development Block Grant program specifically to assist residents and businesses in Lower Manhattan through a variety of grant programs to try to recover from the tremendous economic damage inflicted by the terrorists.

While such programs could never make these individuals and businesses whole after the devastating losses they suffered, these funds are an important first step in, and my constituents are truly grateful to the country for coming to their aid.

Incredibly, the Internal Revenue Service has announced that much of this money is subject to Federal taxation, effectively withdrawing some of the aid after it has already been given.

□ 1545

When we appropriated these funds in this House, it was incomprehensible that the Federal Government might provide assistance with one hand and take it away with the other. These funds are not profit. They are not income that should be taxed. They are funds intended to begin to defray some of the damages incurred by these businesses which were closed for months because guards stood on Canal Street saying "You cannot go to these businesses. You cannot pass here."

The aid that these businesses are getting are a tiny fraction of the economic damage they suffered because of the terrorists. Twenty percent have already closed their doors. Twenty percent of the small businesses in Lower Manhattan have gone bankrupt because of the inadequacy of the aid that we gave them to make them whole from the terrorists, and now we are taking away some of the money that we gave them.

Recipients of these funds were never asked to prepare a budget with the prospect of paying taxes on it in mind. Already near financial ruin, to place further economic demand on their budgets is simply cruel. This is an issue of fairness and common sense and decency to the people who took the hit for this country. I do not believe that anybody on either side of the aisle who voted for the economic aid to try to help the victims of the terrorism anticipated this taxation, and we ought to get rid of it.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I raise a point of order against the pending Maloney amendment No. 14 to H.R. 2989 on the grounds that this provision violates clause 5 of House rule XXI because it proposes a limitation on funds in a general appropriations bill for the administration of a tax or tariff.

The gentlewoman from New York is seeking to change existing law and prohibit taxes from being collected on payments made to those affected by the September 11 terrorist attacks. While, Mr. Chairman, we certainly all have tremendous sympathy for those who suffered losses from this tragic event, we should not be using appropriation bills, or seeking to use them, to establish new tax policy concerning payments to them or to any other individuals.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. MALONEY. Mr. Chairman, I do.

I very much respect my colleague's point of order, but could the gentleman please tell me how and when is this Congress going to act to return the hundreds of millions of dollars in aid promised to them after 9/11?

We have legislation before this House; we have been before the Committee on Rules with amendments trying to attach this to other legislation. We know that many on the other side of the aisle are calling for permanent tax relief in certain areas. We are asking for tax relief for the victims of 9/11.

It was truly not the intent of this Congress to tax their aid benefit packages. In fact, the IRS did not even tell them they were going to do this until the last minute. Most of them spent the money and now are in trouble taking out loans to repay. And, really, when they got the grants, they were well below what they lost. Now to come back and tax roughly a third of the grant is terribly unfair.

So I respectfully ask my colleagues, When will we be able to act on this legislation and return hundreds of millions of dollars in aid promised to the victims of 9/11?

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. NADLER. Mr. Chairman, I do.

I would agree, obviously, with what the gentlewoman from New York, my coauthor of this amendment, just said. We have tried every different way.

The aid to small businesses is roughly about $539 million. This tax is taking it back about $268 million. I will concede that technically the point of order may stand, but the Committee on Rules of this House routinely waives all points of order; routinely waives most points of order. I would appeal to my colleague to withdraw his point of order. I appeal to my colleague to exercise discretion and not press his point of order so as not to victimize the victims a second time. Because that is what we are talking about here.

We have tried, the gentlewoman from New York and I and others in the New York delegation, to try to press this point to the Committee on Rules, in separate legislation, and to the IRS. I do not believe anybody anticipated that someone might come along and say this aid should be taxed. We would have put a sentence in the initial aid legislation 2 years ago, no one would have opposed it, and that would have been that.

No one anticipated this. This was completely shocking. No one anticipated the IRS would say that this money, which was a small recompense, with the average aid being about 10 to 15 percent of the loss, there is no profit or income here, it is 10 to 15 percent of the economic loss; but no one anticipated this would be taxed, so I urge that the point of order be withdrawn

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. ISTOOK. Yes, Mr. Chairman, I do.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Oklahoma raises a point of order against the amendment offered by the gentlewoman from New York for violating clause 5(a) of rule XXI. Clause 5(a) provides a point of order against amendments proposing limitations on general appropriation bills for the administration of a tax or tariff.

The amendment offered by the gentlewoman from New York proposes a limitation on a general appropriation bill for the assessment or collection of tax liability attributable to the inclusion of certain economic assistance in the taxpayer's gross income. The amendment therefore imposes a limitation on funds for the administration of a tax in violation of clause 5(a) of rule XXI. The point of order is sustained.

The amendment is not in order.

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DELAHUNT:

Page 157, insert the following after line 2:

SEC. 742. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560(c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official cr senior-level communist party official.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) and a Member in opposition to the amendment each will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment, Mr. Chairman. It does exactly the same thing as the one that I and the gentleman from Arizona (Mr. FLAKE) and others offered last year and which passed the House overwhelmingly. It prohibits enforcement of the cap on remittances that can be sent to families in Cuba.

Not many people, I believe, are aware that an aspect of current policy regarding Cuba imposes limits on family charity. Let me just say that again. It is American policy to restrict the amount of financial support that Cuban Americans can send to their families on the island. U.S. law prohibits Americans from giving more than $1,200 a year to their Cuban families. I would suggest that this is shameful, especially for a Nation of immigrants like we have here in the United States.

Is there anything that defines American history or our heritage more than a first-generation family sending money back to the old country to buy food or medicine or clothing for loved ones in need? Such assistance is particularly critical in Cuba. Dollars from American relatives can make a huge difference in the quality of life for a Cuban family. One would think that American policy would be to encourage family assistance; but instead, the law, our law, views Cuban Americans who give too much help to their families as common criminals who can be fined up to $55,000 and sentenced to up to 10 years in prison.

Now, as the Treasury Department will readily tell us, the limits on remittances are rarely enforced. And after the House spoke so clearly last year on this particular amendment, the administration began to allow Cuban Americans who visit the island to bring more money with them. I think the amount is some $10,000, although it did retain the $1,200 limit per household per year. So I would suggest or conclude that even the White House recognizes that this policy is a pointless charade, which begs the question: Why have any limits on remittances at all?

It is important to understand this policy does nothing to hurt the Cuban Government. Nothing. Instead, it punishes American citizens by forcing them to violate the law, and as we have heard elsewhere today, causes disrespect for the rule of law. And it punishes their relatives in Cuba by denying them the opportunity for a better life because, and it cannot be repeated often enough, this money does not go to the Cuban Government. Remittances are direct aid to families in Cuba from ordinary people who care to ordinary people in need.

It is the official policy of the United States that you should only do just so much. This is wrong and it is unacceptable. Last week, President Bush said, and I am quoting him, "Millions of acts of decency and kindness help define the true worth and the true strength of this great American Nation." We all agree with those sentiments. Our government should never seek to limit the kindness and the decency of the American people.

Ending the limit on remittances is one of the most kind and decent things we can do for the people of Cuba and for Cuban Americans here in the United States. We should do this. Support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition, and I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague from Florida for yielding me this time, and I rise in opposition to the Delahunt amendment.

While well-intentioned, in practice this amendment would only serve as yet one more vehicle for the regime to get its hands on much-needed and much-valued hard currency. The goal of the existing controls on remittances is so that the average Cuban, who is denied access to basic necessities by the regime, in order for the dictatorship to provide it to foreign tourists, it is so that that average Cuban receives sufficient funds to survive.

Let me reiterate that the goal of the existing controls is to help the average

Cuban receive funds for his needs. Certainly Castro does not care for his needs.

The amount has been carefully calibrated and reviewed at this moment, taking into consideration the purchasing power of the U.S. dollar relative to the economic realities on the island, the same realities and economic context which has prompted this Chamber time and time again, Mr. Chairman, to limit microcredit lending to small amounts benefiting the poorest of the poor. And they apply to the controls currently in place with respect to remittances in Cuba.

Removing the financial caps, as the Delahunt amendment seeks by prohibiting their enforcement, means more money for the corrupt regime to pocket. In removing all but one of the controls on the recipients of these remittances, the amendment creates an opening for individuals involved in illicit activities, for example, to receive U.S. currency. This amendment removes the safeguards that have been put in place and that are aimed at ensuring that transactions benefit those in need and cannot be manipulated by a terrorist regime starved for foreign currency.

In practice, this amendment redirects some of our U.S. currency flows to Cuba, which in turn the dictatorship can direct towards its friends, that is, rogue states such as Iran, Libya, and Syria. Denying terrorists and their sponsors the resources to continue their activities has become a critical pillar of U.S. policy in the aftermath of the deplorable acts of September 11.

If we really want to help the Cuban people, then deny their oppressor and vote "no" on the Delahunt Amendment.

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Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for bringing this important amendment forward. We should not be in the business of limiting family charity. We should not tell Cuban Americans in this country how much they can send to their families in Cuba.

As the situation now is, individuals in Cuba are only given a certain amount that they can get through the government ration card. That does not allow for some to have meat in their diet. Allowing individuals to send money to their families simply allows that basic necessity. Unless there is a child under the age of 7, for example, you are denied milk. There is no powdered milk available for families without children under 7. This allows Cubans as a humanitarian gesture to obtain that.

Also, it should be mentioned, this is rarely enforced. I doubt anybody in opposition to the amendment believes that families sending in excess of $1,200 a year ought to be prosecuted. If we want respect for the law, let us bring the law into conformity with what is happening on a humanitarian basis.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I have great respect for the gentleman from Massachusetts (Mr. DELAHUNT), and we are working on a series of crucial issues in Latin America; but I have a fundamental disagreement with the gentleman certainly on the issue of Cuba and particularly on this amendment.

My two points that I want to make, number one, we hear a lot about Cuban-American families and their families in Cuba, and those of us who are Cuban Americans struggle with this all the time, the desire to help our families, at the same time propping up a regime that oppresses them.

But the amendment goes beyond that because the law permits remittances from non-Cuban Americans, from ordinary Americans who have no relationship to Cuba whatsoever, to make remittances into any Cuban individual inside of Cuba. Now that means that the potential for unlimited amounts of money by nonfamily members having no relationship with Cubans on the island to send monies into Cuba would be unlimited.

And when we know of Castro's history of his support of terrorism, of his harboring fugitives from the United States, imagine those who support those who think about that in our own country being able to send U.S. dollars into Cuba without restriction as to amounts or process, not for Cuban families, but ultimately for those who wish us harm. That is the risk with the gentleman's amendment and that is the law of the land today. We, in fact, as Americans, can send money into Cuba, and you do not have to have any family inside of Cuba. To now permit unlimited amounts of that happening is against the national interest of the United States and the national security of the United States.

Finally, I would point out that yes, this does help the regime because not only can nonCubans send money, but at the same time what does Castro do, in order to be able to grab those dollars and for him to control its use inside of Cuba, the only way those dollars work are at government dollar stores which are at inflated prices and in essence, gouge the Cuban people. He does get the money and resources, and he gouges the Cuban people in doing so, but it is their only remedy under this totalitarianism. So ultimately, yes, the regime gets the money we are sending. Sending unlimited amounts without limitation and sending it to dollar stores inside of Cuba does not make sense. The amendment does not make sense.

Mr. DELAHUNT. Mr. Chairman, what is the time remaining?

The CHAIRMAN pro tempore (Mr. SESSIONS). Both the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) have 2½ minutes remaining, with the gentleman from Massachusetts (Mr. DELAHUNT) reserving the right to close.

Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I am very proud to be a cosponsor of this amendment that would end the limit on remittances that Americans can send to households in Cuba.

I had a chance to visit Cuba, and I met several people there doing business on their own. I met a taxi driver, and I asked him a lot of questions. One of the things he told me was yes, he has to give a portion of that money to the government, but much of it stayed with him. I said, Really, how is that done?

He said that is how it is done. He pulled out a wad, maybe this thick, of dollars. And this is what is going on right now in Cuba. There is nothing wrong with that. This young man, in my opinion, was very happy that tourists like myself and others were able to visit and spend our dollars.

And yes, there are people right now who would love to send not only dollars but medical equipment to Cuba to help those that are ailing; but because of restrictions, we cannot do that. We cannot do that through normal channels. We are hurting the Cuban people, not the government, but the people. In my opinion, $300 every 3 months is not enough. $1,200 a year is not enough. $100 a month does not do it. I would say that we need to support this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, just to respond to the gentlewoman from California (Ms. SOLIS), Cuba does receive medical equipment. The U.S. can send medical equipment. The gentlewoman might want to look at the law before she speaks in front of us.

Mr. Chairman, nobody wants to help the Cuban people more than the families of those Cuban people. And by the way, no one wants to help those people more than those Members who represent the families of those Cuban people here in Congress, and a few of us represent the bulk of them, the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and myself, and we get elected by those family members that these Members of Congress are saying that they want to help.

But what they understand is there is only one solution for the suffering of the Cuban people, and that is getting rid of the anti-American terrorist dictator, Fidel Castro. When we send more money that has to be sent to the government stores and goes to the government coffers so they can further their terrorist activities, that does not help the United States of America. It makes no sense to help fund a terrorist regime.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, debate has been brief, but I think informative on this matter. The reality is that every dollar that is sent in remittances is spent in stores. Since the economy is owned by the regime, the stores are owned by the regime. So obviously this is a delicate issue in the sense that many people obviously send remittances to their families knowing that their families have to spend the remittances in the dollar stores, and thus the remittances will end up in the hands of the regime that oppresses the Cuban people, including the families that receive the remittances.

But since it is a terrorist regime that engages in terrorist activities in addition to repression of its people, that is why these regulations, this balance, is in place. So again, there is a pattern here. The pattern is let us increase revenues to this dictatorship. Notice we are seeing on the floor today measures to increase revenues to the dictatorship. Whether they come on the floor and say the dictator is a bad guy, look at the actions. What are the effects of these amendments, to increase revenues for the dictatorship?

So we should vote down these amendments and take further steps. For example, when we asked in the resolution that has been alluded to before that the prisoners be released and elections be held, not one prisoner has been released, much less has an election been held. Let us insist on what we asked for, and not help the regime.

Mr. DELAHUNT. Mr. Chairman, I yield myself the balance of my time.

I agree with the gentleman, those prisoners should be released, and we will continue to work hopefully to secure their release. At the same time, the gentleman cannot deny the level and magnitude of the human rights abuses in Saudi Arabia, and we have to be equally as ardent and vociferous in our condemnation on what occurs in that society. We have to have a policy that is devoid of hypocrisy.

Let me go to the amendment very briefly. The reality is that Cuban Americans who travel to Cuba, and there are many of them and they go there frequently, they pour out of the Jose Marti Airport and embrace their relatives there. And the reality and truth is they do bring dollars with them far in excess of $1,200 a year, and I know if I had family in Cuba, I would do the same because family is first.

I recognize the Cuban community and the Cuban-American family believe in a sense of fairness. This is not to increase revenues for any government, it is to take care of people, families. When you are in Cuba and you are there and you are visiting not just with dissidents but ordinary Cubans, they tell you this is a life line to survive, and that is why we bring this amendment to legitimatize what is going on. We know the Treasury Department does not enforce this particular remittance, but it is to legitimatize the reality and support families everywhere.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 742. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from California (Mr. GEORGE MILLER) who is the ranking member of the Committee on Education and the Workforce, the gentleman from New York (Mr. HINCHEY), the gentleman from Illinois (Mr. EMANUEL) and the gentleman from Minnesota (Mr. GUTKNECHT). This amendment also has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, it has the support of the Pension Right Centers, and the IBM Employees Benefit Action Coalition.

This amendment is simple and straightforward. Five weeks ago, the Federal District Court for the Southern District of Illinois ruled that IBM's cash balance pension conversion violates Federal age discrimination law. The conversion, Judge Murphy found, violated the age discrimination provisions of ERISA because it discriminates against older workers.

☐ 1615

This court decision confirms what millions of American workers have been saying for years and what hundreds of Members of Congress have also gone on record as stating. Conversions to cash balance pension plans discriminate against older workers, are illegal and must not be allowed to happen. This amendment would simply prevent the Federal Government from using any funding to assist in overturning the Federal district court ruling. That is what this amendment does.

By passing this amendment, we would not only be upholding the law, which is the least we can do, but we will also be standing with millions of workers who have lost, and are in danger of losing 20, 30, 40, 50 percent of the pensions that they have been promised by their employers.

Mr. Chairman, why did Judge Murphy rule against the company and decide in favor of IBM employees? Let me just read a brief excerpt of what he wrote:

"In 1999, IBM opted for a 'cash balance formula.' The plan's actuaries projected that this would produce annual savings of almost $500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act, that is, ERISA. IBM's own age discrimination analysis illustrates the problem." That is from Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when many hundreds of IBM employees in Vermont contacted my office and told me that the pensions they had been promised by the company had been cut by 30 to 50 percent. Imagine that. Workers staying at a company through good times and bad times, providing loyalty to their employers, and then one day the company sends out a message which says, in so many words, thank you for your years of dedicated service, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Thank you very much, but we've changed our minds, we've pulled the rug out from underneath you, we're cutting your pensions by up to 50 percent.

Yes, IBM had enough money to pay out a $260 million compensation package to former CEO Lou Gerstner. $260 million to one man, but they just could not keep their word to their long-term, dedicated employees. And, of course, it is not just IBM that we are talking about today. It is hundreds of companies that have done exactly the same thing. It is companies that have broken the law, discriminated against older American workers and slashed the pensions that those workers were promised.

Mr. Chairman, it is no secret that the middle class in this country is hurting. Americans are working longer hours for lower wages. Their health benefits are being cut. Corporate America has thrown millions of American workers out on the street as they move our manufacturing sector to China, to Mexico and anyplace that they can find where they hire people for pennies an hour. Meanwhile, in many instances, the CEOs of these very same companies make out like bandits.

Mr. Chairman, a segment of corporate America have destroyed American jobs, destroyed health care benefits and now they want to destroy the pension benefits that were promised to their workers. We must not allow that to happen. Even corporate America, even major campaign contributors, even folks who can spend huge sums of money by placing full-page ads in the New York Times and elsewhere, even those people have got to obey the law. That is what this amendment is about. It is about obeying the law and not engaging in actions that violate Federal age discrimination statutes. In our country, we have come a long way by ending discrimination based on race, gender and disabilities. And today we have got to make it crystal clear that we will not allow discrimination against older American workers. We will not allow the Treasury Department to use taxpayer dollars to support age discrimination.

Mr. Chairman, let us not forget that companies with defined benefit pension plans receive $89 billion a year in tax breaks to set up pension plans for their workers. Out of all of the tax breaks that companies in America receive, the tax break for pension plans is far and away the most generous. Congress and the Federal Government should not be providing taxpayer dollars for companies to commit age discrimination against its workers.

Mr. Chairman, it is very important for the House to support this amendment today. It is important, Mr. Chairman, because despite the fact that cash balance conversions have been found to be illegal in the courts, the Treasury Department is still pushing proposed regulations that, if enacted, would give the green light to these very same cash balance pension plans that the Federal court has ruled are illegal. Clearly, the Treasury Department is intent on pushing these illegal conversions by all means at its disposal, and we must not allow that to happen.

Mr. Chairman, just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions. I thank all of them for their support for older American workers. In addition, over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Today we have the opportunity to once again show our support for American workers and oppose a plan which is unfair, immoral and illegal. I urge strong support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, knowing no other Member to do so, I will claim the time in opposition, although I do not intend to speak on the amendment myself, but I will claim it for the purpose of yielding to any other Members that may wish to do so.

The CHAIRMAN pro tempore (Mr. SESSIONS). Is the gentleman seeking time in opposition?

Mr. ISTOOK. I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman reserves the balance of his time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me just tell my colleagues how I came into this issue in the State of Vermont. I came into this issue when, several years ago, my phone lines bounced off the hook because large numbers of workers at the Vermont IBM plant in Essex Junction, Vermont, suddenly learned for the first time that the pensions that had been promised to them were going to be cut substantially and in some cases by up to 50 percent.

I became involved with these workers who stood up and said to the company, you made us a promise and when times were bad, we stayed with you, we didn't go someplace else. One of the reasons that we stayed with you is because you had promised us a certain pension that we were basing our family retirement on. That is the promise that had been made. What these workers did is stood up, talked to their fellow IBM workers all over America and they fought back and they won some partial benefits as IBM made some rescissions in what they did, but they continued the fight. What they have said, and workers all over America have said, is we cannot discriminate against workers simply because they are old and move to cash balance.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank him so much for his battle on behalf of American working families and retirees for pension protection and safety that he has led in this Congress now for a number of years.

Mr. Chairman, we are here again because of the relentless effort of this administration to empower corporations to cut the pensions of older workers in this country. If this amendment does not pass, the Treasury Department will go forward and provide a ruling that will make it safe for corporations to cut the pensions, the defined pension plans of older workers. Hundreds of corporations already have filed notice that they want to do this, they are simply waiting for the Treasury Department to make the ruling. We were here once before, and the Congress made a determination that this was unfair, it was inequitable, it was mean-spirited and it was damaging the economics of retirees and their ability to provide for their retirement.

The last time the gentleman led this effort, the General Accounting Office came forward and studied the impact of that effort and found that, in fact, many of these pensioners risked losing half of their pension. So the situation today is much the same as when the gentleman from Vermont first sounded the alarm a couple of years ago. But what has changed is, in fact, we now have a court opinion from the Federal District Court in the Southern District of Illinois that ruled, in fact, that IBM had violated the age discrimination protections when it changed its pension plan to accept a cash balance plan. What they did there was they ruled against older workers. They were going to deny older workers the pension benefits that they were entitled to, and they were going to get far less than younger workers were going to get, and that is age discrimination, because that is what they are doing. They are discriminating against older workers, 50, 55 years old, who have 15, 20 years at a company. Now, all of a sudden, they are going to find out that their pension plans have been cut in half.

What does that mean? That means that those people who have worked hard, made their plans for retirement, tried to develop their retirement nest egg so they could have a standard of living to carry them through their retirement years. All that is now threatened, and, essentially, it is gone. Because where does an older worker go to get back that pension benefit when they are 50, 55 years old with that company? They cannot do that. They cannot do that. That is the unfairness of this. That is why AARP, the American Association of Retired Persons, supports our amendment. That is why the

Pension Rights Center supports the Sanders-Miller amendment. That is why they support this effort to bring equity to this effort.

What are we trying to say? Let the worker make a choice. Let the worker choose which benefit would help them the most. Companies under our legislation would still be allowed to convert to cash balances, but what they would not be allowed to do is to harm older workers and their families in the effort to do that. That is a significant amount of money to these workers. We have heard from workers all over the country who have e-mailed our office because they have heard that their company is thinking about this. We have heard from people in the financial industry, in the airline industry that have been through this, the telecommunications industry, industrial companies from all over the country who are now being made aware of the fact that they may lose their pensions.

Mr. Chairman, American families are reeling in this economic downturn. They are reeling from long-term unemployment, from rising health care premiums, from steep declines in their savings and the 401(k) investments that were lost in the bursting of the stock market bubble. These people are scrambling to keep their health care benefits, to keep their pension benefits and to keep their jobs. This Congress should not now come along and tell them that we are going to put their pensions at risk. We know that Americans, the baby boomers, people my age and others, who are thinking about retirement over the next 10 or 15 years are now starting to focus on whether or not they will be able to do that. The pension plans that the administration has in order, that the Treasury Department is trying to put in place, put all that at risk.

I would urge my colleagues, as they have in the past on a bipartisan basis, to support the Sanders-Miller-Emanuel-Gutknecht amendment to make sure that, in fact, those pension plans are not put at risk and those families are not put in that economic difficulty.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly appreciate the great passion, and it is passion that is well-placed, when we talk about the issue of pension plans for workers and trying to make sure that there is stability and some surety in those plans.

□ 1630

So I appreciate that, and I realize that this is an issue that is being hotly contested in court.

Now, I do not know enough about the intricacies of the argument to know whether I agree or disagree that the judge has properly followed the law or not. I do know, however, that it is really going to be questionable whether this amendment will accomplish the intended objective.

We have seen several amendments on this bill like that, Mr. Chairman, where people offer an amendment and they tell everybody this will be the effect of my amendment. But that does not make it so.

If you look at the text of the amendment actually offered, it says, and here we are talking about the Transportation and Treasury appropriation bill: "None of the funds appropriated by this act may be used to assist in overturning the judicial ruling contained," and then it recites this court order that was issued out of the U.S. District Court for the Southern District of Illinois in this particular case regarding the pension plan of IBM.

Now, when the amendment says you cannot use funds from the Transportation-Treasury appropriation bill to assist in overturning the judicial ruling, what does that mean? Because, you see, Mr. Chairman, it is the Department of Justice that is involved in representing the government in this litigation.

The funds that are used to potentially file an appeal of this ruling are the funds of IBM, and they are the funds of the Justice Department. It is not the Treasury Department directly that is involved in this, although obviously anything that has to do with pension plans and tax rulings has implications for the Treasury Department.

But this amendment is not going to control what happens in that case. I realize it presents an opportunity for different Members to stand up and say what their position is about that particular ruling about pension plans, but I do not think this amendment is going to bring about the result that people desire.

This amendment does not control what the appellate court may or may not do with the order issued in this case. That is beyond us. We are not here to dictate to a court that this is what you must find. We are here to determine what the law is. The courts interpret the laws. If they do not do a good job, sometimes we will change the laws or do something related to that court.

But this bill is not ultimately going to control the disposition of that lawsuit. It ultimately will not control whether the underlying law is going to be changed or not. As the Committee on Appropriations, we do not make the tax laws. We do not make the pension laws. We have other committees in this Congress, the Committee on Ways and Means, the Committee on Education and the Workforce, the Committee on Energy and Commerce, have roles in part of this. But it is not going to be decided in this bill.

So I think it is important for Members to understand that whether this amendment is adopted or not adopted is not going to control what the underlying pension law of the United States is. It is consuming time for the House to take up the debate, but we will take it as Members want to. There may be other Members who want to come down to the floor and talk about the amendment, to oppose it, just as we have some Members that have come to the floor to speak in favor of it. But I would not want anyone to think that we are actually deciding what will be the pension laws or the outcome of that particular litigation when we vote on what will happen with this amendment.

Mr. Chairman, having said that by way of explanation, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 3¼ minutes to the gentleman from Illinois (Mr. EMANUEL), who has played a very active role in this issue.

Mr. EMANUEL. Mr. Chairman, just over a month ago, the Federal court ruled that IBM violated Federal anti-age discrimination laws when it converted from its traditional pension plan to a cash balance plan in the 1990s. As a result, over 130,000 of IBM's longest-serving workers, including many in my home State of Illinois, moved one step closer to receiving the retirement benefits they rightfully earned. Despite the court's decision, this administration is pushing regulations allowing companies to switch to cash balance.

Let us be honest: cash balance plans can work. We can create a win-win situation here just along the model that the Secretary of Treasury did at CSX, where you grandfather in older workers. We do not need to create a win-lose situation that only benefits employers and harms employees. There is a way to create a win-win situation that reflects the commitment of long-serving workers and older workers who are nearing retirement, and also gives younger workers a plan like a cash balance retirement plan that is a hybrid between both the defined benefit and the defined contribution plans.

When Secretary Snow was at his confirmation, he talked about what they had done at CSX when he was CEO and chairman. We always around here laud the private sector as a model. Well, I present to you a model, what CSX did for its own employees. It created a win-win situation for the company and for the individuals there, whether they were 58 and near retirement, or 38 and started as new workers. That should be the way we approach this situation.

I am a proud original cosponsor of this legislation. I think it reflects our values of rewarding work, loyalty, and taking responsibility. Thousands of companies are awaiting this decision.

I, along with the gentleman from Vermont (Mr. SANDERS) and the gentleman from California (Mr. GEORGE MILLER), my colleagues, went to testify when there were hearings for this rule change.

It would be wrong to pull the carpet from underneath employees who are nearing retirement, relying on that retirement, planning on that retirement. As we say in our own legislation, if this is good enough for the private sector, let us adopt it here in Congress. Let us have a cash balance plan.

We all know the study that was done. It would affect older-serving Members who have years of service here who have relied open that retirement plan. If it is good enough for people in the private sector who are older workers, should we try it here in Congress? The answer resoundingly would be "no."

But, again, we are not going to debate today the principles underneath this bill. What we are going to say is while this decision is moving through the court, the funds through this appropriation process cannot be used to go around the court and implement this plan.

Yes, later on we will debate a pension plan and reform the system. We have the right values in this legislation. I believe it is correct to withhold the funds to ensure Treasury does not go around the court and have this decision work its way so we do not in any way send a signal to other employers to pull the rug out from underneath their employees. Let the court decision go its way. Do not allow them to fund this process and go around the court ruling.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who has been a very active leader on this issue.

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman from Vermont for yielding me time.

Mr. Chairman, it has been my privilege since I have been in public life to represent thousands of IBM employees in Rochester, Minnesota. In fact, approximately 6,000. I do not know how much of the story has been told, but this is a serious subject.

Now, I come at this not only as a representative of over 6,000 IBMers, but I come at this as a former member of the Legislative Commission on Pensions and Retirement. So I am not saying I am an expert on pension policy, but this is something I probably know a little more about than the average Member of Congress.

As the gentleman from Illinois just said, the concept of these cash balance plans or defined contribution plans, modified defined contribution plans, is not necessarily a bad idea. For many younger employees who are going to change careers and jobs throughout their careers, this probably makes some sense. But the bottom line for older workers, workers who have been with a company for perhaps 20 years, this is a shameless attempt to try and steal pension money. Part of the reason that IBM lost that lawsuit in southern Illinois is because the facts did not support their position.

I want to talk a little bit about a different dimension to this, because I do also agree with the gentleman from Illinois; we can craft a plan that is a win-win situation, that would allow companies to convert their pension plans, with one caveat: that you give vested employees a choice.

Let me just read from the dictionary the definition of the term "vested." The definition is "settled, fixed or absolute; being without contingency, as in a vested right."

The way you do this, Mr. Chairman, is you literally say to those employees who have been vested that you get a choice. The companies can make a conversion, if they want, for any new hires. They can even make a conversion for those employees who have not vested. But at the least, we ought to agree with this amendment that the Federal Government and its resources should not be used to appeal this particular case. This is a very important case.

Let me just talk to the Republicans for a minute. Understand, I am not sure that Republicans understand what is at stake here and who really is involved. We are not just talking about 6,000 IBMers; we are talking about literally hundreds of thousands of other people, most of them who are 45 years of age or older, who have been with a company for a very long time, many of them what we would call professional people, college-educated, technically trained people. Let me be very blunt: 75 percent of them vote Republican. They understand this issue, if it has happened to them or if they are afraid that it will happen to them.

In fact, go back to the issue of vested. TIAA-CREF, when they put out a questionnaire or they put out some questions and answers when people sign up for their various pension plans, let me read Question 7 and the answer. I do not have to read the answer.

The question is, "When do my plan contributions become vested?" And then in parentheses it says "i.e., owned by me."

Now, what 6,000 IBMers found out, I should say probably 5,000 of them at least who were vested, what they found out is there is no legal definition of the word "vested."

They came into work one day and they had calculators. As part of their computer tool kit on their computers, they had pension calculators which would literally calculate for them how much their pension would be worth if they stayed with the company until they retired at age 65 or 66, whatever the age was. They could do their little calculation of how much their pension was worth.

All of a sudden they came in one day and IBM changed the pension plan. For a few days IBM made a huge mistake. They left the calculators on the employees' computer screens. They could very quickly do the calculations in terms of how much the old pension plan was worth to them and then how much the new pension plan was worth to them.

They did not have to be computer experts to begin to figure out that all of a sudden they had lost, in some cases, hundreds of thousands of dollars' worth of pension benefits that they thought were vested.

Mr. Chairman, we should not mess with this. I agree with the chairman from Oklahoma. I do not think the Congress should be messing with this. I do not think the administration should be messing with this. I think this should be left to the courts.

He said, well, this is not pension law. But, understand, and I hope the gentleman from Oklahoma is paying attention here, because pension law is set in several different ways. First of all, it is what is in statute. It is also what is in rule. That is what we are concerned about.

The other thing we are concerned about that is really at issue today is in terms of precedent in the courts. In some respects, this administration is taking a wrong turn by getting involved in this issue. This is an explosive political issue. If you do not believe it, I would ask you to come to my hometown and have a town hall meeting, or have a committee meeting, if you want to hear from 6,000 IBMers.

This is a good amendment. This is the right thing to do. It ought to be included in this bill.

□ 1645

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would say to the gentleman from Vermont (Mr. SANDERS), wherever he is. I am going to suggest a vote against his amendment. I have been around business many years, and I have been in and out of pension plans in many different corporations, and this is a dangerous amendment. I am not going to talk a long time on this thing; I just have to tell my colleagues how I feel.

Also, I am on the Committee on Ways and Means, and I would like to feel that we would have an opportunity to understand this and look at it. There has been no notice on this thing whatsoever.

But the bottom line is this: the Cooper ruling threatens to drive employers out of the pension system. Pension plans nationwide will be burdened with huge additional liabilities, leaving workers worse off. Is that what we want?

As a result of the Cooper decision, we understand the voluntary pension system itself would be in danger. Is this the protection workers need? I do not think so.

Frankly, I would urge people to vote against the Sanders amendment. It is not going to help the people I know, the people I have worked with, particularly the senior employees of various corporations who are so dependent upon our defined benefit plan.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an ad, I say to my colleagues, that ran in today's New York Times and it ran in some other newspapers I think here on Capitol Hill as well. It says, "Don't destroy America's pension system. Vote no on the Sanders amendment." It says, the Sanders amendment to the Treasury Appropriation bill threatens to outlaw vast numbers of pension plans." Well, that is just outrageous. That is simply not true. We do not outlaw any pension plans.

It goes on to say, "Prevent pension plans from protecting employees' pensions against inflation while they wait to receive their benefits." That is not true. The Sanders amendment does not do that.

All this amendment does, I say to my colleagues, is it says the Federal Government, the Federal taxpayers should not join in this lawsuit against workers. I mean, these workers literally have had pension benefits stolen from them and we are saying, at least the administration should be kept from joining sides with the company. This is the most outrageous ad since the prescription drug ads that they were running a few weeks ago.

Now, the gentleman from Vermont (Mr. SANDERS) and I agree on almost nothing, but twice a year we agree on two things. One is the prescription drug prices and the other is pension policy.

This is a good amendment. It ought to be included in this bill. It is outrageous for the administration to join sides with companies that are trying to steal from pensions.

I say to my colleagues, we have to understand, pensions are in trust. We had this when I was on the pension commission back in Minnesota. One year there was a firefighter from Winona who embezzled something like $200,000 from the Winona Firefighters Pension Fund. And both sides came in and said, it is not my money. It is not my money. The money that was embezzled belonged to the city, or it was not our money that was embezzled. And then, when the pension fund started to get better rates of return and they were making more money than they needed, then the groups were coming in and saying, wait a second. That is our money.

The fact of the matter is pension money does not belong to the company and it does not belong to the employees. It is in trust. And when they make these conversions, the real purpose is to take that money, in effect, out of the trust and put it on to the bottom line of the companies.

This is a good idea. This amendment should be added to this bill.

Mr. BACA. Mr. Chairman, I rise in support of the Sanders Amendment.

This amendment is simple and straightforward. It would simply prevent the Federal Government from using any funding to assist in overturning the federal district court ruling that declared IBM's cash balance pension conversion to be in violation of the pension age discrimination laws that are on the books.

This amendment would protect millions of American workers throughout the country who have been negatively impacted by illegal age discriminatory cash balance pension conversions.

This amendment has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, the Pension Rights Center and the IBM Employees' Benefits Action Coalition.

A federal district court in Illinois has already ruled this practice as illegal. In the case of IBM, 130,000 employees have seen their pensions slashed as a result of IBM's cash balance scheme. The message was clear. These cash balance plans—which slash the pension benefits of older workers by as much as 50%—are illegal.

Despite this court ruling, it appears that the Treasury Department is still moving ahead with proposed regulations that would give the green light to the very cash balance pension plans that the federal court ruled are illegal. This is wrong.

Just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions, and over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Congressional intent is clear—these conversions hurt our nation's pensioners and this practice must stop.

But, there are some in Congress who may believe that cash balance plans are good for American workers. Well, according to a CRS report the Speaker of the House, the distinguished Majority Leader and others would see their pensions slashed by as much as 69% under a cash balance plan.

We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we must not tolerate discrimination based on age.

I urge my colleagues to support the Sanders Amendment.

Mr. SANDERS. Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this amendment is designed to ensure that we have an even playing field when the Federal Government decides to hold a competition to contract out Federal jobs and services to private contractors. It has been the long-standing policy of our government to allow for public-private competitions for those services that can be appropriately performed in the private sector, and that process is known as competitive sourcing and it is a good process. But as part of an ideologically-run agenda to contract out more and more Federal Government jobs, the Office of Management and Budget, on May 29, issued a new circular, a new ruling, and they rewrote the rules to tilt the playing field in favor of private contractors at the expense of Federal employees.

Now, Federal employees are happy to submit to competition. I have thousands of Federal employees in my congressional district and they are willing to compete with the private sector. But it is unfair to ask them to compete with one hand tied behind their back, and that is what the most recent OMB rewrite of the circular does; it stacks the decks against our public employees.

There are going to be 416,000 Federal employees that will have to submit to the new privatization process.

Now, under the current system, about 60 percent of the times when we have these private-public competitions, about 60 percent of the time, the Federal employees have won the bid. But according to the Private Contractors Association, the association that represents those who would be receiving the private contracts, according to them in their own written statements, if the rules are rewritten, the number of times the Federal employees could win would drop from about 60 percent to 10 percent of the time. Now, how can we predict that in advance if we have a fair process?

Well, the reason we can predict it in advance is it is not a fair process. It rigs the process against Federal employees, and it is a bad deal for taxpayers, because as taxpayers, what we want is the best deal for all of us, and to get the best deal, we want an even playing field. And if we rig the process in one way, it is not just unfair to Federal employees, it is unfair to taxpayers around this country, because they are not getting the best bang for their buck.

So what does this amendment do? What this amendment does is it gives the OMB, officials at the Office of Management and Budget, another chance to rewrite the rules. It would keep in place the A–76 rules that have governed the process right up to May 29 of this year. So it does not get rid of private-public competitions, it just says let us have a time out and take another look at these rules to make sure that they are fair.

In fact, it does not go as far as we have gone in this House earlier this year. In the Interior Appropriations, there was an amendment added that got through this House that actually prohibits the Department of the Interior from new contracting out in this coming year, to do new reviews in this year. This amendment does not go this far. This does not say no new contracting out. It just says let us play by the rules that we have been playing with up until May 29 until we have an opportunity to visit the flaws, revisit the flaws and look at the flaws in the new process.

What are some of those problems? Number 1, the new OMB circular does not even allow the Federal employees to submit their best bid. You have a streamlined, fast-track process. Now, the pro-contractor commercial activities panel have themselves said that Federal employees should have the right to submit their best bids because of the so-called most efficient organization process, the process by which Federal employees can also organize themselves flexibly so that they can compete on an even playing field, that that is designed to achieve efficiencies and promote higher levels of performance.

Well, if the new A–76 process is about performance and efficiencies and more competition, why is it designed so it does not allow Federal employees the ability to organize themselves to submit their best bids in the competition?

Another problem: The new circular does not require contractors to at least show as part of their bids that there are going to be appreciable savings. It would not require the contractors as part of the bidding process to at least promise the taxpayers some financial benefit, and that is a change. Up until May 29 of this year, we required that the private contractor submitting that bid show that they are going to achieve at least a 10 percent savings, or $10 million, whichever is less, over what is being done by the Federal employees. These contracting-out processes, these competitions cost us a fair amount of money and time and resources to organize it. We should, at the end of the day, at least be able to show the taxpayers that we are going to get a better deal than at the beginning of the day. That is what the old OMB circular did. The new one does not do that.

Another problem: It artificially inflates the cost of the Federal employees' bids. So right off the bat, if you are the Federal employees group, you are at a disadvantage because it arbitrarily assumes about a 12 percent overhead as part of your bid. Now, the Inspector General of the Department of Defense has said that the 12 percent overcharge arbitrarily slapped on in all the in-house bids is insupportable, and that either a new overhead rate must be established or an alternative methodology must be devised to allow overhead to be calculated on a competition-specific basis. In fact, there has been an egregious case recently showing how Federal employees, that their bid would have saved the taxpayers millions of dollars over a private sector bid, and the private sector company got the award, but it turned out that because they had miscalculated the overhead for the Federal employees, the taxpayers got burned.

So if the new A–76 process is being written to promote fair public competition, why does it so dramatically inflate the overhead cost for the in-house bids by Federal employees?

Another problem: It discourages the private sector from providing adequate health care benefits to its employees. In other words, in order to get the contract, the bid from the Federal Government, you in the private sector, in order to get yourself a better deal, you submit a package as part of your bid, it does not contain adequate health care benefits for your employees. Obviously, that saves you money. It essentially allows the jobs to be shipped out to somebody else who does not provide adequate benefits.

If that is not the intention, we in this body should do exactly what the Senate did on a bipartisan basis earlier this year in the Senate Defense Appropriations bill, where they said that if you are the private sector company and you are offering a bid that does not have adequate health care benefits, then the cost of health care benefits should not be considered as part of either bid. In other words, it should not be factored into the Federal employees' bid, and it should not be factored into the private contractor bid. That way, the private contractor would not achieve an unfair advantage by providing little or no health benefits to its employees.

So those are just some of the problems, Mr. Chairman. As I said, all we need to do is take a time out, let us play by the rules that were in effect up until May 29 of this year, and provide a little time to do the rest.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform.

□ 1700

Mr. TOM DAVIS of Virginia. Mr. Chairman, as I understand this amendment, it basically strikes the new OMB circular A–76 and would be replaced by the old OMB circular A–76, which all the parties were complaining about prior to this time. So the question really before the House is, is the new circular which was met, after getting input from all of the stakeholders, with a number of unanimous agreements on how this should be changed and incorporated into this, after literally 700 comments were received in developing the guidelines, if this should be changed or should we go back to the old circular A–76.

Is that a correct understanding?

Mr. VAN HOLLEN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, there are certainly problems with the old A–76 that I believe should be corrected, but I also believe that the new A–76 is, in many parts, worse and creates a more unfair playing field for Federal employees.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I understand the gentleman's position. To be sure, all of us who have dealt with these issues, and I have, for a number of years, there are concerns about the way the administration has gone about competitive sourcing. Two major problems that come in: One we have fixed with this bill, and that is when the administration goes to competitive sourcing, there is a cost to that because you have to hire people to evaluate it. There are costs of the government looking and revamping how they would produce a service. You are evaluating the private sector to see how they would provide the service. There are costs to that, and right now those costs are not currently recaptured.

We have put language into the underlying legislation here through our committee that will, for the first time, have the Federal Government report on those costs so that they can be adequately waived.

The second is issue is, I think in some cases the administration is moving too fast, doing too much competitive sourcing, more than they can adequately handle and evaluate. We have heard there have been a couple high-profile instances where the administration has come forward and the evaluations have probably not been appropriate, and I think they are biting off more than they can chew. But I do not think that goes to the base of the A-76 reasonable or reasonable. I like the new procedure, or if there are revamps, I would prefer not to do it through this process. I would rather go back and evaluate it in committees. We have held hearings and are continuing to look at this.

Remember, competitive sourcing is not the same as out-sourcing or privatization. Its purpose is neither to downsize the workforce or to contract jobs out. It is about harnessing the benefits of competition to produce superior performance for the taxpayer, regardless of who performs a service. And in almost every instance where competitive sourcing is applied, the government ends up with a savings. Sometimes this is done by the government employees and the government groups who have gotten together and have retooled the way they provide the service and do it more efficiently. Sometimes it is done by an outside party coming in and showing that they can do it better.

There is no way to measure efficiency in government when you are a monopoly. But if you can go out, occasionally, to the private sector and say, what can you perform, it gives us a standard of performance, a measurement of efficiency that we would not have otherwise.

Now, there is a problem with this that I readily concede, and it troubles me, and it is one that the gentleman from Maryland (Mr. VAN HOLLEN) and I have wrestled with. And that is, who wants to come work for the Federal government and dedicate a career to civil service if your job is going to be up for evaluation every 5 years, which is what the guidelines in last year's bill called for. Twenty percent every year was going to be looked at, of inherently non-governmental services that the government is providing, and we would see if it could be competitively sourced. And, basically, that meant on average every 5 years a person's job would be evaluated, and that hurts our recruitment. It hurts our retention.

Now, the fact of the matter is, in most cases where the outside parties win, Federal employees are offered rights of first refusal. In fact, that is spelled out better in the new A-76 circular. That if, in fact, the government is displaced by an outside firm, jobs are offered to the Federal employee government to provide that service so they are not out of work. They are no longer Federal employees. They lose some benefits; they pick up some benefits in some particular cases. But to be sure, there are instances that we wrestle with.

Now on May 29, the OMB published its final revisions of the A-76 process. These revisions were the first major overhaul to the competitive sourcing process in 20 years. And this came after all parties, but particularly Federal employees, were complaining about the old system, a system that we return to if this amendment passes.

What we have now is a product of a 2-year effort that includes discussions and negotiations with all stakeholders including Federal employee groups, private sector companies. As I stated before, more than 700 comments were taken into account in developing these new guidelines. They also incorporated the core recommendations of the Commercial Activities Panel. This panel, headed by the Comptroller General, conducted a year-long review of the competitive sourcing process and issued recommendations, most of them unanimous, for comprehensive changes to process. And I think we have to give that revamped process a chance to work before we willy-nilly throw it out and go back to the old process, which everyone was complaining about.

I think the new process is, in many ways, fair. The gentleman from Maryland (Mr. VAN HOLLEN) and I disagree. I will address more of this later. I urge that we oppose the Van Hollen amendment which would take us back to the days that everyone was complaining about and just were not working efficiently.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond briefly to a few of those points. There is no doubt that whenever we do these competitions, and I think these competitions are a good thing if done fairly, when we do these competitions, it does cost the taxpayer money just to set them up and run them. Just as the gentleman from Virginia (Mr. TOM DAVIS) has said, that is an expense.

That is why it is baffling to look at the new circular and see that, unlike the old version, the new circular does not require that the private contractor show some savings is going to be achieved from their bid. It used to be you had to show at least a 10 percent savings or $10 million or whichever is less. That is not part of it any more. And yet we will go through the expense of setting up these competitions and taking out the one provision that ensured some kind of savings for the taxpayer.

Number two, I share the gentleman's concern about the Federal employee who is planning a career, investing time and energy and knowledge in the Federal Government because the Federal employees can win the bid and the next day they could be subjected to another round. And within 5 years, it is required after 5 years that they be subjected to another round of competition. There is no such requirement placed on the private contractor.

There are many other issues. I just think it is time to send them back to the drawing board. They may have spent a lot of time on it, but they did not get it right. Let us let them get it right.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, someone who has spent a lot of time working on this issue as well and who has been pushing the issue of fairness to Federal employees.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Van Hollen amendment to the Transportation, Treasury Appropriations bill.

The amendment of the gentleman from Maryland (Mr. VAN HOLLEN) blocks the administration from using Federal funds to implement revisions to the A-76 process. In effect, it prevents the administration from paying politics with the civil service system, and it deserves my colleagues' strong support.

Now, this week the Brookings Institution reported on the true size of government. Unfortunately, the report is not surprising to those of us who have watched this administration's assault on the Federal workforce.

The Brookings Institution found that the shadow workforce of private contractors working for the Federal Government is now 16.7 million, which is 9.5 times as large as the civil service workforce.

This administration is not satisfied with a private contractor workforce of 16.7 million, so it is launching yet another attack on Federal employees.

Let me say to those conservatives who say, we want to shrink government, contracting out does not shrink government. It is public-funded jobs, but it is public-funded jobs in the private sector. Taxpayers are paying for it, but these people may not have any of the benefits, and they may not be saving us any money.

This administration is launching yet another attack on Federal employees because the vehicle for this assault is this obscure OMB circular called A-76, which the administration recently revised to accelerate the transfer of Federal jobs to the private sector.

This mad rush to privatize civil service is dangerous. When the government turns to poorly supervised private contractors, the potential for waste, fraud, and abuse soars.

This is not just my assessment. Just read the countless GAO reports on contractor abuses. The problem is so bad that contract management at DOD, the Department of Energy, and NASA, the three agencies that most heavily rely on private contractors, is on the GAO's list of high-risk Federal programs.

Mr. Chairman, the Office of Management and Budget's Statement of Administration Policy alleges that the Van Hollen amendment prohibits funding for public-private competitions. It does not. The Van Hollen amendment simply prohibits these competitions from being conducted under the newly revised rules giving it an unfair advantage to private contractors.

The Washington Monthly wrote last month, "Even the Federal payroll can become a source of patronage. . . . Bush has proposed opening up 850,000 Federal jobs, about half of the total, to private contractors. And while doing so may or may not save taxpayers much money, it will divert taxpayer money out of the public sector and into private sector firms, where the GOP has a chance to steer contracts toward politically-connected firms."

This is not shrinking government. This is using government for patronage. It does not create new private sector jobs. It creates private sector public-taxpayer-funded jobs.

Mr. Chairman, it is time to stop this destructive effort to give Federal jobs to private contractors who are campaign supporters. Vote yes on the Van Hollen amendment and stop this administration's war on Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from Oklahoma (Mr. ISTOOK) allowing me to stand in opposition to the Van Hollen amendment.

Today what we are talking about really is the opportunity for the taxpayer to be the winner in the work that is performed by and for the government. This amendment obviously would require that all public-private competitions be conducted under the old and wisely distrusted A-76 circular.

We, in Congress, had a hand in forming not only this Commercial Activities Panel, but I think that Congress needs to listen to the changes that took place back in May from this body.

Essentially, what they did is they went and looked at other areas of government that had been doing outsourcing in a positive way; what I might call best practices, a way to look at the way things should be done that would be better for not only government employees and also good for those who might be bidding, but, more importantly, to really get them up to date with the leading edge practices.

Essentially what happened was there were a lot of transparencies, a lot of things that were recognized that needed to be changed. Some of them had a time frame so that these competitions did not stretch on forever. But perhaps the most important part of applying this, and these changes, is that it is going to really offer a level playing field. That is entirely different than the old A-76 process.

Mr. Chairman, the old A-76 was essentially a competition where everyone bid and then the government was a part of that. These changes will create a level playing field that I think is better for government employees. Because what will happen is the competition will now be under the Federal acquisition regulations, which means that government will be able to respond to the best offer from the private sector. So the government will be able to now respond.

Those employees will now be given an opportunity to see that bid and to compete against that, which gives government employees a chance, not in the whole mix, but rather specifically against the best offer to where it is a real competition.

These are things that have been done in the Department of Defense for a number of years.

So instead of allowing the mix where government employees would be participating against eight or ten different proposals, they now have an opportunity, under the revision that came from this Commercial Activities Panel, to update the process and make it better. Government employees now have an opportunity to compete against what is seen as the best offer.

□ 1715

I disagree with the gentleman from Maryland. I think really what is trying to happen here is they are just trying to kill the whole process, cause a smoke screen when, in fact, we, as Members of Congress, should recognize that through a series of acts, that we have talked about and debated on the floor of the House of Representatives that we determine that the taxpayer needs the best that can come from these competitions. If it is government employees, so let it be. If it is not government employees, in a part of the business that is not inherently governmental, then it should go to whoever can do that best, who can do it at the best cost, who can provide it day in and day out to the best effort of what the taxpayer is.

I will tell my colleagues that I oppose the Van Hollen amendment because I believe that the commercial activities panel who offered many unanimous recommendations, unanimous recommendations from people all over, not only unions, but also other commercial bodies, people who know the business, people who know the marketplace, people who know what is fair so that the taxpayer can get the best dollar for what they paid for, they are the people who studied this, they are the people who made the recommendations, and they said they want to be fair, fairer, best practices, not only to government employees, but also those employees who might be in another company who are competing for something that is part of the business of the United States government that is not inherently governmental.

So the gentleman from Oklahoma, who is standing up today to oppose this unwise amendment, I stand with him, also. I stand with the chairman of the Committee on Government Reform who understands that we must defeat the Van Hollen amendment.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think one thing we agree on is that what we want is the best deal for the taxpayer, and the way to get the best deal for the taxpayer is to have a fair competition process between the Federal employees and between private contractors who are competing for that. That is how we get the best deal.

What this new circular does is tips the playing field in favor of private contractors. That is the only way the association of private contractors would be able to predict in advance now before any of the bids have been placed that Federal employees will only win 10 percent of the contracts in the future, in contrast to about 60 percent now.

I outlined a specific series of fatally flawed problems with the new circular. I have not heard any response to any of them. One, Federal employees are not given the opportunity to come forward with their best bids; two, we are not guaranteed any savings under the new process, although we were under the other process; three, artificially inflated overhead costs in Federal employee bids that put them at a disadvantage. Many other problems, unfairness with regard to health benefits. Those are all problems.

I represent many Federal employees, and I know that the organization that represents Federal employees, the American Federal Government Employees Group, is against this new circular. They speak for their fellow Federal employees. This is a bad idea, and all we are asking in this amendment, not to get rid of the process. The idea of having a competitive process is a good one. It is good for the taxpayers, and when it is done fairly, it is good for everybody.

Let us go back to May 29. It still had problems but this does not fix it. This makes it worse. I urge my colleagues to vote in favor of this amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. If my colleagues want to try to kill the bill, and all that it does for transportation in the United States, sure, go ahead and vote for the amendment because the amendment will be the reason for a veto of this bill if that amendment is part of the final product.

The statement of administration policy issued concerning this legislation reads as follows: "The administration understands that an amendment may be offered on the House floor that would effectively shut down the administration's competitive sourcing initiative. If the final version of the bill contained such a provision, the President's senior advisors would recommend that he veto the bill."

This bill is too important for that, Mr. Chairman. Anyone who does not think they are serious should look at the current dispute over the aviation reauthorization bill where there is much of the same issue, where people that are Federal employees want to guarantee that work that does not have to be performed by Federal employees nevertheless must be performed by them, and we are having fights over that. That is unfortunate because the taxpayers save money every time we go through the competitive sourcing process.

Typically, most of the time, the Federal employees get to keep the work, but they have to agree to do it in a manner that gets around some of the normal red tape that makes everything cost more typically when it is done by the Federal Government. This is our chance to get around that, but the amendment that is before us will kill that opportunity. It will kill the savings for taxpayers. And if this bill were to be vetoed because the amendments exceed it, bulldozers across the country would stop. Transportation projects would come to a halt if we did not have this bill done in time to have those continue.

Effectively, this amendment would kill competitive sourcing. The President's initiative will have real cost savings to the taxpayers. Recent A–76 competitions have resulted in savings of 20 to 30 percent. The Department of Defense alone expects to save $11 billion between 1997 and 2005 as a result of these competitions.

There are more savings like that in other agencies, but most of the Federal workforce will not ultimately be affected by these things, but we need the chance for the savings for the taxpayers. Mr. Chairman, I ask that this amendment be defeated.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, again, my friend from Maryland and I have fought a lot of battles on behalf of Federal employees. I represent a lot of Federal employees, as he does. We disagree about this particular amendment. I also represent a lot of contractors, and I also represent taxpayers who at the end of the day should be the major beneficiary from this because competitive sourcing, I think, means not less government or more government, it means more efficient government, and that is the goal of this. I hope the gentleman understands that it is a question of how we get to that.

Let me make a couple of comments. I believe this is better for Federal employees in the sense that the new OMB circular A–76 allows the government instead of just providing cost estimates that are compared against competition among the private sector, it almost puts the government at a disadvantage. This allows them to compete on the same field. It allows them to be more innovative in competing with the outside companies, and I think, therefore, more likely to prevail. Government basically has a chance to respond to the private sector on the same grounds, something they do not get under the current A–76 circular and something in our hearings has been something they have complained about. That is thrown out the window with the gentleman's amendment.

Secondly, since OMB circular A–76 is not a regulation but it is simply an OMB circular, OMB can put out another provision tomorrow with minor revisions that we cannot touch. It could be worse, it could be better, but they do not have to go through the hearing process that they did by law to arrive at the conclusion they did here. So they could come back, issue a new circular tomorrow that would be very similar, could be more onerous, and we could not stop that, and that is also a fear I have.

Right now we are in a mode where we are working with them where they are communicating with us, where they are making changes and reacting to some of the results of our hearings and congressional input. I fear if this goes, that the executive branch will exercise their prerogatives and will move ahead in something that I think could be more disadvantageous to Federal employees.

Finally, this process is fair in the sense that if the private vector wins a competition, the contractor has to give any displaced Federal employees a right of first refusal for jobs. The process provides for a 10 percent cost evaluation adjustment to the incumbent services provider. Federal employees in most instances, and Federal employees offers do not have to comply with small business requirements or in many cases have their past performance evaluated. Private sector companies do.

This is not about campaign contributions. I would add to the gentleman on the other side, contributions from unions have gone to the people who are for this amendment and for other dissimilar amendments. There are interest groups on all side of this issue, but let us do what is right for the taxpayers, let us do what is right for this country. Let us defeat the Van Hollen amendment.

The CHAIRMAN pro tempore (Mr. TERRY). All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, as the designee of the gentleman from Kansas (Mr. MORAN), who has not arrived yet, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Notwithstanding any other provision of this Act, for necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), there is hereby appropriated $63,000,000, to be derived from the airport and airway trust fund and to remain available until expended.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

When 9/11 hit this country, our airline industry had a crushing blow, and the part of it that is probably hurting the most is the commuter system out there that serves much of rural America. It is vital that we continue the essential air service program that helps them maintain service until they can build their business back up.

Currently, though inadvertently, this bill no longer has funding for essential air services. My amendment is very simple. I will keep it very short. My amendment restores the funding that was in the original committee markup, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

SEC. . (a) None of the funds appropriated by this Act may be used by the Office of Management and Budget, under OMB Circular A–76 or any other administrative regulation, directive, or policy, to require agencies—

(1) to establish an inventory of inherently governmental activities performed by Federal employees;

(2) to establish or implement any streamlined competition procedures;

(3) to require any follow-on competition; or

(4) to implement the tradeoff source selection process for any activities other than information technology activities.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS.)

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that, if adopted, will ensure Federal employees are given an opportunity to compete on a level playing field during the Office of Management and Budget's continued efforts to privatize the Federal workforce.

In early 2001, the Office of Management and Budget directed all agencies, regardless of their needs or missions, to review for privatization at least 425,000 Federal employee jobs. More than 32,000 Federal employees, I should note, reside and work in south Florida.

On May 29, 2003, OMB finalized its controversial rewrite of the privatization process. It is referred to and has been talked about here as OMB circular A–76. Unlike previous revisions, this latest effort has generated an enormous amount of bipartisan criticism because of the significant changes that have been wrought which put Federal employees at a competitive disadvantage.

Mr. Chairman, taking jobs away from Federal employees without giving them the chance to compete is wrong, period. Yet circular A–76 does just that. In fact, contractors have said in writing that they believe as a result of OMB's revisions to circular A–76, the number of competitions won by Federal employees will dramatically decrease from 60 percent to perhaps 10 percent.

The amendment that I am offering today ensures that Federal employees receive a fair shake in any public private competition. It is fair, balanced and is supported by the American Federation of Government Employees, the AFL–CIO and other major labor groups throughout the country.

Specifically, the amendment prohibits the use of funds appropriated by the Act to be used by OMB to require agencies to establish an inventory of inherently governmental activities performed by Federal employees or establish or implement any streamlined competition of less than 6 months.

The amendment also prohibits the use of funds to be used by OMB to conduct follow-up competitions for public-private competitions won by Federal employees, something not required in instances where services are contracted out, and the amendment still allows Federal agencies to experiment with outsourcing of information technology activities.

Mr. Chairman, my amendment does not impose a suspension on contracting out.

□ 1730

Instead, it is a fair compromise between the new OMB Circular A–76 and a complete prohibition against its use. I certainly hope that my colleagues will agree with me and vote "yes" on my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). Does anyone seek time in opposition?

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 15 minutes.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we just went through much of this same debate. Whether you are saying you are totally restricting it or partially restricting it, we are really talking about the same thing on the competitive sourcing process, the A–76 process. First, the amendment the gentleman from Florida (Mr. HASTINGS) offers is not going to become law, because if it is in the bill, the President will veto the bill.

We have gone through this argument before in prior years. This is a very important initiative to the administration and to the taxpayers of the United States to allow the opportunity for government to be more efficient; to allow competitive sourcing that tells the private sector and the government sector, each of you sharpen your pencils and find the most cost-effective and efficient and successful way to do the work.

And typically we are not talking about things that are inherently governmental. We are talking about everything from food service contracts to building maintenance contracts, the kind of work that does not require someone to be a government employee either for issues of performance or safety or security. We are not competitive sourcing jobs that involve those areas.

If we want the taxpayers to save billions of dollars, if we want the typical savings of 20 to 30 percent, we should not be trying to restrict competition. Government too often claims a monopoly. We do this because we are the government and nobody has a chance to find a better way to do it. Give people that chance. Give people the opportunity. We should be defeating this amendment and allowing the administration to go forward with what is a very modest effort to improve the competitive sourcing process.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleague from Oklahoma, the chairman of this committee, is most sincere, as have been other persons. The gentleman from Virginia (Mr. TOM DAVIS), for example, was here when the Van Hollen amendment was on the floor, which I might add I support very vigorously. That is the Van Hollen amendment. Both of them, and others, and I see the gentleman from Virginia (Mr. TOM DAVIS) rise again, are likely to speak of wasteful government spending. I agree with them; this government has its fair share of wasteful spending. What I do disagree with, what the gentleman from Oklahoma (Mr. ISTOOK) just said is that if this measure is to pass that it will not become law because the President and his administration have indicated that they will veto the measure.

Mr. Chairman, I remind the gentleman from Oklahoma (Mr. ISTOOK) that we have a constitutional responsibility here, as does the President. The President can veto anything he wants to; and if we are of a mind, with two-thirds of the vote, we can override a Presidential veto. So it can be overridden and can become law, and there is a substantial number of people who feel it ought to become law.

Now then, I also would ask the chairman to take into consideration when he and I came to the United States Congress in 1992. Shortly thereafter, in 1994, the majority won the right to control the House of Representatives. And among the things that they said that were going to cost less by privatizing were such things as the printing that is done here at the House of Representatives, or at least was at that time, and the folding offices and other offices that have now been outsourced.

In addition to the inherent danger that exists by not having an in-house family, I defy anybody in the House of Representatives to tell me that the printing of their newsletters and other matters does not cost more now that it has been privatized. And there are other examples of that. One of the worst would be the Federal Aviation Authority. I am here to tell my colleagues that all of us that fly do not want to get on airplanes knowing that the people on the ground controlling that airplane's direction went to the lowest bidder.

Somewhere along the line, we have to come to our senses. Auctioning off 425,000 Federal employee jobs to the lowest bidder is not the way to produce savings. If we are to say that public-private competitions will produce savings, then that is fine. But Federal employees have the right to compete for their jobs in a nonpredetermined way, where real savings win out over cutthroat politics.

Federal employees do not want a free ride. They want a fair shot. My amendment does not halt the administration's efforts to reduce wasteful government spending. And every one of us uses that rhetoric ought to be about the business of trying to reduce wasteful government spending, including that done by the House of Representatives. In fact, it allows agencies to move forward with the implementation of Circular A–76.

What my amendment does do is ensure that Federal employees are given equal footing to the contractors they are bidding against in public-private competitions. It is time for open hunting season on Federal employees to end. Only then will we fully recognize what best value and cost savings really are.

I challenge the subcommittee Chair, my good friend, and he is my good friend, the gentleman from Virginia (Mr. TOM DAVIS), to tell me how it is that we here in the House of Representatives know more about what is good for Federal employees than the American Federation of Government Employees, AFL–CIO, the American Federation of State, County, and Municipal Employees, the Communication Workers of America, the International Association of Firefighters, the International Association of Machinists, the International Brotherhood of Teamsters, the International Federation of Professional and Technical Engineers, the Service Employees Union of America, the National Association of Government Employees, National Treasury Employees Union, Professional Airways Systems Specialists, Service Employees Union, and the United Auto Workers.

Somewhere along the line, some of us need to recognize that these people who are Federal employees probably know at least as much as those of us who are Federal employees by election know. I suggest among other things that not only does the gentleman from Virginia (Mr. TOM DAVIS) represent contractors, but so do I and 433 other Members of the House of Representatives. And not only he represent Federal employees, but so do I and 433 other House of Representatives Members. We all represent the constituency in America that should have a fair shot at low-cost and less wasteful spending, which their A–76 does not guarantee. And so, Mr. Chairman, I ask support of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I do not know where to start with my friend from Florida on this. I guess we can compare endorsements of his position on this and mine. He has listed a group of unions, some of them Federal employee unions, some who have nothing to do with Federal employment who are interested, obviously, in protecting their membership. We understand that, and that is a noble purpose.

Our purpose here is not to protect contractors; it is not to protect employees. It is to protect the taxpayers. And that is what competitive sourcing is all about, and trying to do it in an appropriate way that does not destroy the Federal workforce. In some cases, as I have said before, I am not comfortable with every aspect of what the administration has done. But we are working hard and we have language in this underlying legislation that addresses some of those concerns.

The Aerospace Industries Association, the American Congress on Surveying and Mapping, American Electronics Association, U.S. Chamber of Congress, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, and I can go on and on with National Defense Industrial Council and the National Federation of Independent Businesses support and oppose the gentleman's amendment. So we have groups on both sides that add value to this, and our job is to try to synthesize this.

Last year, I was part of a group in the House that struck down the administration's quotas, their goals that they were going to go out and competitively source a certain percentage. I thought that was wrong. I thought that was an overreach. I thought they were biting off more than they could realistically chew and manage. And I think in some cases where they are today that issue can be addressed, but I do not think the gentleman's amendment addresses those concerns.

This would hamstring the Office of Management and Budget's new competitive sourcing process that was arrived at after weighing 700 comments, after going through the union recommendations of a council that included labor leaders and other government personnel.

Competitive sourcing, also known as public-private competition, is simply a process of determining if the government's commercial functions, like computer services, food services or maintenance, should be performed by Federal agencies or by private sector companies. Our job is to try to get the best services for the taxpayer, the best value, the lowest-cost value, the overall best value. One of the problems with the gentleman's amendment is it strikes at the heart of best-value determinations.

The Hastings amendment limits the agency's use of best value in determining whether a commercial function should be performed in-house or by the private sector. This does not make sense in my judgment, because under our acquisition system, the government buys its more sophisticated goods and services using this best-value method. It permits the government to consider quality as well as cost, and that helps Federal employees, because the quality element has to be clearly set forth in the solicitation. And cost, of course, has to be a factor, but value is not new. It has been used for decades by the government, and it makes no sense to limit its use here.

Our Federal employees ought to be able to use their experience and their expertise in high-quality performance to their advantage in public-private competition, and the gentleman's amendment takes that away. That is a concern. I think it is well meaning, but I think it takes away the advantage that incumbents who were performing this have in terms of quality. Commercial entities and private citizens would not buy services without considering the quality, so why should the government? And the gentleman's amendment strikes that.

Now is not the time to tinker with these revisions in this setting, in my opinion. Again, the revisions are the product of more than 2 years of efforts. Seven hundred comments were considered in the development of the new procedures. They incorporated the core recommendations of the Commercial Activities Panel. This panel, again, headed by the Comptroller General in a year-long effort, reviewed the competitive sourcing process, which was clearly flawed, and which all sides, from Federal employees to contractors to taxpayers, everyone felt it was flawed and needed revamping. They issued recommendations, this panel did, for comprehensive changes to the process. These efforts resulted in the revisions to Circular A–76, which the gentleman now wishes to strike. It was issued on May 29.

We have held hearings on this. I have some concerns, as the gentleman does, about this as well; but I would rather not throw literally the baby out with the bath water, good things like competitive sourcing that come with this. We recently held a hearing to examine the recent revisions to the competitive sourcing A–76 process, and the Comptroller General testified that significant savings result no matter who wins the competition.

The Office of Management and Budget has just submitted a report to Congress on the methods used by the administration to measure agency progress in implementing the competitive sourcing initiative. OMB has pledged to keep Congress fully apprised of that progress and to conduct the initiative in an open and transparent manner. Let us give them a chance.

And, again, we have put some underlying language in this bill that puts some strict reporting requirements on the costs to the government of competitive sourcing so we can come back and properly evaluate this. This is something we did not have before.

The Hastings amendment derails the administration's efforts to increase the efficiency of government operations. You can say you are for efficiency, you can say you are against wasteful spending, but if you cannot compare how the government is providing a service to how someone else may be able to provide that same service, I do not know how you get at the waste, fraud and abuse. Because waste, fraud and abuse does not come in neatly tied packages in line items and budgets. It is marbled throughout the bureaucracy in the way we do business.

Competitive sourcing, particularly the new A–76 Circular, gives our government employees an opportunity to compete on an even basis under the Federal Acquisition Regulation, something they cannot do now. Right now they have to come up with projections and respond to competitive sourcing on the part of the private sector; the private sector winner is then compared against the government price. This allows them to compete even up, to be more innovative, and to, in many cases, improve the way employees deliver that service.

In my experience, I have found that some of the best savings and efficiencies we get do not come from the managers in the Federal Government or the higher-ups. They come from that employee out the window who is doing the job every day that may come up with that key idea or innovation in the way we can do this.

☐ 1745

The new A–76 circular takes that into account and basically gives additional empowerment to that employee at the window to be able to come forward with their ideas and incorporate those into the government bid. Under the old circular, that was not really the case.

I understand the gentleman's frustration. I think all of us feel a frustration, as I have said before. Our concern is constant competitive sourcing can hurt the recruitment and retention abilities to develop a strong Federal workforce, and yet it is a useful tool that needs to be employed. I think perhaps it has been overemployed. There are probably costs that we are not aware of at this point, but we have tried to get at this with underlying language, but I think the gentleman's amendment goes too far.

We want to harness the benefits of competition to produce superior performance for the taxpayer, regardless of who performs the service because at the end of the day, our job is to make sure that taxpayers are getting the best value for their dollar. The gentleman's amendment undermines our ability to do that, so I urge we vote against the Hastings amendment.

Mr. BACA. Mr. Chairman, I rise in support of the Hastings amendment.

I support this amendment because it will allow agencies to move forward with the implementation of Circular A–76.

This amendment does not end efforts to reduce wasteful government spending as many Republicans claim. It simply ensures that Federal employees are on a level playing field with the contractors they are bidding against.

Under the current draft of A–76, Federal employees are severely disadvantaged during any public-private competition.

This amendment is a moderate approach toward reforming the administrator's privatization process by prohibiting funds from being spent to penalize Federal employees and stifle the competitive process.

Federal employees don't want to be given an advantage, they simply want a fair shot.

I stand by Congressman HASTINGS and the Democrats who have consistently stood with Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Florida:

Page 157, after line 2, insert the following new section:

SEC. 742. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.565(b)(2) of title 31, Code of Federal Regulations (relating to specific licenses for "people-to-people" educational exchanges), as published in the Federal Register on March 24, 2003.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, in March of this year, the Department of Treasury, Office of Foreign Asset Control, OFAC, proposed a regulation which would end licenses for travel to Cuba for educational purposes unless the travel consisted exclusively of students taking formal case work. This amendment blocks that proposed regulation from taking effect by blocking any funding to enforce it.

Earlier this year I traveled to Cuba with the gentleman from Arizona (Mr. KOLBE). We met with governmental officials, the Bishop of the Methodist Church, leading dissidents, including Vladimir Roca, Espinosa Chepe, and others.

I left there struck by the horrific plight of the Cuban people who are living of abject poverty deprived of any freedom or liberty we tend to take for granted here. I left there struck by the enormous talent and potential of the Cuban people; and finally, I left there struck by how much we have in common, folks in my home, the Tampa Bay area and Florida, with the Cuban people.

I also left there with the resolve that because of the miserable relationship between the two countries, it is more important than ever that we as United States citizens reach out to the Cuban people to help them deal with this very horrific plight they are living in today. Shortly after I returned, the relationship between the two governments deteriorated even further with an unprecedented really horrific crackdown by Fidel Castro of some of the people I met with. Three of the people I met with have been sentenced to prison, perhaps for the rest of their lives, and countless others were sentenced to prison simply because of their fight for freedom.

I believe today what we need to do as the House of Representatives is to preserve the ability of United States citizens to travel to Cuba for purposeful contact with the Cuban people to help them help themselves. Educational institutions, churches, not-for-profits have been engaged in this type of travel for years under the educational license that OFAC provides.

The proposed regulation was proposed to punish Fidel Castro for the horrific things he has done. I think the House of Representatives should block that regulation because it, in effect, punishes the Cuban people. Let me cite some examples why: There are universities that are taking teachers down to meet with teachers in Cuba to have an exchange. That could be potentially blocked if this new regulation is not stopped. There are cultural exchanges where people in my community are trying to encourage artists and other creative people from Cuba to travel to the United States and people from the United States to travel to Cuba to build bridges. There are doctor-to-doctor exchanges focused on women health that have been taking place, and lawyer-to-lawyer exchanges focused on helping improve the civil justice system.

All these exchanges which clearly benefit the Cuban people could effectively be brought to an end if this regulation is not blocked. These are the type of exchanges and the purposeful type of travel to Cuba we should be encouraging at this time when Fidel Castro is engaged in a horrific crackdown of his own people. We should not be afraid to export democracy to Cuba, and I urge the House to adopt this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Davis amendment. Earlier this year after careful review and examination of 4 years of data of so-called educational exchanges, the Departments of State and Treasury determined that nondegree travel is subject to manipulation and control by the Castro dictatorship and its tourism industries in order to meet the regime's political and economic agenda. The objective of the new regulations is for travel to support the Cuban people and not the dictatorship that enslaves and oppresses them day in and day out.

The Davis amendment seeks to repeal this restriction and allow the facade to continue. The regulations implemented in March of this year and which this amendment seeks to repeal are to prevent what Members see here. This is Varadero Beach in Cuba. This article, which appeared in the September 3 edition of the Washington Post Express goes on to say, "The rumba party is not over yet for U.S. travelers to Cuba, but it may be time to grab that last dance." The article explains how the March regulations have sent the so-called nonprofits "scrambling to redesign their tours" to qualify under the legitimate categories of people-to-people exchanges. Just doctor up the brochures, they are still junkets, they are still for tourists, just dress it up so it appears to be an educational exchange, people to people.

Again, this picture is worth a thousand words because it clearly unveils what this amendment and others offered here today are truly about. It is not to educate the Cuban people about freedom and democracy, it is to have tourism dollars flow to Fidel Castro, and this is people-to-people contact. This is education. When tourists meet the cabana boy and he gives them a beach towel, they are going to export democracy to Cuba? No, they are going to fuel the Castro dictatorship regime which goes to oppress the Cuban people. Vote against the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself 2 minutes.

What the March regulations by President Bush have sought to do is to eliminate fraud and abuse by those who, under the guise of promoting educational travel, and of course, that is legal to the communist island have used that as a subterfuge for other reasons, fraudulently abusing the regulations.

For example, here is a brochure. This is precisely what President Bush sought to eliminate in the March regulations. This is an 8- or 9-year-old girl with makeup, eyeliner, and lipstick. Unfortunately, the regime in Cuba encourages child prostitution and there is significant trafficking in that tourism. That is something that President Bush has sought to eliminate by entities using the guise of educational travel, for example, which promote this kind of sickening tourism.

Our colleague from Florida pointed out how blatant tourism also is encouraged under the guise of educational travel. Again, educational travel, cultural travel, that is legal, but what President Bush's regulations in March sought to do was to end the fraud and abuse of entities that are simply seeking to encourage revenue for the regime and in the process do horrendous things such as this.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is clear this is not a debate about tourism, and it is not a debate about illicit activity. It is about whether certain kinds of educational activities can occur. It is fair to point out that there is abuse as the gentlewoman from Florida (Ms. ROS-LEHTINEN) noticed.

I think both sides can agree that OFAC is perfectly willing to deny applications for licenses where they see fit. That is painfully clear. And where there is abuse and fraud, OFAC can do its job and deny a license. OFAC has the authority conferred upon it by Congress to impose both civil and criminal penalties in cases of fraud. That is not the issue.

The question is whether the types of examples I have cited, the exchanges where universities are taking teachers down there who do not happen to be students engaged in formal case work, instances where doctors or lawyers are going down there on a peer-to-peer basis should be allowed to continue. There can be no basis to deny that does benefit the Cuban people, and should be something that ought to be allowed to continue.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the issues that the gentleman from Florida (Mr. DAVIS) mentioned are still legal without his amendment. The rule change was to get rid of abuses, and the abuses we are talking about are very unfortunate. They include pedophilia and sex tourism, and those are the abuses that the new rules were implemented to stop.

Let me be very clear. All these amendments that we are seeing today basically have one effect and one effect alone, to send more dollars to anti-American terrorist just 90 miles away from the United States who has said that he wants to destroy the United States, who has shot down unarmed American airplanes in international air space, and who has done everything in his power to enslave his people and to try to hurt the United States. All these amendments do is send more money to this terrorist regime at a time when we are at war with terrorists around the world.

I agree with our President when he said you are either with us or with the terrorists. These amendments, with all due respect, unfortunately, are sending more funds to a terrorist regime and this particular amendment gets rid of some regulations to stop abuse, including those that go to Cuba with the excuse of going for educational reasons, and they go unfortunately in many cases for sexual tourism, including the most tragic and savage of them all, including pedophilia, which is sanctioned by the government of Cuba.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

I think it is perfectly clear this is not a debate about the types of illicit activity that have been mentioned on the other side. It is not a debate about terrorism. It is a debate about whether certain types of educational activities should be allowed to continue which I believe benefit the Cuban people, and there has been no suggestion to the contrary, a peer-type relationship.

We need to begin to help the Cuban people plant the seeds of democracy in their country. Goodness knows, it is a terrific task for them to undertake given how repressive this regime is. I saw firsthand the plight of the Cuban people. My heart went out to them. We cannot ignore that. We need to reach out and use United States citizens to help build democracy, the same way democracy was built in this country.

□ 1800

Ultimately, people are the bridges between countries. It is those relationships that will once again, once Fidel Castro is gone, bring us closer to Cuba and help us grow together as democracies. We cannot build those relationships, we cannot see them grow unless we continue to have the type of purposeful travel, the type of contact that I have described today. And I would urge my colleagues to adopt this amendment, so we can continue, at a minimum, to allow people who are trying to help the Cuban people travel to Cuba to do so.

I urge the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available under this Act may be used by the National Railroad Passenger Corporation unless the Corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107-204).

Mr. OLVER. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It says that none of the funds made available under this act may be used by the National Railroad Passenger Corporation unless the corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107-204.

Public Law 107-204 is basically the Sarbanes-Oxley corporate reporting legislation that was passed after the Congress and the American people realized the extent of the problems brought about by the Enron scandal. In Enron, we had an instance where about $600 million, less than $1 billion, of investor money was lost through private investments in a corporation.

We have a corporation that was created, again the National Railroad Passenger Corporation, also known as Amtrak, almost every year for the last 4 or 5 years, they have lost $1 billion or in that neighborhood. Much of this is subsidized by the taxpayer. Hardworking Americans send their dollars to Washington, and not a whimper has been heard about the lost money or unaccounted-for money in Amtrak.

We passed a law that required corporations across the land, and Amtrak is a corporation, this rail corporation, even by its name I just cited, is a corporation and all this says, that existing current law, nothing new, nothing greater, that was passed by this Congress for transparency, for accountability, be also known and be it clear that Amtrak is required to report on the same basis.

We think it is very important. I will tell you why it is important. Again, as a member of the Subcommittee on Railroads under the Committee on Transportation and Infrastructure, let me just cite some of the things that the General Accounting Office 2000 report gave to our committee and to Congress. It found that Amtrak did not know its route-by-route costs of its mail and express program because it never separately identified these costs. It said in the report, according to an Amtrak official, Amtrak still has a long way to go in producing reliable mail and express financial information and in understanding the true cost of this business.

Again, Amtrak is a corporation that has a board of directors, it has an employee stock ownership plan, it has assets and liabilities, and it also has taxpayer money coming into the program. We cannot tell, according to the GAO report, its finances. So I think it is long overdue that we take a step such as this and require that they comply with existing law that all other corporations must comply with. The report further went on and looked at a review of Amtrak's expenditure of $2.2 billion in Federal funds from the 1997 Taxpayer Relief Act. It found that Amtrak could not determine how it was spending its Federal funds, nor was Amtrak able to ensure that its spending was allowed under Federal law.

So Amtrak, according to the Inspector General, does not even know what it is required to do under existing law. This is merely a clarifying, enunciating statement by this Congress that the same disclosure, the same standards that we require for corporations, it is clear that Amtrak as a corporation must also comply with. In fact, the report goes on to say that at one time Amtrak did not even have a process in place to review its spending practices. So we have questions again raised, and this is not something I made up. This is a General Accounting Office February 2000 report, telling us that there is not clarity in which laws or even which standards of reporting at Amtrak.

We are not creating any new law under this particular provision. What we are doing is saying that Amtrak, that is taking a huge amount of taxpayer money, in the billions, going into debt in addition to the money that Congress is appropriating in the billions, and we are not able to say that it even complies with existing law. So this is a requirement to have Amtrak comply with existing law.

Why should Amtrak not be held to the same standards and accountabilities and reporting requirements that Congress has imposed on corporate America? That is the question I leave before the House.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts insist on his point of order?

Mr. OLVER. Yes, Mr. Chairman. My point of order is that this proposes to change existing law and constitutes legislating in an appropriation bill, and, therefore, violates clause 2 of rule XXI.

I insist upon my point of order.

The CHAIRMAN pro tempore. Does anyone wish to speak on the point of order?

Mr. MICA. To the point?

The CHAIRMAN pro tempore. Yes, to the point of order. The gentleman from Florida wishes to speak on the point of order. The gentleman is recognized.

Mr. MICA. Mr. Chairman, on this point, I am an authorizer, and I am very much aware that we do not want to authorize on appropriations measures, so we tried to craft this measure very carefully. In crafting it, we have used language that says, and again I quote from my amendment, in accordance with standards applicable to reports under Public Law 107-204. Public Law 107-204 is a law that applies to corporations in the United States of America. I have a copy of that here. Amtrak is the National Passenger Rail Corporation. It has a board of directors. It has an employee stock ownership plan. It has assets and liabilities. Additionally, it is taxpayer-funded. We have not gone outside of the parameters of existing law. There is a question, it appears from the General Accounting Office reports that I have cited, that Amtrak does not know what the bounds of the current laws are. This particular report was done prior to the passage of the Sarbanes-Oxley legislation, Public Law 107-204. Again we are not requiring any new legislation, any new law. We are stating again that none of the funds made available under this act would be used by this corporation unless the corporation submits their quarterly and annual reports as required by law and in accordance with the standards of an existing law, merely clarifying, and I think it is an important point here that we make, that we do not go beyond any existing law requirements.

The CHAIRMAN pro tempore. Does anyone else wish to speak on this point of order?

It is the opinion of the Chair that the gentleman from Florida has been unable to carry his burden of proving that the standards in the relevant statute are already applicable to reports by the Corporation. Barring that proof, the Chair is constrained to find that the amendment would make these standards applicable. By making standards apply that are not otherwise applicable, the amendment changes law in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

Are there further amendments?

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. TERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 2989, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GREEN of Wisconsin) at 6 o'clock and 33 minutes p.m.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1833

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Florida (Mr. MICA) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 24 offered by the gentleman from Texas (Mr. SESSIONS); the amendment offered by the gentleman from Arizona (Mr. FLAKE); Amendment No. 2 offered by the gentleman from Massachusetts (Mr. DELAHUNT); the amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 5 offered by the gentleman from Florida (Mr. HASTINGS); the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN); and the amendment offered by the gentleman from Florida (Mr. DAVIS).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5 minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 21, as follows:

[Roll No. 481]

AYES—87

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Collins
Cox
Crane
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hayes
Hefley
Hensarling
Herger
Houghton
Hunter
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Lewis (KY)
Linder
Miller (FL)
Miller, Gary
Musgrave
Norwood
Nunes
Otter
Oxley
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Vitter
Watson
Wilson (SC)

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth

Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Clay
Cummings
Doolittle
Edwards
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1854

Messrs. FROST, SHAYS and FRANK of Massachusetts changed their vote from "aye" to "no."

Mr. EVERETT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 282, not voting 22, as follows:

[Roll No. 482]

AYES—130

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Bonilla
Boozman
Brady (TX)
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Forbes
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Granger
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Jones (OH)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Wamp
Weldon (FL)
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner (OH)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Clay
Cummings
Diaz-Balart, L.
Doolittle
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
McInnis
Rangel

Reynolds
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

☐ 1903

Mr. CHOCOLA changed his vote from "aye" to "no."

Mr. TIBERI and Mr. HALL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 188, not voting 19, as follows:

[Roll No. 483]

AYES—227

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wynn

NOES—188

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Engel
English
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Pallone
Pascrell
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Clay
Cummings
Doolittle
Dunn
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1910

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRAVES. Mr. Chairman, on rollcall Nos. 481, 482, and 483, my flight was delayed. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 196, not voting 16, as follows:

[Roll No. 484]

AYES—222

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Manzullo
Markey

Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wynn

NOES—196

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Edwards
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

□ 1917

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 160, not voting 16, as follows:

[Roll No. 485]

AYES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wu
Wynn
Young (FL)

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kirk
Kline
Kolbe
Lewis (CA)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt

Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

☐ 1926

Messrs. MILLER of North Carolina, BURGESS, and ROGERS of Alabama changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 211, not voting 18, as follows:

[Roll No. 486]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Shimkus
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—211

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Brown, Corrine
Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Turner (TX)
Udall (CO)
Velázquez
Woolsey

☐ 1933

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 16, as follows:

[Roll No. 487]

AYES—220

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Collins
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey

Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Wu
Wynn

NOES—198

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
John
Johnson (CT)
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
LaHood
LaTourette
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

□ 1941

Mr. SWEENEY, Mr. MORAN of Virginia, and Ms. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 173, not voting 15, as follows:

[Roll No. 488]

AYES—246

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wu
Wynn

NOES—173

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McCrery
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw

Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

□ 1950

Mr. GUTKNECHT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. STUPAK. Mr. Chairman, I rise to highlight my amendments to the Transportation-Treasury-Independent Agencies Appropriations Act. Although they were ruled out of order by the House Committee on Rules, I believe they warrant attention.

I offered two amendments to the Rules Committee: one to require that the State of Michigan use some of their federal aid to help rehabilitate the Mackinac Bridge; and another to prohibit airlines from cutting their service if they took the most recent federal airlines' bailout money.

My Mackinac Bridge amendment would have bolstered much-needed support of the largest suspension bridge in the Western Hemisphere, connecting Michigan's Lower and Upper Peninsulas.

Under the Mackinac Bridge Authority's original 1956 toll agreement, the Bridge does not qualify for state apportioned federal aid. However, the Mackinac Bridge Authority, the Michigan Department of Transportation, and the Federal Highway Administration are now working to update the Bridge's toll agreement to allow it to qualify for federal aid.

Should the toll agreement take effect, my Mackinac Bridge amendment would ensure the State of Michigan would use "such sums as necessary" of their state apportioned federal aid for the rehabilitation of Mackinac Bridge.

My air carrier amendment would protect airports and airline passengers from increasing cuts in service. During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an "emergency" $2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

These amendments would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

Mr. STUPAK. Mr. Chairman, I rise in strong support of Mr. MCHUGH's amendment to protect commercial air service for small communities.

The Federal Aviation Administration Conference Report establishes a pilot program to require up to 10 selected Essential Air Service communities to contribute a 10 percent cost share for a 4-year period.

The McHugh amendment prevents this baseless cost-sharing burden from taking effect.

For 25 years now, EAS has provided government subsidies to air carriers serving small communities like mine in northern Michigan.

Without the federal help of EAS, many small communities would not be able to retain scheduled commercial air service. Rural residents like those in the 1st District of Michigan deserve access to the air transportation system. Commercial air service is also critical to economic development.

Never before have local airports been required to contribute to the federal EAS program, nor should they be expected to do so now.

I'm supporting the McHugh amendment to make sure communities receiving EAS funding won't be forced to sacrifice other important local programs at the expense of air service.

I also take this opportunity to mention my other efforts in this bill to protect my community airports and air passengers.

I submitted an amendment to the House Committee on Rules to prohibit airlines from cutting their service if they took the most recent federal airlines' bailout money.

During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an "emergency" $2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

This amendment would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

I do, however, urge my colleagues to support the McHugh amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I want to thank Chairman ISTOOK, Ranking Member OLVER and the staff of the Transportation, Treasury and Independent Agencies Subcommittee for their continued consideration and support of the transportation related needs in the Commonwealth of Puerto Rico.

As many of my colleagues are aware, Puerto Rico, with a limited land mass and a very high population density, faces enormous challenges in meeting the demands on surface transportation networks. Through our partnership with the federal government, with local financial commitments tied to necessary planning and project construction, Puerto Rico will meet the growing needs for transportation.

Congestion, a serious problem crippling the San Juan metropolitan area, will be significantly reduced by the initial phase of Tren Urbano. The light rail project will grow transit ridership over time and provide an integrated, multi-modal transportation system with buses, publicos, water taxis, pedestrians and automobiles. The Commonwealth of Puerto Rico is committed to the successful completion of Phase I of Tren Urbano and the development of future extensions.

I thank the Appropriations Committee for including $43.5 million in funds for Phase 1 of Tren Urbano. Additionally, under the House passed bill, Puerto Rico will receive significant funds for new bus purchases, and for ferryboat and ferryboat facility improvements. I will work with conferees to safeguard this necessary support Puerto Rico has been provided by the House.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Transportation, Treasury, and Independent Agencies Appropriations Act, 2004".

The CHAIRMAN. Are there any further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 39, not voting 14, as follows:

[Roll No. 489]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Barrett (SC)
Boswell
Conyers
Costello
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Everett
Flake
Franks (AZ)
Hastings (FL)
Hefley
Hensarling
Herger
Jones (NC)
Matheson
McHugh
Meek (FL)
Menendez
Miller (FL)
Nussle
Obey
Oxley
Paul
Rohrabacher
Ros-Lehtinen
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stark
Stearns
Strickland
Tancredo
Taylor (MS)
Toomey
Wexler

NOT VOTING—14

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velázquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2010

Mr. MEEK of Florida and Mr. HASTINGS of Florida changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, July 25, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2765

□ 2012

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 5, 2003, amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) had been disposed of and the bill was open for amendment from page 12, line 23, through page 52, line 12.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the House that this vote that we will take soon on the D.C. bill is the end of the 13 regular appropriations bills for fiscal year 2004. This does the job.

We have had some interesting times, Mr. Chairman; but in this calendar year starting in February, the Committee on Appropriations concluded 11 of last year's bills, two major supplementals, and 13 regular bills once we have the vote on the D.C. appropriations bill.

I want to say thank you to all of the Members of the Committee on Appropriations on both sides. I want to say thank you to the Members of the House that gave us some spirited debate in amendments but also some very strong votes.

Mr. Chairman, we are prepared then to move on to our conferences with the other body, which should prove to be very interesting.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this House has a proud bipartisan record of reserving scarce Federal funds for public education. We cannot convincingly make the District of Columbia an exception to that record.

The majority of the city council, the majority of the elected members of the school board, and as the member who has represented the city for 13 years, the majority of the residents of the city are just like your districts and overwhelmingly oppose vouchers. Hundreds of them, led by the clergy of our city ministers and rabbis, came to fan out to tell the Congress that just last week.

□ 2015

If you are willing to vote to give public money to private schools this year, you better be prepared to answer back home. Of course you can say, well, the District of Columbia is different; you know, the schools are so bad. There are school districts exactly like the District of Columbia in every State of the Union. Those of you from Michigan know about Detroit. If you come from Georgia, you know about Atlanta. If you come from Connecticut, you know about Bridgeport. If you come from Texas, you know about Houston and Dallas. And I do not know all of your rural districts, but I am sure they will match the District in test scores and all the rest of the deprivations that lead to bad schools.

So you go home, if you will, and tell them that in the year when the unkept promise of special education remains outstanding, while the schools in your district are being called shortchanged, that is okay; there was one district in the United States that I was willing to give private money for public schools.

So you go home and tell them, well, I am not for it here, because that is the hypocrisy I hear time and again, but this is one district in the whole United States that I was willing to dig in my Federal pocket and draw out some public money for private schools and it will never happen again. There is a 5-year appropriation here. You will be doing it year after year. And you go home and tell them, when there is a backlash now developing against the bipartisan No Child Left Behind, that that $9 billion unfunded mandate, that is okay, we are taking care of that. Meanwhile, we had some private schools in the District of Columbia that we simply had to fund this year.

This is a voucher-only bill. If you vote for the Davis amendment, you are voting for vouchers for our country. If you vote "yes" on final, you are voting vouchers if the Davis amendment is in the bill. Vote "no" on Davis. Vote "no" on final passage. Do not flip-flop on vouchers. You will pay the price. We will try to see to it that you do.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my colleagues that I will not use the 5 minutes, but we need to understand that the Davis proposal that the gentleman from New Jersey (Mr. FRELINGHUYSEN) and I have cosponsored is supported by the Mayor and supported by the President of the school board and other members of the city government. It is also overwhelmingly supported by the people of D.C.

But do not take my word for this, because this is really not about the politicians and it is really not about us; it is about poor kids in poor schools who are being denied an education. We hope, we hope that the Mayor and the school board do a great job trying to improve the city schools. But while they are out there working, trying to improve the city's schools, why should we not take the chance, why should we not take the chance of offering 2,000 children a chance to go to a better school? Because in the end, that is what this is about, these kids. And these kids today are going to have no future if we do not stand up and begin to help them.

So I would ask all of my colleagues today, when you vote, think about these children and think about their future. All of their parents want, and what these kids want is the same things that we want for our children, and if we stand up here today and vote "no," I want you to look into their parents' eyes and say, I am not going to help you, and your children are not going to have the same opportunity as ours. Please vote for Davis.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

I come from the great city of Cleveland where the voucher program was upheld by the Supreme Court, and I look in the eyes of the parents of every one of those children everyday and say to them that public education is what we ought to be supporting. Let us put some of that $87 billion we are getting ready to send to Iraq into public education. Let us put some of these dollars that we are setting aside into public education. Let us reduce student-teacher ratio. Let us increase the opportunity for our children to do well.

I am not going to take 5 minutes either, but I could not let you leave with saying you could not look into eyes of the parents. I look in their eyes everyday, and they say, Stephanie, send me more teachers, send me more money for our schools, and give our children an opportunity.

The CHAIRMAN. The Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "District of Columbia Appropriations Act, 2004".

The CHAIRMAN. Are there any further amendments to the bill? If not, under the order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of July 25, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. NORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 208, not voting 17, as follows:

[Roll No. 490]

AYES—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca

Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—17

Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velázquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman may state a parliamentary inquiry pertaining to the vote.

Mr. HOYER. Mr. Speaker, under regular order, we were told at the beginning of this session that the leadership of the House and the message from the Speaker of the House, DENNIS HASTERT, was that we were going to allot 15 minutes for votes with only 2 minutes, and that at 17 minutes, the voting tally would close, and we were all urged to be on time so that the work of the House could be done efficiently and effectively.

Mr. Speaker, my inquiry is, is that regular order still in place? Is that still the policy of the leadership of this House?

The SPEAKER pro tempore. The Chair would respond to the gentleman from Maryland that clause 2 of rule XX states that the minimum time for a recorded vote or quorum call by electronic device shall be 15 minutes.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, was that the rule that the distinguished Robert Walker of Pennsylvania raised such cane about and was so angry about and felt that Jim Wright was so out of order about when he held the vote open? Is that the rule, Mr. Speaker?

The SPEAKER pro tempore. The gentleman did not state a further parliamentary inquiry.

The Chair would further note, from House Practice, chapter 58, section 20, that the Chair has the discretion either to close a vote and to announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, listening to the Chair's recitation of the rule, would that mean that the Chair now has the authority to close this vote and express the will of the House of Representatives as reflected on the board?

The SPEAKER pro tempore. The Chair would again state to the gentleman that the Chair has the discretion either to close a vote and announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. FRANK of Massachusetts. The question is not whether the Chair has the discretion but whether or not he has the integrity and courage to do so.

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, could I inquire if anyone from the attending physician is present? I understand someone's arm is being broken.

□ 2101

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 206, not voting 18, as follows:

[Roll No. 491]

YEAS—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)

Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—18

Coble
Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velázquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2117

Ms. KILPATRICK changed her vote from "yea" to "nay."

Mr. MILLER of Florida changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the time to resume proceedings on the motion to instruct conferees offered by the gentleman from Maryland (Mr. RUPPERSBERGER) is redesignated as tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–267) on the resolution (H. Res. 360) providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. The form of the motion is as follows:

Mr. EDWARDS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. The form of the motion is as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.

2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. The form of the motion is as follows:

Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

LIMITING NONECONOMIC MEDICAL LIABILITY DAMAGES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this Saturday voters in my district will go to the polls and vote on an amendment to the Texas State Constitution to limit noneconomic damages in medical liability lawsuits.

Here in the House of Representatives, we passed H.R. 5 in the hopes of accomplishing the same goal last March, but the other body so far has failed to act. Texas voters will most likely approve this Constitutional amendment. I will be among the group voting in favor of this amendment.

So is a national solution still necessary? The answer is a very firm yes.

Mr. Speaker, this summer I was in Nome, Alaska, and I talked to the doctors of the hospital there. They are unable to have an anesthesiologist on their medical staff because they cannot afford the liability insurance policy for an anesthesiologist. This means that the doctors in that hospital who practice obstetrics must send their patients to Anchorage, Alaska, for C-sections. Mr. Speaker, that is a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is occasionally disagreeable.

At Columbia University, the head of the residency program told me she had far fewer candidates for OB-GYN residencies than in years past, largely because of the liability crisis throughout the country. In fact, the head of that program went on to say they are now making candidates that they would not have even considered for an interview 5 years ago.

While some States may have had the foresight and found a solution to the crisis, this remains a national problem requiring a national solution. The House has acted. The other body has not. Mr. Speaker, how can they do that.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN CRITICISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues are paying attention to this 5-minute Special Order because there are a couple of things that should be brought to Members' attention in this body and the other body. The first one is the Saudi Arabian government has been and continues to be, in my opinion, complicitous in terrorist activities involving Americans abroad and here at home. The Saudi Royal Family, according to reports I have been made aware of, have been conduits or had conduits give money to terrorists and funded terrorist activities. And I think everybody in America knows that 15 of the 17 terrorists that attacked the World Trade Center were Saudis.

It seems to me incumbent upon our government to put pressure on the Saudi government to be a friend of the United States instead of an enemy. We should do everything we can to stop the Saudis from funding terrorist activities on the West Bank and Gaza in Israel. Toward that end, I hope that our Secretary of State, Colin Powell, might be paying attention to what I am saying tonight because it is important that our State Department deal with that on an every day, ongoing basis, to keep pressure on the Saudis to bring about positive change.

I know that we get an awful lot of our energy supplies from that part of the world, and Saudi Arabia supplies a lot of that, but that does not give them the right to support terrorism that threatens our friends in Israel or the people of the United States.

The second thing I would like to say is that there was a story, an editorial comment printed in Al Akhram, the official Egyptian daily newspaper this last week, and I would like to read what was said by the Egyptians toward the United States about the United States, and this is the official organ of the Egyptian government, their newspaper. This piece attacks the Americans over Iraq calling Americans cannibals. This is the government of Egypt speaking, prehistoric animals who feel they have the right to dismember and eat their enemies and to make sure they are dead. The Egyptian newspaper says Americans are wallowing in blood and death and disembowelment, and for the crimes of the U.S. troops, the paper says, this is the Egyptian newspaper, an organ of the government, the proper response is to kill American troops.

☐ 2130

What does the Egyptian government do? Right now it is encouraging the America-hating because it takes the heat off of the government itself. This is how American-hating works around the world. Call us cannibals, and what we will do is, we will support you.

We give Egypt $2 billion a year to help their economy; $2 billion a year. And we have been doing it for a long, long time, ever since the Camp David accords were signed when Jimmy Carter was the President.

If we are going to be giving money to the Egyptians, then we ought to demand that they show respect for our troops and our involvement in the war in Iraq. Our troops went over there to liberate that country, to save those people from a tyrant, to stop terrorism in that part of the world and around the world. And for that our Egyptian friends, whom we give $2 billion to a year, are calling us cannibals and saying that American troops should be killed and slaughtered.

This is something that we should not tolerate. And so I would say to our State Department and our fine Secretary of State, take a message to the Egyptian government, tell them to cut this out. If they want support from the United States, let them treat us with respect and treat our troops with respect who are laying their lives on the line for the people of Iraq and the people of this world on a daily basis.

Secondly, I hope our State Department will continue to talk to the Saudi Arabian government and tell them to get with the program and stop supporting terrorism around the world.

EXCHANGE OF SPECIAL ORDER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace Mr. MENENDEZ on his time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the President announced to the American people yesterday that he intends in their name to borrow $87 billion on top of the $79 billion he borrowed earlier this year to rebuild Iraq, Afghanistan, and continue the struggle in that area.

Now, I would hope that the Congress this time will choose to scrutinize this request. The last time the President just breezed through here and the Congress said, $79 billion, no problem. So I would hope every penny will be reviewed.

I would hope that this Congress would choose to pay for this instead of borrowing $87 billion, indebting our children and grandchildren, by freezing tax cuts for the wealthiest people in the country. We could pay for it if we just stop cutting taxes.

But I really want to focus on a part of that which the President proposed, $20.3 billion on top of $2½ billion he requested earlier, to rebuild the infrastructure of Iraq, to build schools, electric grid, water and sewage, oil infrastructure, transportation, communications, housing, public buildings, roads and bridges, and money for the police, fire, the first responders.

Now, we are going to borrow $20.3 billion in the name of the American people, and we are going to send it to Iraq to rebuild their country. Now, it has not been long since we heard from the Bush administration that this would be free, the architecture of the war in Iraq.

Secretary Paul Wolfowitz told a House subcommittee in March that Iraq would generate $50 to $100 billion of oil revenue over the next 2 to 3 years. We are dealing with a country that can really finance its own reconstruction and relatively soon. Mr. WOLFOWITZ is somehow still in good standing with this administration despite the fact that he was wrong by about $100 or $200 billion here. And the American people are going to be asked to pay for it.

Now, it is time for a little fairness and equity here. I have introduced with the gentleman from Illinois (Mr. EMANUEL) a bill, the American Parity Act, which says that if the President is going to request $20.3 billion to provide jobs and rebuild the infrastructure of Iraq, schools bridges, roads, highways, water systems and dredge the ports, all things which he is not funding here in the United States, then we should have dollar for dollar matching for that under the American Parity Act and put people to work here in the United States, invest in our infrastructure, roads and bridges.

Now, I had someone say to me, well, wait a minute, you are proposing to make the bill bigger here to borrow. Yeah, that is right. We would borrow $20.3 billion to invest in our Nation in long-term projects, putting people to work today but also investing in roads, bridges, highways, water systems, things that will last us for decades.

Now, I do not object to borrowing money to invest in America and to put people into work in America, but I have a real problem with borrowing $20.3 billion to invest in the infrastructure in Iraq while ours is crumbling here at home.

The President has proposed a zero fund, no funding of the dredging of ports in my district and elsewhere around the country, yet he is proposing to dredge ports in Iraq.

The President has not proposed a penny for the Federal Government to partner in waste water systems, yet it is estimated we have a $16 billion annual deficit under Federal mandates in water systems that were being put in our communities from the party that said they were not going to send unfunded mandates.

Mr. Speaker, where is the money to help the communities meet those Federal requirements?

On Interstate 5 just in the State of Oregon, I know this goes on around the entire United States, we have a $4.5 billion bridge replacement problem. That would put a lot of people to work. But the President is telling the Congress that there just is not money to put into the roads and bridges and highways here in the United States, and he is trying to reduce the spending. We are at a stalemate over a new transportation bill because the President says there is no money to pay for it. But somehow we can borrow $20.3 billion to do those same projects in Iraq. When is the President going to propose to either fund or borrow the money to fund similar projects here in the United States of America? With the American Parity Act, if it were adopted as part of his proposal, we would fund, dollar for dollar, comparable projects in the United States, putting tens of thousands, hundreds of thousands of Americans to work and provide some fairness and equity and at least some return to the American taxpayers for their borrowing.

But I fear that this administration and the leadership of this House is not that interested in funding infrastructure work here in this country, but they are perfectly willing to borrow the money in the name of the American people to rebuild it in Iraq. It is a sad day for the United States Congress.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise to address another serious security problem. It is retirement security. Let me read a quote from 1994:

"Failing to take prompt action on Social Security will burden our children and our grandchildren with benefit cuts and crippling taxes."

That was part of my opening statement as chairman of the Task Force on Social Security in 1994. When I wrote this almost 10 years ago, I was simply acknowledging what was evident to the actuaries of Social Security. Because we know how many people are paying into Social Security, and we can estimate the cost of future benefits from what has been paid in, the looming insolvency of the program was very clear then. It is even more clear today. Yet a crisis that is imminent in the eyes of an actuary looks like a long way off to many politicians, and as a result Congress has ignored and delayed action on what is probably this country's most serious long-term financial challenge.

In just 10 years, we will need $100 billion from other sources to make up $100 billion, that is 5 percent of what will be coming in 10 years from now from the total income tax revenues, we are going to need that much in addition to what is coming in on Social Security and Medicare taxes to pay promised benefits. It has been frustrating at times, but we have worked for more than a decade trying to focus attention on fixing Social Security.

I introduced my first Social Security bill back in 1994. In fact, I wrote it while I was still chairman of the Senate taxation committee in Michigan. Tomorrow, I will offer my sixth legislation that has been scored by the actuaries to keep Social Security solvent. The good news is, I think awareness has increased. There is a greater appreciation and an acknowledgment that Social Security is going broke. Today, most Members are aware of the problem, even if there is still reluctance to tackle it.

President Bush's support in the 2000 campaign, I think, moved us a long ways toward a greater American understanding of the seriousness of the problem, and tomorrow I will introduce my bipartisan Retirement Security Act that has been scored by the Social Security actuaries to keep Social Security solvent and restore its tremendous support for retirees in the United States. Workers could voluntarily devote 2.5 percent of their income for a start from their payroll taxes. It would be voluntary. And workers would own the money in the accounts, which can be put in well-diversified investments. In our bill, we guarantee that the individuals that opt for these personally-owned accounts will earn as much as those that opt not to go into that particular investment. The government would supplement the accounts of low-income workers to help build up those accounts for future retirement savings. People would continue to receive government benefits, as in the current system, as part of their retirement income, but those participating in the private account would have their government benefits reduced to reflect the money that goes into their private accounts. But, again, it would be insured.

To ensure fairness for women, a married couple's account contributions would be divided equally between spouses. My bill also increases the widow's/widower's benefit to 110 percent of the higher earning spouse's benefit and would give retirement credits to spouses who stay at home to care for young children.

In conclusion, there are some important costs to the bill which eliminates $10 billion in unfunded liabilities. It calls for a $900 billion loan over the next 20 years from government to Social Security in addition to repaying the trust funds that have been borrowed from Social Security and this will be repaid after the program becomes solvent. It also slows down the increase in benefits for the highest earning retirees. It does not, however, change benefits for those who have already retired or are close to retirement.

Action to preserve and strengthen Social Security is long overdue. By acting now, we can reduce the cost of restoring Social Security for our children and our grandchildren. By increasing the return earned on Social Security surpluses, we can make the transition to a better system cheaper and easier. The Retirement Security Act is my proposal along with my eight cosponsors to move forward.

EXCHANGE OF SPECIAL ORDER

Mr. ETHERIDGE. Mr. Speaker, I ask permission to speak out of order and to take the time of the gentleman from Illinois.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PAYING TRIBUTE TO FALLEN FIREFIGHTERS, LAW ENFORCEMENT OFFICERS AND EMERGENCY MEDICAL SERVICE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, as the second anniversary of September 11 approaches, I rise this evening to pay tribute to our Nation's fallen firefighters, law enforcement officers and emergency medical service personnel. Mr. Speaker, every day public service officers protect our families and possessions from fire, they keep our streets safe and are the first to respond to an emergency. Across this Nation, our public safety officers are dedicated and prepared. They truly embody the values and spirit that make America the great Nation that it is. These men and women are dedicated, and when we call on them, they risk their lives for all of us. Our firefighters, law enforcement officers and EMS workers are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty.

For the family of these brave souls, Congress created the Public Safety Officers Benefit. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate times of need. However, a glitch in the law prevents some families from receiving the assistance. Heart attacks and strokes are among the greatest threat to public safety officers, especially firefighters. In fact, almost half of all firefighter deaths in the line of duty are due to heart attacks and strokes. Fighting fire is dangerous, exhausting and extremely stressful work. Indeed, a firefighter's chances of suffering a heart attack or stroke greatly increases when he or she puts on the gear and rushes into a building to fight a fire. Likewise, law enforcement officers, correction officers and EMS workers face daily situations that put stress and strain on their heart. Imagine the scenario where, while fighting a house fire, a company of firefighters tragically loses two of its members. One is killed by a piece of falling debris. The other dies of a heart attack in the same building. Under current law, the family of the firefighter who suffered the fatal blow to the head receives their benefit, but the family of the heart attack victim receives nothing.

□ 2145

It is wrong that these families are denied this benefit when their loved ones are suffering the loss of a loved one in our communities.

A constituent of mine, Mike Williams, of Bunnlevel, North Carolina, who works for the Office of State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks of Lumberton, North Carolina, was denied benefits because of this technicality in the law. Mr. Brooks, a master firefighter with the Lumberton Fire Department, tragically died of a heart attack after returning from several calls on an evening shift. They found him dead the next morning.

As part of his duties with the state fire marshal, Mike helps families file for public safety officer benefits, and he has received many benefit rejection letters from the U.S. Department of Justice. This rejection letter in Thomas Brooks' case was one too many. Mike wrote to me and asked that we investigate the situation. We tried with other Members of this Congress to correct that technicality in the law administratively. We found out it could not be done.

During the last Congress, I, along with my colleagues, introduced the Hometown Heroes Benefit Act to correct this technicality in the Public Safety Officer Benefit. This bipartisan piece of legislation will allow the families of public safety officers who were killed by a heart attack or stroke while on duty within 24 hours after participating in a training exercise or responding to an emergency situation to receive the benefits that they are due.

Last year, the Committee on the Judiciary and the full House unanimously passed it. Unfortunately, we were not able to move the bill through the United States Senate before adjourning, despite the strong support from several Senators of both parties.

Earlier this year, the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Ohio (Mr. OXLEY), and I introduced the Hometown Heroes Survival Benefit Act. The United States Senate has already unanimously passed a Senate bill, S. 459, a companion bill introduced by Senators LEAHY and GRAHAM.

Mr. Speaker, H.R. 929 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon, we have 273 cosponsors. I will remind my colleagues it takes 218 in this House to pass a bill. Both Democrats and Republicans are on board. More cosponsors are on the way.

I urge all of my colleagues to continue to sponsor H.R. 919, and I ask the House leadership to put this bill to a vote. It will pass unanimously. During this time of increasing awareness and concern regarding the threat of terrorism, we are calling on our public safety officers to work longer and harder than ever before. Our hometown heroes deserve to know that we support and appreciate their extraordinary bravery and heroism.

As we take time to remember those who were killed or injured in the attacks on September 11 this week, I urge my colleagues to support H.R. 919 and let public safety officers know we will continue to stand with them and with their families. We can do no less.

CHANGING FARM SUBSIDY AND TARIFF PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, our good friend and very able U.S. Trade Representative, Ambassador Robert Zoellick, about to represent America at the WTO trade summit in Cancun this week, should be given a message and a mission. The message comes from this Member of Congress, a strong supporter of trade liberalization, one of the farm-state Members from the Great Plains and Midwest Caucus that together has been a strong and crucial force for trade liberalization over the years.

Mr. Speaker, here is the message with which we should arm Ambassador Zoellick on the subject of agricultural trade:

First, we must harmonize, we must have harmonization. That is to say, developing countries must agree to sharp reductions in their tariffs on agriculture imports, and developed countries like the European Union countries and Japan must cut their higher production subsidies proportionally more than the U.S. Large agricultural exporters classified as developing countries, like Brazil, also must steeply cut their agricultural subsidy.

Second, we must have an end to the large agricultural export subsidies of the European Union; and America can end its small export subsidies, which are used occasionally as a shot across the bow of the EU.

Third, we must insist that the European Union dramatically restructure its agriculture support programs by a greater delinking of subsidy programs from production at the same time as the U.S. proportionally makes the same adjustment in our smaller level of subsidy.

Mr. Speaker, the large subsidy and tariff barriers of the European Union and Japan, but also the United States, do more damage to the economies and domestic food production efforts of the world's developing countries than the combination of all the foreign aid programs of the developed countries and their NGOs. In the meantime, the American taxpayers and the taxpayers and food consumers of European Union countries pay a huge cost for the direct and hidden agricultural subsidies primarily caused by the EU's common agricultural policy.

Mr. Speaker, either we have that kind of dramatic change in foreign farm subsidy and tariff programs matched proportionally by our own, or Ambassador Zoellick should walk away from Cancun until the Europeans get the message. Let them squirm with the cost of their cap under an enlarged EU. American farmers and our small agribusiness firms will accept reform, but they are disgusted with the intransigence of the EU and the big and unfair disadvantage they face from the EU over export markets.

Ambassador Zoellick should know we demand a real substantial change from the EU, Japan, and other countries. We need to walk away from any inadequate or lopsided trade deal that is detrimental to the natural competitiveness of our farm sector; or, alternatively, the reliable pro-trade farm state block of Members will walk away from any further multilateral trade agreements Ambassador Zoellick might bring us.

A TRIBUTE IN HONOR OF DR. JEWEL LIMAR PRESTAGE: TEACHER, MENTOR, SCHOLAR, AND PUBLIC SERVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to pay tribute to an outstanding American, Dr. Jewel Limar Prestage. Dr. Jewel Prestage is one of the first African American women to earn a Ph.D. She earned it in political science in the United States, and through her work and contributions since, has become one of the most important women of our times.

Through teaching, mentoring, research and service, Jewel Prestage has had a profound influence in the political science discipline, in the political life of our country and on the lives of the thousands of students with whom she has associated over the years. Her talent, dedication, and good works must not go unacknowledged or unappreciated.

As a distinguished professor of political science, Jewel Prestage has lectured at numerous institutions of higher education. Her service at two Historically Black Universities in the South, however, anchored her career.

For 18 years, Dr. Prestage served as the Chair of the Political Science Department at Southern University. During her tenure, this academic department became the nation's leading catalyst for the development of African American Ph.D.s in political science.

After 33 years of dedicated service, in 1989 Jewel Prestage retired from the Southern University system as the dean of its Public Policy School and of its Urban Affairs School. However, her retirement was short-lived, as Jewel Prestage joined the political science faculty at Prairie View A&M University, where she eventually became dean of the Benjamin Banneker Honors College. At Prairie View, she continued her impressive record of guiding students toward postgraduate education. In September 2002, she retired after a stellar academic career that spanned 46 years.

Jewel Prestage has been a pioneer in academic research in the area of race, gender, and politics. She was the first person to pursue research that focused on African American women legislators and the first to offer the theory of marginality to describe the political behavior of African American women.

Her book, "A Portrait of Marginality," coauthored with Dr. Marianne Githens, has become the seminal work on minority women and politics and is referenced by many who are concerned about issues of race and gender. She also pioneered early research focusing on the political socialization of African American children and youth.

As a leader in the discipline of political science, Jewel Prestage has served as an officer and on the executive council of many of the Nation's highly esteemed political science organizations. Her capstone accomplishment was her role in the founding of the professional organization, the National Conference of Black Political Scientists.

In recognition of her service and of her achievements, these organizations have honored her with their highest awards, including the National Conference of Black Political Scientists' Fannie Lou Hamer Award, the American Political Science Association's Frank Goodnow Award, and the Southern Political Science Association's Manning Dauer Award.

The Policy Studies Organization and the Southwestern Political Science Association have also elected to honor Dr. Prestage by creating awards in her name to recognize her outstanding academic achievement in the areas of race, gender, and politics.

Jewel Prestage has made many contributions in the field of community service and has been an outstanding community servant. In the late 1960s and 1970s, she worked to prepare many Southern politicians for the new public service opportunities that became available in the wake of the Voting Rights Act of 1965. A Democratic Party faithful, she has also served as a delegate and as an appointed member of the Judiciary Council of the Democratic National Committee.

While her distinguished career in higher education and public service has resulted in many achievements, Dr. Jewel Prestage's greatest legacy may be in the inspiration she has provided to the thousands of students she has taught and mentored. Her former students have obtained many accomplishments and can be found throughout academia, the business sector, and the government.

Former students have organized academic awards and scholarships in recognition and to honor her lifetime achievements. I am proud to say that Dr. Prestage was my teacher and my dean and she has had a lasting influence on my pursuit of public service. I will be forever grateful to her for what she did for me personally and for so many others like me.

When the life of a person exemplifies such a strong commitment, others often wonder about the source of their inspiration. Throughout the years, it has become clear to many that Jewel Prestage has a deep and abiding commitment to the advancement of her community. Through her activities at Southern University and Prairie View A&M University, she encouraged students to be the best that they could be so she could help them help their communities and help them to help our country meet its need for more African Americans with professional and graduate degrees.

Jewel Prestage cares deeply about the diversity issues in America and believes that one way our future can be secured is by producing more committed individuals who can give back to the community while serving as an inspiration to young people.

Her activities in the public sphere have been encouraged and supported by her loving husband, Dr. James Prestage, and their five children: Terri Prestage-White, James Grady Prestage, Eric Warren Prestage, Karen Prestage-Washington, and Jay Wilkins Prestage.

Her efforts merit our great appreciation and our respect. I commend Dr. Jewel Prestage for her dedication and personal sacrifice that has generated so many positive experiences and wonderful memories for so many thousands. She is an outstanding model for our Nation and an excellent example of one person who has truly made a difference in our lives, in our community, and in our Nation.

CONDITIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to come tonight and tell you about a trip that I took at the end of August to the country of Iraq. I spent several days over in Baghdad, Tikrit, Mosul, and Babylon.

When I got back to this country, Mr. Speaker, I turned on the evening news at night and heard one of our national anchors talking about the situation in Iraq, and I thought for a minute I must have gotten on the wrong plane and ended up on the wrong planet, because I did not recognize the country he was describing, the country that I just left.

So, Mr. Speaker, I thought it was important to come address the House tonight and to let the House know what in fact is going on in Iraq and to let people in on the good news that is happening in that country since we liberated it.

In general, Mr. Speaker, when you get over there and look around, you are struck by the fact that life is going on as normal. The markets are active. There are cars in the street. In fact, we saw a couple of traffic jams, which certainly indicate a return to civil society.

Mr. Speaker, there are satellite dishes now on the rooftops of many of the houses and apartment buildings. I would estimate 25 to 30 percent of the domiciles have satellite dishes, and just 4 months ago those were illegal under Saddam's rule.

Mr. Speaker, our troops on the ground have done an exemplary job, and currently there are approximately 5,000 projects that have been completed by the United States military.

□ 2200

Mr. Speaker, the police force, the Iraqi police force is truly a success story. This movement has been led by Bernard Kerik who, just 2 short years ago on 9-11 in New York, was the police commissioner and amazed the city with his outstanding leadership during that time of crisis and no surprise, he has been able to provide that same leadership in Iraq. His mission there was to teach the Iraqis how to learn to do police work in a free and democratic society. Previously, all of their police work had been based on brutality and corruption. Mr. Kerik has turned out over 37,000 Iraqi policemen back in uniform. He expects to be able to get 65,000 within the next 6 months.

Mr. Kerik has gone from zero to 35 precinct stations in Baghdad in a mere 14 weeks' time. He told us that given the present state of the bureaucracy, it would take him several years to accomplish that. He has made dramatic improvements in information technology, in communications but, most importantly, his training program stressed police work, police procedure, human rights, criminal investigations and, again, not the previous framework of brutality and corruption.

Mr. Speaker, the sad fact of the matter is that the governance in Iraq, 30 years of Saddam destroyed all sense of community. There is not much of civil society left. But town councils and city councils now exist in 90 percent of the towns and villages in Iraq. The new governing council that the coalition provisional authority is standing up has been drawn from all regions of the country. They are having a preparatory convention which will be followed by a constitutional convention, which will be followed by elections. No one is absolutely sure of the time line, but 12 to 24 months was the impression that we were given.

Mr. Speaker, probably the most searing aspect of my trip to Iraq to me as a doctor was my visit to the hospital. We also were privileged to go in several of Saddam's palaces and we were struck by the opulence. I will tell you the architecture was awful, but the opulence was striking. But contrast that, Mr. Speaker, to the large teaching hospital in downtown Baghdad, a 1,000-bed hospital where they do not even have linoleum on the floor. There are no medical gasses in their neonatal intensive care unit. They could not give oxygen to a baby if they wanted. Mr. Speaker, the sad fact of the matter is that under Saddam, per capita medical expenditure in Iraq was 50 cents per person. This has increased 9,000 percent to almost $50 a person under the coalition provisional authority.

Just as striking, a member of the first marine expeditionary force told me a story about having gone into a medical library, he is a registered nurse, Lieutenant Colonel Keller was his name. He had gone into a medical library in Iraq and not one textbook had a copyright date later than 1984. Clearly, this is a country that has suffered massively as far as its infrastructure is concerned.

But, Mr. Speaker, I wanted to relate to my colleagues the good news. I wanted to relate to my colleagues what General Ricardo Sanchez told us while we were there. He talked to us about 90 days of progress that has been made in the country of Iraq. He pointed out that schools have concluded their school year and have conducted testing. They are beginning a new school year this month. Mr. Speaker, 90 percent of the major cities and towns have functioning town councils, and over 50 Iraqis are contributing to their own security in their Army independent of those who are already in the police force. Their prisons are on the verge of reopening. Their judicial system is functioning. Food distribution is occurring. There was no humanitarian crisis in Iraq. Their hospitals are functioning, below standards, but far better than they were before; and, most importantly, 4¼ million children were immunized. General Sanchez pointed out, and this is very important, Mr. Speaker, all of these things have happened within 90 days in Iraq. None of these things had happened within a year after our arrival in Kosovo.

IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, although there are some signs that the Federal government is beginning to show some attention to, and there are some signs of progress actually in our efforts to reform the immigration system and to, in fact, increase the degree of security that we have on our borders after 9-11 and, I should say that these are very small steps, but they are steps that have been taken, and we should recognize them. The fact is that we are in the process of improving the technology that we can use to make sure that the people coming into the country as visitors are who they say they are. There is both software and hardware that have to be in place now, but at least we are moving in that direction. Recently I found that we are building some barriers on the southern border, especially in and around the Douglas, Arizona area. Hopefully, these barriers will be there to protect the national parks from being inundated as they have been for some time now by hundreds of thousands of people crossing that border, and coming into the United States illegally.

There was a terrorism conference not too long ago in, I believe it was in El Paso, Texas, and several members of the administration actually recognized, actually stated, that there were problems with our immigration policy, especially as they reflected upon the security implications of this country after 9-11. That in and of itself is a very good sign, a very good sign. Somebody is at least willing to talk about the security of our borders. I think, in fact, the phrase used at the security conference down in Texas and the phrase used by a representative of the administration was that the borders are "our first lines of defense." Now, of course, we have stated that on many, many occasions. Those of us who are concerned about this issue have used those same words now for several years. But it is indeed heartening that we are hearing them being repeated now by members of the administration.

Recently I had an opportunity to visit the southern border. I went down during our August recess, I went down to Brownsville, Texas and spent some time down there looking at our border operation, actually going out on patrol with members of the Border Patrol. We went down the Rio Grande River in the evening and watched as we implemented Operation Gatekeeper and other similar types of endeavors that are designed to tighten up border security on the southern border. And I must tell my colleagues, Mr. Speaker, I was encouraged by what I saw. I saw a lot of dedicated people working very, very hard to make sure that the borders of this country are maintained, defended, and enforced. I had the great opportunity to speak to maybe 100 or so Border Patrol agents who were about ready to go out on muster, ride after muster, I should say, and wished them well and encouraged them in their efforts and, to a person, they encouraged me to continue the efforts here in the House of Representatives to encourage my colleagues to pay attention to this issue, to become involved regardless of how unpleasant we may find it to be when we get involved in this issue.

There are a lot of people, of course, who shy away from it because of the political ramifications that they fear. But there are ramifications to the country that are far more severe and far more serious than the political ramifications to someone's career here in this House.

So I was encouraged, and I have been encouraged by a few things I have seen. Now, we are a long, long way from saying that things are good and that the momentum has shifted away from open borders, away from a position that essentially is everybody who can get here can get in. I should say that we are a long way from touchdown. There are a lot of things that need to happen at the Federal level. But what is now becoming even more disconcerting, what is now becoming a focal point and should be a focal point for a lot of our attention here in this House, is the situation that is developing throughout the States and in some localities throughout the country.

There is a publication that has been put out recently by the Federation for American Immigration Reform called the State of Insecurity, how State and local immigration policies are undermining homeland security, and I will be quoting from it liberally this evening, because I think it needs to be brought to the attention of our colleagues and to the Nation.

What we are seeing is that even though the Federal Government is inching forward toward trying to reform the immigration process in this country, and toward trying to gain a certain slight degree of security on our borders, we are watching States and localities go in just the opposite direction.

And there are, of course, certain well-known and well-documented stories and situations that we have heard about recently that I will be talking about in just a minute or two. But I will reflect upon these things and what is happening at the State level, and first we should talk about these things called sanctuary policies.

Sanctuary is a term that has been now applied to cities throughout the country that have adopted certain regulations and passed certain ordinances, all of which were designed to essentially protect the immigrant, the illegal immigrant population of their city or surrounding areas. This is happening, and there were cities that have done this in the past, College Park, Maryland and a couple of others on the eastern coast who call themselves sanctuary cities and actually passed legislation prohibiting their local police and law enforcement agencies from helping INS enforce the law. They have gone farther than that. Some cities have actually gone to the point of saying that if you are simply a resident of the city, you can vote in municipal elections.

Now, being a resident of the city, that is all that is required in some of these sanctuary cities. All you have to do is show that you have a utility bill, for instance, proving your residence and you will be able to vote. That is part of the problem, certainly, these cities that are doing things like this. New York City had something like this on the books for some time. They passed it back in 1989. Actually, it was a mayoral decree and it was specifically designed to obstruct Federal immigration law enforcement.

Now, it is amazing that even after 9-11 and New York City being Ground Zero essentially for the terrorists, there was still a reluctance on the part of the city to repeal that particular order. It got to the point where eventually, the U.S. Supreme Court refused to overturn an appeals court ruling against the city's noncooperation policy that Mayor Bloomberg reluctantly rescinded the policy. However, a bill was submitted to the city council in New York in July of 2003 which seeks to resurrect the sanctuary policy by providing a provision banning city employees from reporting illegal aliens to local police and Federal authorities.

This comes at a time when we even know that several of the hijackers, several of the terrorists, the 9-11 terrorists were, at one time, in fact, stopped for, it turned out to be, motor vehicle violations, traffic violations, and because there was no database against which they could be checked, because some of these people were actually on terrorist watch lists; but because there was no cooperation, we were unable to detain these people, even though some of them actually, as I say, were on a terrorist watch list, but nobody knew about it when they stopped them. The police in the local area stopped them for running a red light or whatever it was for, but did not know that they were also on a terrorist watch list.

□ 2215

When you recognize that this kind of problem exists, when there is no communication among law enforcement agencies, when you also understand that there are national security implications to these sanctuary laws, there are implications certainly to laws which say that local police will not help enforce immigration policies, will not cooperate with the Federal Government.

Here in Washington, D.C., another ground zero, Police Chief Ramsey took pains to reassure the Latino Lawyers Association that the police were not backing away from a 1984 executive order that prohibits D.C. government employees from getting involved in immigration matters. Washington, D.C. is another sanctuary city. We actually have passed laws, Federal laws. In 1996 a provision was added to an appropriations bill which specifically dealt with this and said that no city or State would be allowed to impede the flow of information to the INS or restrict the flow of information from the INS. That is a law on the books today. Of course, there is no enforcement mechanism and, as a result, cities ignore it. Cities all over this country simply thumb their nose at the law because they know that there is nothing that the Federal Government can, under the present statutes, do about it.

You may recall, Mr. Speaker, that I introduced an amendment to an appropriations bill, to the appropriations bill that we were passing for Homeland Security and another one later for the Department of Justice. Both of my amendments were designed to put some teeth into the law that is already on the books and say that if you violate the law that we already have on the books, if a city does that, if it stops the flow of information to the INS or restricts the flow of information from the INS to their local police officers, that they could not apply for Homeland Security grants or grants from the Department of Justice. We got about 120 votes for that for those two amendments.

And there was a lot of hand-wringing and consternation expressed by Members of the body over the fact that we were talking about this, and we should probably not be because it is like many immigration issues, and who wants to talk about an immigration issue when we know that there is all this great amount of emotion tied up in the discussion itself. So the amendment went down. But it is amazing to me that we do have, in fact, laws on the books which we choose in this body not to enforce.

I am sure that many people went home and said, well, I voted for the law that says they cannot do that. I voted for the law that says you cannot stop that kind of information, but they did not want to do anything that would actually make that law be able to be enforced.

Next we come to the issue of driver's licenses or as they are referred to, "the keys to the kingdom." Two years after 19 people used State-issued driver's licenses to board four airplanes and turn them into weapons of mass destruction, it is still possible in many States for anyone to acquire these documents, regardless of immigration status. Even though Virginia, New Jersey, and Florida have tightened up on it a little bit since 9-11, many other States still have very lax laws regarding who can obtain a driver's license from their State.

In the absence of a uniform Federal document, State-issued driver's licenses serve the function of providing identity. In addition to granting permission to operate a motor vehicle, the licenses are used for banking, for check cashing, for boarding airplanes, for demonstrating proof of employment eligibility, and many other purposes. They are also accepted by immigration inspectors for letting U.S. travelers return to this country after traveling to Canada, Mexico or a Caribbean destination that does not require a U.S. passport for entry. Thus, it is crucial that States recognize the vital national security role that these documents have come to play. Hence we call them, as I say, "the keys to the kingdom."

If there was any question about this, the 9-11 attacks should have put it to rest. All 19 of the 9-11 terrorists possessed one or more of State driver's licenses which they used to blend in, rent apartments, open bank accounts, and ultimately to board airplanes that they intended to crash. Yet, not only are driver's licenses still available to illegal aliens in some States, several States are loosening restrictions on obtaining driver's licenses, and even explicitly spelling out that they will permit illegal aliens to receive them.

Of course, on Friday last, at 6 o'clock Pacific Standard Time, the Governor of the State of California signed a bill allowing illegal residents of California, illegal aliens who reside in California, and there are three to four million right now, allowing them to have driver's licenses. He did so on Friday late in the day, and the original notice of the fact that he was going to do this, a press advisory went out only to the Spanish-speaking media. Apparently, he wanted to avoid having to confront this from the standpoint of what the rest of the States would have to say about it in the hopes that he would be able to encourage and obtain votes to essentially stop the recall in California and to support him in his effort to stay in office.

Now, these are things, these are actions that are being taken by States that I believe should not go uncontested.

Mr. Speaker, I am essentially a States' rights person. I believe the States have great sovereignty. I have fought for it for all of my career in politics. I believe the Federal Government often usurps a lot of States' rights, and I would not in any way support that kind of arbitrary activity on the part of the Federal Government. But the actions taken by these States, and some of these cities, in allowing illegal immigrants the access to documents that then allow them into our society and allow them to do things that, if they have the intent to do harm to the United States, can certainly make it easy.

And, therefore, this is not just a States' issue. This is a Federal issue. We should be concerned about this at our level here. We should take some action to try to assure that in the absence of any sort of Federal identification process, that the next best thing, which is the driver's license, a State driver's license is, number one, a valid document and, number two, is not a document that can be given to people who are residing here illegally.

Now, there are not a lot of ways that the Federal Government can force States to do this. Because if we could pass a law saying States should not do it, as we have seen with the 1996 bill, States and localities will do it if there is no penalty. So we have to look at the penalty side of things. The penalty side of things almost always comes down to money.

So I have introduced today a bill that will begin restricting the availability of funds, of Federal highway funds to States that, in fact, allow illegal aliens in their State to obtain drivers' licenses. I will also be looking at other ways of dealing with this, maybe trying to restrict grants under the Homeland Security Act. There are a couple of other things we can do, but, again, it usually turns to the use of funds to get States to do the right thing.

This all, this whole issue of the drivers' licenses is coming on the heels of another sort of peculiar document that is being accepted by a lot of States in the Nation and local governments and some private corporations and private banking institutions. It is something called the matricula consular. It is a foreign government's ID that they give to their nationals who reside outside of countries of their own. The matricula consular is the card that the Mexican Government distributes to its nationals living in the United States and other countries. Of course, they have the absolute right to do that. No one is suggesting that a country does not have the right to hand out whatever kind of identification they want to their nationals. But what they have done, beyond that, is to begin a process of lobbying State and local governments in the United States to get them to accept the card. And they have gone, as I say, to the banking industry and other private entities to get them to do the same thing, and many banks have done it. Many banks have agreed to accept the matricula ID as a form of identification when somebody opens up a bank account.

Now, we have an enormous amount of problems with identity theft. We have an enormous amount of problems with people who use the banks to launder money, to launder drug money, to do a whole bunch of things, and trying to keep track of them is difficult. When you now allow people to obtain a card, which is by the way easily obtained, there are actually, Mr. Speaker, this is an interesting little aspect of this, but there are machines in Los Angeles and Chicago, machines similar to ATM's, I think most of them are by Mexican Consulates, but you can go up to this machine, you punch in some information and it will produce for you your Mexican birth certificate, which you then bring to the consulate and they will give you your matricula consular which you then take and, once again, start the process of entering into American society.

It is all too easy for people to do this. And for people to do this, especially people who have ill intent, people who have designs, people who have the desire to do very bad things to the United States. People who have the desire to change their own identity. Felons who are here, even American citizens who are felons can use this process and have, in fact, used this process to change their own identity and make them, when they get stopped by the police and the police are told by their city council that they have to accept the matricula consular as a legitimate form of ID, this person is, of course, allowed to go free.

We have arrested people coming into the country illegally. We have arrested them and on their person found many matricula consular cards. Recently we found an Iranian coming in with a Mexican matricula consular card. These are easily obtained. People are actually going around door-to-door and selling them in Los Angeles. The Mexican Consulates are distributing them through vans that they send out in the streets of Chicago and other places. They are in no way, these cards are in no way valid forms of ID and should never be thought of as such, and the Government of the United States and certain departments, the Department of Justice, the Department of Homeland Security, have said the same thing. They have said you cannot and should not use these things. They have told the Federal Government that we should not do it. We are still wrestling with the Department of State and the Department of the Treasury who are not so sure about this thing. But the departments who have been charged with the security of this Nation are sure that these are not valid documents and should not be used by any government agencies, by any State or local agency and certainly should not be used by banks for the purposes of identifying people who are opening up accounts.

In California, the bill that was just signed by the Governor says that one of the things that you can use to get your driver's license in California, because up to this point in time California required that you have a Social Security number to get a driver's license. Well, although not perfect, it was a fairly good way to make sure that the people you are talking to are the people that they say they are and that they are here legally. Not always, but for the most part that is one form of identification that helps us make that determination.

□ 2230

Twice before, bills of the same nature were passed by the legislature in California; and twice they were vetoed by the same Governor, with this reasoning. He said there were not enough security measures in the bill so as to make sure that they could avoid the problem of misidentifying people who are then obtaining drivers' licenses and getting them fraudulently.

The bill that he recently signed had that in there for a little bit, had some security provisions in there; but they were all stripped out because of the pressure from the immigration lobby, and so the bill he got simply says this, that in order to get a driver's license in California, you can use your Social Security number, or a variety of other things including the matricula consular. You can now obtain a driver's license in California by getting a card from the Mexican consulate that says you are who you say you are.

By the way, Mexico is not the only government that does this. It has become very successful. This is a way of getting around the fact that we have not given amnesty to illegal aliens in the United States, and so the other countries are now naturally following suit. We have got several countries, mostly Latin American, South and Central American countries that are also handing out matricula consular and using them for exactly the same purpose.

Not too long ago, we got, I believe it was the embassy in Managua if I am not mistaken, sent a memo to the Secretary of State and said, by the way, the government here is looking at how to implement a matricula consular, and we want to sort of help them out; and they were looking for a guidance from the Secretary of State here as to how they should help them because in that particular country, country that they were in and was going to give this matricula, the way that someone proves their identity is to have two other people swear that is who he says he is. I am Joe Blow and you get people to say, yeah, that is right, that is proof of identity; and, therefore, you can get a matricula consular. In California, you can then use that card to get your driver's license, and from a driver's license we know what happens. From a driver's license, I mean, this is the passport into American society.

So in all of our efforts to try and actually do something about the porous borders that we have, do something about the fact that there are enormous national security issues revolving around the fact that we have people coming across our borders without our permission and we do not know who they are, even though we are trying to do something about that, these little steps I mentioned earlier on, we are seeing States like California and others do just the opposite, making it 10 times more difficult for the Department of Justice, for the Department of Homeland Security to do their job; and what they are really doing, Mr. Speaker, is running their own immigration systems.

What we have got here is a situation where it is not just the Federal Government determining the policy of who comes in and for how long and for what purpose and exactly who they are, but now every State in the Nation is developing their own immigration policy or certainly could follow the lead of the States that are doing it, and cities throughout the Nation are doing the same thing. They are adopting immigration policies. How many are we going to have? How many are going to be enforced? It makes a sham of the entire immigration system, or perhaps I should say lack thereof.

There are, I think, Mr. Speaker, obvious implications to lax border enforcement and confused immigration policy. After 9/11, we should be enormously concerned about it. Even those people who have been reluctant to support immigration reform in the past should be willing to support the national security agenda that includes a tightening up of immigration policy.

So I really hope and believe that it is the responsibility of this Congress to take some action, to help really pull back, if you will, the immigration policy decisions into this body and into where they belong and restrict States and local governments from setting their own immigration policies and their own course. That is probably next if this kind of thing goes on.

Tomorrow and the next day, of course, there will be many things here around the Nation's capital to mark the second anniversary of the 9/11 tragedy; and along those lines, we will be having a press conference at 11 o'clock here on the Capitol grounds, and it will be primarily to look at the fact that 9/11 and the tragedy of 9/11 did have some immigration-related issues that we should look at; and there is a gentleman by the name of Peter Gadiel who is head of a group of survivors of 9/11, people who lost family members in the tragedy in New York City, who will be speaking and who will be talking about the danger our porous borders creates, especially in terms of our ability to try and maintain some level of national security. So, Mr. Speaker, I hope that there will be a good attendance there and also that we will get some national attention drawn to this issue because I think it certainly does merit that kind of attention.

IRAQ WATCH CONTINUES

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, we come to the floor again this evening as part of the Iraq Watch. For the last 2 months or so, four of us have been coming here the first evening that the House is in session each week to talk about Iraq, to talk about the policies that we think are flawed, to suggest new policies that the Nation might pursue, to ask questions about our policies and involvement in Iraq that we believe the American people need to know about and that Congress needs to know about.

The four of us who have done this week after week include the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Illinois (Mr. EMANUEL). We have been joined each week by several others, and we look forward to the discussion this evening and to continuing this each week until our involvement in Iraq has been clarified and stabilized and until we get answers to some of the questions that we think Congress is entitled to and the American people are entitled to.

Mr. Speaker, this past week the President has announced his budget request for our occupation in Iraq for next year totaling $87 billion, a much higher figure than anticipated, on top of the $79 billion appropriated by Congress just this past April for the 2003 budget year. This requested $87 billion for 2004 would make our national investment over about a year-and-a-half period of time $166 billion, and every Member of Congress wants to make sure that we do right by the brave soldiers that are stationed in Iraq today. Every Member of Congress is determined to do right by the troops in the field, to make sure they get the support that they need, the resources they need, the equipment, the reinforcements, the supplies, everything they need to fulfill their mission as safely as possible.

So the debate that Congress will have over the next 2 or 3 weeks regarding the President's request for $87 billion will not be about supporting the troops in the field, because we all want to do that; and we are all prepared to do that. What we will ask questions about is the President's vision for Iraq. He wants $87 billion. I believe Congress is entitled to the benefit of his thinking to know what he plans and what his administration plans to accomplish in Iraq and how he is going to do it.

We owe those questions and deserve those answers, not just to Congress, but to the American people. It is their tax dollars being spent. It is their sons and daughters who are fighting in Iraq; and in a very tragic sense, their sons and daughters who are dying in Iraq, and this Congress needs to know some of the answers.

Fundamentally, we need to know what the plan is. We need to know what the exit strategy is. How long will we be in Iraq? What are we trying to achieve? How will we know when we have achieved it? What standards can we set for ourselves? What are we trying to accomplish? What yardsticks can we use to determine whether or not we are succeeding, whether or not more troops will be needed, whether or not more money will be needed down the road?

So I would suggest four areas before I turn to the gentleman from Massachusetts (Mr. DELAHUNT). Let me suggest four areas that I would like to see the President give information to the Congress.

The first would be regarding the military operations and occupation in Iraq, how long does the President believe that our troops will be needed, how much money will be needed, not just next year but in the foreseeable future to support those troops and how many more troops will be needed to fulfill the mission. I should point out that the civilian leadership of the Pentagon last spring estimated by this time, by September of 2003, we would only need 40,000 American troops in Iraq. Right now we have 130,000 American troops in Iraq; and clearly, that is not enough. So we need a better plan. We need to know how many troops, how long will they be here, and how much will it cost to support them.

Secondly, we need to ask the same questions and get the same answers about the reconstruction of Iraq. How long will it take to get the lights back on? How long will it take to get clean water to the villages and the cities of Iraq? How much will it cost America to finance the reconstruction? When can we anticipate Iraqi oil revenues coming on line to pay for Iraq's reconstruction itself? How many more personnel from America will be needed, whether it is architects or engineers or teachers or government experts or lawyers? How many more personnel will be needed to move the reconstruction and the new governance forward?

Thirdly, how quickly can we internationalize the operation? I think this is a key to our success in Iraq. We have got to bring forward our allies, United Nations, other international organizations to help pay for the reconstruction and to provide their resources and assets and expertise for the reconstruction, as well as for the military security challenges. Many of us have thought that the U.N. should have been brought in months ago to be put in charge of the reconstruction. Many of us felt that NATO should have been brought in months ago to be responsible for security, but we need to know what the President's plan is, how does he foresee the internationalizing of Iraq, if he foresees that at all. This is something that we need to know.

Finally, the fourth point is, when will Iraqis be back in charge of Iraq? Clearly, America cannot run Iraq into the indefinite future. It has been said since we almost unilaterally won the military victory that we now own Iraq, Iraq is ours. I am not sure we want that to be our approach to this. We cannot own, run, dominate, occupy a foreign country for long. That is not what America is about. We will fight for freedom, we will fight to liberate, we will fight to disarm murderous tyrants. We will do many good things to help people around the world, both to help people around the world and to protect our own national interests; but occupying a foreign country for a long period of time is not what this country is all about.

So how will we get Iraqis back in charge? What do we need to do to get them back in charge? What kind of training do they need? How can they support a democratic government when they do not have a history of democracy?

□ 2245

What do we need to do to build the institutions of liberty to help them support a democracy? What do we need to do to establish a free press in Iraq, the rights of free speech, the traditions of free speech? How do we make a corruption-free and open court system in Iraq? How do we help them write a constitution? How do we get all segments of Iraq to participate in a representative government, a pluralistic government, and a democratic government? How long will it take, how do we do it, what yardsticks can we use to measure our progress?

Mr. Speaker, these are the questions I believe that Congress needs to ask of the President. These are the questions I hope he will be eager to answer. He wants $87 billion. It is a great deal of money. We want to do right by our American troops. We want to do right by our commitment to freedom and liberty around the world. But doing right requires us to know what we are doing and to do right by the American taxpayer as well. And so we will be putting these questions forward, and I hope that we will be getting prompt and full and complete answers from the administration.

Mr. Speaker, at this point let me turn to my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), who has been a leader in the Iraq Watch and a leader on the Committee on International Relations and welcome him to this discussion. We look forward to his comments.

Mr. DELAHUNT. Mr. Speaker, I thank my friend and colleague, the gentleman from Pennsylvania (Mr. HOEFFEL), who has led this particular conversation for some many weeks now.

My memory is that last week there were reports in many of the leading newspapers in this country that the President would come forward with a supplemental budget in the neighborhood of some $80 billion; and this past Sunday, the American people and Members of Congress learned for the first time that that budget request would be for some $87 billion. That is an astounding figure.

Clearly, we are on the verge of adding to a deficit that was estimated for the fiscal year of 2004 to be some $480 billion. The way we are heading, it is now in excess, with this request, of some $540 billion. That is disturbing, the long-term implications for what we have to look forward to in terms of an economic recovery. $87 billion, I think it is interesting to note, exceeds the following that were items in the President's budget.

This $87 billion we have discussed here is a supplemental budget. This is in addition to the $79 billion that this Congress approved, it seems like just a short time ago, though it was several months ago. The entire request for the year for homeland security was $41 billion. This supplemental request is double that amount. More than double.

Health and Human Services, $66.2 billion. And that $66.2 billion, we should note, includes $27 billion for the National Institutes of Health, which is so critical to advancing discoveries for such scourges as cancer, heart disease, et cetera, et cetera.

This $87 billion supplemental request exceeds the total amount allocated or budgeted for the Department of Education. The Department of Education budget was some $53 billion.

It is almost three times the amount that has been appropriated for the State Department in foreign aid. That figure is some $27 billion.

For highway and road construction in the United States, $30 billion.

The only aspect of the President's budget that this particular supplemental request does not surpass are the proposed tax cuts of some $107 billion.

This says to me, and I know it says it to my friend as well, that the costs were vastly underestimated; and now we face a difficult moment in our economic life where this recovery, if we can call it a recovery, is certainly a jobless recovery. This past month, in August, it was reported that here in the United States an additional 93,000 jobs, American jobs, were lost. This supplemental request of $87 billion certainly will not add to the number of jobs and the number of Americans that are employed.

Mr. HOEFFEL. If I may reclaim my time, Mr. Speaker, for just a moment, the President has recently said that he will be advocating to make the 2001 tax cuts permanent. If the gentleman will recall, that tax program was too big to fit into the 10-year budget program that the Republicans put forward, so they sunsetted most of those tax cuts. But now the President wants to make them permanent, which will lose another trillion or so of revenue over the next 10 years.

I wonder if the gentleman has ever before noticed, in his study of history, a time when America was at war, where, when we asked for sacrifices from the American people, those sacrifices were limited to the middle-income and low-income people who are receiving frozen or reduced government services and, of course, are bearing most of the cost and burden of fighting our battles in Iraq, while the wealthier Americans are actually being asked to sacrifice by getting a tax cut?

Mr. DELAHUNT. Well, Mr. Speaker, if my friend would yield for a moment, of course that is absolutely aberrational in American history. In fact, during World War II, President Roosevelt asked the American people to accept a tax increase. We are not here even suggesting that this evening. But I think what we have learned is, unfortunately, the estimates that have been put forth by the administration were absolutely inaccurate, underestimated, and represented a scenario that was totally unrealistic.

I would remind my friend that Under Secretary of Defense Wolfowitz, back in March, told Congress that, and I will quote him, "We are dealing with a country that can really refinance its own reconstruction, and relatively soon." And relatively soon.

What I find fascinating is that this Congress, on a bipartisan basis, is expressing its dismay. To quote from a story that appeared in the September 9 issue of The New York Times, and this is when representatives of the administration were appearing before a Senate committee, a prominent member of that committee, Senator MCCAIN of Arizona, was dissatisfied with an answer from Mark Grossman, the Under Secretary of State for Political Affairs on how long it would take for more troops from other countries to arrive in Iraq under United Nations auspices: "'I am not asking for precisely what day,' Senator MCCAIN said. 'I am asking of a matter could you tell me years?' Mr. Grossman replied that should the Security Council resolution pass in the next few weeks, I can't imagine that it would be years. 'that precision is not really satisfying,' said Senator MCCAIN."

The level of incompetence in terms of the postwar, postmajor come-back phase, I should say, of what would be required of America, American taxpayers and American military personnel, the magnitude of that incompetence can only be described as colossal; and it has cost America its sons and badly needed revenue to meet our own domestic needs. As I indicated earlier, when I was reading through the monies available for Homeland Security, for Health and Human Services, for Education, for the functioning of the State Department in foreign assistance, this supplemental budget, by itself, exceeded all of the monies allocated for those needs.

What we know now and what we should have known is that you simply cannot have tax cuts, guns, and butter too; yet here we are tonight faced with a proposal that is really a price tag. There is no plan. The questions that the gentleman posed earlier in terms of how long will our troops be required there, when will Iraqis assume control of their own destiny and devested with the power that is necessary have not been provided.

I think that the White House and the administration and the Department of Defense have to be prepared to respond to those questions. Otherwise, I cannot imagine this body and the United States Senate approving a request that would provide the White House with a blank check. It just simply will not fly.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. Eloquent as always.

We have been joined by our colleague, the gentleman from Washington (Mr. INSLEE), and we welcome him.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I am pleased to participate in this discussion.

I think a preliminary question the U.S. Congress needs to ask itself is what role we have in acting as stewards for the taxpayers' money in this regard for $87 billion in expenditures.

It seems to me that we ought to really scrupulously evaluate how effective this administration and their team has been to date in fulfilling its warrants to the American people in regard to the Iraqi situation. It is important to know whether this administration has been so accurate, so complete, so well-planned that, frankly, Congress ought to just give the administration a blank check and let it run. So I want to spend just 2 minutes evaluating the performance in that regard.

□ 2300

Mr. Speaker, the administration allowed the American people to believe Saddam Hussein was behind September 11. As far as we know, according to the commission established for that purpose, that was wrong. The Bush administration led the American people to believe that Iraq was in cahoots with al Qaeda. According to information we now have, that was wrong. The administration told the American people that Iraq had literally hundreds of tons of chemical and biological companies. That may or may not be wrong, but to date appears to be. The administration told the American people that Iraq had sought to get uranium from Africa. That was wrong; in fact, fraudulent on someone's behalf. The Bush administration told the American people that troops would be welcomed with rose petals and open arms when they got to Baghdad. That turned out to be wrong.

The administration told the American people that this would be largely a self-financing operation, as the gentleman from Massachusetts (Mr. DELAHUNT) indicated. Mr. Wolfowitz said in a short period of time, the oil would flow, the dollars would grow, and the American taxpayers would not be on the hook.

This administration's record on its warrants to the American people is sadly lacking. In that context, it seems to me the U.S. Congress ought to not only ask serious, probing questions of the administration, it ought to set conditions on the expenditure of money that it may appropriate in this regard. Questions are not enough. Conditions are needed because this is a significant sum of money, $87 billion. The entire Marshall Plan was $100 billion. This is not a Marshall Plan, it is a partial plan because it lacks two very crucial elements.

Mr. DELAHUNT. Mr. Speaker, I call it the no plan.

Mr. INSLEE. I think it is important to be generous in the spirit of bipartisanship. I will say partial plan because it lacks two important elements.

Number one, it lacks a sincere effort to bring the international community into this effort. This administration, for reasons that are passive understanding, has had a sincere desire to be as unilateral as possible all of the way through this effort, and they have burned bridges every possible way. And now what we see to date when they finally say maybe we have to do something to rationalize this, they offer a fig leaf.

We need full international participation in this effort because Iraq is not a prize to be won, it is a burden to be shared, and both taxpayers and our military should be sharing that burden with the rest of the world rather than exclusively having the United States shoulder it. There ought to be a condition for any money that is appropriated, specifically allocated or authorized by Congress.

Second, another way that it is partial, it does not pay respect to domestic needs. The President has said that his tax cuts are a higher priority than building schools that could be built with $87 billion. He needs to rethink that.

Third, how it is partial, and this is perhaps long term for our children's benefit, the thing it lacks is it simply is not paying for this obligation. It seeks to borrow from our children money to pay for this operation. It borrows from the Social Security to pay for this operation. We have heard about the lockbox, and it is not a lockbox. It is pulling in Social Security to pay for this obligation.

Why does the President not want to pay for this? We should pay for it. Winston Churchill said all I have to offer is blood, sweat, toil and tears. This administration says while we have a war overseas, it will be balloons and fruit and candy back home with tax cuts, and now they want to continue to pass tax cuts, largely going to wealthy members of our society.

If this is so important to American security, the President ought to be bellying up to the bar and asking Americans to recognize this not go forward with the tax cuts. That is an obligation that he ought to take and he ought to ask Americans to share in that, and he ought to be sincere in it and not have this let us be happy and fight a war at the same time. It is not the way the greatest generation did it in World War II or after World War II, and we ought to rise to that same obligation, to the world, and to our prosperity.

Mr. HOEFFEL. Mr. Speaker, I appreciate the comments from the gentleman from Washington (Mr. INSLEE). We have also been joined by the gentleman from Ohio (Mr. STRICKLAND). I look forward to your comments.

Mr. STRICKLAND. Mr. Speaker, it is good to be here this evening. I am here tonight to say something that for me is kind of difficult to say. I believe the President has deceived us, that he has distorted the truth, and that he has engaged in false claims which has taken us into a war which is daily claiming the lives of our soldiers. The President and his administration told us that there was a connection between what happened on September 11, 2001, and Iraq, and thus far we have found no substantive evidence that such a connection existed.

The President told us that Iraq had weapons of mass destruction and that it was necessary for us to engage in a preemptive attack because of an imminent attack from Iraq, and thus far no such weapons have been found.

Vice President CHENEY said we would be welcomed as liberators, the people would consider us their friends; and yet the truth is that on a daily basis, young Americans are losing their lives and many more are being horribly maimed and injured, disfigured in Iraq.

The administration told us this would not cost us a lot of money because Iraq had lots of oil and has already been mentioned in March, Deputy Defense Secretary Wolfowitz told the House subcommittee that Iraq could generate $50 billion to $100 billion of oil revenue over the next to 2 to 3 years. He said we are dealing with a country that can finance its own reconstruction and relatively soon, and yet the President in total has requested over $150 billion of our tax dollars to pay for our adventure in Iraq.

The President said recently that we must provide every benefit to our soldiers and protect them in any way possible, and yet tonight as we stand here on this floor in the safety of this great hall, young Americans are in Iraq wearing vests that do not have the capacity to stop bullets. They are wearing cheap vests because we have not spent the money necessary to get the highest quality protective vests for our soldiers.

Moms and dads are asking me questions. Wives and sweethearts are asking me questions, questions that I cannot answer because this administration is unwilling to come forth and tell us what the plan is, how long they are going to be there. The President recently asked for $87 billion, American tax dollars, and we have heard a lot about that over the past few days on radio and television, but the truth is it is more than $87 billion because he asked for billions earlier. It is over $150 billion. But this $87 billion is three times the amount we are spending on homeland security, three times more than we are spending to keep our country safe. It is more than we are spending on education and homeland security combined.

In this Congress we are underfunding the No Child Left Behind bill by $8 billion. We are underfunding veterans health care by $1.8 billion. The President is trying to impose additional costs on our veterans. He is asking our veterans to pay $15 a prescription, up from $7 a prescription. He is wanting to impose a $250 annual enrollment fee so that many of our veterans can participate in the VA health care system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). The Chair would remind all Members to refrain from improper references to the President, such as accusing him of deception.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, let me say that $1.8 billion underfunded does not include the fact that this administration, within the past year, has denied access to health care benefits that this Congress in 1996 mandated for all veterans.

□ 2310

Now we have a situation where the administration is encouraging no outreach, do not tell. They have a do-not-tell policy.

Mr. STRICKLAND. They have a gag order. They have a gag order. They have instructed their doctors and social workers and nurses who work in our VA hospitals, they have told them they cannot participate in community health fairs.

They cannot send out newsletters informing our veterans of the services they are entitled to receive. They cannot make public service announcements informing the veterans of what this Congress has provided them under the law.

We are willing to spend money in Iraq but we are not willing to take care of our veterans. In my judgment it is shameful what we are doing to our veterans.

Then they decided that they were going to create a new category of veteran. We call them Priority 8 veterans. You can make as little as $25,000 and this administration considers you high income. And they say you cannot enroll in VA health care. You can be a combat decorated veteran and be excluded.

Mr. DELAHUNT. I think that is so important to repeat. And we should say it slowly so that those in the viewing audience hear it clearly. And I would challenge any member of this branch to come forward and rebut it. If you earn over $25,000 and are a combat veteran, and you are described as a Priority 8 veteran, and understand there are hundreds of thousands that fall within that classification, you cannot enroll in a veterans health care program in this country. That is more than shameful; it is unconscionable.

We sent these young men and women to war, and when they come back, we dishonor them, we disrespect them.

Mr. STRICKLAND. And we are talking about if we had an additional $1.8 billion, we could include those veterans. We are quibbling over $1.8 billion when we are being asked to approve $87 billion for Iraq. It is beyond belief.

Mr. INSLEE. Is it a fair statement that under the policies of this administration that they have advocated as far as their budget that the veterans system that was in existence when these soldiers and sailors went to Iraq, when they come back from their extended tours, which are now being extended to the surprise of many, will come back to a veterans system that is less beneficial and less protective than when they left?

Mr. STRICKLAND. Absolutely.

Mr. Speaker, I got a letter from a young West Point graduate. He graduated from West Point just literally a few months ago. He is in Baghdad tonight. He wrote me about 2 months ago. He said, Congressman, they are issuing two kinds of vests here, one is capable of stopping bullets, the other is only capable of stopping fragments. And my men are wondering why they have the cheap vests.

We took months to build up to the engagement in this conflict. We had plenty of time to make sure that every need that our soldiers may face in terms of equipment was available for them. It disturbs me that there may be young Americans tonight whose lives are unnecessarily in danger because this government has not provided them with the best possible protection.

That really disturbs me. It ought to disturb everyone who serves in this Chamber, everyone who serves in the Senate and certainly it ought to disturb the President.

Mr. INSLEE. It would disturb anyone who has gone to Bethesda Naval Hospital, as I have, and have talked to the Marines who have lost limbs and who have had crushing injuries of lifetime disability, to think that they are going to have less effective and comprehensive medical care than existed before they started this battle. That is not what they ought to be fighting for. It also seems to me to be appropriate for this administration to throw overboard its predilection for unilateralism, this desire to go it alone, this kind of macho policy of not allowing anyone else to be an ally with you, to bring other people involved in this effort, not just American GIs and Marines. Because the success of this mission depends on winning the respect of the Iraqi people, and winning the respect of the Iraqi people for whatever new government is formed is going to be more enhanced if we get more people from around the community internationally to be involved in this effort additionally sharing this burden.

I may add, too, the injuries are truly severe. We cry and we pray over those who have not come home, but we have got a very high proportion of very severe injuries from this, in part because of the magnificent trauma care that we have now developed, at least at the scene of the battle. These kids deserve a veterans plan that is going to treat them as well as their fathers and their grandfathers were treated and better.

That is not happening right now and is a symptom of this administration's addiction to these tax cuts on an altar that is higher than any other human value, including veterans health care, and it is wrong. During this debate about this $87 billion, we should make sure that this issue is addressed, too, and not swept under the rug.

Mr. DELAHUNT. I cannot agree more. There has to be, as a precondition, serious consideration of this supplemental budget request for $87 billion and an honest and sincere effort to restore the $1.8 billion, $2 billion, whatever that number be, to provide those veterans the kind of services that they are entitled to and that they defended this country so bravely to secure for future veterans.

While we are talking for a moment about the military, it was the Congressional Budget Office that identified a looming problem. In March, we will have to start withdrawing most of our troops in Iraq if we want to maintain an acceptable level of military readiness. That is on the horizon. As the gentleman from Washington indicates, I do not see other nations rushing to provide a coalition, a genuine coalition that will provide the kind of security and stability that is necessary for the reconstruction of Iraq. I am sure many in the audience and those of you here tonight have noted in the most recent edition of Time magazine on the cover, Are We Stretched Too Thin? I daresay if you listen to General Schwarzkopf, if you listen to our military leaders who will speak in private, they will say we are stretched very, very, very thin. And here we are, contemporaneously with addressing this issue, we are now in the process of discussions that we cannot predict how they will go relative to the threat of a nuclear North Korea.

□ 2320

Some statements have been made by members of this administration that the military option has not been removed from the table. What are we talking about?

Mr. INSLEE. If the gentleman will yield, I think it is very important that the gentleman points out about the difficulty of perhaps having to bring folks home because we are stretched thin beginning in March, and the reason that is important is it points out a fundamental truth that the administration has refused to share with the American people. They have not leveled with the American people on one fundamental truth, and that is the first 60 or $65 billion that was allocated was just a down payment. This second $87 billion is a second of many installments. We have already heard talk about another $30 billion to $60 billion following this one. This could lead to a significant restructuring of the entire U.S. military by increasing the number of troops to deal with this rotational need of our military.

Mr. DELAHUNT. Let me ask the gentleman, does this mean that at some point in the future, if we continue to have a foreign policy that creates these significant needs for military personnel, that some day on the floor of this House we will be debating the necessity for a draft?

Mr. STRICKLAND. I think so.

Mr. INSLEE. That is the $64,000 question.

Mr. DELAHUNT. It is time to ask these kinds of questions.

Mr. INSLEE. The gentleman points out something that I think is important and that is that the President needs to level with the American people about the real cost of this.

Now, right now we have volunteers suffering the real cost of this war with loss of life and limb; but our children have a real cost they are enduring too, a Federal deficit that has gone over $500 billion this year with this additional $87 billion, the highest deficit in American history; and that is a real cost that the President, if he wants to show real leadership, would level with the American people about and say that we need to pay for, rather than hiding the cost and playing a fiscal shell game and putting that on our children.

The only way to level with the American people is for him to throw aside at least some of the tax cuts, at least the additional tax cuts that he wants to give to the wealthiest folks in this country. If he believes the security interests of the United States demands that, then honesty to our children demands that and honesty about the true cost of war.

That is why I believe when this debate starts, it is going to be very important for the U.S. Congress to condition any funds that are appropriated on making sure that it is paid for by us and not shucked off on the backs of our children as further deficit spending, as this administration has been wont to do, as it is necessary to condition this money on something that is going to be a requirement for success, and that is to get the rest of the world involved in this effort. It is the only way to win the Iraqis' respect for our ultimate efforts.

Mr. HOEFFEL. The gentleman has made several very good points, and he has been talking about the notion of whether or not the President is leveling with the American people.

I would like to get back to an earlier discussion. A suggestion was made by one of us this evening that the President was deceitful and we were admonished by the Chair that was not appropriate language. None of us are here to challenge the Chair. We are here to ask for the truth and ask questions about our policies in Iraq.

I would like to review the bidding a little, to set this question in some context, whether or not the President has been deceitful.

The President and his top advisers in the fall of 2002 said with complete certainty that Saddam Hussein had weapons of mass destruction, was developing more weapons of mass destruction, was developing a chemical weapons of mass destruction program, a biological weapons of mass destruction program, and was probably moving forward to try to restart a nuclear weapons of mass destruction program, long before the State of the Union address this past January. I am speaking now of September 2002.

In private briefings many of us received at the White House the same representations were made: complete certainty that the weapons of mass destruction program in Iraq was in full bloom and full speed ahead with, as I think the gentleman said, hundreds of tons of these weapons in the possession of Saddam Hussein, more on the way.

The briefing I attended with maybe 15 of our colleagues was led by George Tenet and Condoleezza Rice in the Roosevelt Room of the White House. In their presentations and in their answers to questions from Members of Congress, a bipartisan group of us, complete certainty was expressed. At one point, Mr. Tenet, being asked would you rate on a scale of zero to 10 your certainty about the presence of these weapons in Iraq, he said 10.

Mr. STRICKLAND. Pretty certain.

Mr. HOEFFEL. It is not just that we have not found those weapons. Maybe they are there and hidden away, but we sure have not found them yet. It is not just we have not found them. It has now come to light that the White House was being given classified information by the intelligence agencies last fall that was telling the White House that there was great uncertainty about the state of Iraq's weapons of mass destruction program.

These then-classified documents, now available in part because the White House declassified one to try to prove its case, and the other because it is now available for us to read at the Permanent Select Committee on Intelligence office, the Defense Intelligence Agency report of September 2002 and the National Intelligence Estimate of October 2002 are replete with expressions of doubt, uncertainty. I remember the phrase "no credible evidence" that Hussein had an ongoing chemical weapons program.

None of those doubts were reported to the American people or to Congress, none of that uncertainty was expressed; and it is my belief that the President exaggerated the threat of weapons of mass destruction in the fall of 2002, in the buildup to the war, in order to secure public support and congressional support for an authorization of war.

I will yield when I have unloaded my frustrations, which will be in just a moment.

It is my belief that the President misled Congress, and it is my understanding from the documents that I have since read that are now available to us that were not available to us in the fall of 2002 that the White House was well instructed about the doubts and the uncertainty from the CIA, the FBI, and the rest of the intelligence agencies.

Now, if it is objectionable to say that on the floor of the House, if the Republican leadership does not want to hear that on the floor of the House, bring it on. Let us bring it on right here, because this is the nub of the argument. This is what we are here to ask about.

I would be happy to yield to my friend.

Mr. STRICKLAND. The American people really do not care what word we use, but they understand what has happened. They listened to the President go on TV and address the national audience. They heard his references to a connection between al Qaeda and Iraq and September 11. They heard everything that was said about weapons of mass destruction.

We do not have to pick a particular word. The American people understand that the situation that was described for them was an unreal situation, and the result is this: we have got thousands of our troops in Iraq tonight. They are inadequately protected. We are not providing them the best protection possible. We are not. And I challenge anyone in this administration to challenge that statement, to tell me that they have got the best vests that we can buy, to tell me that they are as protected as they possibly can be. I do not believe it, based on what I have been told and I think what the facts show.

So I do not want to quibble about what words we may use, but my friend has been very accurate. The gentleman has laid out the case as it unfolded.

Now we are being told, well, we are there, so we might as well just, oh, get on board and get this over with. I think it is appropriate for us to ask whether or not those who are providing leadership are worthy of our confidence. Are they competent people? Have they told the truth? Can we trust them to make further decisions about what is happening in Iraq? Those are the questions that must be answered.

Mr. DELAHUNT. I think it is important that we stress that this is not just Democrats that are posing these questions. This past week on, I think it was the "CBS Early Show," someone who understands combat, someone who was in war and who is a decorated veteran of the Vietnam conflict, CHUCK HAGEL, Republican from Nebraska, said this: "The administration has done a miserable job of planning the post-Saddam Iraq."

□ 2330

The administration has done a miserable job of planning the post-Saddam Iraq. That is Senator HAGEL. We all know Senator HAGEL. Everybody in Congress respects and acknowledges his integrity, but he was right too. Maybe we failed in our responsibility collectively. I am talking about the House as well as the other branch. Because he pointed out that we allowed the administration to treat us like a nuisance. We did not ask the questions. Some of us did. But no, in the heat and in the vast amount of publicity that was attendant to the President and Vice President CHENEY and Under Secretary Wolfowitz's natural access to the media, people did not ask the tough questions. Well, not this time.

Mr. STRICKLAND. That is right.

Mr. DELAHUNT. Not this time. We want a plan, and we want all of the answers.

I can remember Secretary Feith coming in front of the Committee on International Relations. I asked him, give me just an idea of the costs to rebuild Iraq. He said, I do not have any answers.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, precisely on that question, we need an answer as to whether or not reports today in the Los Angeles Times are correct that the $87 billion figure is some $55 billion short of what the administration in anonymous leaks are indicating is actually needed, and that the $87 billion is to take us up until the election; and then somehow, we are to magically find $55 billion from supposed allies. The exact quote, as a matter of fact, is that according to the Los Angeles Times, they said they would "pressure other countries to come up with the additional funds needed to restore security in Iraq and repair its ravaged infrastructure." And I think everything that has been said tonight is indicative of the proposition that has just been made over these past few minutes that before we vote on this $87 billion, we have to ask the question: Is this actually the number that you are using, even internally?

Mr. DELAHUNT. And does that include the $2 billion necessary for veterans health care benefits.

Mr. ABERCROMBIE. And that is why we have to have this money authorized. That is why we have to have hearings in the Committee on Armed Services, the authorization committee. This is not just a supplemental bill to be taken to the Committee on Appropriations; this Congress needs to authorize the money that is involved in reconstruction and security in Iraq, or we are failing in our congressional duties.

Mr. HOEFFEL. Mr. Speaker, would the gentleman explain that for the viewers? Would the gentleman explain the point he is making about the difference between authorization and appropriation?

Mr. ABERCROMBIE. Very quickly, yes. Good point. Just as it is in our State legislatures, we have to authorize, that is to say, a committee must authorize the expenditure of money before it can be appropriated. The subject matter committee, in this instance the Committee on Armed Services, must take up the question: Will we authorize the expenditure of funds? The Committee on Appropriations may, if they have an authorization, appropriate up to or, in some instances, even exceed the amount of money that is there, if they can gain the approval of the legislature; but that is the object, to have a hearing as to what, in fact, should be done. That is to say what is the policy, and then attach a money figure to it.

What we are doing is saying we are going to put money out there and then figure out a policy afterwards. What I am saying and I think all of us are saying tonight is, let us get the policy down first, and then figure out what it costs and then determine whether there is a cost-benefit ratio to that policy.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I think there is an additional thing we need in addition to the sage comments of the gentleman from Hawaii (Mr. ABERCROMBIE); we need to stop the administration from stealing from the Social Security trust fund to pay for this war, and that is what they are telling us they want to do. They want to take $87 billion out of the Social Security trust fund to pay for this war. And the reason they want to do it is that they refuse to let go of their goal of continuing further tax cuts for the wealthiest folks in this country, and that is morally, ethically wrong to our children. And this Congress has an obligation to our kids to stop it right here during this supplemental, and I trust that we are making an effort to do that.

Mr. DELAHUNT. Mr. Speaker, if I could make a final concluding remark, and then I will then defer to the gentleman from Pennsylvania (Mr. HOEFFEL). There was a report today, or rather Monday, in The Washington Post that the Secretary of Defense, Mr. Rumsfeld, when he was concluding his 4-day trip to Iraq and Afghanistan, complained that critics of the Bush administration's Iraq policy are encouraging terrorists and complicating the war on terrorism. Give me a break.

Mr. STRICKLAND. Can I respond to that, please?

Mr. DELAHUNT. Yes. Give me a break. We are going to ask the question.

Mr. STRICKLAND. I hope the Secretary never says that in my presence, because if he does, I am going to have to challenge him. None of us, none of us condone terrorism. In fact, we are here because we are concerned that this administration is not adequately waging the war on terrorism. "Osama bin Forgotten" is out there somewhere planning the next attack on this country. The President said he can run, but he cannot hide. Well, he ran and he has hidden, and he is planning the next attack. And for the Secretary to say such a thing outside the country, outside the country I think is grossly unfair and I think the Secretary owes this Congress and each of us who have a responsibility under the Constitution to represent our constituents and to speak our mind as we believe the truth to be, he has no right to make such an accusation against any of us.

Mr. INSLEE. Mr. Speaker, if I may dovetail on your disenchantment with the total irresponsible comments of the Secretary. He said there was al Qaeda in Iraq before our attack on Iraq, and the evidence would suggest that was not the case. But as a result, following his efforts and his strategy, they are in Iraq and Iraq indeed has been turned into a potential breeding ground for terrorism. That is the kind of policy we do not want to see continued. This is the kind of mistake we do not want to see this administration make again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). As a general reminder, the Chair would like to reiterate that as stated in section 370 of the House Rules and Manual, suggesting mendacity on the part of the President is not in order, even by innuendo. As such, the Chair would reiterate that accusations of intentional deception are not in order.

Furthermore, the Chair will remind Members that it is not in order to quote Senators' remarks spoken in the media.

CLOSING REMARKS ON IRAQ WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I do not intend to take the 5 minutes. I would like to defer to the gentleman from Pennsylvania (Mr. HOEFFEL) for such concluding remarks as he might like to make.

Mr. HOEFFEL. Mr. Speaker, I thank the Chair, and I thank the gentleman for his cooperation. I would like to thank the gentlemen that joined in the discussion this evening. We will be back next week, and the Iraq Watch will continue to ask questions about our policies in Iraq. We need to discuss some legislative proposals such as the gentleman from Illinois (Mr. EMANUEL) has made, his American Parity Act, which would require the spending of equivalent dollars on our American domestic needs for each dollar spent on domestic needs in Iraq. If we are going to spend $10 billion on housing in Iraq, we want to do the same in America. If we are going to spend money on water systems or infrastructure improvements in Iraq, we are suggesting we do the same in America.

□ 2340

That legislation deserves consideration during our next weekly discussion. We will ask more questions about the administration's policies. We hope we will get answers. I think it is a consensus view of all of us that we need to know what the plan is in Iraq. And we need to know what our exit strategy is in Iraq before this Congress will be comfortable in appropriating another $87 billion. We need to know what our strategy is, what conditions we are trying to achieve, what yardsticks we can use to measure our progress, how we can internationalize the situation in Iraq, how we can get Iraqis back in charge of Iraq because that must be the ultimate goal for all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

Mr. JANKLOW (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. MCHUGH (at the request of Mr. DELAY) for today until 7:00 p.m. on account of attending the funeral of his constituent, Sergeant Chad E. Fuller, who was killed on August 31 in Afghanistan while supporting Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Tennessee) to revise and extend their remarks and include extraneous material):

Mr. MENENDEZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material):

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 10.

Mr. NORWOOD, for 5 minutes, September 10 and 11.

Mr. HENSARLING, for 5 minutes, September 10.

Mr. BURTON of Indiana, for 5 minutes, September 16.

Mr. PAUL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 10.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, September 10 and 11.

Mr. OXLEY, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 10.

Mr. BEREUTER, for 5 minutes, today.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 10 and 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material):

Mr. ABERCROMBIE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes; to the Committee on Armed Services.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq; to the Committee on Armed Services.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 10, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [OPP-2002-0299; FRL-7324-1] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment [OPP-2003-0288; FRL-7323-9] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0267; FRL-7321-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4044. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propylene Carbonate; Exemption from the Requirement of a Tolerance [OPP-2003-0284; FRL-7323-7] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4045. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0279; FRL-7323-1] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4046. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4047. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of theNavy, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4048. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4049. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Scott A. Fry, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4050. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Emil R. Bedard, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4051. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Lending and Investment [No. 2001-82] (RIN: 1550-AB37) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4052. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Distribution of Tax Credit Proceeds [Docket No. FR-4792-I-01] (RIN: 2502-AH91) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4053. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4054. A letter from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4055. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4056. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Smallpox Vaccine Injury Compensation Program: Smallpox (Vaccinia) Vaccine Injury Table (RIN: 0906-AA60) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4057. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation System [Docket No. 2003P-0301] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AH03) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Definition of Multifunction School Activity Bus [DOT Docket No. NHTSA-2002-13704] (RIN: 2127-AH23) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards: Heavy Vehicle Antilock Brake System (ABS) Performance Requirement [Docket No. 03-15277] (RIN: 2127-AH16) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4061. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [OAR-2003-0005 — FRL-7546-8] (RIN: 2060-AG96) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4062. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-5] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4063. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4064. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [CA 284-0399a; FRL-7536-2] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [CA 245-0403a; FRL-7535-1] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA267-0402a; FRL-7526-6] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan: Sacramento Metropolitan

Air Quality Management District [CA 279-0401a; FRL-7526-4] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4068. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Docket ID No. OAR-2003-0121; FRL-7551-3] (RIN: 2060-AE82) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4069. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing [OAR 2002-0039; FRL-7551-2] (RIN: 2060-AJ02) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4070. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7550-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4071. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 190-1190a; FRL-7552-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants [Docket ID No. OAR-2002-0052; FRL-7551-7] (RIN: 2060-AG72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining [Docket ID No. OAR-2002-0043; FRL-7551-4] (RIN: 2060-AH03) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [OAR-2003-0138; FRL-7551-6] (RIN: 2060-AE79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 287-0410a; FRL-7548-3] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 249-0409; FRL-7546-5] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Definition of Volatile Organic Compound [MI83-01-7292a, FRL-7526-9] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4078. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-1a; FRL-7543-6] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4079. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-3; FRL-7528-7] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4080. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4081. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248]; Home Box Office Motion for Clarification And Declaratory Ruling [IB Docket No. 96-111] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4082. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees — received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4083. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT Revision (RIN: 3150-AH26) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4084. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning the Coordination of Production and Support of the Lightweight 155MM (LW 155) Towed Field Howitzer between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4085. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's 2001 Annual Report on Title XII — "Bringing Farmers into Global Trade" as required by section 300 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4086. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4087. A letter from the Human Resources Specialist, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4088. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4089. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-142-FOR] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Acting Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004 [Docket No. 021028257-3178-02] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2001 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

4094. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Aliens Inadmissible Under the Immigration and Nationality Act — Unlawful Voters — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the

Immigration and Nationality Act, as amended: Automatic Visa Revalidation — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Policy Statement on Monetary Equitable Remedies in Competition Cases — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4097. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's report of audit for the year ending March 31, 2003, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4098. A letter from the Acting Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule — Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-03-107] (RIN: 1625-AA08) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; 2003 Gravity Games, Cleveland Harbor, Cleveland, OH [CGD09-03-258] (RIN: 1625-AE11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-02-104] (RIN: 1625-AA00, AA11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-080] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fee Airports [CBP Dec. 03-22] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin [CGD09-03-227] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [COTP Wilmington 03-117] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-079] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sailing Vessels Red Witch, Pride of Baltimore II, Larinda, True North, Nina, HMS Bounty, Fair Jeanne —— Kenosha, Wisconsin [CGD09-03-246] (RIN: 1625-AA97) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Lake Michigan, Chicago, IL [CGD09-03-253] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-03-025] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Long Beach, CA [COTP Los Angeles-Long Beach 03-007] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-03-024] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-026] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, Florida.[CGD07-03-131] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL [CGD08-03-031] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; Atlantic Intracoastal Waterway, mile 964.8 at Fort Pierce, St. Lucie County, Florida [CGD07-03-071] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, and Crystal River, Florida [COTP Tampa 02-053] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-03-125] (RIN: 1625-AA08) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Islais Creek, San Francisco, CA [CGD11-03-004] (RIN: 1625-AA09) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-03-122] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel Fairlane Port Washington, Wisconsin [CGD09-03-265] (RIN: 1625-AA97) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zones; Barge BEAUFORT 20, Explosive On-Load and Transit, Puget Sound, WA [CGD13-03-029] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Operation of Motor Vehicles by Intoxicated Persons [Docket No. NHTSA-2002-13680] (RIN: 2127-AI44) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule —

Oversales Signs [Docket No. OST-96-1255] (RIN: 2105-AC45) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions [Docket No. FAA-2003-15682; Amendment Nos. 121-288, 125-42, 135-84] (RIN: 2120-AH81) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators [Docket No. FAA-2003-15571; Amdt Nos. 119-8, 121-286, and 135-83] (RIN: 2120-AI00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134; Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightdeck Security on Largo Cargo Airplanes [Docket No. FAA-2003-15653; Amendment Nos. 121-287 and 129-37] (RIN: 2120-AH96) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights [Docket No. FRA-2003-14217; Notice No. 1] (RIN: 2130-AB58) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Secretary, Department of Transportation, transmitting A draft of a bill design to undertake a restructuring of intercity passenger rail transportation in the United States that will increase management accountability and encourage response to market forces; to the Committee on Transportation and Infrastructure.

4131. A letter from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting the Authority's final rule — Approval of Construction in the Tennessee River System; Regulation of Structures; Residential Related Use on TVA-Controlled Residential Access Shoreland and TVA Flowage Easement Shoreland (RIN: 3316-AA19) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Director, Regulations Management, Department of Veteran's Affairs, transmitting the Department's final rule — Effective Dates of Benefits for Disability or Death Caused By Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary (RIN: 2900-AL37) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4133. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Tonnage Duties--Revised Amounts [CBP Decision 03-16] (RIN: 1515-AD35) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4134. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Changes to Customs and Border Protection List of Designated Public International Organizations (CBP Dec. 03-21) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4135. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [CBP Dec. 03-23] (RIN: 1515-AD02) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4136. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Delegations of Authority: Signature of Customs and Border Protection Regulations Published in Federal Register [CBP Dec. 03-24] (RIN: 1515-AD39) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4137. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Emergency Import Restictions Imposed on Ethnological Material from Cyprus [CBP Dec. 03-25] (RIN: 1515-AD38) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4138. A letter from the Secretary, Department of Homeland Security, transmitting a draft bill entitled, "To Extend the Consolidated Omnibus Budget Reconciliation Act Customs User Fees," pursuant to 19 U.S.C. 58(c); to the Committee on Ways and Means.

4139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offers in Compromise (Rev. Proc. 2003-71) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-101) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4143. A letter from the Under Secretary, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4144. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the FY 2001 Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

4145. A letter from the Secretary, Department of Energy, transmitting notification to Congress of legislation to allow the Department of Energy (DOE), in consultation with the Nuclear Regulatory Commission (NRC), to address management and disposal of high-level radioactive wastes safely and coast effectively; jointly to the Committees on Energy and Commerce and Science.

4146. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Cost Reports [CMS-1199-F] (RIN: 0938-AL51) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4147. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, "To amend Title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes"; jointly to the Committees on Veterans' Affairs, Government Reform, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108-263, Pt. 2).

Mr. SESSIONS: Committee on Rules. House Resolution 360. Resolution providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108-267). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself and Mr. POMEROY):

H.R. 3035. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. FEENEY:

H.R. 3037. A bill to strengthen antiterrorism investigative tools, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself and Mr. Brown of Ohio):

H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. Boehner, Mr. McKeon, Mr. Isakson, Mr. Greenwood, Mr. Tiberi, Mr. Keller, Mr. Wilson of South Carolina, Mr. Carter, Mr. Burns, Mr. Houghton, Ms. Ros-Lehtinen, Mr. Neugebauer, and Mr. Nunes):

H.R. 3039. A bill to expand opportunities for postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLATTE (for himself, Mr. Smith of Texas, Mr. Carter, and Mr. Forbes):

H.R. 3040. A bill to strengthen to enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3041. A bill to amend title 38, United States Code, to extend the period during which a member of the Armed Forces may enroll for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. Sandlin, Mr. Green of Texas, Mr. Hinojosa, Mr. Sessions, Mr. Carter, and Ms. Granger):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for certain air and water pollution control facilities and to provide that the volume cap for private activity bonds shall not apply to bonds for such air and water pollution control facilities, facilities for the furnishing of water, and sewage facilities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. Thompson of California, Mr. English, Mr. McHugh, Mr. Radanovich, Mr. Reynolds, Mr. Pombo, Ms. Eshoo, Mr. Goode, Mr. McInnis, and Mr. Houghton):

H.R. 3043. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 3044. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself and Ms. Waters):

H.R. 3045. A bill to amend section 105 of the Housing and Community Development Act of 1974 to permanently extend the public service cap exemption for certain grantees under the community development block grant program; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 3046. A bill to correct and improve the prohibition against terrorism transcending national boundaries, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 3047. A bill to prevent the sale of tobacco products to minors by means of electronic or mail-order sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER:

H.R. 3048. A bill to limit assistance for the Palestinian Authority and the Palestinian people during fiscal year 2004; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. Allen, Mr. Ross, and Mrs. Jones of Ohio):

H.R. 3049. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 3050. A bill to provide a 10 percent increase in the rate of basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 3051. A bill to pay a one-time bonus to members of the Armed Forces who served or serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. King of Iowa, Mr. Hefley, Mr. Bartlett of Maryland, Mr. Smith of Texas, Mr. Deal of Georgia, and Mr. Goode):

H.R. 3052. A bill to amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 3053. A bill to amend the Internal Revenue Code of 1986 to increase the top two individual income tax rates and to repeal the capital gains treatment of dividend income, and to use the revenue therefrom to make emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and in support of the global war on terrorism and for the relief and reconstruction of Iraq and Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. Lantos, Mr. Cox, Mr. Kirk, Mr. Royce, Mr. Smith of New Jersey, Mr. Green of Wisconsin, Mr. Pitts, Mr. Bereuter, Mr. Houghton, Ms. Ros-Lehtinen, Mr. Berman, Mr. Ackerman, Mr. Engel, Mr. Crowley, Mr. Kennedy of Rhode Island, Mr. Payne, Mr. Meeks of New York, Mrs. Napolitano, Mrs. Lowey, and Mr. Menendez):

H. Con. Res. 274. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that all airport screening functions should continue to be performed by Federal employees and that all employees of the Transportation Security Administration, including Federal airport screeners, should be permitted to engage in collective bargaining and be represented in collective bargaining by a representative or organization of their choosing; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Ms. Pelosi, Mr. Lantos, Mr. Wolf, Mr. Smith of New Jersey, Mrs. Lowey, Mr. Kirk, Mr. Faleomavaega, Mr. Ramstad, and Mr. Weldon of Pennsylvania):

H. Res. 359. A resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy; to the Committee on International Relations.

By Mr. DEAL of Georgia (for himself, Mr. Burns, Mr. Collins, Mr. Gingrey, Mr. Isakson, Mr. Kingston, Mr. Linder, and Mr. Norwood):

H. Res. 361. A resolution expressing the condolences of the House of Representatives upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the House for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; to the Committee on Armed Services.

By Mr. WALSH (for himself, Mr. Boehlert, Mr. Hayes, Mr. Thompson of California, Mr. Gibbons, Mr. Boswell, Mr. Rogers of Michigan, Mr. Ross, Mr. Kind, Mr. John, Mr. Simmons, Mr. Wicker, Mr. Feeney, Mr. Jefferson, Mr. Dingell, Mr. Rahall, Mr. Janklow, Mr. Udall of Colorado, Mr. Case, Mr. Michaud, Mr. Berry, Mr. Ryan of Wisconsin, Mr. Doolittle, Mr. Goode, Mr. Ballenger, Mr. Spratt, Mr. Osborne, Mr. Snyder, Mr. Pomeroy, Mr. Rogers of Kentucky, Ms. Ginny Brown-Waite of Florida, Mr. Istook, Mr. Young of Alaska, Mr. Peterson of Minnesota, Mr. McHugh, Mr. Carson of Oklahoma, Ms. Harris, Mr. Sessions, and Mr. Green of Texas):

H. Res. 362. A resolution recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities; to the Committee on Resources.

By Mr. WEXLER (for himself and Mr. SHAW):

H. Res. 363. A resolution recognizing the achievements of SUPERB (Students United with Parents and Educators to Resolve Bullying) and its founders Jeremy and Sharon Ring to address the growing problem of bullying in the Nation's schools; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. MEEKS of New York, Mr. DEFAZIO, Ms. LEE, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. FARR, Mr. ABERCROMBIE, Mr. ENGEL, Ms. WATSON, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KUCINICH, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. TIERNEY, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. GRIJALVA, Mr. MARKEY, Mr. BLUMENAUER, Mr. BELL, and Mrs. MALONEY):

H. Res. 364. A resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 41 memorializing the President and the Congress of the United States to increase federal funding to the states for child lead poisoning screening programs, and to especially ensure the availability of adequate funding to provide lead poisoning screening for all Medicaid-eligible children; to the Committee on Energy and Commerce.

198. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 219 urging Congress to enact legislation providing reimbursement of health care-related expenses incurred between 1995 and 2001 by veterans of the Armed Forces who between 1941 and 1956 were promised free lifetime health care in return for 20 years of military service; to the Committee on Veterans' Affairs.

199. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 35 memorializing the Congress of the United States to enact legislation giving federal income taxpayers who forego compensated employment in order to remain at home and personally provide care to their children and other dependents a tax benefit comparable to that currently given to wage earners who pay others to provide such care; to the Committee on Ways and Means.

200. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 34 memorializing the Congress of the United States to revise the definition of "resources" as it applies to the "Medicare Catastrophic Coverage Act of 1988," so that a community spouse's IRA or pension plan is not included in the calculation of a couple's resources for the purposes of determining Medicaid eligibility for nursing home care; jointly to the Committees on Ways and Means and Energy and Commerce.

201. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 105 memorializing the Congress of the United States to pass, and the President to sign into law, legislation that would stabilize and provide funding equity to the MedicareChoice program; jointly to the Committees on Ways and Means and Energy and Commerce.

202. Also, a memorial of General Assembly of the State of New Jersey, relative to Assembly Resolution No. 207 memorializing the President and the Congress of the United States to adopt a more effective approach to handling domestic security and terrorism preparedness issues through better national coordination, resource support, and political leadership, and to take into considerartion certain recommendations based upon the report issued by the Independent Task Force; jointly to the Committees on the Judiciary, Energy and Commerce, Agriculture, Transportation and Infrastructure, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutons as follows:

H.R. 31: Mr. PLATTS and Mr. BURNS.

H.R. 82: Mr. CAPUANO.

H.R. 141: Mr. ISAKSON.

H.R. 142: Mr. DREIER.

H.R. 167: Mr. ROTHMAN.

H.R. 195: Mr. WOLF.

H.R. 260: Mr. SHERMAN.

H.R. 284: Ms. BALDWIN, Mr. MOORE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. NORWOOD.

H.R. 303: Mr. HOSTETTLER.

H.R. 339: Mr. LUCAS of Kentucky.

H.R. 348: Mr. GOODE.

H.R. 369: Mr. REGULA.

H.R. 370: Mr. ANDREWS.

H.R. 391: Mr. WOLF.

H.R. 466: Mr. STRICKLAND.

H.R. 490: Mrs. LOWEY and Mr. STARK.

H.R. 501: Mr. LAHOOD.

H.R. 527: Mrs. LOWEY and Mr. SPRATT.

H.R. 528: Ms. LEE, Mr. GERLACH, Mr. KLINE, Mr. DELAHUNT, and Mr. MCKEON.

H.R. 580: Mr. FROST.

H.R. 594: Mr. VITTER and Mr. GARRETT of New Jersey.

H.R. 610: Mr. BROWN of Ohio.

H.R. 648: Mr. MCCOTTER.

H.R. 673: Mr. MORAN of Kansas.

H.R. 685: Mr. GONZALEZ.

H.R. 720: Mr. WELDON of Florida.

H.R. 734: Mr. STARK, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, and Mr. MOORE.

H.R. 736: Mr. STARK.

H.R. 808: Mr. NUSSLE.

H.R. 857: Mrs. NAPOLITANO.

H.R. 869: Mrs. CUNNINGHAM.

H.R. 876: Mr. VISCLOSKY.

H.R. 911: Mr. MARKEY, Mr. LEVIN, Mr. SPRATT, Mr. MENENDEZ, Mr. FROST, Mr. LAHOOD, Mr. DEMINT, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. GOODLATTE, Ms. GRANGER, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SANDLIN, Mr. ALLEN, Mr. DAVIS of Florida, Mr. MORAN of Kansas, Mr. SKELTON, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. HUNTER, Mr. SCOTT of Georgia, Mr. NADLER, Mr. BELL, Mr. KIND, Ms. LORETTA SANCHEZ of California, Mr. WU, Mr. RAHALL, Mr. COLLINS, Ms. DELAURO, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BLUNT, Mr. RADANOVICH, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. COX, Mr. BRADY of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. FARR, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. MCINTYRE, Mr. WAMP, Mr. STENHOLM, Mr. MOORE, Mr. HILL, Mr. PALLONE, Mr. BROWN of Ohio, Mr. TOM DAVIS of Virginia, Ms. PELOSI, Mr. VAN HOLLEN, Mr. HOYER, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. PASCRELL, Mr. ROSS, Mr. DELAY, Mrs. MALONEY, Mr. FORD, Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. PENCE, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SHAYS, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DOYLE, Mr. HOEFFEL, Mr. KANJORSKI, Mr. SNYDER, Mr. CASTLE, Mr. GOODE, Mr. NUSSLE, Mr. OSE, Mr. POMBO, Ms. SOLIS, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. REYNOLDS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. DEGETTE, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 919: Mr. HEFLEY, Mr. LEWIS of Kentucky, Mr. GEPHARDT, and Mr. BRADLEY of New Hampshire.

H.R. 920: Ms. LEE.

H.R. 970: Mr. OBERSTAR, Mr. GRIJALVA, Mr. CAPUANO, and Mr. BALLANCE.

H.R. 972: Mr. HOLDEN.

H.R. 997: Ms. HART.

H.R. 1006: Mr. RANGEL.

H.R. 1049: Mr. MCCOTTER.

H.R. 1052: Mr. SNYDER.

H.R. 1070: Mr. CALVERT.

H.R. 1101: Mrs. MILLER of Michigan.

H.R. 1105: Mr. DOYLE.

H.R. 1111: Mr. STEARNS.

H.R. 1157: Ms. MCCARTHY of Missouri and Mrs. LOWEY.

H.R. 1160: Mr. LAMPSON and Mr. CANNON.

H.R. 1172: Mr. WEXLER and Mr. EVANS.

H.R. 1214: Mr. DOYLE, Mr. CANTOR, Ms. ESHOO, Mr. VAN HOLLEN, Mr. TANNER, and Ms. HOOLEY of Oregon.

H.R. 1228: Mr. RANGEL.

H.R. 1229: Mrs. MILLER of Michigan and Mr. WALDEN of Oregon.

H.R. 1258: Mr. NUSSLE.

H.R. 1268: Mr. MCGOVERN, Mr. DELAHUNT, and Ms. DELAURO.

H.R. 1273: Mr. RADANOVICH.

H.R. 1278: Mr. CARSON of Oklahoma.

H.R. 1316: Mr. OTTER, Mr. GRIJALVA, Mr. QUINN, Mr. ENGLISH, and Ms. BALDWIN.

H.R. 1355: Mrs. LOWEY and Mr. CASE.

H.R. 1422: Mr. WAMP.

H.R. 1491: Mr. GRIJALVA.

H.R. 1508: Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, Mr. BERRY, and Mr. KIND.

H.R. 1519: Mr. STARK.

H.R. 1543: Mr. DREIER.

H.R. 1605: Mr. BLUMENAUER.

H.R. 1613: Mr. RYAN of Ohio.

H.R. 1628: Mr. BOYD and Mr. FROST.

H.R. 1633: Mr. CUMMINGS.

H.R. 1698: Ms. KILPATRICK.

H.R. 1708: Mr. GERLACH, Mr. BARTON of Texas, Mr. LEVIN, Ms. MCCOLLUM, and Mrs. LOWEY.

H.R. 1726: Mr. JENKINS.

H.R. 1752: Mr. RUPPERSBERGER and Mr. ETHERIDGE.

H.R. 1755: Mr. LUCAS of Kentucky and Mr. VITTER.

H.R. 1758: Mr. PAUL.

H.R. 1769: Mr. CONYERS, Mr. KINGSTON, and Mr. PASCRELL.

H.R. 1796: Ms. Kaptur.

H.R. 1819: Mr. Matheson and Mr. McCotter.

H.R. 1874: Mr. Snyder, Mr. Gordon, and Mrs. Capps.

H.R. 1886: Mr. Lucas of Kentucky, Mr. Shays, and Mr. Baird.

H.R. 1910: Mr. Baird.

H.R. 1916: Ms. Berkley, Mr. Schiff, Mr. Baca, Mr. Allen, Mr. Gordon, and Mr. Stupak.

H.R. 1930: Mr. McGovern.

H.R. 1951: Ms. McCollum and Mr. Matheson.

H.R. 1964: Mr. Weldon of Pennsylvania.

H.R. 1981: Mr. Deutsch.

H.R. 1993: Mr. Frost.

H.R. 1994: Mr. LoBiondo and Mr. Frost.

H.R. 1998: Mr. Deutsch.

H.R. 2015: Ms. Hooley of Oregon.

H.R. 2045: Mr. Culberson, Mr. Boozman, and Mr. Crenshaw.

H.R. 2047: Mr. Duncan.

H.R. 2079: Mr. Wicker and Mr. Shimkus.

H.R. 2107: Mr. Abercrombie, Mr. Filner, and Ms. Lofgren.

H.R. 2124: Mr. Gutierrez and Mr. Snyder.

H.R. 2134: Ms. Baldwin.

H.R. 2173: Mr. Alexander and Ms. Baldwin.

H.R. 2181: Mr. Gillmor.

H.R. 2203: Ms. DeGette and Mrs. Lowey.

H.R. 2216: Ms. Eddie Bernice Johnson of Texas.

H.R. 2237: Mr. Wolf.

H.R. 2238: Mr. McInnis.

H.R. 2260: Mr. Bachus, Mr. Bishop of Utah, Mr. Dingell, Mr. Foley, Mr. Gonzalez, Mr. Gutierrez, Ms. Lee, Mr. Lipinski, Ms. Lofgren, Mrs. Maloney, Mr. Murphy, Mr. Price of North Carolina, Mr. Sandlin, Mr. Turner of Texas, Mr. Bartlett of Maryland, Mr. Grijalva, and Ms. Harman.

H.R. 2269: Mr. DeMint and Mr. Wicker.

H.R. 2318: Mr. Emanuel.

H.R. 2327: Mr. Boucher and Mr. Gordon.

H.R. 2340: Ms. Hart.

H.R. 2344: Mr. Wexler.

H.R. 2359: Mr. Tancredo.

H.R. 2361: Mr. Ruppersberger.

H.R. 2426: Ms. Watson, Ms. Jackson-Lee of Texas, and Mr. Sabo.

H.R. 2429: Mr. Lewis of Georgia, Mr. Moran of Virginia, and Ms. McCollum.

H.R. 2462: Mr. Jefferson and Mr. Matsui.

H.R. 2482: Mr. Brown of Ohio and Mr. Waxman.

H.R. 2505: Mr. Michaud.

H.R. 2527: Mr. Boswell.

H.R. 2538: Ms. Harris, Mr. Young of Florida, Mr. Putnam, Mr. Feeney, and Ms. Ginny Brown-Waite of Florida.

H.R. 2540: Mr. Rangel and Mrs. Christensen.

H.R. 2568: Mrs. Capps.

H.R. 2570: Ms. Eddie Bernice Johnson of Texas.

H.R. 2582: Mr. Frank of Massachusetts, Mr. Stupak, Mrs. Lowey, Mr. Cramer, and Mr. McIntyre.

H.R. 2602: Mr. Rehberg.

H.R. 2625: Mr. Michaud, Mr. Strickland, Mr. Neal of Massachusetts, Mrs. Davis of California, and Mr. Smith of Washington.

H.R. 2626: Mr. Case, Mr. Sandlin, and Mr. Green of Texas.

H.R. 2650: Mr. Michaud.

H.R. 2665: Mr. Cummings, Mr. Gutierrez, Mr. McNulty, Mr. Olver, and Mr. Dingell.

H.R. 2670: Mr. Bereuter and Mr. Grijalva.

H.R. 2671: Mr. Gibbons, Mr. Hayworth, Mr. Foley, Mr. Gillmor, Mr. Petri, and Mr. Aderholt.

H.R. 2680: Mr. Alexander, Mr. Carson of Oklahoma, Mr. Berry, Mr. Cramer, Mr. Wexler, Mr. Brown of Ohio, Mr. Marshall, Ms. Harman, Mr. Etheridge, Mr. Sabo, Mr. Blumenauer, Mr. Larson of Connecticut, Mr. Ruppersberger, Mr. King of Iowa, Mr. Levin, Mr. Filner, and Ms. McCollum.

H.R. 2719: Mr. Wamp, Mrs. Tauscher, Mr. Jones of North Carolina, Mr. Deutsch, and Mr. Abercrombie.

H.R. 2727: Mr. Abercrombie.

H.R. 2743: Mr. Terry and Mr. Isakson.

H.R. 2762: Mr. Neugebauer.

H.R. 2763: Mr. Neugebauer.

H.R. 2768: Mr. Moore, Mr. Udall of Colorado, Mr. Coble, Mr. Green of Texas, Mr. Skelton, Mr. Spratt, Mr. Brown of South Carolina, and Mr. Doggett.

H.R. 2776: Mr. Rehberg.

H.R. 2787: Mr. Neal of Massachusetts.

H.R. 2823: Mr. Upton, Ms. Eddie Bernice Johnson of Texas, and Mr. Kingston.

H.R. 2829: Mr. Kleczka.

H.R. 2849: Mr. Price of North Carolina.

H.R. 2851: Ms. Hart, Mr. Barrett of South Carolina, and Mr. Linder.

H.R. 2872: Mr. Payne, Ms. Carson of Indiana, Mr. McGovern, and Mr. Wexler.

H.R. 2885: Mr. Sam Johnson of Texas, Mr. Akin, and Mr. Feeney.

H.R. 2891: Mr. Towns, Ms. Lee, Mr. Gutierrez, Mr. Costello, and Mr. Cooper.

H.R. 2898: Mr. Davis of Tennessee, Mr. Hoeffel, Mr. Deutsch, Mr. Greenwood, Mrs. Lowey, Mr. Ackerman, and Mr. Weller.

H.R. 2932: Ms. Kaptur, Ms. Lofgren, Ms. McCollum, Mr. Blumenauer, and Mr. Wexler.

H.R. 2968: Mr. Hayworth, Mr. Wamp, and Mr. Isakson.

H.R. 2991: Mr. Gary G. Miller of California, Mrs. Napolitano, and Mr. Baca.

H.R. 2998: Mr. Bartlett of Maryland, Mr. Abercrombie, Mr. Latham, Mr. Pearce, Mr. Kingston, Mr. Nethercutt, Mr. Cunningham, Mr. Vitter, Mr. Taylor of North Carolina, Mr. Walden of Oregon, Mr. Frost, Mr. Thornberry, Mr. Ehlers, Mr. Kildee, Mr. Rogers of Kentucky, Mr. Edwards, Mr. Saxton, Mr. Hinchey, Mr. Gibbons, Mr. Spratt, Mr. Holden, Mr. Bonner, Mr. Lynch, Mr. Carter, Mr. McGovern, Mr. Hyde, Mr. Wynn, Mr. Shimkus, Mr. Terry, Mr. Feeney, Mr. Houghton, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Ms. Schakowsky, Mr. Green of Texas, Mr. Rahall, Mrs. Kelly, Mr. Jenkins, Mr. Cantor, Mr. King of New York, Mr. Culberson, Mr. Hefley, Ms. McCollum, Mr. Frank of Massachusetts, Mr. Kleczka, Ms. Carson of Indiana, Mr. Petri, Mr. Nunes, Mr. Gilchrest, and Mr. Weldon of Florida.

H.R. 2999: Mr. McIntyre.

H.R. 3011: Mr. Bilirakis, Mr. Green of Texas, Ms. Harman, Ms. Jackson-Lee of Texas, Mr. Cardoza, Mr. Jenkins, Mr. Reyes, Ms. Millender-McDonald, Mr. Frost, Mr. Skelton, Mr. Lewis of California, and Mr. Frank of Massachusetts.

H.R. 3015: Mrs. Northup, Mr. Sessions, Mr. Stupak, Mrs. Maloney, Mr. Kleczka, Mr. Dicks, Mr. Brown of Ohio, Mr. Pascrell, Mr. Lucas of Kentucky, and Mr. Green of Texas.

H.R. 3022: Ms. Slaughter.

H.R. 3023: Mr. Stark.

H.R. 3034: Mr. Tom Davis of Virginia.

H.J. Res. 56: Mr. Coble, Mr. Calvert, and Mr. Turner of Ohio.

H.J. Res. 62: Mr. Allen and Mr. Simmons.

H. Con. Res. 78: Mr. Andrews.

H. Con. Res. 99: Mr. Evans and Mr. Meehan.

H. Con. Res. 155: Mr. Nadler.

H. Con. Res. 158: Mr. Davis of Illinois and Mr. Tierney.

H. Con. Res. 213: Mr. Lampson and Mr. Hoeffel.

H. Con. Res. 232: Mrs. Musgrave.

H. Con. Res. 249: Mr. Frost.

H. Con. Res. 254: Mr. Frost, Mr. Berman, Mr. Greenwood, Mr. Hinchey, Mr. Pallone, Mr. Rangel, Mrs. Christensen, Mr. Dingell, Mr. Jefferson, Mr. Saxton, Mr. Souder, Mr. Doolittle, Mr. Weiner, Ms. Slaughter, Mr. Engel, and Mr. Payne.

H. Con. Res. 256: Mr. Ballance, Mr. Scott of Georgia, Ms. Corrine Brown of Florida, Mr. Jackson of Illinois, Ms. Waters, Ms. Millender-McDonald, Mr. Cummings, Mr. Fattah, Mr. Scott of Virginia, Ms. Watson, Mr. Ford, Mr. Watt, Mr. Davis of Alabama, Mr. Meeks of New York, Ms. Majette, Mr. Clay, Mr. Wynn, Mr. Bishop of Georgia, Ms. Norton, Mr. Meek of Florida, Mr. Hastings of Florida, and Mr. Conyers.

H. Res. 103: Mr. Kennedy of Minnesota, Mr. Garrett of New Jersey, and Mr. Rothman.

H. Res. 167: Mr. Green of Texas.

H. Res. 254: Ms. Woolsey, Mr. Gonzalez, and Ms. Jackson-Lee of Texas.

H. Res. 300: Mr. Ehlers, Mr. Stenholm, Mr. Pence, Mr. McKeon, Mr. Wamp, Mr. Hyde, Mr. Shimkus, Mr. Burton of Indiana, and Mr. Souder.

H. Res. 315: Mr. Pickering.

H. Res. 325: Mrs. Lowey.

H. Res. 348: Mr. Meehan, Mr. Baker, Mr. Gilchrest, and Ms. Baldwin.

H. Res. 352: Mr. Shimkus, Mr. McNulty, Ms. Norton, Mr. Cooper, Mr. Lantos, Mr. Green of Texas, Mr. Frost, and Mr. Frank of Massachusetts.

H. Res. 355: Mr. Wexler, Mr. McCotter, Mr. Blumenauer, Mr. Lantos, Mr. Engel, Ms. Lee, and Mr. Burton of Indiana.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2622

Offered By: Mr. Kanjorski

Amendment No. 1: Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) shall not apply after December 31, 2012.".

H.R. 2622

Offered By: Ms. Lee

Amendment No. 2: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.".

H.R. 2622

Offered By: Mr. Inslee

Amendment No. 3: Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services".

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking "a supervisory official designated by"; and

(2) by adding at the end the following new subsections:

"(f) REPORTS TO THE CONGRESS.—On a semiannual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

"(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.".

H.R. 2622

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

"(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any other credit card or debt.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting "subject to subsection (d)," before "to review".

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 5: Page 10, line 12, insert ", other than subsections (g), (h), (i), (j), (k), and (l)" before the closing quotation marks after "identity theft prevention".

Page 10, after line 13, insert the following new paragraph:

(4) Section 624(b)(1) of the Fair Credit Reporting Act (15 1681t(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting "specific" before "subject matter".

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, strike lines 9 and 10 and insert "Section 612 of the".

Page 44, beginning on line 14, strike "described in section 603(p)" and insert "that compiles and maintains files on consumers on a nationwide or regional basis".

Page 44, strike line 18 and all that follows through line 22.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 44, beginning on line 14, strike "described in section 603(p)" and insert "that compiles and maintains files on consumers on a nationwide or regional basis".

H.R. 2622

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Page 7, line 15, insert "(a) IN GENERAL.—" before "Section".

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

"(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

"(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

"(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code).".

H.R. 2622

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 9: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

"(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

"(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

"(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

"(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

"(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.".

H.R. 2622

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 10: Page 44, after line 3, insert the following new section (and conform the table of contents accordingly):

SEC. 406. PROHIBITION ON INCLUDING LATE PAYMENTS IN CREDIT REPORTS THAT WERE LATE DUE SOLELY TO DECLARED DISASTERS.

(a) IN GENERAL.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by inserting after paragraph (6) (as added by section 702(b) of this Act) the following new paragraph:

"(7) Any reference to a late payment that was due solely to a disruption caused by a declared disaster for which the agency receives notice under subsection (m).".

(b) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (l) (as added by section 203 of this Act) the following new subsection:

"(m) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—

"(1) NOTICE FROM CONSUMER.—Any consumer who—

"(A) resides in an area which has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

"(B) fails to make a payment on an obligation in a timely manner during the effective period of the declaration of a disaster; and

"(C) pays the obligation within 30 days after the end of such effective period,

may notify the creditor, with respect to such obligation, that the late payment was due to the existence of the declared disaster.

"(2) NOTICE TO CONSUMER REPORTING AGENCY.—Any creditor which receives a notice from a consumer under paragraph (1) shall notify any consumer reporting agency to which the creditor furnished information on the late payment described in such paragraph that the late payment was due to a disruption caused by a declared disaster.".

H.R. 2622

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

"(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

"(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

"(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

"(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

"(iv) the results of the consumer reporting agency's reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute.

Page 35, beginning on line 25, strike "thereafter report correct information to" and insert "notify".

H.R. 2622

Offered By: Mr. Ney

Amendment No. 12: Page 56, after line 16, insert the following new subsection:

(e) Technical and Conforming Amendment.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking "or" at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

"(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

"(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

"(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

"(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

"(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

"(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).".

H.R. 2622

Offered By: Mrs. Biggert

Amendment No. 13: Page 67, after line 25, insert the following new section (and redesignate the subsequent section and any cross reference to such section and conform the table of contents accordingly):

SEC. 509. COMMISSION TO EDUCATE OUR NATION'S TEACHERS AND STUDENTS ON FINANCIAL LITERACY SKILLS.

(a) Findings.—The Congress finds as follows:

(1) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, choices which will impact individuals' credit ratings.

(2) An individual's credit rating will affect his or her ability to buy a home, finance education, establish a small business and prepare for retirement.

(3) Building and maintaining sound credit requires knowledge of personal finance and economics.

(4) Basic economics education is a key to understanding personal finance.

(5) A number of Federal departments and agencies have implemented programs to improve personal finance and economics education, including the Departments of Education, Labor, Treasury, and Housing and Urban Development, as well as the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Trade Commission and the Securities Exchange Commission.

(6) Coordinating existing Federal efforts, maximizing the impact of existing private sector efforts, and identifying and promoting best practices are necessary to improve economic and personal finance education and to improve individuals' credit and economic well-being.

(b) Authority To Establish Commission.—Not later than January 31, 2005, the President shall convene a Commission to Educate our Nation's Teachers and Students on Financial Literacy Skills (hereafter in this section referred to as the "Commission") to examine and identify government policies that promote economic and financial literacy.

(c) Scope of the Commission.—The scope of the Commission shall consist of issues relating to economic and financial education.

(d) Purposes.—The purposes of the Commission shall be—

(1) to make recommendations on integrating economic and personal finance education into primary, secondary, and postsecondary curricula;

(2) to identify and make recommendations regarding best practices in economic and personal finance education;

(3) to make recommendations on coordinating existing Federal and private sector economic and financial literacy education programs; and

(4) to make recommendations on ways to improve education at all levels regarding credit managment, credit reports, credit scores and dispute resolution.

(e) Commission Members.—To carry out the purposes of the Commission, the Commission shall include—

(1) 3 members appointed by the President, one of whom shall be designated by the President as the Chairperson of the Commission;

(2) 2 members appointed by the Speaker of the House of Representatives;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the majority leader of the Senate; and

(5) 2 members appointed by the minority leader of the Senate.

(f) Appointment Requirements.—The Commission members shall—

(1) be appointed not later than January 31, 2005; and

(2) include at least one representative of each of the following groups:

(A) Primary and secondary educators.

(B) Postsecondary educators.

(C) The financial services industry.

(D) State and local governments.

(E) organizations involved in promoting economics education.

(g) Commission Administration.—

(1) Administration.—In administering this section, the Chairperson of the Commission shall—

(A) request the cooperation and assistance of such Federal departments and agencies as may be appropriate in the carrying out of this section;

(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to provide testimony and otherwise participate in the Commission's hearings;

(C) make available for public comment a proposed agenda for the Commission that reflects to the greatest extent possible the purposes for the Commission set out in this section;

(D) prepare and make available background materials for the use of participants in the Commission that the Chairperson considers necessary; and

(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay-rates.

(2) Duties of the chairperson.—The Chairperson of the Commission shall, in carrying out the responsibilities and functions of the Chairperson under this section, ensure that—

(A) the Commission shall hold hearings in accordance with this section;

(B) the Commission shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in economic education; and

(C) the agenda prepared under paragraph (1)(C) for the Commission is published in the Federal Register.

(3) Nonapplication of federal advisory committee act.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) Hearings.—

(1) In general.—The Commission shall hold public hearings to receive testimony related to the recommendations to be included in the Commission's report identified in subsection (i)(3).

(2) Field hearings.—The Commission shall conduct at least 4 hearings to be held in different States.

(i) Report.—

(1) In general.—The Commission shall prepare a report describing the activities and recommendations of the Commission and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than July 1, 2005.

(2) Approval of report.—Approval of the Commission's report shall require a majority of the Commission.

(3) Report contents.—In addition to summarizing the activities of the Commission, the report shall include proposals for improving economics and finance education, including recommendations for—

(A) integrating high quality, standards-based economic and financial education in the curricula of primary, secondary and postsecondary education;

(B) identifying best practices in the teaching of economics and personal finance including teacher training and development of curricular materials;

(C) coordinating and enhancing existing federal and private sector efforts to improve economic education and financial literacy;

(D) assessing and identifying best practices for the training of teachers and educators in economics and finance; and

(E) improving public and private efforts to educate consumers regarding credit management, credit reports, credit scores, dispute resolution and related issues.

(j) DEFINITION.—For purposes of this section, the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning on or after October 1, 2004, such sums as are necessary to carry out this section.

(l) FINANCIAL OBLIGATION FOR FISCAL YEAR 2005.—The financial obligation for the Commission for fiscal year 2005 shall not exceed $500,000.

(m) CONTRACTS.—The Chairperson of the Commission may enter into contracts to carry out the Chairperson's responsibilities under this section. The Chairperson shall enter into a contract on a sole-source basis to ensure the timely completion of the Commission's activities.

H.R. 2622

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 14: Page 28, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 208. PROHIBITED ACTIONS WITH RESPECT TO SOCIAL SECURITY NUMBERS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DISPLAY.—The term "display" means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

(2) PERSON.—The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

(3) PURCHASE.—The term "purchase" means providing directly or indirectly, anything of value in exchange for a social security number.

(4) SALE.—The term "sale" means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(5) STATE.—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

(b) PROHIBITED ACTIONS WITH RESPECT TO AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.—Subject to subsections (e) and (f), no person may engage in any of the following:

(1) Display in any manner an individual's social security number.

(2) Print or otherwise display an individual's social security number on any card, or other means of access, required for the individual to access products or services provided by the person to the individual.

(3) Require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use the individual's social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet Web site.

(5) Print or otherwise display an individual's social security number on any communications by the person to the individual, unless Federal or State law, or any Federal agency or any contractor with the Federal Government (under color of Federal law), requires the individual's social security number to be included on such documents.

(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

(e) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Subsection (b)(5) shall not apply with respect an individual's social security number included on documents sent by mail—

(1) in connection with an application or enrollment process initiated by the individual; or

(2) to establish, amend, or terminate an account held by the individual with the person; or

(3) to verify the accuracy of the individual's social security number.

(f) EXCEPTION FOR PRIOR ON-GOING USE.—Subsection (b) shall not apply to the use by a person of an individual's social security number in a manner that is inconsistent with such subsection if—

(1) the use by such person of the individual's social security number in such manner began before the date of the enactment of this Act;

(2) the use by such person of the social security number in such manner is continuous; and

(3) the person notifies the individual, in writing, before the end of the 30-day period beginning on the date of the enactment of this Act and annually thereafter, that the individual has the right to require such person to stop using the individual's social security number in a manner inconsistent with subsection (b).

(g) INDIVIDUAL'S REQUEST TO STOP INCONSISTENT USE.—

(1) IN GENERAL.—If a person receives a written request from an individual to stop using the individual's social security number in a manner that is inconsistent with subsection (b), the person shall fully comply with such request before the end of the 30-day period beginning on the date of the receipt of the request.

(2) DENIAL OF PRODUCTS OR SERVICES PROHIBITED.—A person may not deny any product or service to an individual, or otherwise discriminate against such individual in the provision of any such product or service, solely on the basis that the individual submitted a request described in paragraph (1).

(h) COORDINATION WITH OTHER LAW.—

(1) IN GENERAL.—No provision of this section shall be construed as prohibiting or limiting the display or use of an individual's social security number by any person—

(A) to the extent required or authorized under any Federal or State law, or by any Federal agency or any contractor with the Federal Government (under color of Federal law);

(B) for internal verification or administrative purposes of the person;

(C) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(D) for a national security purpose;

(E) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(F) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including—

(i) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

(ii) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers; or

(iii) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

(G) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

(H) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this paragraph shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

(2) BUSINESS SAFEGUARDS.—

(A) IN GENERAL.—In furtherance of the provisions of paragraph (1)(F), the Federal Trade Commission shall establish appropriate standards for businesses relating to administrative, technical, and physical safeguards—

(i) to insure the security and confidentiality of social security numbers;

(ii) to protect against any anticipated threats or hazards to the security or integrity of social security numbers; and

(iii) to protect against unauthorized access to or use of social security numbers which could result in substantial harm or inconvenience to any customer.

(B) SAFE HARBOR.—Any person who is subject to the safeguard standards under section 501(b) of the Gramm-Leach-Bliley Act and is in compliance with such standards shall be deemed to be in compliance with the standards under subparagraph (A).

(3) STUDY AND REPORT.—

(A) IN GENERAL.—The Commissioner of the Social Security Administration shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law and State and local uses of social security numbers.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of the Social Security shall submit a report to Congress on the study conducted under this paragraph.

(C) CONTENTS OF REPORT.—The report shall include—

(i) a detailed description of the uses of an individual's social security number that are allowed as of the date of enactment of this Act;

(ii) an evaluation of whether such uses should be continued or discontinued by appropriate legislative action; and

(iii) such other recommendations for legislative or administrative action as the Commissioner determines to be appropriate.

(i) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not less than $5,000 for each such violation; and

(B) to a civil penalty of not less than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any knowing violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

(j) EFFECTIVE DATE.—This section shall apply after the end of the 180-day period beginning on the date of the enactment of this Act.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.".

H.R. 2622

OFFERED BY: MRS. KELLY

AMENDMENT NO. 16: Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

"(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

"(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers' demands for such reports.

"(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.".

H.R. 2622

OFFERED BY: MR. OXLEY

AMENDMENT NO. 17: Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert "inserting '(and to specific identity theft prevention subjects covered)' after".

Page 20, line 7, insert "a summary of rights, or other disclosure, that is the same as or substantially similar to" after "with".

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike ", or duplicative of,".

Page 28, line 4, strike "credit" and insert "consumer".

Page 28, strike line 7 and insert "the biometric industry, and the".

Page 28, line 8, strike the comma after "public".

Page 32, line 11, insert ", using an address or a notification mechanism specified by the consumer reporting agency for such notices" before the period.

Page 35, beginning on line 25, strike "thereafter report correct information to" and insert "notify".

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert "of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.".

Page 36, after line 3, insert the following new subparagraph:

"(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

"(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

"(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

"(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

"(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

"(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

"(I) the reasons for the determination under clause (i); and

"(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.".

Page 56, line 16, insert before the closing quotation marks the following new sentence: "This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.".

Page 60, line 16, insert "or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer" before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

"(C) the information to be furnished pertains solely to transactions, accounts, or balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike "purpose" and insert "purposes".

Page 75, line 21, insert "(and which shall include permitting actions necessary for administrative verification purposes)" after "needs".

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JASON MICHAEL BOETCHER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas, Jason Michael Boetcher has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jason Michael Boetcher has shared his time and talent with the community in which he resides; and

Whereas, Jason Michael Boetcher has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jason Michael Boetcher must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the residents of Frazeysburg and the entire 18th Congressional District in congratulating Jason Michael Boetcher as he receives the Eagle Scout Award.

HIGH SCHOOLERS DISPLAY TRUE HEROISM—PEOPLE HELPING PEOPLE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention Kevin and Manuel Romero, best friends who took it upon themselves to help save a family's home during the first of two fires that recently threatened Albuquerque's bosque.

Kevin and Manuel will be juniors at Albuquerque's West Mesa High School in the fall. They both grew up on Albuquerque's West Side, the area of town most threatened by the recent fires, and have been involved in JROTC throughout high school.

On June 24, the pair decided to drive by the bosque to get a closer look at the flames. As they did so, they saw Mary and Dick Kirschner, whose home borders the bosque, attempting to put out the flames encroaching on their house. Grabbing shovels, the boys immediately filled buckets with dirt and dumped sand onto the embers. The thought of not helping never crossed their minds.

Kevin and Manuel's efforts clearly made a difference in saving the Kirschners' home, which is now surrounded by scorched terrain. That landscape is a constant reminder of how close the fire came. Kevin and Manuel had never met the Kirschners, yet they tirelessly worked to save their home. The boys' efforts won them not only recognition on numerous local newscasts but the thanks of the Kirschners as well, who praise the boys for "reaffirming the best of human instincts." Kevin's mother taught him that good deeds come back to those who do them, and that creed has clearly affected both Kevin and Manuel in a very positive way.

Mr. Speaker, I ask you join me and all the residents of New Mexico in honoring and thanking Kevin and Manuel Romero for their valiant efforts in saving a family home from a devastating fire. Their spirit of community is an inspiration to us all.

HONORING THE ORANGE 9–10 GIRLS SOFTBALL TEAM ON THEIR STATE CHAMPIONSHIP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. DELAURO. Mr. Speaker, it is with great pride and excitement that I rise today to extend my sincere congratulations to the Orange 9–10 Girls Softball Team who recently won their second consecutive State Championship title. I am certainly proud to stand with the Orange community in saluting these youngsters on this tremendous accomplishment.

For too long young women were often discouraged from participating in sports. It has only been in the last decade that women's sports have exploded onto the national stage. With the continued and increasing interest in women's collegiate and professional teams, so many opportunities are opening up for our young people.

This team of fourteen girls worked hard and played well—enjoying an extraordinary season. More importantly, they have learned one of life's most valuable lessons—teamwork. Softball, like all sports, teaches us the value of team work, practice, camaraderie, and commitment to excellence. These skills will serve these young people well as they begin to make a difference in the world. Working together, they have already accomplished so much and who knows—perhaps the next Lisa Fernandez or Christa Williams is among them. I have every confidence that they will enjoy great success in all of their future endeavors.

I would be remiss if I did not take this opportunity to extend my thanks and congratulations to some very special parents. It is with great pleasure that I also recognize Coaches Ken Slowik, Bruce Post, and Bill McNeil—all of whom have worked hard to give these young people the chance to play. Without their efforts, the success of the team would not have been possible.

This evening, as they celebrate their victory, I would again extend my heart-felt congratulations to these youngsters as well as my very best wishes for continued success. I am thrilled to join the Orange community in recognizing this outstanding accomplishment and only wish that I could share in tonight's festivities. You have made us all proud.

A PROCLAMATION RECOGNIZING RONALD SICKELS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas, Ronald Sickels has demonstrated professionalism and a dedication to safety; and

Whereas, Ronald Sickels has logged 1 million miles, the equivalent of circling the earth's equator 40 times, without a single preventable accident; and

Whereas, Ronald Sickels must be commended for the hard work and dedication he put forth over his years at Yellow Transportation;

Therefore, I join with the Motor Freight Carriers Association and the residents of Ohio 18th Congressional District in congratulating Ronald Sickels for his outstanding achievement.

A LIFE-SAVING PARTNERSHIP—QWEST JOINS AMBER ALERT TEAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention a partnership that could save children's lives. Telecommunications provider Qwest will begin sending AMBER Alerts directly to its technicians' pagers in order to increase the number of individuals looking for missing children. The company joins America Online and the New Mexico State Lottery as a corporate partner in the program to find abducted children.

The AMBER Alert program began in 1996, and since then over 32 abducted children nationally have been found as a direct result of communities' rapid response to the alert. In October 2000 I sponsored and the House passed a resolution on this floor urging communities to implement the AMBER Alert. I then laid the groundwork for the alerts to become available in New Mexico, which they did in April 2001. Today the Albuquerque Police Department, Bernalillo County Sheriff's Department, and the New Mexico State Police have all established AMBER Alert programs.

The AMBER Alerts are currently carried by New Mexico's broadcast media via the same

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Emergency Alert System used in severe weather and national emergencies. The tones so familiar to citizens during storms are now helping to save children's lives. Thanks to Qwest's efforts, the alerts will now go out directly to the company's field technicians' pagers as well. The workers cover much of the state in their efforts to serve customers, so adding those employees to the network of individuals looking for missing children will be a tremendous advantage.

Mr. Speaker, I ask you join me and all the residents of New Mexico in honoring and thanking Qwest for its efforts to aid our community in efforts to find abducted children. AMBER Alerts have proven effective in finding these children, and through its partnership Qwest has significantly expanded the number of people participating in the program and aiding authorities in their search. I commend them for answering an important call.

HONORING JOEL SCHIAVONE AS HE RECEIVES THE NEW HAVEN PRESERVATION TRUST "PRESERVATION HERO AWARD"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. DELAURO. Mr. Speaker, I am pleased to rise today to join the New Haven Preservation Trust in recognizing Joel Schiavone for his many contributions to our community. As a lifelong resident of New Haven, Connecticut, I am truly grateful to those in our community who dedicate themselves to preserving our rich history. Through his efforts and good work, Joel has helped to preserve numerous architectural jewels throughout our great city.

Each year, the New Haven Preservation Trust bestows their Preservation Hero Award on an individual or group who has significantly contributed to the preservation of the distinctive character of the city of New Haven. Throughout the course of its history the city has seen many changes. The home of such local treasures as Yale University, Winchester Repeating Arms, Wooster Square, and the Carousel at Lighthouse Point, the city has a strong and proud tradition of fighting to preserve those unique facets on which our community was built.

As a developer and entrepreneur, Joel has worked over the last several decades to blend the changing needs of the residents and businesses with the unique styles of architecture which can be found throughout the city. Perhaps his most well-known accomplishments lie in the resurrection of the College and Chapel Street District which sits adjacent to Yale University. His work not only restored many historic buildings but began an economic revitalization of the area as well.

Throughout his career, Joel has committed himself to enriching the city and celebrating its unique culture. I am honored to rise today to join the New Haven Preservation Trust, and the New Haven community, in extending my sincere thanks and appreciation to Joel Schiavone for his many efforts on behalf of the city of New Haven.

A PROCLAMATION RECOGNIZING THE OHIO COLLEGE REPUBLICAN FEDERATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas, the Ohio College Republican Federation (OCRF) has been presented the "Best State Federation Award" by the College Republican National Committee; and

Whereas, the OCRF should be recognized for its leadership, Campaign Efforts, Education Taskforce, Women's Caucus, and service to the Republican Party; and

Whereas, OCRF members must be commended for the hard work, and dedication they put forth on a daily basis;

Therefore, I join with the College Republican National Committee and the residents of Ohio's 18th Congressional District in congratulating the Ohio College Republican Federation for this outstanding achievement.

TRIBUTE TO W. CLOYCE ANDERS, RALEIGH, NC, ON COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to commend my friend and a fellow North Carolinian, W. Cloyce Anders of Raleigh, who is completing his highly successful term as President of the nation's largest insurance association—the Independent Insurance Agents & Brokers of America (IIABA)—later this month in Las Vegas. He was elected to IIABA's Executive Committee in September 1997. Cloyce is president of VFIS of North Carolina and Anders, Ireland & Marshall, Inc., both of Raleigh as well as a managing partner of Independent Agency Services, LLC, of Durham.

Even before his service as IIABA president, Cloyce's career as an independent insurance agent was marked with distinguished service and dedication to his clients, community, IIABA, the Independent Insurance Agents of North Carolina (IIANC), and his colleagues across the country. His service to his peers began with his involvement at the state level with IIANC. He served as IIANC president for a year beginning in 1989 and represented the state on IIABA's National Board of State Directors from 1992 to 1997. In recognition of his outstanding service, he was honored by the North Carolina association as its Agent of the Year, Young Agent of the Year, Educator of the Year, and Committee Chairman of the Year.

Cloyce also is a concerned and highly active member of his community. He has served as president of several community organizations, including the Craven County Chamber of Commerce, New Bern Jaycees, Craven County Committee of 100; and as chairman of the Salvation Army Craven County Board, Craven County March of Dimes, Craven County Heart Fund, Craven County Cancer Drive, Craven County Committee of 100, and Salvation Army Building Fund Drive. He is a member of the North Carolina Fire & Rescue Commission and is the facilitator for the Wake County Fire Commission. He also is chairman of the North Carolina Safety Workers Compensation Fund.

I laud Cloyce for his tireless and selfless leadership of the Independent Insurance Agents & Brokers of America and the many accomplishments benefiting all independent insurance agents and brokers realized during his tenure as President. I know that even though Cloyce will step aside as IIABA leader soon, he will remain involved with the Association because he is a concerned leader and wants to continue helping his colleagues build for a strong and secure future. Congratulations on a job well done, Cloyce!

THE 100TH ANNIVERSARY CELEBRATION OF THE CARNEGIE FREE LIBRARY OF BEAVER FALLS, PA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. HART. Mr. Speaker, on September 13th, an outstanding institution in the congressional district I represent in the House of Representatives will celebrate a remarkable landmark. The Carnegie Free Library of Beaver Falls, PA, will hold its 100th anniversary celebration on that date. I am honored to pay tribute to this library that has provided knowledge and enjoyment to citizens both young and old in the Beaver area for a century.

I ask my colleagues in the House of Representatives to join me in wishing the Carnegie Free Library of Beaver Falls a happy one hundredth birthday and to thank all of those who have served in its important mission to provide reference, knowledge, and entertainment to the Beaver Falls community over the past one hundred years.

A PROCLAMATION RECOGNIZING EDWARD THOMAS WARNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas Edward Thomas Warner has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Edward Thomas Warner has shared his time and talent with the community in which he resides; and

Whereas, Edward Thomas Warner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Edward Thomas Warner must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 212, the residents of New Lexington, and the entire 18th Congressional District in congratulating Edward Thomas Warner as he receives the Eagle Scout Award.

TRIBUTE TO THE STUDENTS AND STAFF OF THE YOUTH ACTION YOUTHBUILD PROGRAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. WALSH. Mr. Speaker, as our country approaches the second anniversary of 9/11, I rise today to honor the students of the Youth Action YouthBuild program from New York City, New York. On the day after this horrific act of terror, this group showed dedication, character, and courage in a time of national crisis in the United States and for that, they deserve our recognition and thanks.

On September 12, 2001—one day after the tragic events of September 11th—the city of New York called for the assistance with recovery and cleanup. More than sixty-five YouthBuild students and staff organized themselves to respond to that call. Without regard for their own personal safety, the students marched themselves downtown to see how they could help. YouthBuild was among the first organizations to act in response, as most of the nation still sat in stunned silence.

The remarkable students and staff of YouthBuild selflessly donated themselves to the 9/11 cause for more than a month—volunteering their labor and helping to raise money for the cause. The generosity shown by these young people was both magnificent and exhilarating. Thank you, YouthBuild students and staff, for your contributions to America in her hour of need.

J. STEPHEN HORN POST OFFICE BUILDING

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. MCKEON. Mr. Speaker, I rise today in strong support of H.R. 2309, designating the J. Stephen Horn Post Office Building in Signal Hill, California. I cannot think of a better tribute to our former colleague and my friend for his dedication and commitment to his community and his country.

As my colleagues will agree, former Representative Stephen Horn served the people of his district as one of the hardest-working Members during his ten years in Congress. He played a key role in obtaining funds for the Alameda Corridor, the underground rail and freeway connection from the port to the main east-west links, and secured $25 million in 2000 to clean up contamination of the underground water supply that extends to South Bay.

Mr. Horn's former constituents may remember him most for securing a single ZIP code for the City of Signal Hill, California. Often considered a part of Long Beach, California, residents of Signal Hill were neglected by the Postal Service. For years, the city and its 9000 residents had higher insurance rates; misreported sales taxes and misapplied utility taxes by long distance companies. Upon his election to Congress in 1992, Congressman Horn made acquiring a single ZIP code for the city one of his top priorities. Despite a lack of cooperation from the Postal Service and the Postmaster General, Stephen Horn refused to take no for an answer and succeeded in getting Signal Hill its own ZIP code in January 2002.

I am honored to have worked with Stephen in Congress and to have had the opportunity to bear witness to his drive, dedication and devotion to his home State and his constituency.

Mr. Speaker, I stand with my colleagues in support of this resolution and appreciate the opportunity to express my thoughts and gratitude for Stephen Horn.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. PETRI. Mr. Chairman, I ask that a letter from the National Association of State Park Directors in support of my amendment to H.R. 2989 regarding the transportation enhancements program (voted on September 4, 2003) be included in the RECORD.

NATIONAL ASSOCIATION
OF STATE PARK DIRECTORS,
September 4, 2003.

DEAR CONGRESSMAN PETRI: The National Association of State Part Directors (NASPD) is the organization that comprises the leadership of the State Park Systems in all fifty (50) States. We are writing to support your amendment to strike section 114 from the 2004 Transportation Appropriations Bill, H.R. 2989.

Transportation Enhancements (TE's) help to provide environmentally sustainable infrastructure and fund critically important and popular projects in all jurisdictions represented by NASPD. TE's help to enhance the street-scapes of communities throughout the Nation and to provide pedestrian and bicycle connections for both transportation and recreational purposes, thereby, reducing congestion, protecting air quality, enhancing public health through exercise and improving the quality of life for millions of Americans.

As stewards of the State Park Systems Nationwide, we can attest to the popularity of the projects funded by TE's and utilized by so many of our patrons, constituents of all members of Congress. While section 114 of the bill would still allow States to use highway funds for Enhancement projects, in our opinion, this provision would threaten the integrity of the program and we applaud your efforts to remove it from the final legislation. We urge all members of Congress to support your amendment.

Sincerely,

PHIL MCKNELLY,
President.

HONORING EBRI'S 25TH ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CARDIN. Mr. Speaker, I rise to congratulate the Employee Benefit Research Institute on its twenty-fifth anniversary. Since coming to Congress, one of my ongoing legislative priorities has been to ensure that America's workers will enjoy retirement security when they end their careers. When I think of those who have helped educate me and my colleagues—and the public—about the issues and challenges facing workers, the Employee Benefit Research Institute is high on the list. Indeed, without their high quality research and analysis, few would fully comprehend the problems we face and the viable options for solving them.

EBRI has provided this service for a quarter century, and it has established an impressive track record on issues ranging from Social Security to health benefits, as well as a panoply of private pension issues. EBRI's data is reliable and its analyses helpful. Their reports are uniquely useful because rather than recommend approaches, EBRI simply lays out the options for policymakers.

In today's often partisan atmosphere, EBRI's focus on the facts is particularly welcome. By doing so, they often provide common ground where those with differing ideological stances can reach compromise. I hope my colleagues will join me in congratulating EBRI on its 25 years of service, and I look forward to relying on its counsel in the years to come.

TRIBUTE TO MS. CECILE DICKEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life and work of an outstanding individual who I feel fortunate to call my friend, Ms. Cecile Dickey. She was recognized on Tuesday, September 9, 2003, for her 28 years of unwavering dedication and service to the Head Start Program in my hometown of Paterson, New Jersey.

During her long and distinguished career as the Executive Director of Concerned Parents for Head Start, Ms. Dickey has maintained responsibility for the overall administration and operation of a program that includes Early Head Start, teenage student mothers, and an adult education program for welfare recipients that prepares its students for gainful employment. It is only fitting that Cecile Dickey be honored for her commitment to improving the quality of life in Paterson through education in this, the permanent record of the greatest freely elected body on earth.

Cecile Dickey began her career with Head Start in the summer of 1965 when, after registering her son in Project Head Start, she volunteered her services as a Parent/Volunteer. Over the next 7 years, Cecile, progressed from volunteer to assistant teacher to teacher and, in 1973, she was named the Director of Concerned Parents for Head Start. Under Ms. Dickey's dedicated leadership, Head Start has grown to accommodate over 700 pre-school aged children in six locations throughout Paterson.

As the Executive Director of Head Start, Cecile soon recognized the need to remain knowledgeable about the newest trends in childhood education in order to ensure the quality education that her students deserved. Deciding to return to college, Ms. Dickey earned degrees in Early Childhood and Special Education from William Paterson University and in Public Policy and Urban Education from St. Peter's College in Jersey City. In 1989, she accepted a lectureship in the Public Policy Department at St. Peter's College where she spent the next 7 years sharing her enthusiasm and expertise with her college-aged students while continuing her duties as the Executive Director of Concerned Parents for Head Start.

In many ways, Cecile Dickey's commitment to the young children of Paterson has extended beyond the classroom walls. She was instrumental in enacting the New Jersey Anti-Lead Bill, and has served on several Educational Task Forces for former Governor Thomas H. Kean. She was the founding president of the New Jersey Head Start Association and a former Vice President of Region II (New York, New Jersey, and Puerto Rico) of the National Head Start Association. Ms. Dickey currently serves on the board of the Second Baptist Church Community Development Corporation in Paterson, and heads a Not-For-Profit Housing Corporation which has completed and sold 47 townhouses in the City of Paterson. She was recently appointed to the Board of Trustees of St. Joseph's Hospital.

Cecile Dickey's exemplary service to the City of Paterson has been recognized both locally and nationally. She is the recipient of the Ann Phipps Memorial Award—the highest honor in National Head Start Service. In addition, she has received the William Paterson University President's Medal, the Passaic County College Woman of the Year Award, and the Johnson and Johnson Fellows MIP Award. Yet, despite the many commendations and prestigious seats on councils and boards that she has received over the years, her work as the executive director of Concerned Parents for Head Start has remained Ms. Dickey's first love.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of devoted educators and public servants like Ms. Cecile Dickey. I ask that you join our colleagues, the faculty and students of Head Start, Ms. Dickey's family and friends, and myself in recognizing Cecile Dickey for 38 years of outstanding service to the children of Paterson.

IN RECOGNITION OF BP SOLVAY POLYETHYLENE NORTH AMERICA

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. BELL. Mr. Speaker, I rise to honor BP Solvay Polyethylene North America on the occasion of being named the 2003 Industry of the Year by the Deer Park Chamber of Commerce.

BP Solvay Polyethylene North America manufactures high density polyethylene plastic in the shape of small round pellets which are used to make a wide range of consumer and industrial products, including milk bottles, gas tanks, children's play toys, plastic bags and liners. The company's world class business processes have distinguished BP Solvay Polyethylene North America's employees as number one in customer satisfaction (out of 675 resin buyers) for the fourth time per Mastio and Company, a well-recognized survey company.

At the core of BP Solvay Polyethylene North America's values lies a commitment to safe operations, preserving the environment, and protecting the health and welfare of employees and neighbors. To accomplish this, the company employs highly skilled, trained, and motivated individuals.

The company's goal is for Deer Park citizens to feel that the community is a better place because of their neighbor, BP Solvays Polyethylene North America. Through the years, the site has worked closely with the Deer Park Chamber of Commerce and numerous other local organizations. The company supports the Deer Park Independent School District on activities ranging from involvement and financial support of the high school's honors recognition banquet, fire prevention safety for students, to sponsorship of an annual art and essay scholarship program. Through the years, the company's employees have particularly enjoyed working with partner school Deer Park Junior High on student plant tours, campus fix-up and environmental projects, and traveling plastic science shows for classrooms.

Besides education, BP Solvay Polyethylene North America supports numerous civic initiatives and groups. The company's volunteer team, named the Community Activities Team, has been active for almost 15 years, guiding over 3,000 volunteer hours per year.

RECOGNITION OF THE 65TH ANNIVERSARY OF THE INDIAN CRAFT SHOP

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. PALLONE. Mr. Speaker, I rise today to mark the 65th anniversary of the Indian Craft Shop at the U.S. Department of the Interior. This shop is one of Washington, D.C.'s most remarkable sites for Native American art enthusiasts. Originally established in order to provide an outlet for American Indian artists to market their work, the Indian Craft Shop has represented quality and authenticity in American Indian arts and crafts in our nation's capital since 1938. Over the years the craft shop has developed a national reputation for carrying a diverse selection of Native American art.

Mr. Speaker, thanks to the efforts of places like the Indian Craft Shop, American Indian art, in all forms, has never been more alive and dynamic. Today, Native American art continues to be one of the most gratifying and exciting forms of art to collect. With over 45 Native American tribal groups' artwork on display, the Indian Craft Shop offers quality artwork to the novice as well as the skilled collector.

American Indian art combines age-old tradition, innovation and talent that results in a wide variety of art for all levels of collecting, irrespective of whether you are beginning with a first time purchase or have been collecting for years. Craft areas represented in the shop include pottery, jewelry, quill and beadwork, kachinas, sculpture, weavings, basketry, sandpainting, fetish carvings, Alaskan crafts/carvings and many other craft items.

Through its tireless efforts, the Indian Craft Shop has successfully built a widespread appreciation for the skill and time involved in the crafts and the continuation of artistry through today's generation. Without a doubt the shop will continue to play a large role in expressing the livelihood of American Indian artisans and in the preservation of this country's only indigenous art. Therefore, on this day, I ask my colleagues to join me in honoring the 65th anniversary of The Indian Craft Shop.

TRIBUTE TO JOHN D. LAVELLE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. OXLEY. Mr. Speaker, I rise today to honor the late General John D. Lavelle, who was born on this day in 1916.

A proud son of Ohio, Jack Lavelle was born and raised in Cleveland and graduated from John Carroll University in 1938. On the eve of war, he enlisted in the Army Air Corps and was commissioned as a second lieutenant in June 1940. During World War II, he flew combat missions in the European Theater, where he served with the 412th Fighter Squadron.

Following the war, Jack Lavelle was assigned to Wright Field, Ohio. A career airman, his service would span 32 years and include assignments around the globe. He rose to the rank of four-star general as commander of the U.S. Seventh Air Force in 1971.

During his career, Jack Lavelle was awarded the Distinguished Service Medal, the Legion of Merit with three oak leaf clusters, the Air Medal with oak leaf cluster, the Air Force Commendation Medal with oak leaf cluster, and the Belgian Fourragere.

Jack Lavelle passed away on July 10, 1979. He is buried in Arlington National Cemetery.

Mr. Speaker, I ask my colleagues to join me in remembrance of this courageous and patriotic American.

TRIBUTE TO MARK MARTENSEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. HUNTER. Mr. Speaker, I rise today to recognize a gifted and talented local artist from the San Diego area, my friend, Mark Martensen. Mark was asked by his hometown of Chula Vista to create a sculpture that will be displayed outside the city's new fire station in Otay Ranch. Mark's piece, as yet unnamed, will be unveiled on September 11, 2003, serving as a lasting memorial to the brave firefighters who risk their lives to protect ours.

Born and raised in Chula Vista, Mark has been making a living selling his western art for 20 years. Described as his generation's Olaf Wieghorst, San Diego's most recognized western artist, Mark is represented in art galleries all over California, Arizona, New Mexico and Indiana.

A few years ago, Mark presented the Commandant of the U.S. Marine Corps, General Charles Krulak, with a bronze sculpture he created of Lt. Gen. Chesty Puller, a hero and legend to all Marines. General Krulak was deeply impressed with Mark's work and clearly moved. Just as impressed was President Bush when, earlier this year, Mark and I went to the White House to give the President a bronze he created titled "Texas Skip."

As plans for the new fire station were finalized, it was determined that the facility must include some type of public art. Mark was a natural choice, and he has not disappointed. His first life-size sculpture, weighing 700 pounds and depicting a veteran firefighter with his hand on the shoulder of a kneeling rookie, required 15–hour work days for three months. The piece will stand on a pedestal in front of the firehouse with water falling from the fireman's hose.

In 1985, President Reagan told recipients of the National Medal of Arts that, "Where there's liberty, art succeeds." This couldn't be more true. Generations of San Diegans will have the opportunity to admire Mark's work and reflect both upon the sacrifices and the privilege of living in our great nation. Thank you Mark for using your talents to remind us about what is important.

IN HONOR OF MARIA TORRES-GIL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. FARR. Mr. Speaker, I rise today in honor of Maria Torres-Gil on the occasion of her 80th birthday. She is a life-long resident of Monterey County and has dedicated herself to working in and giving back to her community.

Maria Torres-Gi1 was born in Los Angeles; the daughter of two Mexican emigrates who had come to California in the aftermath of the Mexican Revolution. Like many other Americans during the Great Depression, Maria's family worked as itinerant farmers throughout the San Joaquin Valley before settling in Castroville in the early 1930s. She married Rafael Torres-Gil in 1947, but when he passed away at a young age, she had to raise their nine children on her own. Although she was only able to attend school through the sixth grade, all of her children went on to college and successful careers.

Despite these hardships, Maria remained active in her community. She organized the first advisory committee for the Monterey County Housing authority, developed a school bus program for the children living in housing projects who lacked transportation to school, and also served as a vocal advocate for families in the housing project. In addition to working on local issues, Maria volunteered to serve as a translator for the Monterey County Department of Social Services. She was hired as an eligibility worker and served with the Department for many years. After retiring she was a featured columnist for the Salinas based Californian newspaper, in which she focused on parenting issues and community service.

Mr. Speaker, I applaud Maria Torres-Gil's achievements and accomplishments. She has demonstrated outstanding dedication to her community and family. Maria has made a lasting impact on our community and the people with whom she worked. I join the County of Monterey, and friends and family in honoring this truly commendable woman and all of her lifelong achievements.

TRIBUTE TO MR. IRA CLARK: A DEDICATED PUBLIC SERVANT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most remarkable public servants, Mr. Ira Clark, former President of our County Public Health Trust and Chief Executive Officer of Miami-Jackson Health System. His friends and supporters will honor him this Friday, September 12, 2003 at a special benefit dinner at the Hotel Intercontinental in Miami.

This event will recognize Mr. Clark for 16 years of exceptional service to the residents of our community, particularly the countless indigents and immigrants. Having dedicated the longevity of his stewardship over our county Jackson Memorial Hospital, he has been relentless in his development of innovative healthcare service programs that now respond to the crying needs of our community. His was indeed a mission of genuine love and utmost commitment that maximized thorough understanding and common-sense compassion for many destitute families who lack the basic financial wherewithal to have a loved one access quality medical care and treatment in a modern urban hospital setting.

Under his leadership many lives have been saved and many more families have been rendered whole because of his dedication to providing accessibility to affordable quality healthcare services. One of the most impressive achievements under his watch was the acquisition of a predictable source of recurrent funding when the residents of Miami-Dade County voted in 1991 to have an extra halfpenny sales tax to fund Jackson Memorial Hospital. An essential component of this securely funded system was his ability to create a partnership with the University of Miami School of Medicine, which now provides the expertise of this medical center to spread worldwide in specialties like trauma care, organ transplant, spinal cord injury, pediatrics, high-risk obstetrics and a host of quality healthcare innovations.

Other highlights of his tenure contributed to the decompression of the county hospital facility through the creation of the Jackson North Maternity Center, the Taylor Breast Health Center, the Diagnostic Treatment Center, the state of the art Ryder Trauma Center and the recent opening of Jackson South Community Hospital to benefit the residents living in the South Dade area. The event this Friday will raise funds to help build a state-of-the-art Rehabilitation Facility at this premiere hospital.

These facilities are eloquent testimonies to Mr. Clark's mission to provide a single high standard of medical care to all people. This sterling commitment has raised the bar of quality healthcare for the vibrant community of Miami-Dade County, which uniquely symbolizes a virtual mosaic of immigrants representing virtually every country of the world.

It is his vision that spearheaded the introduction of the Jackson Health System corporate identity in the Spring of 2000, which led to the creation of a network of some 12 primary care centers across the county. The role he played in developing.our excellent healthcare system evokes a unique passion that led to our community's ability to receive the recognition of its strength amidst its diversity, and help the less fortunate In their quest for quality medical care and treatment.

Indeed, it is an honor to have the privilege of the friendship of Mr. Ira Clark, a caring public servant par excellence. The tribute he will receive on Friday is genuinely deserved. I salute him on behalf of a grateful community that he truly loved and cared for so deeply.

THE TIES THAT BIND

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. SHAYS. Mr. Speaker, I wish to submit for the RECORD a speech delivered by Ambassador Joseph Verner Reed, Under Secretary General of the United Nations and a distinguished resident of Greenwich, Connecticut. Ambassador Reed's remarks were made at a ceremony at the Greenwich Town Hall commemorating Bastille Day on July 14, 2003.

THE TIES THAT BIND

Citizens of the Town of Greenwich and the French Community of our Town are thankful to be commemorating a date that is both significant and symbolic in the shaping of our two countries.

Allow me to paraphrase a few words spoken by President George W. Bush on May 30, 2003, during an interview with a French journalist. France and the United States share the same objectives on all vital subjects. Regarding security in our democracies, peace in the world and international commerce, we are largely in agreement. President Bush was echoing those famous words from President Franklin D. Roosevelt: "no two nations are more closely bound by the ties of history and mutual friendship than the people of France and that of the United States of America."

On July 4, 2003 citizens of France deposited a red rose on each of the 60,511 graves in honor of the American soldiers buried in eleven cemeteries, who died in France during World War I and II for the preservation of French freedom.

We celebrate the sovereignty and dignity of our two nations with our respective national anthems.

THE STAR-SPANGLED BANNER

Oh, say, can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thru the night that our flag was still there.
Oh, say, does that Star-Spangled Banner yet wave
O'er the land of the free and the home of the brave.

LA MARSEILLAISE

Allons enfants de la Patrie
Le jour de gloire est arrivé!
Contre nous de la tyrannie
L'étendard sanglant est levé! (bis)
Entendez-vous dans les campagnes
Mugir ces féroces soldats?
Ils viennent jusque dans nos bras
Egorger nos fils et nos compagnes.
Aux annes, citoyens, formez os bataillons!
Marchons! Marchons!
Qu'un sang impur abreuve nos sillons!

In a similar spirit, before the flags of our two nations are raised, let us observe a minute of silence in memory of all those who made the ultimate sacrifice in support of freedom and democracy wherever they may have been.

Historically, both diplomatically and artistically, the United States and France have been bound. From colonialism and nascent nation status, through peace and conflict, this tandem of nations has relied on one another even during the times where they may not have been on the same page. Our Nations have formed an inextricable bond of liberty, full of the implications that such a condition would warrant: strength, determination and solidarity. My hope is to return to full and fruitful mutual respect.

IN MEMORY OF JAMES H. GILLIAM, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CASTLE. Mr. Speaker, it is with great honor that I rise to pay tribute to James H. Gilliam, Jr. who passed away suddenly last week at the age of 58 after decades of outstanding service to the State of Delaware. Jim was a loving father, husband, and son, as well as a corporate attorney and investor, civic and business leader, philanthropist, and the first black Cabinet secretary in Delaware's history. The numerous accomplishments, recognitions, and admiration Jim has had in his lifetime are truly remarkable.

Until 1998 Jim was the Executive Vice President and General Counsel of Beneficial Corporation and a member of the Executive Committee and the Board of Directors of Beneficial, as well as Chairman of its commercial banking subsidiary, Beneficial National Bank. Before joining Beneficial in 1979, Jim served as Secretary of Community Affairs and Economic Development in the Cabinet of Governor Pete du Pont. Prior to that post he was an attorney with the law firms of Richards, Layton & Finger in Wilmington, Delaware and Paul, Weiss, Rifkind, Wharton & Garrison in New York City. A graduate of Morgan State University, Columbia University School of Law, and the Advanced Management Program of the Wharton School of the University of Pennsylvania, Jim also received Honorary Doctor of Laws degrees from Morgan State University and Delaware State University.

Serving as a board member and trustee for numerous corporations and foundations, Jim was a board member of the Delaware Community Foundation, a Trustee of Christiana Care Corporation, and Founding Chairman of Wilmington 2000, established to assist in redevelopment of the City of Wilmington. He was also Chair of the Delaware State Chamber of Commerce, the United Negro College Fund Delaware Campaign, the Capital Campaign for the Chesapeake Bay Girl Scouts Council, and the Walnut Street YMCA in Wilmington, among many others.

Jim also gave back greatly to the legal profession as a member of the American Bar Foundation, as Chair of the Governor's Judicial Nominating Commission in Delaware, and as Secretary of the Board of Bar Examiners for Delaware.

Jim received many awards that further point to his commitment to a life of service to his community. He was awarded the Helping Hand Award by the Delaware Chapter of the NAACP for his efforts to promote diversity in the legal community, as well as the Wilmington Branch NAACP Award for Advocacy in the Education and Civil Rights Arena for Over 25 Years. Jim was also named Outstanding Young Man of the year by the Wilmington and Delaware Jaycees and received the National Conference for Community and Justice/Delaware Region Brotherhood-Sisterhood Award for Leadership and Service toward building a just and inclusive community.

I rise today to praise and honor James H. Gilliam, Jr. for his contributions to the State of Delaware and its citizens. His achievements speak to the immense mark he has left on the community. His peers have described him as a great leader, a "giant" of the community, his friends speak of his loyalty, and his daughters speak of his encouragement and unconditional love. Delaware will remember James H. Gilliam, Jr. for his great leadership and constant striving to do more for more people.

CARE FOR VETERANS OR TAKE THEIR PLACE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DUNCAN. Mr. Speaker, one of my leading constituents, former Blount County Executive Bob Davis, recently sent me an editorial from the Daily Times of Blount County, Tennessee.

This editorial concerns the medical treatment given to our Nation's veterans who are not high profile celebrities.

This editorial expresses my views 100 percent.

Another Daily Times editorial concerning Free Trade and Fair Trade also expresses my views. I am sick and tired of seeing so many American jobs go to other countries.

We need to start putting our own citizens first once again or we are going to have some real problems in this Nation.

I want to commend the outstanding Editor of the Daily Times, Dean Stone, for these patriotic, common-sense, well-written editorials and would like to call them to the attention of my colleagues and other readers of the RECORD.

TIME FOR CONGRESS TO CARE FOR VETERANS OR TAKE THEIR PLACE!

If our nation expects its healthy citizens in military service to serve and fight on the missions on which they are sent around the world, it is high time we decide to support these veterans who serve.

There may be some question about providing health care for health problems that are not service related but the least we can do is provide prompt and adequate care for wounds and injuries received on active duty.

And this should not be reserved for military personnel such as former prisoner of war Pfc. Jessica Lynch who because of her high-profile situation was given all the medical care anyone could use. And we don't need a double standard for enlisted personnel or officers either. All who serve are human beings, individuals created equal in God's sight and deserving the same medical care for their wounds or injuries.

Army Sgt. Vannessa Tuner, a six-year Army veteran who survived a still-unknown illness doctors feared would kill her, is finding it even tougher after a military flight brought her to her mother's home in Boston's Roxbury neighborhood last month. She had experienced hospital stays in Germany and Washington, D.C.

Despite severe nerve damage in her right leg, she was told it would be mid-October before a doctor at the local Veterans Affairs hospital could see her.

She sought help from Sen. Edward M. Kennedy, D-Mass., and eventually got an appointment scheduled this week but the experience has been frustrating.

Veterans advocates said Turner's frustration is not unusual. More than 100,000 veterans are waiting six months or more for their initial visit with a VA doctor or to see a specialist, the Veterans' Administration acknowledges.

Our nation ignored the complaints of health damage from Agent Orange in the Vietnam War for a couple of decades and we waited almost a decade after Gulf War I to acknowledge there might be something to the many health complaints resulting from that war.

There might be some excuse for those delays of what seemed to be unusual illnesses. However, the majority of individuals who have served in the armed forces are not deadbeats looking for a handout in the form of health care. They have illnesses. They have wounds.

Many have delayed their civilian careers in order to serve our nation. They have postponed their education and preparing for their profession because they felt obligated to defend our nation and the freedoms that all of us treasure.

If you have not put your life on the line in behalf of your country, it is difficult to fully appreciate the awesome responsibility that it is for both you as an individual and your family members. American lives are not trash to be thrown away and should not be considered as such.

Some of our members of Congress, such as Rep. John J. "Jimmy" Duncan, have worked to help veterans and succeeded in getting a new hospital to be built in this area. However, many of these veterans could be treated by doctors as outpatients while living at home if there were an adequate number of doctors.

It is time members of both the House and Senate decide to provide reasonable medical care for members of the armed forces injured or wounded while on duty or let all of our people in service return to civilian life.

But don't count on getting enough volunteers to replace even a company of them from the House or Senate. Too many of these folks are to busy running for the next higher office, better paying job or feathering their nest to see that veterans receive adequate health care.

WE NEED TO FORGET "FREE" TRADE, MOVE TOWARD "FAIR" TRADE

Jobs are going . . . going . . . gone—almost like the chant of a tobacco auctioneer except it has a much more devastating effect.

From January to June this year the unemployment in Tennessee rose from 5.4 percent to 5.6 percent. That is a loss of 10,900 jobs. This has occurred despite the 4,000 new jobs that have occurred since Gov. Phil Bredesen took office. Of course, some of these new jobs were the result of the administration of Gov. Don Sundquist.

Tennessee Commissioner of the Department of Economic and Community Development Matt Kisber said that economic development has continued as a seamless transition between the two administrations. That included landing the $124 million Toyota plant at Jackson.

Unemployment in Blount County and Tennessee has remained below the national average. But still many local families tell of their sons and daughters with 20 years seniority losing their jobs in other states as major corporations moves their manufacturing plants to Mexico or China.

We need to tell you that we do not think the problem with the economy is the fault of action or inaction by any administration, state or national.

We think the whole problem with the economy lies with the nation's free trade—global economy—approach approved by Congress. And we have to tell you that we have supported the free trade policy. It sounds good on paper but it doesn't work for several reasons.

We were wrong!

It is time for the United States to abandon a free trade policy and adopt a fair trade policy.

In a free trade policy, the nations remove tariffs that protect manufacturing businesses in our country.

A fair trade policy would permit tariffs that would result in selling goods for prices that would be fair considering the differences in the manufacturing costs—things such as wages, working conditions and materials.

National governments have the authority to set tariffs and quota unless they agree not to do so.

Of course, what has happened is that many major U.S. companies have moved their manufacturing operations to China, or are in the process of doing so, to take advantage of the lower wages. That permits them to make bigger profit.

If they were to pay that profit to stockholders that would be fine, the stock market would rebound strongly and help a lot of people, especially those with 401-Ks and IRAs, but that is not going to happen. They will continue to waste much of it on overpaid, greedy executives. Most items can be manufactured for far less in countries where there are no labor standards and the pay scale is very low.

We will probably pay the same price for the manufactured items but we will not have the jobs that will enable our people to purchase the items.

Today, Americans are having to train some of their replacements in countries such as China and India, individuals who will do their job when the companies move overseas.

Think about it!

Our nation cannot maintain its standard of living with all of the manufacturing jobs going overseas.

If allowed to continue unabated, the free trade market would result in our nation sharing its wealth with poor nations. In other words, our standard of living will be greatly reduced.

The difference between most rich and poor nations is farm subsidies and import duties, a form of tariff.

It seems to us that it would be far better to maintain our standard of living and as a nation and provide more foreign aid support to needy nations. That doesn't mean money to provide arms for Israel or its opponents but perhaps food to the starving.

Textiles are having the most tribulations, jobwise. The U.S. lost 8,000 textile jobs in July. And that doesn't count the 7,600 likely to be lost by the July 30 bankruptcy of Pillowtex Corp., a 106-year-old textile manufacturer.

Since April, the United States has lost 26,000 jobs in textiles and 21,000 jobs in apparel.

Next year's deadline is the end of a decade-long phase-out for quotas used by the United States and other wealthy countries to limit imports from developing countries. That is expected to accelerate China's growing market dominance. The American Textile Manufacturers Institute predicts that 630,000 jobs in textiles, apparel and related industries could be lost by 2006. The impact could be felt as early as next spring as material orders are placed.

North Carolina would be the biggest loser with about 85,000 more losing their lobs in the next three years. That is two out of every three jobs remaining in this field. South Carolina would have 42,000 layoffs.

Quotas slow the drain of U.S. jobs but are estimated to cost an average family of four $300 to $750 a year more for clothes. That is a small price to pay for a job though.

Of course, developing nations have something to say about this too. Many of them have tariffs on industrial goods which they must import from richer nations.

Hopefully, we as a nation could be smarter at the bargaining table in adjusting quotas and tariffs in a fair trade market. It appears to us that if we lose the majority of our manufacturing jobs there will not be anything left to negotiate!

NORTHWEST INDIANA ALLIANCE BASKETBALL TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate and recognize the Northwest Indiana Alliance Basketball Team on winning the national title for the 9th grade category at the United States Specialty Sports Association Nationals in Fort Wayne, Indiana on August 3, 2003. The tournament began on July 30, 2003 and ended with the Alliance's outstanding victory against the Illinois Wildcats on August 3rd.

The Northwest Indiana Alliance is made up of seven high school sophomores and two freshmen from across Northwest Indiana, along with their coach Mr. Jim Van Weelden. With their collaborated efforts, they achieved victories over other teams from Illinois, Michigan, Ohio. and other states across the nation. With an outstanding record throughout multiple tournaments, the Alliance completed their highly successful season with 34 victories and 17 losses, 16 of those by ten points or less.

Mr. Aric Van Weelden, a sophomore at Munster High School, has been a member of the Junior Varsity team for Munster since his freshman year. Two other Alliance members, Mr. Scott Rutkowski and Mr. Jeff Marinier, were also members of the Munster High School Junior Varsity Basketball Team as freshmen. Mr. Andrew Helmer, from Highland High School, plays three different sports for his high school including football, basketball, and baseball. All four of these great athletes from Northwest Indiana became leaders for the Alliance team by averaging 12 to 15 points each per game.

Mr. Nate Triezenberg, a resident of Highland, is a freshman at Illiana Christian High School, and is recognized by his teammates for his positive attitude and strong will. Mr. Nick Ullman just completed his freshman year at Andrean High School in Merrillville last spring, and is now a sophomore at Crown Point High School. Another Alliance member that plays many different sports at his high school is Mr. Derek Moser, who plays football, basketball, and baseball for Highland High School.

The remaining two members of the Northwest Indiana Alliance are Mr. Mike Bizoukas and Mr. Nick Stolarz from Munster High School. Mike recently completed his 8th grade year at Wilbur Wright Middle School, and is now a freshman at Munster High School. Nick, as a freshman, played on the Junior Varsity team, and is now a sophomore at Munster High School.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Northwest Indiana Alliance Basketball Team for their outstanding championship victory at the United States Specialty Sports Association Nationals. Their hard work and dedication is worthy of the highest commendation.

SIKHS PROTEST ON INDIAN INDEPENDENCE DAY, DEMAND FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. TOWNS. Mr. Speaker, while we were in recess, India celebrated its Independence Day on August 15. I join my colleagues in congratulating India on 56 years of independence, but what is India really celebrating?

Indian Independence Day is certainly not a celebration for the minorities living under the boot of Indian repression. Is missionary Graham Staines, who was burned to death along with his two young sons while they slept in their jeep, celebrating? Is human-rights activist Jaswant Singh Khalra, who was murdered in police custody after exposing the Indian government's policy of mass cremations, celebrating? Is Gurdev Singh Kaunke, who was murdered by the Indian police official Swaran Singh Ghotna, celebrating? What about the priests who have been murdered, the nuns who have been raped, the Christians whose peaceful religious festival was broken up by police gunfire, or American missionary Joseph Cooper, who was thrown out of the country after being beaten so severely by Hindu nationalists that he had to spend a week in a hospital? Do you think they are celebrating Indian Independence Day? I seriously doubt it, Mr. Speaker.

India is a multinational state like the old Austro-Hungarian Empire or the Soviet Union. The record of history is that countries like that don't last. Eventually, they all break up. That makes India's 56 years of independence all the more remarkable, and perhaps it explains why India has to try to keep the country together by force.

This effort has claimed the lives of over a quarter of a million Sikhs, over 200,000 Christians in Nagaland, more than 85,000 Kashmiri Muslims as well as thousands of Muslims in Gujarat and other places around the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and so many others. According to the Movement Against State Repression, India admitted to holding more than 52,000 Sikhs as political prisoners under TADA, a repressive law that expired in 1995. Some of these Sikhs have been in custody for almost 20 years without charge or trial. Even a Sikh Member of Parliament has recently had TADA charges brought to court against him. Amnesty International notes that tens of thousands of Christians, Muslims, and others are also being held as political prisoners, Mr. Speaker. Do you think they are celebrating India's independence?

Listen to what a spokesman for the Golden Temple, Narinder Singh, told National Public Radio on the fiftieth anniversary of Indian independence in 1997: "The Indian government, all the time they boast that they are secular, that they are democratic. They have nothing to do with a secularism, nothing to do with a democracy. They kill Sikhs just to please the majority." And Sikhs are unfortunately not the only ones. That is why Sikhs from the East Coast showed up to protest in front of the Indian Ambassador's residence, where an Independence Day celebration was being held. They demanded the basic democratic freedom of self-determination and freedom for the Sikh homeland, Khalistan, which declared itself independent on October 7, 1987.

Mr. Speaker, it is time for America to take a stand for freedom and democracy in South Asia. We must act now to cut off aid to India until it allows real democracy and freedom for the Sikhs, Christians, Dalits, Muslims, and other minorities. And we must put this Congress on record in full support of self determination for all the peoples and nations of South Asia in the form of a free and fair plebiscite on the question of independence. Self-determination is the cornerstone of democracy and India is not allowing self-determination for anyone but the upper-caste Brahmins. A free and fair plebiscite will allow everyone to have self-determination and allow this to happen peacefully. We must not allow militant Hindu fundamentalist theocrats to turn South Asia into another Yugoslavia, Mr. Speaker.

I would like to place the International Sikh Organization's press release on the Independence Day protest into the RECORD at this time.

DECEITFUL INDIAN GOVERNMENT MOVES INDEPENDENCE DAY CELEBRATION TO AVOID SIKH DEMONSTRATORS—ARE VICTIMS OF INDIAN REPRESSION CELEBRATING?

WASHINGTON, D.C., August 15, 2003.—The cowardly, deceitful Indian regime again moved its Independence Day celebration from the Indian Embassy in Washington, D.C. to the Ambassador's residence to avoid Sikhs who came from Pennsylvania, New Jersey, Maryland, and Virginia to protest Indian repression of Sikhs, Christians, Muslims, and other minorities and to demand an independent, sovereign Khalistan.

"This action shows the cowardice of the fundamentalist Hindu nationalists," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "They are afraid of a peaceful protest," Dr. Aulakh said. "That is not how democracies act," Dr. Aulakh said.

The protestors raised slogans like "India out of Khalistan", "Khalistan Zindabad", and others. They carried signs demanding the release of over 52,000 Sikh political prisoners in India as well as thousands of Christian, Muslim, and other political prisoners, denouncing India for its violent repression of minorities, pointing out India's long history of anti-Americanism, and demanding freedom for Khalistan. Khalistan is the independent Sikh homeland declared on October 7, 1987. It has been under Indian occupation since then. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have "the glow of freedom" and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. No Sikh representative has ever signed the Indian constitution. The Council of Khalistan is the government pro tempore of Khalistan, the Sikh homeland.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. "We only hope that the breakup will be peaceful," said Dr. Aulakh, "and that the fundamentalist Hindu nationalists will not force a violent, bloody breakup like that of Yugoslavia." India is ruled by Hindu theocrats whose agenda is "Hindu, Hindi, Hindutva, Hindu Rashtra," or total Hindu domination of every facet of Indian life. An Indian Cabinet minister said that everyone who lives in India must be a Hindu or subservient to Hindus.

"It is clear that India does not accept Sikhs," said Dr. Aulakh. "The Indian government continues to persecute and kill our Sikh brethren," he said. "Sardar Atinder Pal Singh's question of 13 years ago is still the question facing the Sikh Nation: Why don't we liberate Khalistan? As Professor Darshan Singh, a former Jathedar, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. An Indian newspaper reported on Tuesday that Sikhs in India had decided not to celebrate Indian Independence Day, but instead would hoist a black flag for the occasion. "This shows that the drive for freedom is still alive in Punjab," Dr. Aulakh said.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits (the aboriginal people of the subcontinent), and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"Is Jaswant Singh Khalra celebrating? Is Jathedar Kaunke celebrating? Is Graham Staines celebrating?," Dr. Aulakh asked. "How can a democracy celebrate the kind of violent repression that claimed their lives?"

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder. SSP Swaran Ghotna has never been brought to trial for the Kaunke murder. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984!

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat last year have never been brought to trial. An Indian newspaper reported that the police were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984.

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

CONGRATULATING DR. SHELBY M. ELLIOTT ON HIS RETIREMENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GREEN of Texas. Mr. Speaker, on December 31, 2003, Dr. Shelby M. Elliott will retire as president of the Texas Chiropractic College. I rise to congratulate Dr. Elliott on his successful tenure at Texas Chiropractic College and to wish him well in his retirement.

Shelby M. Elliott was born in Wild Cherry, Arkansas, the eldest son of parents who instilled the values of hard work and the importance of attaining as much education as possible. After attending pre-chiropractic coursework at Paducah Community College, he completed his Doctor of Chiropractic degree at Texas Chiropractic College, then enrolled in Logan College of Chiropractic and earned a second doctorate.

He maintained a successful chiropractic practice in Dayton, Texas for 38 years and held several key business and civic leadership positions, including president of the Rotary Club of Dayton, charter member of the Dayton American Legion Post No. 512, board member of the Moody National Bank and the First Texas Bank, and member of the Dayton School Board and the Dayton-Liberty Chamber of Commerce.

Dr. Elliott was honored as "Young Chiropractor of the Year" in 1964 and as "Chiropractor of the Year" in 1971 by the Texas Chiropractic Association and has been awarded the coveted Keeler Plaque. He was also awarded the "William D. Harper Science of Existence Award" in 1988 by Texas Chiropractic College, the "Lifetime Chiropractic Achievement Award" in 1988 and the "Doctor of the Year" in 1990 by the American Chiropractic Association and was honored as "Citizen of the Year" by the Pasadena Chamber of Commerce in 1996. I first met Doc Elliott in 1974 when he ran for State representative in East Texas. His loss was healthcare's gain.

He has held every elective position in local, State and national chiropractic associations. Shelby Elliott served as president of the Board of Governors for the American Chiropractic Association for an unprecedented five years, during his nine-year tenure on this board. He even served nine years on the Texas Board of Chiropractic Examiners, having been appointed by two different governors.

Shelby Elliott was appointed as the twelfth president of Texas Chiropractic College on September 1, 1990. At the time of his appointment, the Texas Chiropractic College was suffering with significant financial and morale problems. The Texas Chiropractic College Board of Regents recognized that the college needed a leader with vision and focused discipline. Fortunately, the Board of Regents was able to convince Shelby Elliott to accept the position of president and retire from professional practice for the sake of saving Texas Chiropractic College from bankruptcy and closure.

Dr. and Mrs. Connie Elliott personally gave $10,000 of their own funds to renovate the president's office when they began, and have always been leaders in financial support to the Texas Chiropractic College. Dr. and Mrs. Elliott even donated the Texas Chiropractic College landmark sign that welcomes visitors to the campus.

Today, the Texas Chiropractic College is financially secure, with cash reserves thanks to Dr. Elliott's financial management skills. During his successful tenure, Dr. Elliott has built four beautiful and significant campus buildings within a five year period, improving the college's capacity to provide quality education for a new generation of health care providers.

Mr. Speaker, Dr. Shelby Elliott is a legend in Texas and will be sorely missed. As a fitting tribute to his dedication to the Texas Chiropractic College, I ask my colleagues in the House of Representatives to join me in congratulating Dr. Shelby Elliott for his fine work and to wish him well in his retirement.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 463–480 on Wednesday, September 3 through Friday, September 5. Had I been present, I would have voted "yea" on rollcall votes 460, 461, 462, 466, 467, 468, 469, 471, 472, 474, 475, 476, 477, 479 and "nay" on rollcall votes 463, 464, 465, 470, 473, 478, 480.

HONORING STANLEY GRAZIUL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Stanley Graziul, a veteran in my congressional district who has served his country with distinction.

Stanley Graziul is a World War II hero. He served in the Army's 97th Infantry Division, in Battery B of its 365th Field Artillery Battalion, which saw heavy action during the war. Stanley single-handedly captured twenty-five German soldiers in Liebeneck, Czechoslovakia, on April 26, 1945. He was alone that morning guarding Battery B's perimeter when a young soldier dressed in an American uniform approached him. Stanley sensed that something was wrong and ordered the man, a German soldier, to halt. After interrogating him, Stanley learned that twenty-four of the soldier's comrades were hiding in the woods and promptly took them into custody, until he encountered American GI's who could take the Germans to a nearby prisoner-of-war camp.

Stanley Graziul's commitment to his country and the causes in which he believed did not end with his military service. He returned to the United States after the war and became actively involved in his community. He gave his time and energy to help many volunteer and service organizations assist those less fortunate than him. He also became active in the political process and donated his time and money to candidates and causes in which he believed. He and his wonderful wife, Caroline, live in my congressional district in Spring Hill and remain active in the community still today.

Mr. Speaker, Stanley Graziul is a true American hero. His honor, courage, and bravery, and that of countless American veterans, helped us win World War II and ensure that our democratic republic endured. I am proud to call him a constituent, and more important, to have him as a friend. I urge our colleagues to remember his example, and those of their constituents, as we exercise the freedoms that they helped secure.

TRIBUTE TO KATHLEEN A. WELLS UPON HER RETIREMENT FROM CRISIS SERVICES OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CRAMER. Mr. Speaker, I rise today to honor Kathy Wells who was instrumental in turning HOPE Place from a shelter for victims of physical and sexual abuse, to a nationally known comprehensive services agency providing services, support, and education to individuals and families in crisis. Today, she is moving on from her position as Executive Director of Crisis Services of North Alabama for an opportunity to represent victims of domestic violence for the entire State of Alabama.

Kathy Wells has been involved in helping domestic violence victims for well over 20 years. Her work began as a volunteer and in 1981 she was a leading force in the development of HOPE Place as a domestic violence shelter. HOPE Place, which is now known as Crisis Services of North Alabama, is one of Huntsville's brightest stars and assets. Kathy's dedication and work effort are chiefly responsible for its success.

Ms. Wells is well-known and respected for her tireless work on legislation and advocacy for victims of domestic violence. Her extensive background and knowledge has led to many opportunities for her to testify as an expert witness at several trials, an overwhelming number of invitations to conduct training sessions, appointments by three governors to sit on five statewide domestic violence committees, and requests to be the keynote speaker at many seminars and forums.

Mr. Speaker, today Kathy Wells's colleagues, friends and family are gathered in Huntsville, Alabama, to give her thanks and to congratulate her on her future endeavors. Since I cannot be there, I want to take this opportunity to honor her on behalf of the people of North Alabama, especially those who have regained confidence and a sense of self-worth because of Kathy's dedication and hard work.

TRIBUTE TO PAULA MONTANEZ—2003 BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Paula Montanez is one of these individuals. On September 30, 2003, Paula will be honored at the 2003 Distinguished Citizens Awards Dinner organized by the Boy Scouts of America.

Paula was born in Oklahoma, her mother's home state, but has lived most of her life in Southern California. She graduated from Corona High School in 1973 and attended college at the University of California, Riverside and Cal Poly Pomona. She received her Bachelor's Degree in Home Economics.

Paula and her husband Eugene, a Corona City Council Member, own and operate Zap Printing & Graphics, a successful printing company. In addition to her work she finds time for numerous organizations. She is a past president of Soroptimist International of Corona, a board member of the Corona Library Foundation and she has been involved in the Corona Reads projects for the past two years.

Paula has been a committee member of Cub Scouts Pack 121 and Boy Scouts Troop 121. She has also been a committee member of St. Edward School Development Commission, Santiago High School Soccer Boosters Board, Corona Regional Medical Center Foundation Board, and PrintImage International trade association. In 1998, Paula was awarded the "Women Helping Women" award by Soroptimist International of Corona. Her constant support and involvement has been an inspiration to fellow community members.

Paula's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the 2003 Boy Scouts of America Distinguished Citizen Award.

CUBAN TRAVEL: FOLLOW THE MONEY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DELAY. Mr. Chairman, there is no such thing as a "Cuban tourism industry." There is only Fidel Castro and his thugocracy.

If we pass this amendment, the money American travelers spend in Castro's Cuba will be confiscated by his regime and invested in his criminal empire.

If you believe American tourism will somehow help the situation there, remember that Cuba's tourist hotels—enjoyed by travelers from Canada, Europe, and elsewhere—have been up and running for decades, yet Castro's regime remains one of the horrors of the Western Hemisphere.

Make no mistake: Fidel Castro is not some curious anachronism. He is a violent criminal.

More than 100,000 Cubans have been imprisoned, and more than 15,000 murdered by his regime. Just in the last six months, he ordered what Amnesty International called "an unprecedented crackdown" on Cuba's pro-democracy movement.

This past spring, seventy-five pro-democracy advocates, working within Cuban law, were rounded up and imprisoned by Castro's secret police. They are now serving prison terms of up to 28 years, in unsanitary conditions and without access to health care, many for simply borrowing the wrong library books.

This amendment would reward such injustice.

Fidel Castro—thief, murderer, and tyrant—is the only Cuban who will benefit from this amendment. The hotels American tourists will patronize are off limits to ordinary Cubans, and so will be the profits they generate.

Proponents of this amendment would have us believe that vacationers in flip-flops and Hawaiian shirts, sipping mojitos at Cuban beach resorts will somehow improve human rights conditions there. Instead, Mr. Chairman, it will subsidize Castro's oppression and torture.

Those are the stark and unavoidable terms of this amendment. And I urge all my colleagues, in the name of justice, to vote no.

PRIVATE SECTOR MANDATE ESTIMATE FOR H.R. 2622, THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. OXLEY. Mr. Speaker, pursuant to section 423(f)(2) of the Congressional Budget Act, I am hereby submitting for printing in the CONGRESSIONAL RECORD the statement of private-sector mandates for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, prepared by the Director of the Congressional Budget Office pursuant to section 424(b) of the Congressional Budget Act. This statement was not available for printing in the report by the Committee on Financial Services to accompany that bill (H. Rept. 108–263).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed statement on private-sector mandates for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on September 3, 2003.

If you wish further details on the private-sector statement, we will be pleased to provide them. The CBO staff contact is Paige Piper/Bach, who can be reached at 226–2940.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

H.R. 2622—Fair and Accurate Credit Transactions Act of 2003

Summary: H.R. 2622 would permanently extend the national credit reporting standards in the Fair Credit Reporting Act (FCRA) which is scheduled to expire on January 1, 2004. The bill would prevent states from imposing new restrictions on how financial institutions share consumer information. The bill also would provide new consumer protections against identity theft (that is, fraud committed using another person's identifying information). In addition, H.R. 2622 would give consumers access to certain financial records, promote increased accuracy of credit reports, and provide protections of consumers' medical information.

H.R. 2622 would impose several private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on consumer reporting agencies, individuals and businesses that print electronic credit card receipts, certain mortgage lenders, financial institutions, credit and debit card issuers, and debt collection agencies. CBO expects the direct costs of those mandates would exceed the annual threshold for private-sector mandates ($117 million in 2003, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Private-sector mandates contained in bill: H.R. 2622 would impose private-sector mandates, on consumer reporting agencies, individuals and businesses that print electronic credit card receipts, certain mortgage lenders, financial institutions, credit and debit card issuers, and debt collection agencies by:

Requiring free credit reports upon the request of an individual;

Requiring truncation of credit card account numbers on receipts printed electronically;

Requiring disclosure of credit scores when approving certain loans; and

Requiring certain fraud alerts and blocks in consumer credit files.

Estimated Direct Cost of the Private Sector: CBO expects the aggregate direct costs of the private-sector mandates in the bill would exceed the annual threshold established by UMRA ($117 million in 2003, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Consumer access to credit reports

Section 501 would require consumer reporting agencies to provide an annual free credit report upon the request of an individual. Based on information from industry and government sources, CBO assumes a threefold increase in the number of individuals requesting a free credit report each year. CBO estimates that the additional direct consumer reporting agencies for providing mandatory free credit reports would be $1.00 to $2.00 per report with a total cost ranging from $30 million to $60 million per year.

Under current law, if a consumer disputes information contained in their consumer file at a consumer reporting agency, the agency must reinvestigate the disputed information free of charge. The mandate requiring free credit reports would have a secondary effect. The number of consumers who would exercise their option to receive a free annual credit report would likely increase the number of subsequent reinvestigations. According to industry sources, the cost for additional reinvestigations would be $7.00 to $8.00 per reinvestigation. Assuming half of those individuals who receive a free credit report dispute the information requiring a reinvestigation, the total cost would range from $110 million to $125 million per year. Such cost would not be direct cost, as defined in UMRA, and would not count towards the statutory threshold.

Truncation of credit card account numbers

Section 203 would impose a private-sector mandate by requiring individuals and businesses that accept credit cards to truncate the credit card account numbers by including no more than the last five numbers on an electronically printed cardholder receipt. The mandate would take effect three years from the date of enactment for machines currently in use and beginning in 2006 for machines put into service after January 1, 2005. According to the credit card processing industry, some systems are currently in compliance because they are capable of electronically printing truncated account numbers on customer receipts. In order to comply with this mandate, some merchants would have to make modifications to their systems, including software reprogramming, formatting changes to dial-up terminals, and purchase of new printing devices. Costs to replace machines would range from $300 to $1,000 per unit. Assuming merchants would have to replace 25 percent of the currently used machines in 2007, the cost to replace such machines, including programming modifications, would amount to at least $85 million in that year.

Disclosure of consumer credit score

Section 502 would require certain mortgage lenders that use a consumer credit score in approving loans to provide a copy of the credit score and associated information received from a consumer reporting agency to the customer as soon us reasonably practicable. Based on approximately 13 million annual mortgage loan applications affected by this provision, and handling and mailing costs provided by the industry, CBO expects that the direct cost to provide such information would range from $35 million to $55 million per year.

Fraud alert in credit file

Section 202 would require consumer reporting agencies to include a fraud alert in the file of a consumer and disclose to the consumer that they may request a free copy of the file when the agency receives a direct request that a consumer has been or is about to become a victim of fraud, including identity theft. A consumer reporting agency would also be required to include an active-duty alert in the file of an active-duty military consumer upon their request. In addition, section 205 would require consumer reporting agencies to block any information in the file of a consumer that the consumer identifies as resulting from an alleged identity theft and confirms with a police report. An agency also would be required to notify the furnisher of the information identified by the consumer of certain information regarding such a block. According to the consumer reporting industry and government sources, the national consumer reporting agencies generally provide such alerts and blocks voluntarily. Therefore, CBO estimates that the direct cost to comply with those mandates would not be significant.

Other notification and disclosure requirements

Other provisions of the bill would impose private-sector mandates as follows:

Prohibit any person who receives a copy of a police report from a consumer regarding identity theft from furnishing any negative information on the consumer to a consumer reporting agency;

Require a financial institution that extends credit to provide a one-time notice in writing to a customer, no later than 30 days after the institution furnishes negative information to a consumer reporting agency regarding credit extended to the customer;

Require credit card issuers to clearly and conspicuously disclose to a consumer their ability to increase an annual percentage rate in certain circumstances when making unsolicited offers of credit to consumers; and

Require a debt collection agency that learns information in a consumer report is the result of identity theft or otherwise is fraudulent to notify the furnisher of the information or the relevant consumer reporting agency that the information is fraudulent.

Based on information from various industry and government sources, CBO expects the direct cost to comply with those mandates would not be as significant as the direct costs of other mandates in the bill.

In addition, the bill would impose other private-sector mandates as follows:

Require a consumer reporting agency that receives a request for a consumer report using an address substantially different for the addresses in the consumer's file to notify the requester of the existence of the discrepancy;

Require credit and debit card issuers that receive a request for additional or replacement cards on an existing account within a short period of time after receiving a change of address form to notify the cardholder at the former address or use other means to confirm the address change; and

Prohibit a consumer reporting agency from providing credit reports that contain medical information with some exceptions and would require medical companies to identify themselves as such when reporting credit information.

According to industry sources, many entities currently comply with such requirements voluntarily, and therefore, the direct cost to comply with those mandates would not be significant.

Estimate prepared by: Paige Piper/Bach.

Estimate approved by: Roger Hitchner, Assistant Director for Microeconomics and Financial Studies Division.

TRIBUTE TO MOTHER TERESA

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. FROST. Mr. Speaker, I rise today to honor the late Mother Teresa of Calcutta for her many years of dedication to the world's poorest citizens.

Ordained as a sister in 1928, Mother Teresa originally served as a teacher at St. Mary's High School in Calcutta from 1929 to 1948. In 1948, the poverty outside her convent inspired her to leave her school and begin working to help the country's most vulnerable citizens.

In 1950, she founded the Sisters of Charity with a mission to serve the poor, the suffering, and the dying in whatever place they called home. Today Mother Teresa's order has over 5,000 sisters and brothers and over 50 different relief efforts to help the "poorest of the poor" in India. In her later years, she worked to establish hospice programs for AIDS patients.

Mother Teresa has been recognized worldwide for her devotion to the poor. She was awarded the Nobel Peace Prize in 1979 and the Presidential Medal of Freedom and the Lifetime Achievement Award from the Foundation for Hospice and Homecare in 1985.

Mr. Speaker, few people have served humanity with more compassion and love than Mother Teresa. Mother Teresa was a perfect example of love and compassion to people of all nations and all religious backgrounds. Once quoted as saying, "Let no one come to you without leaving better and happier," Mother Teresa lived her faith. While her work lives on today in the work of her order, she deserves special recognition for her tremendous achievement. I know that my colleagues will join me today in honoring Mother Teresa's life and wishing her religious order the greatest success in their future endeavors.

TRIBUTE TO BOBBY SPIEGEL—2003 BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Bobby Spiegel is one of these individuals. On September 30, 2003, Bobby will be honored at the 2003 Distinguished Citizens Awards Dinner organized by the Boy Scouts of America.

Bobby graduated from Corona High School and has been a Corona resident since 1973. He attended Fullerton Junior College and began his career as an entrepreneur with his first business, The Flower Shoppe. He sold the business to work in the family electrical business in 1980. In 1989, while still working for the family business, he and his wife, Karen, a Corona City Council Member, started Spiegel Enterprises/Publications.

Bobby began volunteering at a young age when he first joined the Jaycees, the Junior Chamber of Commerce, in 1976. He served in almost every capacity and learned from the experience. He served as state president in 1986 and 1987 and was honored with one of the top ten awards in the nation for his service. Over the years, Bobby has also served on the Board of Directors for several community and professional organizations including the American Cancer Society, The National Electrical Contractors Association, and the YMCA. Bobby was also the charter president of the Circle City Rotary Club and is past president of Congregation Beth Shalom. He currently serves as Chairman for the Corona Regional Medical Center Foundation.

Bobby has been recognized for his impressive community service and exemplary leadership. He was the recipient of the Outstanding Young Men of America award, the California Jaycees and US Jaycees awards, Rotary International award, and was named 1988 Corona Citizen of the Year.

Bobby and Karen have five children, Tanya, Rebecca, Rachel, Isaac, and Joshua who continue their parent's commitment to community involvement and service.

Bobby's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the 2003 Boy Scouts of America Distinguished Citizen Award.

CONGRATULATING ALEIDA VARONA, ADMINISTRATOR OF THE PUERTO RICO CHILD SUPPORT ADMINISTRATION, FOR RECEIVING THE COMMISSIONER OF CHILD SUPPORT ENFORCEMENT'S "ACHIEVEMENT BEYOND THE CALL OF DUTY" AWARD

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I want to take this opportunity to share some excellent news with my colleagues, and to give credit where credit is due. I am very proud to announce that Puerto Rico's Child Support Enforcement Administrator, Ms. Aleida Varona, has been singled out by the HHS's Administration of Children and Families' Office of Child Support Enforcement (OCSE) to receive their first ever Achievement Beyond the Call of Duty Award. What makes me even more proud, especially in these times, is that her "beyond the call of duty" project was part of the effort to mobilize our troops to Iraq. Ms. Varona's award is therefore not only a recognition of her own commitment and hard work and that of the administration of Gov. Sila María Calderón. I believe this award, more importantly, recognizes two of the highest values that Puerto Ricans hold dear: the central importance of family and our great pride in and loyalty to our country, the United States of America.

I have mentioned before how committed Gov. Sila Calderón and her administration is to protecting the well being of our children, and especially to making sure that all of Puerto Rico's children receive the resources and support they need to grow safely and soundly into productive, healthy citizens. Ensuring that every child gets the appropriate support from each of their parents is a cornerstone of this goal. To achieve this the Commonwealth of Puerto Rico has developed one of the most modernized and effective Child Support enforcement programs in the Nation. Last year, the Commonwealth collected $223 million in child support payments for approximately 151,000 families. This amounts to three times Puerto Rico's welfare grant—a ratio that is three times the national average, even though the average monthly child support payment was only $123. Moreover, this represents a nearly 1,200 percent return on the federal investment of $18.9 million. The Commonwealth also served an additional 86,000 families by helping to locate non-custodial parents and proving paternity. In addition, last year Puerto Rico became the second jurisdiction in the country to move to a completely paperless payment system, where all families receive their support payments either by direct deposit or an electronic benefit transmission card. These achievements speak for themselves as a testament to the Commonwealth's commitment to children and to the economic self-sufficiency of our families.

With the recent mobilization of American troops to Iraq, our Child Support Enforcement Administration pushed the envelope of achievement even further. As you all know, Puerto Ricans are deeply patriotic people, and historically, our contributions to the military have also exceeded the call of duty. Puerto Rico has one of the highest per capita rates of military service in the country. When Operation Iraqi Freedom came along it was no different. More than 5,300 National Guard, Air National Guard, U.S. Army Reserve and U.S. Marine troops were called up in Puerto Rico's largest military mobilization ever. Only seven States had larger mobilizations, and more than 1,500 servicemen and women remain on active duty in Iraq and Kuwait to this day.

When called upon by our country, Puerto Ricans have always served with pride, and have consistently and willingly endured the sacrifices required to fulfill our patriotic duty. We all know that for the service men and women that are also Moms and Dads, this is a particularly difficult sacrifice, because it means saying goodbye to their children. This was where Ms. Varona stepped in. She set up a project to give these parents the peace of mind that, whether they had custody of their children or not, those children would receive all of the support that they are entitled without interruption. This project provided these children with the support to which they are entitled, even though Daddy had a different job or that they were living with Grandma now because Mommy was fighting a war.

In cooperation with the office of Puerto Rico's Governor and Puerto Rico's Department of the Family, Varona partnered with National Guard Commanding Officer General Francisco A. Márquez Haddock and Army Commander Brigadier General José M. Rosado to operate seven Family Assistance Centers in the various armories where activated personnel were being processed. Varona provided experienced agency employees to assist individuals in ensuring that the correct amount of child support would be received by service men and women's families during their deployment without interruption. This guaranteed that virtually every activated soldier subject to a support order received relevant orientation services, and if appropriate, participated in a modification and/or wage withholding initiation process. It also guaranteed that custodial parents had the opportunity to communicate changes in the temporary guardianship of their children during their deployment.

This initiative is a vibrant, living testament of Puerto Rico's strong tradition of military service. Fittingly, the OCSE changed the name of this award, which was originally for customer service, when it found out how Ms. Varona did, indeed, go beyond the call of duty to ensure the smooth mobilization of our soldiers to Iraq with the least disruption possible to their families. Thanks to Ms. Varona's concern and commitment to our military personnel and their dependents, and her willingness to go the extra mile, Puerto Ricans were able to fulfill their vital responsibilities to their country knowing that their fundamental responsibilities to their families were being met.

AL ZAMPA MEMORIAL BRIDGE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, within the next few months the people of my district and the San Francisco Bay Area will be celebrating the opening of the new Carquinez bridge span across the Carquinez Straits. This event will be more than the opening of a new highway bridge; it will be the celebration of a man's life, the revitalization of a community, and the ongoing building of America.

The new bridge will be named the "Al Zampa Memorial Bridge." It celebrates the life of a great American, Alfred Zampa, an ironworker, his family, his son Dick Zampa, and his grandsons, Dick and Don Zampa, who carry on his great tradition. It is my privilege to share with my colleagues the account of this achievement in the San Francisco Chronicle, August 31, 2003:

[From the San Francisco Chronicle, Aug. 31, 2003]

BRIDGE TO THE FUTURE

CROCKETT COUNTING ON NEW CARQUINEZ SPAN TO MAKE IT A DESTINATION TOWN

(By Jenny Strasburg)

There's big talk these days in the small town of Crockett—in its corner taverns and grocery marts—about plans for a November fireworks show, memories of a departed ironworker named Alfred Zampa and the opening of the bridge that bears his name.

The four-lane Al Zampa Memorial Bridge is nearing completion over the Carquinez Strait, the first major suspension bridge to be built in the United States in 30 years, and the longest one built in almost 40 years.

Labor Day weekend lends an appropriate bit of timing for the home stretch of a $300 million-plus project constructed by union hands and named after a Bay Area labor legend.

For more than three years, traffic disruptions, dust and the din of jackhammers, pile drivers and earthmovers have tested residents and business owners in the unincorporated burg on the southern edge of the strait.

Now, Crockett is ready to get its freeway ramps back. But it's looking for more than just relief from the noise and detour signs. Many see the eye-catching new bridge as a welcome gateway to revitalization opportunities for the town of 3,200—home to a C&H Sugar refinery in operation since 1906.

Crockett grew up a company town. But looking forward, it has bigger aspirations.

It wants day-trippers from San Francisco and Oakland. It wants streams of out-of-town customers for its handful of art galleries, antique shops and sandwich delis.

Toot's Tavern, Club Tac and Ray's Corner Saloon—survivors of a once-teeming population of watering holes that served thousands of plant workers in a bygone era—wouldn't mind seeing a few more rear ends on their barstools.

"Nobody stops in Crockett the way they used to. You have to go 3 miles out of your way" because of Interstate 80 off-ramp detours, said Ken McBee, who owns Club Tac on Pomona Street, the main artery.

"Crockett hasn't really been publicized," added McBee, a Crockett resident for 28 years. "Nobody knows it's here. They know about C&H, but they don't know what's around it."

During the past few years, a steady flow of iron- and steelworkers, painters, engineers and other bridge crew members, most of whom commute from other towns, have brought some business to Crockett.

Several shop owners, however, said they're still scraping by financially.

"Construction workers—that's all the business we get at lunch," whereas more highway travelers used to stop over, said Chris Choo, owner of the Pomona Deli downtown. "Access is closed here, closed there. You don't understand how hard it is to survive."

To drum up business for his bar, McBee started serving Mexican dinners on Mondays and steak dinners on Wednesdays. Ten dollars buys a New York strip or rib-eye with a baked potato and dessert.

Maybe word will spread when the new bridge opens, McBee figures, and more city dwellers will find their way to his tavern for dinner in a charming small town.

"I certainly hope so," he said. "I'm hurting."

It's clear elsewhere in town that Crockett, as soon as possible, wants a bit of the spotlight being shone on the bridge that pays tribute to the life of Al Zampa, who as a child lived down the road in the now-defunct town of Selby. His family moved to Crockett when he was a teenager.

"This truly puts Crockett on the map in a way that's never been done before," said Gene Pedrotti, who lives in Crockett and runs a store that started there, Pedrotti Ace Hardware, now located in nearby Benicia.

A tireless Crockett promoter, Pedrotti is the central organizer of a dozen bridge-opening committees that pull members from Crockett, Vallejo and other nearby towns.

For months they have worked to line up sponsors, fireworks, speeches, a parade and other events to coincide with the bridge's grand opening.

The main events are tentatively planned for the weekend of Nov. 8 and 9—though a hard-to-predict construction schedule could change that, a Caltrans spokesman warned. Caltrans is overseeing construction of the bridge, which is expected to carry 120,000 vehicles per day west bound on Interstate 80 toward San Francisco.

Pedrotti says that one of the biggest draws regionally, once the bridge-opening fanfare has passed, will be its two-way pedestrian and bicycle path.

The Al Zampa Bridge will introduce pedestrian access to the Carquinez span, closing a gap in the Bay Trail that's being developed in encircle San Francisco Bay.

Traffic could flow on the new span within days of the November opening ceremonies. The pedestrian and bicycle path might not be open for several more weeks after that, according to Caltrans.

A 5-acre landscaped park is planned for the hillside leading down to the waterfront underneath the bridge.

"I think a lot of people are going to suddenly discover Crockett when they realize there's a cool bridge to walk across on a nice summer day," Pedrotti said.

Already, town boosters have worked the name and design of the Zampa bridge into a logo that shows up on T-shirts and ball caps for sale at small businesses in town and on the Internet (www.alzbridge.com).

The same logo decorates banners on light poles in the center of Crockett.

Zampa, during his storied career, worked on both the 1927 and 1958 Carquinez spans as well as the Oakland-San Francisco Bay Bridge, Golden Gate Bridge, Martinez Bridge and Richmond-San Rafael Bridge.

He became a celebrity of sorts after he survived a fall from the Golden Gate in 1936. He landed in a safety net—at the time a new feature of bridge construction—but the net sagged. Zampa, according to his recollection in interviews, hit the rocks below and paid for the trip with four broken vertebrae and three months of hospitalization.

He returned to bridge work after a long recovery.

In Crockett and nearby El Sobrante, Pinole and other towns, Zampa was known as Al, Husky, Zamp or Gramps, depending on who was talking, relatives said. He helped form the first Little League program and coached boys' teams in the 1940s, said his son, Richard "Dick" Zampa, 67. Al Zampa retired in 1970. He died in April 2000 at age 95.

He was alive when construction began on the new Carquinez span, but he did not know it would be named for him.

"He was at the groundbreaking, and he was starting to go down-hill, to feel pretty ill," said Dick Zampa, who is first general vice president of the International Association of Bridge, Structural and Ornamental Iron Workers Union and president of the state's District Council of Iron Workers.

Dick and his brother Gene worked alongside their father on the 1958 Carquinez Bridge.

"This is a recognition of all blue-collar workers," said Dick Zampa, whose sons Dick Zampa, Jr. and Don Zampa also carry on the family's labor tradition, as apprentice coordinator and business manager, respectively, of Iron Workers Local Union 378 in Oakland.

"It's a tremendous honor for working people as a whole," said Don Zampa, 44. "My gramps, he'd have been pretty baffled by it."

Al Zampa's story, recounted over the years by Charles Kuralt, among others, is a dramatic one. And the bridge is impressive in its own right.

A joint venture of FCI Constructors and Cleveland Bridge, the effort is multinational, pulling workers, prefabricated pieces and building techniques from Britain, Japan and other countries.

The bridge is a smaller-sister of the Golden Gate Bridge, with dual towers rising 410 feet above the water.

By comparison, the Golden Gate's towers reach 746 feet above the bay.

It's expected that the new 2,390-foot span, a replacement for the 1927 bridge, will attract visitors from around the world—though some considered that wishful thinking just a year or two ago.

"I was one of the last people to be convinced," said Sharon Clark, an agent with Signature Realty in Crockett.

Now the possibilities seem more real.

"We would like to be someplace (that makes) the average Bay Area citizen say, 'Wow, what are we going to do this weekend? Let's see what's going on in Crockett.' It's feasible," Clark said.

Many mornings on the Crockett hillside, someone such as Carl Peters, 83, of Pinole, can be found parked in the lot of the Dead Fish Restaurant enjoying the view of a new suspension bridge coming together below.

"To the people here, it's a big deal," said Peters on a recent morning, standing beside his blue Chevrolet pickup and eyeing the latest developments below on what he called "a new symbol for Crockett."

The retired diesel-engine mechanic has stopped by most days for about two years. "There's only one Golden Gate," he said, "but this is pretty slick."

A combination of ingenuity and humor helped the proprietors of the Dead Fish survive the challenges of temporarily losing the highway off-ramp by which most of their customers arrived, said Dante Serafini, a partner in the restaurant.

One of two full-service seafood restaurants in town—the other is Nantucket, on the waterfront—the Dead Fish is still referred to by some locals as Vera's. It formerly was Vera's Villa Valona, a family-style Italian joint. Valona has roots as the community next door to Crockett, with boundaries that are now indistinguishable.

Early residents, including Italian, Portuguese and Spanish immigrants, came to call their town Sugar City after C&H took over the waterfront flour mill in 1906.

Through the Depression most of the C&H plant workers lived in town.

Few of them do now, and the town feels different as a result, according to longtime residents such as Don Zampa.

"Less and less people are there for generation after generation. People grew up, and there's less work in the immediate area," he said. "Generations of people in Crockett worked at C&H. My grandfather was an exception."

TRIBUTE TO GAIL FRENCH

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. HARRIS. Mr. Speaker, I rise today to recognize an outstanding public servant from Florida's Thirteenth Congressional District who demonstrated unparalleled integrity, commitment, and skill throughout her tenure as an employee of the Manatee County, Florida, Veteran Services office.

Gail French began her career in the Manatee County Veteran Services office as a receptionist over 22 years ago. She received steady promotions due to her professionalism and her selfless initiative in assuming responsibility for the most challenging of tasks. Due to Ms. French's diligence and compassion in coordinating their transportation to Bay Pines, Tampa, and MacDill Air Force Base, thousands of veterans received critical medical attention and prescription drugs. Moreover, she expertly provided additional support for our nation's heroes, such as referrals to community assistance programs, mail and copy services, and mail-outs for medical and claim support.

Throughout the years, Ms. French treated every veteran with honor, appreciation, and dignity. At the time of her retirement earlier this summer, she had truly established the gold standard for all who follow her. As a well-deserved commemoration of her years of service, she received an honorary plaque jointly from the Veterans Council and from the Manatee County Veterans Services office on June 27, 2003.

Gail French and her husband, Ronald French, enjoy the blessing of three children, four stepchildren, thirteen grand children, and one great grand child. During her retirement, Ms. French plans to devote her time to her golf game and to her family.

Mr. Speaker, as we venerate Gail French's contributions to her community, her state, and her nation, may the light of her passionate commitment to our veterans and to the public at large continue to animate our dreams and aspirations as public servants.

HE DID NOT SET STANDARDS, HE LIVED THEM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DUNCAN. Mr. Speaker, I assume that not a large number of people read the articles we place in the RECORD, but I am sure that at least a few across the country do. I wish everyone, especially young men, would read the column Richard Cohen wrote about his father in today's Washington Post.

Many years ago, I got a degree in journalism and worked briefly both as a newspaper reporter in Knoxville and as a teacher at T.C. Williams High School in Alexandria. I would guess that Richard Cohen and I are about as different in backgrounds and beliefs as any two men could be, but I greatly admire his writing. I read almost all his columns, but I believe this column about his father is possibly his best ever.

Perhaps this touched me because I was very close to my own father. But, I am going to send this column to my two sons, ages 17 and 23, with a note from me. I will tell them that I believe they have the intelligence and skills and personalities to do great things with their lives, but as Richard Cohen has written, you do not have to be rich or famous or "important" to lead a good life, and that it is far more important to be good than it is to be great.

I would like to call this column to the attention of my colleagues and other readers of the RECORD.

[From the Washington Post, Sept. 9, 2003.]

(By Richard Cohen)

HE DID NOT SET STANDARDS, HE LIVED THEM

NEWTON, Mass.—Harry L. Cohen died early Sunday morning here after a long illness. He is survived by his wife of 66 years, Pearl "Pat" Rosenberg Cohen, two children, two grandchildren and the sweet memories of anyone who knew him. He was 94 years old and my father.

Newspaper obituaries are generally reserved for the notable, the exceptional—people of some achievement or notoriety. My father does not fill that bill. He was a mere high school graduate who worked almost all of his life for one firm. He invented nothing, discovered nothing, wrote nothing and was elected to no office, high or otherwise. He was the most ordinary of men—but, God, I have known few like him and neither have you.

Over the years I have written several columns about my parents. I did that by way of sending them a gift and also because they were great material. My mother, 91, was born in Poland just before World War I. She came to this country as a child and she was—always in Poland and for a time in America—desperately poor. If there is a single person who embodies the glory and the promise of this country, it is my mother. It is that simple.

My father, too, has a story. His starts in some Ken Burns documentary, black-and-white photo of the Lower East Side of New York, where he was born in a tenement. It was in a tenement, too, where his mother died when he was still a child. My grandfather, poor and unskilled, put my father and my uncle in an orphanage, where—with some Dickensian spells with foster families—he was raised.

He was a Depression kid, my father. In some ways, though, the worst of times were the best of times for him. He had a job. He had a car. Soon, he had a wife and she, of course, worked, too. The two of them virtually never stopped working. Even in retirement, my father took jobs. He went door to door for a polling firm. He parked cars in West Palm Beach, where he had "retired" with my mother. He worked as a doorman in a fancy Palm Beach high-rise. In some sense, he did this because the Depression was, for him, always lurking nearby, but also because he found dignity in work.

Some of this is colorful, I know, but it is not why my father was exceptional. It's because he was a good man. Not once—not ever—did I know him to cheat: not in business, not on his wife, not on his friends and never on his children. I know of no one he hurt, no one he slighted, no one he abandoned. The great men I have spent a lifetime around—the politicians, the statesmen, the rich, the powerful, the creative—can make no such claim. They always say they had to break some eggs to make their omelet. My father made no omelet. But he broke no eggs, either.

I have written this before, but it is worth saying again: My father's sort of goodness is rare. As he lay dying, as we talked about his life, he expressed no regrets. Not from him came reservations about how he neglected his children in favor of work, how he spent too much money, how he cared too much about the appearance of things and little about their substance. He did not understand men who were not charitable, who exchanged wives as they do cars, who would slight a child to score another business deal. He had his dreams, but the overriding one was to lead an honorable life.

To be perfectly truthful, we did not always agree—not on certain issues (Israel, for instance) and not on how one should live one's life. I could not—I have not—been him. He did not set standards, he lived them—and deep into my career I kept thinking that some of the things I wrote and some of the things I did were like a bad report card I was bringing home from school. His disapproval, sometimes not even stated, was concussive. I reeled.

He died in his sleep. He died at home, still tended by my mother and my sister, Judith, and the remarkable women whose chosen work it is to care for the dying. He was never in pain and he was alert almost to the end, still getting the joke, still not wanting to go. He was, I tell you, the most extraordinary of ordinary men, what in Yiddish is called a mensch—not a great man but, much rarer still, a good one. There is nothing greater.

INTRODUCTION OF THE EXPANDING OPPORTUNITIES IN HIGHER EDUCATION ACT OF 2003

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. COLE. Mr. Speaker, I rise today to express my strong support, for H.R. 3039, legislation introduced today by my colleagues and myself to expand opportunities in our great nation's higher education system. I encourage my colleagues to join me in supporting this important bill and helping to increase access to postsecondary education.

For nearly four decades, the Higher Education Act has provided opportunities to students throughout the nation as they worked toward a postsecondary education. Now, in the technologically-driven economy of the 21st century, a college education is more important than ever. That's why the bill I am offering is so important; it will help remove barriers and ensure students have the opportunities they need to meet their educational goals.

The cost of college in America has risen rapidly over the past few decades, and this has made achieving the dream of a college education a difficult proposition for many students. However, though college costs are a significant impediment for many aspiring college students, they are but one of many unnecessary barriers to a college education in America. Expanding opportunities for students by removing these barriers will help increase access to college.

By encouraging innovative solutions such as distance learning and the use of advanced technology in the classroom, schools can provide non-traditional college students with a better chance to succeed. I also believe addressing the needs of America's minority serving institutions must be a priority, because these valuable institutions play an essential role in providing opportunities for many students.

There are several areas of particular importance in this legislation. Each of these provisions serves to break down barriers, remove obstacles, increase flexibility, and ultimately expand opportunities within higher education.

This legislation allows for fair and equitable treatment of all institutions, removing the arbitrary rules imposed on some and not others and providing all institutions the ability to compete for federal grants and better serve their students.

An additional unnecessary barrier in current law that is restricting opportunities for students and flexibility for schools is the so-called 50 percent rule. This rule arbitrarily restricts the number of courses that can be offered and the number of students that can be enrolled in courses offered via telecommunications. While this outdated rule was implemented to provide safeguards, times have changed and technology makes online education an important tool in achieving success for many non-traditional students. This bill takes the important step of repealing the 50 percent rule, while maintaining stringent requirements for quality to ensure the integrity of distance education programs is monitored and maintained.

The Expanding Opportunities in Higher Education Act also seeks to strengthen programs such as TRIO and GEAR UP which provide critical student support services. By providing these programs with the flexibility they need to meet the unique needs of the student populations they serve, programs such as these will expand opportunities and allow students to thrive.

Though the legislation I am offering includes many more important reforms, there is one more area of particular importance that I would like to address. Minority Serving Institutions offer tremendous educational opportunity, and I'm pleased that the Expanding Opportunities in Higher Education Act would make important reforms to allow these institutions the freedom they need to help their students succeed in higher education.

Like all institutions, Minority Serving Institutions must advance their technological capabilities with the changing times and advancement in technology. This bill would allow Historically Black Colleges and Universities and Tribally Controlled Colleges and Universities among others to use a portion of their funds to expand Internet capabilities and other distance learning capabilities, encouraging the use of advanced technology and expanding opportunities.

The Expanding Opportunities in Higher Education Act builds upon the significant reforms for Minority Serving Institutions made in the Ready to Teach Act earlier this year. That legislation created a program to establish Centers of Excellence at high quality Minority Serving Institutions to strengthen and improve teacher training, expand recruitment of minorities in the teaching profession, and provide scholarships to help future teachers pay the cost of completing a teacher training program.

Taken together, these and the many reforms in the bill will help to renew higher education and expand opportunities, helping millions of students and the institutions which serve them. I'm pleased to speak in strong support of this legislation, and encourage my colleagues to join me.

J. STEPHEN HORN POST OFFICE BUILDING

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this bill that names the Post Office in Signal Hill, California, after one of the most distinguished individuals to have served in this House, Congressman Steve Horn. Congressman Horn retired this past January after a lifetime of public service. He was known as an independent, intellectually honest individual who brought to his work a sharp mind, remarkably broad experience, and an outstanding understanding and respect for the needs and abilities of every person.

Congressman Horn has worked in the public policy arena throughout his life. He began his professional career as an aide for President Eisenhower's secretary of labor, James P. Mitchell. He then worked as a legislative assistant to former California Senator Tom Kuchel and served as a senior fellow at the Brookings Institute, Dean of American University and President of California State University at Long Beach from 1970 to 1988. After leading the University for eleven years, he was elected to Congress where his depth of knowledge of government, public administration, education, the arts, and community needs enabled him to provide valuable leadership to his colleagues and this body. Steve served his constituents with diligence, effectiveness, and honor. I wish Steve and his wife Nini the best in retirement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes due to a personal matter that kept me at home. If I had been present, I would have voted as follows:

SEPTEMBER 3, 2003

Rollcall vote 460, on H. Res. 350, congratulating Lance Armstrong for winning the 2003 Tour de France, I would have vote "yes."

Rollcall vote 461, on H.R. 2309, the J. Stephen Horn Post Office Building Act, I would have voted "yes."

Rollcall vote 462, on H.R. 1533, to amend the securities laws to permit church pension plans to be invested in collective trusts, I would have voted "yes."

SEPTEMBER 4, 2003

Rollcall vote 465, on the motion to table the motion to reconsider on H. Res. 351, I would have voted "yes."

Rollcall vote 469, on the Petri of Wisconsin amendment to H.R. 2989, I would have voted "no."

Rollcall vote 470, on the Tancredo of Colorado amendment to H.R. 2989, I would have voted "yes."

Rollcall vote 471, on the Hastings of Florida amendment to H.R. 2989, I would have voted "no."

Rollcall vote 472, on the Hooley of Oregon amendment to H.R. 2989, I would have voted "no."

Rollcall vote 473, on the Kennedy of Minnesota amendment to H.R. 2989, I would have voted "yes."

Rollcall vote 474, on the Jackson-Lee of Texas amendment to H.R. 2989, I would have voted "no."

Rollcall vote 475, on the Cooper of Tennessee amendment to H.R. 2989, I would have voted "no."

SEPTEMBER 5, 2003

Rollcall vote 476, on the motion to instruct conferees on H.R. 6, I would have voted "no."

Rollcall vote 477, on the motion to instruct conferees on H.R. 1308, I would have voted "no."

Rollcall vote 478, on the Tom Davis of Virginia amendment to H.R. 2765, I would have voted "yes."

Rollcall vote 479, on the Norton of the District of Columbia amendment to H.R. 2765, I would have voted "no."

Rollcall vote 480, on the Hefley of Colorado amendment to H.R. 2765, I would have voted "yes."

IN MEMORY OF PETER WEISS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. MENENDEZ. Mr. Speaker, today I rise in honor of my friend and Jersey Journal political editor and columnist Peter Weiss, who passed away unexpectedly on Saturday, September 6, 2003. In the countless tributes to his life since his passing, Peter Weiss has been described as the chronicler of the political landscape and people of Hudson County and the State of New Jersey.

In the three decades that I was fortunate enough to know and work with Peter Weiss, he abided by the highest journalistic standards and pursued his stories in Hudson County, New Jersey, with honesty and dedication. From my early start in politics when, as a 20-year-old, I ran for school board and hand-delivered my first press release to him, to the more recent race for House Democratic Caucus Chairman, Peter Weiss always kept a watchful eye on me.

Those of us, who had the privilege to work with Peter Weiss, will miss his boundless energy, wit, and honesty in pursuit of the story behind the story. His sense of humor was of such an infectious nature that even the most serious matters could be discussed in a more relaxed and friendly environment.

He lived and breathed Hudson County politics, understood the machinations of our world, brought to light the backroom dealings, the infighting and competition among New Jersey's powerbrokers, and helped us understand the historical context of present-day politics. He came to the Jersey Journal in 1970 after having worked at the New York Post and Long Island Press. In those 33 years, his institutional knowledge of Hudson County was second to none—with his death, we lost what amounts to the national archives for Hudson County.

Throughout the recurring turbulence of Hudson County politics, Peter Weiss was always a reliable, steady, and, above all, honest force. And with every request for an interview from Peter Weiss, I knew we would embark on a new adventure. As his own paper described, "He savored the scene as a chess player who took delight in anticipating the next moves. For him, though, it was the progression of the game that was most fascinating, not the end result."

Peter Weiss, the Brooklyn native and graduate of Erasmus Hall High School and Long Island University, was a kind, warm, and selfless man, who will be missed dearly. As we all come to terms with this immeasurable loss, our thoughts and prayers are with his wife, Margaret Schmidt, loved ones and the entire Jersey Journal family. We will always feel his presence in our midst, and will never forget him and the incredible void he leaves behind.

REMEMBERING CHARLIE BENNETT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CRENSHAW. Mr. Speaker, this past Saturday the nation lost a man who lived his entire life as a public servant. Charles Edward Bennett was a lawyer, a soldier, an author, and a legislator. He will be remembered for representing the views of his constituents, his impeccable voting record, his admirable ethics, and for creating an environmental legacy in Northeast Florida to be treasured by past, present, and future generations.

Charlie Bennett began his public career in the Florida State House of Representatives in 1941. After serving only one term in office, he enlisted in the U.S. Army and served in the infantry during World War II. He courageously led over 1,000 guerillas in the Philippines and was awarded the Silver Star and the Philippines Legion of Honor for gallantry in action. It was also during his military service that he contracted polio. Throughout his life, Mr. Bennett never let the debilitating disease prevent him from his duties as a lawmaker.

In 1948, he was elected to the U.S. House of Representatives and served 22 consecutive terms. Voting over 18,000 times during his career, Charlie Bennett missed only a handful of procedural votes and became known for not missing a single legislative vote between June 4, 1951, and January 3, 1993.

Widely regarded as one of Jacksonville's most trusted public servants, Mr. Bennett was nicknamed "Mr. Clean" for sponsoring legislation to create the House Ethics Committee. Once asked to list the most important legislation he sponsored, Bennett named the making of "In God We Trust" as the U.S. motto and requiring it be included on all coins and currency; creating an ethics code for government service; cosponsorship of the bill enacting the Americans With Disabilities Act; and legislation providing federal assistance toward school construction. Also notable were his roles in creating the Interstate Highway System and the placing of Mayport Naval Station in Jacksonville, Florida.

For his interest in preserving North Florida's natural environment, Charlie Bennett became known as Mr. St. Johns River. As Florida's longest serving congressman and one of the longest serving members of Congress in this nation's history, Mr. Bennett led efforts to clean up and restore the St. Johns River and preserve its cultural and historical significance for future generations. He worked to conserve and enhance wetlands and was instrumental in the creation of the Fort Caroline Memorial and the Timucuan Preserve near Jacksonville. Mr. Bennett was a member of the Jacksonville Historical Society and wrote several books on Northeast Florida's environment and early history.

I am fortunate to have known Charlie Bennett throughout my life, He was a good family friend. Mr. Bennett and my father practiced law together and served in the Army during World War II. It was when my father was stationed in Texas and my mother was about to give birth to my brother that Charlie sent my parents a box of Florida sand. Charlie said he wanted the baby born over Florida soil. That was vintage Charlie Bennett.

Charlie Bennett was well known and respected. He served in Congress with honor and dedication. He set an example we can all recall as we ponder what it means to be a public servant. Mr. Bennett demonstrated his convictions and those values that enable people to place faith in their government. Charlie Bennett was a good man. He was an institution. Charlie Bennett's life is a model for lawmakers everywhere and at every level of government. He will be missed.

PERSONAL EXPLANATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise to convey remorse at having missed two votes on an issue of great significance to me as a former educator, a vote against vouchers and a vote in favor of our public school system.

Unfortunately, I was called to act in my capacity as the Chairman of the Congressional Hispanic Caucus to host a series of important candidate debates that will have serious implications on the future and direction of this country.

If I had been present I would have voted "no" on rollcall No. 478, an amendment offered by Representative DAVIS, to H.R. 2765, the fiscal year 2004 appropriations bill for the District of Columbia.

If I had been present I would have voted "yes" on rollcall No. 479, an amendment offered by Representative NORTON, to H.R. 2765, the fiscal year 2004 appropriations bill for the District of Columbia.

As responsible members of Congress we must focus on ensuring all students in the District of Columbia, and across the country, have the tools for success. We must provide the necessary resources to ensure that all of our students have access to the proven keys to educational success—smaller class sizes, more parental involvement, up to date materials, and high quality instruction.

We should not give up on our public schools. Especially now just as reform efforts in D.C. are showing results. According to the D.C. Board of Education, recent reforms have resulted in improved test scores for public school students and academic gains in low-performing schools. By contrast, there is no evidence that vouchers will improve achievement for disadvantaged students.

Vouchers will not increase parental choice. Under voucher plans, the choice is in the hands of private schools, which can decide whether or not to participate in a voucher program and can discriminate in admissions.

Finally, when I supported the No Child Left Behind (NCLB) Act in the last Congress it was with the understanding that as a country we were focused on raising the level of accountability for the schooling of our children. The implementation of voucher programs like this undermines the public accountability component of NCLB. Private schools would not have to account to the public for how they spend tax dollars or require their students to meet the same standards or take the same assessments as public school students.

Mr. Speaker, I appreciate the understanding of the House and my constituents on this issue.

HONORING MANNY ARVON, SUPERINTENDENT OF BERKELEY COUNTY SCHOOLS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Manny Arvon, Superintendent of Berkeley County Schools, West Virginia, in recognition of his commitment to education and talent as an administrator. Mr. Arvon was recently honored by being named West Virginia School Superintendent of the Year for 2003–2004. Mr. Arvon is now under consideration for the National School Superintendent of the Year.

As the son of a school superintendent and a teacher, Mr. Arvon was raised with a spirit of education. From a very early age, he showed great enthusiasm for education while being involved with his parents as they performed their educational endeavors. This spirit has thrived throughout the years in the Arvon family with many of Manny's relatives working in education and his son planning to enter the field in the near future.

Mr. Arvon began a career as an elementary school teacher before moving on to administrative responsibilities first as a principal and then as an assistant superintendent before being named Superintendent of Berkeley County Schools in 1996.

While Mr. Arvon has proven himself to be more than capable of performing the everyday tasks of a superintendent, his leadership abilities also have shone through greatly as Berkeley County has weathered the demands of a rapidly increasing enrollment, infrastructure needs, and budget challenges. Furthermore, Mr. Arvon has made strides in fostering an excitement for education among both his staff and the community.

I commend Mr. Arvon for his outstanding performance as Superintendent of Berkeley County Schools. This award is greatly deserved and only confirms Mr. Arvon's wonderful job performance throughout his thirty-year tenure in education. The students of Berkeley County, West Virginia have benefited greatly from his dedication and innovation. I wish him the best of luck in the national competition and I am proud to recognize him as an example of leadership for educators everywhere.

Mr. Speaker, I urge my colleagues to join me in recognition of Mr. Manny Arvon, 2003–2004 West Virginia School Superintendent of the Year.

INTRODUCTION OF THE PRETRIAL DETENTION AND LIFETIME SUPERVISION OF TERRORISTS ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today the Pretrial Detention and Lifetime Supervision of Terrorists Act of 2003.

In a time when our country faces heightened security alerts and continues to battle against those that would harm our citizens, we cannot risk allowing terrorists to be set free while waiting for trial. Terrorists are unlikely to scale back their efforts to attack Americans anytime soon and, likewise, America should not scale back its efforts to fight and eliminate terrorism in all its forms.

This commonsense legislation cracks down on terrorists by creating a presumption to deny the pre-trial release of those that commit terrorist crimes. Terrorists, and those that fund terrorists, are often highly organized. Because of the highly organized nature of most terrorist groups, the pre-trial release of these criminals would create unnecessary and extremely dangerous opportunities for terrorist groups to help these suspects flee the country before they could be brought to justice. This bill adds terrorist offenses to the list of offenses that create a presumption that the terrorist suspect is a flight risk and would pose a danger to the community if released. This provision will help keep dangerous terrorists where they belong: in prison.

In addition, this legislation gives discretion to judges to impose lifetime supervision of terrorists once they are released from prison. Specifically, the bill would grant the judge this discretion for all terrorist offenses, not just those that result in death or serious injury. This provision will ensure that these who are convicted of terrorist crimes, including cyber terrorists and those that fund terrorist activities, will not be allowed to re-enter society and re-ignite their efforts against the United States. America simply cannot take the chance that terrorists will stop engaging in terrorist activities merely because they have served their time in prison. Giving judges the discretion to supervise these heinous and dangerous criminals after they are released from prison will help ensure the safety of America and her citizens.

I believe that this is a good, commonsense bill that is necessary for the safety of our country. I urge each of my colleagues to support this important legislation.

TRIBUTE TO BISHOP EARNEST EUGENE BALTIMORE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. CAPITO. Mr. Speaker, I ask the House of Representatives to join me in recognizing Bishop Earnest Eugene Baltimore of Ranson, West Virginia. Bishop Baltimore passed away in 1999 after serving as senior pastor of King's Apostle Holiness Church of God for 51 years. On August 17. 2003, Bishop Baltimore's achievements were recognized through the establishment of a scholarship fund in his honor and the placing of a memorial plague at Lancaster Circle in Ranson.

Bishop Baltimore's accomplishments and dedication to the community are countless. Many remember him as the former President of the Jefferson County NAACP; President of the South Jefferson Ministerial Association, Vice President of the School of Hope, and Councilman and Member of the Sanitation and Finance Committees for the City of Ranson. He also served as a Board Member for the United Givers Fund and Free Our Citizens of Unhealthy Substance Abuse (FOCUS). Bishop Baltimore was also an active Board Member of the Jefferson County Memorial Park.

As a man of devout faith, Bishop Baltimore preached every Sunday and presided over hundreds of weddings, funerals, revivals, and baptisms in West Virginia and around the country. He also provided local radio ministering during Sunday worship service and traveled and ministered extensively across the United States and throughout the World.

In honor of Bishop Baltimore's longstanding commitment to his community, I ask my friends in West Virginia and my colleagues here in Congress to join me in remembering the great accomplishments of Bishop E.E. Baltimore.

HONORING THOMAS HUDNER AND THE HEROES OF THE KOREAN WAR

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DELAHUNT. Mr. Speaker, I rise today to pay tribute to the brave men who fought to preserve the ideals of liberty and freedom from oppression that threatened to engulf the entire Korean peninsula back in the summer of 1950. On Sunday, July 27, 2003, in the town of Abington, Massachusetts, veterans of the Korean War, their families and fellow citizens will gather to commemorate the 50th anniversary of the end of what is often called "The Forgotten War." But in truth it was anything but. The fighting, death and destruction was no illusion but a cold hard fact. Over 50,000 Americans were killed, wounded or taken prisoner. Our allies, the South Koreans, and the other countries that fought with us under the umbrella of the United Nations, also suffered. From the Pusan Perimeter and Inchon to the Chosin Reservoir and Pork Chop Hill, so many of our husbands, fathers, sons and brothers made the ultimate sacrifice to ensure that Koreans can have the same advantages and freedoms we enjoy here at home.

Representative of the sacrifices of this group of heroes is Congressional Medal of Honor recipient and former Massachusetts Commissioner of Veterans Services, Thomas Hudner. Born in Fall River, Massachusetts in 1924, Mr. Hudner attended the prestigious Phillips Academy and then enrolled in the U.S. Naval Academy at Annapolis. Trained to be a Naval Aviator, Lieutenant (jg) Hudner received orders to go to Korea, where his ship, the USS *Leyte*, arrived in October of 1950. Though enemy naval units were not a major threat, providing support to U.N. ground forces was still dangerous.

The character and mettle of the man was fully revealed on December 4, 1950, when on a mission, the aircraft flown by Ensign Jesse Brown went down in the mountains of North Korea. After confirming that Ensign Brown initially survived the crash, the flight leader radioed for assistance and the Marines dispatched a helicopter. Fearing that the fire now enveloping his friend's plane—or the enemy that was in the area—would reach him first, Lieutenant Hudner, at the risk of his own life, performed a wheels up crash landing of his aircraft and tried to rescue Ensign Brown. The hope was that both could then escape the area aboard the arriving helicopter. Fighting against snow, sub-zero temperatures and enemy forces, Hudner tried to put out the fire and save his comrade. Unfortunately, the injuries suffered by Brown were fatal. For his bravery and courage Thomas Hudner was decorated with the Congressional Medal of Honor by President Truman in 1951.

After the war, Thomas Hudner continued his military career in the Navy until his retirement in 1973. He continued to live and work in the Boston area. Like others of his generation, when our country needed them, they answered the call. They did their duty, saved and preserved the freedoms we cherish today and returned home to raise their own families during one of America's greatest eras of prosperity. Their legacy is the peace, security and opportunity of today's America. It is a gift so precious we can never repay them except by promising each other to never forget and always remain vigilant. It has been 50 years since the guns fell silent across the cease fire line in Korea. The passing of time has thinned their ranks, but the memories of their deeds in fighting for the liberty we enjoy today will never fade. God bless the men of the Korean War generation, their families and the United States of America.

SENATE—*Wednesday, September 10, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of the storm and the calm, the troubled sea and the quiet brook, may we not only state our prayers with our lips, but may we pray to You with our hearts. Keep us from being so preoccupied with difficulties that we fail to see all the opportunities around us. Guide our Senators today. May they listen to the quiet direction of Your spirit. Consecrate their speech to Your service. Give them a deep faith and a firm trust in You. Bless today those in our Senate family who are feeling the pains of grief. Remind us that You will take care of our tomorrows. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 9:45 the Senate will begin a sequence of stacked votes in relation to six pending amendments to the Labor-HHS appropriations bill. Following these votes this morning, the two managers will continue to work through the remaining amendments to the bill.

As we stated yesterday, it is our intention to complete this bill prior to the close of business today. And given our progress last night—and I do thank everyone for participating and working together as we got on a track that will allow us to complete this bill today, but given that progress, I am hopeful we will be able to finish the bill at a reasonable time today.

With the understanding we do complete that bill, we will not have votes on Thursday or on Friday. We, of course, will be in session both of those days. Tomorrow, September 11, there will be a number of events throughout the day that Members will be participating in, and we will try to adjust the schedule accordingly.

We will have business Thursday and Friday. I plan on bringing up one of the appropriations bills after discussion with the President pro tempore, the chairman of the Appropriations Committee, about what is the most appropriate bill. We will be making that announcement a little bit later today.

I will have more to say on events for tomorrow as well as Friday's schedule following completion of the Labor-HHS bill.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Schumer amendment No. 1598 (to amendment No. 1542), to provide additional funding for programs under the Ryan White Care Act.

Reed amendment No. 1595 (to amendment No. 1542), to provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981.

Reed amendment No. 1592 (to amendment No. 1542), to increase funding for immunization services.

Reed amendment No. 1596 (to amendment No. 1542), to increase funding for certain literacy, library, and museum programs.

Corzine amendment No. 1602 (to amendment No. 1542), to restore cuts in student aid.

Reid amendment No. 1603 (to amendment No. 1542), to increase funding for certain education and related programs.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are set to proceed with a series of stacked votes at 9:45 a.m. There are a fair number of amendments which have yet to be offered. The distinguished ranking member and I are prepared to work through those amendments expeditiously. It may be possible to accommodate some of the Members in their requests.

The majority leader has again announced that upon completion of this bill there will be no votes on Thursday or Friday, although the Senate will be in session. When that word travels throughout the membership, there is more incentive to complete this bill at an early time. Yesterday we did have a productive day, starting at 5:15 p.m. We had four rollcall votes. We debated six amendments on into the evening.

As I survey the sheet, if we have cooperation on all sides, it is possible to move through this bill in an expeditious way and perhaps finish this bill today sooner rather than later.

I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are going to start the vote at 9:45 a.m.

The PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. Mr. President, first, I thank the leadership on the other side. I thank my colleague and the chairman of the appropriations subcommittee, Senator SPECTER, for working out this arrangement. It is one that reasonable minds and reasonable cool heads have agreed now we are going to proceed ahead on a series of votes this morning.

I know there are some other amendments today. I see no reason why we can't wrap up this bill this evening sometime, hopefully at a decent hour anyway. I know there are a lot of other important amendments. I wish to take a little bit of time to speak about the first amendment that we will be voting on at 9:45.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. HARKIN. Without losing my right to the floor.

Mr. GREGG. Are we going to divide the time between proponents and opponents of the amendment between now and 9:45? I understand there is no time agreement. I would like to have 2 minutes in opposition to the amendment.

Mr. HARKIN. I inquire of the Chair.

The PRESIDENT pro tempore. There is no previous order concerning division of time. The time set for the vote is 9:45.

Mr. HARKIN. But there is no time set for dividing the time.

The PRESIDENT pro tempore. There is no agreement on dividing the time.

Mr. SPECTER. Mr. President, I ask unanimous consent that the intervening time be equally divided between both sides—whatever time there is—to make a presentation.

The PRESIDENT pro tempore. There are 6 minutes remaining.

Mr. HARKIN. That sounds fair.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa.

AMENDMENT 1580

Mr. HARKIN. Thank you, Mr. President. The first vote will be on overtime. I think it has been thoroughly debated. I think Senators know what we are voting on in this amendment. I wish to make a few comments to bring us up to the point of voting on this amendment.

Again, I do not see this in any way as any kind of a partisan vote. It should not be. This affects workers no matter whether they are Republicans, Democrats, Independents, or whatever. It does not make any difference. This crosses all party lines.

What has happened, through the Department of Labor, is they came out with these proposed changes in overtime rules and regulations. No hearings were held, and now they say they do not have to have hearings. The law does not mandate that they have to have hearings, but one would think on a major issue such as this they would have gone out to the public and they would have worked with Congress to reach some reasonable agreement on modifying and updating Fair Labor Standards Act regulations. But, no, they came out with these changes in a very heavyhanded manner.

If one reads the proposed rules and regulations, they really do wipe away the overtime pay protections for I don't know—the figures are all over—8 million, 10 million, 6 million. I don't know what the proper number is, but I can tell you it wipes out overtime pay protection for millions of Americans who have it right now.

My amendment basically says no money can be expended to further promulgate, publish, or enact these rules and regulations.

That does not mean the Department of Labor cannot come back at some point and say we need to modify these. Maybe we need to throw out some old terms.

As I pointed out, the Fair Labor Standards Act has been modified a dozen times since 1938, but it has always been done sort of in consultation with Congress, in an open fashion. That is the way it ought to be done again, especially with something so sensitive as overtime pay.

So this is our vote in which we can basically say no, we are not going to move ahead with these; we are going to go back to the drawing board. If they want to come up to the Congress, to the appropriate authorizing committees in the House and the Senate, and try to work something out, that is fine and we can do that.

In closing, last week the Senate unanimously passed this resolution by Senator HATCH, expressing the sense of the Senate that October would be National Work and Family Month. The resolution expressed the sense of the Senate that reducing the conflict between work and family life should be a national priority. We passed this last Friday unanimously. Are we today going to vote to say we do not care about what we said; what we are going to do is allow these rules and regulations to go into effect which will take away the overtime pay protection for millions of Americans?

Let's back up what we said last Friday with our votes this morning.

I yield the floor and reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator has consumed his time.

Mr. LEVIN. Mr. President, I come to the floor today to speak in support of the Harkin amendment regarding the Bush administration's proposal to make regulatory changes to the Fair Labor Standards Act, FLSA, of 1938. The Bush administration's assault on middle-income white- and blue-collar workers continues with this latest proposal by the Department of Labor, DOL. Under current law, the FLSA requires employers to pay time and a half for overtime work except for some narrow exemptions. Introduced this Spring with little public notice, the DOL has proposed regulations that would disqualify potentially millions of workers from the overtime protections afforded them under the FLSA. Regulations proposed by the DOL on March 31 of this year would make it easier for employers to reclassify their workers as "executive," "administrative" or "professional" employees who are not entitled to the overtime protections of the FLSA. According to the Economic Policy Institute, more than 8 million workers could be negatively affected by the Bush administration regulatory changes. This is a frontal assault on the 40-hour work week.

The Harkin amendment would prevent the DOL from issuing any regulation that disqualifies currently covered workers from the overtime protections of the FLSA. The amendment would not prevent DOL from making changes to overtime regulations that would benefit low-income workers. There is simply no justification for stripping any workers of their overtime rights and thus their statutory right to time and a half. And the workers who would still be protected by the FLSA would also receive a pay cut because employers would naturally shift overtime assignments to the millions of workers no longer entitled to overtime pay. In 2000, overtime pay accounted for about 25 percent of the income of workers who worked overtime or about $161 a week. The President's much-touted tax cut would give workers earning less than $62,500 a tax cut of a $1.68 per week. This administration's overtime proposal is just not worker or family friendly. It will result in workers working more hours without overtime pay, undermining the 40-hour work week. The DOL proposed regulations would deny overtime protections not only to white-collar office workers, but also to many manual and other union workers. Union workers would be forced to negotiate for overtime protections that are now guaranteed by the FLSA. The overtime exceptions would affect all workers earning more than $65,000 as well as workers with certain specialized training such as policemen, firefighters, paramedics, EMTs, as well as other white-collar professionals such as secretaries, bookkeepers, and paralegals.

Every facet of American industry will be affected by the proposed DOL regulations. For example, assembly line and production workers at auto manufacturing plants could lose overtime protection if they "employ a high-level of skill or training." Furthermore, factory workers making up to $65,000 could lose overtime protection if they perform some nonmanual office work and have at least one job duty that can be characterized as "executive," "administrative" or "professional." Nonmanual office work seems to be a broad term that could encompass many fairly routine workplace activities. Even a worker who at the end of the day is required to document his or her workplace activities might be swept in to the administrative exemption. Surely this was not the intent of the FLSA.

At a time when we are asking more and more of our Nation's first responders, the administration wants to eliminate their overtime pay. A good example are the police officers responsible for the security of the Capitol Complex. Many of these officers have consistently worked in excess of 40 hours ever since September 11, 2001. Many of these officers have spent long periods of time away from their family and friends with their only consolation being overtime pay. How can President Bush and Secretary Chao possibly tell law enforcement officers across this Nation that they no longer deserve to be paid overtime for their work?

Mr. President, we must do what is equitable for American workers. Millions of workers depend on overtime pay to make ends meet. If the administration really wants to help low-income workers, they will support an increase in the Federal minimum wage to $6.65 an hour which would benefit far more than the 1.3 million low-income workers which DOL estimates will benefit from proposed changes. A vote for the Harkin amendment is a vote for working families across America. I hope it will receive a resounding "yes" vote.

Mr. LAUTENBERG. Mr. President, I rise in support of the Harkin amendment to the Labor, Health and Human Services, and Education appropriations bill for fiscal year 2004.

I proudly support this amendment because it would prevent the administration from implementing any regulation that would take away the overtime pay rights of American workers.

The Bush administration's hostility to this Nation's hard-working men and women is shocking and frankly disappointing.

We all know this administration's performance on job growth: since President Bush assumed office, he has pushed for three separate tax cuts for the wealthy, yet he has not created a single net job.

Rather, the policies of President Bush have produced a loss of 3.1 million private sector jobs. The number of unemployed Americans has risen from 6 million to over 9 million. Just last month, the Nation's payroll lost 93,000 jobs.

Instead of working to put Americans back to work, the administration has decided to "modernize" workplace regulations by eliminating overtime pay for million of workers.

The Economic Policy Institute concludes that more than 8 million workers would lose overtime protection. Even the conservative Employment Policy Foundation estimates that 1.16 million workers would lose their overtime pay.

The administration, however, claims that only 644,000 workers would be negatively affected by its proposal.

Regardless of the losses estimated, the proposed regulation would disqualify more workers from overtime protection, and there is simply no justification for stripping any workers of their overtime rights.

Just yesterday, nursing home workers from my home state came to my office and told me that they get paid between $7 and $10 per hour and that they rely on overtime pay as an essential supplemental to their low hourly pay.

The administration opposes an increase in the minimum wage which would help millions of American workers, but it supports a proposal that would decrease the take-home pay of millions of American workers.

Once again this administration has misguided priorities. We should be doing all we can to improve the working conditions and the quality of life of the American worker, not make it worse.

The 40-hour workweek was created in the Fair Labor Standard Act in 1938. We enacted this legislation because workers were being abused and not properly compensated.

The FLSA became the bedrock of worker- and family-friendly legislation because we recognized that after 40-hours of work, 8-hours a day for 5 days, an employee should be paid time and a half for work performed beyond 40 hours.

Today, the workers protected by the 40-hour workweek requirement are the Nation's first responders and first-preventers like police officer, nurses, and firefighters. Other protected workers include the millions of administrative, technical, manufacturing, and restaurant workers who are struggling to make ends meet.

We should protect the American workers. And, I urge my colleagues to support the Harkin amendment.

Mr. SARBANES. Mr. President, I strongly support the Harkin amendment to preserve overtime pay protections for millions of hard-working Americans. The American work ethic, along with great skill and ingenuity, has made the United States an economic world power. Americans already log more hours on the job than workers in most other developed countries around the world and I believe that those who have long driven the American economy should be fairly compensated for their work. However, the Bush administration has proposed new regulations that would amend the Fair Labor Standards Act of 1938 and undermine current law governing overtime pay.

The proposed Department of Labor regulations would raise the salary level under which workers are eligible for overtime pay from $8,060 per year to $22,100 per year. Raising this income threshold is an inadequate adjustment, but it is a step in the right direction. Due to the rising expenses facing working families, I recognize the need to make more low-income workers eligible for overtime pay. The pending amendment does not preclude the Department of Labor from issuing rules that make such changes. Instead, it simply prohibits the Department of Labor from taking away overtime protections for those who are currently eligible under the Fair Labor Standards Act.

Under the Department of Labor's proposal virtually all employees who earn $65,000 or more per year would be denied overtime pay protection currently afforded under the Fair Labor Standards Act. Additionally, it would allow employers to reassign middle-income workers, earning between $22,100 and $65,000, to managerial roles, thereby depriving them of overtime pay rights. The Harkin amendment would block this reclassification.

Our economy is facing serious difficulties. What we need is responsible economic policy that puts our economy back on track. Instead, this administration has proposed massive tax cuts to benefit the wealthiest among us, presided over the largest job loss in our Nation's history, erased a large Federal surplus that it inherited, and created a large and growing Federal deficit. Now the administration proposes to amend a law that has protected American workers for over 60 years by taking away the overtime pay that many working families depend upon to make ends meet.

The Department of Labor claims its proposal is necessary to "clarify" and "update" overtime rules for the 21st century economy. However, consider some examples of the occupations currently eligible for overtime pay that may be in jeopardy should the Department of Labor go forward with this proposal: firefighters, law enforcement officers, social caseworkers, medical assistants, and nurses. These workers are performing vital functions in our society and should be compensated for the long hours they put in to do their jobs.

The American people have spoken on this issue. The Department of Labor has been flooded by public comments that run overwhelmingly against the implementation of its proposal. The American people are right. The number of individuals eligible for overtime should be increased, not decreased. A responsible economic plan would put more disposable income into the hands of working Americans, not take it away.

I find the Department of Labor's proposal unwise and unfair, but very much in keeping with this administration's failed economic policies that seek to leave no millionaire behind while increasing the financial burden on average Americans. Therefore, I urge my colleagues to support the Harkin amendment.

Mr. BINGAMAN. Mr. President, I rise today in support of the Harkin amendment related to proposed administration changes to overtime regulations, and I am pleased to be a co-sponsor.

The Fair Labor Standards Act of 1938 established that—with only a few specific exceptions—American workers were entitled to overtime pay, meaning time and a half wages, for every hour worked beyond the accepted 40-hour work week. The Fair Labor Standards Act was not passed out of context. The legislation derived from the labor abuses that occurred in the early 1900s. Furthermore, it was signed into law because political and labor leaders at that time agreed that workers should not be pushed beyond their breaking point. By making every hour beyond 40 more expensive, the legislation discouraged employers from assigning longer hours and rewarded employees for sacrificing their personal or family time for their company. Workers could still work longer hours if they chose to do so, or if they needed additional income—many do so today—but they could not be required to do so by their employers, and they could not be required to do so at the same wage level they earned during their 40-hour work week.

I think this was a perfectly reasonable bargain to have made then, and I think it is a perfectly reasonable bargain now. It is a form of social contract—one of many made at the time that have extended to the present because they make good rational sense. And I am strongly of the view that it should not be broken at this time.

The Bush administration has recently proposed substantial regulatory changes that dramatically alter this social contract, and the underlying principles that form its foundation. Under the guise of "flexibility" for employees, it has decided to change the categories that will classify a worker as eligible for overtime, and in doing so, will vastly increase the number of employees that are exempt from overtime pay. The Department of Labor has estimated that the proposed changes will affect only 644,000 workers. But the Economic Policy Institute has concluded that the numbers are significantly miscalculated and the correct figure is closer to 8 million. This includes everyone from police officers, no firefighters, to registered nurses, to medical technicians, to floor supervisors in service industries, to paralegals, to journalists—any number of individuals that currently earn more than $22,100 per year.

Worse, many of these individuals are currently in professions that are essential to national security or difficult to fill. In my State of New Mexico, for example, the proposed regulations would have very profound effects. According to an analysis undertaken by the New Mexico Department of Labor, over 37,000 workers will lost overtime benefits as a result of the proposed rule change. Many of these workers are in professions that we need in the State and we may lost if salaries are decreased—specialty fields like teachers, physical therapists, health care technicians, first responders, and so on. For the life of me I don't see why the Bush administration would be providing disincentives for people to work in fields where we need them the most. Why are we telling teachers, or nurses, or firefighters that we don't value the extra time you put in on the job? In my State these folks are frequently living on a shoestring as it is. How can the Bush administration justify a policy that takes money away from them?

I have three specific problems with the proposed overtime regulations. First, as I have mentioned previously, it pulls back from the social contract made with American workers in the past. I don't understand what has changed over the last few years to require that overtime rules be altered, and I don't believe it is time to alter an agreement that at its core is designed to allow Americans to be rewarded for hard work and spend more time with their families.

Second, I think it's the wrong time for change. We have now some of the worst economic conditions that we have seen in years in this country. Levels of unemployment continue to climb, so much so that many workers have simply given up looking for work. Why are we telling those who have work at this time that they should get less for what they do? Why are we telling these folks they have to take a pay cut? Why are we taking money out of the pockets of these folks, money that these days go to make ends meet, but can also go for mortgages, education, and savings accounts?

Third, given the current record of the Bush administration on key labor issues—be it outsourcing, minimum wage, FMLA, workplace protections, or anything else—I am not convinced that it is time to give it "flexibility" to apply regulations of any type that will affect American workers. From what I have seen so far, I think the administration has taken a very clear stance against the low- and middle-income workers that form the very heart and soul of this country, and I think it is time that we push back on these policies.

I think it is essential that we send an unequivocal message to the Bush administration that we will not allow changes on the overtime regulations to occur. I believe it is bad policy that will hurt working Americans at a time when they need our support.

Mr. HATCH. Mr. President, I rise today to encourage my Senate colleagues to support the Department of Labor's proposed changes to our nation's overtime regulations. The amendment being offered by my friend Senator HARKIN to the 2004 Labor, Health and Human Services, and Education appropriations bill would prohibit spending to implement the Department of Labor's proposed regulations and, thereby, cripple the Department in making these important changes. This is not a wise course of action and I wish to voice my support today for the Department's proposed regulations changes.

Before discussing the proposed regulations, I would like to take a moment to address current overtime rules. As you may know, there have been very few changes to the Fair Labor Standards Act's, FLSA, overtime provisions since the early 1970s.

Under these outdated rules, most workers are only guaranteed time-and-a-half overtime pay if they earn less than $155 per week. If they earn more than $155 per week, then employers have to use a number of complicated and confusing tests to decide if a particular worker's job is "executive, administrative, or professional," and must also use complicated tests to determine if the worker's pay qualifies as a "salary" rather than an hourly wage.

Thus, if a job pays over $155 per week—$170 per week for "professionals"—and the job is executive, administrative or professional, and the worker's pay fits the official definition of a "salary," then that particular worker is not eligible for overtime. You can imagine the complexity and confusion that businesses have to deal with when they try to determine which workers have to be paid overtime and which do not.

The current rules mean that a restaurant manager or a factory shift supervisor who is paid a salary of $300 per week would be ineligible for overtime, since these kinds of work are generally considered executive or administrative.

I want to discuss the proposed rules in some detail, as I believe there is a great deal of misunderstanding about what they would do and why they are necessary. The Department of Labor's proposed regulations would raise the $155 per week test to $425 per week. That means that, as a general rule, anyone earning less than $425 per week would automatically be guaranteed to be eligible for overtime pay, regardless of what kind of work they do.

Therefore, the Department of Labor's proposed rules will guarantee overtime pay to both the restaurant manager and the shift supervisor I mentioned above. The proposed regulations will be a boon to lower-income salaried workers. The Department of Labor estimates that its proposed rules will make 1.2 million more lower-income workers eligible for overtime pay. They also estimate that 20 percent of salaried employees earn $425 per week or less, roughly $21,000 per year.

The rules will also modernize the definition of "executive, administrative, or professional" work to reflect better the realities of today's workforce and to reduce the incomprehensible regulatory definitions that businesses have had to interpret for the last 20 years. That means that workers who earn more than $425 per week will find it easier to determine whether or not they qualify for overtime pay, and it will reduce the number of lawsuits over the "gray areas" in current overtime regulations.

Further, the Department of Labor also proposes to allow salaried employees' pay to be docked for full-day absences taken for disciplinary reasons, such as sexual harassment or workplace violence. Currently, only hourly workers' wages are subject to such discipline-related pay deductions.

And finally, the proposed rules state that workers who earn more than $65,000 per year will be ineligible for overtime pay if their job has at least some duties that are "executive, administrative, or professional." Therefore, employers who have these kinds of highly compensated workers will find it easier to make them ineligible for overtime. The Department of Labor chose the $65,000 threshold because roughly 20 percent of salaried workers earn $65,000 or more per year. The Department chose to focus its energies on strengthening access to overtime for the most vulnerable workers, a group that is unlikely to include many workers whose salaries are in the top 20 percent.

I believe that the current overtime regulations are confusing and outdated. They have created a maze of uncertainty for business owners, who can be fined up to 3 years of back wages if they misinterpret the overtime eligibility rules. The Department of Labor's proposed rules will make over a million more lower-income workers eligible for overtime while also creating clearer overtime eligibility rules for all businesses to follow. The Department of Labor's rules would guarantee overtime pay to the bottom 20 percent of salaried workers—some of the most economically vulnerable people in our society—while at the same time giving employers more freedom over how they compensate the top 20 percent of salaried workers.

These rules are part of this administration's broader agenda for long-lasting, long-term wage growth. These clearer, simpler regulations will increase the efficiency and productivity of American businesses. And since higher productivity is the key to higher wages, I expect these regulations to help increase the typical American's standard of living.

I have received numerous letters from individuals and industry who support these regulatory efforts by the Department of Labor. I believe the Department has done an excellent job of researching the overtime issue and preparing regulations that meet the needs of American workers. I encourage all of my Senate colleagues to support these regulations and vote against any amendments that would weaken or impede these much-needed overtime regulation updates.

Mrs. CLINTON. Mr. President, I rise in strong support of the Harkin amendment, which would prevent the Department of Labor from implementing its regulation that would deny overtime pay to 8 million Americans, including 450,000 New Yorkers. I am proud to be a co-sponsor of this amendment and hope that my colleagues will join me in supporting it with their vote this afternoon.

Many of us celebrated Labor Day with picnics, parades, and fanfare, but for too many American workers, there was not much to celebrate at all. Close to 10 million Americans are about to lose overtime protection because this administration has decided to do the bidding of its corporate donors instead of protecting the rights of overworked and underpaid Americans.

The regulation being proposed by the Department of Labor unilaterally removes entire classes of workers from overtime eligibility. Paralegals, engineers, social workers—today rely on overtime. Tomorrow these individuals will be forced to work longer hours for less pay.

An let's not forget our police officers, firefighters, and nurses—individuals who regularly work overtime because they are on the front lines of our homeland defense. Does anyone imagine that these dedicated individuals will stop working overtime after this regulation goes into effect?

I can assure you that the New Yorkers who tell me how this will affect them do not think so. They know that when duty calls, they will respond. They simply will not be compensated for their effort.

A nurse from Lancaster, NY, wrote to me recently to say, "I assure you that as a Health Care Professional I work many exhausting though rewarding hours in my position. However, I feel strongly that being forced to work overtime without appropriate compensation is an insult. As a dedicated health professional, I find it impossible to leave my patients untended."

If the administration wants to help working families as they say they do they can fight to expand access to overtime, to raise the minimum wage, and to ensure that every working American can take a sick day to recover from the common cold without fearing for their jobs.

Instead, this regulation would make unpaid overtime a household word and make it easier for bad-faith employers to coerce other workers into accepting time off instead of overtime pay.

I do not think the administration is unaware of the impact of what they are proposing. If they were, they would not have proposed this overhaul of the Fair Labor Standards Act under the cloak of secrecy, without a single Congressional hearing, without a single public hearing.

As many of my colleagues know, when the Clinton administration tried to issue ergonomics regulations, Republicans in Congress attacked the Labor Department for "rushing to judgment" because it held "only" 27 days of public hearings. Twenty-seven days.

And from this administration, not even one.

Those who support the administration's regulation argue that Democrats are overstating our case. They claim that the proposed regulation will not have anywhere near the impact that independent experts say it will.

But for the sake of argument, let's assume the Department of Labor's impact analysis is absolutely accurate. The administration's own analysis reveals that 644,000 workers will lose overtime pay. But that is only the number of workers currently earning overtime pay who will lose eligibility. For each worker earning overtime pay, there are another four or five who are protected by the overtime provisions of the Fair Labor Standards Act but do not currently work more than 40 hours a week. All of them—between 3.2 million and 3.8 million by the Department of Labor's own estimates—will lose their overtime protection under the proposed rule. Their employers will require many of them to work longer hours because they will have no incentive not to. It won't cost them a dime, but it will cost our firefighters, our police officers, our nurses, and so many others in time away from their families and money out of their pocket.

The Department of Labor's analysis goes on to state that the changes in the education test alone will result in 44 percent of the "learned professionals" losing their right to overtime pay. That is 44 percent of those working in the fields of chemistry, biology, nursing, engineering, accounting, and more. That is 440,000 cooks who would lose their right to overtime pay.

That analysis assumes, and I quote, "that six years of work experience might be considered equivalent to a bachelor's degree"—even without a day of higher education. But this assumption is not grounded in the rule. In fact, the Department of Labor's rule requires no minimum education standard. If employers decide that their employees have the same skills as employees with college degrees, employers may exempt those employees from overtime.

So a cook from Buffalo who has never attended a day of college can be deemed an exempt professional and denied overtime.

The administration is taking away the bread and butter earnings American families count on, and leaving them with crumbs.

Republicans in my State have crossed party lines to block this regulation—and I applaud them for doing so. They know how many New Yorkers rely on overtime pay—not as a luxury, as a necessity.

I recently received a note from John, New York City police officer, who wrote to me to say "police officers like myself are forced to do overtime whether we like or not because we need the money to stay ahead of our bills." John is not alone. Overtime compensation accounts for 25 percent of the total compensation of all workers who receive overtime pay.

This issue is not trivial. At its very core, this issue is about our American values of work and family. Workers stripped of their overtime protection would end up working longer hours for less pay. That translates into less time with their children, less time with their parents, their spouses, less time to volunteer and contribute to the fabric of our community. More work hours, for less pay, and less family time—that is not the American way.

I urge my colleagues to vote in favor of the Harkin amendment.

Mrs. FEINSTEIN. Mr. President, today the Senate will be voting on an amendment that is of vital importance to the working people of California and indeed the Nation.

Earlier this year the White House proposed redefining the job descriptions of millions of workers and thus eliminate their right to overtime pay. Left alone, these rules will go into effect early next year.

The Bush administration's proposal could wipe out overtime pay protections and increase work hours for at least 8 million workers. Losing overtime pay protections would also result in huge pay cuts for many workers.

For more than 65 years we have maintained an appropriate balance between family life and work life by forcing employers to pay certain workers time and a half when those workers were required to work more than 40 hours in a single week.

Thanks to Franklin Delano Roosevelt, this requirement has protected the 40-hour workweek which has been a trademark of our economy for more than six decades. And, as a result, our Nation's workers now have greater dignity, better health, and a more appropriate balance between work and family.

This is an issue of fairness. Our workers are more productive than ever and yet the Bush administration believes it is necessary to penalize those very individuals who have literally built this Nation.

The men and women who will be most hurt by the President's decision will be the hourly workers who maintain our streets, ring up our groceries, and respond to our calls to 911. Those hurt most will be disproportionately women and minority. They will be mostly middle and lower income. They will be struggling to make ends meet and they will be worrying about paying the mortgage. They are, in fact, our neighbors and friends.

Given the high unemployment rate and economic uncertainty that is still smoldering in our economy, this is not the time to be making it harder for our hardest workers. Rather, it is a time when we should be helping all workers achieve fairness in the workplace.

Fairness in the workplace is good for business. It is well known that by requiring companies to respect the 40-hour workweek, we encourage businesses to hire additional workers. With unemployment above 6 percent, we should continue to encourage companies to maximize employment while respecting the workforce they have.

I support Senator HARKIN's amendment to stop the Department of Labor from issuing any regulation that disqualifies workers from the overtime protections of the Fair Labor Standards Act.

I think the amendment is fair and just.

Ms. MIKULSKI. I oppose President Bush's plan to deny overtime pay to millions of workers. I am proud to cosponsor Senator HARKIN's amendment to protect overtime pay for 8 million American workers. Millions of Americans depend on overtime pay to make ends meet and pay their housing, food, and health care bills. Yet the Bush administration wants to strip overtime protections for these hard-working men and women. I thought in this country, the best social program was a job. I thought in this country, we reward those who practice self-help.

Eight million workers would lose overtime protection under the new Bush proposal. Who are these workers? They are nurses, firefighters, policemen, secretaries, and social workers. These men and women work hard to serve our communities. They protect us, and they help us when we are in need. They deserve extra pay for their extra efforts.

If we do not stop the Bush proposal, workers will have to work long hours for less money because they will no longer be eligible for overtime pay. They might have to find a second job, because they will not be able to count on overtime pay to make ends meet. They will spend less time with their families but they will not get compensated. I think that is outrageous.

America is facing a crisis in nursing. In Maryland hospitals, 12.6 percent of nursing jobs are vacant. They desperately need over 2,000 nurses. Nationwide, we will need about 2.8 million registered nurses by the year 2020, but only about 2 million will be available. Nurses work an average of 8.5 weeks of overtime each year, and 87 percent of Maryland nurses work overtime just to make up for the shortage. If the Bush proposal becomes law, nurses will have to work these same hours for no extra pay. Hospitals will have to get by without enough nurses to take care of patients. Lack of overtime pay will discourage young nurses from entering the profession and experienced nurses from staying. I worked hard to pass legislation to help eliminate the nursing shortage. Changing the overtime rules would be a huge step backwards.

The Bush plan would also deny overtime pay for our first responders: our firefighters, policemen, and EMTs. Maryland has about 2,000 professional firefighters and 7,500 police. These men and women put their lives on the line to keep us safe no matter what time it is or how many hours they have worked already. When the Pentagon was on fire, the firefighters in my own State of Maryland dashed across the Potomac to help. They were there night and day. We say a grateful Nation never forgets. We give our heros parades, but now some want to take away overtime and make them work for free to protect the homeland. What a thing to say to first responders and their families.

Every time a firefighter or police officer leaves their home, they do not know when they will be home. They do not even know if they will be home, and now the Bush administration is asking them to donate their overtime. That is no way to show our appreciation. We need to protect the protectors so that they can protect us. That means protecting their overtime pay.

Nurses and first responders are just a few examples. The Bush proposal would deny overtime pay for workers in many industries. It would take money out of the pockets of hard working Americans and their families unless we do something to stop it. I urge my colleagues to vote to uphold overtime pay by voting for the Harkin amendment.

Mr. DOMENICI. Mr. President, I rise today in opposition to the amendment offered by my colleague, Senator HARKIN. The Harkin amendment would prohibit the Department of Labor from pursuing a proposed rule to modernize the Fair Labor Standards Act overtime regulations.

In 1938, Congress passed the Fair Labor Standards Act to protect the lowest paid of our nations working population. The Fair Labor Standards Act guarantees overtime pay for all employees who work over 40 hours in one week, except for those employed in certain "white collar" jobs. Unfortunately, the current regulations have not been revised since the 1950s and employers face serious challenges in trying to interpret this law and classify modern jobs into categories created in a different era. Consequently, what should be a simple test, has become a very complex one with little certainty.

Thankfully, this past March, the Department of Labor proposed changes that would update the regulations to reflect the realities of our 21st century workplace. The purpose of these new regulations is not, as many claim, to take away overtime pay from hard-working Americans; nobody wants that to occur. The purpose of these new regulations is to bring up to date overtime regulations so that employers will be better able to understand their obligations and comply with the law, and the Department of Labor will be better equipped to more vigorously enforce the law.

If adopted, the Department of Labor proposal will guarantee overtime pay for any employee making less than $22,100 per year ($425 per week) regardless of the person's job duties. Current regulations only provide guaranteed overtime for those making less than $8,060 per year ($155 per week). This is almost a 175 percent increase and will mean that an additional 1.3 million employees nationwide will be guaranteed overtime pay under the proposed changes. In my home state of New Mexico, the Department of Labor estimates that enactment of this proposal would automatically guarantee overtime pay for 10,000 additional workers, and that these workers would receive $3,878,398 every year in additional overtime pay.

The proposed regulations will not deny overtime pay to any workers based on salary alone; in fact, they will make it easier to determine which employees meet specific tests and thus qualify for "exempt" status. These exempt employees will continue to qualify for overtime pay.

The proposed regulations will not affect employees paid pursuant to the terms of collective bargaining agreements, thus unionized employees will continue to have the right to bargain for overtime pay, regardless of salary or job duties.

The proposed regulations will not affect the right to overtime for non-white-collar workers such as police officers, firefighters or other first responders. This fact has been acknowledged in a recent press release from the Fraternal Order of Police.

Modernization and reform of the Fair Labor Standards Act regulations has been on the Labor Department's regulatory agenda since the 1970s, and both Republican and Democratic administrations have recognized that the existing regulations simply do not comport with the realities of the modern workplace. I therefore encourage my colleagues to vote against this amendment, and support the modernization of the Fair Labor Standards Act.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let us remember what is happening. Basically, the Congress is trying to step into the middle of a regulatory process, which is ongoing and has not reached a conclusion, and short circuit it. Eighty thousand comments have been received relative to these regulations. They have not been promulgated in final form. In fact, I know the Department is aggressively reviewing those comments, and I expect substantive changes in significant parts of the regulatory proposal as it has been put forth. So it is premature to step in at this time. It is not ripe. The matter is not before us at this time.

If the regulations come down in a format that is unacceptable, we as a Congress have the right to step forward and revoke those regulations, as is occurring right now relative to the FCC rule that was promulgated by that regulatory agency.

So we are stepping forward at the wrong time in the wrong place and we are short circuiting the regulatory process in doing it in this manner.

Secondly, what we have heard for the last few days and what we have heard nationally from some of the promotional groups that advocate on the other side of this issue is misrepresentation on the number of people involved. They have been saying 8 million people will be affected in a negative way.

That number is absolutely bogus. Of that number, 1.5 million are part-time workers who will not be affected at all; 3.8 million of that number are already exempt, so they will not be affected; 1.1 million will be exempt under the proposal as it is being proposed, so they will not be affected; and 800,000 are manual workers who will not be affected in the first place. So 7.2 million of that alleged 8 million people are off the table and are not going to be impacted. So what we are talking about is 800,000 who may be affected by this regulation in a negative way.

On the other side of the coin, let's recall that this regulation raises the number at which people get and are guaranteed overtime. Today in the workplace, if one makes $8,000, they get overtime. That is not much money. Under this regulation, if one makes $21,000, they are guaranteed overtime, no matter what their job description is. That means it is going to empower 1.3 million people—this is a hard number—1.3 million people who do not have it today will be getting overtime under this regulation.

So there is a net win for America's workers. At least 500,000 American workers are going to come out winners in relationship to American workers who may be impacted by this regulation, and that 800,000 number of people who might be impacted may not be impacted at all because they may be union individuals and as a result their union contracts may be negotiated over the overtime issue.

The fact is that we should allow this regulation, this process, to go forward, allow these 1.3 million people who are going to be enfranchised with the right to receive overtime to receive that overtime, and not short circuit the process and leave these 1.3 million people who would get overtime without the ability to receive this new opportunity.

This is a proposed regulation. For the Congress to step forward at this time is wrong.

The PRESIDENT pro tempore. All time has expired.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1580.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Smith

The amendment (No. 1580) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I ask unanimous consent to add the following as cosponsors of the amendment just voted on: Senators LANDRIEU, ROCKEFELLER, LEVIN, BINGAMAN, CANTWELL, and BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1598

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Schumer amendment.

Mr. SCHUMER. Mr. President, this is a very simple amendment. It adds $400 million to the Ryan White fund to deal with the problem of AIDS. AIDS is spreading throughout our country. Many rural States that have not experienced AIDS in the past are experiencing large increases. This money goes to reducing AIDS, the ADAP funding, to the early detection centers, to the centers that develop prevention. If ever there was a "stitch in time saves nine" amendment, this is it.

This has broad bipartisan support in the Senate. I hope we will fund it. This is not an ideological issue. No one disputes whether Government should do this. It is not a question of whether the money is needed. We all agree it is needed. I hope we can step to the plate and support this modest increase so that Ryan White is appropriated at the level that is needed.

Mr. NELSON of Florida. Mr. President, I rise to state my support for Senator SCHUMER's amendment to increase funding for the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act.

The Ryan White CARE Act is the largest single source of Federal funding dedicated to the care and treatment of people living with HIV/AIDS in our Nation. This exceptional program provides funding for primary health care and support services for people with HIV/AIDS who lack health insurance and the financial resources to pay for their care. Each year, CARE Act programs nationwide reach over half a million individuals with or at risk for HIV.

The Centers for Disease Control and Prevention (CDC) estimate that 850,000 to 950,000 people are living with HIV and/or AIDS in the U.S., and of those people approximately one-third are not accessing proper care and treatment. CARE Act programs are essential to extending care to all those living with HIV/AIDS.

Recent reports indicate that the number of patients with HIV/AIDS is increasing faster than the Federal funding. In my own State of Florida that has meant that patients in need have had to delay getting care. The number of people on the waiting lists has never been so widespread or long-lasting.

According to a recent article in the Sun Sentinel, AIDS Project Florida, Broward County's largest agency serving these individuals, exhausted its July funds for medical care before the end of the month and had to put newly diagnosed HIV patients on a waiting list to see a doctor.

The same article tells us the situation is in Palm Beach County is no better. The Comprehensive AIDS Program of Palm Beach County has had up to three-dozen HIV patients waiting to see counselors at each of three offices because of a rush of new clients—including some from Broward.

Ryan White CARE Act programs grant vital resources to communities affected by this epidemic. This program's comprehensive scope not only addresses a patient's health care needs, but also food supplies, alternative medicine options, as well as transportation. We cannot expect our communities to meet this growing need without increased funds.

I urge my colleagues to join me in supporting Senator SCHUMER's efforts to increase funding to this critical program.

Mr. SPECTER. Mr. President, I agree with the Senator from New York about the importance of funding to fight HIV/AIDS, but we are funding more than $2 billion for the Ryan White program. We have in the Senate bill on AIDS some $14 billion-plus. We have on other Departments funding some $4 million.

There has been a certification from the Director of HIV/AIDS that this $2 billion is all that can be appropriately used. We raised a point of order last night. I very much would like to have a larger appropriation for this subcommittee to have more money on education and health care and more money for HIV/AIDS, but we are constrained by the budget resolution and by our allocation.

Therefore, I reluctantly oppose the amendment and have raised the point of order. The waiver has been asked for. We are now ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budge Act. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Corzine
Daschle
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Edwards
Lieberman
Smith

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1595

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes evenly divided for a motion to waive the Budget Act with respect to the Reed amendment No. 1595. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to add Senators CANTWELL, MURRAY, and DODD as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I join Senator COLLINS in urging the adoption of an amendment that would add $300 million to the LIHEAP contingency fund. This fund will be available in cases of severe weather or severe economic circumstances during this heating season and next year's cooling season. We already know that residential natural gas prices are scheduled to rise at least 15 percent. We also understand poor economic times may force more people into requirements to need this program. This is a vital program. This contingency fund would be necessary so that States could meet the needs of heating for seniors, for a whole range of people who need heat and need cooling in the summertime in a hot climate. I urge all my colleagues to support the amendment. The underlying bill does have $2 billion for the basic grant program, but without this contingency funding, we will not have the flexibility to respond to spikes in heating costs or in economic downturns in different parts of the country.

I yield my remaining time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I join my colleague from Rhode Island in urging support for this amendment which would provide additional emergency funding for the Low Income Home Heating Assistance Program. When we experience huge spikes in the increase of home heating oil and natural gas, it imposes an incredible hardship on our low-income families and on our elderly who are living on limited incomes. We are taking a prudent action by setting aside $300 million in emergency funding in case this winter we experience the kinds of price disruptions that create such hardships for our constituents. I urge my colleagues to support the amendment.

Mr. VOINOVICH. Mr. President, I rise today as a cosponsor of the Collins-Reed Low-Income Home Energy Assistance Program, LIHEAP, amendment. This amendment will provide an additional $300 million for LIHEAP.

Additional funding at this time is critical because of the crisis the United States is facing with natural gas prices. Natural gas, pinched by low inventories and a dearth of new drilling activity, has been hovering in the United States at about $6 per million British thermal units, MMBtu. This amount is roughly twice the historical norm. In fact, we set records for natural gas prices this past spring and summer. And there is no end in sight. Recently, Federal Reserve Chairman Alan Greenspan stated that little prospect is seen for natural gas prices to fall much in coming months.

These historic highs in natural gas prices should be a harbinger for the winter. In fact, if we look to this past winter in anticipation of what this nation should expect in terms of natural gas prices, the outlook is grim. In fact, the utility company that provides my heating in Cleveland has already acknowledged the fact that I can expect my home heating costs to at least double this winter. In February of this year, natural gas spot prices reached an historic high of over $18 per MMBtu. To compare, the spot price in 2002 was $2.40 per MMBtu during the same time period. That is a 650 percent increase over the previous year.

Why are rising natural gas prices important for LIHEAP?

In Ohio, of the 235,000 households that receive assistance through LIHEAP, 70 percent of them—or 162,500 households are heated by natural gas. That means that 70 percent of LIHEAP recipients in Ohio will be adversely affected by the rising cost of natural gas.

And who are LIHEAP recipients? In Ohio: two-thirds of the households that receive LIHEAP assistance—160,000 households—are below 100 percent of the Federal poverty level; one-third are seniors; one-third are disabled; and three-fourths of the households have children under five years of age. LIHEAP provides crucial assistance to the least of our brethren to help survive the most extreme weather conditions.

In Ohio, there is no doubt that home heating costs are going to rise dramatically. The doubling of natural gas prices will not allow current resources to provide adequate assistance for low-income seniors and families. This is going to force folks on low- and fixed-incomes to choose between heating their homes and paying for other necessities such as food or medicine.

This is the environment laid before the Senate: the Nation is facing some of the highest natural gas prices in history with no end in sight; a soft economy has left an increased number of households in need of assistance; and winter is quickly approaching.

So where does that leave us?

States, which receive LIHEAP funding from the Federal Government, will not be able to adequately plan for the acute need that will certainly occur. The National Energy Assistance Directors' Association—the folks that run LIHEAP in the States—indicated, in a letter dated September 4, 2003, that providing additional funds through the regular FY2004 appropriations process is necessary to plan and manage for the upcoming winter. If States cannot plan, then this in turn leaves social service agencies, like the Council for Economic Opportunity of Greater Cleveland and Catholic Charities, unable to provide assistance at the local level. The bottom line is that low-income households will be in dire straits when winter rears its head. Inevitably, if we do not appropriate additional funding now, LIHEAP funds will be depleted and a growing murmur will turn into a cry for additional LIHEAP funds—then to be declared "emergency funding."

I believe all my colleagues here realize that, at some point, we will have to increase LIHEAP funding. The question is whether we will do so now through the regular FY2004 appropriations process, or through the FY2004 supplemental.

The responsible action to take would be to increase LIHEAP funding now. Besides being morally responsible, increasing funding now is fiscally responsible. Natural gas prices will continue to rise as demand will increase as colder temperature set in. It would be fiscally irresponsible for the U.S. Senate not to appropriate additional funds that would better help states and social service providers plan assistance for low-income households. And while there is no doubt that the U.S. Senate should appropriate additional funds for LIHEAP now, I would be remiss if I did not take time and reflect on why there is the need to do so.

This natural gas crisis is the result of environmental policies that have driven up the use of natural gas in electricity generation significantly while domestic supplies of natural gas have fallen. The result is predictable, tighter supplies of natural gas, higher energy prices and a financial strain on low-income households and a drain on our economy. Not only will natural gas prices adversely affect the least of our brethren, these exorbitant prices will also affect our economy. The agricultural community, the steel and metal industries, the chemical and polymer industries and the manufacturing community all rely on natural gas and have seen their energy costs skyrocket. Ohio companies are closing plants, laying off workers and moving their production overseas due to these high energy prices. I recently met with a group of manufacturers from Cleveland and was shocked when two of them told me that they will be forced to move their operations overseas unless something is done to give them some relief.

In order to deal with this natural gas crisis, we must enact legislation that will increase domestic supplies of natural gas and ensure that utilities will not be forced to fuel switch from coal to natural gas for electricity generation.

I want to commend Majority Leader FRIST and Chairman DOMENICI for trying to pass a comprehensive energy bill that will increase domestic supplies of natural gas, and I am currently working with Chairman INHOFE to move President Bush's Clear Skies Initiative out of committee to ensure that utilities will not be forced to rely solely on natural gas. These two important pieces of legislation clearly show that there is a fundamental disconnect happening here in Washington. Republicans are trying to enact legislation that will address our natural gas crisis, keep energy and home heating costs low and protect American jobs. Democrats on the other hand are moving in exactly the opposite direction.

Democrats are pushing legislation that will establish a Nationwide cap on carbon emissions and their passage would force the utility sector, that is now coal to generate over half of our Nation's electricity, in my State of Ohio it is 85 percent, to rely solely on natural gas for generation. Carbon-cap language that has been sponsored by Senators JEFFORDS, LIEBERMAN, and CARPER, if enacted, will force our utilities to fuel switch to natural gas, will significantly raise energy prices and will cause thousands of jobs to be lost, particularly in manufacturing States like Ohio.

Let me be clear, carbon-caps mean fuel switching. And fuel switching means moving jobs and production overseas where there are less stringent environmental programs and will actually increase global levels of pollution and higher burdens on our poor and elderly.

The question we face is whether we should enact comprehensive and balanced energy legislation and Clear Skies, which will help solve our natural gas crisis, or rush into a short-sighted policy that will cap carbon, shut down our economy, cost thousands of American jobs and move manufacturing overseas?

The answer is clear. We need to pass the energy bill and Clear Skies. And we need to move away from harshly ideological positions that advance nothing other than the agenda of national environmental groups who have made a carbon cap a political litmus test. There is an energy crisis in America. Increasing LIHEAP funding is only a temporary measure to help low-income households get by. If we do not enact a comprehensive energy bill that balances our Nation's environmental and consumption needs, we will be dooming not only low-income households, but our economy as well.

I ask unanimous consent to print the letter I referenced in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ENERGY ASSISTANCE DIRECTORS' ASSOCIATION,
Washington, DC, September 4, 2003.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Energy Assistance Directors' Association, representing the state directors of the Low-Income Home Energy Assistance Program (LIHEAP), I am writing to urge you to consider providing $3.4 billion for LIHEAP for FY 2004. The increase in funds is necessary in light of the continuing high prices for natural gas and high unemployment rates.

Without the additional funding, states will not be able to adjust benefit levels to account for rising natural gas prices. The continuing tightness in natural gas supply has placed very strong upward pressure on price that will keep prices high and volatile into the winter heating season. The Wall Street Journal cites that natural gas prices have risen nearly 3 times the past decade's average. Federal Reserve Chairman Alan Greenspan has also warned that continued high natural gas prices are a serious problem that could jeopardize the economy.

Additional funding would allow the states to provide benefits to families who are unemployed as a result of the continuing weakness in the national economy. Current program funding levels are not sufficient to allow states to provide adequate services to these families or support active outreach programs. According to the U.S. Department of Labor, there were more than two million Americans unemployed for more than 26 weeks—up from 692,000 in 2001.

By providing these funds now, the states will be able to quickly get the funds in place and to the working, disabled and elderly families households that need them. Please feel free to contact me if I can provide you with any additional information.

Sincerely,

MARK WOLFE,
Executive Director.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe low-income home energy assistance is a vital program. I have fought for it during my entire tenure in the Senate. Pennsylvania has a problem similar to Maine and Rhode Island. We have in this budget $2 billion for LIHEAP. Last year there was $1.7 billion in the regular account and $300 million in the contingency fund. This year we improved it. We put all the money into the regular account so you won't have to go to contingency to have the extra $300 million spent if certain conditions arise. Had we left the account as it was last year, perhaps this amendment would have been obviated or perhaps whatever amount of money we would have put in there would have been an increase. That is a constant occurrence in the management of this bill.

I must tell you that it gets a little tiresome reading the newspaper accounts in the Philadelphia Inquirer and other Pennsylvania papers about how Senator SPECTER is voting against increases on important discretionary programs. The fact is, we have funded this program more generously than last year. Although the total figure is the same, $2 billion, we now have it all in the regular account so you don't have to go to contingency in order to access the $300 million. I would like to have a larger account for this bill to have more money for education, more money for health, and more money for LIHEAP. I know the choice for many people, especially senior citizens, is heat or eat. But we have a budget resolution that this Senator-manager has to stay within the limits. Therefore, I reluctantly have raised the point of order.

Mr. REED. Is there any remaining time on my side?

The PRESIDING OFFICER. Five seconds.

Mr. REED. Mr. President, this amendment is fully offset. And even with the $2 billion, not all qualified individuals will receive the funds.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Reed amendment No. 1595. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Coleman
Collins
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Conrad
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1592

The PRESIDING OFFICER. There will now be 2 minutes equally divided on a motion to waive the Budget Act with respect to amendment No. 1592 offered by Senator REED of Rhode Island.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators LAUTENBERG, KERRY, CLINTON, and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

Mr. President, this amendment would add $50 million for the CDC immunization program under section 317 of the Public Health Service Act. My amendment is offset by using the same mechanism that the chairman and ranking member utilized on $2.2 billion of the underlying bill.

Immunization of children is one of the great hallmarks of our public health system of the United States. It has had remarkable success. Diseases such as polio that were terrifying America when I was a child have been eradicated. We have to keep up this effort. This $50 million will add to that effort to be sure we do not lose ground and that we continue to immunize all our children. It is fully offset, and I urge my colleagues to support the amendment.

Mr. BYRD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, will the Senator add my name as a cosponsor?

Mr. REED. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor, and also Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I concur that the immunization program—vaccines—is vitally important, but I have to point out that we already have in this bill almost $3 billion directed toward vaccines. We have the vaccines for children under the one account in the Centers for Disease Control, which currently has $1.145 billion. I suppose if we added $50 million more to that sum, the Senator from Rhode Island would still be asking for more money.

It seems no matter how much money we allocate to vaccines, more is always needed—and I believe they are vitally important. Just this past weekend, I visited the Centers for Disease Control to be sure they had adequate capital resources and buildings to construct these vaccines. No matter how much money we put in, there is always some additional sum which is asked for.

I think the total of $3 billion—and right on top of the issue of the Senator from Rhode Island, we have $1.145 billion—that is as good as we can do with the limitations of the budget resolution in the allocation of this subcommittee.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LEIBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bunning
Byrd
Campbell
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Edwards
Graham (FL)
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1572, AS MODIFIED

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I send a modification of an amendment of mine to the desk. I believe I have a right to do that.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is modified without objection.

The amendment (No. 1572), as modified, is as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.   . In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants:

CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "September 30, 2004".

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided for the vote on the motion to waive the budget resolution.

The Senate will please come to order. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the modification, I do not anticipate a problem, but I would like to have a chance to look at it. May I call for the regular order? I can examine it when we vote next. The regular order is to hear from the Senator from Rhode Island for a brief period of time before we vote.

AMENDMENT NO. 1596

The PRESIDING OFFICER. That is the regular order. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask that Senator DASCHLE and Senator STABENOW be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this amendment would add funding for our libraries and museums. We all understand in every part of this country the vital role that libraries and museums play in education and culture and in community spirit.

Many times President Bush is criticized by Members of Congress for not living up to his expectations in terms of funding. But here is an example where I am proposing to increase funding to the levels President Bush requested in his fiscal year 2004 budget proposal to the Senate.

For the Improving Literacy Through School Libraries program my amendment would add $15.081 million to bring it up to the total of $27.5 million that President Bush requested. For the Library Services and Technology Act I request an additional $24.1 million to bring it up to $171.48 million, the Bush total plus an additional $1.8 million needed to double the minimum state allotment. For the Museum Services Act I ask for $5.18 million to bring it up to the total suggested by the President.

I believe we should support the President on this one and agree to this amendment. It is fully offset.

Mr. SARBANES. Mr. President, I strongly support the Reed amendment to increase funding for libraries and museums in the fiscal year 2004 Labor/HHS/Education appropriations bill. This amendment would bring funding for library and museum programs in line with the President's fiscal year 2004 budget requests, adding a total of $44.36 million in funding.

I do not believe the value of libraries and museums can be understated. State and local school districts are struggling with funding cuts at the same time that they work to improve achievement and accountability as required by the No Child Left Behind Act. Libraries play a critical role in providing students and teachers the resources they need to develop academically and professionally, which will greatly help them meet the mandates of this legislation. Museums have the potential to expand all of our lives and these cultural experiences are even more important during economic down turns as they offer a free or relatively affordable option to young people and families seeking a diversion. An educational and culturally gratifying outing is an ideal way to combine entertainment and enrichment. It is a most appropriate time to provide adequate funding for our Nation's libraries and museums.

This important amendment would increase funding for the Library Services and Technology Act, LSTA, by $24.1 million to bring the new total to $171.48 million. This increase in funding for LSTA would reach the President's funding request of $169.6 million for library state grants and library services to Native Americans, and provide the additional $1.6 million needed to double the minimum state allotment as included in both the Senate and House versions of the Museum and Library Services Act of 2003. It would increase funding for the No Child Left Behind Act-authorized Improving Literacy Through School Libraries program by $15.081 million to reach the President's fiscal year 2004 requested level of $27.5 million. This year, at the current funding level of $12.4 million, the Department of Education has estimated it will only be able to fund about 70 of the over 800 applications it received from needy school districts across the nation. Finally, the amendment would increase funding for the Museum Services Act by $5.182 million to reach the President's fiscal year 2004 funding request of $30.28 million.

The success of our young people, especially those in low-income neighborhoods, is dependent upon Congress providing the resources required to educate them and enrich their lives. Throughout my career in public service, I have worked closely with members of the Maryland Library Association, colleges and universities, and others involved in the library community throughout my State to strengthen libraries and arts programs. I commend Senator REED's consistent efforts to achieve this goal by providing additional funding for our Nation's libraries and museums. I urge my colleagues to vote for this amendment so that we can enable libraries and museums to provide the unique and vital services available to all Americans.

The PRESIDING OFFICER. The time of the Senator has expired. The Senate will please come to order. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the allocations for the Institute of Museum and Library Services is obviously very important. We already have a very substantial allocation, as specified in the principal arguments last night. Here again, much as I would like to increase the funding on this important line—and as I noted as a personal matter, my sister, Shirley Specter Kety, is a professional librarian. I am going to have a little problem at home over this because she is watching the C-SPAN proceedings. But we have made as large an allocation as we can under the Budget Act and the allocation for this subcommittee.

We already have $243 million in this account. Again, I wish we could do more, but that is the best we can do. That is why I have raised the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Edwards
Graham (FL)
Lieberman
Smith

The PRESIDING OFFICER. On this question, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1602

The PRESIDING OFFICER. There will be 2 minutes equally divided prior to the vote with respect to the amendment of the Senator from New Jersey.

Mr. CORZINE. Mr. President, my amendment is pretty simple. It restores cuts to student aid by prohibiting the use of funds for implementation of new regulations put out by the Department of Education reducing the amount of Federal student aid that individuals will receive. This is Federal aid, for Pell grants and subsidized loans.

The Department of Education estimates these reductions in State and local tax allowances in computing the expected family contribution formula will eliminate Pell grants for 84,000 students across the country; 49 out of the 50 States are impacted. It will cost $270 million in Pell grants. The ripple effect, using the same formula throughout all State grants and private grants, could reach into the billions of dollars. And I think all of you know, across the country colleges are raising their tuitions. State and local taxes are going up.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORZINE. Mr. President, I urge my colleagues to vote for this fully offset amendment.

Mr. CORZINE. Mr. President, I would like to make a few additional comments beyond what I said last night about my student aid amendment, No. 1602. In particular, I want to describe my intent as to how the amendment would work.

The amendment says that the Department of Education cannot use any funds to implement the May 30, 2003 updates to the State and local tax allowances, to the extent that they would reduce aid for any student.

In effect, what the amendment means is that the Department must republish its State and local tax allowance tables, and use the prior allowances in all cases in which the prior allowances were higher, which is the case for the vast majority of States and types of students. There were a few cases where the Department got it right. That is, they increased the State and local tax allowances for independent students in a handful of States. And I don't want the amendment to hurt those students.

That is why the amendment qualifies the prohibition on implementation or enforcement of the May 30 updates by adding that the prohibition applies "to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible."

I want to clarify that it is the Department's responsibility to make sure this qualifier works by publishing new tables as I just described. It is not intended that college aid administrators would have to figure out which students would be hurt by the May 30 updates on a student-by-student, case-by-case basis at the college level. That would be an unnecessary, unwieldy and burdensome approach, and is not my intent.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from New Jersey is a very complicated amendment which ought not to be handled on an appropriations bill in an amendment to limit funding. It ought to be submitted to the authorizing committee so the Secretary of Education could be heard on this calculation as to scholarship benefits and so the Secretary of the Treasury could be heard.

The Senator from New Jersey talked last night about a swing of billions of dollars. This is affecting the flow of money for the National Institutes of Health, which ought not to be affected. The very document which he has cited, the Congressional Research Service study, says this issue remains "largely undetermined" "without substantial and complex modeling."

This is an amendment which ought not to be considered at this time. I hope we will not have the traditional party-line vote, which we see all the time invariably here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Anybody who takes a look at this amendment would say, fairly stated, it is too complicated to be discussed in 2 minutes after an argument last night. It ought to go before the authorizing committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Then I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—44

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The amendment (No. 1602) was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 339 I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I ask unanimous consent that the next amendments to be offered and debated be the following: Boxer, afterschool, 30 minutes; Landrieu, 20 minutes; Durbin, No Child Left Behind, 40 minutes; Durbin, teacher quality, 10 minutes equally divided. I further ask consent that there be no second degrees in order to the amendments prior to votes in relationship to the amendments, and, further, that the votes occur in relationship to the amendments in sequence beginning at a time determined by the majority leader after consultation with the Democratic leader.

Mr. REID. Madam President, I ask the Senator from New Hampshire to modify his request to allow the Senator from Connecticut, Mr. DODD, to speak for up to 15 minutes on the amendment that is now pending, the IDEA amendment, and the Senator from Connecticut can take whatever time he wishes, not to exceed 15 minutes, in opposition to that, after which time there would be a voice vote.

Mr. GREGG. I have no objection, except that I will not be speaking in opposition. I wish time to speak on the amendment, though.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, if I could have the attention of the Senate, we hope to be able to complete debate on these amendments by around 2 o'clock, if the leaders wish to schedule the vote around that time, to begin the series of votes, prior to the 3:15 matter.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1572, AS MODIFIED

Mr. DODD. Madam President, I call up amendment No. 1572.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DODD. Madam President, I ask unanimous consent that in addition to the listed cosponsors, Senator JOHN WARNER be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I will now turn to my colleague from Arkansas, Senator PRYOR, for up to 5 minutes for him to discuss the subject of the professional education amendment that is before us.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I rise today in support of Mr. DODD's amendment, as well as Mr. JEFFORDS' and Mr. HAGEL's. I know Senator DAYTON, my seatmate here, has been a strong advocate of IDEA funding and fully funding IDEA, and I want to mention Senator DAYTON because he is such a great advocate on this issue.

There is no commitment we can make, no investment we can make, no service we can perform that is more important to the domestic well-being of this country than to educate our children. It truly is an investment in the future.

I quote a statement from Brown v. Board of Education of Topeka, KS, in 1954:

> When I say in these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education, such an opportunity is a right which must be made available on equal terms.

That is what IDEA is all about—providing a quality, equal education to our children who are disabled.

This proposal by Senator DODD will increase the funding for IDEA—unfortunately, not up to the 40 percent threshold the Federal Government committed to several years ago but, nonetheless, a sizable increase in IDEA funding. I am very supportive of Senator DODD and his efforts.

I also believe that for 27 years, we have found excuse after excuse to break our promise when it comes to IDEA. If it is not one thing it is another. There is always some reason. There is always some explanation. There is always a promise to do better next year. Senator DODD's leadership and this great amendment he is offering is getting us closer to fulfilling our commitment and our promise this year in this bill.

In 2003, we appropriated only 17.6 percent of the funding for IDEA. We promised to fund 40 percent. We have never come close. In my State of Arkansas, we have 58,000 disabled children who will benefit from Senator DODD's amendment.

Again, I thank him for his leadership and for his courage in standing up on this issue. It is very critical for this country that we educate our disabled children.

The last point I wish to make before I turn the floor back over to my colleague from Connecticut is that when I was attorney general of my State, many of the cases dealt with IDEA. Not in all cases, but in many instances, the fundamental problem and the reason the State was being sued was because we were not providing enough money and resources to educate our handicapped children. Today, we are taking a step in the right direction to do that.

I thank the Chair, and I yield back the remainder of my time to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank my colleague from Arkansas for his eloquent comments and his support in this effort. He brings a special knowledge and awareness to this issue, as we heard, as a result of his experience as attorney general in Arkansas.

Like his colleagues, attorneys general around the country have grappled with this issue. As he points out, almost 30 years ago, when I first arrived as a new Member of Congress with my colleague from Vermont—President Gerald Ford initiated the idea of the Education of All Children Act—which included, of course, special education. He did this to see to it that far more than 20 percent of special needs children receiving services at the time would have an opportunity to receive an education. Less than 20 percent of special needs children were being educated 30 years ago.

As a result of the efforts of people such as Senator PRYOR as attorney general in his State, and now as a Member of this body, and others over the years, we have increased the funding for special education, and almost 6 million children across the country today who are special needs children are getting help. Several hundred thousand infants are getting help, and several hundred thousand preschoolers are getting help, giving them a chance to maximize their potential.

Just this past Monday, I was at the Buttonball School in Glastonbury, CT. I wish all of my colleagues could have been there with me to see what this remarkable school is doing. They have consolidated the special education children and the services that they need and mainstream them each day in their respective classes so they have an opportunity to learn to the maximum extent possible. The affection and the dedication of the teachers and assistants who work one on one, in many cases, to see to it that these children have an opportunity to grow and prosper is marvelous to see. I know it goes on in every State.

As I have said before, almost 30 years ago, we committed to provide, at the Federal level, 40 percent of special education funding. To date, we have only gotten up to about 17 percent of that funding. As a result of the amendment I am offering today on behalf of myself, Senator JEFFORDS, Senator HAGEL, Senator KERRY, Senator COLLINS, Senator MURRAY, Senator COLEMAN, Senator BINGAMAN, Senator DORGAN, Senator MIKULSKI, Senator PRYOR, from whom we just heard, Senator LAUTENBERG, Senator STABENOW, Senator LEAHY, Senator JOHNSON, Senator CLINTON, and Senator WARNER, we are able to offer a $1.2 billion increase in special education funding bringing us from a little more than 17 percent of total cost to in excess of 21 percent. We are still 19 percent short of where we need to be, but certainly this amendment is a major step in the right direction.

If we increase our grants now with the money that is in the amendment, plus what we are already offering, to the tune of $2.2 billion a year, as we promised, by the way, in the 2004 fiscal year budget resolution, then over the next 7 years, we will meet our 40 percent commitment, and we ought to do so.

My hope is that we do not have to go through this every year; that we will have these numbers included in the budget process.

I am anxious to hear—and I know he is going to address us in a moment—from the Senator from New Hampshire about our ability to hold this in conference. Obviously, we have to deal with the other body. Previously, this body adopted language to increase funding for special education, and the other body rejected it. My hope is that this year will be different. I will be anxious to hear the level of commitment we have to adopt this amendment, have it supported by the House of Representatives and have it supported by the White House. No other issue I can think of engenders as much support as this one does at the local level. I don't care what State you are from, talk to a county supervisor, talk to a mayor, a first select person, a city council member, they will tell you that in the area of education they need help. That is why Senator JEFFORDS has fought so hard over the years, Senator HARKIN, Senator HAGEL—they have been the champions on this issue to try and increase the level of funding for special education to give these kids a chance.

I am delighted to hear my colleagues are going to accept the amendment we have offered for the $1.2 billion increase, in addition to what is in the bill. This is going to make a difference. This is the way this body ought to be operating. We need not have to go through these huge battles each year to bring these amendments up in order to convince people that this is deserving of our collective support.

With the adoption of this amendment, we are going to make a huge difference for an awful lot of people in the country. While there are a lot of other programs I would have liked to have seen in this bill, all of us can take some pride in the fact that we have done a good job on behalf of special needs children, their families, and the communities that wrestle every day to provide the resources to see to it they have an opportunity to achieve.

A special thanks goes to Senator JEFFORDS of Vermont who has been a champion in this area, and Senator HARKIN who has been the leader over many years on special needs children and special education efforts. Senator HAGEL has been tremendously helpful. Senator COLLINS, Senator COLEMAN, as well as other colleagues over the years, have been tremendous champions. Senator MURRAY from the State of Washington has been a tremendous fighter on behalf of these children. Senator MIKULSKI, Senator BINGAMAN, of course, Senator DORGAN, and many others as well, I thank them for their efforts.

We are serving 5.4 million children, 200,000 infants, and 600,000 preschool children.

Madam President, I ask unanimous consent that a list of all 50 States, with the additional amounts of money that will become available to them as a result of this amendment being adopted, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	Dodd/Hagel/Jeffords FY2004 increase of $2.2 billion over FY2003 amount
Alabama	$143,066,000	$158,700,000	$178,923,000
Alaska	26,501,000	29,838,000	33,468,000
Arizona	132,563,000	149,252,000	167,414,000
Arkansas	85,906,000	95,603,000	107,944,000
California	933,124,000	1,046,811,000	1,178,446,000
Colorado	112,272,000	126,407,000	141,789,000
Connecticut	103,861,000	114,227,000	128,051,000
Delaware	24,288,000	27,346,000	30,674,000
District of Columbia	12,212,000	13,750,000	15,423,000

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	Dodd/Hagel/Jeffords FY2004 increase of $2.2 billion over FY2003 amount
Florida	479,525,000	530,376,000	596,151,000
Georgia	233,043,000	262,383,000	294,312,000
Hawaii	30,632,000	34,489,000	38,686,000
Idaho	41,226,000	46,416,000	52,064,000
Illinois	393,134,000	435,094,000	489,367,000
Indiana	200,791,000	221,789,000	248,948,000
Iowa	96,042,000	105,628,000	118,411,000
Kansas	84,072,000	93,293,000	105,220,000
Kentucky	122,827,000	135,917,000	152,848,000
Louisiana	142,508,000	160,449,000	179,974,000
Maine	43,047,000	47,343,000	53,073,000
Maryland	153,622,000	169,751,000	190,613,000
Massachusetts	223,317,000	245,605,000	275,328,000
Michigan	308,119,000	342,792,000	387,640,000
Minnesota	149,337,000	164,529,000	185,076,000
Mississippi	92,158,000	103,760,000	116,387,000
Missouri	178,701,000	196,536,000	220,321,000
Montana	28,125,000	31,490,000	35,519,000
Nebraska	58,742,000	64,605,000	72,424,000
Nevada	49,853,000	56,129,000	62,959,000
New Hampshire	37,334,000	41,060,000	46,029,000
New Jersey	284,356,000	312,736,000	350,583,000
New Mexico	71,699,000	79,229,000	88,969,000
New York	597,208,000	660,212,000	741,706,000
North Carolina	235,924,000	260,564,000	293,542,000
North Dakota	19,722,000	22,205,000	24,907,000
Ohio	344,364,000	386,101,000	434,899,000
Oklahoma	116,368,000	129,216,000	145,834,000
Oregon	100,991,000	112,110,000	126,494,000
Pennsylvania	336,056,000	374,907,000	424,147,000
Puerto Rico	81,033,000	91,234,000	102,337,000
Rhode Island	34,402,000	37,836,000	42,415,000
South Carolina	137,797,000	153,708,000	172,926,000
South Dakota	23,494,000	26,452,000	29,670,000
Tennessee	181,996,000	201,695,000	227,175,000
Texas	725,934,000	811,593,000	916,785,000
Utah	81,887,000	92,196,000	103,416,000
Vermont	19,016,000	21,410,000	24,015,000
Virginia	214,099,000	236,861,000	266,302,000
Washington	170,259,000	190,579,000	215,021,000
West Virginia	59,745,000	65,708,000	73,660,000
Wisconsin	163,780,000	181,384,000	204,153,000
Wyoming	19,949,000	22,461,000	25,194,000
State subtotals	8,740,029,000	9,721,766,000	10,937,631,000

Mr. DODD. Madam President, the Dodd-Hagel-Jeffords amendment and the money in the bill—$2.2 billion—raises considerably the amount of money that will be available in each of the States as a result of our efforts. I thank them for their efforts, and each Senator ought to know there are going to be a lot more children, families, and communities who are going to get needed help.

My hope is, of course, that we will keep this language in conference. We tried over the years to do that. We now need Members of the other body to stand up and say to their mayors, Governors, county supervisors, and others: You have our support, and we are going to try and do it each and every year between now and the year 2009 to complete the obligation we made some three decades ago.

Madam President, I yield the floor and reserve the remainder of my time. I see my colleague from New Hampshire who may want to address this issue. I don't know if he does. If he does, maybe we can vote on this and move on to other matters.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes.

Mr. GREGG. And the Senator from Connecticut?

The PRESIDING OFFICER. There are 3 minutes 42 seconds remaining for the Senator from Connecticut.

Mr. GREGG. Madam President, I rise to support the amendment offered by the Senator from Connecticut, which I think is a good amendment. Initially, the proposed amendment used advanced funding, which, in my opinion, is inappropriate because it essentially aggravates the deficit and tries to escape the budget discipline of our spending caps. The Senator from Connecticut has modified his amendment to offset it so the dollars being spent will be offset in an appropriate budgetary process way that keeps this amendment within the budgetary caps and the allocations of this committee.

Therefore, I can support it with enthusiasm because it is offset and it is an appropriate amendment. In fact, I would have offered an amendment as an alternative to his had he gone forward with the advanced funding approach which would have accomplished the same goal on funding but would have also accomplished the budgetary discipline that we needed, which is now reflected in the amendment as offered.

I intend to work and be supportive of this amendment in conference, although I do not chair this subcommittee. Obviously, that is Senator SPECTER's role, and hopefully we can be successful in the House in retaining this number. I think it is important, however, to reflect this number in the context of what has been done in the past and how aggressively we have tried to fund special education.

Trying to get special education funding up has been a priority of mine since being in the Senate. When I arrived in the Senate, the Federal Government was paying about 6 percent of the special education costs of the local school districts in New Hampshire. The original agreement under which the special education act was approved, the Federal Government would pay 40 percent of the cost of special education. So the Federal Government was coming nowhere near its obligation. As a result, local communities in New Hampshire, through their local property taxes, were having to pick up the responsibility of the Federal Government relative to special needs children. We ended up with special needs children being pitted against other children in the school system, parents against parents competing for these resources. It was totally unfair to the special needs child and to their parents because they were being reflected as taking a disproportionate share of the local property tax to benefit or to address their educational needs because of the fact that the Federal Government was not fulfilling its obligation.

I have aggressively pursued trying to increase special education funding. As a result of that initiative, when we took back control of the Senate in 1996, Senator LOTT and Senator SPECTER took on this cause. I like to think I encouraged them in that direction, but I think they had that inclination anyway.

Significant progress in the area of increasing special education dollars has been made since then. In fact, we have now gone from the Federal Government paying 6 percent, after this bill, to over 20 percent of the costs of special education. It is on a path, especially with this amendment, toward full funding of special education by the year 2009, which is a commitment that many of us have made and tried to reach.

It is also important to note that this effort was made pretty much unilaterally by the energy and commitment of the Republican Congress at that time. In fact, historically, the Clinton administration did not send us an increase of any significance in special education funding during its first 7 years in office. It was not until the last year in office that the Clinton administration actually sent up an increase in special education funding of any significance, and yet during the last 4 years of the Clinton administration we basically reallocated, within the budget caps that we had at that time, money in the Republican Senate and at that time the Republican House, and we significantly increased the funding every one of those years.

In fact, there was over a billion dollars of increase each year during that period of time. That was in large part due to the strong commitment made by Senator SPECTER, who chaired this appropriations subcommittee during that period. So I think it is important to put in context the effort that has been made in educational funding by President Bush and by the Republican Congress.

Since President Bush has come into office, he has maintained and continued this effort that was started by the Republican Senate in dramatic terms. This chart reflects it in very stark terms. During the 8 years of President Clinton's term, the increase for IDEA was about $400 million in his proposed budgets. During the 3 years President Bush has been in office, his increases in special education funding have been over $3 billion, with the addition of funding this time in this budget.

So every year since he has been in office, President Bush has asked for and made a commitment to significant increases in special education funding—over a billion dollars a year. If we want to put this in some sort of statistical context, the average annual increase for special education funding since President Bush has been has been $1.1 billion. That is a 700-percent higher commitment—almost 770 percent—to special education than occurred during the Clinton administration. So the commitment by this administration has been there. In fact, this administration has increased special education funding in just 3 years by 53 percent. Special education is the single largest-growing function of the Federal Government on a percentage basis. That is a strong, firm commitment to special education.

This is another chart that shows it rather starkly. That commitment has essentially been carried forward as a result of a commitment made by President Bush and our party to this very critical element of education.

Why are we so committed to special education? Well, there are basically two reasons. One, because special needs children do have the right to receive a quality education and, two, local taxpayers have the right to be able to use their dollars to fund what they think is a priority, not have to use their dollars to fund the Federal responsibility in special education. So we are on a path, an aggressive path, led by the President in his 3 years and by this Congress, toward full funding of special education.

This amendment increases by $1,200,000,000, the $1 billion increase which was already in the bill. That is an appropriate step. It also almost assures that we will be on a path toward full funding and as a result will do significant good in relieving local school districts of the pressure which they are getting to fund special education and the Federal role in special education.

Along with the funding issue, however, we have made a significant commitment to trying to improve the quality and the actual terms of the program. We have reported out of the Health, Education, Labor, and Pensions Committee—which I have the good fortune to chair and on which Senator KENNEDY is the ranking member—a bill which basically reforms the IDEA program, the special education program. It takes out a lot of the input controls, it takes out a lot of the regulatory morass which has been created over the years and refocuses the emphasis of special education on the child, on output, on making sure the special needs child is actually learning what we think is important and appropriate to their skill levels, rather than spending all of our time on consultants, on attorneys, and on highly structured plans which inevitably end up with a lot more time being spent on paperwork than time being spent directly on making sure the child can get ahead in their school system.

This bill which we have reported out of committee also allows the local school district to more effectively deal with the issues which we hear most often have affected their ability to make the special need's child experience in the school system constructive and useful. First, the paperwork which I just mentioned, but also the issue of discipline, where there were different standards of discipline for different children and as a result there were inconsistencies and it was difficult to maintain decorum in the classroom in some instances, we have tried to address that issue.

Hopefully, to some degree, we have also taken out this very litigious atmosphere that has been out there for far too long where actually in some places such as Washington, DC, an entire cottage industry has been created which essentially involves litigating all sorts of miscellaneous technical points such as whether a 10-day time frame has been made versus 11 days, creating very significant costs on the school systems, which basically are drained off to lawsuits instead of going to assisting children.

Significant progress is being made in the area of special education, both on the policy side, where I think we have produced an excellent piece of legislation which I hope will be passed by the full Senate later this year, and also on the funding side. Year after year since this President has taken office, we have dramatically increased the amount of money flowing to special education. This amendment continues that process. It raises the number by $1.2 billion.

I believe as we go through the appropriating process, it should be funded within the budget caps, as this amendment does, but it does so really in a manner which is consistent with the Republican effort and this President's effort over his first 3 years in office. He has year in and year out made the very substantive commitment to special needs children that is appropriate and necessary for taking care of those children and relieving local taxpayers of the burden of paying the Federal share.

I support this amendment. I expect we will take it on a voice vote. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I did not intend to have this become a partisan discussion at all. Going back, as a member of the Budget Committee, I offered I think the first such amendment in the Budget Committee, along with Senator LOTT. We lost on a tie vote back in the Budget Committee in the early 1980s on special education, trying to get the dollars up.

I am very grateful. The only reason we are getting this support now is that obviously we have some key Republicans who are willing to help us on this—Senator HAGEL, principally, who has been a champion on this issue for a number of years. Senator COLLINS, Senator COLEMAN, and Senator WARNER have been very helpful.

Let there be no illusions. We tried to get this. We can argue about offsets and so forth, but the fact is, had I not been able to get some Republican support, this amendment would have gone down. I do not make that case because I think it takes both of us working together here. But the reason we are back at this is that, back in the beginning of 2001, Senator HARKIN, Senator JEFFORDS, and Senator HAGEL offered language to increase dollars for special education—in fact, they ended up getting 100 votes here. The other body, led by the Republican leadership, just wouldn't allow a vote to occur on this issue and the President never had anything to say about it.

If we took the increases in the underlying bill, we would never get near the 40 percent figure at which special education would become fully funded.

The fact is, we have fought this battle especially hard over the last 2 years. We have gotten zero help from the White House and zero help from the leadership in the other body. As a result, we are back again this year making our case again.

I am very grateful for the bipartisan support we have on this. That is the way we get these things done. We are prepared to vote on this, accept a voice vote.

They don't want a rollcall vote. They only want a voice vote. I was born at night, Madam President, but not last night. I know what that usually means—it is so no one has to be on record here. We are just going to have a vote and go along with this. It makes it a little easier for the other body to reject it because we have not had a recorded vote on it.

I accept that because I think if you can get something done, get it done, whether it is by voice vote or recorded vote. If we are going to get this done, let's get it done. Let's hope it stays in conference so the real winners of this will be the children and the families and the communities that need the help—not one party over another but people who desperately need our help and support, children who are, unfortunately, suffering from special education needs who will get some help from their Federal Government.

Most of special education funding comes from local property tax payers. We are just fulfilling an obligation we promised we would meet 30 years ago and we are coming only halfway there as a result of this amendment.

I am grateful, again, for the support we have received. It is unfortunate it has taken us this long. Senator MARK DAYTON of Minnesota offered a full funding amendment, which I supported, that would get us there right away. Obviously, that did not make it. This is a partial step in that direction. But Senator DAYTON deserves a great deal of credit for telling us all how important this issue is and how quickly we ought to meet that obligation.

With that, I yield the remainder of my time. If we are going to have a voice vote on it, let's have that voice vote and move on to other business.

Mr. KERRY. Mr. President, I am a proud cosponsor of the Dodd-Hagel-Jeffords amendment No. 1572 to H.R. 2660. I am also proud of the Individuals with Disabilities Education Act and the 6 million disabled children who this year have the keys to a brighter, more self-sufficient future. But so too am I greatly disappointed in this Congress and the President for breaking a promise for 28 straight years.

In 1975, we made a deal with our State and local school boards. Give our disabled children the education they deserve, we said, and we'll pay 40 percent of the additional cost, no matter what it takes. An expensive commitment? You bet. But without it, our values of fairness and personal initiative are just words on a page.

In the nearly three decades since, tens of millions of Americans have risen through the ranks of special education to become independent, productive citizens. They go to college, get jobs, and pay taxes. Every one of them a shining example of what can happen when people are empowered.

Yet where they have fulfilled their promise, we have broken ours. We carry just 18 percent of this noble burden on our broad shoulders. Our States stagger under the heavy weight of the rest.

We have tried to correct this problem before. In 2001, this body wisely passed a version of No Child Left Behind that was true to its name.

We didn't mean "no able-bodied child left behind". We didn't mean "no disabled child in private school left behind". We meant that no child—no child—would be denied the tools needed to succeed. That's why we included—by a unanimous vote—full funding for IDEA.

Unfortunately, George Bush and his henchmen in the House of Representatives had other ideas. They decided that our tax dollars were better spent on corporate welfare and massive tax cuts for the wealthiest Americans. This amendment would begin to right that wrong by restoring the $1.2 billion for IDEA cut from the Budget Resolution. Use the Republican forward-funding mechanism to pay for it. Get us back on the road to full funding.

I know most of my colleagues recognize the desperate needs in special education. But this amendment is about so much more than that. It's about a principal made heart-sick by pitting one group of students against another. It's about a mainstream teacher on the short end of that equation who loses her job. It's about a mother and father who just want their child to have a chance.

And right now, it's also about keeping a promise made to our most vulnerable children. We must take a stand. We must pass the Dodd/Hagel/Jeffords amendment on IDEA.

Ms. MIKULSKI. Mr. President, I rise in support of the Dodd-Jeffords amendment. I am proud to support this amendment—the first step to fully funding the Individuals with Disabilities Education Act, IDEA, in 8 years. This bill adds about $1 billion over last year's funding level for IDEA. That may sound like a lot. But at that rate it will take at least 30 years to get to full funding.

I think it is shocking that Congress passed tax breaks for zillionaires while delaying help for those who need it most—the children with special needs and their parents and teachers. This amendment increases IDEA funding by another $1.2 billion, for a total of $2.2 billion, on pace to full funding in 8 years. We must fully fund IDEA to ensure that children with disabilities are receiving the services they need to succeed with their classmates in public schools.

In 1975, Congress promised to pay 40 percent of the cost of special education when it passed the Individuals with Disabilities Education Act. Yet it has never paid more than 17.5 percent. That means local districts must make up the difference, either by cutting from other education programs or by raising taxes. I do not want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. That's why fully funding IDEA is one of my top priorities.

Everywhere I go in Maryland, I hear about IDEA. I hear about it in urban, rural, and suburban communities, from Democrats and Republicans, and from parents and teachers. They tell me that the Federal Government is not living up to its promise, that special education costs about 18 percent of the average school budget, that schools are suffering, and the parents are worried.

Parents today are under a lot of stress, sometimes working two jobs just to make ends meet, trying to find day care for their kids, and elder care for their own parents. The Federal Government should not add to their worries by not living up to its obligations. With the Federal Government not paying its share of special education, these parents have real questions in their minds: Will my child have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. School should not be one of the many things they have to worry about, particularly when the laws are already on the books to guarantee their child a public school education. The bottom line is that the Federal Government is shortchanging these parents by not paying its share of special ed costs.

This bill will give local governments the resources they need to improve education for all children. It will free up money in local budgets for hiring more teachers, buying new textbooks and technology, and repairing old school buildings. It will help the teachers who struggle with teaching the toughest students. It will help students with disabilities and their families by providing enough funding for special education programs so parents can have one less thing to worry about, and students get the opportunities they deserve.

Full funding of IDEA is essential. It will give disabled children a chance to succeed in school and in life without shortchanging other vital education programs. It will give parents peace of mind about their children's education. I urge my colleagues to support this amendment.

Mr. PRYOR. Mr. President, I rise today to support the efforts of Mr. DODD, Mr. JEFFORDS, and Mr. HAGEL, to increase funding for the education of disabled children.

I will also note that a few days ago, Senator DAYTON offered an amendment to increase Federal funding for the Individuals With Disabilities Education Act to its full amount of 40 percent of excess cost to local education agencies.

I was proud to support that effort, although it failed, and I want to thank him for his tireless efforts on behalf of those who cannot always help themselves. I was proud to support it if for no other reason than to call attention to what is right and what is fair and to where our priorities should lay.

There is no commitment we can keep, no investment we can make, no service we can perform that is more important to the domestic well-being of this country than educating our children.

By the same token, it doesn't do us any good to educate some while leaving others behind. Instead of providing opportunity for all of our children, we are closing doors. Instead of educating and shaping future productive citizens and leaders, we are, in some cases neglecting those who need our help the most. Those, who if we do not help now, will surely revisit us in the future disguised as another societal problem—ill prepared for life and solely dependent on the Government.

I quote, Mr. President: "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, is a right which must be made available to all on equal terms."

That excerpt comes from the decision of Brown v. Board of Education, 1954.

The amendment offered today by the distinguished Senators from Connecticut, Vermont, and Nebraska remind us of our commitment to those children who need our help the most, those children who have been left out and left behind, those who have been denied this right.

They propose to raise funding for IDEA in the Labor-Health Education appropriations bill by $1.2 billion to the budget authorized increase of $2.2 billion.

This was a budget, incidentally, that we authorized only several short months ago. The IDEA authorization, a bright spot in an otherwise misprioritized budget, was agreed upon by a vast majority of this body. Now we find ourselves taking a step back from that vote, from that commitment. A vote, I am sure many of us trumpeted in our press releases and in trips back home.

I realize that a lot has happened since we debated and voted on a budget resolution. In the coming days, we will be looking at another war supplemental, revenues are down, and deficits are soaring through the roof.

We have many priorities and little money to meet them. These facts are not lost on me. But, I also believe that for 27 years, we have found excuse after excuse to break our promise. If it wasn't one thing it was another. There was always some reason, always some explanation and always a promise to do better next year. We can start doing better by this Nation's children this year, right here, right now with this vote.

This is a highly necessary step to continue us on the path toward fully funding IDEA, toward fulfilling the promise made by this body 27 years ago. And I say continue because I recognize that we have increased funding in recent years in this body. I recognize that the level of funding we have provided to Part B of IDEA has increased by over 200 percent since 1996. Even so, if you look at where we started with this legislation, funding less than 7 percent of excess cost, we have woefully shortchanged those whom we have sworn to protect. In addition our current funding levels fail to keep pace with escalating special education costs.

To listen to some of our colleagues speak about the "revolutionary increases" and massive gains we have made in education funding and special education funding in specific, one might think that we have fulfilled those commitments.

But in the history of this legislation, appropriations have never neared the 40 percent promise we made to our schools back in 1975. In fact, in 2003, appropriations only funded 17.6 percent of the excess cost to States. And this is at a time when we are asking our States to shoulder more burdens than ever before. This year, the Economic Policy Institute estimates that local communities and States will take on approximately $10 billion in unfunded mandate, Federal special education costs.

In my State of Arkansas, there are roughly 58,000 disabled children. With adequate Federal funding to IDEA we can provide these children more teachers, we can provide those teachers better training, we can reduce class size, and we can create more efficiency in diagnostics. We can do all this while alleviating the pressure to States and localities not to mention lessening the tax burden on individual taxpayers.

Some of my colleagues might tell us we cannot afford to fund IDEA at the levels it needs to be funded. I would say we can't afford not to. If this is not a priority for us now, I ask if it will ever be?

It was once said by Hubert H. Humphrey that the moral test of government is how that government treats those who are in the dawn of life, the children: those who are in the twilight of life, the elderly: and those who are in the shadows of life, the sick, the needy, and the handicapped.

Well, this is a discussion about those in the dawn of their lives and we in this body, we in government have an opportunity to save these children from being cast in the shadows of life.

I am not sure if there is anyone in this body that disagrees to whether or not IDEA works.

Prior to IDEA's passage, nearly half of all children with disabilities were not allowed to enroll in public schools. The remaining half were segregated in inadequate classrooms.

Today, over 6 million children with disabilities receive a free appropriate public education, because of IDEA. Since IDEA was enacted, the number of young disabled adults in college has tripled. The disabled child dropout rate has decreased by more than 50 percent.

These are wonderful results. Imagine the results we could attain, if we funded this legislation to the appropriate levels.

We made a commitment; we should keep it. I think we owe our children that much. They reap the rewards or pay the price for the policies we enact today. They are the ones who cannot defend themselves.

As I prepared to speak on this issue I read the debate that preceded the passage of the 'Education for All Handicapped Children Act,' in 1975. I tried to perhaps shed some light on the intent of Congress in passing this legislation. Immediately I saw the importance members of that distinguished body placed on funding special education.

In fact, Senator Javits from New York, a Republican, said "Again, I point out, Mr. President, that we have only appropriated $100 million under the present law, part B of the Education of the Handicapped Act, which authorizes $666 million yearly. Mr. President, this shows our lack of the right priorities and our deficiencies."

Senator Stafford, a Vermont Republican, said "If enacted into law, this bill will finally begin to bring to all the handicapped children of our Nation what has always been their right—a free appropriate public education."

A beginning. Both of these distinguished Senators from the other side of the aisle understood where we were, where we had to go, and how we had to get there. They knew that we could do better by our children. And so do Senators DODD, JEFFORDS, HAGEL, and DAYTON.

I appreciate their leadership on this issue, and I wish to join them in making sure that we do better by our children, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes remaining.

Mr. GREGG. Madam President, I yield the remainder of my time and I urge the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1572), as modified, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, on behalf of the manager, I ask unanimous consent that the previous agreement be modified so that following the second Durbin amendment, Senator ENSIGN be recognized to offer an amendment regarding afterschool; further, that there be 10 minutes equally divided for debate. I further ask unanimous consent that following the last amendment on the previous list, Senator LANDRIEU be recognized to offer an amendment relative to mosquitos; again with 10 minutes equally divided in the usual form. Finally, I ask unanimous consent that the remaining provisions of the agreement be applicable to the Ensign and Landrieu amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, in effect, following the Durbin amendment under the previous order that has been entered, we will have the Ensign amendment and the Landrieu amendment, and then the leader will set a time to vote after they debate those.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I will send an amendment to the desk. I ask if I have 15 minutes to present this amendment. Is that accurate?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1609 TO AMENDMENT NO. 1542

Mrs. BOXER. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. LAUTENBERG, proposes an amendment numbered 1609.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for afterschool programs under the Elementary and Secondary Education Act of 1965)

On page 76, between lines 10 and 11, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for afterschool programs carried out by 21st Century Community Learning Centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), there are appropriated an additional $250,000,000 for such programs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $44,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,145,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,533,301,000.

Mrs. BOXER. I ask if my colleague from Nevada would like to take some time now for a consent request.

Mr. REID. No, I would just like to be added as cosponsor of the Senator's amendment.

Mrs. BOXER. I would be proud to add Senator REID as a cosponsor. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, as we look at the request for $87 billion, most of it for Iraq, I hope we will find it in our hearts to look at the millions of children in our own country who are waiting to get into afterschool programs.

When we passed the No Child Left Behind Act, we made a promise to our children. I want to focus on that promise as it pertains to afterschool programs.

This is a blowup of a little of the act itself.

It is the No Child Left Behind Act of 2001 that President Bush is talking about everywhere he goes in the country but unfortunately is underfunding.

It is very clear. It is in black and white. The No Child Left Behind Act spelled out exactly what was supposed to be spent on afterschool programs for our children. In the year 2002, we were supposed to spend $1.250 billion; in 2003, we were supposed to spend $1.5 billion; and in 2004—the bill we are debating now—we were supposed to spend $1.750 billion.

If this were an exam that our children were giving us, we would fail and fail miserably.

Afterschool is a great program. That is why this afterschool act which is part of the No Child Left Behind Act was supported by both sides of the aisle. It was written by myself and Senator ENSIGN. But I have to say, as the author of this bill, that it saddens me greatly to realize we are breaking our promises to children.

Let me show you how we have broken those promises. It is a sad chapter in our history. I told you that the No Child Left Behind Act calls for $1.7 billion this year. The Bush budget was $600 million. Not only would he not fully fund the No Child Left Behind Act but he cut it from the $1 billion level that is in the current bill before us. I commend my colleagues for at least adding $400 million and getting it up to level funding. The Boxer amendment doesn't even meet the commitment of the No Child Left Behind Act. If it did, I would be adding $750 million. But in an effort to win the votes of my colleagues, I am asking for $2.25 million.

The No Child Left Behind Act says we should be spending $1.75 billion. The Bush budget, with only $600 million, throws thousands of children out of coverage. The Senate bill comes to us with $1 billion, and I am attempting to begin moving this funding to where it would reach what the No Child Left Behind Act has promised. We are breaking a promise to our kids. I want to translate this money into children so that you see how we are not just talking numbers but we are in fact talking about children.

In the Bush budget, if we had not changed the number in the No Child Left Behind Act, 1.6 million fewer children than we promised would have been covered. Under the Senate bill right now, 1.1 million fewer children are covered. Even under my amendment, 800,000 fewer children than we promised would be covered.

To put it another way, the No Child Left Behind Act was supposed to cover 2.5 million children—our present children—after school. Instead, the Bush budget would cover 850,000 kids; the Senate appropriations committee, 1.4 million kids; and the Boxer amendment would cover 1.7 million children.

Even though we are not going to fully cover the 2.5 million children the act promised, at least we are moving up from where we are: 300,000 more children will be covered by the Boxer amendment.

The demand for afterschool care is great. According to the Department of Labor, the parents of more than 28 million school-age children work outside the home. According to the U.S. Census Bureau, as many as 15 million latchkey children go home to an empty house.

Where are our family values? You are a devoted mother, Madam President. You know how important it is for the children to have someone to be there when they come home from school. Yet we are depriving millions of children whose parents can't afford to have a babysitter there, who can't afford to enroll them in some private afterschool program.

What does latchkey kids mean? They have a key, they let themselves in, and they are on their own. The parents can't afford programs for these children.

Mayors surveyed in six cities reported that only one-third of children needing afterschool care were receiving it. And the need for Federal help is growing.

In Minnesota, for example, State budget cuts are forcing schools and community partners to scale back or cut after-school enrichment programs.

This means that in Duluth, the Lincoln Park Youth Collaborative, which unites the Lincoln Park School with such organizations as Lutheran Social Service, the Boys & Girls Club, Duluth Family YMCA and Neighborhood Youth Services, will be dissolved. Additionally the Boys & Girls Club in Duluth is scaling back hours and activities.

Currently, more than 80 percent of the 665 students at Lincoln Park School participate in one or more of these programs. How are people in Duluth reacting? According to the Duluth New Tribune, they are afraid—afraid that youth crime and violence will increase. And the children are devastated, as Tylor, a Lincoln Park seventh grader put it, "How would they feel if they were kids and we were the ones taking the money and they wouldn't have anything to do?"

We know that when our schools close down, their afterschool programs—which is what is happening now because they are so short of funding. It is very devastating to children. It is very devastating to their families. And the teachers suffer because the kids are just not what they were before. They are not ready for school. They don't have mentors to teach them and to work with them one on one after school. Afterschool care is not a luxury; it is a critical investment in our children's future.

I want to show you a chart that shows juvenile crime. You might say it is a no-brainer. But I think it is worth looking at an FBI chart. What is it showing? Juvenile crime soars to its highest rate between the hours of 3 and 6 p.m. It just goes way up as soon as school ends. We all know this intuitively. But this is a FBI statistic.

What is happening is very clear. According to the National Center for Juvenile Justice, children are more likely to be involved in crime, substance abuse, and teenage pregnancies if they are left on their own after school. We know from studies that these afterschool programs work. They reduce crime. They reduce drug use. They reduce teenage pregnancies.

We have studies done by Quantum Opportunities. We have researchers from Columbia University and the American Health Foundation. They compared five housing facilities without Boys & Girls Clubs to five similar facilities with Boys & Girls Clubs. By the time the study was concluded, housing facilities without the Boys & Girls Clubs had 50 percent more vandalism and they had 37 percent more drug activity.

It is no surprise then that law enforcement supports afterschool programs. In a poll conducted by George Mason University, 86 percent of police chiefs nationwide said that expanding afterschool programs will greatly reduce youth crime and violence.

I will show you a quote from Sheriff Drew Alexander from Summit County, OH—right from the heartland. This is what he said:

> We can pay now for afterschool programs and invest in success. Or we can plan to spend far more later on prisons for our failures, and funerals for their victims.

When I first got into politics and into local government, those of us who wanted to invest in things such as afterschool and early childhood education had arguments with law enforcement. They didn't agree. They said: We will get the criminal after the crime is committed.

They have changed dramatically. They are now on the front lines. They are my best helper in helping to get back-to-school programs, which we have enacted here. They have been my best helper in rounding up votes. I hope they have been successful today. We are going to find out later.

What is also remarkable is that while the administration cut afterschool funding in half, throwing millions of children out of afterschool programs, another arm of the administration was saying in a paid-for advertisement. This is an amazing paid-for advertisement from our government: "It's 3 p.m. Do you know where your kids are?"

> Times have changed. Keeping kids off drugs means knowing what they're up to. Especially after school. There are ways to do it.

And they talk about various ways to keep your eye on your children. This is remarkable. It comes from the Office of National Drug Control Policy.

While the administration is spending money asking parents where their kids are after school, on the other hand, with their red pencil they are cutting the funding for afterschool. I don't know how this makes any sense. I was fortunate enough to spend the month of August in my home State. I went to a number of afterschool programs, as I have done over the years. As a matter of fact, I have made 23 visits to afterschool programs. I will show some of the pictures of the kids I have seen in these afterschool programs.

Here is a picture from Sacramento Start. These kids are thoroughly involved in work. They are playing a learning game. They are engrossed, instead of being home alone, watching cartoons, or out on the street getting into trouble.

Here is another picture from Sacramento Start. A mentor came in with this huge alligator. All the kids are standing around in amazement. There is not one disinterested look, not one idle face in the room. It is so exciting what can be done and what is happening in California and across this country in afterschool programs.

Here is an afterschool program at Sullivan Middle School in Fairfield, CA. We call this program, which I visited, The Place To Be After 3. These kids are shining. Walk in there and anyone will see they feel proud of who they are and what they are doing. You can see from the smiles on their faces. When you ask them why, and I do every time I go to one of these programs, they say, "We are safe. Kids ask us to do things after school that are not good and we just say, 'We can't. We are in afterschool programs.'" They come home; they have done their homework; they can have family time. When mom and dad get home—or if it is a single-parent household, they are exhausted. They have to make dinner, make sure the child is bathed and ready for the next morning. The bottom line is the child comes home, the homework is done, and they can then bond with the parent.

It really works.

I will read some of what students have told me. One of L.A.'s best students said:

> The most important thing I learned was that anything I set my mind to, I can do.

That is from a fifth grader at Hart Street Elementary School.

Another from Manchester Avenue Elementary School said when asked what he most liked:

> There are no strangers to harm us, because the teachers are around.

From a fourth grader at Canoga Park Elementary School:

> I know if I'm in trouble, I can turn around and they'll be there for me.

And then a parent of a student:

> My daughter has gone from the bottom 30% to the top 25% after joining the LA Best afterschool program.

I ask unanimous consent to have printed in the RECORD other stories of other children.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAURICIO'S STORY, LOS ANGELES, CA

Mauricio was a first grader at Langdon Elementary School in North Hills. He faced the strong possibility that he would be involved with gangs, drugs and violence. Instead he became one of the first participants in LA Best. Through LA Best, he came into contact with police officers and tutors, who gave him an alternative to gang life. He was so affected by the program that he worked at LA Best's Langdon site through high school and still volunteers as he works his way through college. Selected to introduce Mayor Richard Riordan for the Mayor's sixth State of the City address, Mauricio said: "I would never have imagined as a 6-year old that I would be introducing the mayor . . . I saw a lot of young people doing drugs and crime and dying, but today, I am the first member of my family to attend college." Mauricio's plans to be a teacher: "Young people need someone to look up to and someone to help them—I want to give them what people gave to me."

JERRY'S STORY, LOS ANGELES, CA

Although only 10 years old, Jerry was acting out in school, hanging out with gang members and disobeying his parents. His parents began to work with LA Best staff to ensure close supervision of Jerry when he was on the playground. Family counseling and increased emphasis on academics were also part of a carefully developed plan for him. Soon Jerry was involved in computer and geometry classes, the Science Club and sports. He turned his negative behavior into a positive and led his team to victory in several tournaments.

KYRUS BIRCKETT'S STORY, PHILADELPHIA, PA

In 4th grade, Kyrus started in an afterschool program in Philadelphia. He was still in the program through high school. Kyrus's mother was a single parent raising three children and was grateful that her kids were somewhere safe in the afternoons before she got home from work. The afterschool program at Kyrus' school allowed him to work at a day care center and to do peer mediation in school. He said: "The afterschool program has made a huge impact on my life. It's opened doors for me that have helped me learn, helped me contribute to my community and helped me get into the college of my choice . . ."

VICKI'S STORY, MORGANTOWN, WV

Vicki's mom is a stay-at-home mom and a Marine Reservist. After 9/11, her mom was called up to active service, leaving Vicki nowhere to go after school but to an empty house. Vicki's father reports that the afterschool program Vicki attends, Kaleidoscope, has made a big difference in not only her life but in the family's life as well.

Mrs. BOXER. I will wrap up right now by saying, we need to look inside our hearts. We represent American children. They need our help. These programs work. These programs deserve to be fully funded because the President and the Congress passed the No Child Left Behind Act. To freeze these programs for another year makes 3 years in a row.

How can I tell my kids that the kids in Iraq are more important than them? I am going to do my part to help the kids in Iraq; I am doing my part. I will do my part to help the kids in Afghanistan; I am doing my part. But I will not walk away from doing my part for the children in California and the children all across this country. I urge a "yea" vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1610 TO AMENDMENT NO. 1542

Ms. LANDRIEU. I believe under the unanimous consent I am in line to offer an amendment and I send an amendment to the desk for its immediate consideration.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1610.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the promoting safe and stable families program)

On page 61, between lines 14 and 15, insert the following:

SEC.   . (a) PROMOTING SAFE AND STABLE FAMILIES PROGRAM.—In addition to amounts otherwise appropriated under this Act for the promoting safe and stable families program of the Administration on Children and Families, there are appropriated an additional $100,000,000 for the Administration on Children and Families to fund such program.

(b) INDEPENDENT LIVING TRAINING VOUCHERS.—In addition to amounts otherwise appropriated under this Act for independent living training vouchers, there are appropriated an additional $18,000,000 for such vouchers.

(c) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $70,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,995,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,683,301,000.

Ms. LANDRIEU. I inquire of the Chair the time allotments for this amendment.

The PRESIDING OFFICER. The Senator has 10 minutes on this amendment.

Ms. LANDRIEU. Let me be very brief before the Senator from California leaves the floor to say I ask her to add me as a cosponsor to the amendment just presented. She made a beautiful presentation, quite compelling about why this Congress should step forward and live up to the commitments we made in a bipartisan fashion with the President of the United States to create and pass a landmark piece of legislation. That only works if the funding is attached. The Senator from California has been so eloquent, saying because the funding has not been attached, it is questionable whether the whole act will work. I commend the Senator and add my name as a cosponsor to her amendment.

I move on to describe my amendment, which is complementary but not on the same subject. The amendment I send to the desk is equally as important to Louisiana as the amendment presented by Senator BOXER, which would have provided in Louisiana the opportunity for our Governor, who is Republican—I am a Democrat, he is a Republican—and our board of elementary and secondary education, made up of Democrats and Republicans, her amendment would make it possible for the reformers in our State, made up of members of both parties, to give opportunities for children who find themselves in very difficult situations with no place to go, both parents required to be working or choosing to work, and children needing opportunities after school.

This amendment I have sent to the desk funds a similar program that helps stabilize families but in a different way. It actually builds on a bipartisan effort led on this side by the Senator from West Virginia, Mr. ROCKEFELLER, years ago, that recognized a failing in our foster care system.

Let me give a minute of background, although the time is very short. We actually have 570,000 children in foster care in the country; about 6,000 are in foster care in Louisiana. It is very unfortunate that children find themselves in foster care at all. We would, of course, like to have a child welfare system in this Nation where, first of all, every child stays in the family to which they are born. We would love for every child to be wanted and nurtured and loved and every family to be strong enough to be able to nurture those children and bring them up in a family environment, of course, educating them and sending them off as we wish for our children whom we raise and for all the children in America.

Unfortunately, that situation does not exist in every family for a variety of reasons. Sometimes the parents are simply unable. In some awful situations they are unwilling—drugs, alcohol, very dysfunctional family situations sometimes cause children to be removed from those families, placed into foster care, and then the system is supposed to work.

We spend $8 billion a year on that system. And there are serious efforts underway to reform that system.

This Senator is convinced we could serve families better, serve the children better, promote adoption, promote family reunification, prevent child abuse actually for less money if we designed this program differently. And those efforts are in the works.

Recognizing this program needed so much reform and support, and recognizing the difficulty because it is a very complex, huge Federal program that has been developed over the last 30 years in pretty much of a hit-and-miss kind of fashion, Senator ROCKEFELLER came up with a fabulous, excellent, effective bill several years ago called Promoting Safe and Stable Families.

We passed the bill about 7 years ago. The bill basically says we recognize we have this $8 billion Federal program that could work better, and we are going to work on reforming it, but while we are doing that, let's make sure we are doing everything we can to help States and courts prevent children from going into the foster care system—in other words, reducing child abuse; in other words, giving families support at the front end, so that children do not go into foster care, so we do not have almost 600,000 children having to be taken away from their families and moved into a system, sometimes to languish for years.

Then Senator ROCKEFELLER and others—this was a bipartisan effort—said: Let's create a program on the back end so that when these children "age out"—at that time it was 18; now it is 21—we give them another step so they can become productive adults. Although they have lost their families—many of the parental rights have been terminated—because our system has failed them; they were not adopted—at least let's give them a college education. That is Promoting Safe and Stable Families.

I think the American people, whether they are liberal, conservative, Democrat, or Republican, could most certainly understand the benefit of spending a small portion of money to make sure the $8 billion we are spending is being spent as wisely as possible, to prevent the taxpayers, basically, from picking up the tab for a program that is not working.

The fact of the matter is, this bill, even though the President requested the program to be at a level of $504 million, for which he should be commended—he has been criticized, and a great deal of that criticism, actually, I believe, should be leveled in his direction. But in this case, it is actually the opposite. The President put $504 million in his budget. I commend him for doing that. Yet this underlying bill is shorting that program by over $100 million.

My amendment seeks to fully fund Promoting Safe and Stable Families to the level President Bush requested. Again, that request was made because Democrats and Republicans believe this program is a way, first, to make sure the $8 billion taxpayers are spending right now is spent in the appropriate ways, and making sure we have the flexibility given to our States and local governments to prevent children from coming into foster care. And that is done by supporting community-based programs, time-limited family reunifications, and, in my opinion, most importantly, promoting adoption and the support services that go along with adoption.

Then, at the back end, this money would be given to States. It would be very flexible. States can design their own programs. It is given to the States in a very flexible way to make sure that if the system is failing—and right now it is failing thousands and thousands of our children—when the system takes their parents away, and then when the system fails to provide another family for them, the least this Congress could do, I would argue, for the most vulnerable children in America—some of these children are poor, some of them are not, some of them came from homes of middle-income families—the least we could do, though, for this group of children who have no parents to advocate for them, who have no family to advocate for them, is to fully fund the education component this Congress wisely put in place that gives children an opportunity, when they age out of foster care, to go on and try to build a life, despite the difficulties they have, to stay out of prison, to stay out of mental health hospitals. That is what this amendment does.

In conclusion, this amendment, which adds about $100 million to the underlying bill, would meet the President's request. It would fund the authorization of Promoting Safe and Stable Families. It would attempt to help the 1 million children last year in the United States who were confirmed as victims of abuse and neglect. It would do it in a way without Federal mandates, without Federal regulations, but would give the money to the States and to our cities and to our local communities to design these programs in the way they see fit.

In closing, Mr. President, let me just add some words from children who have actually received the benefit of this program. Let's listen to what they say in their own words about this program.

The first is written by Belinda J. from Juniata College in Pennsylvania. She says:

> There are not enough words to express my gratitude to you for donating money to further my education. When I received the award letter—

which this amendment would fully fund—

> I was speechless and almost started to cry. All those years I worked hard in school because I knew I wanted a career in science. I had a dream and people like you—

speaking to the Members of Congress—

> helped me fulfill that dream. Things still do not come easy to me and I still face the same challenges that I had in foster care, but your belief in me has helped keep me going towards my goal. At this point in my life, I do not know if I am going to be a doctor, a scientist or a forensic investigator, but I do know whom to thank when I become one of these.

This is a young woman who has no parents.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. The program I am attempting to fully fund meets the President's request. This is unlike some other amendments where the President underfunded it and the committee did the same. We just simply have not found the will to fund the program. This is a program the President put in his budget at a $540 million level, and it is being underfunded.

Mr. President, I ask unanimous consent that statements from other individuals who have benefited from this program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> In the three years that I've been involved with the OFA, they have gradually been able to increase my scholarship to help meet my financial needs. Thanks to Scholarship Sponsors this year I received a $10,000 award which was substantially higher than previous years. Last year I did housekeeping in the morning, went to class in the afternoon, and worked at a restaurant at night just to pay my college expenses. Working two jobs and balancing school was really difficult. This year, the scholarship made a huge difference in my life, I only work 15 hours a week at one job. Because I work fewer hours, I have more time to focus on my studies. With the help of the Orphan Foundation and scholarship sponsors, I'll graduate in the class of 2003.
>
> AMY F.,
> *Northwestern University, IL.*

> First off, I am very proud of the recognition to receive the OFA scholarship. I know that many applied and only a select few students received the scholarship. The money was used to pay for books, parking and miscellaneous school expenses. I go to a community college and the books can be more than the tuition.
>
> SAM E.,
> *Cuesta Community College, CA.*

> My $3,000 scholarship from OFA literally kept me from packing my bags and going home for a semester. I received the news of the scholarship right before the University was going to force me off of the campus. If it was not for your concern and compassion for orphans, a lot of us would not have the opportunity to go to school and expand their academic and even social horizons. Again, I say thank you for supporting orphans all over the country.
>
> LAVERNE B.,
> *Howard University, DC.*

> Today I received a call from the financial aid office telling me to come sign for a scholarship from OFA. I cried. It has been so hard attending college for the past two years, I have been doing 12 credits and working a full time job and struggling to pay my bills too. So many times I have felt like giving up and each year it only gets worse and more expensive. But OFA has given me hope and a reminder that people care. From the bottom of my heart I want to say Thank you.
>
> JENNY B.,
> *Tennessee Temple University.*

> It is impossible for me to elaborate on the impact your gift has had in my life. Not only have you invested in my education and future, but most importantly you have invested in me. I can honestly say if it weren't for your financial and emotional support, I would not be here at Gonzaga. By investing in me, you believed in me and that gave me the motivation to continue. There is no greater feeling than to know someone believes in you.
>
> ROBERT G.,
> *Gonzaga University, WA.*

Ms. LANDRIEU. Mr. President, I will ask for a vote on this amendment at the appropriate time. I hope the Congress will find a way to fund this program, which saves us from foolishly spending the $8 billion we are already spending, and to support programs such as this that do so much good for the children in our country.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there is no doubt about the importance of the program responding to a widespread perception of a crisis in the Nation's child welfare system, that there has been an increased caseload of the foster care system, and the program had no funding at all in 2001. In 2002, the funding was slightly under $70 million. It was a new program that year which is the reason there is zero under the appropriation line for 2001. Starting off as a new program, it was funded at slightly under $70 million, $69.986 million. In this fiscal year of 2003, there was $29 million plus added, bringing the total to $99.350 million. It would be highly desirable if we had the extra funding to accommodate more money, but we are at the maximum level of the allocation this subcommittee has from the budget resolution.

When the Senator from Louisiana asks for $18 million additional for independent living training vouchers, that, again, is a program that I would like to see funded at a higher level. The grave difficulty is that the pleas the Senator from Iowa and I made as managers of the bill on our allocation were not heeded, and we have made the distribution as best we can.

It is with reluctance that I have to oppose the amendment offered by the Senator from Louisiana. That is the essence of the situation.

How much time remains on the amendment on my side?

The PRESIDING OFFICER. Five and a half minutes.

Mr. SPECTER. I am prepared to yield that back, Mr. President, and move to the next amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, would the Senator object to giving me 2 minutes of his time to wrap up?

Mr. SPECTER. I will reclaim my 5 minutes so I may give the Senator from Louisiana 2 minutes. If she is going to speak, I want to reserve the remainder of the 3.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate the chairman's comments. I know how hard he and the Senator from Iowa have worked to keep this budget within the limits established. As a member of the Appropriations Committee, I am well aware of the process.

It seems as though the Republican leadership has allowed spending for programs using an advance funding mechanism for the priorities they believe are important; yet while saying they think this priority is important, they refuse to accept amendments that basically use the same offset. I want to make clear for the record that the funding for this would come from the exact same provision that the chairman has used for other programs in the health, welfare, and education bill. Yet it seems when it comes to full funding for Leave No Child Behind or full funding for a program the administration says it fully supports, there is all of a sudden no money available.

Again, this has been one of the priorities of this administration. Leave No Child Behind is something this administration speaks about on a daily basis. Yet there are billions of dollars of shortage in funding in that program. That is not just another Federal program. It was a very important historic meeting of the minds on how to reform education and how to give cities—whether it is Washington, DC, or New Orleans or rural areas throughout the country—the resources they need to reform public education. Also, upgrading foster care, promoting adoption, making sure that every child has a family, a loving and stable home because that is the fabric and essence of our society, again, we find that the will is simply not there. That is what I wanted to say in response.

I understand this amendment will not be accepted. I wanted to say that it seeks the same sort of offset that other programs have in the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I respect what the Senator from Louisiana has offered. They are very important programs. We have funded them to the maximum extent that we can, consistent with the allocation which we have under the budget resolution. When the comment is made about offsets, that is an effort on accounting procedures to put money back into fiscal year 2003. But that doesn't address directly the budget resolution or the allocation that this subcommittee has. We are up to the full expenditure of $137.6 billion.

We are now prepared to turn to the first amendment by the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1611 TO AMENDMENT NO. 1542

Mr. DURBIN. Mr. President, I thank the chairman for calling on me and allowing this unanimous consent request which gives me an opportunity to present an amendment.

Most of us in the Senate joined President Bush in voting for No Child Left Behind. When the President took office and said he wanted to make a bipartisan commitment to change education in America, many of us took him seriously and did our best to join him and passed legislation which was historic because it established an obligation of local school districts across America to test children to make certain that they were making progress. It also included some penalties for those schools that were not making progress, for fear that children, after a number of years, would fall so far behind they would never have a chance. It really created an incentive in one respect and a penalty in another respect for those school districts where schools found children falling further and further behind.

There were those who said that this focus on testing was excessive. I shared their concerns but believed that it was an important element in bringing our schools to a national standard of excellence. And there were those who said this is expensive. If you have a child who is struggling to keep up with the class, that child needs extra attention and help. Tutoring, a helping hand, that child may need an afterschool program, a summer program, that child may need a personal mentor or teacher to help—all of those things were reasonable, but all of those things were expensive.

The bill also said, we want to make certain the teacher standing in front of the classroom is qualified to teach. If you hold yourself out as a math or science or foreign language teacher, you need to have a background. If you don't, the bill requires that these teachers go back to school, pick up the necessary college credits to indicate that they deserve a certification in that specialty.

So overall, this is a bill which has a good goal and one I supported.

No Child Left Behind was a bargain between the Federal Government and the school districts. We were going to provide resources to the school districts in exchange for reform, tough accountability provisions. And consequences for failure were implemented.

In return, we pledged new investments of Federal money to pay for the needed improvements. The Senate bill we are considering, this appropriations bill, is more than $6 billion short of meeting our end of the bargain under title I. We had a chance the other day when ROBERT BYRD had an amendment saying let's keep our end of the bargain and provide the $6 billion, and it was voted down.

So we have a mandate on school districts across America that is unfunded—unfunded to the tune of $6 billion. I have here a chart, which I will share with you, which Senator BYRD brought to the floor. It shows, State by State, what each State will lose as a result of our failure to fund No Child Left Behind as promised. Let's take one State, for example.

In Nebraska, $24 million will be lost; money that was promised to that State will not be coming for No Child Left Behind, but the mandates and requirements will be coming. There is a $255 million shortfall in my State of Illinois. The total is $6 billion.

The Durbin-Schumer amendment that I am offering here prohibits the Department of Education from imposing penalties on schools for failing to meet the requirements of No Child Left Behind if we fail to fund it as promised. Schools should not be penalized for not meeting requirements of this unfunded mandate. This amendment does not repeal or weaken the standards of No Child Left Behind. It does not affect testing or measurement provisions. The tests will continue. So the testing of students will continue. It provides schools with a 1-year respite from corrective action when we fail to live up to our funding commitment for title I. An identical amendment was supported a few weeks ago in the House by 195 members.

When No Child Left Behind was signed into law, we pledged $18.5 billion to the States for this year to help them meet the tough accountability standards. Without the extra funding provided by the Byrd amendment, which was defeated, we are going to miss that target by $6 billion. It means 6 million kids are being left behind by the Senate appropriation—by the failure of the Bush administration and this appropriation bill to keep our word.

In my State of Illinois, we are struggling with problems that many States are facing. School districts across Illinois are laying off thousands of teachers and support staff. Class sizes of 40 students are found in some schools. Salaries are being cut for other school employees. The Chicago public schools closed down two schools for teen parents. Hamilton County closed two elementary schools. The Carpentersville suburban school district cut 140 teaching positions. Elgin Unit School District 46, already operating with 600 fewer teachers because of cuts, will be forced to leave four recently built schools vacant for the entire school year because it cannot afford to staff them. Middle-school students in Gurnie must now pay $145 to play a team sport and $60 to join the band or choir.

In Pennsylvania, the Mill Creek school board cut 30 positions, including teachers, educational assistants, custodians, and athletic staff. Yesterday the Pennsylvania State legislature announced an education initiative funded at $610 million below the Governor's request. This leaves Pennsylvania's 501 school districts with just $53 million—roughly $105,000 per district—to help students meet the mandates of the Federal Government in No Child Left Behind.

The Philadelphia school district has had problems for years attracting qualified teachers. At the end of last week, there were 109 vacancies out of 12,000 teaching positions—up from 67 vacancies last week. This increase in teacher vacancies in Philadelphia is a result of new hires not showing up for class on the day they were due to start.

In Tennessee, Montgomery County schools are laying off 30 bus drivers. Rhea County teachers, administrators, and parents pleaded with the local board of education to rehire two school nurses. A Nashville elementary school principal, frustrated with the condition of 49 aging windows at her school, smashed them herself in an attempt to force the district to replace them.

In Massachusetts, the State is planning to eliminate tutorial assistance to students who fail its MCAS test—which is required for graduation—on the first try. More than 100 districts are charging students a fee for school bus transportation, ranging from $25 to $850.

The list goes on. Of the most recent news reports of what school districts are facing and the reality across America, one that just came across my desk I think is particularly troubling. It comes from Florida. The headline is, "Law Lets Students Forego Senior Year." It says:

> Of all the ways attempted to free up space in Florida's crowded classrooms, this one could be a dream come true for high schoolers in a hurry: a diploma without a senior year.
>
> Supporters of a law granting a high school diploma in just three years said it will help curb crowding in Florida's schools.

This is the reality of the state of funding for education across America.

For us to impose a mandate on school districts in Illinois, Pennsylvania, Nebraska, Tennessee, Massachusetts, and New York and not provide the funding is, frankly, to put additional financial burdens on these school districts, which we are not paying for.

Frankly, I think there is a way to address this in a sensible fashion. If we are not going to provide 95 percent of the money we promised for No Child Left Behind, then we should suspend the penalties that will be imposed on school districts under No Child Left Behind. The testing goes on, and the accountability goes on. But to say to school districts that they have to assume the responsibilities of paying the consequences of our failure to fund No Child Left Behind is fundamentally unfair.

No Child Left Behind provisions that would be suspended under this amendment include mandatory transportation to other schools in the district for students who wish to transfer—a very expensive undertaking, particularly in large cities such as Philadelphia and Chicago; supplemental tutoring, paid for by the district for students not meeting State proficiency standards. We would like to see that, but we should fund the bill as promised.

My colleagues should remember that Senator DODD came to the floor, and his concern was that No Child Left Behind would not be adequately funded. He offered a bipartisan amendment, which we adopted as a final part of the bill, which promised each and every year the exact amount of money we would appropriate for No Child Left Behind. This year we missed that target by $6 billion.

My amendment would also suspend corrective action which could include one or more of the following: replacing school staff, implementing new curriculum, appointing an outside consultant, or extending the school day or year. Every one of these is a good idea. I voted for them. But why in the world would we impose that corrective action on a school district and not provide them the resources to take care of it, to provide the tutors and outside consultants?

We also would suspend the mandated restructuring or alternative governance, to reopen a school as a charter school, and replacing all or a majority of the school staff.

I am asking my colleagues to listen to the families, the parents, the schoolteachers, and administrators in their home States. You know what you have heard. I have heard it as well. In school districts large and small, they believe in reform. They will accept accountability. But they ask us for the resources to help. At a time when school districts across America are struggling to keep the doors open, struggling to hire the teachers, crowding into classrooms because of State deficits and local property tax problems, how can we in Washington, in our infinite wisdom, decide we are going to impose new standards and costs on these school districts and not pay for them? That is what we are doing.

This is clearly an unfunded mandate. Frankly, I think the Bush administration and this Congress made a promise. Unfortunately, the President has not worked as ferociously for No Child Left Behind funding as he has for other things, such as his tax-cut program. He has not shown the same passion for providing school resources as he has for many other elements of this budget.

Many of the people who now criticize this amendment claim the authorized amounts for title I are not promises; they are just suggestions. In many cases that is true, but it is not true on this bill.

The Dodd amendment puts specific authorization levels into place for each and every year—authorization levels we failed to meet with this bill's appropriation. We have never done that before in education bills. Traditionally, Congress only said we would appropriate such amounts as may be necessary. The Dodd amendment locked in authorization levels. In other words, we put those amounts in for a reason.

Not funding title I at the level we set is breaking our promise to schools and families and children across the country. The difference between what Congress agreed in 2001 it would cost to implement the reforms in No Child Left Behind and what has actually been delivered to schools is widening each year. If this bill passes, we are shortchanging schools across America by $6 billion, but we are sending them the full cost of the mandate—unfunded mandates on local schools at the worst possible moment—in the midst of a national recession, when State budgets are unable to provide the resources they need. It is an unfunded mandate we should not be party to.

Many people have raised the question about the IDEA special education funding. Well, would you suspend that mandate? I, frankly, hope we will vote—and I think the amendment will be offered shortly—to fully fund IDEA. That is a responsibility we should take on our shoulders. Many of us said we believe in it. This bill doesn't fund it properly. I think we can.

The administration's approach to funding IDEA, incidentally, for school districts across America is totally unrealistic.

We just are not going to be able to fund it if we follow the President's lead.

Since we cannot seem to find the money to pay for the reforms of No Child Left Behind, I am offering this amendment that will alleviate some of the pressures for schools until we live up to our promises.

The amendment prevents the Department of Education from penalizing a school for failing to meet the requirements of No Child Left Behind unless the authorized level of funding is provided. The mandate is yes if the funding is yes. No mandate, no funding.

I voted for this law. I want it to work. But just as funneling money into failing schools without accountability is unacceptable, so is imposing new mandates without fully funding them.

The amendment does not repeal or weaken the standards contained in No Child Left Behind. It is not a retreat in the face of reform. Schools are serious about meeting their challenges, but they need the resources to make it work.

When I talk with these teachers working hard to prepare children for this test, they tell me: Senator, I can do well with a lot of kids in my class, but some of them need extra special attention. These are kids who have been transferred just recently into our schools, kids with serious family problems, and kids who have had problems in their classes last year.

These are situations which reflect the real world of classrooms today. Yet by not funding title I in State after State, we fall $6 billion short of giving that teacher the resources he or she needs to bring that child up to the appropriate level of testing competence.

My amendment does not affect the testing or measurement provisions of No Child Left Behind. It does not change the requirement that all teachers be highly qualified. My amendment would give schools a 1-year respite from corrective action when we fail to live up to our funding. The Democratic leader in the House of Representatives, NANCY PELOSI, spoke on the floor when they considered a similar amendment, which had 198 votes in favor. She said:

> This amendment presents the Chamber with a moment of truth as to whether Congress is honest about its commitment to education; whether or not it will honor its promise to America's children contained in the No Child Left Behind Act.

We need to keep our word and demonstrate our commitment to reform not just by talking tough and imposing new standards, but by giving our schools and teachers the resources we promised, the resources we authorized specifically for this year. When we fail to provide these school districts those resources at this critical time, we are shortchanging education across America. We are saying our Federal brilliance, when it comes to education, that led to these mandates, is much more compelling than the personal and local challenges which these school districts are meeting every single day.

Whether I go to the rural areas of Illinois or the big city of Chicago, I hear the same thing: Senator, it is a good idea. We will do our best to make it work. We are prepared to face the challenge of No Child Left Behind. But send us the resources you promised. Don't mandate this No Child Left Behind Program without the resources to make it work.

Mr. President, I ask that the amendment be stated by the clerk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. SCHUMER, and Mr. DORGAN, proposes an amendment numbered 1611 to amendment No. 1542.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds appropriated in this Act from being used by the Department of Education to enforce any requirement under section 1116 of the Elementary and Secondary Education Act of 1965, or to implement penalties or sanctions under part A of title I of such Act, if the amount appropriated to carry out such part A for fiscal year 2004 is less than $18,500,000,000)

At the end of title III (relating to the Department of Education), insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used by the Department of Education to enforce any requirement under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), or to implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)). Nothing in this section shall be construed to prohibit a State, a State educational agency, a local educational agency, or a school from implementing the requirements of section 1116 of such Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do we have a time agreement on this amendment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. KENNEDY. I am not asking the Senator to yield. When the Senator from Illinois finishes, I would like to get recognition in my own right.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes remaining.

Mr. DURBIN. I retain the reminder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is 20 minutes under the control of the Senator from New Hampshire; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, will the Senator yield me 5 minutes?

Mr. GREGG. I yield to the Senator from Massachusetts such time as he needs.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is no one in this body who believes more deeply than I do in necessity of full funding of the No Child Left Behind Act. I remember at the beginning of the debate on the No Child Left Behind Act there were those who believed we were putting money into communities without any direction and without accountability and, therefore, we were not seeing results. And, there were those who believed strongly that we ought to have reform. The No Child Left Behind Act brought together both the reform and the resources.

I will continue to fight for increases in education resources, but this amendment, I believe, moves this whole debate in the wrong direction. Let me explain my view to the Members.

This amendment says:

> None of the funds made available in this Act may be used by the Department of Education to enforce any requirement under section 1116 of part A. . . .

With what does section 1116(A) deal? It deals with new curriculum. It deals with professional development. It deals with supplementary services.

Let's just take those as an example. They would be emasculated by the Durbin amendment. If we read further back in the Durbin amendment on page 2, it says:

> Nothing in this section shall be construed to prohibit a State, a State educational agency, a local educational agency, or a school from implementing the requirements of section 1116 [of the No Child Left Behind Act].

This amendment makes education reform optional. It is not optional today. There is $12 billion in funding for the title I education program. What is not optional is that 10 percent of that will be used for professional development; for training in struggling schools. The Durbin amendment eliminates that as a requirement, $1.2 billion out of the $12 billion eliminated in teacher training. $12 billion overall is not adequate for title I, but the Durbin amendment eliminates $1.2 billion of that that is dedicated for better teachers. This amendment makes that optional, means that it will just be there as a slush fund.

No. 2, the No Child Left Behind Act requires between 5 and 15 percent of title I funding be spent on supplementary services, afterschool instruction. That is $600 million to $1.8 billion that is being spent today in supplementary services for the neediest children in this country. That is wiped out by the Durbin amendment—eliminated.

The Durbin amendment eliminates any requirement that we are going to have teacher training under title I—not the other teacher training in the other titles but teacher training under title I—which many believe is the most important training, because it is taking the title I teachers who are in the classrooms and providing the neediest children with the instruction to upgrade their skills.

We talk about afterschool programs and the President failing to provide for afterschool. The Durbin amendment is eliminating more of that kind of protection. It is unbelievable to me—unbelievable to me.

Third, we have under title I, 5 to 15 percent—again, $600 million to $1.8 billion—that has to be used for upgrading curriculum and public school choice. That was the essential part of the No Child Left Behind Act. Let States and local communities develop the curriculum, let well-trained teachers teach the curriculum, provide new examinations to find out whether those children were being uplifted, and provide supplementary services, which is extra tutoring for children who are behind. Under the Durbin amendment, there is no assurance title I will be used for these kinds of vital functions: Upgrading teacher capability, upgrading the curriculum, and supplementary services. That is $2 billion or $3 billion out of the $12 billion. That, to me, is a slush fund.

I happen to be opposed to block grants. We have tried them, and they did not work. Nonetheless, that is going to be the effect of this amendment. Beyond that, it takes away the funding that exists in a similar way for public school choice that will be available even today.

Mr. President, I yield myself another 2 minutes.

That is why the Citizens Commission on Civil Rights opposes the Durbin amendment. That is why the Harvard Civil Rights Project, Chris Edley, is opposed to the Durbin amendment. That is why the Education Trust, which is a grassroots organization made up of minority parents, is strongly opposed to the Durbin amendment. We need to have this battle and struggle. I differ with my friend and colleague, the Senator from New Hampshire, on the amounts and needs in the local schools and the local community. I differ with him in terms of the national priorities in getting additional funds. Even though we differ in those areas, I agree with him that we cannot take a step backward now when we are beginning to see progress made in these areas.

The final point I would like to make is, I am proud that in my State of Massachusetts we have made very significant progress in the areas of academic achievement and accomplishment. We basically started in a bipartisan way almost 10 years ago. We are tested now with what they call the MCAS. It is a very strenuous kind of test, similar to the National Assesment of Education Progress test, which is a very rigorous kind of test. After almost a 10-year period, what we have are the results in Massachusetts. According to this recent Boston Globe article, "Scores show broad gains on MCAS. More Massachusetts high school students passed the MCAS graduation test on their first attempt and scores climbed in every grade, every subject, and every racial group in statewide results released. About 75 percent of the class of 2005, or 52,000 students, passed both English and math portions of the 10th grade test. That was significantly better than the 69 percent of students in the class of 2004 and 68 percent of the students in 2003."

I will not take the time of the Senate to go into every kind of subgroup by ethnicity, but Black, Latino, White, with disabilities, limited English proficiency, regular education—the whole group has moved up. That is because the State has effectively embraced the identical kinds of requirements that are in the No Child Left Behind Act.

The Durbin amendment steps us back from that kind of a commitment. We ought to commit ourselves to the long road. We ought to get the resources that are necessary. I believe the Durbin amendment is an abdication of this institution to meet our responsibilities to ensure that there is going to be an investment, even with the money we have, in a way that makes a difference in terms of children's lives.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask the status of the remaining time between the parties.

The PRESIDING OFFICER. The Senator from New Hampshire has 11 minutes, 50 seconds remaining. The Senator from Illinois has 3½ minutes remaining.

Mr. GREGG. Mr. President, I begin by congratulating the Senator from Massachusetts for an excellent statement. I agree with 90 percent of what he has said. He is absolutely on the mark relative to what is happening in No Child Left Behind. Progress is occurring.

We still have a debate, obviously, as to what the proper level of funding is, but this bill was passed not as an issue of money but as an issue of looking at the low-income child and recognizing that for generation after generation we have left this child behind in our school systems. We said enough is enough.

Under Senator KENNEDY's leadership, and under President Bush's leadership, we said it is time to say to the low-income child that when they finish their education, when they step out of that classroom that final day when they graduate, they are going to be able to compete for the American dream because they are going to learn what they are supposed to learn, they are going to learn what they need to learn. It was a commitment we made as a Congress and as a country, and it was the right commitment.

Now we have this type of amendment come forward, which is essentially an attempt to put a stake through the heart of the essence of how parents can figure out how to help their low-income children who are in these school systems.

This amendment would have the practical effect of basically eliminating the options which parents get under the No Child Left Behind Act to give their child a better shot at the American dream. We are talking about parents of low-income kids, by the way.

Supplemental services, what is that? Well, it is one of those terms that is a big word. It is a confusing word. What it means is if someone is a parent of a low-income child and their child is in a school that is not working, that has not worked year after year, that has turned out kids who have not been able to compete year after year, we are going to give them the chance, as a parent, to take their child after school, or maybe even during the schoolday if the school decides to structure it that way, to get some remedial support in reading, remedial support in math, things which will catch that child up so they are no longer left behind.

The only way they are going to get some of these third and fourth graders, who come into the school system undernourished, up to speed is to give them this tutorial support. That is what this amendment would kill. It would kill the opportunity of a parent who has a child in a public school system, who knows that the public school next door or down the road is doing a better job with kids like her kids, who knows that if her child stays in the school in which they are presently enrolled, that child is simply never going to catch up, but knows if they can take them down the road a little way to another public school, that child will have a chance at the American dream because they will be taught what they need to know. It would kill the opportunity of that parent to accomplish that. That is an inexcusable act, in my opinion, of denying parents of low-income kids the opportunity to do something about their children's right to a decent education.

The No Child Left Behind Act has, unfortunately, gotten caught up in a lot of crosscurrents that deal mostly with the funding fight. There is also an undercurrent of resistance from some of our professional community that just does not want to be held accountable.

Unfortunately, what has happened over the years is that we have never had a system where parents really could find out what was happening to their children, especially low-income kids. They knew something was wrong because there was produced child after child who could not compete in our society, but they could never find out what was wrong.

Well, No Child Left Behind creates an atmosphere and a system which, remember, is designed by the local school system—this is not a top-down system. The Federal Government does not set the testing standards. The Federal Government does not set the hurdles. It is set by the local school systems. When those local school systems set their standards for testing as to what a child in the third or fourth grade should know, at that point that information becomes public. The parent gets an opportunity to see it and find out what is happening to their child in that school, and if they discover that their child is in a school that year after year has failed to get their children to the level of ability that has been set as the level by that school system, by that community, of ability that a child should have at that grade level, then the parent has the right to do something to correct it.

Under this bill, we have empowered the parent with tutorial support, with public school choice, both of which would be killed under this proposal, as would, as the Senator from Massachusetts so appropriately pointed out, the funding for those programmatic initiatives which are directed right at the low-income teaching community. Those teachers who have a high number of low-income kids in their school systems need some special skills in many cases to deal with those kids, especially language skills. This amendment would eliminate the ability to fund those programs.

I will touch base also on this whole question of, is there adequate funding? Let me point out that this amendment is justified on the grounds that Illinois is not getting enough money under No Child Left Behind. That can be debated. But the fact is, Illinois is getting 36 percent more in dollars under No Child Left Behind for title I funding, as a result of No Child Left Behind, than it would have gotten if we had continued under the old law. They have received $813 million in 2003. They received $813 million. This was $213 million more than what they would have received under the old law.

In fact, they have received so much money under No Child Left Behind, it is really a prefunded event. It is not an unfunded mandate. They have been receiving so much money that has been flowing into Illinois. Under No Child Left Behind, there is presently $312 million of title I funds which is unspent as of the end of the year 2002. It has not been drawn down by the school systems yet in Illinois.

But that gets into the funding debate, which is really another debate, not this debate. Debate about this amendment is about whether or not you are going to eviscerate the basic purpose of the No Child Left Behind law, which was to give low-income kids an opportunity to learn at the level of their peers; and if they were not learning at the level of their peers because their school systems were not delivering the educational standards they needed, then to give their parents some options to try to get them up to speed through tutorial choice or public school choice.

So I join my colleague from Massachusetts in strongly opposing this amendment and hope other Members will join us. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes 30 seconds remaining.

Mr. DURBIN. And the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes 45 seconds.

Mr. DURBIN. Mr. President, I just listened to the passionate commitment of the Senator from New Hampshire to No Child Left Behind, and it is no surprise. When he made the same speech on the floor on behalf of the legislation, it was so compelling, I joined him and voted for it. But I wonder, where was that passionate commitment to No Child Left Behind when ROBERT C. BYRD of West Virginia offered an amendment yesterday to pay for it?

Here is the rollcall. With the exception of my friend and colleague from Massachusetts, those who were giving these passionate speeches about No Child Left Behind had a chance yesterday to pay for it and refused to do so. They refused to put the money down to pay for this great, new idea, this new Federal mandate.

Lest you believe this is just an issue in Chicago, IL, in a place called Concord, NH, on August 18 they released the State budget. They have a problem. The budget contains $1 in each—$1 in each—of the next 2 years for State assessment tests. If the money is not found, and soon, to pay for the next round of tests, the schools that are on the failing schools list cannot get off it.

It tells me that New Hampshire and Nebraska, like Illinois, like Massachusetts, and every State, are struggling to come up with resources for education.

Mr. GREGG. Will the Senator yield for a question?

Mr. DURBIN. No, I will not. You have your own time.

If we had voted for the Byrd amendment, $19 million would have gone to the State of New Hampshire. If we had joined Senator KENNEDY voting for it, the Massachusetts allocation would have been $129, and $250 million from my own State. So let me say to those passionately committed to No Child Left Behind today, where were you yesterday? Where were you on the Byrd amendment when you could have put the money we promised into the bill?

To my friend Senator KENNEDY, it is indeed painful. It was unthinkable, when I ran for the Senate, that I would be in this position of debating him on an education issue, but we do disagree.

What I am eliminating is the mandate. Each and every school district in his State and my State can use the Federal funds for tutoring, for teacher quality, for afterschool. The funds that are available can be used. But the mandate is removed until we put an adequate amount of money on the table.

Regarding his State of Massachusetts, he speaks about the MCAS score, and he is proud of it. Yet the most recent report is this out of Massachusetts. The State is planning to eliminate tutorial assistance to students who fail the MCAS test, which is required for graduation, on their first try. Massachusetts, as good a story as there is to be told, is struggling, like the State of Louisiana and the State of Nebraska and the State of New Hampshire and the State of Illinois. Yet our mandates continue.

When I asked the head of the Chicago Public Schools System, his position on it, he said:

> I am prepared to implement No Child Left Behind. I am happy to do it. But send me the resources to get it done.

And let me quote from a speech he recently gave in Chicago—Arne Duncan, head of Chicago Public Schools:

> I would much rather invest Federal dollars in tutoring struggling students than transporting students outside their neighborhood. I would much rather invest Federal dollars for new schools and buy more buildings and help our teachers and our principals become better educators.

What this professional educator is saying to us is: For goodness' sake, if you are not going to fund the Federal mandate, don't impose it on us. Let us respond to the emergencies we face every single day.

I urge our colleagues to listen to their educators at home and support the amendment today.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I have difficulty in following the logic of the Senator from Illinois saying, look, Massachusetts is eliminating the supplementary services and, therefore, this is a crisis situation.

I want to get additional funds. But make no mistake about it. We have section 1116 here. This is what his amendment does; it effectively suspends 1116. That is taking, out of the $12 billion we have in title I, $1.2 billion out of required teacher training.

You can say the States might still do it or local communities. We say it is important enough that, of the $12 billion, at least 10 percent has to be provided for that. We are saying between 5 percent and 15 percent is going to have to be spent in supplementary services—required.

Not under the Durbin amendment. We require that. You vote for the Durbin amendment and you are eliminating the requirement of $1.2 billion of required services today, that is required under that act, under the Durbin amendment.

Under the existing 1116, there are requirements for the development of new curriculum. That is eliminated. Under the Durbin amendment, you are going to get $3 billion, what I call a slush fund. Senator DURBIN says local people can make up their minds and do a good job. We had that battle. We know what works. We know you need well-trained teachers. That is what 1116 provides. We know you need supplementary services. That is what 1116 provides. We know you need the new curriculum reform, and that is what 1116 provides.

At the end of his amendment, he says: Look, at the end of the day, if the State wants to, they can—nothing in this section is to be construed to prohibit a State.

As one who is committed to this, I don't want to see less money committed to training teachers in struggling schools; I want to see more. The Durbin amendment will mean less. I don't want to see less assistance for supplementary services; I want to see more. Under the Durbin amendment, you will get less.

The list goes on. Could I have 20 seconds?

Section 1116 is the heart and soul, in terms of the educational reforms. That is why there is such strong support from the civil rights community. I have listed the organizations in the civil rights community that take strong exception, who agree with the Senator from New Hampshire and myself and believe it is better to have these resources committed to the neediest and poorest children, rather than just giving a slush fund to the community.

Mr. GREGG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes remaining.

Mr. GREGG. Mr. President, again, I join with the Senator from Massachusetts, agreeing with his comments. I want to go beyond that because the Senator from Illinois has unfortunately misrepresented the facts in New Hampshire. I hoped he would take a question on his time since he used his time to misrepresent the facts, but since he did not, I will try to correct the Senator from Illinois as to the facts in New Hampshire.

Yes, the State budget did zero out the assessment money, but that has nothing to do with this amendment. In fact, just the opposite. Under the No Child Left Behind bill, the average cost of developing tests in New Hampshire is $300,000. Under No Child Left Behind, the State of New Hampshire receives $500,000 for every test it develops, at the various grade levels. So the State actually makes $200,000, and the legislature figured this out. That is why they zeroed it out, because they realized, instead of an unfunded mandate, what they were getting was more money than they needed to fund the test, and they intended to use that money to fund other parts of the State budget, and right now that is what the fight is about in New Hampshire. It has nothing to do with unfunded mandates.

The Senator from Illinois, in his desire to bring New Hampshire into the debate, appears to have misunderstood the position in New Hampshire, and he misunderstood the entire issue also, because if his position is that he is going to help the children of low-income parents in this country with his amendment, he is absolutely wrong, because he is taking away with his amendment the tools that the parents of those children need, tools such as tutorial services, tools such as public school choice, tools such as having teachers of title I students who understand the special needs of title I students be trained properly. He is taking away those tools with this amendment.

I certainly hope my colleagues in the Senate will join me and Senator KENNEDY, who has spent so many years on this issue, in voting down this amendment.

Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DURBIN. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. SPECTER. Mr. President, I think we are ready to proceed with the amendment by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. SPECTER. Mr. President, may we go to the Senator from Illinois for his amendment now?

Mr. ENSIGN. Mr. President, parliamentary inquiry: My understanding was the order would be that the Senator from Illinois would proceed, then myself, and then the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Nevada.

Mr. President, what is the time allocation?

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. DURBIN. Thank you very much.

AMENDMENT NO. 1613 TO AMENDMENT NO. 1542

Mr. DURBIN. Mr. President, the amendment which I am offering, with Senator KENNEDY now having joined forces with me as well as Senator EDWARDS and others in support, is an effort to provide money for teacher quality in the No Child Left Behind Act; that is: to fund the Federal mandate.

This bill cuts teacher quality grants by $84 million, eliminating training for 20,000 teachers nationwide. The No Child Left Behind Act raises the standard for students and requires school districts to close the achievement gap between minority and nonminority students. It also raises standards for teachers, mandating that all teachers are highly qualified by the end of the 2005-2006 school year.

Research shows that teacher effectiveness is the single most important factor that influences student achievement. It is more important than the income of the student's family, for cumulative expenditures or any other investment in the classroom.

Students assigned to high-quality teachers can gain a full grade level of achievement of students over students in ineffective classes. Nine out of 10 Americans believe that improving teaching is the most important strategy for improving schools. Recent research links student learning to having licensed teachers.

Researchers in Arizona State found that students with certified teachers perform 20 percent better than assessments of those with noncertified.

A study at Stanford found that States such as North Carolina, Minnesota, Iowa, North Dakota, Wisconsin, and Maine that have complement student achievement standards and investment in teacher quality have higher achievement in reading and math.

The list goes on and on.

What we are saying with this amendment is that we need to find the resources that we promised under the No Child Left Behind Act.

This amendment is going to provide greater teacher quality and training that will help these students across America reach their potential because they have competent and qualified teachers in the classroom.

I hope my colleagues here who have had second thoughts about whether they want to fund the No Child Left Behind Act will not have second thoughts when it comes to teacher quality. Let us provide the resources that are necessary to make the No Child Left Behind Act work and allow teachers to have the competence in the classroom to succeed.

I withhold the remainder of my time and yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt about the desirability of teacher quality programs and training. We currently have in education professional development $3.378 billion. This is substantially more than the President's request.

Again, I would like to have more funds available from the budget resolution and the allocation, but we simply do not have it.

Mr. President, how much time does the Senator from Illinois have remaining?

The PRESIDING OFFICER. Two minutes thirty-eight seconds.

Mr. SPECTER. I am prepared to yield back my time. We are running on a very tough time schedule trying to finish this bill today. If the Senator from Illinois has nothing further to say—

Mr. DURBIN. I have very brief remarks and then I will conclude.

Let me make sure we understand exactly what this amendment does. I have spoken to the issue of teacher quality. There is $325 million in State grants for that purpose. I think this shows an increase in the teacher quality commitment which is important for us to make sure the No Child Left Behind Act succeeds. There is another $2 million for training teachers in technology.

How many times have we visited the classroom as Senators and found older teachers such as myself in age struggling to understand the new technology? The bill before us zeros that out. There is no money for preparing our teachers to use technology. This amendment adds $62 million, and $50 million for training teachers in math and science. It increases the investment by $50 million to a total of $150 million.

I think this is an extremely high priority when you consider the technical challenges facing us in this century. Finally, there is $12.1 million for school leadership which helps to recruit, train, and retain principals and assistant principals. These are the people who have the responsibility to make the school work.

I think this $450 million is money well spent—money that lets the No Child Left Behind Act have a chance to succeed. To shortchange it, unfortunately, will cause us to fall short of our promise and fall short of the mark in improving education across America.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. Dole). Does the Senator offer his amendment?

Mr. DURBIN. Of course. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Durbin], for himself, Mr. Kennedy, Mr. Edwards, Mr. Bingaman, Mr. Lautenberg, and Mr. Corzine, proposes an amendment numbered 1613 to amendment No. 1542.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for teacher quality programs under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 and for the Mathematics and Science Partnerships and the school leadership program under the Elementary and Secondary Education Act of 1965)

On page 36, line 16, strike the period at the end and insert ": *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $85,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That in addition to amounts otherwise appropriated under this Act for grants to States under part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), there are appropriated an additional $325,000,000 for such grants: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Preparing Tomorrow's Teachers to Use Technology Program under part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.), there are appropriated an additional $62,094,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Mathematics and Science Partnerships program under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.), there are appropriated an additional $50,000,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the school leadership program under section 2151(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651(b)), there are appropriated an additional $12,500,000 for such program: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,344,793,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,333,707,000.".

Mr. SPECTER. Madam President, there is no doubt about the quality or priority of what the Senator from Illinois has offered. We have $3.378 in funding for educational professional development. I submit that this is adequate, and is certainly all we can do within the budget resolution.

I ask unanimous consent that this chart be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

LABOR-HHS-EDUCATION APPROPRIATION BILL

[Resources Available Primarily for Educator Professional Development]

Programs	FY04 Senate	FY04 request	FY03 conference rept.	FY02 comparable	FY01 comparable
State Grants for Improving Teacher Quality	$2,850,000	$2,850,000	$2,930,825	$2,850,000	$2,108,000
Advanced Credentialing	9,935	....	9,935	10,000	18500
Early Childhood Educator Professional Development	14,902	15,000	14,902	15,000	10,000
Math and Science Partnerships	100,344	12,500	100,344	12,500	....
Troops to Teachers	....	25,000	28,812	18,000	....
Transition to Teaching	41,727	49,400	41,727	35,000	31,000
Preparing Tomorrow's Teachers to Use Technology	....	....	62,094	62,500	125,000
National Writing Project	18,890	....	16,890	14,000	10,000
Civic Education	28,812	27,000	28,812	27,000	21,000
Teaching of Traditional American History	120,000	100,000	99,350	100,000	50,000

LABOR-HHS-EDUCATION APPROPRIATION BILL—Continued

[Resources Available Primarily for Educator Professional Development]

Programs	FY04 Senate	FY04 request	FY03 conference rept	FY02 comparable	FY01 comparable
Special Education Personnel Preparation	91,899	90,000	91,899	90,000	81,952
Teacher Quality Enhancement	89,415	90,000	89,415	90,000	98,000
School Leadership	12,419	....	12,419	10,000	0
Total	3,378,343	3,258,900	3,527,424	3,334,000	2,553,452
Percent	32.3	....	38	....	....

Note: Programs listed above specifically support professional development activities for educators. States and school districts also use funding under the Title I Grants to LEAs program, Education Technology State Grant program and English Language Acquisition State Grant program for professional development, but these funds also support a range of other activities. According to the U.S. Department of Education at the President's proposed funding levels for these programs, $814 million will be used under these state grant authorities on educator professional development.

Mr. SPECTER. Madam President, I yield the remainder of my time so we can proceed to the amendment by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1585 TO AMENDMENT NO. 1542

Mr. ENSIGN. Madam President, I ask that the pending amendment which is currently before the Senate be temporarily set aside, and I call up amendment No. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1585 to amendment No. 1542.

Mr. ENSIGN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $100,000,000 to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965)

At the end of title III, insert the following:

SEC. . (a) The total amount appropriated, out of any money in the Treasury not otherwise appropriated for fiscal year 2004, to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965, shall be $1,100,000,000.

(b) Each amount appropriated under this Act (other than amounts appropriated for the Department of Education) that is not required to be appropriated by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated under this Act (other than amounts appropriated for the Department of Education) by $100,000,000.

Mr. ENSIGN. Madam President, this amendment would increase funding for the 21st Century Community Learning Centers program by $100 million.

This amendment does not bust the budget or cut any other education program in the budget. Rather, the amendment requires an across the board cut in every other title of this appropriations bill. This calculates to a point zero-zero-one-two-percent across the board cut.

I am committed to ensuring that our schools have the assistance they need to make certain that our children leave the education systems as well-rounded individuals.

The 21st Century Community Learning Centers in Nevada, and across the country, work to create well-rounded individuals by partnering with groups such as local YMCAs, local children's museums, the Girl Scouts, Boys and Girls Clubs, and in Nevada, the City of Las Vegas, the University of Nevada, the Clark County Health District, the Nevada Youth Alliance, and America's Promise, just to name a few.

Last year 2,780 new applicants requested over $1.9 billion from this program. Only 308 applications received approval and funding totaling $206 million.

.Currently in Nevada there are 6,750 children receiving services from a 21st Century Community Learning Center in their neighborhood. However, there are currently over 75,000 students eligible for this program in Nevada alone.

The benefits of this program should go without saying. Not only do children enrolled in these programs improve academically, but are also less likely to become caught up in the juvenile justice system.

Accordinig to the Department of Education, children who regularly attend high quality after-school programs have better peer relations and emotional adjustment, better grades and conduct in school, more academic and enrichment opportunities, spend less time watching television, and have lower incidences of drug use, violence, and pregnancy.

This makes sense considering that studies by the FBI have found that the peak hours for juvenile crime and victimization are the hours after school and before parents get home from work.

These important programs not only give students a place to go after school, but use that time to give students assistance with their homework, provide additional English lessons to students who do not use English has their first language, and give these kids a safe place to interact with their peers.

I ask my colleagues to not give up on the thousands of children across America who may need a little extra help to succeed in school and support this amendment.

Senator BOXER offered an amendment earlier on the very program on which I am offering an amendment. Her amendment was for a larger increase in the afterschool program but her amendment was not offset. I totally support what she is trying to do. I believe very strongly in afterschool programs.

I am offering a $100 million increase in the afterschool programs compared to what is currently in the bill. I know that the chairman has worked hard and has tried to get as much funding as he can. But as somebody who grew up in a situation as a latchkey kid, afterschool programs would have been very helpful to me. There are many, many children out there today who need afterschool programs to keep them out of the improper type of behavior that kids can engage in these days. It is cheaper to invest in these children in these afterschool programs than it is to spend the money when they get into trouble in the juvenile halls and some of them end up going to prison. These are wonderful programs.

I ask our colleagues to consider this amendment. I know we are trying to stay within the budget. Ours does. It shifts some funding from one place to another so we can provide this extra funding to get more kids into the afterschool programs.

I yield the floor.

Mr. SPECTER. Madam President, there is no doubt about the value of the afterschool programs. That has been recognized by the subcommittee and we have put $1 billion in the program. This is $400 million more than the President's request. Would we like to have additional funds? Certainly we would, but we simply don't have it within our allocation.

The amendment offered by the Senator from Nevada with an across-the-board cut would cut into many very important programs. There will be fewer youth employment training centers, fewer NIH grants, fewer dislocated worker trainees, fewer kids in Head Start, and fewer kids in child care.

In the interest of time, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Ensign amendment has an across-the-board cut of $100,000,000 (.0012%) to all programs except Education. This would mean a cut of: –$1,201,000 (470 fewer youth Employment Training jobs); –$1,080,000 (600 fewer Adult Training jobs); –$1,718,000 (1,000 fewer Dislocated Worker trainees); –$33,579,000 (100 fewer NIH grants); –$2,165,000 (1,000 fewer people receive substance abuse treatment); −$526,000 (300 fewer people receiving mental health services); −$8,179,000 (1,200 fewer kids in Head Start); −$2,520,000 (600 fewer kids in child care); −$685,000 (400,000 fewer meals served to seniors); and −$10,236,000 (6,500 fewer Social Security disability claims processed).

Mr. SPECTER. Madam President, we have structured this bill very carefully and crafted it very carefully. While I appreciate the interest of the Senator from Nevada, if we restructure it with these across-the-board cuts, we will be digging into a lot of vital programs which the subcommittee and the committee have carefully considered and crafted on what we think is balanced.

I yield back the remainder of my time so we can move to the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1614 TO AMENDMENT NO. 1542

Ms. LANDRIEU. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. Landrieu] proposes an amendment numbered 1614 to amendment No. 1542.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for programs relating to West Nile Virus and to fund the Mosquito Abatement for Safety and Health Act)

On page 61, between lines 14 and 15, insert the following:

Sec. . (a) In General.—In addition to amounts otherwise appropriated under this Act for programs relating to West Nile Virus, there are appropriated an additional $25,000,000 for the Centers for Disease Control and Prevention to fund such programs, of which $1,250,000 shall be set aside for Indian tribes and tribal organizations, and there are appropriated an additional $100,000,000 for the Centers for Disease Control and Prevention to fund programs under the Mosquito Abatement for Safety and Health Act (Public Law 108-75), of which $5,000,000 shall be set aside for Indian tribes and tribal organizations.

(b) Offset.—Of the funds appropriated under this Act for the National Institutes of Health, $145,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,020,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,658,301,000.

Ms. LANDRIEU. Madam President, we have had a series of very important amendments. The priorities of Members and their States are reflected in each amendment that has been offered, and the amendments of Senator Breaux, one of the cosponsors, Senator Daschle, Senator Johnson, and others, is the same. This is a very important issue to our State and an issue we hope we can find some redress to in this appropriations bill.

My amendment seeks to fund a new piece of legislation passed last year with a great deal of fanfare because the situation is so obvious relating to the West Nile virus sweeping the United States.

Because of this very frightening situation, the Congress acted appropriately last year. Several Members joined together with States that had been very hard hit to pass a new piece of Federal legislation saying yes, the Federal Government should step to the plate and help our States with treatment, with education for the population, with prevention, and also with methods in place to basically kill the mosquitoes and kill the dangerous larvae that create the situation.

There are a lot of serious issues. I don't mean to compare this in any way with the degree of the heartbreak in which we engage in the war in Iraq because that is such an international and extremely important issue. Just to let the taxpayers know, to date we had 286 people die in a war; we have had 246 people die in the United States of West Nile virus. The small, modest amendment I am offering, which is only $100 million, to fully fund this program makes small grants available to the States. This would help save lives, would help the country become more aware of what individuals and communities can do to protect themselves. Hopefully, with just a little bit of help from the Federal Government, our States will step to the plate.

In 2002, we had 884 cases reported in Illinois. In that State alone, 64 people have died. In Michigan, we have had 614 positive cases of West Nile and 51 people died as a result. My State has been hard hit. In Louisiana we had 329 cases in 2002 and 25 deaths. Other States that have registered high numbers of cases are Colorado, South Dakota, and Louisiana for 2003. Mosquitos are not a new enemy in Louisiana. As a low-lying swampy place, we have been battling this for literally hundreds of years. However, they are more than a nuisance; they are deadly. This is a very serious public health issue in the United States.

The bill last year was passed with great fanfare, authorizing a very simple, modest, but important Federal program to help give moneys to local counties—in our State that would be parishes—to help with mosquito abatement programs. It requires a local government match. Without this money there will be no assistance for the State and local governments to help with the West Nile virus and mosquito control. This funding will make it possible for State and local jurisdictions to develop and implement effective programs. I am proud to say Louisiana has been a leader. Of course, for 300 years we have been fighting mosquitos. We have a lot of experience. Many of the coastal States, including North Carolina, have experienced difficulties, as well as Alaska, I understand. It is interesting to note that it is not limited to just the coastal States.

Again, the highest incidence is in Illinois, Michigan, and Ohio. People are dying. This can be a fatal condition.

Madam President, my amendment seeks to fund the new but very important program to help local governments deal with the West Nile virus. I hope we find the resources in this budget to do so.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I will use a couple of minutes of leader time to compliment the distinguished Senator from Louisiana for her amendment. I am pleased to be a cosponsor. This is a particularly difficult problem for many in the Upper Midwest. We now have more than 500 South Dakotans infected by West Nile and seven people have died. Last week 41 cases were reported in 1 day in our State. That we had only 37 cases last year versus over 500 is a sign of the dramatic increase in the problem we are now experiencing. This is a very serious health issue. Tribal populations, in particular, in South Dakota are concerned about accessing the West Nile funding that is available. This amendment contains a tribal set-aside which will help them to access the funds directly from the CDC.

While the problem is particularly acute in South Dakota right now, West Nile virus, as the Senator from Louisiana has pointed out, is a national problem. Over 4,150 cases across the country have now been identified, and nationwide more than 280 people have already died.

This situation is a national issue that deserves far more national attention than the CDC has been able to give it so far. That is why the amendment is so critical and that is why I am hopeful that, on a bipartisan basis, we can support it this afternoon.

I yield the floor.

Mr. JOHNSON. Mr. President, today I join my colleagues Senators Landrieu and Daschle in offering this West Nile Virus amendment to the Labor-HHS appropriations bill. As many of you know, West Nile Virus has returned this mosquito season and has already impacted numerous states. Particularly hard hit this year have been Colorado, Nebraska, Wyoming and my home State of South Dakota. Last year, South Dakota only experienced 37 human cases of West Nile, and this year that number has already risen to 583 cases and 7 deaths, representing the highest per capita rate in the Nation.

It is hard to believe that just a few short years ago West Nile Virus had never even been heard of in this country, and this year the total case count has climbed to almost 3000 and took the lives of many. In just one year we learned that this illness could be transmitted not only by mosquitoes, but through blood, tissues and even breast milk. Our recent experiences with this illness and Severe Acute Respiratory Syndrome are just two examples that should make us aware of how critical it is that we be prepared to respond swiftly and effectively to newly emerging infectious disease threats that now face our country and our friends across the globe.

Over the last month, I have met with experts on this issue in South Dakota, as well as CDC Director Dr. Julie Gerberding to try and get a better handle on what is happening in my State and across the Nation regarding this virus. What I have heard from the experts in South Dakota is that our cities and counties are woefully underfunded and ill-equipped to handle the pressing needs to get information to the public and protect the public health from this threat. Community understanding of the virus and how to combat it at the local level is minimal, and State and Federal support is sorely needed.

I have also heard from people in Indian Country who have said that fear is rampant on the reservations and that there is virtually no money for public education and even less for mosquito abatement. Our State lab capacity is fairly good, but turnaround time on tests takes several days and the lab is not open 24 hours, 7 days a week. The medical community has indicated that less than optimal lab testing capabilities for West Nile has resulted in doctors ordering unnecessary and costly tests and treatments.

For these reasons, it is important that we fund not only the newly enacted Mosquito Abatement for Safety and Health or MASH Act, which will provide local communities with funds for mosquito abatement, but also provide CDC with additional funding under its existing authorities for other public health activities in 2004. In South Dakota and I imagine in other States, health departments, public health professionals and the provider community are doing everything they can to prevent and control this illness with resources available. However, we can do better to help them improve public health infrastructure, public education and increased lab capacities, which all mean better West Nile prevention, surveillance and detection of an illness that has challenged South Dakota's public health system and others around the Nation.

Investing in these types of activities will allow us to prepare for next year, when States like mine may experience an even worse outbreak of the virus in South Dakota. In my discussions with Dr. Gerberding last week, she indicated that experts believe that the virus will move West, and has the potential to hit larger communities in California and across the coast, which could present an even greater public health challenge than what we have experienced in South Dakota this year.

I thank Senators LANDRIEU and DASCHLE for their work on this amendment which will provide $100 million to fund the MASH Act, which did not receive any funding in the President's budget nor in the current bill on the floor. This amendment will also provide $25 million for other West Nile public health-related grants to States through the CDC to provide public education, information dissemination and basic public health infrastructure. We have also included funding for tribal set asides through these two appropriations which is so important to our reservations that have been hit hard by West Nile this year with little financial assistance.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is no doubt about the seriousness of the problem of West Nile. I made a trip to the Centers for Disease Control on Saturday and took a look at their operation, took a look at their charts, took a look at their projections as to where West Nile had struck, the number of illnesses, the number of fatalities. However, we are funding the Centers for Disease Control now at $5.760 billion. It is true $1.100 billion is directed additionally for bioterrorism, but that agency is extensively funded.

With respect to the allocation directly for West Nile, they have $36.760 million in this bill. We have in NIH at least $40 million more, for a total of $76 million. Here again, I would like to see additional funding if we had the money.

When we talk about the funding for the mosquitos of $100,000, I went over, in a lengthy visit at the Centers for Disease Control, their priorities and their needs. That is a program just recently authorized. There was no request by the administration. With the tremendous constraints on the rest of the bill we did not fund it. However, I believe we have adequately funded West Nile. And certainly we have funded the Centers for Disease Control. So they are in a position to allocate additional funds if they think it is necessary. But on this phase of the record, I think our appropriations bill is adequate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, the manager of the bill is soon going to offer a unanimous consent request to start a series of votes forthwith: is that right?

Mr. SPECTER. That is correct, Madam President.

Mr. REID. Madam President, I say, while the Democratic leader is on the floor, we on the minority side have said we are going to do everything we can to finish this bill today. But we have just been informed that starting at 3:15, there will be no votes for probably 2 hours. That is going to make it very difficult.

So I hope during this first vote, the two leaders can visit to see if there is some way we can condense that time. Otherwise, it is going to be very difficult to finish this bill at a decent hour tonight.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I support what the assistant Democratic leader has had to say. We have six votes stacked now. We are going to have quite a number of additional votes. There is a tempo around the Senate of completing the bill. If we are to finish this bill tonight, we are going to have to work through.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If the Senator yields, I, as chairman of the committee, understand fully the necessity to have these votes and this momentum continue. But in my time here in some 35 years, I have never seen the unveiling of a statue for Statuary Hall be interrupted by a vote.

I suggest if we are going to have votes, we could stack a vote. It only means stacking one vote to do that. But from the hour of 4:30 to 5:30, I believe the honor we are bestowing on the former Vice President, by putting his bust in the Hall, should be respected. I hope the managers of the bill will comply with tradition and allow that to continue. It just merely means stacking a vote. If one, by chance, is to be scheduled between 4:30 and 5:30, I urge that it be stacked beyond the hour of 5:30.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, I say to my friend, the distinguished chairman of the committee, we will work any way we can. I served with Senator Quayle, Vice President Quayle, and want to make sure he receives the honor to which he is entitled.

We also have a briefing upstairs, so it is not an hour we are concerned about; it is 2 hours. We have an obligation on this side, having told the manager of the bill and the majority leader we would finish this bill tonight. I am just saying, it is going to be really tough when we have 2 hours of basically doing nothing.

Mr. SPECTER. Madam President, I suggest we move to the next vote.

AMENDMENT NO. 1609

Madam President, the first vote is on the amendment offered by the Senator from California, Mrs. BOXER, on afterschool programs. This account has $1 billion in it. It has an increase of some $400 million over and above what the administration has requested.

Here again, if we had a larger allocation under the budget resolution for this subcommittee, we could do more. But I think the appropriation of $1 billion is realistic and reasonable within the constraints of the subcommittee.

Therefore, I raise a point of order under section 504 of the concurrent resolution that the pending amendment is in violation of the Budget Act.

Mr. REID. Is the Senator talking about the Boxer amendment?

Mr. SPECTER. Yes.

Mr. REID. Madam President, under the applicable statutes, I move to waive the budget point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Madam President, I ask unanimous consent that on the subsequent votes, as we proceed through as many votes as we can complete before 3:15, the votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair and call for the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I yield 1 minute to the distinguished Senator from California from leader time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask a minute of my colleagues' time to call attention to this vote we just cast because I think sometimes we go through the motions and we do not connect the dollar amounts to the children.

We have just deprived 300,000 children in every one of our States of afterschool care, after being told by law enforcement that it helps solve crime problems, after being told by parents that it makes their children happy, after learning from study after study that the kids do better.

I think it is very sad, indeed, for the children of America to know they will not have this afterschool opportunity that will keep them on the right track when we are giving billions of dollars to the children of Iraq and billions of dollars to the children of Afghanistan. Lord knows, I want to help them, too. But how about the children of America who were promised in No Child Left Behind that they would get afterschool care?

This program has been flat-lined for 3 years in a row. It is a sad day, and I hope we will reverse ourselves at a future date.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Now we go to the Landrieu amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1610

Ms. LANDRIEU. Madam President, there are fewer issues that bring consensus to the table than the issue of adoption. We in this Congress have worked in a bipartisan manner to help our families be stronger and safer and to help children in foster care.

There are 570,000 children in foster care. This amendment allows us to help them with $118 million to live up to the commitments we have made to these children.

Madam President, 100,000 of them are orphans. We promised to help 25,000 who age out of foster care get a chance to go to college. These children have no parents. We are their parents. If we do not help them get to school, they are not going. That is what this amendment does.

We agree on adoption. We agree on improvements to foster care. Let us vote to increase the funding. It is minuscule and inconsequential to this budget, but it is of enormous importance to this group of people and to these children.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is no doubt about the desirability of the program encompassed in the amendment by the Senator from Louisiana. We already have in the account $100 million. I wish we had more money, but that is the maximum we can do with the budget resolution within the allocation. Therefore, with reluctance, I raise a point of order under the Budget Act and the resolution and say that the amendment by the Senator from Louisiana is not in order.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the list of States and the amounts of money that will be lost be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROMOTING SAFE AND STABLE FAMILIES PROGRAM ESTIMATED ALLOTMENTS AT FY2003 ENACTED LEVEL AND FY2004 ADMINISTRATION-REQUESTED LEVELS

[Dollars in thousands]

	FY2003 enacted appropriation level	FY2004 requested funding level
Alabama	$8,126	$10,112
Alaska	803	999
Arizona	6,129	7,626
Arkansas	4,792	5,963
California	54,345	67,621
Colorado	3,230	4,019
Connecticut	3,452	4,295
Delaware	751	935
District of Columbia	1,664	2,070
Florida	16,973	21,119
Georgia	12,613	15,695
Hawaii	2,264	2,818
Idaho	1,179	1,467
Illinois	16,215	20,176
Indiana	6,033	7,507
Iowa	2,375	2,955
Kansas	2,084	2,593
Kentucky	6,721	8,363
Louisiana	10,753	13,380
Maine	1,523	1,895
Maryland	5,360	6,669
Massachusetts	5,479	6,818
Michigan	13,664	17,002
Minnesota	3,947	4,911
Mississippi	6,044	7,521
Missouri	7,793	9,696
Montana	1,114	1,387
Nebraska	1,676	2,086
Nevada	1,277	1,589
New Hampshire	745	926

PROMOTING SAFE AND STABLE FAMILIES PROGRAM ESTIMATED ALLOTMENTS AT FY2003 ENACTED LEVEL AND FY2004 ADMINISTRATION-REQUESTED LEVELS—Continued

[Dollars in thousands]

	FY2003 enacted appropriation level	FY2004 requested funding level
New Jersey	7,353	9,149
New Mexico	3,575	4,448
New York	27,804	34,596
North Carolina	9,721	12,096
North Dakota	605	752
Ohio	12,148	15,115
Oklahoma	5,157	6,417
Oregon	3,952	4,918
Pennsylvania	15,057	18,735
Rhode Island	1,608	2,000
South Carolina	6,176	7,685
South Dakota	908	1,130
Tennessee	9,126	11,356
Texas	31,891	39,682
Utah	1,896	2,359
Vermont	725	902
Virginia	6,748	8,397
Washington	5,995	7,460
West Virginia	3,836	4,773
Wisconsin	3,976	4,947
Wyoming	488	607
Territories:		
American Samoa	214	250
Guam	401	483
Northern Mariana Islands	154	175
Puerto Rico	7,799	9,706
Virgin Islands	317	378
Set-Asides:		
Tribes	5,037	7,050
State Court Improvement	13,279	16,599
Evaluation, Research and T&TA	9,279	12,599
Total	404,350	504,978

Source: Prepared by the Congressional Research from information provided by the Department of Health and Human Services (FY2003 allocations) and published in HHS budget justifications (FY2004 proposed allocations).

Note: Numbers may not total due to rounding.

Ms. LANDRIEU. Madam President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for the purposes of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Madam President, the managers would like to have one additional vote before people go to the meeting with Secretary Powell. So I ask Senators to stay in the Chamber. If we are to finish this bill today, we are going to have to move along with dispatch.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Coirnyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, may we proceed with the Durbin amendment?

AMENDMENT NO. 1611

Mr. DURBIN. Madam President, like many Members of the Senate, I voted in favor of No Child Left Behind, a bipartisan effort to bring accountability to education, mandates on local school districts to test kids, and if the test scores did not meet certain levels they would be mandated to make necessary changes in the way they taught the children. The understanding was we would provide resources to the school districts to help them meet this challenge. This bill fails by $6 billion to provide the resources for the school districts.

My amendment says this: We will suspend the mandates. We require the testing to continue so we know the progress being made by the students. But unless and until we are ready to fund this bill as we promised, we are suspending the mandates on the school districts to move children within the school districts, and the other mandated requirements.

I say to my friends, when you go home and speak to the leaders in school districts, they will tell you, as good an idea as this was, Senator, you are not providing the funds. It is an unfunded Federal mandate.

I hope if you have heard the same story from your local school districts that are ready to work with us, ready to comply with No Child Left Behind, you will join me in suspending these mandates until we reach the funding level we promised under No Child Left Behind.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I yield my time to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will take 30 seconds and the Senator from New Hampshire 30 seconds.

Madam President, I ask the membership just to read the amendment:

> None of the funds made available may be used by the Department to enforce section 1116.

Section 1116 requires, out of the $12 billion, 10 percent to be used for training teachers for struggling schools. It requires 10 percent or more to be used for supplementary services for children. It provides flexibility for children in the poorest areas to have some choice for public school choice.

It provides also about $800 million for new curriculum. Why in the world do we want to have $3 billion of the $12 billion in a slush fund? We know what works—good teachers, good curriculum, good supplementary services. That was the bill that came out of our committee. That is what this will undermine. Just read the last three sentences. It says nothing in this section shall be construed to prohibit a State or local agency from implementing. That is an option. It isn't a requirement.

I hope the amendment will be defeated.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I want to associate myself with Senator KENNEDY on this amendment. It is unfortunately ill conceived because its practical effect would be to deny parents the empowerment tools which we give them under the No Child Left Behind Act—specifically, the tools to get tutorial services for their children if the school they are in isn't working, and to get the opportunity to send their children to other public schools if the school they are in isn't working.

The No Child Left Behind Act was aimed at low-income children and giving parents of low-income children the tools to educate those children so they are not left behind.

The Durbin amendment would put a stake through the heart of the essence of the No Child Left Behind Act.

Mr. DURBIN. Madam President, how much time is allocated under this amendment?

The PRESIDING OFFICER. Ten minutes.

Mr. DURBIN. Ten minutes?

Mr. REID. No. Madam President, it is 1 minute.

The PRESIDING OFFICER. The Chair understands that there is an agreement for 1 minute on each side.

Mr. DURBIN. How much has been consumed on each side?

The PRESIDING OFFICER. One minute.

Mr. REID. Madam President, I am happy to hear everybody speak. But this whole system is flawed. If we are going to have 1 minute, I would ask the Chair to hold to 1 minute. I went to the Republican side today: Please have the Chair stick to what the rules are. We want to try to finish this bill. But these speeches are unending on both sides.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SPECTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—28

Baucus
Boxer
Breaux
Byrd
Cantwell
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Feingold
Harkin
Hollings
Inouye
Jeffords
Johnson
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (NE)
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NAYS—67

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kennedy
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nickles
Pryor
Reed
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The amendment (No. 1611) was rejected.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1544, 1560, 1578, 1558, AND 1552, AS MODIFIED, EN BLOC

Mr. STEVENS. Madam President, I have at the desk a series of amendments that have been modified. I ask that these amendments be modified and adopted. They are amendment No. 1544 by Senator AKAKA; amendment No. 1560 by Senator DEWINE; amendment No. 1578 by Senator DEWINE; amendment No. 1558 by Senator KOHL; and amendment No. 1552 by Senator MIKULSKI.

I ask unanimous consent they be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that the amendments be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments, as modified.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1544, AS MODIFIED

At the end of title III, insert the following:

SEC. 306. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,000,000 to carry out the Excellence in Economic Education Act of 2001.

AMENDMENT NO. 1560, AS MODIFIED

On page 61, between lines 14 and 15, insert the following:

SEC. . To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $23,854,000, including amounts otherwise made available in this Act for such centers.

AMENDMENT NO. 1578, AS MODIFIED

On page 76, between lines 10 and 11, insert the following:

Sec. . For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $2,235,000.

AMENDMENT NO. 1558, AS MODIFIED

At the appropriate place insert the following:

Sec. . In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided*, That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

AMENDMENT NO. 1552, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. . STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the "MQSA") to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) FUNDING.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1616 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I offer an amendment on behalf of Senators COLLINS and FEINGOLD regarding funding for dental health and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. COLLINS, for herself and Mr. FEINGOLD, proposes an amendment numbered 1616.

Mr. STEVENS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for grants for innovative programs to address dental workforce needs of designated dental health professional shortage areas)

On page 49, line 21, insert before the period the following: ": *Provided further*, That of this amount, $3,000,000 shall be made available to carry out section 340G of the Public Health Service Act (42 U.S.C. 256g) (in addition to other amounts appropriated under this title for such purpose)".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1616) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1617 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator INHOFE regarding impact aid and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. INHOFE, proposes an amendment numbered 1617.

The amendment is as follows:

(Purpose: To provide additional funding for Impact Aid programs)

On page 63, line 2, strike "$1,188,226,000, of which $1,025,292,000" and insert "$1,193,226,000, of which $1,030,292,000".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1617) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1618 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator WYDEN regarding an NIH report and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. WYDEN, proposes an amendment numbered 1618.

The amendment is as follows:

(Purpose: To provide for a report on the availability and affordability of products developed with public funding)

On page 61, between lines 14 and 15, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Director of the National Institutes of Health shall submit to the appropriate committees of Congress a report that shall—

(1) contain the recommendations of the Director concerning the role of the National Institutes of Health in promoting the affordability of inventions and products developed with Federal funds; and

(2) specify whether any circumstances exist to prevent the Director from promoting the affordability of inventions and products developed with Federal funds.

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1618) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1619 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator ENSIGN regarding census data and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ENSIGN, proposes an amendment numbered 1619.

The amendment is as follows:

(Purpose: To provide for annually updated educational agency level census poverty data)

On page 62, line 6, insert "annually" after "obtain".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1619) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1620 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator SPECTER and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, proposes an amendment numbered 1620.

The amendment is as follows:

(Purpose: To provide an offset for additional spending)

At the end of title V, add the following:

SEC. . (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $14,735,000.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1620) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I state for the record, all of those amendments were cleared by both Senator SPECTER and Senator HARKIN as managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1588 TO AMENDMENT NO. 1542

Mr. BINGAMAN. Madam President, I ask unanimous consent to call up amendment No. 1588 for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. LAUTENBERG, Ms. CANTWELL, Mr. BAUCUS, Ms. STABENOW, Mr. LEVIN, Mr. DURBIN, and Mr. PRYOR, proposes an amendment numbered 1588.

Mr. BINGAMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low Income Home Energy Assistance Program)

On page 42, line 25, strike "$2,000,000,000." and insert "$3,000,000,000: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $3,000,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.".

Mr. BINGAMAN. Madam President, this amendment is offered by myself and Senators LAUTENBERG, CANTWELL, BAUCUS, STABENOW, LEVIN, DURBIN, PRYOR, LINCOLN, KENNEDY, KERRY, and FEINSTEIN.

This is an issue that I think deserves a little more attention before we complete action on this appropriations bill. This an amendment that relates to LIHEAP, which is an acronym we use in the Congress and in Washington to talk about the Low Income Home Energy Assistance Program.

I ask unanimous consent that letters from the American Gas Association, the Campaign for Home Energy Assistance, and the Southern States Energy Board endorsing this amendment be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Madam President, this amendment, as I have proposed it, would increase funding in the bill for the Low Income Home Energy Assistance Program by $1 billion for this next fiscal year. The amendment would bring the total funding for the LIHEAP State grants up to $3 billion rather than the $2 billion that is provided in the bill.

These grants are allocated at the beginning of each fiscal year to each of the 50 States and to the territories and Indian tribes on the basis of a statutory formula.

Let me begin by saying, Senator SPECTER, the manager of this bill, and Senator HARKIN, the ranking member on the subcommittee, have consistently championed the LIHEAP program in the appropriations process. But it is clear they do not have room in this budget resolution that was presented to adequately fund this program.

Obviously, the question is, Why did we adopt a budget resolution that did not provide room? I certainly think that is where the mistake was made and where I disagreed with many of my colleagues.

The amount of funding for LIHEAP that has been appropriated in the past has been enough to help 15 percent of the households that are eligible for that assistance. And as to those 15 percent, for the families who are covered and actually have received that help, the average grant they have received has covered about 10 to 25 percent of their home energy costs.

We had an amendment earlier today by Senator REED of Rhode Island and Senator COLLINS of Maine on this very same issue—not on this exact issue but on adding funds. They proposed to add $300 million to the emergency funding available under the Low Income Home Energy Assistance Program. Now my proposal is to add $1 billion to the core program—not the emergency part of it but the core program.

I point out to my colleagues that 49 Senators voted for that amendment as compared to 46 who voted against it, but the amendment failed. And just for those who have not followed our procedure that closely, why would an amendment fail when more Senators supported it than opposed it? It failed because those Senators were not able to get a full 60 votes which were needed to waive the Budget Act.

Well, the question is, Why did they need to waive the Budget Act for that amendment? The amendment contained an offset so that it was not, on a net basis, going to cost more, but we are advised that the offset was not adequate to meet the Budget Act requirements. In fact, the very underlying bill we are going to vote on, presumably later this evening, violates the Budget Act as well.

So we have a situation where the majority of Senators present and voting cannot prevail on an issue they believe is important because of the Budget Act provisions we imposed on ourselves and with which I strongly disagree.

LIHEAP funding has remained essentially level without adjustment for inflation over the last 20 years. We all know the cost of energy to our households around the country has increased very substantially. Now 60 percent of our homes are, in fact, heated by natural gas and, in fact, cooled by that same energy source.

The Department of Energy predicts an average price delivered to the consumer this year of $9.42 per thousand cubic feet for the cost of natural gas. That $9.42 compares to $6.69 that the average consumer had to pay in 1999.

Compared to last winter, which was a very tough winter for gas consumers, the Energy Information Agency predicts costs will be at least 10 to 15 percent higher this year.

The reason I am raising this issue and talking about it is that I believe we will regret our decision to not provide additional funds for the Low Income Home Energy Assistance Program when we get further into this winter.

Forty-three of my colleagues in the Senate joined me in a bipartisan letter to Chairman SPECTER and Ranking Member HARKIN requesting that this core Low Income Home Energy Assistance Program be funded at the level of $3 billion for this next year. They have not been able to do that.

We are faced with another winter heating season in which there is a great potential for very high natural gas costs, very high heating oil prices for consumers. There will be many low-income Americans who will have great difficulty dealing with those increased prices.

The obvious question that will be asked of us and should be asked of us is what is our plan to deal with the expected high costs of energy this winter? Unfortunately, our answer is, we are going to maintain level funding for LIHEAP. That is not an adequate answer. It is not an adequate answer for this administration or for this Congress. For us to say we are sorry, we couldn't do any better because the budget resolution wouldn't let us, the budget resolution was voted on by a majority of Senators, was approved by a majority of the Senators. Clearly, the Senate shares the responsibility to find a solution to the problem.

EXHIBIT 1

AMERICAN GAS ASSOCIATION,
September 8, 2003.

DEAR SENATOR: On behalf of the 191 members of the American Gas Association who serve over 53 million consumers of natural gas, I am writing in strong support of the Bingaman and Reed-Collins amendments to increase funding for the Low Income Home Energy Assistance Program (LIHEAP) during consideration of the FY04 Labor, HHS and Education spending bill.

The winter heating season is approaching and it is imperative that funding for LIHEAP is increased. The LIHEAP program is woefully under-funded, providing assistance to approximately 4 million households, or only 15 percent of the 30 million households eligible for assistance. Yet demand for energy assistance continues to grow due to high unemployment levels, high energy prices and unpredictable weather conditions.

According to the Bureau of Labor Statistics, the unemployment rate in August remained extremely high at 6.1 percent. A total of 8.9 million people currently are unemployed across the country. Job losses were seen in the manufacturing sector, some travel-related industries, and in the retail industry.

At the same time, according to the Energy Information Agency (EIA), compared to last year, this year's energy prices are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane and 11 percent higher for electricity. The high energy prices are due in large part to the unusually cold winter experienced in various regions of the country this year, which increased demand for home heating. Natural gas commodity prices continue to bounce between $5.00 and $5.25 per mmbtu, and natural gas storage inventories are 7.5 percent below the five-year average.

The amendment proposed by Senator Bingaman would increase LIHEAP funding to $3.0 billion, representing a $1 billion increase over the $2.0 billion currently proposed in the FY04 Labor, HHS and Education spending bill. The Reed-Collins amendment would provide an additional $300 million in emergency LIHEAP assistance. Both of these amendments will be extremely helpful in protecting low and fixed-income individuals during the winter heating season, and also will make available much needed cooling assistance next summer.

We urge you to recognize the impact the weak economy and the high price of energy is having on low and fixed-income energy consumers. Low-income energy assistance must be increased dramatically before we find ourselves in a crisis. We strongly urge you to support the Bingaman and Reed-Collins amendments. If you have any questions, suggestions or concerns, please contact me personally at (202) 824-7111.

Thank you for your consideration.

Sincerely,

DAVID N. PARKER,
President and CEO.

CAMPAIGN FOR
HOME ENERGY ASSISTANCE,
Washington, DC, September 8, 2003.

DEAR SENATOR: I am writing on behalf of the Campaign for Home Energy Assistance to urge you to support the Bingaman and Reed/Collins amendments to increase funding for the Low Income Home Energy Assistance Program during consideration of the Labor/HHS/Education Appropriations Bill for Fiscal 2004.

Senator Bingaman's amendment would increase baseline funding LIHEAP (the "regular" allocations provided to the states) from $2.0 billion to $3.0 billion. The Reed/Collins amendment would add $300 million in LIHEAP emergency funds that could be released at the President's discretion.

Both amendments will be extremely helpful in protecting low- and fixed-income individuals during the winter heating season and also make available sorely needed cooling assistance next summer.

Price volatility, temperature extremes and an unstable economy have combined to create a "perfect storm" that has hammered our nation's most vulnerable citizens.

Seniors, people with disabilities and the working poor have been particularly hard hit. They generally carry a higher energy burden than most American households, and, for those people, the price tag has become dangerously unaffordable.

In testimony before a congressional committee this past summer, Federal Reserve Chairman Alan Greenspan said he was worried about the runup in natural gas prices, which have doubled over the past year, and the impact higher prices could have on the economy. Secretary of Energy Spencer Abraham, meanwhile, has warned that the average residential winter heating bill for a typical Midwest consumer could be $915 next winter—a 19 percent increase over last year—if prices continue to rise.

If the warnings of the Fed Chairman and Energy Secretary are to be taken seriously, and we believe they must, an increase in LIHEAP funding is absolutely essential to protect millions of people living in or on the edge of poverty.

According to the Bureau of Labor Statistics, 8.9 million Americans are currently unemployed. The August unemployment rate was at 6.1 percent, as high as it has been in many years. The Energy Information Agency, meanwhile, has reported that energy prices are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane and 11 percent higher for electricity compared with last year.

We urge you to recognize the impact of this "perfect storm" on those least able to cope with a higher energy burden.

Even if energy prices were to decline and the economy were to improve, LIHEAP would still be underfunded. Currently, only about one out of every five households eligible for benefits actually receives assistance. Many states regularly run out of LIHEAP funds and are forced to limit benefits, serve fewer eligible recipients or discontinue their programs before the end of the heating season. In states where cooling assistance is essential, programs also fall far short of the need.

Please support the Bingaman and Reed/Collins LIHEAP amendments to the Labor/HHS/Education Appropriations Bill. Your leadership will help many low- and fixed-income consumers through these difficult times. Thank you in advance for your consideration. If you have any questions, please contact me directly at 202-331-2962.

Respectfully,

DAVID L. FOX,
Communications Director.

SOUTHERN LEGISLATIVE CONFERENCE, THE COUNCIL OF STATE GOVERNMENTS,
Atlanta, GA, September 5, 2003.

To: Members of the U.S. Senate.
Re: LIHEAP Amendment to Labor/HHS Appropriations.
From: Colleen Cousineau, Executive Director.

As the Fiscal Year 2004 Labor/HHS Appropriations bill is brought to the floor of the Senate, the Southern Legislative Conference of the Council of State Governments (SLC), a bipartisan legislative organization representing the interests of more than 1,200 state legislators, urges you to support Senator Jeff Bingaman's amendment designed to increase LIHEAP funding by $1 billion.

As you are aware, the Low Income Home Energy Assistance Program (LIHEAP) is a federally-funded state administered program that helps qualified needy Americans heat and cool their homes. In light of unprecedented costs for natural gas, and for other reasons, LIHEAP is being stretched beyond its capacity to meet this challenge. Today, only 15 percent of eligible Americans can be served by LIHEAP. In the face of escalating energy costs, it seems certain even fewer Americans will be helped—unless the Senate votes to increase LIHEAP funding.

In its present form, LIHEAP is ill-equipped to respond to the needs of our citizens unless Congress appropriates additional funds for this critical program. Mr. Bingaman's amendment does this, and closely conforms to the SLC's recently unanimously-adopted LIHEAP policy position.

The SLC is pleased to endorse the Bingaman LIHEAP Amendment to the 2004 Labor/HHS appropriations bill and urges each Senator to vote for it.

AMENDMENT NO. 1588 WITHDRAWN

Mr. BINGAMAN. Madam President, in light of the fact that a 60-vote majority would be required for me to prevail on my amendment and in light of the fact that an earlier amendment on a related issue by Senators REED and COLLINS could not gain more than 49 votes, I will not push for a rollcall vote on my amendment at this time. I do call it to the attention of my colleagues. I hope at some stage before we adjourn this fall we are able to find a way to put additional funds into this very important program so as to head off the very real hardship that is going to be visited upon many of our citizens this winter.

Madam President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SCHUMER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 2 minutes of debate, equally divided, prior to each of the next three votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603

Mr. REID. Mr. President, I have an amendment that is pending. Would you give me the number of that amendment.

The PRESIDING OFFICER. The amendment is No. 1603.

Mr. REID. Thank you very much.

Mr. President, I don't think anyone would disagree that children are the hope of every culture. They certainly are the hope of this culture in our great country of America.

We look to our children and imagine a bright future for their sake. This is true for every group in America and every subgroup in America. It could not be more true for Latino Americans. Latinos are the youngest demographic group in the entire country. They are the fastest growing.

More than one-third of Latino Americans are under 18 years of age. Many came here with nothing to their name. Many of them had no education and some couldn't speak English. For these people, life is what it is and sometimes there is no hope of improving. But one thing that the Hispanic community does is work hard. They work hard in many instances to make a simple living. Some of them clean our houses, landscape our yards, wait on tables, park cars, make beds, and in other places they harvest the food for our tables.

They don't complain about their lot in life, but they dream of better opportunities for their children—our children—because children are the hope of the future.

The great aspiration of Latino Americans, as all immigrants who come to our country, is their children getting a good education.

We recognize that there is an unacceptable gap between the achievement of Latino students and the overall student population. In the State of Nevada, we have the fifth or sixth largest school district in all of America, approaching 300,000 students. Thirty percent of the kids in that school district are Hispanic. Large numbers of those children in comparison to other ethnic groups don't graduate from high school.

Some have asked why. All the reasons are not in but some of the reasons are they are such hard-working people, the business community recognizes that and, in many instances, entices them to work and not to school by offering them jobs. They are young and impressionable, and a job offers what appears to them to be a lot of money; as they proceed through life, they continue to earn the same money as adults as they earned when they were teenagers. They drop out of school for that reason.

Also, most of the Hispanics in the State of Nevada come from Mexico. Mexico does not have the tradition of public education we have, which is another reason there are dropouts. Of course they do not have the parental involvement as a result of their parents not being educated.

So there are a number of reasons. All the reasons are not in. I have named a couple of the reasons these young boys and girls drop out of high school much more quickly than other ethnic groups. We agree it should be this Nation's policy to leave no child behind. This does not say we leave no Caucasian child behind. This act does not say we leave no Asian American behind. This act does not say we leave no African American behind. No, this act says we leave no child behind no matter their race, creed, or culture.

Now it is time to live up to those words and keep our promise. That is why I offer this amendment, amendment No. 1603, the Hispanic educational opportunity amendment to help Latino students achieve their dreams. This amendment invests an additional $190 million in our Nation's future by strengthening these programs.

I told my good friend, the Democrat manager, the amendment was $210 million—and it was, earlier—and we changed it for a number of reasons. This is for Hispanic-serving institutions, migrant education, high school equivalency programs, college assistance migrant programs, local family information centers, bilingual education and Head Start for children of migrant workers. These programs give Latino students a step up the ladder of education so they can realize their aspirations.

The 252 Hispanic-serving institutions, which have at least 25 percent Latino enrollment, are the main bridge between Hispanic opportunities and higher education. Despite appropriations under title V, these institutions still have not reached Federal funding parity with other degree-granting institutions. This amendment adds $6.4 million to help address this inequity.

The high school equivalency programs provide academic instruction, counseling, computer-assisted teaching, and career awareness to migrant students for the GED. The Senate's fiscal year 2004 Labor, HHS, and Education appropriations bill slashes funding for these programs by 43 percent and eliminates 23 programs that achieved a combined GED completion rate of 73 percent.

The proposed budget also cuts the College Assistance Migrant Program by $400,000. CAMP, or the College Assistance Migrant Program, recruits are talented migrant high school graduates, GED recipients, and they mentor them through their first year of college. Before CAMP was created, there was no record of a migrant child having completed college. Since its inception, nearly 75 percent of all CAMP students receive a college baccalaureate degree.

The existing HEP and CAMP programs serve approximately 15,000 students. Remember, for every one of these students we keep in school or put through college, we save our country much money. It is estimated that for every $1 we spend on the programs, we save the Government upwards of $10 in justice costs, insurance costs, welfare costs. For every child we keep in one of these programs, our country makes money. Over the next 5 years, 170,000 migrant children will become eligible for this program while 140,000 will qualify for CAMP. Funding for these programs should be increased, not cut. That is why my amendment adds $11 million for HEP programs and $1 million for CAMP.

We also need to make the Head Start Program available to more children of migrant workers so they have a fighting chance to do well in school. In the relatively small State of Nevada, we have hundreds of migrant students. In Amargossa, in Nye County, they make up more than half of the students. These children, many times, have very hard lives. If any child ever deserved a head start in school, they do. Yet we have not a single migrant Head Start Program in all of the State of Nevada.

About 20 percent of the State of Nevada is Hispanic. Nationally, only 19 percent of the eligible migrant children are served by Head Start. The rest are left behind, even before they begin school, even though we have a program that says Leave No Child Behind. We need to offer Head Start to at least 10,000 migrant children. This amendment moves us toward that goal.

We know that parental involvement is crucial to a child's success. That is why the local family information centers were created by the No Child Left Behind Act. These are community-based centers that provide parents of title I students with information about their children's schools so they can get involved in their education. It does much more. An additional investment here of $13 million strengthens ties between Latino families and the children's schools. We know parental involvement is a success for the teachers and for the students. This might seem like a lot of money, but it will save much more, as I have stated, in the long run—almost 10 to 1. You do not have to be from Nevada to bet on these odds.

One way this investment will pay dividends down the road is by building a stronger labor force. Already, one-third of new workers who join our labor force are Latino. In 20 years, it will be one-half. These are the workers who will pay our taxes, build our roads, keep our military strong, educate our grandchildren, protect our environment.

It is important we educate our grandchildren and our great grandchildren and provide for our Social Security. Our own future will depend upon the hopes, the aspirations, and the dreams of our Latino neighbors. These programs might not seem that important to some, but to the individuals involved, they provide greater opportunities for these children. They give Latino Americans, their parents, but also all Americans, a better chance for having a better society. They give these boys and girls a chance for realizing their dreams and aspirations.

We had a vote similar to this earlier this week. We had the usual performances on both sides of the aisle: Vote with me; vote with me; do not vote with the minority; the vote might pass. We had three very courageous Republicans crossing over the line and voting for these young boys and girls: Senator SMITH of Oregon, Senator HUTCHISON of Texas, and Senator DOMENICI of New Mexico. I appreciate their courage and their individualism, their independence, in voting for these young people.

I yield the floor.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Madam President. I thank the Senator from Arizona, who I understand has a legitimate concern about the way this bill is proceeding, and I appreciate his indulgence in allowing me to talk about an amendment.

Mr. REID. Could I ask my friend a question?

Mr. SANTORUM. I would be happy to yield to the Senator.

Mr. REID. We have a vote scheduled for 5:20. We may not be able to have it now. You are going to speak probably until that time?

Mr. SANTORUM. Maybe not until that time, but no longer than that time. I will certainly stop whenever we are ready to move forward with any pending business.

Madam President, a couple months ago we had a very good debate, late at night on the floor of the Senate, on the issue of AIDS in Africa. We made a commitment in that authorization bill to follow through with the President's plan, his announcement earlier this year to put forward $15 billion over the next 5 years to meet this scourge that is ravaging so many countries in sub-Saharan Africa, the scourge of AIDS.

The President had the moral courage and provided leadership to the world prior to the G–8 summit to come forth with a big commitment of American dollars, of $15 billion over the next 5 years, to combat AIDS, in terms of education, prevention, treatment, transmission—all of the areas that are so important and were, frankly, being neglected by the world community.

America had done a reasonable job in providing some funds—roughly $1 billion a year—toward this problem. The President stepped up and said: No, that is not sufficient. We need to do $15 billion over the next 5 years. The President made a budget request that put us on the road to that. It was not $3 billion a year for 5 years, but it was an aggressive increase in the amount of funding the United States would provide.

Subsequent to his budget request, we passed an authorization bill which said the following: that this country would come up with $10 billion in bilateral aid, through our agencies of the Federal Government. We would be contributing money either directly to other countries or to nonprofit, sometimes faith-based, organizations for prevention, education, treatment, and other means of dealing with this problem.

Unfortunately, in this bill, and in the foreign operations appropriations bill, the combined amount of money for the accounts for the President's AIDS initiative comes not to $3 billion but to a little over $2 billion, $2.050 billion.

Now having said that, this is a tight budget year. And it is a significant increase over the amount of money that was provided for last year, which was an increase in last year's appropriations. So I do not want to cast any aspersions on any of the appropriators for the work they have done. They have provided a significant amount of increase appropriate with the President's—close to, not exactly but close to what the President originally suggested prior to his big AIDS initiative.

I would suggest that what we need to do in the Senate is, to the best of our ability, meet the expectations we set with respect to the passage of the authorization bill a couple months ago—the expectations of the world community, which in the G–8 summit responded generously with contributions they were told would be matched by Federal dollars to the tune of for every $2 of international contribution to the Global Fund there would be a $1 contribution from the U.S. Government for up to 1 billion of U.S. dollars going into the Global Fund.

To date, we have received roughly $700 million in commitments from the international community, which means that to fund our match in this bill we would need roughly $350 million. So for $700 million of international commitment, $350 million—$1 for every $2 pledged—would be necessary in either this bill or the foreign operations appropriations bill.

I am happy to say in the two bills combined, there is $400 million for the global fund earmarked for matching, and that is in anticipation of some additional dollars being pledged by some other countries. There are a couple of other very significant countries yet that have not pledged, and I think with great foresight the members of the Appropriations Committee put forward roughly $400 million to match the anticipated contributions from the rest of the world.

So on that score, I would make the argument that the authorization levels we had committed have been fulfilled. Some have suggested—in fact, others who have offered an amendment on this subject suggested—we need to appropriate $3 billion to meet our commitment of $3 billion a year for 5 years. The commitment was $2 billion a year plus whatever was necessary to match up to $1 billion.

It seems fairly obvious the match necessary is only going to be no more than $400 million. So I would argue the $400 million that is in these bills is sufficient to meet the commitment this country made, this Senate made, and this President made in matching dollars from the international community, which leaves us with the bilateral commitment.

The bilateral commitment was $2 billion in the authorization bill. The President has said from the start that he was not going to start out at $2 billion. He was going to start out at a lesser number and ramp up as capacity was going to grow. I respect that. I know the President is trying to stay within a very tight budget with respect to both foreign and domestic programs, other than what would be considered war-related expenditures. He came forward with a proposal for about $1.6 billion.

The two bills dealing with AIDS funding come up to the level of $1.65 billion. So the combined amount, the 400 and 1.65 is $2.50 billion, which is short of the authorization level by $350 million.

That $350 million would allow us to fully fund our $2 billion commitment under the authorization. Again, I understand that the House level is lower than that. I think it is important for us in the Senate to come forth with a number that is closer to what the expectation was when we put forward this authorizing legislation a couple months ago.

I am going to be offering an amendment a little later—because I told Senator McCAIN that I would not be conducting any formal business, that I would just be talking about my amendment—to transfer $350 million to provide treatment and prevention programs to combat global HIV/AIDS. I underscore this: I am trying to do this so we can win this with 50 votes, in case of so many Members missing, maybe 46 or 47 votes. I would like to see this pass. I would like to see us make that commitment. Two point four billion dollars does meet the commitment that this Congress was put on the record for a couple months ago.

This is a rather big bill, almost a half-trillion-dollar piece of legislation before us. What I am requesting my colleagues to do is to support an across-the-board reduction of .0741, seven hundred forty-one thousandths of a percent reduction in all other funding so we could meet our commitment to the millions of people suffering in Africa and the Caribbean from this scourge of AIDS. I know there are a lot of people in the Chamber who don't like across-the-board cuts, thinking they are a gimmick. I assure you, those agencies that have experienced across-the-board cuts do not believe they are a gimmick. They are real. They reduce the amount of money in their appropriated account, and they have to deal with the consequences.

There are lots of programs that have received substantial increases in funding that surely a seven-hundredths-of-a-percent reduction is not going to have any kind of dramatic impact on them. But I assure you, a $350 million commitment to providing treatment and prevention—one of the programs that is underfunded in this legislation that Senator DEWINE has an amendment on is mother-to-child transmission. The money provided in this bill is actually lower than what the President requested.

We are doing a lot for people in America. I know there is a lot of need in America. But I think when you compare the need in America to the abject poverty and horrific health conditions in this area of the world, I cannot imagine that any one of these organizations that are providing help to those who are struggling here in this country, through health problems or whether it is improving the quality of education, that they wouldn't be willing to give seven-hundredths of a percent of their dollars up to save hundreds of thousands of lives across Africa.

That is what we are asking. I know it is not a popular thing to do. It is probably easier to say we will just borrow the money or we will advance fund or we will forward fund or backward fund or sideways fund, do some other gimmick to get around the budget rules so we don't have to count. It is important to put your money where your mouth is.

I don't think asking for a seven-hundredths of 1 percent across-the-board reduction to provide the money for those in the most need of the brother and sisters that we have in this world is too much to ask. I ask my colleagues on this side of the aisle, those of you who voted for the President's plan on HIV/AIDS, those of you who have just come back from Africa—I know there are many Members who were in Africa over the break who saw firsthand the tremendous human suffering that is going on there as a result of this pandemic. Seven-hundredths of a percent to provide the much needed medicine to treat those mothers suffering from HIV/AIDS, to prevent the next orphan from occurring in Africa, to prevent mother-to-child transmissions so we don't have children born who will be orphans if the mothers don't get treatment and then they themselves will contract AIDS—we can do something that is real, tangible, that saves lives and improves the quality of the life of the people and gives, more importantly, some hope to those who have no hope. To a world that has in many respects turned their backs to this problem, we will show here in the U.S. Senate that we are willing to give up a little bit, a little bit across the board from programs that may get us votes back home, seven-hundredths of a percent to provide for those who have no voice in the Senate.

I know at 5:20 we were hoping to try to get some votes. We are reaching that time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask an inquiry of Senator REID of Nevada. If he could tell me, I was going under the impression that we would move to a vote at 5:20 and I would speak to the amendment which I have pending, but if there is other information I should be aware.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Arizona was concerned. He had some questions. I have checked with the people on the majority. He has no problem with our going ahead with the first vote. So I say to my friend from Illinois, within a minute, the Chair will call the vote in compliance with the order previously entered.

Mr. DURBIN. May I inquire of the Chair, is there a unanimous consent agreement as to the time allocated to myself as sponsor of the amendment and anyone in opposition to speak before the roll is called?

The PRESIDING OFFICER. There is an agreement for 2 minutes equally divided before the vote on the amendment.

Mr. REID. I would say to the Chair, it is my understanding, also, we are going to do a better job of enforcing the 1-minute rule.

The PRESIDING OFFICER. The Chair will be so advised.

The Senator from Illinois.

Mr. DURBIN. May I further inquire at this point if the amendment has not been called, may I be recognized to speak, or is it time?

AMENDMENT NO. 1613

Mr. SANTORUM. Madam President, I ask unanimous consent that the Durbin Amendment be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are now 2 minutes equally divided. Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, for those tortured souls who are following this debate, understand what we have said about the centerpiece of education reform in America, No Child Left Behind. Yesterday, we said we were unwilling to provide the funds that we promised to make No Child Left Behind work—unwilling to provide the title I funds. We are going to undercut that funding by some $6 billion so money will not be available to help tutor children who are not doing well on tests.

In the previous amendment, I said if we are not going to provide the funds, we should not mandate the school districts to comply with No Child Left Behind, and that was defeated. So the Members of the Senate said, despite the fact we have not funded No Child Left Behind, we are going to enforce mandates on the school districts in America.

Now I give colleagues another chance. This says that when it comes to teacher quality and mandates in No Child Left Behind, we will provide the money we promised so that the teacher in the classroom is qualified to teach. It is a $450 million amendment. I commend it to my colleagues.

Mr. CRAIG. Madam President, the chairman of the committee has worked hard to resolve this issue in the current legislation. We have $3.378 billion as it relates to teacher quality programs and the enhancement thereof. This is a substantial increase. There is probably never enough, but because of the caps and the allocations necessary, there is more now than there ever has been.

I hope our colleagues will stand with the committee and chairman in opposing the Durbin Amendment.

With that, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal 2004 that the amendment exceeds the discretionary spending limits in this specified section and is not in order.

Mr. DURBIN. Madam President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oregon (Mr. SMITH) are absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Coleman
Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. HATCH. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1585

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided before the vote in respect to the Ensign amendment. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. I will be very brief. This amendment is adding $100 million for the afterschool programs. It is offset. We do a small across-the-board cut; it will only be .012 percent for the programs. I think any of the programs can take that. But in the process, we are going to be helping a lot of kids who otherwise are going to be becoming juvenile delinquents. We know the statistics. If you don't have kids in the right activities, they get into trouble. If they are sitting around with nothing to do, they get into trouble. Afterschool programs are perhaps one of the best anticrime measures we can take. I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Madam President, I say to my colleagues, be prepared. This is the first of the across-the-board cut amendments. As good as it sounds, afterschool programs, this is what this little cut will cost. It will deny 92 grants for research at the National Institutes of Health, it will take 1,134 kids out of the Head Start Program, it will mean 6,494 households will not be served by LIHEAP, and 403,000 meals for seniors will not be served.

This is a get-well amendment for many of our colleagues who have consistently voted against these education programs. Please, as good as it sounds, don't cut these valuable resources for NIH and other education programs to fund the afterschool programs as suggested by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. May I say for the record I thought it was my prerogative to oppose the amendment, but I would like to incorporate by reference everything the Senator from Illinois said as if I had said it. He did a good job.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is there a request for the yeas and nays?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), Senator from Florida (Mr. GRAHAM), Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 7, nays 87, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—7

Bunning
Coleman
Collins
Ensign
Gregg
Murkowski
Santorum

NAYS—87

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Allard
Edwards
Graham (FL)
Kerry
Lieberman
Smith

The amendment (No. 1585) was rejected.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I alert all Senators as to our schedule. I have had a number of inquiries as to what we will be doing. There are very few amendments remaining to be voted upon. Unless we are going to have a series of rollcall votes on amendments which the managers have agreed to, the senior Senator from Arizona has notified this manager there are objections to amendments.

At this time I ask unanimous consent to offer an amendment by Senator SESSIONS regarding the Centers for Disease Control on a plan related to blood safety and ask for its immediate adoption. The provision of the amendment is "not later than 90 days after the date of enactment of this act, the director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the global AIDS program."

The area of disagreement, if I may inform my colleagues, is whether the word "shall" will be in the amendment, which is what Senator SESSIONS insists upon, or whether it will be "may," which would leave it up to the discretion of the executive branch as to whether they will carry out the study.

If the yeas and nays are requested, I intend to ask my colleagues to deny a sufficient second. I have consulted with the Parliamentarian who advises that the rule is, to have a sufficient second, there must be one-fifth of those who previously voted, which would be 19 out of 95. If this will require a rollcall vote, I cannot predict how many rollcall votes we will have this evening, but I would not make dinner plans.

Mr. INHOFE. Regular order.

Mr. SPECTER. Mr. President, I ask unanimous consent for the adoption of the Sessions amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. I suggest the absence of a quorum.

Mr. INHOFE. Regular order.

Mr. HARKIN. Regular order.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

Mr. BREAUX. Regular order.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

AMENDMENT NO. 1614

Mr. HARKIN. Regular order, Mr. President.

Mr. McCAIN. Is the amendment debateable?

The PRESIDING OFFICER. The regular order is there are 2 minutes evenly divided prior to a vote with respect to the Landrieu amendment No. 1614.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am glad to have a quorum. This is a very important amendment. I need my colleagues' help, if they would direct their attention to this chart I have in the Chamber.

This amendment is called the MASH amendment. It is a very serious amendment: mosquito abatement, safety, and health.

We are fighting multiple wars—one in Iraq, which is very serious, with far-reaching consequences.

I know my colleagues are interested in knowing about how many people have lost their lives in their own States in this last year. It has been quite a few from this new and very deadly disease.

We have lost 286 men and women in Iraq, which is very serious, and we are spending a great deal of time, energy, money, and treasure, but we have also lost 246 individuals in the United States. The highest instances have been in Louisiana, South Dakota, Michigan, and Ohio.

This amendment will provide the only Federal funds available to help our States combat this deadly disease. I ask for your support. I ask unanimous consent to have printed in the RECORD data on the number of confirmed cases of people who have contracted this deadly disease and the number of people who have died from it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WEST NILE VIRUS CURRENT CASE COUNT

[Data currently listed shows case counts for 2002 only]

State	Laboratory-positive human cases	Deaths
Alabama	49	3
Arkansas	43	3
California	1	
Colorado	14	
Connecticut	17	
Delaware	1	
District of Columbia	34	1
Florida	28	2
Georgia	44	7
Illinois	884	64
Indiana	293	11
Iowa	54	2
Kansas	22	
Kentucky	75	5
Louisiana	329	25
Maryland	36	7
Massachusetts	23	3
Michigan	614	51
Minnesota	48	
Mississippi	192	12
Missouri	168	7
Montana	2	
Nebraska	152	7
New Jersey	24	
New York	82	5
North Carolina	2	
North Dakota	17	2
Ohio	441	31
Oklahoma	21	2
Pennsylvania	62	7
Rhode Island	1	
South Carolina	1	
South Dakota	37	
Tennessee	56	7
Texas	202	13
Vermont	1	
Virginia	29	2
West Virginia	3	2
Wisconsin	52	3
Wyoming	2	
Totals	4,156	284

[1] Data currently listed shows case counts for 2002 only. As of April 15, 2003 these are the human case totals that have been reported to ArboNet. ArboNet is the national, electronic surveillance system established by CDC to assist states in tracking West Nile and other mosquito-borne viruses.

WEST NILE VIRUS 2003 HUMAN CASES AS OF SEPTEMBER 9, 2003

State	Human cases[1] reported to CDC	Deaths
Alabama	20	2
Arizona	1	
Arkansas	5	
Colorado	973	13
Connecticut	1	
Florida	22	
Georgia	7	1
Illinois	5	
Indiana	6	
Iowa	20	2
Kansas	18	1
Kentucky	4	
Louisiana	42	
Maryland	8	
Massachusetts	1	
Minnesota	30	
Mississippi	43	1
Missouri	6	1
Montana	116	1
Nebraska	436	10
New Jersey	3	
New Mexico	83	4
New York	6	1
North Carolina	9	
North Dakota	91	
Ohio	18	1
Oklahoma	20	
Pennsylvania	38	
South Carolina	1	
South Dakota	407	5
Tennessee	6	
Texas	190	6
Virginia	4	
Wisconsin	5	
Wyoming	229	4
Total	2,874	53

[1] These numbers reflect both mild and severe human disease cases that have been reported to ArboNet by state and local health departments during 2003. ArboNet is the national, electronic surveillance system established by CDC to assist states in tracking West Nile virus and other mosquito-borne viruses.

Note: As of the above date, detailed information is available for 2,752 cases: 1,595 cases (58%) were reported as West Nile Fever (milder disease), 843 (31%) were reported as West Nile meningitis or encephalitis (severe disease) and 314 (11%) were clinically unspecified.

Ms. LANDRIEU. I ask for my colleagues' support on this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. SPECTER. Mr. President, there is no doubt about the seriousness of the West Nile virus. But we have, at the present time, some $76 million at the Centers for Disease Control.

This past Saturday, I visited the Centers for Disease Control. I took a look at their maps and saw the incidence of West Nile and have no request from the Centers for Disease Control that there ought to be any additional funding.

Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment is not in order because it exceeds discretionary spending limits.

Ms. LANDRIEU. Mr. President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—46

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Clinton
Coleman
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allen
Bennett
Bond
Brownback
Bunning

Burns
Carper
Chafee
Chambliss
Cochran
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are ready to go to the amendment of the Senator from Nevada, Mr. ENSIGN. He was in the Chamber a moment ago. Let me advise all Senators that it appears at this time that we will have four more rollcall votes, plus final passage.

The leader has authorized me to say that the 15-minute votes will be held sharp to 20 minutes, 15 and 5 grace, cut off after 20 minutes. The 10-minute votes will be 10 plus 5 minutes grace for a total of 15 minutes. We will try to proceed to conclude this bill. It is too late to complete it early, but we will do it as soon as we can.

Is the Senator from Nevada prepared to offer his amendment.

Mr. ENSIGN. Very soon.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1621 TO AMENDMENT NO. 1542

Mr. ENSIGN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. MURRAY, and Mr. GREGG, proposes an amendment numbered 1621 to amendment No. 1542.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for statewide, longitudinal data systems under section 208 of the Education Sciences Reform Act of 2002)

At the end of title III, insert the following:

SEC. 306. There are appropriated, out of any money in the Treasury not otherwise appropriated, to carry out section 208 of the Education Sciences Reform Act of 2002, $80,000,000. All amounts in this Act for management and administration at the Department of Education are reduced on a pro rata basis by an amount required to offset the $80,000,000 appropriation made by this section.

Mr. ENSIGN. Mr. President, I will take a very short time on this amendment. I am proposing this amendment for myself, Senator MURRAY, and Senator GREGG. This amendment is to address a problem we hear about back home on the No Child Left Behind Act. When you go home and talk to educators, they talk about not having adequate money to get the technology to transfer the data to comply with the No Child Left Behind Act for the local school districts. It is the No. 1 complaint we have heard from all of the school districts back home.

This amendment appropriates $80 million to basically fund that shortfall, and it takes the money out of administrative costs in the Department of Education. We think it is a very reasonable amendment. We hope our colleagues will support the amendment. Hearing from educators across the country, this will address one of the most pressing concerns they have in complying with the No Child Left Behind Act.

I just spoke to the new teachers in Clark County. They had to break it down into 2 days, with 700 one day and 700 the next for new teacher orientation. During that time, there were a lot of administrators around, and this was by far the biggest question they had—making sure they had adequate funds to comply with the No Child Left Behind Act. We think this amendment goes a long way toward complying with the No Child Left Behind Act.

I will yield to my friend from New Hampshire to make some remarks.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of this amendment. It is paid for, which is a critical element of any amendment. More important than that, it does fund the data-tracking capabilities of the States. That is part of the No Child Left Behind initiative.

Last year, we passed the legislation, basically creating this opportunity for States to set up these databases. Unfortunately, we never funded it. So this would allow us to fund that new piece of legislation. I think it was a separate freestanding piece of legislation.

In any event, it funds the effort of the States to set up the data tracking within the States that is necessary for them to determine how they are doing in obtaining their achievement goals under No Child Left Behind. It is reasonable that this money be appropriated, and I am hopeful that it will be accepted. If it cannot be accepted, I hope we can do it by the offsets presented in this amendment.

Mr. ENSIGN. Mr. President, if no one else seeks recognition, I just add a couple of comments about the amendment. It has the support of the Council of Chief State School Officers. The reason, as I mentioned before, is because no matter how small or large the school district is, they are all facing the same problems this amendment attempts to correct.

They just do not have the infrastructure that is necessary to capture, analyze, and disseminate the data required by the No Child Left Behind Act.

Several States have not even done the planning to implement this because they don't have the resources. This amendment is going to give those resources necessary to comply with the No Child Left Behind Act.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides $80 million for data collection for student achievement. While it would be desirable to have more funds in this appropriations bill, we don't have them, and the offset is a cut in the program out of the Department of Education which would be very burdensome, really intolerable for the Department of Education.

For that reason, I reluctantly oppose the amendment by the Senator from Nevada.

The PRESIDING OFFICER. Is there further debate?

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, the Senator from Washington, Mrs. MURRAY, wishes to speak on the amendment, so I ask that the vote not occur at this time. She is on her way over to the Chamber.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside until Senator MURRAY arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1622 TO AMENDMENT NO. 1542

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. COLLINS, proposes an amendment numbered 1622 to amendment No. 1542.

The amendment is as follows:

(Purpose: To increase funding for the National Institutes of Health)

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act under the heading of NATIONAL INSTITUTES OF HEALTH—OFFICE OF THE DIRECTOR, there are appropriated an additional $1,500,000,000 for programs and activities under the discretion of the Office of the Director of the National Institutes of Health. Such additional amount shall be designated as emergency spending pursuant to section 502(c) of House Concurrent Resolution 95 (108th Congress).

Mr. SPECTER. Mr. President, the amendment provides for an additional $1.5 billion for the National Institutes of Health. This is one of the most important functions of the Federal Government. I don't think we have anything in our budget on the domestic side which is more important, perhaps not as important, as funding for the National Institutes of Health. That is the crown jewel of the Federal Government.

We are asking that this be classified as an emergency because the budget resolution provides for an emergency classification if it meets the following criteria: No. 1, vital; No. 2, urgent and compelling; No. 3, unpredictable; and No. 4, temporary.

It is vital because the lives and health of Americans are at stake. It is a life-and-death matter in the way NIH funding has saved lives, moving forward the cures of so many dreadful maladies.

It is urgent and compelling because Americans who have family members with muscular dystrophy, Parkinson's, Alzheimer's, or a host of other ailments will tell you that with each passing day, the hope that their loved one will be saved grows dimmer.

It is unpredictable and unanticipated because the nature of the scientific enterprise is unpredictable. The potential cures for disease have grown through research at NIH.

It is temporary because a disease such as cancer or Alzheimer's costs our economy billions of dollars a year.

As the diseases that afflict Americans are cured, they are able to return to productive lives, and these investments in the health of Americans will more than pay for themselves.

I offer this amendment on behalf of Senator HARKIN, Senator FEINSTEIN, Senator COLLINS, and myself. I know there are objections to the classification as an emergency. So I invite whoever seeks to object to come to the floor.

Mr. HARKIN. Does the Senator yield the floor?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again I commend Senator SPECTER for his many years of hard work, his efforts, and his success in increasing the funding for the crown jewel of the Federal Government, and that is the National Institutes of Health. Certainly, no one has fought harder and longer to ensure that our National Institutes of Health get the funding they need for the cutting-edge research that is saving so many lives.

It was under Senator SPECTER's leadership that we embarked upon a program to double the NIH funding over 5 years. People said it could not be done, but we did it.

Now we are up there and there seems to be some idea that somehow since we did that—the reason we did that was that NIH had fallen so far behind in the number of peer-reviewed grants that were being approved and funded. So we got them back up to where they were at least 20 years ago. Some think now we have them up there, we do not have to fund them anymore and we can start falling back again. The purpose of the Specter amendment is to bring the NIH up and keep them on a track that will not allow them to fall back again.

The Senate bill will increase funding for NIH by $1 billion; that is 3.7 percent. It will be the smallest percentage increase for NIH since 1995. This is the wrong time to put the squeeze on NIH funding. Doing so will severely impact NIH's ability to award new research grants at the very time when scientists should be taking full advantage of everything they have learned over the past 5 years to translate that research into treatments and cures.

Under the Senate bill, the number of new and competing nonbiodefense research grants would actually drop from 9,902 in fiscal year 2003 to 9,827 in fiscal year 2004. That is why Senator SPECTER, Senator FEINSTEIN, Senator COLLINS, and I are offering an amendment to add $1.5 billion more for NIH.

This additional funding is critical to ensuring that researchers can continue the remarkable pace of medical advances during the past 5 years, as I said, when we doubled the funding for NIH. Perhaps most importantly, the doubling of the funding helped result in the completion of the final DNA sequence of the human genome. That was done during that period of time.

In the past 5 years, NIH research has led directly to new knowledge about the dangers of hormone replacement therapy for millions of American women, contradicting commonly accepted medical practice.

NIH research supported the development of new techniques for bone marrow transplantation.

NIH research demonstrated that intense therapy of type 1 diabetes can reduce long-term diabetes complications by at least 75 percent.

NIH research has now enabled scientists to identify several genes that increase vulnerability to schizophrenia.

I guess what I am saying is we are truly on the brink of a golden age in medical research with the mapping and sequencing of the human genes and other measures funded by NIH. But those opportunities are threatened if we don't maintain NIH funding at a reasonable level.

The impact of the bill's dramatic slowing in the growth of the NIH budget will be particularly devastating in the areas of clinical research where, again, the fruits of our investment in medical research are applied to improving the health of the American people.

A crash landing in NIH funding sends a chilling message to young scientists in training and those just entering the research field. Scientific competition will always be fierce, but young scientists must be sure that sufficient funding will be available or exceptionally talented young people will begin to pursue other careers.

So again I rise in strong support of Senator SPECTER's amendment, along with Senator FEINSTEIN, and I hope the Senate will adopt this very modest but very meaningful increase in funding for the National Institutes of Health.

Ms. MIKULSKI. Mr. President, I rise as a cosponsor of the Specter-Harkin-Feinstein amendment to increase funding for the National Institutes of Health, NIH. I fought hard to make sure that Congress kept the commitment it made 5 years ago to double Federal spending for the NIH. I am proud that Congress kept its promise. I strongly support the NIH. I believe that it is an investment that saves lives and that Congress must continue this valuable investment.

The underlying Senate bill that funds health programs would increase funding for NIH by $1 billion, or just 3.7 percent in 2004. This would be the smallest percentage increase for NIH since 1995. The Specter-Harkins-Feinstein amendment would increase funding by $1.5 billion, for a total of $29.5 billion. this is the wrong time to cut the Federal investment in NIH. Congress and the American people have invested in the NIH. We must allow scientists to continue the great work they are doing and translate the research they have been working on over the past 5 years into treatments and cures.

If this amendment fails there would be in increase of only 26 new and competing research grants in fiscal year 2004. That is approximately one grant for each NIH Institute and Center. Also, nonbiodefense grants would actually drop, from 9,902 in fiscal year 2003 to 9,607 in fiscal year 2004. This means that more promising research on cancer, diabetes, or other devastating diseases may go unfunded.

The research conducted at NIH today can help lead to longer, more productive lives for people struck with countless conditions and diseases. Whether it is Alzheimer's, cancer, cardiovascular disease, autoimmune diseases, or diabetes, this research can help lead to a higher quality of life for Americans.

I am proud to have NIH in Maryland. NIH's impact in Maryland is quite profound. We have excellent research centers and private companies that exist and grow because of the unique synergy between the Federal labs in Maryland, like NIH, and the ingenuity of the private sector. Yet the benefits of investing in NIH are not limited to Maryland. NIH funds research at universities across the country. Patients across the country, their loved ones, and those who someday may be diagnosed with diseases all benefit from these critical investments.

We cannot afford to lessen our commitment to medical research. I thank Senator SPECTER, Senator HARKIN and Senator FEINSTEIN for their leadership on this critical issue. I urge my colleagues to join me in supporting this important bipartisan amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have two more amendments to be offered by the Senator from Pennsylvania, Senator SANTORUM, and the Senator from Ohio, Senator DEWINE. We ask they come to the floor now. If there are objections to the amendment which has just been offered on the National Institutes of Health, we ask Senators to come to the floor so we can wrap up the debate, move on these votes, and move to final passage.

We are within the very short distance of the goal line, but we need those other Senators to come to the floor. Last Wednesday we were talking about going to third reading. That might be a subject to revisit.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. ENSIGN. I ask unanimous consent that Senator COLLINS be added as a cosponsor to amendment No. 1621.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have decided to accept the amendment of the Senator from Nevada, Mr. ENSIGN. Does the ranking member concur in that?

Mr. HARKIN. We have no objections on this side.

Mr. SPECTER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ENSIGN. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1621.

The amendment (No. 1621) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. While we are waiting momentarily, I want to take this opportunity to recognize the staff of the Labor, Health and Human Services, and Education Subcommittee for all their efforts, hard work, and dedication on this very difficult bill.

First let me thank Senator HARKIN's staff: Ellen Murray, Erik Fatemi, and Adrienne Hallet. They have worked shoulder to shoulder in a bipartisan fashion with our staff to put together this fine bill. It is a testament to their hard work, skill, dedication, and partnership.

I also commend and thank our subcommittee staff: Jim Sourwine, Mark Laisch, Sudip Parikh, Candice Rogers, and Carol Geagley. The staff deserves our gratitude for working diligently for many months, late nights, and weekends to put together this very important bill. I know every year both of these staffs reach across the aisle to work together to forge compromises on many contentious issues. I think we should all thank them and salute them.

Lastly, I will take a moment to give special praise to our subcommittee staff director Bettilou Taylor. Senator SPECTER and I often refer to Bettilou as "Senator Taylor." She has one of the toughest jobs in the Senate. This is the largest bill this year. It probably is the largest domestic appropriations bill in the history of the United States to appropriate taxpayer money for Federal purposes. This is a very complex bill with difficult issues. Bettilou does it with a great deal of skill and grace. She is, in every sense of the word, a consummate professional. I thank her and I hope all Members will thank her for her outstanding work for the Senate and for the American people.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore and chairman of the full committee for those comments. I associate myself with them. It has been an outstanding and extraordinary staff. Ellen Murray for Senator HARKIN and Bettilou Taylor on the majority side are—exemplary is not a high enough characterization.

While I am at it, I thank my distinguished ranking member, Senator HARKIN, for his extraordinary contribution to the public good. He and I have worked as the chairman and ranking and reversed the roles, and we call it a seamless transfer of the gavel. I take this occasion to thank him for his work.

I note Senator NICKLES is in Chamber now, so I yield for a moment to my colleague, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the chairman for yielding and I, too, thank Senator STEVENS for his kind and generous remarks regarding the subcommittee and especially applaud him for all the glowing terms he used about our staff on both sides of the aisle. They are just outstanding staff. They work very hard on this bill every year. But they have not worked any harder in any year than this year because, as Chairman STEVENS said, this is a very large bill and a very complicated bill. It covers just about everything from soup to nuts in our society.

They have done a great job. I, too, compliment our respective staffs and thank them for all their hard work. I want to repay in kind the kind words Senator SPECTER just said. We have had a back and forth chairmanship/ranking member now going back 13 years. It has been a seamless transfer of the gavel. We worked very closely together all these years to increase funding for NIH, to meet our commitments in education, to meet our commitments in health care.

This bill, I have often said, is the bill that really defines America. I have often said that we always have a Defense Appropriations Committee bill. The Defense Appropriations Committee bill is the bill that defends America. This bill that funds the Department of Education that our colleague from Tennessee headed—I remember when he was Secretary of Education—and the Department of Health and Human Services, the Department of Labor, NIH, libraries—everything. I always said this is the bill that defines America. It defines who we are as a people and how much we are going to invest in our human resources in this country.

So I thank Senator SPECTER for his dynamic leadership of this subcommittee, for his vision, for his hard work in making sure we have a bill that is—not perfect. Obviously, I don't think anyone here has gotten everything they want out of this bill; that is true. But it is a true compromise, and that is what should define what we do here in the Senate, is compromise between the various interests we represent and the various States. I think that is truly what this bill does this year, and I thank Senator SPECTER for his great leadership getting this bill together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I regret I am going to make a budget point of order because the amendment that is pending busts the budget, and it busts the budget by $1.5 billion.

First, I congratulate Senator SPECTER for the work he has done up to this point. He saved the taxpayers a lot of money. There have been a lot of amendments. I will just mention those. We have totaled those, the total for 2004. Senator SPECTER has made points of order, all of which were sustained, that saved $24.481 billion in 2004—over a 10-year period, $352 billion—by basically staying with the budget.

This amendment breaks the budget. This amendment breaks the budget deal that the chairman of the Appropriations Committee negotiated with the President of the United States. It breaks the budget that we passed overwhelmingly—that we passed after a lot of hard work.

Are we going to have a budget or not have a budget? This amendment says we are going to add $1.5 billion for NIH and declare it an emergency; i.e., we don't expect it to count on the budget. In other words, we don't want the budget to apply.

If we follow that analogy, it is like some of the other amendments that were offered. Several people offered amendments that just said let's take money from 2004 and put it in 2003 and therefore we will have money for 2004. It was a sham. We defeated all those. If we do not defeat this amendment, the budget is a sham. We will just say something is an emergency that is not an emergency.

We appropriate money to NIH. We have done so. I happen to be a supporter of NIH. I have supported increasing money substantially to NIH over the years.

Looking back, in 1990 we spent actually $7.5 billion on NIH. In 2004, under the budget that we have, without this amendment we are spending right at $28 billion. That is three and a half times what we spent in 1990.

In 1998, when we said we were going to double it, we did. In 1998, we were spending $13.6 billion for NIH, and the budget we have before us is almost $28 billion—more than double since 1998. Those are enormous growth rates, maybe exceeding almost any other Government program.

Maybe we need to slow that rate of growth down just a little bit because now we don't have big surpluses. When we were doubling the program, we had some surpluses. Now we have a big deficit. Maybe we should do a little bit better job of oversight.

I noticed there was a report. I remember, on "CBS News" the headline was "NIH Microbiologist Gets Paid $100,000 By Taxpayers To Do Nothing."

It was reported in the Washington Post. I ask unanimous consent to have that printed in the RECORD, an article that was in the Post on July 4.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 4, 2003]

NIH SCIENTIST SAYS HE'S PAID TO DO NOTHING; AGENCY DENIES ADMINISTRATOR'S "SURREAL SITUATION" OF COLLECTING $100,000 SALARY FOR NO WORK

(By Tania Branigan)

Every weekday at 6:30 a.m., Edward McSweegan climbs into his Volkswagen Passat for the hour-long commute to the National Institutes of Health. He has an office in Bethesda, a job title—health scientist administrator—and an annual salary of about $100,000.

What McSweegan says he does not have—and has not had for the last seven years—is any real work. He was hired by the National Institute of Allergy and Infectious Diseases in 1988, but says his bosses transferred the research grants he administered to other workers eight years later, leaving him with occasional tasks more suitable for a typist or "gofer."

NIH officials denied the allegations earlier this week, but said they would reexamine the issue after Sen. Charles E. Grassley (R-Iowa) raised the issue in a letter to Health and Human Services Secretary Tommy G. Thompson.

Grassley, who as chairman of the Senate Finance Committee has supported budget increases for the NIH, learned of McSweegan's case when CBS News contacted him for a story on the scientist. In the report that aired on "CBS Evening News" on June 26, McSweegan said he had been paid to do nothing for the past seven years.

McSweegan used to be NIH's program officer for Lyme disease but was removed from the post in June 1995 after a dispute over his repeated criticism of a politically influential support group for sufferers and his allegations that NIH had been too accommodating of the group. He had publicly described the Lyme Disease Foundation as "wacko" because he disagreed with its theories about the disease. The dispute led to his suspension without pay for two weeks for insubordination and conduct unbecoming of a federal employee.

In spring 1996, his responsibilities for an unrelated program were also removed. He maintains they have never been replaced.

In an interview Monday, Grassley accused NIH of "an absolute management vacuum" and said it is "ludicrous" that the administrator is being paid to do nothing.

"We want to make sure we get the most bang for our buck, the most research for our dollars," the senator added.

John Burklow, a spokesman for NIH, said McSweegan has always been assigned duties appropriate to his position and pay level.

"The claim that he is being compensated for doing nothing is completely inaccurate," Burklow said.

According to NIH, McSweegan is director of the U.S.-Indo Vaccine Action Program, and has traveled to countries such as Russia representing the agency. He has also "produced reports and other work products."

But McSweegan said he has never been told he was director of the program and knew of no such title. Three other people ran the project, and his work for it—such as arranging coffee for lunches and forwarding messages—was "the kind of work you would get an . . . to do."

He added that the Office of Global Health Affairs had organized and paid for his trip to Russia, and that his only reports had been brief accounts of meetings.

McSweegan said he struggles to fill his eight-hour workdays by reading, exercising and writing fiction. He has self-published a bioterrorism thriller and a science fiction oval, and is working on a third book.

But he says his six-page job description is the ultimate work of creating writing and describes his position as "a bizarre, surreal situation—part Orwell, part Kafka and part Dilbert."

"It's not my idea, said McSweegan, 47. "I have pointed it out repeatedly over the years. I suppose they are just waiting for me to get bored and frustrated and quit. But I haven't been inclined to do that, because my wife has a real job and we have compelling family reasons for staying in the area.

"I just expect to do this for maybe four more years until my wife retires," he said. "It would be nice to get a real job doing real work."

Mr. NICKLES. Basically, the headline is "NIH Scientist Says He's Paid To Do Nothing; Agency Denies Administrator's 'Surreal Situation' Of Collecting $100,000 Salary For No Work." The story goes on. I remember reading it, and I thought, whoa, somebody is not paying attention.

Please don't get me wrong. I know NIH does a lot of great work and I am supportive of that. But right now we have to live within a budget. If the committee wanted to—the committee has $127 billion in discretionary spending—they could have given NIH more money. They had control over that $127 billion. They could have shifted it around to where NIH would get more.

What the committee elected to do was: We will short fund NIH and we will give a lot more money for a lot of other things, and then we will try to run the gamut because we know NIH has a lot of support.

I think the committee needs to go back and say: Wait a minute, the budget is $127 billion. It happens to be the largest budget of any that we have before any committee, with the exception of Defense. If you added all the mandatories to it, it is bigger than Defense. It is a total of $460-some billion.

I urge my colleagues, if they want to get more money for NIH, let's have the committee go back and reallocate out of the $127 billion they have under the budget. But let's live with the budget. Let's not declare something that is funded every year by appropriations an emergency; i.e., when we declare an emergency, it doesn't count on the budget. If we are going to use the emergency game as a way of violating the budget, let's just not have a budget.

We passed the budget through both Houses. We said you had to have 60 votes in the Senate to declare an emergency. Our colleagues who are supporting this amendment I have great belief sincerely support NIH, but they underfunded it in their committee in relationship to other things and now they want to say let's just declare an emergency and get around it so we will have more money.

I don't think they should get away with that. That is violating the agreement, the budget we passed. It violates the agreement we made with the President of the United States. So I urge my colleagues to support me in my effort to sustain the budget.

Mr. President, I will be making a budget point of order.

Mr. CONRAD. Will the Senator yield?

Mr. NICKLES. I will be happy to yield to my colleague, but I am not quite finished.

Pursuant to section 502(c)(5) of House Concurrent Resolution 95, the fiscal year 2004 budget resolution, I raise a point of order against the emergency designation provision contained in the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Part of what the Senator said I agree with. We should have been able to assign more money under our allocation process to this subcommittee. We are not able to do so. However, the Senator from Oklahoma was incorrect when he said we did not give them more money. Through the agreement with the administration, we did bring back money from the allocation process for education. We increased that amount, by virtue of what we did, by $2.2 billion. We took $3 billion out of Defense and allocated it to several subcommittees, including $800 million to this subcommittee. But very clearly, this subcommittee is short of money.

There are a great many problems that we face. This bill is going to conference, and we don't know how we are going to work out some of the items in this bill. There are several allocations we have made under our process that the House has not made. I take the position that this emergency is necessary to get this item to conference to see how we can allocate it. Obviously, we are not going to bring a bill out of conference that the President will veto. If the President tells us he is going to veto it because of these emergency designations, assuming the House would agree to it—we don't know if the House will agree to it—but I do know this bill is very short of money.

The demands on our society are now so great that all of the things from SARS, to the things the CDC is doing, and all the things NIH is doing—this is a bill that just absolutely demands funding.

I take the position that it is not inconsistent with the comments I made to the President—that I would not support emergencies unless there was a true emergency. I think this is a true emergency.

But in any event, if the Senate will vote as the managers of this bill have requested, we will take the bill to conference at $1.5 billion more than the maximum amount I could possibly allocate and meet the other demands of our other 12 subcommittees.

I say to the Senator from Oklahoma that I don't think I am breaking my word at all. I hope the Senate will support us in taking this bill to conference with the most money we can possibly find to put in it and go to conference with the House.

There are a series of items in here to which we know the House will object. I believe by the time we come out, this emergency will not be needed. If it is needed, I will personally visit with the President of the United States about it, and we will see what he decides. If the President still takes the position that we should not include the money on an emergency basis, I will at that time oppose it.

But right now, I urge the Senate to waive this point of order. If it is the first one waived this year, this is the one to waive. This is the one necessary to do so.

I don't think it is inconsistent with my position.

I will tell Senator NICKLES, the chairman of the Budget Committee, that I think with the constraints we are operating under this year in view of the problems we have, being at war, and at the same time conducting all of these enormous projects that we are facing in terms of the health and welfare of our country, including education—this, as I said before, is the largest bill we have—this bill is underfunded. But it is not underfunded because of what we did; it is underfunded because of what the Budget Committee did.

This is the one chance to overrule the Budget Committee. I intend to support Senator SPECTER, and I intend to support this emergency declaration.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I remind my friend and colleague from Alaska—he is my friend—we had an agreement on $784 billion. The Senator from Alaska has an initial $5 billion on top of that. The agreement was $784 billion. The Senator from Alaska got $3 billion from defense for other items; then an additional $2.2 billion on top of that. A deal is a deal. If people do not want to waive the Budget Act, we don't have to have a budget.

I tell my colleagues that if the VA-HUD bill wants to bust the budget by declaring an emergency, we can bust the budget all day long. Why have a budget? They want to bust the budget by another $1.5 billion. I am sure every other committee would love to. Why have a budget if you are just going to say: Wait a minute; for an appropriated item we don't have enough money. We want more, and we will declare an emergency. It doesn't count. Now this year you will go to conference with the House with different figures.

We are going to have the same figures so we can finish the bills on time.

I am just disappointed in the statement of my colleague from Alaska. I believe a deal is a deal and a budget is a budget. It takes 60 votes to waive the budget. If our colleagues elect to waive it, I guess that will be their choice.

This Senator hopes that we will not do it. The NIH gets an additional $1 billion this year. Maybe that is not enough, as some would like, but the committee had $127 billion to allocate. They could have allocated that in any way they wanted. They had great discretion. We give great discretion to the chairman of the subcommittee and the ranking member of the subcommittee to allocate the $127 billion. Yet it looks as if, well, the NIH didn't do as well as many other accounts. Maybe that was on purpose. I don't know. I do know the total exceeds the budget that we passed. It exceeds the agreement we made with the President of the United States. It would say that $1.5 billion is an emergency for NIH. This is normally an appropriated item. There is nothing emergency whatsoever.

I urge my colleagues to sustain the budget point of order and not to waive the budget.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the comments of the Senator from Oklahoma. Up my way, we say, "Wait until the last dog is hung."

The agreement we made with the President will be kept. In the final analysis, it was not based on the allocations we made under our allocation process. It was based on the total.

We have 13 bills to consider. We will see to it that we keep our agreement with the President. As a matter of fact, he has the veto pen. He will see to it that we keep it.

But there is a problem of getting bills done and taking to the conference the things that the Senate wants considered in conference.

I join with the Senator from Pennsylvania and the Senator from Iowa in wanting this money considered in conference. If it is not approved in conference, then we will not have approval.

I think there will be other items that the Senate will want to take out, and part of this money will come back in the final bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to support the position of the chairman of the Budget Committee.

The deficit for next year is now calculated to be over $530 billion. That does not count the $160 billion that is going to be taken—every penny—from the Social Security trust fund surplus. Now we are talking about an operating deficit of $697 billion. And we are acting as though nothing has changed. Something has changed. This country is digging a deep hole.

I agree that NIH is underfunded. I would love to support additional money for NIH. But it is not there. It is not in this budget. It wasn't in the budget which I offered my colleagues and which the vast majority of Members on our side voted for. If we are going to be declaring emergencies on appropriated accounts where there is nothing that wasn't intended, there was nothing unanticipated, then we could just take the whole budget process and throw it out the window and abandon all discipline.

This is a mistake, I say to my colleagues. It is a mistake tonight to declare an emergency where no emergency exists.

I urge my colleagues to support the chairman of the Budget Committee.

The PRESIDING OFFICER. A point of order has been made.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is the most spirited debate of the entire bill, and we have had some spirited debates.

I thank the Senator from Oklahoma for his compliments.

I haven't gotten around to totaling the savings. But I was pleased to hear that we saved some $24-plus billion. Over a 10-year period, it is in the high of $300 billion.

I am pleased to note that I believe there is a very big difference between the National Institutes of Health and anybody else who wants to declare an emergency. Simply stated, NIH deals with life and death.

At any rate, we have saved more than $24 billion this year—a vast sum over 10 years.

I ask my colleagues to support this amendment, and I move to waive the Budget Act.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise in support of the Senator from Oklahoma. And this is a spirited debate.

I guess I rise in large part because of the agreement, as I understand it, that has gotten us to the point we are today; that is, to be able to progress on the appropriations bills with an overall sum that was set with a budget that was specifically designed and agreed to, which this amendment, as I interpret it, blows away.

Although I, as a physician and as someone who values what the NIH does tremendously—indeed, it is my life, or has been my life—the idea that we add $1 billion as an emergency at this point in time is inconsistent with the agreements we made up to this date.

Again, I would like to see that money invested and the NIH properly use that money well. If $1 billion is not put in, the NIH will be able to continue to do its responsible role, and fulfill that role, in a way that, to me, means this is not emergency money.

Thus, I will support the chairman of the Budget Committee, the Senator from Oklahoma, in the vote which we are about to take.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. Is there a sufficient second to the request for the yeas and nays?

There is a sufficient second.

The Senator from Alaska.

Mr. STEVENS. Leader, I state categorically I did not make an agreement on any particular bill. We made an agreement that the bottom line would not exceed the amount that the Senator from Oklahoma stated. We have a series of bills going to conference and we will keep that commitment.

But with due respect, I made no commitment on any particular bill, to the President or to anyone else.

Mr. FRIST. Mr. President, to reach this total sum, we established a budget that we have been able to adhere to today, to which we have all agreed. My interpretation of this amendment, describing it as an emergency, blows away that budget which leads to the total.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, emergency, like beauty, sometimes is in the eye of the beholder. Quite frankly, to this Senator, every single penny we put into NIH is an emergency. If you do not believe me, go out and talk to a family with a child that just came down with juvenile diabetes and see if you do not think what we spend at NIH is an emergency.

Talk to a woman who has just discovered she has breast cancer and is facing an uncertain future. Tell her that funding of NIH is not an emergency. Talk to someone who has suffered an injury who is now quadriplegic. They are looking for help to once again be whole again through some of the great research being done through NIH. Tell them this is not an emergency. Go out and talk to a family who has a loved one who has just come down with Alzheimer's disease not knowing what the future is going to be. A mother, father, grandparents, looking forward to the debilitating effects of Alzheimer's disease. Tell them that funding for NIH is not an emergency.

Whether or not this is an emergency is in the eye of the beholder. Think of the millions of Americans who have been afflicted with illness, disease, and injury who look to NIH for the treatments and cures; think about whether or not every single penny we spend on NIH is an emergency.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted an opportunity as a cosponsor of the amendment to say a few words and to add my support to that of the chairman of the Appropriations Committee and the chairman and ranking member of the subcommittee.

We stand at a very unusual time. Because of the human genome and the advances in molecular biology, it is now possible to develop and target drugs to specific ailments and therefore to break frontiers, to cross barriers and make uncharted progress. What we began exactly 5 years ago under the leadership of the Senator from Pennsylvania and the Senator from Iowa was essentially to double the funding of NIH over 5 years, to be able to take advantage of the new horizon in front of us.

I serve with President and Mrs. Bush, senior, as vice chairman of the National Dialogue on Cancer. Senator SAM BROWNBACK has just come aboard. And in the Senate Cancer Coalition which Senator BROWNBACK and I cochair, we have heard miraculous testimony, for example, from Dr. Brian Drucker, the inventor of the drug Gleevec which is used to treat patients with chronic myeloid leukemia. Gleevec is one of a new generation of targeted cancer drugs that just kill bad cancer cells, leaving good cells unaffected. There is much less toxicity with this drug. Individuals do not lose their hair, they are not nauseated, and it has been shown to produce a 90-percent remission rate. That is where we are at this point in time. The sponsors of this amendment want to continue that advance.

I say to my colleagues on this side, we all voted for a host of amendments. They all cost money. This is the big one. This is the one that will really make a difference for the health of Americans. If this amount is not added to the budget, the number of new and competing non-biodefense research grants will drop, from 9,902 in fiscal year 2003 to 9,827 in fiscal year 2004.

NIH says the optimum number percent of approval for these research grants is about 40 percent. Through the increases we have made over the last 5 years, the grant approval rate is now about 30 percent. All this amendment does is allow us to keep even with that rate. Unfortunately, it takes $1.5 billion to do that.

The suffering out there is enormous. Because of advances, we can find new cures and new drugs with better prevention and better rehabilitation. That is what I believe the American people want to spend these dollars on.

I have faith in what the chairman of the Appropriations Committee said.

Actually, I have never in the 10 years I have been here on a dollar matter heard him make a misstatement. I have no reason not to believe what he is saying. It may be true in absolute terms that this is not an emergency and the original plans were to take this money in a different way. For some reason that changed. The need is there. And the results will be there. I am absolutely convinced of it.

Senator BROWNBACK and I, as cochairs of the Senate Cancer Coalition, hold hearings. We hear from people. We hear from scientists. We hear from advocates. Yet more than 575 health, research, and disease advocacy organizations support this amendment. That is no coincidence. It is because people know now that because of the advances in molecular biology, because of the human genome, we are on the brink of new discoveries. We want those discoveries to continue.

This is not pie in the sky. This is real. Every dollar spent will yield health dividends for people. I hope we will pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—52

Akaka
Bennett
Biden
Boxer
Brownback
Campbell
Cantwell
Clinton
Coleman
Collins
Corzine
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Wyden

NAYS—43

Alexander
Allard
Allen
Baucus
Bayh
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Carper
Chafee
Chambliss
Cochran
Conrad
Cornyn
Craig
Crapo
Dodd
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Pryor
Santorum
Sessions
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The emergency designation is stricken.

The question is on agreeing to the amendment.

The Senator from Oklahoma.

Mr. NICKLES. Amendment No. 1522 by the Senator from Pennsylvania increases spending by $1.5 billion. This additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302 of the Budget Act.

The PRESIDING OFFICER. The Senator has raised a point of order.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now send a series—

The PRESIDING OFFICER. If the Senator will suspend, a point of order was raised against the amendment. The point of order is sustained. The amendment falls.

AMENDMENTS NOS. 1548, 1552, AS FURTHER MODIFIED, 1569, 1603, AS MODIFIED, 1612, AS MODIFIED, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, EN BLOC

Mr. SPECTER. Mr. President, I send a series of cleared amendments to the desk and ask unanimous consent that they be agreed to en bloc, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendments are considered and agreed to en bloc.

The amendments are as follows:

AMENDMENT NO. 1548

(Purpose: To provide for the establishment of summer health career introductory programs for middle and high school students)

At the appropriate place, insert the following:

SEC. . SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

AMENDMENT NO. 1552

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for programs and activities under the Nurse Reinvestment Act (Public Law 107-205) and for other nursing workforce development programs under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), there are appropriated an additional $50,000,000 for such programs and activities.

AMENDMENT NO. 1569

(Purpose: To provide for a report concerning how Federal funds are expended relating to Hansen's Disease)

At the appropriate place, insert the following:

SEC. . Not later than May 1, 2004, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services expends Federal funds for research, patient care, and other activities relating to Hansen's Disease. The report shall include—

(1) the amounts provided for each research project;

(2) the amounts provided to each of the 12 treatment centers for each of research, patient care, and other activities;

(3) the per patient expenditure of patient care funds at each of the 12 treatment centers; and

(4) the mortality rates at each of the 12 treatment centers.

AMENDMENT NO. 1603

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there may be appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $4,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) up to $1,000,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) up to $500,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) up to an additional $3,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) up to an additional $500,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) up to an additional $1,000,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

AMENDMENT NO. 1612

In the matter under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" in title I, add at the end the following:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $25,000,000 may be used to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers).

AMENDMENT NO. 1623

(Purpose: To increase funding for activities to prevent the mother-to-child transmission of HIV)

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities and $1,000,000 for non-mother-to-child activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by $61,000,000.

AMENDMENT NO. 1624

At the end of title III, insert the following:

SEC. . For activities authorized by part H of title I of the Elementary and Secondary Education Act, there are hereby appropriated up to $5,000,000, which may be used to carry out such activities.

AMENDMENT NO. 1625

(Purpose: To provide for the conduct of studies concerning the program established under the Mammography Quality Standards Act of 1992)

At the appropriate place in title II, insert the following:

SEC. . STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the "MQSA") to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) FUNDING.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

AMENDMENT NO. 1626

(Purpose: To provide funds for the conduct of a grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases)

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) Native American populations have seen an alarming increase in sexually transmitted disease prevalence in recent years; and

(2) a screening, treatment, and education program, administered by tribal health organizations or local health care providers, on Native American reservations with high rates of sexually transmitted diseases will help prevent a corresponding increase in the prevalence of HIV.

(b) GRANT PROGRAM.—From amounts appropriated under this title for the Centers for Disease Control and Prevention, there may be made available up to $1,000,000 to enable the Director of the Centers for Disease Control and Prevention to carry out competitive grant programs to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases and to educate local populations about such diseases, the consequences thereof, and how the transmission of such diseases can be prevented.

AMENDMENT NO. 1627

(Purpose: To provide funding for newborn and child screening for heritable disorders)

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b–8), there may be appropriated up to an additional $2,000,000 to carry out such program.

AMENDMENT NO. 1628

(Purpose: To provide funding for the mass layoff statistics program)

On page 18, line 14, strike "$440,113,000" and insert "$445,113,000".

On page 18, line 17, insert before the period the following: ", of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2)".

AMENDMENT NO. 1629

(Purpose: To increase funding for the Special Volunteers for Homeland Security program)

At the appropriate place in title V, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for the Special Volunteers for Homeland Security program, there may be appropriated an additional $5,000,000 for such program.

AMENDMENT NO. 1630

(Purpose: To provide protection for nationals and residents of the Islamic Republic of Iran who are targets of persecution)

On page 57, between lines 14 and 15, insert the following:

"(C) in subsection (b)(1)—

"(i) in subparagraph (A), by striking 'and' at the end;

"(ii) in subparagraph (B), by striking the period and inserting '; and'; and

"(iii) by adding at the end the following:

'(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic or Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion.'; and".

AMENDMENT NO. 1631

(Purpose: To authorize funding for the Daniel Patrick Moynihan Global Affairs Institute Act)

At the appropriate place, insert the following:

DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE

SEC. . (a) DEFINITIONS.—In this section:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York, for the purpose of generating income for the support of the School and other purposes as described in subsection (d).

(2) SCHOOL.—The term "School" means the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) UNIVERSITY.—The term "University" means the Syracuse University in Syracuse, New York.

(b) DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE.—

(1) REDESIGNATION.—To be eligible for a grant under subsection (c), the University shall designate the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University as the "Daniel Patrick Moynihan Global Affairs Institute".

(2) REFERENCES.—Any reference in a law, map, regulation, paper, or other record to the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University, shall be deemed to be a reference to the Daniel Patrick Moynihan Global Affairs Institute.

(c) GRANT FOR ENDOWMENT FUND.—From amounts appropriated under subsection (f), the Secretary may award a grant to the University for the establishment of an endowment fund to support the Daniel Patrick Moynihan Global Affairs Institute.

(d) DUTIES.—Amounts received under a grant under subsection (c), shall be used to—

(1) carry on the public and intellectual tradition of Senator Daniel Patrick Moynihan;

(2) sustain all of the core activities of the School;

(3) fund the residencies of visiting scholars and international leaders;

(4) support scholarship, training, and practice in countries that are often the most impoverished economically, institutionally, and civically;

(5) support partnerships with governments and other relevant entities around the world to train government officials both at the School and in their home countries; and

(6) expand the facilities of the School.

(e) MISCELLANEOUS PROVISIONS RELATING TO THE ENDOWMENT FUND.—

(1) MANAGEMENT.—The endowment fund established under subsection (c) shall be managed in accordance with the standard endowment policies established by the University.

(2) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned from the endowment fund may be used to carry out the duties under subsection (d).

(3) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds derived from the interest and other investment income earned from the endowment fund shall be available for expenditure by the University for purposes consistent with subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 to remain available until expended.

AMENDMENT NO. 1632

(Purpose: To require the Centers for Disease Control and Prevention to prepare a comprehensive plan to address blood safety and injection safety in Africa under the Global AIDS Program)

On page 61, between lines 14 and 15, insert the following:

SEC. . Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the Global AIDS Program.

AMENDMENT NO. 1633

(Purpose: To require the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Education to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States)

On page 20, line 19, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Labor, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Labor during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Labor that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Labor shall make the report publicly available by posting the report on an Internet website.

On page 49, line 21, strike the period and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Health and Human Services, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Health and Human Services during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Health and Human Services that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Health and Human Services shall make the report publicly available by posting the report on an Internet website.".

On page 74, line 4, strike "Washington, D.C." and insert "Washington, D.C.: *Provided*, That of this amount, sufficient funds shall be available for the Secretary of Education, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Education during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Education that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Education shall make the report publicly available by posting the report on an Internet website.".

AMENDMENT NO. 1634

(Purpose: To provide for the accurate and timely processing of medicare claims)

On page 41, insert the following before the period on line 9: ": *Provided further*, that to the extent Medicare claims processing unit costs are projected by the Centers for Medicare & Medicaid Services to exceed $0.87 for Part A claims and/or $0.65 for Part B claims, up to an additional $18,000,000 may be available for obligation for every $0.04 increase in Medicare claims processing unit costs from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds. The calculation of projected unit costs shall be derived in the same manner in which the estimated unit costs were calculated for the Federal budget estimate for the fiscal year.".

AMENDMENT NO. 1635

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act to carry out activities under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), there are appropriated—

(1) up to an additional $143,000 may be used to carry out activities under title I of such Act (child abuse State grants);

(2) up to an additional $212,000 may be used to carry out activities under title II of such Act (community-based resource centers); and

(3) up to an additional $2,100,000 may be used for child abuse discretionary grants under such Act.

AMENDMENT NO. 1636

(Purpose: To provide additional funding to the Office of Minority Health to conduct a demonstration project to reduce SIDS disparity rates)

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) a recent Aberdeen Area Indian Health Service infant mortality study identified protective and risk factors associated with Sudden Infant Death Syndrome (referred to in this section as "SIDS");

(2) several conclusions from the study suggest courses of action to reduce the incidence of SIDS among Native American and other high-incidence populations;

(3) the study noted that alcohol consumption by women of childbearing age (especially during pregnancy), maternal and environmental tobacco exposure during pregnancy, and pregnancy by women under the age of 20 increase the risk for SIDS;

(4) in 2000, for infants of African American mothers, the SIDS death rate was 2.4 times that for non-Hispanic white mothers;

(5) nationwide, SIDS rates for infants of Native American mothers were 2.6 times those of non-Hispanic white mothers; and

(6) the Office of Minority Health of the Department of Health and Human Services has the expertise to coordinate SIDS disparity reduction efforts across the Department of Health and Human Services.

(b) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated in this Act to carry out activities to reduce Sudden Infant Death Syndrome disparity rates, there may be appropriated up to an additional $2,000,000 to enable the Director of the Office of Minority Health of the Department of Health and Human Services to carry out a demonstration project, in coordination with the Administrator of the Health Resources and Services Administration, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, and the heads of other agencies within the Department of Health and Human Services (as appropriate), to reduce Sudden Infant Death Syndrome disparity rates, and to provide risk reduction education to African American and Native American populations in the United States, including efforts to reduce alcohol use by pregnant women, support for smoking cessation (maternal and secondhand) programs, and education of teenagers on the risk factors for Sudden Infant Death Syndrome associated with teenage pregnancy within African American and Native American communities.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that in carrying out the demonstration project under subsection (b), the Director of the Office of Minority Health is encouraged to—

(1) expand upon the similar pilot program for Native Americans that was funded by the Office of Minority Health; and

(2) coordinate with the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, and the heads of other agencies within the Department of Health and Human Services (as appropriate) to support activities to reduce alcohol use by pregnant women, support smoking cessation (maternal and secondhand), and educate teenagers on the risk factors for SIDS associated with teenage pregnancy within the African American and Native American communities.

AMENDMENT NO. 1637

(Purpose: To provide funds for programs on community automatic external defibrillators)

At the appropriate place in title II, insert the following:

SEC. . (a) AUTOMATIC EXTERNAL DEFIBRILLATORS.—There may be appropriated up to, $2,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

AMENDMENT NO. 1638

(Purpose: To require the Department of Labor to cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004)

At the end of title I, insert the following:

SEC. . The Department of Labor may cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004.

AMENDMENT NO. 1639

(Purpose: To provide additional funding for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas)

On page 61, between lines 14 and 15 insert the following:

SEC. . From the amounts appropriated under the heading OFFICE OF THE SECRETARY, GENERAL DEPARTMENTAL MANAGEMENT there may be made available an additional $2,000,000 to the Health Resources and Services Administration for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas.

AMENDMENT NO. 1640

(Purpose: To allow continued funding of the Council on Graduate Medical Education)

On page 61, between lines 14 and 15, insert the following:

"SEC. . Notwithstanding any other provisions of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by Section 301 of Public Law 102–408.

AMENDMENT NO. 1641

(Purpose: To re-allocate funds within the CDC construction account and other purposes)

On page 28, line 6, strike "$250,000,000" and insert "$260,000,000" in lieu thereof. On page 28, line 5, insert after "; and" the following: "purchase,"

AMENDMENT NO. 1642

(Purpose: To provide funding for the rural emergency medical service training and equipment assistance program)

On page 27, line 2, insert before the period the following: ": *Provided further*, That up to $15,000,000 may be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c-15)".

AMENDMENT NO. 1643

(Purpose: To provide an additional offset for increased spending)

At the appropriate place in Section 515(a): Increase the amount by $37,455,000.

AMENDMENT NO. 1644

(Purpose: To provide for the issuance of rules relating to Personal Dust Monitor prototypes)

On page 23, between lines 15 and 16, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) it is projected that the Department of Labor, in conjunction with labor, industry, and the National Institute for Occupational Safety and Health, will be undertaking several months of testing on Personal Dust Monitor production prototypes; and

(2) the testing of Personal Dust Monitor prototypes is set to begin (by late May or early June of 2004) following the scheduled delivery of the Personal Dust Monitors in May 2004.

(b) RE-PROPOSAL OF RULE.—Following the successful demonstration of Personal Dust Monitor technology, and if the Secretary of Labor makes a determination that Personal Dust Monitors can be effectively applied in a regulatory scheme, the Secretary of Labor shall re-propose a rule on respirable coal dust which incorporates the use of Personal Dust Monitors, and, if such rule is re-proposed, the Secretary shall comply with the regular procedures applicable to Federal rulemaking.

AMENDMENT TO NO. 1603, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I rise, as a cosponsor, to express my support for the amendment offered by my distinguished colleague from Nevada, Mr. REID, to provide funding for a number of programs critical to Hispanic children around the Nation. Clearly, the programs identified in this amendment are vital to improving educational outcomes for Hispanic students.

As a nation we have made a commitment to leave no child behind. Yet, too often, the needs of Hispanic children are overlooked, and Hispanic children are left behind. The U.S. Census Bureau recently indicated that Hispanics are the largest minority group in the country. The fact is, however, they often are among the most educationally disadvantaged students in the country. Hispanic students are less likely to complete high school and to enroll in or graduate from college.

The amendment before us will help to address these issues in several ways. It includes $85 million for title III language instruction. Under this program, State and local schools implement programs that help limited English-proficient students learn English and keep up with their schoolwork. The Senate mark actually cuts this program from last year's level of $685 million. This is unacceptable. For Hispanic serving institutions, the Senate bill provides a small but inadequate increase above last year's level. This amendment includes $6.4 million in urgently needed funds for HSIs, which continue to receive significantly less Federal funding per student then other degree-granting institutions.

My colleague's amendment also includes $4.6 million for migrant education, which was level funded in the committee mark, and $1 million for the College Assistance Migrant Program, which the committee cut from last year's level. These programs help to identify migrant students, provide health services, and provide counseling and other assistance for migrants who have dropped out of high school. In addition, the amendment includes $11 million for the High School Equivalency Program, $12.8 million for Local Family Information Centers, and $69 million for Head Start Migrant and Seasonal Programs.

I commend the Senator from Nevada for offering this amendment, and urge my colleagues to support it. This is an investment in our Nation's future. The academic achievement gap between Latino students and the remaining student population is a national disgrace. I am informed that approximately one-third of new workers are Latino. Let us work together to invest in these youth, for the benefit of the Latino community and for the benefit of our Nation.

Mr. BINGAMAN. Mr. President, I rise today to urge my fellow Senators to support this very important amendment. This amendment would invest an additional $190 million in our Nation's future, by strengthening seven programs: The High School Equivalency Program, HEP; The College Assistance Migrant Program, CAMP; migrant education; local family information centers; bilingual education; Hispanic serving institutions, HSIs; and Head Start for children of migrant workers.

If we do no pass this amendment, funding for the High School Equivalency Program will be cut by 43 percent. This program provides academic instruction, counseling, computer assisted teaching, career awareness to migrant students studying for the GED, as well as assistance with college admissions and job placement.

If this amendment is not passed, 23 program slots will be eliminated due to the lack of funding. Currently, these 23 slots are filled by some of the oldest and best performing projects in the HEP program, some of which have been providing services for 30 years. As a whole, 73 percent of their students received GEDs, and no less than three of the programs have had consecutive years of 100 percent of their students receiving their GEDs. All of these programs are up for renewal as well as competition for these slots with other programs.

One of the 23 programs that faces elimination is in my own State of New Mexico at the Northern New Mexico Community College. Other States in which programs are at risk of not being renewed due to the lack of funding include Pennsylvania, Texas, Idaho, Mississippi, Colorado, Florida, Oregon, Tennessee, Washington, Wisconsin and California.

A second program whose funding has been cut is the College Assistance Migrant Program or CAMP. CAMP recruits talented migrant high school graduates and GED recipients, who aspire to a postsecondary education but lack adequate resources. CAMP assists students in their first year of college with personal and academic counseling, mentoring, and stipends.

Before the Federal Government created CAMP programs, there was no record of a migrant child having completed college. Since their inceptions, both HEP and CAMP have achieved stunning success rates. For the projects that received 5-year grants in 1999, 72 percent of the HEP participants have received their GEDs while over 80 percent of the CAMP students have successfully completed their first year of college. Over the history of the program, nearly three-quarters of all CAMP students received baccalaureate degrees.

The existing 102 HEP and CAMP programs serve approximately 15,000 students in 25 States and Puerto Rico. Many areas of the country have no access to the programs at all. Based on the Department of Education's estimate, of the over 750,000 school-aged migrant children, over the next 5 years there will be over 170,000 migrant children who will become dropouts and eligible for HEP services. CAMP programs will have approximately 140,000 students who will qualify for services. The need for services far outstrips the programs' current resources.

The title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant workers as a consequence of their mobility. Some of these children attend three or four schools in a single school year. They have a need for coordination of educational services among the States and local districts where they live, often for a short time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in fiscal year 2001. Additional funds are needed to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional $4,587,000 in needed funding.

The Local Family Information Centers was authorized under the No Child Left Behind Act to provide parents of title I students, including English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB. The Local Family Information Centers also help parents to hold their local and state school officials accountable and become more involved in their children's education. This amendment would increase funding by $12.8 million.

This amendment would increase funding to State and local education agencies in order to ensure that as many of the 4.6 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient, LEP, and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment would restore the $20.5 million cut in the current legislation and increase funds by an additional $64.5 million.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation's youngest and largest ethnic population. HSIs, by definition, have a full-time student enrollment that is at least 25 percent Hispanic; further, at least one-half of their entire student enrollment is low-income. The impending emergence of more than 100 new HSIs, mostly in California, Texas, Florida, New Mexico, Illinois, in the next few years and the rapid growth of the Hispanic college-age population underscore the urgency for immediate, major, and sustained increases in title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional $6.4 million in assistance to these great institutions.

Migrant and Seasonal Head Start, MSHS, programs serve nearly 32,000 migrant children and nearly 2,500 seasonal children annually, operating in 38

States in every region of the country. Migrant and Seasonal Head Start programs were the first Head Start programs to serve infants and toddlers. today. two-thirds of the children in the program are infants and toddlers.

Migrant and Seasonal Head Start was a response to the needs of migrant families. In most States, local childcare resources are not available when migrants come into a community, especially for infants and toddlers. When resources are not available, parents have no choice but to take the children to the fields where they are exposed to pesticides, hazardous equipment, extreme heat and other health dangers. This program is ever growing and so greater resources are needed to provide these essential services. This amendment requests an additional $69 million for Migrant and Seasonal Head Start.

We must do everything we can to provide every child with the best education we can. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources.

Mrs. CLINTON. Mr. President, I rise today in support of the Reid Hispanic educational opportunities amendment.

My Democratic colleagues and I have held roundtables with Hispanic leaders across the Nation and members of the Congressional Hispanic Caucus that have allowed us to share ideas and develop an agenda that addresses the issues that matter most to the Hispanic community.

We know how important education is to Hispanics and will continue to ensure that it remains a top priority for the Democratic caucus.

Unfortunately, the Senate Appropriations Committee-approved bill eliminated or significantly underfunded programs with a clear record of improving educational opportunities for Hispanic children. Unless we restore and expand these funds, millions of Hispanic students will be denied the opportunity to achieve the American dream.

The fact is, Latino children are among the most educationally disadvantaged students in our Nation. They have the highest dropout rate in the entire country, the lowest college attendance rates, the lowest college graduation rates, and are more likely to attend underfunded schools in low-income areas.

Hispanic children make up 17 percent of the total school age population in the country and recent trends indicate that the number of Latino children attending our Nation's schools is increasing.

This amendment would help ensure that millions of Latino children get the quality education they need and deserve. It would restore and expand funds to programs with a proven record of improving achievement among Latinos.

New York's schools serve a large and growing number of Latino students and the rate of enrollment for limited English proficient students has grown by 44 percent since 1990.

Resources provided under title III of the NCLB help school districts in my State provide English language instruction to over 300,000 limited English proficient children and nearly 120,000 immigrant children. Yet this appropriations bill cuts title III of the NCLB by $20 million.

Restoring this funding will help States, local schools, and colleges build their capacity to teach limited English proficient students effectively.

This appropriations bill also provides inadequate funding to serve the children of migrant and seasonal farmworkers. Often called "children of the road," these children face many obstacles in their lives, including extreme poverty, geographic and cultural isolation, discrimination based on race or ethnic status, language minority status, and, most important, mobility.

Currently, only 664 of 1,177 eligible migrant children are being served in migrant and seasonal Head Start centers across New York.

This amendment will take an additional 150 migrant children in New York out of the fields where they are put at risk of exposure to harmful toxins and pesticides and into quality head start classrooms where they can receive the social, behavioral, and cognitive skills they need to help prepare them for school.

As they continue on their journey through the education pipeline, programs like the High School Equivalency Program, HEP, and College Assistance Migrant Program, CMP, help these students beat the odds.

The HEP and CAMP programs are both very important to New York as well as other states in the Northeast. The HEP program helps migrant students who have dropped out of high school get their GED, and CAMP assists migrant students in their first year of college with both counseling and stipends.

At the State University of New York at Oneonta, Luis Gonzalez, a New Yorker and former HEP and CAMP student will be entering as a sophomore. Luis' experience as a migrant youth is shared by countless other children of migrant and seasonal farm workers.

For Luis, it resulted in a pattern of repeating grades until he quit school to work with his father in the vineyards of Western New York. A year later, he learned about HEP and earned his GED. He then applied to college and was admitted as a freshman to SUNY last year. As a CAMP student, Luis received vital academic, social, and financial support during his first year of college, the most critical year for most first-generation college students. Luis now mentors other HEP students, is a member of the AmeriCorps program and has maintained a cumulative GPA of 3.04.

Securing additional resources for HEP and CAMP will help ensure the dreams of students like Luis become reality.

Many Hispanic students like Luis choose to move on to Hispanic serving institutions, HSIs. These schools, including New York's 12 HSIs, serve a large and growing number of Hispanic students. By supporting these institutions we are recognizing the large contribution they make to increasing access to higher education.

Failure to increase funding for these programs will not only hurt individual Hispanic children. Unless we provide Latino children today with the education they need to learn the skills necessary for a wide range of jobs, we risk having a shortage of qualified workers in the future.

We need a highly skilled workforce to compete in this global economy and investing in the education and training of our Hispanic population will help our Nation meet this challenge.

I strongly urge my colleagues to support the Hispanic educational opportunities amendment.

Mrs. MURRAY. Mr. President, I am proud to cosponsor the Hispanic educational opportunities amendment which will help address the challenges facing Hispanic students from coast to coast.

I thank Senator REID and Senator BINGAMAN for offering this amendment, and today I want to highlight how this bill will help so many people in our communities.

Just last month in Washington State, I saw once again how important education is to our entire state and especially to the Hispanic community.

On August 11, I had the opportunity to hold a day-long summit of Hispanic leaders in Yakima, WA. The turnout was overwhelming.

In one room, we brought together Hispanic elected officials from across the State, along with public and private-sector leaders, on a host of issues.

Congressman CIRO RODRIGUEZ, the chairman of our Congressional Hispanic Caucus, served as a cohost, and shared his national perspective on the issues.

We had also had international leaders, including Peruvian Consul Miguel Velasquez and Mexican Consul Jorge Madrazo.

I am especially proud that we had more than a dozen panelists who shared their expertise and led our discussion.

I publicly thank each of our panelists for their time not only at the summit, but for dedicating their lives to helping the community. Many of them had to overcome significant barriers in their own lives, and today they are working to knock down barriers for all Hispanics. Their participation that day was just one example of the leadership they show every day of the year.

Mr. President, I ask unanimous consent to print the names of the panelists in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Education Panelists

Miguel Puente, CAMP Director at Heritage College, Toppenish; Ricardo Sanchez, LEAP Director, Seattle; Armondo Mungia, student at Eastern Washington University, Cheney; and Elizabeth Padilla Flynn, Pasco School District.

Economic Development Panelists

Luz Bazan Gutlerrez, President & CEO, Rural Community Development Resources, Yakima; Veronica Yzquierdo, Executive Director, Pasco Downtown Development Association; Jesse Farias, Employment and Security, Wapato; and Gilberto Alaniz, State Director, Opportunities Industrialization Center.

Civil Rights Panelists

Lupe Gamboa, United Farm Workers; Roberto Maestas, El Centro de La Raza, Seattle; Polo Aguilar, Grupo Mexico, Yakima; and Kevin Diaz, Attorney, Columbia Legal Services.

Healthcare Panelists

Teresa Mosqueda, Sea Mar Representative, Public Health, Seattle; Kimberley Klint, Ph.D., Director of Mason Maters; Vickie Ybarra, Director Planning and Development, Yakima Farm Workers Clinic; Marisela Guzman, ConneX student, Toppenish; and Jesus Hernandez, Lead Access Coordinator/Program Manager, Community Choice, Wenatchee.

Mrs. MURRAY. I thank each of them for their leadership, and today I am on the Senate floor supporting this amendment to help carry out the agenda we discussed at the summit.

I can tell you that even though we covered a host of topics, including economic development, civil rights and healthcare, the No. 1 topic people talked about was education.

I was astounded to listen as leaders in the community, elected school board members, and city council members told me that when they were growing up, very few people, if any, looked at them and said: "You know, you can be a success. You can pass first grade." Or that, "You can go on to college, and you can become something in this country."

If we adopt this amendment, we will tell a generation of young students: We need you. We need you to be the next generation of engineers. We need you to be the next generation of teachers. We need you to be the next generation of C.E.O.s.

Today we are missing out on an entire young population, and what they can give back to this country someday in leadership, in economics, in paying taxes, and in being successful members of the community.

This amendment will help knock down the barriers facing Hispanic students, and we must adopt it.

Perhaps the most disturbing thing is that the underlying Labor-HHS bill we are debating cuts funding for critical Hispanic programs.

That is why we need this amendment to stop those cuts and provide funding for critical services like extra help with preschool, English language acquisition, tutoring, mentoring, and financial aid.

I want to highlight how this amendment will help in areas like Headstart, migrant education, and language skills.

One program that I have seen bring help—and hope—to families for decades is Head Start. This amendment will expand access to Head Start programs for migrant and seasonal working families.

Migrant and seasonal farmworkers work hard every day so that you and I can put affordable food on our tables. It is a good deal for us, but most of those families earn less than $10,000 a year. Many of their children pay a price beyond poverty.

When families don't have access to child care, they are forced to take their children into the fields with them, exposing them to equipment and other hazards.

Migrant and Seasonal Head Start programs meet the needs of these families, keeping their children safe while preparing them for school.

Nationwide, 60 percent of children are being served by Head Start, but for migrant children, it is just 19 percent and for children of seasonal workers, it is just 2 percent. That is unacceptable.

This amendment will boost the funding so we give more children of migrant and seasonal workers a place in Head Start so they can start school ready to learn.

This amendment does more than just increase funding to serve more children. It also makes sure that vulnerable children are not cut off from the help they are counting on.

The President's budget request slashed funding for the High School Equivalency Program, HEP, by 43 percent.

The appropriations bill before the Senate implements the President's cut, with a $10 million cut to HEP. It also cuts funding for the College Assistance Migrant Program, CAMP, by $400,000.

The funding cuts in the HEP program would eliminate the 23 oldest and best performing projects in the program, two of which are in Washington State.

I have met with the leaders of HEP and CAMP programs in Washington state. They are doing critical work at Heritage College and Washington State University HEP programs.

HEP provides education and counseling services to migrant students who have dropped out of high school so they can pass the GED examination.

Some of the 23 projects that could be closed down have been providing services for 30 years.

As a whole, 73 percent of their students received GEDs, an amazing success rate for a population of students who have already dropped out of school.

The CAMP program is also critical. It recruits talented migrant high school and GED graduates, who want to go on to college, but don't have the resources. These programs introduce parents and students to campus during the summer before their freshman year. It helps those students in their first year of college with personal and academic counseling, mentoring, and stipends.

Before we created CAMP programs, there was no record of a migrant child having completed college.

Since then, nearly three-quarters of all CAMP students have graduated with baccalaureate degrees. Without HEP and CAMP, access to college would be out of reach for the vast majority of migrant students.

The funding levels in this bill ignore the amazing successes we have had through HEP and CAMP.

Because migrant children move around, they don't have a local school, a school district, or even a State that is responsible for their education. We need to keep this safety net at the Federal level.

Currently, funding for the 102 HEP and CAMP projects can serve only 15,000 students, a small fraction of those who desperately need help. The Department of Education has estimated there are now over 750,000 school-aged migrant children.

Since migrant children have the highest dropout rate in the Nation, with nearly 60 percent failing to complete high school, that means that over the next 5 years, 170,000 of these children will drop out of school and be eligible for HEP services.

Over the next 5 years, 140,000 students will become eligible for CAMP services.

It makes no sense for this bill to take away funding when so many students need help.

Another area where our country cannot afford to make the cuts in this appropriations bill is in the English Language Acquisition program. This bill cuts the program by $20 million. That is unacceptable.

This amendment would restore that funding.

It will also increase support for limited English proficient, LEP, students to $750 million.

The number of LEP students has almost doubled over the past decade. It has increased at nearly eight times the rate of total student enrollment. The teachers who are serving those students could use more preparation to teach students with limited English proficiency.

This amendment will help provide title III dollars so that these teachers can receive ongoing professional development.

The Reid-Bingaman amendment will help students overcome barriers at almost every level of school.

Congress has a proud tradition of ensuring that our most disadvantaged kids get a shot at the American dream. It is what we did when we passed title I of the Elementary and Secondary Education Act. It is what we did when we created Head Start. And it is what we did when we started giving out Pell Grants.

We need to carry on that tradition today, not out of charity, but because we recognize that these children are our bridge to a successful future.

I urge my colleagues to vote for this amendment and give Hispanic students in Washington State and around the country a change at the American dream and a better life.

AMENDMENT NO. 1629

Mr. McCAIN. Mr. President, I rise today with my friend from Indiana to offer an amendment to the fiscal year 2004 Labor-HHS Appropriations Act. I would like to thank Senator SPECTER and Senator HARKIN for their support for this amendment.

I usually come down to the Senate floor to criticize the amount of unrequested spending in appropriations bills. Not often do I propose an increase in spending for a specific program. However, today, I feel obligated to offer an amendment to increase the level of funding for the Special Volunteers for Homeland Security program with the Corporation for National and Community Service. I am requesting that we raise our level of funding by $5 million, to bring the total level of funding to $10 million, which is what the program was funded at last year. The administration requested a total of $15 million for this program this year. We are simply proposing to restore one half of the additional money the President requested. This issue is of enough importance to the administration as it was included in their Statement of Administrative Policy.

The amendment Senator BAYH and I propose restores important money to the Special Volunteers for Homeland Security program, a critical component on national service. This amendment increases the funding for this program by $5 million to be more in line with the amount requested in the President's 2004 Budget.

We live in a time of heightened security where terror alerts have become an unfortunate reality. It is sobering to realize that the chances are strong that we will face another terrorist attack in the future. In addition to devoting considerable resources to fighting terror at home and abroad, we need to devote significant resources to preparing our domestic response to any future attack. We would be failing in our responsibilities if we do not adequately prepare for the next attack. The realities of the world in which we live today, require us to educate and prepare the public about terrorism and disasters. These volunteers are an extremely effective way to achieve our mission. We need to be fully funding these programs.

For a number of years, Senator BAYH and I have been working together to increase opportunities for service in the United States. We have introduced legislation, the Call to Service Act, in the last two Congresses that would increase volunteer opportunities with AmeriCorps. We have also worked together successfully to create a short-term enlistment program for our military. One of the fundamental aspects to any expansion of service opportunities must be to increase the number of volunteers in homeland security projects. Our legislation specifically calls for more volunteers to perform homeland security function. Service programs such as the one in this amendment provide an important resources in preparing our Nation to respond to a range of emergencies by providing people who can serve in important capacities such as fighting forest fires, disaster relief, and working in hospital emergency rooms.

I would like to share some examples of the works these volunteers do in the various states and country. Currently, there are 17 programs that received money during the second year of this program. The grantees are a diverse group and are spread across the country from Alaska to Florida. Important groups such as Volunteer Florida, the American Red Cross of Greater New York and the Housing Authority of the City of Milwaukee are all grantees under this program.

In the first year of the program, 350 volunteers with the Municipality of Anchorage, Alaska were able to deliver training to help homebound seniors and help 4,500 disabled residents of Anchorage prepare to respond to a disaster.

In Oklahoma, volunteers with the city of Tulsa developed a citywide volunteer disaster mobilization plan. Volunteers helped to educate the general public by distributing a family preparedness guide provided with information how to prepare for disasters. The volunteers convened meetings that included information on bioterrorism response by local health departments and established safe and secure teams throughout the community to serve as trained resources.

I could go on at length about the good things these programs accomplish.

Increasing the Special Volunteers for Homeland Security program is consistent with our overall need to increase opportunities for Americans to serve their country. We need to increase spending for funding for all volunteer programs. Internationally, increasing programs such as the Peace Corps are important in spreading American ideals and values. Domestically, programs such as AmeriCorps need to be expanded to provide services and assistance to those in need. Any expansion of AmeriCorps and domestic volunteer opportunities would be an excellent opportunity to increase volunteer positions in the area of homeland security.

Once again, I thank my colleagues from Pennsylvania and Iowa for their work on this important piece of legislation. I look forward to continuing my work with Senator BAYH and the rest of my colleagues in the Senate to increase national service opportunities.

AMENDMENT NO. 1644

Mr. BYRD. Mr. President, it was 35 years ago, at 5:30 a.m. on November 20, 1968, that a gas and dust explosion occurred at Consul No. 9 coal mine near Farmington WV. The force of the explosion rippled through the west side of the mine, igniting mine fires and additional explosions, blocking exits and shutting down escape routes. Large amounts of smoke, varying in color from black, gray, white, and yellow exhausted from the air shafts, with major explosions shooting flames over 100 feet into the air. After 10 days, the search and rescue operation was halted and the air shafts were sealed to put out the underground fires. Of the 99 miners underground at the time of the blast, the explosion took the lives of 78 coal miners, 19 of whom are still entombed underground.

In response, the Congress passed the most comprehensive mine health and safety legislation to date—the 1969 Mine Act. The anguish caused by the Farmington disaster was expressed in the statement of findings and purpose of that legislation:

> . . . the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

In addition to a comprehensive safety enforcement regime, the 1969 Mine Act mandated limits on the coal dust levels to which miners could be exposed. The Congress' goal was to protect miners from Coal Workers' Pneumoconiosis, or Black Lung—a disease that results from coal dust particles accumulating in the lungs, scarring the tissue. It is a progressive, terminal disease that is irreversible.

It is not known how many miners died from black lung disease prior to 1969, but since that time, even with the stricter standards mandated by Congress, over 106,000 miners have been diagnosed with the disease, with the Federal Government receiving 5,000 new claims for black lung benefits each year.

Last March, the Mine Safety and Health Administration proposed new rules to implement the 1969 Mine Act with regard to coal dust levels, and the outcry in opposition to those rules was almost deafening. Newspapers from The Courier-Journal and Lexington Herald of Kentucky, to The Charleston

Gazette of West Virginia have described these rules as

> impractical . . . ill-advised . . . [an] assault on workers' health and safety . . . a campaign that would bring back black lung.

Rallies have been organized in Pennsylvania and West Virginia—all in opposition to what experts describe as a roll back in the protections mandated by Congress in 1969 to prevent black lung.

These are seriously flawed rules that would undercut long-running efforts to improve the working conditions of our nation's miners. Under the proposed rules, the levels of coal mine dust permitted in the mine environment reportedly would increase well beyond what was mandated in the 1969 Mine Act. That is a giant leap backward in the nation's work to protect the health of miners.

And these proposed rules constitute only one in a series of proposals by the Mine Safety and Health Administration that are serving to erode the trust of miners in the one agency of the Federal Government charged with protecting their health and safety.

Last January, an air shaft explosion killed three workers at the McElroy Mine in Cameron, WV. Later it was determined that MSHA had failed to properly inspect that mine. One news journal reported that, according to MSHA records, between December 2001 and January 2003, when the McElroy mine should have had six surface inspections, it had been inspected only once—just once.

While this administration touts a low coal mine fatality rate as proof of MSHA's effectiveness, it ignores a series of accidents and near-fatalities that have occurred since last year in Kentucky, Illinois, Pennsylvania, and West Virginia. Last year's QueCreek accident alone endangered 18 miners, and, had it swung the other way, which it easily could have, the rate of recorded fatalities would have increased.

This year's fatality rate continues to move higher, with 10 fatalities recorded in the last 3 months in Virginia, Kentucky, Indiana, Alabama, Pennsylvania, and West Virginia. And now MSHA has proposed a rule to scale back protections against black lung.

In doing so, MSHA is undermining its own credibility. Contrary to past years, miners now view MSHA as an extension of an administration that does not understand the dangers which coal miners must confront every day. That is the only way to explain how MSHA can support a coal enforcement budget that clearly does not provide MSHA with the resources it needs to properly inspect our nation's mines. That is the only way to explain why MSHA would propose a rule that rolls back miner protections against black lung.

And to make matters worse, the media reports that a conflict of interest may have existed when those rules were developed and proposed earlier this year. The Charleston Gazette reported last May that MSHA Secretary David Lauriski, on several occasions, petitioned MSHA to make the same change in its rules that he is now advocating when he was a lobbyist for Energy West. The Inspector General of the Labor Department has already been asked to investigate this conflict of interest.

At the very least, there is something highly questionable about how these rules were developed and what effect they will have on the miners of our states. The Congress has a responsibility to our nation's coal miners to seek certain assurances from the Federal regulators before these rules are put into place. We have a duty to our constituents to ensure that rule changes such as these are implemented appropriately.

I had intended to offer an amendment to prevent the implementation of the dust rules proposed by MSHA, until the Congress could be sure of their consequences. After discussing this matter with Senator SPECTER, the National Mining Association, and the United Mine Workers, I have decided not to offer that amendment for the time being.

Instead, I will support the amendment offered by Senator SPECTER, which would require the Labor Secretary to report a new rule that incorporates the use of real-time dust monitors, assuming that those monitors are tested successfully in the coming months.

However, it is important that the Mine Safety and Health Administration understand that this language is binding. It must issue a new rule if the personal dust monitoring devices prove successful. And I hope that they understand that the miners of our States and their representatives in the Congress will be watching, and that we will continue to oppose any effort to circumvent the 1969 Mine Act with regard to dust levels.

I urge Senators to take this opportunity to improve the credibility of the Mine Safety and Health Administration. I urge Senators to recall the findings of the Congress that were contained in the 1969 Mine Act:

> The first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

Mr. KENNEDY. It is a privilege to join Senator BYRD and Senator SPECTER on this amendment to increase health and safety protections for the Nation's coal miners.

Coal mining is difficult and dangerous work. Miners daily face the risk of mine collapse, mine fires, and the debilitating illness called black lung disease. Each year, over 4,000 coal miners lose time at work because of injuries on the job. We all remember the near-tragedy last summer at Quecreek Mine in Pennsylvania, when nine miners were trapped underground for 3 days. Miraculously, they were rescued but many other miners are not so fortunate.

Congress passed the Federal Mine Safety and Health Act in 1969 to protect miners from these hazards. One of the most critical parts of the Mine Safety Act is its requirement that mine operators reduce and control the level of dust that miners inhale during their shifts.

Since then, we have made great progress in reducing the number of cases of black lung, but this battle is far from over. Over 100,000 former miners and their dependents are receiving Federal benefits today because they or their family members have had black lung. Each year, more than 1,000 workers die from the disease—and hundreds of new cases of black lung are reported each year.

This amendment deals with MSHA's proposed regulations on dust levels and dust monitoring. Many of us are deeply troubled by the administration's proposal. The proposed regulation reduces the protections of the Mine Safety Act. It would allow coal mine operators to raise dust levels up to four times the amount now permitted by the act. It would also reduce the number of samples taken in mines to measure coal dust exposure.

It makes no sense to roll back the current protections. Instead of increasing the number of inspections and tightening the dust standard, the administration's regulation would allow coal mines to raise the amount of dust miners are exposed to. The new regulation directly contradicts the recommendations of the National Institute for Occupational Safety and Health, under which the permitted level of coal dust would be cut in half.

Senator BYRD and Senator SPECTER have proposed this amendment to require MSHA to consider incorporating the new Personal Dust Monitor technology, once testing is completed. This amendment is supported by both the coal mining industry and by the United Mineworkers.

These Personal Dust Monitors have been developed in conjunction with labor and industry. They would be worn by individual miners at all times and could measure more accurately than any existing technology how much coal dust each miner is exposed to.

MSHA itself has acknowledged the role of Dust Monitors in miner safety. It has extended the current rulemaking period in order to include comments based upon Dust Monitor testing. This amendment would go one step further, by requiring MSHA to consider reproposing the rule to incorporate Personal Dust Monitors as part of the required safeguards in the Nation's mines.

Incorporating these technological advances into the rules on coal dust monitoring is a very important step. The Nation's miners risk their lives every day to provide critical domestic sources of energy, and we need to do all we can to protect their lives and health.

I strongly urge my colleagues to support this amendment to use all available technologies to protect the Nation's hard-working coal miners.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1645

Mr. HARKIN. Mr. President, I ask the indulgence of the Senate for a brief statement I am going to make.

As we all know, Senator Paul Wellstone, his wife Sheila, and his daughter Marcia, three staff members, and two pilots perished in a tragic plane accident nearly a year ago near Eveleth, MN. The Senate lost an honest, passionate public servant, and we all lost a friend.

Senator Wellstone's life was a testament to his compassion and commitment to serve the less advantaged. He was a tireless advocate for people in need. That was never more true than when he began working with children with Duchenne muscular dystrophy and their families.

In 2001, Senator Wellstone introduced the Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2001 to intensify Federal investment in Duchenne and other forms of muscular dystrophy. The MD CARE Act asked the Director of the National Institutes of Health to create centers of excellence to conduct basic and clinical research into Duchenne and other muscular dystrophies. That bill was signed into law in December of 2001. About a year later, Senator Wellstone was tragically killed.

While we cannot replace the colleague and friend who served with us in this Chamber, we can commemorate his work on behalf of Jacob Gunvalson and others who inspired the late Senator to see this law enacted. In September of this year, the National Institutes of Health will announce the first grantees of its newly created Muscular Dystrophy Cooperative Research Centers Program.

In addition, three NIH institutes—the National Institute of Arthritis and Musculoskeletal Diseases, the National Institute of Neurological Disorders and Stroke, and the National Institute of Child Health and Human Development—also set aside $1 million in the MDCRC program as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers."

I have an amendment that would rename the NIH Muscular Dystrophy Cooperative Research Center program in honor of the late Senator Paul D. Wellstone of Minnesota. I will not read all of it. In part, it says that the designation of the NIH Muscular Dystrophy Cooperative Research Centers program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers" in honor of Paul D. Wellstone, who was deceased on October 25, 2002. There is no cost involved.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1645.

Mr. HARKIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To rename the NIH Muscular Dystrophy Cooperative Research Center (MDCRC) program in honor of the late Senator Paul D. Wellstone of Minnesota)

Add at the appropriate place:

SECTION 1. DESIGNATION OF SENATOR PAUL D. WELLSTONE NIH MDCRC PROGRAM

(a) FINDINGS.—Congress finds the following:

(1) On December 18, 2001, Public Law 107–84, otherwise known as the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001, or the MD CARE Act, was signed into law to provide for research and education with respect to various forms of muscular dystrophy, including Dechenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and EmeryDreifuss myscular dystrophies.

(2) In response to the MD CARE Act of 2001, in September 2002, NIH announced its intention to direct $22.5 million over five years to its newly created Muscular Dystrophy Cooperative Research Centers (MDCRC) program.

(3) Senator Paul D. Wellstone was a driving force behind enactment of the MD CARE Act, which led to the establishment of the MDCRC program.

(b) DESIGNATION.—The NIH Muscular Dystrophy Cooperative Research Centers (MDCRC) program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers," in honor of Senator Paul D. Wellstone who was deceased on October 25, 2002.

(c) REFERENCES.—Any reference in a law, regulation, document.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Iowa for what he has done. I am delighted to join him in sponsoring the amendment to name the Muscular Dystrophy Operative Research Center after Senator Wellstone. Senator Wellstone attended many of our appropriations subcommittee hearings on neurological disorders and was a tireless advocate for medical research regarding the cause of muscular dystrophy. He was the original sponsor of the Muscular Dystrophy Care Act of 2001. This was the first disease-specific piece of legislation in the 107th Congress, the first major piece of health care legislation signed by President George Bush, and the first piece of legislation to ever address a very lethal childhood disorder.

Just a few weeks before he died, Senator Wellstone visited a little boy named Jacob who was afflicted with muscular dystrophy. He and Jacob made some television ads, which sadly didn't air because of Senator Wellstone's tragic death. Senator Wellstone made a difference in the lives of thousands of children afflicted with this deadly disease. He leaves a legacy of unprecedented Federal commitment to muscular dystrophy research and development. I have no doubt that someday soon we will win the fight against muscular dystrophy because of Paul Wellstone's work.

Mr. President, I yield to my distinguished colleague from Pennsylvania, Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. REID. Will the Senator withhold?

Mr. SANTORUM. I will be happy to withhold.

The PRESIDING OFFICER. Is there further debate on amendment No. 1645? If not, the question is on agreeing to the amendment.

The amendment (No. 1645) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1623

Mr. SANTORUM. Mr. President, earlier today, I offered an amendment to increase the amount of money in the Aid for Africa Program to the number that met the authorization level this Senate passed just a couple months ago. It was an additional $350 million which would be needed to do the $2 billion in bilateral aid to which we committed, plus the $400 million we would need to match roughly $700 million-plus that has now been put forward by other countries for the Global Fund.

This bill is, in combination with the foreign operations bill, $350 million short for what I believe is the most important health crisis facing the world and one I would argue is, as far as dollars spent, going to save more lives and improve the quality of life for more people than probably any other single dollar item we are doing in this bill.

I believe this is the highest priority. That is why I was willing to offer an amendment to fund this program fully and to do so with an across-the-board cut. Having seen the success of an across-the-board cut in a previous amendment, I have not been necessarily encouraged by my colleagues to continue this effort.

I thank the Senator from Pennsylvania, my colleague, in sharpening his pencil to come up with enough money to at least meet the President's request on his program, which is an additional $61 million. It is an amendment Senator DEWINE offered earlier for mother-

Senator DEWINE has been doing some great work, along, I understand now, with Senator DURBIN, to come up with this money.

In exchange for the acceptance of that amendment by the managers, I am going to withhold my amendment. I yield to the Senator from Ohio to explain what his amendment does.

Mr. DEWINE. I thank my colleague from Pennsylvania. I also thank my other colleague from Pennsylvania, the chairman of the committee, for his good work on this bill and for his willingness to work with us on this very important issue.

I know the hour is late, Mr. President. I am just going to take literally 2 minutes to explain this amendment. I will offer the amendment and then I believe the amendment will be accepted.

This amendment is very simple. What it does is it will restore the money to this bill the President has requested this Congress to provide for a program that literally will save tens of thousands, maybe hundreds of thousands, of lives of innocent children. We have the ability today to see a pregnant mother who is HIV positive and to provide her with the care and the drugs to ensure she will not give birth to a child who is HIV positive.

The statistics are very simple and the facts are very simple. If a woman today is pregnant and is HIV positive, the odds are—the percentage is about 30 percent—she will give birth to a child who is HIV positive. In sub-Saharan Africa or in Haiti or in Guyana, there are programs today that will reduce those odds from 30 percent down to 5 or 10 percent for as little as $3 to $4 per woman. That is not per day. That is per woman per child. It is almost a miracle.

My colleague in the Chair and other Members of the Senate who just came back from a trip, led by Majority Leader BILL FRIST, to Africa saw these programs in place. They work. What this extra $60 million will do is to help ensure there will be tens of thousands of more children who will be born HIV negative.

I thank my chairman for allowing this money to come into the bill.

I call up my amendment on behalf of Senator SANTORUM and Senator DURBIN, who went to bat, as he has many times in the past, for children and those who are HIV positive and who might be HIV positive. I thank Senator DURBIN and Senator SANTORUM. I now call up my amendment No. 1623.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. SANTORUM, and Mr. DURBIN, proposes an amendment numbered 1623 to amendment No. 1542.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for activities to prevent the mother-to-child transmission of HIV)

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities and $1,000,000 for non-mother-to-child activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by $61,000,000.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the Senator from Ohio for his outstanding work. I congratulate my colleague from Pennsylvania for his contribution. The Senator from Ohio only talked to me about this amendment about 79 times during the course of the last 2 days. To say that he was persistent would be a vast understatement.

We are prepared to accept this $61 million for the global AIDS for the CDC, of which $60 million is for the mother-to-child transmission prevention initiative and $1 million is for other global AIDS activities. This offset will be made from the administrative costs of the Departments of Labor, Health and Human Services, and Education.

During the course of the debate, we have had a great many AIDS amendments offered, and we wish we could have accepted more of them. But this particular one is very precisely targeted. I know the Senator from Ohio just came back from Africa and feels very deeply about this issue.

We are pleased to accept this amendment, with our compliments to the Senator from Ohio, Mr. DEWINE, the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from Illinois, Mr. DURBIN.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Iowa.

Mr. HARKIN. Mr. President, I have no objection to this amendment. In fact, I am supportive of it. I want to make it clear for the record that the offset on this amendment is not an across-the-board cut. It comes only from the administrative account of the—is it all the Departments, the Departments of Labor, Health and Human Services, and Education—or is it just from the Department of Health and Human Services? I am a little unclear as to from what administrative account it is taken. I want it clear for the record. I just want to get an answer to my question as to which administrative account the offset is taken.

Mr. DEWINE. The Senator is correct, it is not an across-the-board cut.

Mr. HARKIN. I understand it is not an across-the-board cut. Is it from the administrative account of all three Departments or only Health and Human Services?

Mr. SPECTER. It is from all three.

Mr. DEWINE. I can check the exact language of the amendment. Departments of Labor, Health and Human Services, and Education.

Mr. HARKIN. Pardon?

Mr. DEWINE. Labor, Health and Human Services, and Education.

Mr. HARKIN. So it comes from all three accounts. Again, I just wanted to make that clear for the record, that it is not from one account; it is all three, and it is not an across-the-board cut.

With that, there is certainly no objection to this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, have we adopted the DeWine amendment?

The PRESIDING OFFICER. We have not. Is there further debate?

Mr. SPECTER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1623.

The amendment (No. 1623) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now call up amendment 1542.

The PRESIDING OFFICER. The substitute is pending and one amendment is pending to the substitute.

AMENDMENT NO. 1561 WITHDRAWN

Mr. SPECTER. Mr. President, I withdraw the pending amendment, DeWine.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn. The Senator from Pennsylvania.

AMENDMENT NO. 1542

Mr. SPECTER. Mr. President, I now call up amendment No. 1542.

The PRESIDING OFFICER. The amendment is pending.

Mr. SPECTER. This amendment is to strike all after the enacting clause and insert the following, which is the text of the amendments.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1542, as amended.

The amendment (No. 1542), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

CLOSE UP FOUNDATION FELLOWSHIPS

Ms. LANDRIEU. Mr. President, it is almost like the change of season around the Capitol when young people from all over the country descend on the Capitol to learn about their Government. We all meet with groups of these students from our State. We take photos, we answer questions. But if you take the time to look at the badges the students and teachers are wearing, more likely than not, they will say Close Up.

Like thousands of young people around this Nation, I got my first real taste of our Federal Government from a trip sponsored by the Close Up Foundation. Since 1972, more than 26,000 students from my State have learned about their Government through the auspices of this organization. Close Up has awarded some $3.7 million in fellowships for students in need and their teachers to encourage the broadest base of possible participation. Furthermore, this program was started by a legendary member of this body, who also hailed from Louisiana—Allen Ellender.

Moreover, there has never been a greater need than now for young people to understand what our Democracy is all about. As we face enormous challenges at home and abroad, the better understanding our young people have about their Government, the brighter our future will be.

Sadly, Mr. President, the Close Up Foundation, which has enjoyed the support of the Senate for several decades, did not receive any resources in this bill. They are seeking funding of $1.4 million, an amount equal to last year's level. I would ask my friend, the Senior Senator from Pennsylvania, and chairman of the Labor, Health and Human Services Subcommittee, if he is aware of the precarious situation of this program, and if he would be willing to work with me to find additional resources during the conference process.

Mr. SPECTER. Mr. President, I thank the junior Senator from Louisiana for bringing this important issue to the subcommittee's attention. I believe that Close Up makes a vital contribution to civic education, and would not want to see the program fail. I say to my friend from Louisiana, that I will be pleased to work with her during conference to see if we can find the necessary funding to meet Close Up's needs.

Mr. HARKIN. I thank my good friend and colleague from Louisiana for bringing up this important issue. I know my partner in this process, Senator SPECTER, worked hard to fund many priorities within a tight allocation. I look forward to working with him on this and other important programs in conference.

PEDIATRIC GRADUATE MEDICAL EDUCATION

Mr. DEWINE. Mr. President, I thank my colleague, Senator SPECTER, for all of the work he has put into drafting and shepherding the Fiscal Year 2004 Labor-Health and Human Services-Education appropriations bill. His leadership and his efforts should be commended.

Last week, I offered an amendment in support of our Nation's children's hospitals. My amendment would equalize the funding that children's hospitals receive compared to adult hospitals. Specifically, the amendment would provide an additional $15 million to fund the pediatric Graduate Medical Education program at $305 million. These monies are used by children's hospitals across the country to hire and retain residents who are interested in pediatric research and in becoming pediatricians.

I ask my colleague, the Senior Senator from Pennsylvania, if he supports our Nation's children's hospitals and the Graduate Medical Education program?

Mr. SPECTER. I thank my colleague, Senator DEWINE. I strongly support our Nation's children's hospitals and the pediatric Graduate Medical Education program.

Mr. DEWINE. Children's hospitals train almost 30 percent of all pediatricians and half of all pediatric specialists. They also provide more than 40 percent of the hospital care in this country for children needing cardiac surgery, children suffering with cancer, and children with cerebral palsy.

Mr. HARKIN. I agree with my colleague about the valuable role of children's hospitals in providing pediatric care and research.

Mr. DEWINE. The House included $305 million in its Fiscal Year 2004 Labor-Health and Human Services-Education bill. I have agreed to withdraw my amendment, but I urge the senior Senator from Pennsylvania to continue working to provide in conference the most funding possible for the Graduate Medical Education program.

Mr. SPECTER. I will do all that I can to see to it that the GME program is funded at the highest level possible in conference.

Mr. HARKIN. I concur with the chairman, and will strongly support the GME program.

CENTERS FOR CHILDREN'S ENVIRONMENTAL HEALTH AND DISEASE PREVENTION RESEARCH

Mr. SPECTER. I am glad to join Senator HARKIN in confirming our intent that funding in the Labor-HHS appropriations bill be used in part to continue funding 12 Centers for Children's Environmental Health and Disease Prevention Research. These centers were established through a joint initiative of the Environmental Protection Agency and the National Institute of Environmental Health Sciences, and combine a new, unique, multidisciplinary approach to researching, identifying, treating, and ultimately preventing health risks posed to children by environmental hazards in the communities in which they live, play and attend school. As you know, we do not earmark NIH.

I ask Senator CLINTON, how much does NIEHS provide in funding for the centers?

Mrs. CLINTON. NIEHS has provided $750,000 per center, for a total of $9 million per year to provide for direct and overhead costs that the centers incur. I hope that EPA will also continue to hold up its end of the funding to continue funding 12 centers. I thank Senators SPECTER and HARKIN for their continued support of the centers, which are directly in line with our shared goal of addressing environmental factors that may cause or contribute to childhood illnesses such as asthma, or that can interfere in the proper growth and development of our Nation's children.

Mr. HARKIN. I am glad to join my colleagues in support of the important work that the Centers for Children's Environmental Health and Disease Prevention Research perform. The research and outreach that these centers initiate is unparalleled. The centers have not only begun important studies into the potential impact of our environment on children's health, but have also cultivated invaluable relationships with their surrounding communities. Continued funding for these 12 centers will allow high-quality research involving local communities in a collaborative process to continue and result in the most effective translation of research into methods of prevention.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES CHARGE TO CONDUCT BASIC BEHAVIORAL RESEARCH

Mr. INOUYE. Will the chairman of the subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield for a question from the Senator from Hawaii.

Mr. INOUYE. First, I would like to compliment the chairman and the ranking member, Senator HARKIN, for their leadership in developing an excellent bill for consideration by the Senate. As a member of the Labor, Health and Human Services and Education Subcommittee for many years I understand the challenge faced by the subcommittee each year in developing a bill that adequately funds all the outstanding programs in the jurisdiction of this subcommittee. The chairman and the ranking member have done an admirable job and they set a fine example of working in a bipartisan manner to meet the health, education and workforces priorities of the Nation. I would also compliment the dedicated staff who support this effort. We would not have such good bills for the Nation without their counsel and hard work.

Mr. Chairman, I come to the floor today to highlight one NIH-related matter that despite our best efforts remains largely unresolved. This year again the Committee's report urges the

National Institute of General Medical Sciences to fund basic behavioral research. The Committee report states the following:

> Behavioral Research.—The Committee believes that NIGMS has a scientific mandate to support basic behavioral research because of the clear relevance of fundamental behavioral factors to a variety of diseases and health conditions. The Committee encourages the NIGMS to incorporate basic behavioral research as part of its portfolio, especially in the areas of cognition, behavioral neuroscience, behavioral genetics, psychophysiology, methodology and evaluation, and experimental psychology.

This is excellent language. The Committee has had similar language in fiscal years 1999, 2000, 2001, 2002 and 2003, but little has yet been done to implement the Committee's recommendation.

Mr. President, I ask unanimous consent that the Committee's NIGMS report language from fiscal years 1999, 2000, 2001, 2002 and 2003 be printed in the RECORD at the conclusion of our remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INOUYE. Mr. President, I also ask unanimous consent that the NIGMS statute, which states in Public Law that one of the purposes of NIGMS is to conduct and support behavioral research, be printed in the RECORD at the conclusion of our remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. INOUYE. Would the chairman and ranking member join me in helping ensure that the NIH complies with the wishes of the subcommittee on this matter?

Mr. SPECTER. Mr. President, I thank my esteemed colleague, the Senator from Hawaii, for bringing this matter to our attention and I look forward to working with him and the NIH to resolve this matter. This subcommittee has successfully doubled the NIH budget over the last 5 years. Thus this speaks to this subcommittee's commitment to all types of scientific health research, including behavioral health.

Basic behavioral research is essential if we are to successfully address the many public health issues plaguing our Nation. Since September 11, 2001, the psychological and physiological effects of terrorism and stress became real to all Americans across this great Nation. It is imperative that we, as a nation, better understand the psychological effects of sustained stress and the role of the behavioral health sciences in the prevention and treatment of the leading causes or morbidity and mortality. The leading causes of death and chronic illness are related to high risk behaviors such as: unintentional injuries and violence, tobacco use, alcohol and drug use, dietary behaviors, sexual behaviors, and inactivity. I am committed to working with you and Senator HARKIN to help ensure that NIH understands the wishes of this Subcommittee.

Mr. HARKIN. Will the Chairman yield for a comment?

Mr. SPECTER. I yield to my distinguished colleague and ranking member of this subcommittee, the distinguished Senator from Iowa.

Mr. HARKIN. I thank the Senator. Mr. President, I echo the sentiments of the Senator from Hawaii and the chairman of this subcommittee. The significance of behavioral health research has never been as important as it is now. The interrelationship between behavioral health research and the health of the people of this Nation is clear. I stand behind with our Chairman, the Senator from Pennsylvania, and the Senator from Hawaii to work with NIH to address the requests of this subcommittee.

EXHIBIT 1

SENATE REPORT—LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Fiscal year 1999 (S. Rept. 105-300)

Behavioral science research and training.—The Committee encourages NIGMS to support basic research training as part of its mandate to support basic research training in all areas of health-related research.

Fiscal year 2000 (S. Rept. 106-166)

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research or training. As the only national institute specifically mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to behavioral science research community and other national institutes and offices, to identify basic behavioral science research and training priorities and to develop a plan for implementing those priorities. (p. 134-5)

Fiscal year 2001 (S. Rept. 106-293)

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research training. As the only Institute mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to develop a plan for pursuing the most promising research topics in this area.

Fiscal year 2002 (S. Rept. 107-84)

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research training. As the only Institute mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to develop a plan for pursuing the most promising research topics in this area.

Fiscal year 2003 (S. Rept. 107-216)

Behavioral science research and training.—As the NIH institute most concerned with basic research, the NIGMS has provided leadership in basic research on physiological and biological structures and functions that may play roles in numerous health conditions. The Committee encourages the NIGMS to develop collaborations with other Institutes, such as the NCI and the NIMH, and the Office of Behavioral and Social Sciences Research to fund basic research to integrate physiological knowledge of pre-disease pathways with behavioral studies.

EXHIBIT 2

Public Law 87-838—Oct. 17, 1962

AN ACT To amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, to extend for three additional years the authorization for grants for the construction of facilities for research in the sciences related to health, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART E—INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT AND OF GENERAL MEDICAL SCIENCES

"ESTABLISHMENT OF INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

"SEC. 441. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to maternal health, child health, and human development, including research and training in the special health problems and requirements of mothers and children and in the basic sciences relating to the processes of human growth and development, including prenatal development.

"ESTABLISHMENT OF INSTITUTE OF GENERAL MEDICAL SCIENCES

"SEC. 442. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and research training in the general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other institutes, or are outside the general area of responsibility of any other institute, established under or by this Act.

"ESTABLISHMENT OF ADVISORY COUNCILS

"SEC. 443. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the institute established under section 441. He may also, with such approval, establish such a council with respect to the activities of the institute established under section 442.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to any council established under this section, except that, in lieu of the requirements in such sections that six of the members be outstanding in the study, diagnosis, or treatment of a disease or diseases, six of such members shall be selected from leading medical or scientific authorities who are outstanding in the field of research or training with respect to which the council is being established, and except that the Surgeon General, with the approval of the Secretary, may include on any such council established under this section such additional ex officio members as he deems necessary in the light of the functions of the institute with respect to which it is established.

"(c) Upon appointment of any such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"FUNCTIONS

"SEC. 444. The Surgeon General shall, through an institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research which is a function of such institute, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the institute established under section 441 and elsewhere in matters relating to diagnosis, prevention, and treatment of a disease or diseases or in other aspects of maternal health, child health, and human development, with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions.

"PRESERVATION OF EXISTING AUTHORITY

"SEC. 445. Nothing in this part shall be construed as affecting the authority of the Secretary under section 2 of the Act of April 9, 1912 (42 U.S.C. 192), or title V of the Social Security Act (42 U.S.C., ch. 7, subch. V), or as affecting the authority of the Surgeon General to utilize institutes established under other provisions of this Act for research or training activities relating to maternal health, child health, and human development or to the general medical sciences and related sciences."

SEC. 2. Section 301(d) of the Public Health Service Act is amended by striking out the words "research projects" wherever they appear therein and inserting in lieu thereof "research or research training projects".

SEC. 3. Title II of the Public Health Service Act is amended by adding after section 221 the following new section:

"ADVISORY COMMITTEES

"SEC. 222. (a) The Surgeon General may, without regard to the civil service laws, and subject to the Secretary's approval in such cases as the Secretary may prescribe, from time to time appoint such advisory committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable for the purpose of advising him in connection with any of his functions.

"(b) Members of any advisory committee appointed under this section who are not regular full-time employees of the United States shall, while attending meetings or conferences of such committee or otherwise engaged in business of such committee receive compensation and allowances as provided in section 208(c) for members of national advisory councils established under this Act.

"(c) Upon appointment of any such committee, the Surgeon General, with the approval of the Secretary, may transfer such of the functions of the National Advisory Health Council relating to grants-in-aid for research or training projects in the areas or fields with which such committee is concerned as he determines to be appropriate."

SEC. 4. (a) Section 704 of the Public Health Service Act is amended by striking out "six" and inserting in lieu thereof "nine".

(b) Section 705(a) of such Act is amended by striking out "1962" and inserting in lieu thereof "1965".

Approved October 17, 1962.

Public Law 87-839—Oct. 18, 1962

AN ACT To amend the Merchant Marine Act, 1936, to develop American flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs.

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled, That title II of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.), is amended by adding immediately after section 212(A) thereof (46 U.S.C. 1122a) the following new section:

"SEC. 212. (B) (a) The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs which are designed to show and sell the products of United States business and agriculture at foreign ports and at other commercial centers throughout the world where the operator or operators of the mobile trade fairs exclusively use United States flag vessels and aircraft in the transportation of their exhibits.

"(b) The Secretary of Commerce is authorized to provide to the operator or operators of such mobile trade fairs technical assistance and support as well as financial assistance for the purpose of defray certain expenses incurred abroad, when the Secretary determines that such operations provide an economical and effective means of promoting export sales.

"(c) There is authorized to be appropriated not to exceed $500,000 per fiscal year for each of the three fiscal years during the period beginning July 1, 1962, and ending June 30, 1965. In addition to such appropriated sums, the President shall make maximum use of foreign currencies owned by or owed to the United States to carry out the purposes of this section.

"(d) The Secretary of Commerce shall submit annually to the Congress a report on his activities under this Act."

SEC. 2. Section 104(m) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting immediately before ", and (B)" the following: "or section 212(B) of the Merchant Marine Act, 1936".

Approved October 18, 1962.

FUNDING FOR UNACCOMPANIED ALIEN CHILDREN

Mrs. FEINSTEIN. Mr. President, I wish to inquire of my friend, the distinguished chairman of the Labor, HHS Appropriations Subcommittee, about the nature of funding in this measure for the care and treatment of unaccompanied alien children.

As my friend knows, in the Homeland Security Act of 2002, Congress transferred responsibility for the care and treatment of unaccompanied alien children from the former Immigration and Naturalization Service (INS) to the Department of Health and Human Services Office of Refugee Resettlement (ORR), effective March 1 of this year. Fiscal year 2004 will be the first full year during which ORR will be responsible for this important function, and it is critical for ORR to have adequate funding to exercise its new responsibilities.

Mr. SPECTER. I commend my friend from California for her tireless dedication to ensuring the protection of unaccompanied alien children. Indeed, it was her efforts last year that brought about the transfer of responsibility for these vulnerable children to ORR. I am pleased to have been a supporter of those efforts.

As the Senator knows, the President requested $34.227 million for unaccompanied alien children for fiscal year 2004. The allocation levels the subcommittee received for fiscal year 2004 were so low, the committee had to reduce the overall funding for ORR beneath the President's request. Nonetheless, the committee recommended the full $34.227 million for fiscal year 2004 for unaocompanied alien children that the President requested.

Mrs. FEINSTEIN. I thank the Senator. It is important to note that in making its initial request for fiscal year 2004, the administration acknowledged that it was a preliminary estimate based on less-than-complete information. Since the administration made its initial budget request last January; it has become evident that ORR will need more funds in order to fulfill its unaccompanied alien child responsibilities.

In talking with experts who work with these children as well as with administration officials, it has become evident that this important program will need at least $20 million in additional funding to order to operate effectively in fiscal year 2004.

As the Senate knows, I was prepared to offer an amendment to this bill that would appropriate the additional $20 million for these programs, bringing the total appropriation for unaccompanied alien children for fiscal year 2004 to $54,227,000. This anticipated that the additional $20 million being appropriated for these functions would be derived from unused refugee and entrant funds from prior fiscal years. These funds have gone unused because of the unfortunate shortfalls that have occurred in refugee admissions during the last several fiscal years.

In the interest of time and in deference to the delicate balance that the committee was forced to achieve in putting together this bill, I will not offer this amendment at this time. However, I ask the chairman for some assurance that he will work with House conferees to secure a minimum of $54.227 million for these functions in conference.

Mr. SPECTER. I thank my friend from California for withholding from offering her amendment. The Senator is correct that the program would benefit greatly from an additional $20 million, and I am dedicated to helping secure that funding before the end of this process.

As the Senator knows, the House mark for Refugee and Entrant Assistance was $33.797 million higher than the Senate was able to recommend. Should the conferees reach agreement on overall ORR funding that is closer to the Senate mark than the House mark, I will work with my colleagues in the Senate and the House to achieve an appropriation for unaccompanied alien children along the lines of the amendment that you have so graciously agreed to withdraw.

Mr. HARKIN. As ranking member of the subcommittee I agree with my friend from Pennsylvania and will work to ensure that the funding the senior Senator of California is requesting for the Office of Refugee Resettlement will be reflected in the final conference agreement.

Mrs. FEINSTEIN. I thank my friend from Pennsylvania, the distinguished chairman, for that assurance. He has been an important ally in our efforts to reform the treatment of unaccompanied alien children. I also commend my friend from Iowa for his tireless efforts on behalf of all children throughout his career in the Senate, and I thank him for his support for this effort. I look forward to working closely with both of my colleagues to ensure that adequate funding is appropriated to carry out the mandate that Congress created in the Homeland Security Act of 2002.

COMMUNITY ACCESS PROGRAM

Mrs. MURRAY. Mr. President, I've come to the floor today to discuss my disappointment that the chairman's mark zeros out funding for the Community Access Program, a community-based program that seeks to coordinate health care of the uninsured and underserved.

This development is especially disappointing because less than 8 months ago, the Senate overwhelmingly adopted my amendment to provide full funding for the CAP program in the FY 2003 Omnibus Appropriations bill.

Since early 2001, the current administration has targeted this program for elimination. It is difficult to understand why the President's budget eliminates a program that seeks to get care for the uninsured at a time when the ranks of the uninsured continue to grow. As more and more families lost their insurance coverage, programs like CAP will become even more important.

The CAP program helps increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay.

The program supports community-based groups that coordinate care for the uninsured. CAP has been very successful, and it enjoys broad bipartisan support. The CAP program was authorized in October 2002 as part of the Health Care Safety Net Authorization bill, which was unanimously adopted by the Senate.

The purpose of the CAP program is spelled out in the Health Care Safety Net Authorization bill. Let me read from the Committee report.

The purpose is "to provide assistance to communities and to consortia of health care providers, in order to develop or strengthen an integrated health care delivery system that coordinates health services for individuals who are uninsured and individuals who are underinsured. And, to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions."

I believe these are goals and objectives that we must achieve, but eliminating CAP will make this impossible.

I understand the fiscal pressures facing Chairman SPECTER, and I believe he has done the best job possible. But we are facing a major health care crisis in this country. I know the important role CAP can play in working to address this crisis.

Washington State has four CAP grantees. They have worked hard to expand access to quality, comprehensive care for those who have no health care safety net outside of the emergency room.

Washington's CAP grantees are based in Spokane, Wenatchee, Olympia and Seattle. As I've met with our CAP grantees, they've shown me a glimpse into the future of affordable health care.

For example, almost a year ago, I visited the Odessa Brown Children's Clinic in Seattle. I saw a doctor, a dentist and a psychologist all in the same room, not just treating individual body parts, but treating the whole child in a comprehensive, compassionate way.

Today that project—known as "Kids Get Care"—is connecting more than 3,000 children to comprehensive health care.

These efforts are making a real difference for low-income families, and they need more investment, not elimination.

Our CAP grantees have worked to ensure that our increased investment in Community Health Centers reaps the greatest benefit possible.

They have worked with vulnerable populations to tear down all barriers to care—not just economic barriers. They have used this small investment to better serve the uninsured.

We should be strengthening efforts like this—not eliminating them.

Currently, one in nine Washington residents is uninsured. With my State's ongoing economic crisis, demand will grow for programs that provide care for the uninsured.

We need to meet the immediate needs of families who today can only access care in the Emergency Room.

CAP provides the seed money that gives community health care providers the ability to serve those who have nowhere else to go.

I had considered offering an amendment to restore full funding for CAP.

However, because of the budgetary constraints, to secure the votes needed, I would have to cut other vital Labor, HHS and Education programs, many of which are already taking cuts.

Instead, I would like to yield to the chairman of the subcommittee for the purpose of engaging in a colloquy.

Chairman SPECTER, again let me stress my appreciation for your efforts. You have been given an almost impossible task.

The bottom line is our Subcommittee allocation for LHHS is simply not sufficient to meet the important priorities of labor, health care and education.

I know you did the best job possible, but I am asking for your support of CAP in conference.

When I raised this issue in the subcommittee markup, you indicated your willingness to work to ensure that this program is funded when the final bill emerges from conference.

Mr. SPECTER. It is true that we have not funded the Community Access Program. That program has traditionally been funded by the House, and let me assure you that it will be funded when we come out of conference. As the Senator from Washington is aware, the House passed LHHS Appropriations bill allocates a total of $104.317 million for FY 2004 for the Community Access Program.

Mr. HARKIN. I want to echo the comments of my good friend from Pennsylvania and thank Senator MURRAY for bringing up this important issue. I, too, am very concerned by the President's elimination of this successful program. I look forward to working with Chairman SPECTER to restore funding in conference.

Mrs. MURRAY. I thank the chairman and ranking member of their support in conference, and as a conferee, I will continue to work with you to ensure the $104.317 million in FY 2004 for the Community Access Program.

DISLOCATED WORKER AMENDMENT

Ms. CANTWELL. Mr. President, I rise to enter into a colloquy with the distinguished chairman and ranking member of the Subcommittee on

Labor, Health and Human Services, Education. I came to the floor today to offer an amendment to increase dislocated worker formula funds in order to create new job training opportunities for dislocated workers.

Given the continued job losses nationwide, increasing funds to retrain workers is critical—both for workers and for the businesses that are hiring workers. Our national unemployment rate is now 6.1 percent, which is close to the highest it has been in 9 years. Since the recession started in January 2001, we have lost more than three million private sector jobs, and these job losses continue. In my State, Boeing announced over 600 layoffs in July. In August, it announced over 500 more. And it has plans to cut a total of 5,000 jobs nationally by the end of the year. These funds are clearly needed to get Americans back to work.

I am pleased that my colleagues and I have reached an agreement to include an additional $25 million in this bill for the Dislocated Worker formula funds. Clearly, I would have liked to secure additional funding, but recognize that the bill includes many worthy priorities and that funds are extremely tight. I look forward to working with the chairman and ranking member to secure this funding increase in the final version of the bill.

Mr. SPECTER. I thank the Senator from Washington for her comments. And I think she makes a good point about the important role the Senate can play in supporting the retraining of dislocated workers. The Senator is correct that we have agreed to include an additional $25 million for the Dislocated Worker funding stream in the managers' amendment. I will fight to keep this funding in the conference committee bill.

Mr. HARKIN. I agree with the Senator from Washington that there is a great need for additional funds for dislocated workers, I will work with my colleagues to retain this increase of $25 million for dislocated worker formula funds in the conference committee bill.

YMCA AND THE HEALTHY STEPS INITIATIVE

Mr. GREGG. Mr. President, I want to commend Mr. SPECTER and the committee for increasing funding for chronic disease prevention and control programs under the CDC. I especially want to thank him for the report language accompanying this bill that recognizes the important role that nonprofit organizations such as YMCAs and Jewish Community Centers play in providing millions of American youth comprehensive health and wellness programs designed to address risk behaviors such as physical inactivity, unhealthy diets, and tobacco use. Because only 25 percent of public schools are offering daily physical education programs, and it has fallen to community-based organizations like the Y to step in and implement health promotion and health education strategies and interventions designed to increase physical activity and foster good nutrition among school-aged children.

I also support the committee's efforts to ensure that private organizations like the YMCA and Jewish Community centers are eligible to receive funding as part of the Secretary's steps to a Healthier U.S. Initiative. It is essential that we begin to encourage after school physical activity programs that help reduce and prevent obesity.

As President Bush recently noted during a visit to the West Lake YMCA in Dallas to promote his Healthy Steps Initiative, "the YMCA is an integral part of a healthy America by encouraging our youngsters to exercise, to have fun, to get outside, to learn to eat good foods." I agree that national organizations, like the YMCA, that have a long history of serving youth and have the ability to assist state health and education departments in all 50 States, are perfectly positioned for the job of helping us develop and deliver model physical activity programs for elementary and secondary education students.

If we are going to quickly and efficiently make an impact on youth obesity, resources need to be made available to organizations that: have a long-standing physical presence in our communities; have established and stable relationships with state and local health and education agencies; and are experienced in providing health and fitness programs to America's youth.

Mr. SPECTER. Mr. President, I thank the Senator from New Hampshire for his support for the subcommittee's efforts in this regard. We should all be concerned about the scourge of obesity among our Nation's youth, and I am committed to assisting the necessary partnerships and programs needed to reverse these devastating trends. Those efforts should include private organizations such as the YMCA to the extent possible and government at all levels should be working with such groups to develop and implement after school physical activity programs to reduce and prevent obesity. I am delighted to work with my colleague from New Hampshire to ensure that national nonprofit organization's like the YMCA and Jewish Community centers have an opportunity to play a leading role in helping achieve the President's goals for a healthier America.

Mr. HARKIN. Mr. President, I want to thank both of my distinguished colleagues, and I want to add my concern over the growing problem that obesity poses on the health of our Nation. Specifically the emphasis that it has had in the lives of our youth. Together we need to seek and work toward a solution.

Nonprofit organizations play a significant role in this battle to keep our Nation healthy. I look forward to working with my good friend and chairman of this subcommittee, Senator SPECTER, and my chairman on the authorizing committee on which I serve, Senator GREGG.

VACCINE STOCKPILE

Mr. SPECTER. I am glad to join Senator HARKIN in confirming our intent that the Vaccines for Children program funding in the Labor-HHS Appropriations bill be used in part to stockpile a 6-month supply of childhood vaccines. Only a year ago, doctors had to turn families away at the door because of national vaccine shortages for eight out of the eleven vaccine-preventable diseases. During the vaccine shortage, children became ill with pneumococcal meningitis and pneumonia, diseases that could have been prevented with an adequate supply of the pneumococcal vaccine. Fortunately, we have witnessed some significant progress since then, which is a credit to a collaborative effort by public health officials, vaccine manufacturers and providers. Shortages have stopped, and childhood vaccines for eleven different diseases are no longer being delayed.

Mr. HARKIN. During the crisis, the HELP Committee met on multiple occasions to study this important issue. I want to thank my friend from Pennsylvania and join him in affirming that it was our intent to use funding in this bill to stockpile a 6-month supply of childhood vaccines. Despite the efforts of the committee and the collaborative effort by many others on this important public health issue, I understand that my home State of Iowa, like the rest of the Nation, only has a one-to-two month stockpile for some of the routinely recommended childhood vaccines. Senator REED, is it accurate to state that these shortages, temporarily alleviated, could return at any time?

Mr. REED. Yes, unfortunately, the General Accounting Office report confirmed that a pause in production for safety reasons could happen again and would have a critical and devastating impact on the ability to vaccinate children and adults. That is why I appreciated the administration's announced commitment to provide funds in the 2004 Budget for a vaccine stockpile. Senator CLINTON, how much funding does the administration plan to provide in Fiscal Year 2004 for a stockpile?

Mrs. CLINTON. The administration plans to provide $124 million in fiscal year 2004 so that it can store a 6-month supply of childhood vaccines by 2006. I thank Senators SPECTER and HARKIN for affirming the administration's commitment to prevent further vaccine shortages by stockpiling a 6-month supply of childhood vaccines. Senators DEWINE and REED and I introduced the Childhood Vaccine Supply Act along with to strengthen and support the administration's authority in these efforts and assure that the stockpile includes adults as well as all children, who were affected by the tetanus-diphtheria toxoid shortage last year. Senator DEWINE, is a vaccine stockpile sufficient to prevent future shortages?

Mr. DEWINE. No. We also need an additional buffer because CDC acknowledges that it will take until 2006 before we can have a six-month stockpile of childhood vaccines. That is why I joined you and Senator REED in introducing the Childhood Vaccine Supply Act, which would provide a notification mechanism so that CDC can work with other manufacturers to maintain the vaccine supply when a manufacturer cannot produce an adequate supply of vaccine. Each of the four major vaccine producers has stated that they do not object to this sort of an advance notice provision. We have worked amicably with Senators FRIST, GREGG, and KENNEDY on both of these vaccine provisions. We have worked amicably with Senator FRIST on this issue and our vaccine provisions, and fully expect to continue working with this bipartisan group of Senators to accomplish the important goal of assuring safe vaccines for all children.

MENTORING

Mr. AKAKA. Mr. President, I rise to enter into a colloquy with colleagues who share my zeal for quality mentoring programs, Senators ALLEN and BEN NELSON, and the distinguished leaders on the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. My concern is with the adequacy of the funding level for mentoring included in this bill today. For the two programs focused exclusively on mentoring, the Department of Education's Mentoring Programs grants and the Department of Health and Human Services' Mentoring for Children of Prisoners, the bill before us commits just $38.6 million—well short of the President's request of $150 million. I understand that limited resources are constraining the amounts we are able to provide for many programs, and I thank the chairman and ranking member for the increase they included in this bill for Mentoring Programs. But I do hope we can find some funding to further increase the allocation for mentoring.

I'm sure we can all remember an adult who made a difference for each of us growing up by spending time with us, encouraging us, and serving as a positive role model. That is exactly what mentoring is: a sustained relationship between a young person and an adult in which the adult provides support, guidance, and assistance to the young person. The benefits of a mentoring relationship are wide-ranging—including gains in educational achievement, health and safety, and social and emotional development.

We have some wonderful mentoring programs in Hawai'i, and they have an invaluable impact on young people throughout my State. One of these excellent examples has been the Senior Kupuna in the Preschools Project run by the Hawaii Intergenerational Network that has achieved meaningful results such as positive changes in classroom behavior. But these programs need additional funding to serve more young people.

I would like to work with the distinguished chairman and ranking member of the subcommittee to increase funding for mentoring in Conference to a level at least equal to the House allocation of $75 million. Before I yield the floor to them, I am pleased to yield at this time to another strong advocate of mentoring programs, the former Governor of Virginia, Senator ALLEN.

Mr. ALLEN. Mr. President, I thank my colleague from Hawaii, Senator AKAKA, for his work on this important issue. I, too, strongly believe that mentoring is effective. Unfortunately, the need for mentors is so much greater than what is currently available. MENTOR/National Mentoring Partnership estimates, based on the latest US Census figures and risk factors for youth, that approximately 17.6 million young people could benefit greatly from a high-quality formal mentoring relationship with a caring adult. Of those young people who need mentors, an estimated 2.5 million are fortunate to be in formal, high-quality mentoring relationships. But that leaves more than 1.5 million young people in need of mentors, falling into a "mentoring gap."

The President has requested $100 million for Mentoring Programs grants and $50 million for Mentoring for Children of Prisoners as a strategic first step to closing that mentoring gap, and I want to recognize him for his leadership. Through a concentrated effort, we will be able to match thousands of new children with caring adults. But, that cannot happen unless we are able to increase the funding for mentoring in this appropriations bill.

Given the tight budget times we are facing, I appreciate the increase that the committee was able to provide for mentoring. However, I believe that we can do better in conference. I, too, would like to work with the chairman with the goal of matching or exceeding the House figure of $75 million, even though it is still short of the President's request of $150 million. I would like to conclude my remarks at this time and yield to a fellow former governor, the Senator from Nebraska, BEN NELSON.

Mr. NELSON. Mr. President, I begin by thanking my colleagues, Senators AKAKA and ALLEN, for their efforts toward ensuring that young people in this country are able to access valuable mentoring services.

As Governor, I helped the mentoring program TeamMates of Nebraska—which was started by former Nebraska football coach, now Congressman, TOM OSBORNE—expand statewide. From your personal experience, I know that, like any youth-development strategy, mentoring works best when measures are taken to ensure quality and effectiveness. Programs must carefully recruit, screen, and train prospective volunteers, and then support them throughout the duration of the mentoring relationship. Inadequate funding directly impacts a mentoring organization's ability to operate a high-quality program. I strongly believe that we should recede to the House numbers on mentoring, which would provide $75 million to help match young people across the country with mentors.

I'd like to share a quote from a Nebraska mentee, Ean Garrett. Ean is a participant in the ProPal Plus Mentoring Program in Omaha, Nebraska, and these are his own words:

> Mentoring shows us that we don't have to live day by day, that we live in a world full of opportunities. It teaches us that with imagination and a lot of hard work, we can go as far as we want. Mentoring helps us see that graduating from high school is not an option: it is a requirement. And mentoring helps us develop our skills so that we are successful well-rounded people who are major contributors to our community, our society, our country, the human race, and the world. Thanks to ProPal Plus and my mentor, the American dream is mine.

The chairman and ranking member have faced a lot of tough choices in crafting this bill, and I am pleased they were able to find an increase for mentoring. I do think Ean's words help us all understand why we must find more. I will end there and yield time to the distinguished chairman and ranking member.

Mr. SPECTER. Mr. President, I thank my colleagues from Hawai'i, Virginia, and Nebraska for raising this very important issue. I agree that the funding levels for Mentoring Programs and Mentoring for Children of Prisoners should be examined carefully in Conference. We have a great many wonderful mentoring programs throughout Pennsylvania that could use more funding in order to continue their good work with young people.

I applaud the three Senators in their goal that these two programs receive the $75 million funding level proposed by the other body. I will work with them and my colleagues in the other body to try to achieve this goal during conference.

Mr. HARKIN. Mr. President, I echo the comments of my colleague from Pennsylvania. It has been proven time and again that kids act out the behaviors that are role modeled for them. That's why caring adult mentors can truly help transform the lives of young people. A substantial increase in federal funds for mentoring would provide a much-needed infusion of grant funding into the mentoring community in Iowa and across the nation. This funding is a wise investment in the future success of young people across this country.

Mr. AKAKA. I thank the chairman and the ranking member for their willingness to work with us on mentoring funding as this appropriations bill moves forward. It will make a big difference in many lives around the country.

FUNDING FOR HEALTH PROFESSIONS TRAINING

Mr. FRIST. Mr. President, I rise to engage the distinguished chairman and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee in a colloquy.

I want to thank the chairman for the hard work he has put into crafting the Labor-HHS bill that is currently before us. I know that he faces many challenges in developing this important legislation every year, and I commend him for his leadership. As the chairman knows, I am a very strong supporter of Federal health professions training programs. These important programs administered by the Health Resources and Services Administration, HRSA, provide critical support to health professions institutions, facilities, students and communities throughout the country.

Support from these programs is particularly important to our Nation's historically black health professions schools. HRSA's Health Professions Training for Diversity Programs, including Minority Centers of Excellence, Health Careers Opportunities, Scholarships for Disadvantaged Students, and Faculty Loan Replacement, support those institutions with a historic commitment to training minorities in the health professions. Without support from these programs, many of our historically black health professions schools, including Meharry Medical College in my home State, would be unable to sustain their mission of training minorities for clinical careers in medically underserved areas.

The other programs that comprise the Health Professions Training cluster are equally important to ensuring that we meet our health professions workforce needs, particularly in the over 3,100 Federally Designated Health Professions Shortage Areas. Primary Care Medicine and Dentistry, Area Health Education Centers, Health Education and Training Centers, Allied Health, and other Title VII programs all play a critical role in our health care system. As we continue to work to expand access to quality health care for all Americans, I believe it is important that we support those existing Federal programs that make a difference.

I also recognize that these programs have not yet been formally reauthorized, and so I appreciate the chairman's continued support for funding these items. I look forward to working with him, Chairman GREGG and others to reauthorize these programs and to look for ways through the reauthorization process to improve performance measures and accountability.

I, again, thank the distinguished Senator from Pennsylvania and express my interest in working with him and our colleagues in the House to fully restore funding for all Health Professions Training Programs when the Labor-HHS bill gets to conference.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his comments and for his leadership on these very important issues. He has truly been a leader in this area, and he has consistently pushed for improvements in Federal programs to eliminate health disparities. In fact, he authored the Title VII and Title VIII Reauthorizations as chairman of the Senate Health, Education, Labor, and Pensions Committee's Public Health Subcommittee during the 105th Congress.

As he knows, our subcommittee has a long history of supporting HRSA's Health Professions Training programs. Senator HARKIN and I appreciate the contributions these programs make to our provider workforce through a variety of scholarships, loans, grants and contracts. Unfortunately, the allocation that was provided to the subcommittee for FY04 did not permit us to fully support these worthy initiatives. I agree with the majority leader that a restoration of funding for all health professions programs should be our goal in conference. I am pleased to commit to the majority leader that I will do all I can to fully restore funds for the four diversity programs and, at a minimum, bring funding for the other programs to the House level.

Mr. HARKIN. Mr. President, I want to commend both my chairman, Mr. SPECTER, and the majority leader for their support of the Health Professions programs. My home State of Iowa is suffering from a severe shortage of health professionals. In a rural State, getting well-trained doctors, nurses, and health technicians is always a challenge. One of the biggest obstacles facing health professionals who want to come to rural areas is loan debt. Many of these professionals cannot afford to work in small town America. And that is truly a shame. That is why I am a long-standing supporter of the Health Professions training programs. These programs help to train American workers for good paying, steady jobs, while giving them the economic freedom to work in medically underserved areas—many times the most rewarding settings in which a health professional can work. I thank my colleagues for their commitment to these programs, and I look forward to working with Mr. SPECTER to try to restore this funding in conference.

Mr. REED. Mr. President, I also wish to express my appreciation to the chairman and ranking member for their longstanding commitment to HRSA Title VII Health Professions programs. I had planned to offer an amendment to increase funding for these critical programs to the House level. I will not offer this amendment with the understanding that this will be worked out in conference. I thank the managers of the bill and the Senate majority leader and look forward to working with them as this bill proceeds.

COMPREHENSIVE CANCER ACCOUNT SURVIVORSHIP PROGRAMS

Mr. REID. Mr. President, I want to commend Senators HARKIN and SPECTER for increasing funding for the CDC Chronic Disease Comprehensive Cancer Account by $2.6 million in this bill, bringing the total funding for this account to $12 million in FY 2004. Given the tight budget constraints we are facing this year, I am particularly appreciative of the increased funding they were able to provide for this important program.

The Comprehensive Cancer programs support public and private partnerships to reduce cancer incidence, morbidity, and mortality. These efforts are especially important to the growing number of cancer survivors and their families who are faced with a wide range of physical and emotional health complications after they have survived cancer. This is an especially critical issue for children.

According to the Institute of Medicine's National Cancer Policy Board, while childhood cancer was nearly always fatal before 1970, 78 percent of patients today survive at least 5 years. While this statistic represents a welcome trend and is a major victory against cancer, it raises new issues that need to be addressed.

Cancer survivors, especially children, are oftentimes plagued with neurological impairments, heart and lung problems, growth and fertility disorders, and psychological stresses caused by treatment, complications of the cancer, or both.

Over the past 3 years, 16 children in the small community of Fallon, NV, have been diagnosed with a rare form of leukemia. Sadly, three of these children have since lost their battle with cancer. However, thanks to chemotherapy and other promising treatments, many of these children have shown tremendous progress and we are hopeful that they will make full recoveries.

While we are focused and doing everything we can to ensure that the children in Fallon make full recoveries, we cannot stop there. We need to have support programs to ensure that these children—and cancer survivors around the country—receive the support and care they need and deserve.

According to the IOM policy board, up to 60 percent of survivors do not receive coordinated follow-up care at specialized clinics, which are best suited for treating long-term medical and psychosocial needs. Moreover, pediatric oncologists are trained to battle the cancers, but few are prepared to treat the chronic medical conditions that can follow.

A recent assessment of all the existing comprehensive cancer control programs showed that while all States were doing something with regard to cancer survivorship, there was no uniform, coordinated approach. The CDC, in coordination with this country's leading cancer survivorship organizations, have started a year long planning process to develop a National Public Health Action Plan on Cancer Survivorship. This plan will chart the course for the implementation of cancer survivorship activities into State comprehensive control programs, State cancer registries and other public health functions, which will be available this winter for States to use.

We cannot afford to stay behind the curve on this issue, which will surely become an even bigger problem as NIH research continues to improve treatments. Providing increased funding to the Comprehensive Cancer Account will not only ensure that adequate funds are available to disseminate the new survivorship plan to all States, but also ensure that States will have the appropriate resources to implement the plans.

Mr. HARKIN. Mr. President, I share Senator REID's support for the CDC's Chronic Disease Comprehensive Cancer program. As someone who has dedicated a good deal of my career to advancing treatment and services for people with cancer, I especially appreciate the importance of this program. Having lost my two sisters and my brother to cancer, I consider myself a cancer survivor and know too well the toll this disease takes on everyone. We are under very tight budget constraints this year, but we need to support the highest possible funding level for comprehensive cancer in conference so we can ensure every cancer survivor has access to the necessary and appropriate care before, during, and after cancer touches their life.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for raising this important issue. As he pointed out, the lack of a uniform and comprehensive cancer survivorship plan is becoming a critical public health issue for the millions of cancer survivors and their families and friends. That is why I worked with my close friend Senator HARKIN to secure increased funding for this program. Like so many public health programs, especially within the Chronic Disease Account, there is a lot more that can and should be done. I will work with my friend from Nevada and the conferees to secure the highest possible funding level for comprehensive cancer programs.

Mr. REID. I thank the chair and ranking member for their support for this effort, and I look forward to working with them to secure the highest possible funding level for the Comprehensive Cancer Account and the cancer survivorship programs it supports.

ADEQUATE FUNDING FOR MEDICARE CONTRACTORS

Mr. HOLLINGS. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the Labor-HHS-Education Appropriations Subcommittee. As the Senators know, Medicare contractors play a critical role, partnering with the Federal Government to administer the Medicare program. This year, these contractors will process over one billion Medicare claims; they are the primary point of contact for beneficiaries and providers and provide the first line of defense against Medicare fraud. They are very efficient, with contractors' administrative costs representing less than 1 percent of total Medicare benefits.

While the subcommittee has done its best to provide needed funding for Medicare contractors over the years, the fact exists that CMS and its Medicare contractors have been severely underfunded for years. The problem has been more acute since the mid-to-late 1990s with the enactment of new Medicare laws placing additional responsibilities with insufficient resources to perform these new duties, e.g., HIPAA, BBA '97, BBRA '99, BIPA 2000. Clearly funding has not kept pace with additional work.

The pending Medicare reform legislation, S. 1, if enacted, will exacerbate funding problems for Medicare contractors. Hundreds of changes are made that will require more work by contractors, such as system changes to adjust provider payments, expedited appeals processes and new coverage requirements.

I know that the chairman and ranking member share my concern that Medicare contractors receive adequate funding. The budget constraints we face resulted in an insufficient 1.6 percent increase for Medicare contractor operations, even though claims volume is expected to rise 11 percent. The Medicare Integrity Program, MIP, which provides contractors with dedicated funding for critical fraud and abuse detection activities, is not increased at all. Further, the money we provide does not account for any of the new responsibilities contractors will face if Medicare reform is enacted.

I am concerned that inadequate funding would be devastating to the administration of Medicare and the safeguarding of the Medicare trust fund. Those that will feel the impact most are Medicare beneficiaries and the providers that care for them.

I am told that if funding is not increased to an adequate level, many Medicare contractors would have to reduce staff levels and eliminate certain beneficiary and provider outreach activities. Since claims must be paid, the result will be decreased customer service to beneficiaries and providers. I'm certain we'll hear from our constituents when they are faced with busy phone lines, longer wait times for questions to be answered, reduced provider training on how to properly submit a claim leading to the submission and potential payment of improper claims.

I ask the Senators from Pennsylvania and Iowa to work with me to ensure that Medicare contractors receive increased funding within the available amounts appropriated in the bill. This is particularly critical if Medicare reform is enacted.

Mr. HARKIN. I appreciate my friend from South Carolina's remarks and I, too, share your concerns. I'd like to point out that the Medicare Integrity Program has had a significant impact on reducing waste, fraud, and abuse in Medicare. In fact, for every $1 spent fighting fraud and abuse through MIP activities, Medicare contractors save the government $14. I understand that MIP is now capped at $720 million despite continuing projected increases in claims volume. Therefore Congress must authorize an increase in this permanent funding authority. I'd like us to work with the authorizing committee to increase MIP funding beyond FY 2003 to ensure it meets the demands of rising workloads and to appropriately safeguard the Medicare trust fund.

Mr. SPECTER. I thank the distinguished Senators from South Carolina and Iowa. The Senate Appropriations Committee approved $2,496,889,000 for Medicare operations, the full amount of the President's budget request and an increase of $110,209,000 over the FY 2003 level. I share your concerns that beneficiaries and providers receive the highest level of service by adequately funding Medicare contractors. We also must ensure that the trust fund is protected by adequately funding MIP.

I thank the Senator from South Carolina and the ranking member of the subcommittee for raising these important issues, and I offer my commitment to work with you both to provide Medicare contractors with the resources needed to best serve beneficiaries and providers as well as encourage this Congress to authorize an increase in the MIP funding so that we may appropriate those critically needed dollars.

Mrs. MURRAY. Mr. President, my amendment helps States implement the No Child Left Behind Act by providing $80 million for high quality data systems. I was proud to create this program as part of our reauthorization of the Institute of Education Sciences last year because I saw a real need to help States do this right. Requiring lots of testing only has a benefit to our students if the results of those tests are used to help teachers focus their teaching on weak spots and to help superintendents, principals and policymakers direct resources where they are needed most.

Funding these data systems with this amendment will make sure that the testing and attendance data required by No Child Left Behind are put to good use. Frankly, when I come down here to the Senate floor I usually prefer to talk about students, teachers and parents—not data systems. But it is clear to me that funding these data systems will do a lot more than buy computers and pay programmers. When I wrote this program I worked closely with the Harvard Civil Rights Project. They also see the danger to students—mostly poor and minority students—if no one is keeping track of what's happening to them.

All the new testing and accountability required in No Child Left Behind creates a real risk that kids who are having trouble passing those tests will drop out or be pushed out of school. The newspapers have been filled in recent months with stories of these so-called "pushouts"—students who are discouraged from completing school because their test scores are low and threaten the school's "adequate yearly progress."

The focus on this new phenomenon has raised serious questions about the "Texas Miracle" by pointing out the large numbers of students who are simply disappearing from our school systems. In July, the Houston Chronicle ran an article celebrating a new system—funded through a Federal grant—that is helping educators in Houston keep kids in school. They are using a data system to help lower their dropout rate, and they are definitely not the only ones who need help to do that. The high quality, longitudinal, statewide data systems that this amendment would help build are one of the best tools we have to keep kids in school.

Information is a powerful tool, and only by knowing which students are not showing up can our schools make an effort to find those students and help them. There are a lot of challenges today to keeping our teenagers in school, and I am not saying that data systems are the only answer. In fact, I have introduced a whole bill focused on literacy and counseling and school reform to address many of the issues contributing to high dropout rates. But I know that funding these data systems can make a difference.

Over the last few years I have secured funds to help Washington State develop a data system that will truly support the mission of leaving no child behind by ensuring that every child is counted. The work they have done to develop a high-quality, statewide system is really impressive, and I know that they and other States across our country need this funding to make that possible.

I'd like to thank the Senators from New Hampshire and Nevada for working with me to fund this program. You can see that this is not a partisan issue. We need to pass this amendment and provide this funding to give States a critical tool to implement the No Child Left Behind Act. I hope my colleagues will join me in supporting funding for this program.

I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, July 30, 2003]

TOOL TRACKS POTENTIAL DROPOUTS: PROFILER SOFTWARE LETS HISD KEEP TABS ON AT-RISK STUDENTS

(By Zanto Peabody)

The Houston school district has a high-tech new way to keep high school dropouts—by catching them before they leave.

With a new computer database available at every campus this fall, teachers can keep a virtual eye on every student and identify those at risk of leaving. For the first time, educators can look up a student's attendance and discipline records, immigration status, grades, and test scores at one source and use that information to predict dropouts.

"All students will know someone is watching them, tracking them, and is interested in their success," school board member Laurie Bricker said at a news conference Wednesday.

Houston Independent School District has been developing the PASS software—the Profiler for Academic Success of Students—for more than three years, Chief Academic Officer Robert Stockwell said, but recent events have underscored the need for it

Starting with an investigation of possible dropout-reporting fraud at Sharpstown High School and culminating with a state audit that may lower the district's accountability rating, HISD has come to know how badly it handles some student data.

"The dropout issue is a key battleground for our future," Stockwell said. "We must keep these students in school and learning. Failure is not an option."

The Sharpstown investigation showed that employee can and have changed student records to reflect lower dropout rates. The state investigation and one by a district task force exposed computer records managed so badly that the district has no way of knowing where students have gone.

In an attempt to escape Texas Education Agency sanctions, HISD has promised to monitor students at risk of quitting. District officials also are considering a plan to assign an adult to each at-risk student.

Lee High School Principal Steve Amstutz said the newest version of the PASS program will make that task easier. During a demonstration of the program, Amstutz was able to determine which fictional students were likely dropout candidates—students who missed too many days recently or whose grades dropped suddenly.

"In the past, that would have taken a small army of people looking through obscure records," Amstutz said.

HISD Chief Business Officer Cathy Mincberg said the district developed its own program, using a $1.1 million federal grant, because no other school in the nation has such a comprehensive way of tracking students.

THE "ZERO DROPOUT" MIRACLE: ALAS! ALACK! A TEXAS TALL TALE

(By Michael Winerip)

HOUSTON, Aug. 13.—Robert Kimball, an assistant principal at Sharpstown High School, sat smack in the middle of the "Texas miracle." His poor, mostly minority high school of 1,650 students had a freshman class of 1,000 that dwindled to fewer than 300 students by senior year. And yet—and this is the miracle—not one dropout to report!

Nor was zero an unusual dropout rate in this school district that both President Bush and Secretary of Education Rod Paige have held up as the national showcase for accountability and the model for the federal No Child Left Behind law. Westside High here had 2,308 students and no reported dropouts; Wheatley High 731 students, no dropouts. A dozen of the city's poorest schools reported dropout rates under 1 percent.

Now, Dr. Kimball has witnessed many amazing things in his 58 years. Before he was an educator, he spent 24 years in the Army, fighting in Vietnam, rising to the rank of lieutenant colonel and touring the world. But never had he seen an urban high school with no dropouts. "Impossible," he said. "Someone will get pregnant, go to jail, get killed." Elsewhere in the nation, urban high schools report dropout rates of 20 percent to 40 percent.

A miracle? "A fantasy land," said Dr. Kimball. "They want the data to look wonderful and exciting. They don't tell you how to do it; they just say, 'Do it.'" In February, with the help of Dr. Kimball, the local television station KHOU broke the news that Sharpstown High had falsified its dropout data. That led to a state audit of 16 Houston schools, which found that of 5,500 teenagers surveyed who had left school, 3,000 should have been counted as dropouts but were not. Last week, the state appointed a monitor to oversee the district's data collection and downgraded 14 audited schools to the state's lowest rating.

Not very miraculous sounding, but here is the intriguing question: How did it get to the point that veteran principals felt they could actually claim zero dropouts? "You need to understand the atmosphere in Houston," Dr. Kimball said. "People are afraid. The superintendent has frequent meetings with principals. Before they go in, the principals are really, really scared. Panicky. They have to make their numbers."

Pressure? Some compare it to working under the old Soviet system of five-year plans. In January, just before the scandal broke, Abelardo Saavedra, deputy superintendent, unveiled Houston's latest mandates for the new year. "The districtwide student attendance rate will increase from 94.6 percent to 95 percent," he wrote. "The districtwide annual dropout rate will decrease from 1.5 percent to 1.3 percent."

Dropuots are notoriously difficult to track, particularly at a heavily Latino school like Sharpstown, with immigrants going back and forth to Mexico. Dr. Kimball said that Sharpstown shared one truant officer with several schools. Even so, Houston officials would not allow principals to write that the whereabouts of a departed student were "unknown." Last fall, Margaret Stroud, deputy superintendent, sent a memorandum warning principals to "make sure that you do not have any students coded '99,' whereabouts unknown." Too many "unknowns," she wrote, could prompt a state audit—the last thing Houston leaders wanted.

A shortage of resources to track departing students? No "unknowns" allowed? What to do? "Make it up," Dr. Kimball said. "The principals who survive are the yes men."

As for those who fail to make their numbers, it is termination time, one of many innovations championed by Dr. Paige as superintendent here from 1994 to 2001. He got rid of tenure for principals and mandated that they sign one-year contracts that allowed dismissal "without cause" and without a hearing.

On the other hand, for principals who make their numbers, it is bonus time. Principals can earn a $5,000 bonus, district administrators up to $20,000. At Sharpstown High alone, Dr. Kimball said, $75,000 in bonus money was issued last year, before the fictitious numbers were exposed.

Dr. Paige's spokesman, Dan Langan, referred dropout questions to Houston officials, but said that the secretary was proud of the accountability system he established here, that it got results and that principals freely signed those contracts.

Terry Abbott, a Houston district spokesman, agreed that both Dr. Paige and the current superintendent, Kaye Stripling, pressured principals to make district goals. "Secretary Paige said, and rightfully so, the public has a right to expect us to get this job done," Mr. Abbott said. The principals were not cowed, he said, declaring, "They thrive on it." Every administrator under Dr. Paige and Dr. Stripling, Mr. Abbott said, has understood "failure is not an option" and "that failure to do our jobs can mean that we could lose those jobs—and that's exactly the way it should be."

As for adequate resources for truant officers to verify dropouts, he said individual schools decided how to use their resources, but added, "money is not the problem, and money by itself won't solve the issues we deal with every day."

To skeptics like Dr. Kimball, the parallels to No Child Left Behind are depressing. The federal law mandates that every child in America pass reading and math proficiency tests by 2004—a goal many educators believe is as impossible as zero dropouts. And like Houston's dropout program, President Bush's education budget has been criticized as an underfinanced mandate, proposing $12 billion this year for Title 1, $6 billion below what the No Child Left Behind law permits. "This isn't about educating children," Dr. Kimball said. "It's about public relations."

If Houston officials were interested in accountability, he said, they would assign him to a high school to monitor the dropout data that he has come to understand so well. Instead, after he blew the whistle on Sharpstown High, he was reassigned, for four months, to sit in a windowless room with no work to do. More recently, he has been serving as the second assistant principal at a primary school, where, he said, he is not really needed. "I expect when my contract is up next January, I'll be fired," he said. "That's how it works here."

Mr. WARNER. Mr. President, in our efforts to ensure that the United States remains an economic and military superpower in the 21st century, we must strive to improve the quality of math and science education in this country.

The No Child Left Behind Act took some major steps in the right direction towards improving math and science education at the K-12 level.

However, our work is not done. The Federal Government is not doing enough at the higher education level to ensure that our Nation's colleges and universities are producing graduates to meet our country's national security needs.

This is evidenced by the fact that legislation was signed into law by President Clinton in 2000 to allow America's employers to bring into this country almost 200,000 highly skilled foreign workers a year through the H–1B visa program. America's employers needed these highly skilled workers to fill job vacancies in high tech, engineering, science and other highly skilled positions.

Why couldn't we fill these almost 200,000 job vacancies a year with American workers? Because this country's educational system was not producing enough graduates with degrees in these highly skilled fields to meet the demand.

Admittedly, not long after this legislation was signed into law, America's economy was hit by a decline, and this decline was greatly exacerbated with the events of September 11. But our economy is bouncing back.

Regardless, we must not forget the lessons learned on September 11. One of the clearest messages was that we live in a dangerous and ever-changing world.

Our world is much more dangerous today in many aspects than it was when I served this country with brief tours of duty in World War II and the Korean War.

While citizens of this country sleep each night, the other half of the world is thinking and contriving of every possible way to take the business and the economy from the United States of America. In addition, while we are sleeping, people all over the world are trying to figure out how to come and take our security and our freedom away from us.

Once there was a great ocean that protected this nation. Now, with cyberspace, and all the other modern technologies it is simply one world in economy, one world in national security.

Our country must continually be prepared to meet these threats.

One way we can ensure that we are prepared to meet these ever-changing 21st century threats is to ensure that America's young minds gain the technical expertise necessary to understand and defend against these threats.

Now, I love Shakespeare. I love theater. I love music, and I love political science, sociology and a lot of the liberal arts disciplines. Majors in these disciplines are important to a well-rounded and enlightened citizenry.

However, I also love this country, and I love freedom. Unfortunately, today, our institutions of higher learning are not producing enough graduates with degrees in the requisite scientific programs to meet our country's future national security needs. If this continues, how will we defend our Nation and defend freedom? Will we rely more heavily on importing highly skilled workers than we have in the past?

To ensure our country's role in the future, we must look within our borders to meet these needs.

Unfortunately, today, a look inside our borders shows that this country is facing a dire shortage of math, science, and engineering students. According to the National Science Foundation (NSF), the engineering, mathematics, and science fields show declining numbers of degrees.

Over the last 20 years, there has been a 20 percent decrease in the number of people receiving bachelors' degrees in engineering .

Moreover, during roughly the same time, the number of students graduating with bachelors in physics has dropped by nearly 20 percent, and the number graduating with a bachelors in mathematics has decreased more than 25 percent.

While the U.S. produces fewer and fewer mathematicians, scientists, and engineers, the rest of the world is making up the difference. And, America is importing them. We are grateful for their willingness to come to our shores and share their exceptional talents.

America, however, must now take steps to encourage, at all levels of our educational process, young people to undertake the training necessary to meet our Nation's demands.

There is no doubt the course work is rigorous, particularly the long hours in the laboratory. I learned firsthand the rigors involved in earning an engineering degree because as a consequence of my military service, I was privileged to receive from my great Nation GI bill education benefits. Without these benefits, I would not have earned my engineering degree and would not have achieved my career goals.

However, given the rigors, and given the great need for graduates with backgrounds in scientific courses of study, it is an absolute necessity for the Congress to help in every way to inspire and reward America's youth to pursue scientific courses of study.

Accordingly, I have submitted an amendment to this bill to encourage individuals to pursue programs of study in math, science, and engineering.

The amendment is simple. It simply provides that the maximum Pell Grant award an individual can receive will be increased by 50 percent if he or she pursues a program of study in math, science, or engineering.

As you know, the Pell Grant program, which is funded at about $12 billion a year, is one of the most successful and respected educational initiatives taken by the Congress. The concept behind the Pell Grant properly recognizes the needs of young people coming from economic backgrounds which make it difficult for them to acquire higher education.

Nevertheless, we in the Congress have an obligation when expending taxpayer money, to do so in a manner that meets our Nation's needs. Our Nation desperately needs more trained students in math, science, and engineering. That is an indisputable objective.

The Pell Grant program, in my judgment, offers Congress the opportunity to provide incentives for student recipients to pursue curricula in math, science, and engineering.

My Pell Grant amendment is one idea, but I am certain it is not the only idea. As a member of the Senate's Education Committee, I hope that my chairman, Senator GREGG, will schedule hearings as part of the reauthorization of the Higher Education Act to look into our system of higher education and whether this country is on track to produce graduates who meet the current and projected needs of this country.

At this time, I will not offer my amendment in order to give the Education Committee a sufficient opportunity to address this issue.

At some time in this Congress, though, I fully intend to reintroduce an amendment along these lines after the committee has reviewed the issues, after I get the views of the administration, and after the wide range of people who on a daily basis review the Pell Grant program have an opportunity to share their views as well.

Mr. SPECTER. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the next vote will be the last vote of the week. Tomorrow morning, the Senate will convene at 8:30 in order to recognize the second anniversary of the September 11 tragedy. Throughout tomorrow, there will be various events to honor those who perished on that date 2 years ago. Tomorrow morning, there will be four different moments of silence which will begin with the ringing of a bell just outside the Chamber doors. Members are welcome to come to the floor tomorrow morning to participate and give remarks if they choose.

We will also conduct business during tomorrow's session. However, any rollcall votes ordered on Thursday or Friday will be scheduled to occur on Monday. I thank all Members.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 2660, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. This is following passage of the bill.

Is there objection?

Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Oregon (Mr. SMITH) are absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Smith
Sununu

The bill (H.R. 2660), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The Presiding Officer (Mr. COLEMAN) appointed Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGAINING FOCUS ON THE WAR ON TERRORISM

Mr. BYRD. Mr. President, tomorrow the Nation will bow our heads in prayer as we remember those who perished 2 years ago. As we close our eyes to remember those who perished in the World Trade Towers and the Pentagon and in the quiet field in Pennsylvania, we cannot help but recall the graphic images of the attacks that shocked the American psyche, the smoke, the fire, the pain, the falling towers. The courage displayed on television sets on September 11, 2001, brought all Americans to the scene of those attacks.

Our Nation united to fight those who were responsible for those terrible acts. Since then, our Armed Forces swept through the rugged terrain of Afghanistan, deposing a government that directly aided Osama bin Laden in his mission to attack America by any means at hand.

In the days following the attacks, Congress acted swiftly to provide essential funds for this military response. The appropriations committees in both Houses acted without delay. But we also included increased moneys for homeland security and the reconstruction of New York and the Pentagon.

But today our fight against terrorism has lost a good deal of its focus. Our homeland security efforts are underfunded. The Department of Homeland Security is a bureaucratic catastrophe. The White House has prioritized tax cuts over protecting our airliners and securing our ports.

Through carefully worded rhetoric, the administration has morphed the image of America's most wanted man from Osama bin Laden to Saddam Hussein. It is as if the President has forgotten the name of the mastermind of the attacks that killed 3,031 in New York and Washington on September 11, 2001; the attacks that killed 17 sailors on the USS *Cole* on October 12, 2000; and the attacks that killed 224 U.S. and foreign nationals in bombings of American embassies in Kenya and Tanzania on August 7, 1998. The name of that man is not Saddam Hussein. It is Osama bin Laden, the elusive terrorist who this administration so rarely bothers to mention by name anymore.

The President has now stated that the war in Iraq is the central front on the war against terrorism. But it was our invasion of Iraq that has turned Iraq into a staging ground for daily terrorist attacks against our occupation forces. If we are serious about protecting our country from terrorism, it seems to me that the central front should be the war on al-Qaida.

If we are serious about protecting our country from terrorism, should not the central front be the war on al-Qaida? For that matter, isn't the violence between Israelis and Palestinians actually the root of much of the terrorism in the world? Why isn't reaching a lasting peace agreement between those two peoples the central front on fighting international terrorism?

But at the White House, the subject of terrorism now means the subject of our invasion of Iraq. The President waves the bloody shirt of 9/11, and then subtly shifts the conversation to Iraq. The only problem is that the President's attempts to tie Saddam Hussein to the 9/11 attacks have no basis in fact. There has been no evidence of such found to date. By speaking of al-Qaida in one breath and Iraq in the next, the President has devised a construct for confusing the American people about the real threat to this country. And his strategy has worked. According to a Washington Post poll, 7 in 10 Americans believe that Saddam Hussein was behind the September 11 attacks. That was not the case. There is no evidence that that was the case.

Amidst the confusion of the American people, it was the stated policy of White House adviser Karl Rove to use the war against terrorism for partisan electoral advantage. The White House rode that political bandwagon right through Congress in October of 2002, securing a war resolution in the weeks just before a major election. The bandwagon then bypassed the United Nations, alienating our friends and allies, and charged right into Baghdad, powered by a national security strategy that brought the first use of preemptive war in the history of our Nation.

Soon Congress, we understand, will be formally presented with a request for $87 billion in additional funding for the war. The White House would prefer to call this massive spending bill the "terrorism supplemental." Don't fall for that, I say to my colleagues. I say to the American people, don't fall for that. The American people should not be misled by these word games. The spending in this proposal has little to do with protecting the American people from terrorism.

This request should be called what it is: the second Iraq supplemental appropriations bill in less than 6 months. It is a budget-busting, deficit-enhancing $87 billion on top of the $103.3 billion in additional funds that Congress has already provided to the Pentagon since September 11, 2001. Including this new spending for Iraq, the budget deficit for next year can be expected to exceed $550 billion. How are we going to pay for this mistake that we have made in the Middle East?

I expect to support the funds that are needed for the safety of our troops, but I will not rubberstamp every spending request that comes down the pike. This $87 billion package needs to be carefully examined. Congress is not an ATM that will spit out cash on a moment's notice.

I have questions. I am sure that my colleagues, most of them, certainly, or many of them, have questions about the $20 billion in nation-building funds that are contained, or will be contained, if we understand correctly what we read in the newspapers and what we hear in other areas of the media with respect to the President's request. The formal request has not reached Congress as yet, of course. But initial indications show that the administration intends to go beyond repairing the damage to Iraq's infrastructure and attempt to build a modernized country from the ground up.

Congress needs to ask questions about this plan. There has actually never been a debate in Congress about postwar Iraq. Before we approve of this spending, we must know how long this nation-building plan will take and how the costs will be shared among our allies.

I have some questions about the funds that will be requested for our military. The administration announced this week that it is extending the deployments of our National Guard and our Reserves in Iraq. Many of these citizen-soldiers are already exhausted from back-to-back foreign deployments. The National Guard cannot perform its important homeland security missions if it is half a world away. We are headed towards serious problems with recruiting and retention if this administration thinks that it can keep the men and women of the Guard and Reserve away from their families and their jobs for 12 months, 15 months, or even 18 months on each deployment.

Most importantly, this $87 billion Iraq supplemental—remember, it is not a terrorism supplemental, it has nothing to do with terrorism here in this country—this Iraq supplemental could be the first installment in what the President's advisers describe as a "generational commitment" to building democracy in the Middle East. I do not recall a single word in the President's case for war in which he said that the war in Iraq would be the beginning of a decades-long engagement in that volatile part of the world. The American people ought to hear an explanation of what it means to have a "generational commitment" to nation building and perhaps regime change in the Middle East.

Tomorrow, the American people will pause to remember those who lost their lives 2 years ago. I will long remember that fateful day, as will every Member of this Senate and every person within the range of my hearing. I cannot forget the toll exacted on Americans in those attacks, nor will I forget the courage of the firefighters and the police who rushed into burning buildings, nor will I forget those ordinary people on that airliner who fought back against its hijackers. Those people very likely saved this Capitol from another terrible attack, and, along with the Capitol, saved the lives of many of us who are in this Chamber today.

But when Members of Congress return from the memorial services, we have serious work to do in addressing the crisis in Iraq and in our fight against terrorism at home. We will soon be presented with a request for $87 billion to carry out the administration's occupation and nation-building plans in Iraq.

Let us take a good look at those plans. Let us be prepared to ask questions about them. There is no reason why this request will have to go sailing through Congress in a day or a day and a half or 2 days or 3. We need to ask questions. The administration should be prepared to make its case and be prepared to answer questions.

It is not disrespectful to ask questions. It is not unpatriotic to ask questions. Members of Congress should not be intimidated. They should not be cowed. They should not be afraid to ask questions. The people of America are not here to ask questions. The students in our schools are not here to ask questions. We are here to ask questions.

Let us not act with the same haste and impatience that led our country to begin that war nearly 6 months ago.

REMEMBERING 9/11

Mr. SCHUMER. Mr. President, on the eve of the second anniversary of 9/11, I feel compelled to take the floor and share with my colleagues some of my thoughts. As a New Yorker, of course, as somebody who lives within sight and looks every morning, when I am home in New York, out my window at the empty space that once was occupied by the twin towers, this is something that never escapes my mind and the mind of every New Yorker. It doesn't escape the mind of every American, and probably doesn't escape the mind of just about every citizen of the world. Because 9/11 changed us in many ways, and we can never go back. But hopefully we can learn from it.

I would like to address at least my thoughts to three different areas: Those of the families and victims and those who rushed to help them; the city and the State of New York; and how it has affected us as a Nation.

First, of course, we think of the families. The day after that horrible terrorist attack occurred, I asked Americans to wear the flag or display the flag out their windows. I put on this very flag. I wear it every day in memory of those who were lost and, God willing, I will wear it every day for the rest of my life in their memory. We think of their bravery, the bravery, of course, of the 343 firefighters who were lost, the many police officers, Port Authority personnel, and the first responders who were lost.

We think of the bravery of average citizens. There was just a story in our New York newspapers about two men who braved the fires and braved the smoke and created a passageway and saved the lives of perhaps a dozen and then went back up to try and save more and perished. In a very real sense, those heroes will live with us forever, like the heroes at Bunker Hill and the heroes at Gettysburg and the heroes on D-Day and the heroes of all the great battles our Nation has faced. Many of those heroes are civilians—whether they be police, fire, EMT, or just ordinary citizens. That shows you how our world has changed because we are all on the front lines.

We think of their families as well; the hole in their hearts will never heal. It is not simply the loss, although that is overwhelming and preponderant. It is that they were taken in such an act of bitter meanness and nastiness and atrocity. We have to do everything for them. We have to be with them spiritually. We have to provide for them, and we have to, in a sense, sanctify the memory of those who were lost for whom they mourn every day.

I can think of the faces in front of me right now of some of the people I knew—a brave firefighter, a friend who led a company, a high school classmate with whom I played basketball—all gone, simply because some vicious, terrible people thought they had a deranged message. We will never forget the families. And if you ask the families and ask the victims what they want us to do, they would want us to keep our resolve. And keep our resolve we must.

New Yorkers, Americans, good citizens of the world must keep their resolve. As for my city, we are still wounded. Still, every day, so many of us look up at the skyline and see the empty place. People who go on the subway or get in the car or just walk down the street every so often say, Could it happen again? Our city is still wounded. We have suffered large economic loss, but we have suffered far greater personal loss. But the amazing thing about New York is that we are strong, we are vital, and we rebound.

I am so proud of New Yorkers. I was proud of New Yorkers on the day it happened. Many people rose to the occasion. I always think of the man who owned a sneaker store. He stood outside the store and gave all the women who were fleeing the World Trade Center sneakers. He said, "What size are you?" and he gave them a pair of sneakers because it would be hard to walk in their heels. Those acts of generosity have continued.

The fortitude of New Yorkers has also continued. Battery Park City, a residential area by the World Trade Center, which emptied out is full again. Businesses are beginning to return. A leading law firm came back to downtown and opened last week. So the plans proceed apace. Because we are New Yorkers, of course, there are some disputes, but the plans proceed apace for how we should rebuild—both remembering those who were lost and also remembering that terrorists tried to destroy the commercial greatness of our city. We are going to rebuild commercially as well. I was so proud of the polls that showed that more New Yorkers said they wanted to stay in New York after 9/11 than before 9/11. That is the spirit of the city. It is a great city.

It is the spirit of the whole New York area because there were people who lived in the suburbs who rushed in to help, and they all suffered losses. It is the spirit of our whole State, where people from Buffalo in the north and every point in between rushed to New York City and helped us, and we try to remember to help them.

We are grateful that the Nation has remembered us. The money we worked on to bring back to New York is being spent wisely and being spent well. We are not rushing to spend it. Every so often, there is a newspaper article that says not all of it has been spent. Of course not. But the fact that the President—and I give him credit. We disagree on many issues, but he stood by New York and he remembered what we needed and never broke his word. This Senate and the House, both Democrats and Republicans, again, had disputes about how to do it, but the Congress was very generous to our city. We may come back and need more, of course, but the generosity is real, remembered, and appreciated by New Yorkers.

Finally, what did we learn on 9/11? We learned that the very technology that blessed our lives and accounted for so much of the prosperity we have seen in the last two decades has a dark and evil underside; namely, that small groups of bad people can get ahold of that technology and do tremendous damage in our country. You can be in a cave in Afghanistan, and if you have a wireless connection to the Internet, you can learn as much about America as many of us know. The sad fact is, if you took 200 people anywhere in the world, or maybe a thousand, and injected them with the "evil virus" and they would decide to fanatically devote themselves to hurting America for the next 5 years, the odds are too high that they could succeed. But we are beginning to respond to that challenge.

The war against terrorism is not a 1-, 2-, or 3-year phenomenon. It is going to be a 30-, 40-, or 50-year phenomenon. Today is not the day to bring up the disputes that we all have about this issue, but it is rather to say that it is brand new, and every one of us should walk humbly before proffering solutions because in a certain sense, we have no experience pool. Mistakes will be made.

In a real sense, we are analogous to, say, 1946. America had just beaten the Germans and the Japanese. The average American said let's forget about the world and put our feet up on the coffee table and enjoy our fruits of our labor here at home. All of a sudden, there was a large Communist monolith looking over our shoulder. Initially, we didn't know how to react, and we made mistakes along the way—McCarthyism and Vietnam—but eventually we triumphed over communism. I am not sure the war on terrorism will take us that long to triumph. It may be 20, 30 or 15 years, but it will not take 2 or 3 years.

We are going to have to be vigilant to the memory of those who were lost, to those who suffered. To rise to the greatness of this Nation, we are going to have to be vigilant and remember that no one has all the answers and we will make mistakes, but we will prevail provided we keep our resolve, which I believe we will. Yes, it has changed us. But Ernest Hemmingway once wrote that the world breaks us in certain places and we grow back stronger over the breaks. Hopefully, that will happen here. I believe it is happening here. We are learning, we are adapting, and we will triumph.

So we say to those evil people halfway around the world, who did what they did on that day 2 years minus 1 day ago, you messed with the wrong city, you messed with the wrong country, and you will pay a price. We will not let you and your evil message prevail.

So it is 2 years now. In some ways, it seems like yesterday. In some ways, it seems like a lifetime. We will remember those who were lost. Our city will maintain and even achieve greater greatness, and our country will prevail over terrorism. God bless those families who still suffer. God bless our city and State, and God bless America.

I yield the floor.

GENERAL RAY DAVIS

Mr. CHAMBLISS. Madam President, I rise to pay tribute to the life of a great American hero and great Georgian. GEN Ray Davis passed away last week at the age of 88. Many will remember General Davis for his legacy of service, honor, and heroism. Most will remember General Davis as one of the most decorated marines in our Nation's history. I will remember him as a man of deep conviction who had a genuine concern for his family, community, and country, but mostly, I will remember him as my friend.

President Truman awarded General Davis the Medal of Honor, the highest honor a soldier can receive, after the Korean War for his extraordinary heroism during the 1st Marine Division's historic battle of the Chosin Reservoir in North Korea. His leadership there secured a mountain pass, enabling the escape of two marine regiments that had been trapped for 5 days. To reach the regiments, then Lieutenant Colonel Davis led his men through the mountains in subzero temperatures through the night, battling vastly superior numbers, to eventually defeat the Chinese the next morning. The remaining epic 14-mile fighting march lasted 3 days.

I ask unanimous consent to print in the RECORD the full text of General Davis's Medal of Honor citation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KOREAN WAR MEDAL OF HONOR RECIPIENT RAYMOND G. DAVIS

Rank and organization: Lieutenant Colonel, U.S. Marine Corps commanding officer, 1st Battalion, 7th Marines, 1st Marine Division (Rein.). Place and date: Vicinity Hagaru-ri, Korea, 1 through 4 December 1950. Entered service at: Atlanta, Ga. Born: 13 January 1915, Fitzgerald, Ga. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of the 1st Battalion, in action against enemy aggressor forces. Although keenly aware that the operation involved breaking through a surrounding enemy and advancing 8 miles along primitive icy trails in the bitter cold with every passage disputed by a savage and determined foe, Lt. Col. Davis boldly led his battalion into the attack in a daring attempt to relieve a beleaguered rifle company and to seize, hold, and defend a vital mountain pass controlling the only route available for 2 marine regiments in danger of being cut off by numerically superior hostile forces during their re-deployment to the port of Hungnam. When the battalion immediately encountered strong opposition from entrenched enemy forces commanding high ground in the path of the advance, he promptly spearheaded his unit in a fierce attack up the steep, ice-covered slopes in the face of withering fire and, personally leading the assault groups in a hand-to-hand encounter, drove the hostile troops from their positions, rested his men, and reconnoitered the area under enemy fire to determine the best route for continuing the mission. Always in the thick of the fighting Lt. Col. Davis led his battalion over 3 successive ridges in the deep snow in continuous attacks against the enemy and, constantly inspiring and encouraging his men throughout the night, brought his unit to a point within 1,500 yards of the surrounded rifle company by daybreak. Although knocked to the ground when a shell fragment struck his helmet and 2 bullets pierced his clothing, he arose and fought his way forward at the head of his men until he reached the isolated marines. On the following morning, he bravely led his battalion in securing the vital mountain pass from a strongly entrenched and numerically superior hostile force, carrying all his wounded with him, including 22 litter cases and numerous ambulatory patients. Despite repeated savage and heavy assaults by the enemy, he stubbornly held the vital terrain until the 2 regiments of the division had deployed through the pass and, on the morning of 4 December, led his battalion into Hagaru-ri intact. By his superb leadership, outstanding courage, and brilliant tactical ability, Lt. Col. Davis was directly instrumental in saving the beleaguered rifle company from complete annihilation and enabled the 2 marine regiments to escape possible destruction. His valiant devotion to duty and unyielding fighting spirit in the face of almost insurmountable adds enhance and sustain the highest traditions of the U.S. Naval Service.

Mr. CHAMBLISS. After the Korean War, General Davis went on to command the 3rd Marine Division in Vietnam. In 1972 he retired as a four-star general, having served his country for 33 years. During his service, General Davis earned a Purple Heart, a Bronze Star, two Legions of Merit, two Silver Stars, two Distinguished Service Medals, the Navy Cross for his service in the Palua Islands operation, as well as the Medal of Honor.

As an anecdote, our current chairman of the Senate Armed Services Committee, Senator John Warner, told me the other day that when he was Secretary of the Navy, he was responsible for seeing to the promotion of General Davis to full general.

After his retirement he refused to fade from the scene and his tireless efforts on behalf of veterans nationwide led to the construction of the Korean War Memorial here in Washington, DC. General Davis made it a practice of keeping in touch with me with respect to issues regarding the Active Force as well as veterans on a regular basis.

I noticed in my faxes I received last week that on the day before he died, he sent me a letter with an op ed he had written regarding a particular issue our Senate Armed Services Committee is dealing with on this very day.

General Davis has been a constant source of encouragement and support to me over the years. I will miss him dearly. He is survived by his wife of 61 years, Willa Knox Davis, three children, seven grandchildren, and two great-grandchildren.

We who knew him have been blessed by his wisdom, humility, and, above all, his honor. Our thoughts and prayers will remain with his family as they remember and celebrate the extraordinary life of GEN Ray Davis.

MEDICARE

Mr. NELSON of Florida. Mr. President, I wish to talk about cancer as well as finalize details of this appropriations bill which includes more than $5 billion for the Cancer Institute. I am reminded of a related issue that threatens cancer care in this country. I am extremely concerned with several provisions in the Medicare prescription drug coverage bill already passed by the Senate and the House.

As we know, when the Medicare Program was first enacted, much of the care provided to patients was delivered in the hospital inpatient setting. That was 1965 when Medicare was enacted.

Over the course of the next 37 years, as science and medicine has progressed, patient care has shifted dramatically to the physician's office. Perhaps nowhere has this shift been more prevalent than in cancer care. Today, over 80 percent of all care is delivered in physicians' offices, and that is cancer care. This is due in large part to the introduction of the new outpatient drugs which have significantly reduced the need for inpatient hospital care for cancer patients.

If Congress was designing the Medicare Program today, in 2003, instead of in 1965, there is little doubt that outpatient prescription drug coverage would be a central part of that program. That is a lot of the argument we made when we passed the prescription drug benefit, a bill that passed earlier in the summer.

The current Medicare system, however, only provides limited coverage for outpatient drugs. Clearly, that needs to change, especially for cancer care.

Medicare does provide coverage for many cancer drugs, such as chemotherapeutic agents and supportive drugs. In addition, Medicare provides reimbursement to physician practices for professional services associated with the administration of those covered drugs under Medicare. As has been noted by the General Accounting Office and the HHS inspector general, the current system for reimbursement of cancer care is seriously flawed.

Medicare payments for cancer drugs frequently exceed the cost to the providers, and at the same time, however, Medicare reimbursement for drug administration covers only a small fraction of the actual cost of providing quality cancer care.

It is estimated that the current Medicare reimbursement only covers about 20 percent of the actual practice expenses.

I have heard from many of Florida's 775 oncologists, and they have told me that the overpayment for covered drugs has helped make up for the significant underpayment in practice expenses incurred by physicians' offices. This includes expenses for oncology nurses, pharmacists, case managers, medical equipment, and other services and supplies involved in providing cancer patients with the highest quality of care.

The goal for reform ought to be simple. Medicare should neither overpay nor underpay for drugs and related expenses. Unfortunately, the legislation passed by both Houses does not achieve the balanced reform that I think all of us agree is needed.

Instead, the legislation passed by the Senate on prescription drugs calls for a cut of $16 billion over the next 10 years. The House-passed bill is no better, and it includes a cut of over $13 billion from the current Medicare reimbursement levels.

The consequences from cuts of this magnitude are going to be dramatic, including the closure of satellite clinics in rural areas, forcing cancer patients to drive hundreds of miles for treatments. Oncology nurses, pharmacists, social workers, and the like will lose their jobs. Clinical research in community-based clinics, where approximately 60 percent of all cancer clinical trials are conducted today, are going to be brought to a halt. Many doctors will be forced to significantly reduce the number of Medicare cancer patients they treat, while others will stop accepting new cancer patients altogether.

Patients are going to be forced to seek treatment elsewhere, but hospitals have indicated they have neither the physical capacity nor the nursing staff to treat a large volume of new cancer patients. In fact, a recent survey conducted by the American Society of Clinical Oncology found that if the proposed cuts in Medicare reimbursement are enacted into law, 73 percent of physicians surveyed would send chemotherapy patients to a hospital instead of treating them in the office. Fifty-three percent would limit the number of Medicare patients they treat, and nearly one in five indicated they would stop treating Medicare patients entirely.

If that happens, it is exactly the opposite of what we ought to be doing, because a person can keep their costs a lot lower if they are doing this treatment in a doctor's office instead of doing it in the hospital.

I am sure all of us unanimously would agree that we cannot let this happen, especially at a time when such tremendous progress is being made in cancer research and treatment. Yet it is happening under our eyes. It happened in this bill that we passed.

According to the statistics from the American Cancer Society, approximately 1.3 million new cancer cases will be diagnosed this year, and 60 percent of those cases will be among Medicare beneficiaries.

In my home State, more than a million people will be told over the next decade that they have been diagnosed with cancer. If the $16 billion of cuts in cancer care that have been proposed are enacted into law, this would mean a $1.6 billion reduction in Medicare cancer care reimbursement in my State of Florida alone. This cut is second only to the cut in California, which would be hit with a $1.7 billion cut.

Let's face it, cuts of this magnitude are not sustainable. This is just Medicare reimbursement that we are talking about because private payers frequently follow the Medicare payment formulas. In the private sector, those cuts will be even more dramatic. The cumulative effect of all of these proposed Medicare cuts, combined with the private payer cuts that will undoubtedly follow, will have a very serious impact on the ability of cancer patients to receive the care they need in order to survive.

I remind everybody that there is not one among us who has not been touched by cancer in some way, if not among ourselves, among our loved ones and our friends. We have the greatest system of cancer care in the world. Patients are living longer. They are living productive lives thanks to the scientific advances and the dedicated men and women who provide the high-quality care in convenient and cost-effective community clinics throughout this country. People from around the world travel to America for cancer care.

My colleagues ought to see the Latin American market, how it comes to Florida for that care, because they know we have the latest technologies, the best doctors, the most compassionate nurses, and the best trained medical workforce in the world. That is why people come to the United States for their health care, especially cancer care.

Advances in cancer research have led to the development of new therapies that are more targeted, and those therapies are less toxic. As a result, cancer mortality rates in the U.S. have been declining. We are winning this war on cancer. Now is not the time to call for a retreat, a surrender, by slashing Medicare payments.

The conference committee on the Medicare prescription drug bill is meeting right now, and all across this land people who care about what I am trying to articulate ought to be sending their ideas, their requests, and their pleas, along with their prayers, to that conference committee and let them know what they think. We have a saying in the South: Let them have an earful.

While many issues still have to be ironed out in that conference committee, it is putting the Congress one step closer to enacting the most sweeping reform of the Medicare Program since its inception.

In closing, I urge my colleagues to continue the discussions with the cancer care community to develop a proposal that will preserve patient access to community-based cancer care. Cancer patients and their families are counting on Congress to preserve high-quality community-based cancer care. This is one of the most serious issues we are facing, and when we make tradeoffs because of budgetary limitations, as we did on the floor of this Senate in the consideration of the Medicare prescription drug benefit, where we traded cuts in cancer care for increases in rural health care, that is a tradeoff that we should not have to make. We ought to be able to do both. The consequences, if we allow it to stand, are going to be extremely great.

I yield the floor.

CANCER

Mr. STEVENS. Mr. President, increasing scientific evidence indicates that what a person includes in his or her diet may be as important as what a person excludes. Scientists estimate that at least 30 to 40 percent of all cancers are linked to diet and related lifestyle factors.

Some foods contain substances known to increase the risk of cancer, including saturated fat, cholesterol, and oxidants.

Avoiding these foods may reduce the risk of many of the most common forms of cancer, including prostate cancer, breast cancer, and colon cancer. I happen to have an extreme interest in that because I am a prostate cancer survivor. I am now told other foods contain substances that help protect against cancer and heart disease.

A growing number of compounds in fruits, vegetables, and cereal grains have been found to interfere with the process of cancer development in laboratory research.

Epidemiologists have found that populations that consume large amounts of plant-derived foods have lower incidence rates of some types of cancer.

According to a study conducted by Stephanie London, a doctor and epidemiologist at the National Institutes of Environmental Health Sciences and Research Triangle Park, North Carolina, broccoli and other members of the cruciferous vegetable family, including cabbage and bok choy, appear to protect humans from lung cancer.

Several other studies have pointed to the cancer-prevention properties of phytochemicals found in these vegetables. According to Hien T. Le, Ph.D., a molecular biologist with the University of California Berkeley, consumption of these cruciferous vegetables has been linked with prevention of cancers of the breast, endometrium, colon, and prostate cancer.

One study further found these chemicals are "novel," naturally occurring and could have potential in cancer prevention or treatment.

Broccoli and related vegetables contain the chemical that kills the bacteria responsible for most stomach cancers, say researchers, confirming the dietary advice that moms have been handing out for years. Dr. Paul Talalay, a coresearcher at Johns Hopkins University, found the chemical sulforaphane even killed H. pylori, a bacteria that causes stomach ulcers and often fatal stomach cancers. Researchers stated:

> If clinical studies show that a food can relieve or prevent disease associated with this bacterium in people, it could have a significant public health implication in the United States and around the world.

The good news is there appears to be enough of this chemical in broccoli sprouts and some varieties of broccoli to significantly benefit people who eat them. However, researchers cannot now say how much broccoli one should eat for there to be such an impact. The actual amounts would need to be determined with long-term tests involving human trials. "The levels at which we test it . . . is such that those could be achieved by eating broccoli or broccoli sprouts. It's a reasonable level that we think would be reached in the stomach," said Jed W. Fahey, of the Johns Hopkins University School of Medicine.

Researchers have created a synthetic version of the compound found in broccoli and other vegetables. "It may be easier to take a cancer prevention pill once a day rather than rely on massive quantities of fruits and vegetables," says the study author, Jerome Kosmeder, another Ph.D. research assistant professor at the University of Illinois at Chicago. However, such drug development is several years away, I am informed.

The reason for my statement today is that I recently met with Dean Ornish, a great friend, a medical doctor, founder and president of the Preventive Medicine Research Institute, and clinical professor of medicine at the University of California, San Francisco. According to Dr. Ornish, "We often have had a hard time believing that the simple choices we make in our life each day—what we eat, how we respond to stress, how much exercise we get, whether or not we smoke, and the quality of our relationships—have such a powerful impact on our health and well-being."

With Dr. Ornish was Dr. S. Ward Casscells, a medical doctor who is the John Edward Tyson Distinguished Professor of Medicine and Public Health and vice president for biotechnology at the University of Texas Health Center in Houston.

Dr. Casscells was diagnosed with very aggressive metastatic prostate cancer in July of 2001. He began utilizing diet and a lifestyle program that Dr. Ornish and his colleagues had developed, along with conventional drug treatment. Today, Dr. Casscells shows no sign of cancer. He shows no sign at all of a cancer that had metastasized.

Meanwhile, researchers say populations should continue to eat healthy amounts of fruits and vegetables, enabling them to take advantage of cancer-fighting properties. Several other studies have pointed to the cancer prevention properties of the phytochemicals found in vegetables, according to several other people.

Mr. President, I emphasize, because of the nature of some of the moneys in this bill—I do believe we have spent a lot of Federal-tax payers' money on various approaches to cancer—I think we should concentrate more of the money we have available on these methods of prevention and methods of retarding the development of cancer once discovered.

I yield the floor.

TRAGIC DEATH OF ARTHUR C. HELTON

Mr. KENNEDY. Mr. President, all of us who knew and worked with Arthur Helton lost a dedicated friend, impassioned human rights activist, and inspiring humanitarian in the bombing of the U.N. headquarters in Iraq last month. I extend my heartfelt sympathy to Arthur's wife Jacqueline and their family during this difficult time. His never-failing spirit, his unique dedication, and his selfless and compassionate approach to all he did will be profoundly missed.

Arthur Helton's extraordinary commitments to human rights and to those in need constantly shone through in the caring and courageous life he led, and will continue to do so in the legacy he leaves behind. At the time of his death, he was attending a meeting with the United Nations envoy to Iraq on ways to improve the plight of the Iraqi people in the wake of the war and condition in which they live.

Throughout his brilliant career, Arthur was always an advocate in the forefront of the ongoing struggle for refugee and human rights, and it is no surprise that he was there at the heart of the action in Iraq at that tragic moment when the guerrillas and terrorists made their murderous move.

As an attorney with the Lawyers Committee for Human Rights, Arthur came to the aid of 2000 Haitian refugees detained in Florida in 1982, obtaining their release and finding volunteer attorneys for each of them. Most recently, he held the position of Director of Peace and Conflict Studies at the Council on Foreign Relations in New York City. There was no limit to his vision. The beautiful life he lived was always an inspiration to all of us who care about respect for human rights in every land on earth.

Time and again, Arthur Helton gave to all of us in Congress invaluable advice on these all-important issues. We were always amazed by his dedication and his expertise, and we were grateful for the unfailing wisdom of his counsel. His death in Baghdad is a great loss for all of us, and for the cause of refugee and human rights he served so passionately and well.

I ask unanimous consent to print in the RECORD the following commentaries on the life of Arthur C. Helton.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 21, 2003]

ARTHUR HELTON, 54, REFUGEE ADVOCATE, DIES

(By Paul Lewis)

Arthur C. Helton, a New York lawyer and human rights activist who devoted most of his professional life to the help and protection of refugees, died in the bomb attack on the United Nations headquarters in Baghdad on Tuesday, the Council on Foreign Relations announced yesterday. He was 54.

Mr. Helton, who was the director of peace and conflict studies at the council and senior fellow for refugee studies and preventive action, was visiting Baghdad to assess conditions in Iraq.

When the bomb exploded, the council said, he was scheduled to meet with the top United Nations official there, Sergio Vieira de Mello, who was also killed in the blast.

"Arthur was one of our most respected senior fellows and a noted expert on refugee and humanitarian issues and international law," Richard N. Haass, the council's president, said in a statement. "The world has lost a devoted and talented champion of the rights of the dispossessed."

Last year Mr. Helton published "The Price of Indifference: Refugees and Humanitarian Action in the New Century" (Oxford University Press), in which he analyzed responses to the refugee crises of the 1990's and made practical proposals for improving the treatment of people displaced by conflicts.

The United Nations secretary general, Kofi Annan, wrote in commenting on the book: "Mr. Helton not only asks important questions, but also makes ambitious policy recommendations. His book is a welcome contribution to the debate on humanitarian action and will undoubtedly help us to manage humanitarian challenges better in the future."

Mr. Helton began his work with refugees in 1982 when he joined the Lawyers Committee for Human Rights in New York to lead its Refugee Rights Program, devoted to helping win asylum in the United States for those fleeing political and religious persecution in their home countries.

He created a much-replicated program under which lawyers from some of the most prestigious firms in the United States provided free help to poor refugees in their quest for asylum.

During his first year at the Lawyers Committee, Mr. Helton secured the release of some 2,000 fugitives from Haiti held in Florida after convincing a federal judge that he would find volunteer lawyers to represent them at formal asylum hearings.

"He was one of the first people, if not the first, working at a human rights organization with an exclusive focus on refugee protection of displaced people," said Michael Posner, executive director of the Lawyers Committee. "He was a major force in building concern for refugees, first in the United States and then he took that concern international."

Mr. Helton toured disaster areas to study and help refugees and other displaced people. He was a leading adviser to the United Nations High Commissioner for Refugees on refugee issues.

He was an adjunct professor at Columbia University Law School where he taught immigration law. He also taught at New York University Law School and at the Central European University in Budapest.

Arthur Cleveland Helton was born in St. Louis on Jan. 24, 1949. He graduated from Columbia College in 1971 and from New York University Law School in 1976. He is survived by his wife, the former Jacqueline Dean Gilbert of New York City. They were married in 1982.

[From the Council on Foreign Relations, 2003 Annual Report]

Dedication, Arthur C. Helton, 1949–2003

All of us at the Council on Foreign Relations were deeply saddened by the tragic loss of our colleagues and friend, Arthur C. Helton, in the August 19, 2003, bombing of the United Nations headquarters in Baghdad. Arthur was one of our most distinguished senior fellows and noted expert on refugee and humanitarian issues and international law. A respected lawyer and human rights activist, he devoted his life to improving the lives of others. At the time of his death, he was in Iraq to consult with the United Nations to help find ways to releive human suffering there.

Arthur was Director of Peace and Conflict Studies and Senior Fellow for Refugee Studies and Preventive Action at the Council. He was also an adjunct professor at Columbia University Law School. Prior to joining the Council in 1999, he founded and directed the Forced Migration Projects at the Open Society Institute and directed the Refugee Project at the Lawyers Committee for Human Rights.

"From representing Haitian boat people incarcerated at the Brooklyn Navy Yard in 1981 in New York, to interviewing displaced Serbs from Kosovo residing in Belgrade in 2001, refugees have taken me on a remarkable professional journey," Arthur wrote in the preface of his 2002 book, The Price of Indifference: Refugess and Humanitarian Ashton in the New Century. Arthur's colleagues at the Council and elsewhere are honored to have witnessed and participated in his remarkable journey. With his death, the world has lost a devoted and talented champion of the rights of the dispossessed. We will miss him.

[From the Lawyers Committee for Human Rights, Aug. 20, 2003]

Lawyers Committee Mourns Death of Arthur C. Helton in U.N. Bombing

New York.—The Lawyers Committee for Human Rights mourns the death of refugee expert Arthur C. Helton, who died in the bombing at the United Nations in Baghdad on Tuesday.

Helton, a leading authority on refugee and humanitarian issues, worked at the Lawyers Committee for 12 years, from 1982 to 1994, where he led the Refugee Rights Program. Helton's most recent position was with the Council on Foreign Relations, as the Director, Peace and Conflict Studies and a Senior Fellow, Refugee Studies and Preventive Action.

"People now talk about how refugee rights are human rights," said Michael Posner, Executive Director of the Lawyers Committee for Human Rights. "Arthur was in the forefront of promoting that idea. He was one of the first people, if not the first, working at a human rights organization with an exclusive focus on refuge protection and the protection of displaced people. He was a major force in building concern for refugees first in the U.S. and then he took that concern international."

When the Lawyers Committee for Human Rights was founded in 1978, one of its programs was devoted to helping win asylum in the United States for those fleeing political and religious persecution in their home countries. Helton took that idea and created an inovative—and now much replicated—pro bono representation program for asylum seekers. His idea was to connect lawyers at the most prestigious firms in the United States with refugees seeking asylum from persecution, many of whom were indigent. The program Helton started now represents more than 1,000 asylum seeks each year, winning more than 90 percent of its cases.

Helton's first breakthrough in refugee advocacy in the U.S. was in 1982 when close to 2,000 Haitian refugees were being held in detention in Florida.

"Arthur persuaded me to promise a federal judge that if these Haitians were released, we would find volunteer lawyers across the country for all 2,000 Haitians," Posner said. "And he did it. He devised a strategy to identify local lawyers in 20 states. Working with the American Bar Association, he recruited lawyers, trained them and connected them with the Haitian refugees. As we now know, 20 years later, he also helped foster a cadre of lawyers who understand refugee issues, care about refugee rights, and fight for refugee protection.

At the same time, in the early 80s, Helton was at the center of virtually every legislative and regulatory battle involving refugees.

"He shaped U.S. national policy regarding refugees," Posner said. "Over the two decades of Arthur's work, in both Washington and Geneva, he helped countless refugees in all corners of the world."

Helton also focused internationally. He led delegations around the world to study the situation of displaced people in Central America and other refugee issues in Southeast Asia, Africa, Russia, and the Middle East. Because of this work, he was one of the leading outside advisors to the United Nations on refugee issues, and pushed the Office of the U.N. High Commissioner for Refugees to adopt strong refugee protection policies.

"Arthur was right in the center of figuring out how the UN should deal with refugee issues," Posner said. "When he'd go to Geneva, he met with everyone who mattered. It was in the context of this work that he met Sergio de Mello."

At the time of the bombing, Helton was scheduled to meet at the U.N. headquarters in Baghdad with Sergio Vieira de Mello, the U.N's chief envoy to Iraq. De Mello was also killed in the bombing.

"Arthur was legendarily hard working and tenacious. He was not afraid to have an audacious idea and he was not afraid to carry it out, which he did successfully" Posner said. "I can remember many times when people—everyone it seemed—would tell Arthur he couldn't do something, and then with his singular grit and determination, he would make it happen. Refugees around the world have lost a tireless advocate, a great friend, and one of their leading and brightest lights."

The Lawyers Committee extends its sympathy to Jackie, Helton's wife, and to his family.

[From abanet.org, Aug. 2003]

Statement of Dennis W. Archer, President, American Bar Association, Regarding Death of ABA Member Arthur Helton in Iraq Bombing (August 19, 2003)

A strong and impassioned voice for refugees and immigrants has been silenced. The legal profession feels a profound loss over the death of Arthur C. Helton: lawyer, scholar and humanitarian. Helton was killed in Iraq in the midst of meeting with United Nations officials on important issues facing the war-torn country. He died as he lived, working indefatigably to help rebuild the lives of those who had lost their histories, homes and borders as a result of armed conflict. His advocacy on behalf of the most vulnerable in our society epitomized the ideals of liberty and justice that the American Bar Association so deeply values. His legacy of selflessness, courage and devotion to the refugee cause serve as an inspiration to all who value human rights. Our thoughts and prayers are with his family.

[From www.opendemocracy.net, Aug. 21, 2003]

Arthur Helton: A Tribute From openDemocracy

(By Caspar Henderson and David Hayes)

Arthur C. Helton, Director of Peace and Conflict Studies at the Council on Foreign Relations and a regular columnist for openDemocracy, was killed in the bombing of the United Nations headquarters in Baghdad on 19 August. His colleague and co-columnist, Gil Loescher, was critically injured. Caspar Henderson and David Hayes pay tribute on behalf of openDemocracy.

The bomb attack on the headquarters of the United Nations operation in Baghdad on 19 August which killed the UN special representative in Iraq, Sergio Vieira de Mello, injured more than 100 and killed at least 18 other people. Among the dead was Arthur Helton, the co-columnist of openDemocracy's humanitarian monitor.

The other half of this openDemocracy partnership, Gil Loescher, was critically injured in the blast, and has been transferred to hospital in Germany, where, at the time of writing he is in a critical condition.

Arthur's death is a dreadful loss to his family, friends and colleagues. Our thoughts and condolences are with them. We are with Gil and his family in spirit too.

This tragedy impacts heavily on openDemocracy. Arthur was a good friend of this enterprise and one of the people who made it what it is. He and Gil first approached us with a project and a vision that chimed with what we wanted to do: to facilitate serious, constructive global conversation on key issues of our time. We built up a strong working relationship from which we never ceased to learn new things.

Arthur was a serious, indefatigable scholar with extraordinary range. He was warm and humorous too. I (Caspar Henderson) will not forget his kindness when I visited him in the grand premises of the Council on Foreign Relations in New York earlier this year, and the touch of irony with which he showed me a photographic tribute to his work in the hallway of the Pratt house. In contrast to pictures associated with many of his colleagues, which mainly showed important guys in suits and ties shaking hands or dramatic shots of military situations, Arthur's picture showed a refugee mother and child. "The token soft power guy around here" he joked.

Arthur and Gil's humanitarian monitor combined expert understanding of the many dimensions of humanitarian crises—legal, political, logistical, military, historical—with a willingness to think beyond current models. This search for complex and changing truths led them to interview many of the key figures in the field—from government ministers and UN administrators to refugees and asylum-seekers at the sharpest end of policy.

Because of their true seriousness and refusal to posture, their column reached out to and was read by influential actors and thinkers across a range of bodies and ways of looking at the world, including the military and academic communities, international institutions and activists. Sergio Vieira de Mello was an enthusiastic reader of their work on openDemocracy, recommending it warmly to others (according to reports, Sergio and Arthur were meeting together when the bomb went off).

Arthur and Gil's columns for openDemocracy on Iraq were only part of their concern with crises of human displacement, food insecurity, health and shelter deprivation—and how these problems are dealt with (usually inadequately, and often without taking to heart the lessons of the past) by state, humanitarian and other organisations. There was huge and important work to be done here, and for openDemocracy's global membership to engage with. We had hardly begun.

We salute Arthur Helton. We will miss him very much. We commit ourselves to building on his work and helping to make real the better world to which he dedicated his life. There is much to do.

[From Human Rights Watch, Aug. 20, 2003]

HUMAN RIGHTS WATCH MOURNS DEATH OF REFUGEE ADVOCATE ARTHUR C. HELTON

Human Rights Watch mourns the loss of Arthur Helton, a leading advocate for refugees and internally displaced persons, who was among the victims of the bombing of the United Nations headquarters in Baghdad.

Arthur Helton, director of peace and conflict studies at the Council on Foreign Relations in New York, was a valued colleague and longtime friend to Human Rights Watch. He was among the small circle of advisors who first encouraged and supported Human Rights Watch's work on the rights of refugees and displaced persons. He was a member of the advisory committee of Human Rights Watch's Africa Division and provided ready advice on a wide range of refugee issues from Eastern Europe to North Korea. Despite his own busy schedule, he was generous with his time and expertise and his judgments were always measured, thoughtful and insightful.

But more than this, as head of the Refugee Program at the Lawyers Committee for Human Rights, the Forced Migration Project at the Open Society Institute, and as a law professor at NYU and Columbia, Arthur Helton was an invaluable mentor to many Human Rights Watch staff members. He was a great friend to many of us, who found his acerbic wit a cheering tonic while battling official indifference.

His death is a loss not only to Human Rights Watch and other international organizations, but to the millions of refugees and displaced persons the world over who benefited, however unknowingly, from his hard-nosed and persuasive advocacy. Last year the increasingly slim and trim Arthur ran and completed the New York Marathon. On explaining his reason for going to Iraq, Arthur had insisted it was "to avoid running another marathon!"

Human Rights Watch extends its condolences to Arthur's wife Jacqueline Gilbert; and to his longtime assistant Marie Jeannot.

[From www.phrusa.org, Aug. 20, 2003]

PHR MOURNS THE LOSS OF LONGTIME REFUGEE ADVOCATE ARTHUR C. HELTON

Physicians for Human Rights (PHR) mourns the loss of Arthur C. Helton, a great thinker and leader in the defense of refugee rights. Arthur Helton died in Tuesday's bomb attack on the UN office in Baghdad where he was scheduled to meet with the UN's Sergio Vieira de Mello, also killed in the blast.

"This is a devastating loss," said Susannah Sirkin, Deputy Director of Physicians for Human Rights. "Human rights and refugee advocates have lost one of the most knowledgeable, experienced, and dedicated experts defending men, women, and children displaced from their homes. The lives of countless people benefited immeasurably by Arthur's work."

A lawyer, human rights activist, and policy analyst, Arthur was the long-time director of the Lawyers Committee for Human Rights' Refugee Project. One of the foremost experts in refugee law, he founded the Forced Migration Project at the Open Society Institute in New York City. Most recently he served as the Director of Peace and Conflict Studies and senior fellow for refugee studies and preventative action at the Council of Foreign Relations.

Helton also contributed to PHR's publication Medical Victims of Torture: A Physicians Guide to Asylum Cases.

PHR staff expressed their personal appreciation for Arthur's deep commitment to improving the lives of those who have suffered untold misery, and their deepest condolences to his wife, Jacqueline, and his family and friends.

[From www.lirs.org]

LIRS AND ISS–USA MOURN LOSS OF GREAT HUMANITARIAN

Lutheran Immigration and Refugee Service (LIRS) and its subsidiary International Social Service, United States of America Branch (ISS–USA) join myriad human rights and immigrant advocates around the world in mourning the loss of Arthur C. Helton. A New York human rights lawyer who served as director of peace and conflict studies and senior fellow for refugee studies and preventive action for the Council on Foreign Relations, Arthur died in the August 19 bombing of the United Nations headquarters in Baghdad, where he had gone to assess humanitarian conditions. He was 54.

While mourning his loss, we are thankful for his long and generous friendship and service to our agencies, especially his service as chair of the board of directors for ISS–USA from 1994 through 2003.

Arthur's death is a tragic loss to refugees, asylum seekers and displaced people and to all those dedicated to peace and justice. A distinguished and prolific scholar, he was a citizen of the world with a deep understanding of geopolitical forces and realities. Arthur's visionary spirit was balanced with realism, and he was capable of responding to complex problems by mobilizing systemic change to dramatically alter daily life for millions. As a mentor and inspiration to many, his life was a catalyst for linking people across agencies, ideologies and borders. The memory of his life and work will continue to guide and inspire us.

Condolences may be sent to Arthur's widow, Ms. Jacqueline D. Gilbert, 245 7th Avenue, Apartment 10B, New York, N.Y. 10001

SENATOR VANCE HARTKE

Mrs. BOXER. Mr. President, I join my colleagues in paying tribute to former Senator Vance Hartke of Indiana, who passed away this summer.

Throughout his three terms in the Senate, Vance Hartke was known for his tremendous energy, vision, and courage.

First elected to the Senate as part of the great Democratic class of 1958, Vance Hartke campaigned with legendary vigor and vim, visiting every county and town in Indiana and stopping to talk and listen to everyone who would stand still. He worked hard to benefit his home State, using his chairmanship of the Commerce Transportation Subcommittee to bring key road and rail projects to the Hoosier State.

Senator Hartke helped enact landmark legislation, including the progressive programs that made up President Lyndon B. Johnson's Great Society. Despite fierce opposition, he helped steer Medicare through Congress. He was the Senate's acknowledged champion of higher education and adult education, and he also helped lead the efforts to expand veterans benefits and establish Federal student loan programs.

In the mid-1960s, Senator Hartke put his political future on the line when he became one of the first Senators to oppose the war in Vietnam. In following his conscience, he parted ways with most of his constituents and his good friend President Johnson, but he stuck to his principles and survived a bruising reelection campaign in 1970.

Though Senator Hartke lost his Senate seat in 1976, he became a good friend and adviser to the man who defeated him, Senator RICHARD LUGAR, and he never lost his passion for politics or his home State.

Senator Vance Hartke served the people of Indiana and the U.S. Senate with great distinction. I am honored to add my voice to the chorus of praise for his life's work and legacy.

ADDITIONAL STATEMENTS

TRIBUTE TO COLORADO STORM ROYAL

• Mr. CAMPBELL. Mr. President, today I want to recognize and congratulate a special group of young

Coloradans, the Colorado Storm Royal soccer team.

The Colorado Storm Royal is a team in the Under 12 age bracket, U12, and they are coached by Mr. Jim Morrison. Mr. Morrison has coached Colorado youth soccer for the past 17 years and 34 seasons, and has taken his teams to the Western Region tournament eight times. Out of those eight appearances, his teams have reached the final game four times, losing to California teams three previous times and then winning the Championship this past year.

The Colorado Storm Royal had a remarkable record the past 10-month period, with 35 wins and 0 losses. They played their games at the Premier 1 level, which in Colorado is the highest level of competitive youth soccer.

Their accomplishments are certainly commendable—Undefeated and untied in 35 straight Premier 1 games in Colorado; Colorado State Cup Champions, Western Regional Champions, and they were ranked No. 1 in the United States by National Soccer Rankings.com.

The members of this team are all Colorado residents whose families live and work in the Denver area. The commitment by all to make these accomplishments a reality is especially worth noting, because unlike other areas of the country where teams can practice 365 days of the year, we don't have that same luxury in Colorado. So the boys and their families make a concentrated effort to not only remain active in school and throughout the community but also to get to a more limited practice schedule.

There are 16 individuals on the Colorado Storm Royal team, and I believe they deserve to be mentioned here today. They are: Anise Abdulgasem, Junior Amaya, Cody Arnold, John Ellison, Matt Hammet, Matthew Hustead, Chris Klebieko, Tyler Lister, Andrew Love, Dirk MacDonald, Matthew Nier, Augustus Ogu, Ryan Rombach, Brendan Roslund, Peter Walker and Charlie Zeller.

To these outstanding young players, their families, their coaches, and their supporters, I offer my most sincere congratulations on a winning season and my best wishes for another outstanding season of Colorado soccer. They are examples of what hard work and determination bring when we set ourselves to achieving goals.●

IN TRIBUTE TO GEORGE GARRIS

● Mr. HOLLINGS. Mr. President, this month George Garris, the longest serving refuge manager in the U.S. Fish and Wildlife Service, announced he will be retiring and I rise to salute him. There's no question in my mind that George has done more to protect the wildlife in my State than anyone I know. He is the Teddy Roosevelt of South Carolina.

For years George has been telling me he would retire as soon as he finished this one project. Then he would find another project—and the same thing, he was going to retire when it was done. This went on and on for years and years. It went on because George wanted to leave future generations something good. He pushed to save thousands of acres of natural habitats in my State. Years from now when we still enjoy South Carolina's natural beauty, we can thank George Garris.

George began his productive career in the Fish and Wildlife Service in 1959, and today is the steward of four South Carolina Lowcountry refuges that he helped create or expand—the ACE Basin, the Santee and Waccamaw Refuges, and Cape Romain. He also successfully saved both the endangered red wolf and loggerhead sea turtles.

We will miss George, and I know all the Members of this body join me in thanking him for his esteemed public service and wishing him happiness and good health in the years ahead.●

VA MARKS THE 30TH ANNIVERSARY OF ITS CEMETERY SYSTEM

● Mr. GRAHAM of Florida. Mr. President, today I rise to celebrate 30 years of the VA cemetery system. "Celebrate" may seem a strange word to use in reference to something so closely tied with mourning, but it is appropriate that we do just that. VA's national cemetery system is one of its most precious resources, providing our veterans the final respect and honor they have earned.

VA's operation of the National Cemetery Administration dates from September 1, 1973, when Congress transferred control of the national cemeteries from the Department of Army to what was then the Veterans Administration. Those cemeteries joined the ones already operated by VA, and the National Cemetery System—now the National Cemetery Administration—was created.

America's history of providing a final resting place to our veterans extends back before 1973, when the Civil War left hundreds of thousands of soldiers dead. In the spirit of Abraham Lincoln's words that the Nation must "care for him who shall have borne the battle, and for his widow and his orphan," Congress established national cemeteries in order to fulfill that commitment.

Today, the National Cemetery Administration ensures that our veterans have a proper burial and maintains the national cemeteries as shrines to their memory. Since taking over the national cemetery system, VA has seen an increase in annual burials from 36,400 to a record 89,300 in 2002. More and more veterans are choosing to be laid to rest in national cemeteries than ever before. This choice is a testament to the devotion that the employees of the VA's National Cemetery Administration show in performing their duties.

In noting the importance of the National Cemetery Administration and in honoring its extensive history, I must also point to the need to ensure its future. Nearly 655,000 veteran are expected to die this year, and even more will die in each of the next 5 years. By the end of 2004, only 64 of the 124 veterans national cemeteries will be available for both casketed and cremated remains. As cemetery capacity decreases, veterans in areas near those closing cemeteries lose access to burial options. In order to ensure that proper funeral honors are provided for veterans and their family members, we must develop new cemeteries and expand existing cemeteries. In such cities as Birmingham, AL; Bakersfield, CA; Columbia/Greenville, SC; Philadelphia, PA; and, in my own State, Sarasota and Jacksonville, FL, more than 175,000 veterans in each of these areas are currently without full burial options. We must ensure that their sacrifice is honored.

One of the most difficult things we do is cope with the death of someone we love. By guaranteeing a burial that befits the sacrifice of our Nation's soldiers, the National Cemetery Administration mitigates some of that pain and commemorates the service and lives of our veterans.●

IN RECOGNITION OF FERN BELLMORE

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an extraordinary American who has shown great commitment to furthering the democratic process. On September 13, Fern Bellmore will be presented with the Daune Weiss award at the Northern Michigan County Democratic Party Dinner, also known as the "Bash." Fern has worked tirelessly, raised a family, been actively involved in her community, and made great contributions in the political arena throughout her life and continues to do so to this day.

In November, Fern and her husband, Robert, will celebrate 52 years of marriage surrounded by their 5 children, 11 grandchildren, and 5 great-grandchildren. In addition to raising a family, Fern also worked for 22 years at Cadillac Products in Alpena, MI. While working at Cadillac Products, Fern was pivotal in the unionization of the shop for the United Steelworkers and continued to be an active union member after her retirement.

Fern's commitment to her community is evident through her continued involvement with several organizations. For many years she has been an active den mother for Cub Scouts, working with area youth to inspire and influence the future generations of this country. She has also worked closely with the American Cancer Society, Hospice, and The American Red Cross. Locally, Fern has served for many years, some as chair, on the Presque Isle County Board of Canvassers and is currently on the Board of Social Service for Presque Isle County.

Fern has been active in the Democratic Party for over 20 years. During the majority of this time she was the Chair of the Presque Isle County Democratic Party. She helped establish the "Bash" in her determination to increase participation in elections for State representatives for Presque Isle County. Fern has also worked on numerous campaigns for local, State, and national candidates.

Fern's unwavering support of her community and continued dedication to the democratic process has benefited citizens throughout northern Michigan and the entire State. Her commitment as a community leader and grassroots political activist has been a true inspiration to others around her. I am pleased to congratulate her on receiving the Daune Weiss award and salute Fern Bellmore for her service to the community as an outstanding citizen.●

JOSEPH AND VIVIAN SAFRANEK 60TH WEDDING ANNIVERSARY

● Mr. KOHL. Mr. President, I rise today to honor Joseph and Vivian Safranek, long-time residents of Wisconsin, on their 60th wedding anniversary. Joseph and Vivian met at the Pine Mountain Ski tournament in 1942 when Joseph offered Vivian a ride in his convertible. It was the beginning of an incredible journey.

The couple was married at Kingsford's Our Redeemer Lutheran Church on September 18, 1943. After living in the Upper Peninsula, Joseph and Vivian moved to Milwaukee in 1950. Life wasn't always easy; money was tight, and they had four children to raise. But from the beginning, they persisted by supporting each other with lasting love and devotion.

Joseph worked for over 30 years as a route salesman, first at Milwaukee Cheese Company, then at Continental Baking. He knew my dad, and remembers me as "one of Max's boys."

Today, many years later, their story continues. Their four children have grown up to be successful adults themselves, providing Joseph and Vivian with seven grandchildren and soon, their first great-grandchild. Their legacy is one of hard-work, determination, and a strong family.

I join their many friends and their family in celebration as we honor Joseph and Vivian Safranek on their 60th wedding anniversary. They are the very best Wisconsin has to offer, and I wish them continued joy and happiness.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2003, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2003.*

MESSAGE FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2765. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

At 7:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2989. An act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Mr. WOLF, Mr. WAMP, Mr. LATHAM, Mrs. EMERSON, Ms. GRANGER, Mr. SWEENEY, Mr. SHERWOOD, Mr. SABO, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BERRY, Mr. MOLLOHAN, and Mr. OBEY.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2765. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2989. An act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4017. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Privacy Act and Freedom of Information Act; Implementation" (RIN3069–AB07) received on August 13, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4018. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Description of Organization and Functions Regulation" (RIN3069–AB25) received on August 13, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4019. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of NCUA Board Procedure; Promulgation of NCUA Rules and Regulations; Public Observance of NCUA Board Meetings" received on August 26, 2003; to the

Committee on Banking, Housing, and Urban Affairs.

EC–4020. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC–4021. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency declared in Executive Order 13303; to the Committee on Banking, Housing, and Urban Affairs.

EC–4022. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the 2001 Annual Report of the National Credit Union Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC–4023. A communication from the Director, Office of White House Liaison, Bureau of Industry and Security, transmitting, pursuant to law, the report of a designation of acting officer and change in previously submitted reported information for the position of Assistant Secretary for Export Enforcement, received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4024. A communication from the Director, Office of White House Liaison, Bureau of Industry and Security, transmitting, pursuant to law, the report of a nomination and change in previously submitted information for the position of Assistant Secretary for Export Enforcement, received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4025. A communication from the Director, Office of White House Liaison, Bureau of Industry and Security, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of Assistant Secretary for Export Administration, received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4026. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Broker-Dealer Exemption from Sending Certain Financial Information to Customers" received on August 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4027. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions" received on August 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4028. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report of the details of the Office's 2003 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4029. A communication from the Chief Operating Officer and President, Resolution Funding Corporation, transmitting, pursuant to law, the Corporation's Statement on Internal Controls and the 2001 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–4030. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4031. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Bahrain; to the Committee on Banking, Housing, and Urban Affairs.

EC–4032. A communication from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Use of Interstate Branches Primarily for Deposit Production" (RIN3064–AC36) received on August 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4033. A communication from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk Based Capital Standards: Claims on Securities Firms" (RIN3064–AC17) received on August 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4034. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy for the position of Chief Financial Officer, Department of Housing and Urban Development, received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4035. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA–D–7543) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4036. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4037. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4038. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR 65) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4039. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4040. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Distribution of Tax Credit Proceeds" (RIN2502–AH91) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4041. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Capital Fund Program Obligation and Expenditure of Funds" (RIN2577–AC16) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4042. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation T (Credit by Brokers and Dealers) - Foreign Margin Stock List" received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4043. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Nonprofit Organization Participation in Certain FHA Single Family Activities; Placement and Removal Procedures" (RIN2502–AH49) received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4044. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Director, Office of Federal Housing Enterprise Oversight, received on September 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4045. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, the Commission's Annual Report for Fiscal Year 2002; to the Committee on Banking, Housing , and Urban Affairs.

EC–4046. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of an adjustment of a compensation system; to the Committee on Banking, Housing, and Urban Affairs.

EC–4047. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4048. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of New York as a result of the record/near record snowstorms on February 17–18, 2003, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4049. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Colorado as a result of the record/near record snowstorms on March 17–20, 2003, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4050. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of New Jersey as a result of the record/near record snowstorms on February 16–17, 2003, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4051. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management

Agency, transmitting, pursuant to law, a report that funding for the State of Maryland as a result of the record/near record snowstorms on February 14–17, 2003, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4052. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the Commonwealth of Pennsylvania as a result of the record/near record snowstorms on February 14–19, 2003, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4053. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the Office's 2002 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4054. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Savings Association—Operations, Agency Offices; Fiduciary Powers of Savings Associations" (RIN1550–AB80) received on September 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4055. A communication from the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations; Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Revised Civil Penalties Hearing Regulations" received on September 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4056. A communication from the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations; Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Revised Civil Penalties Hearing Regulations" received on September 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4057. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, three reports required under the Nuclear Non-Proliferation Act of 1978 relative to U.S. Government departments and agencies relating to the prevention of nuclear proliferation between January 1, 2000 and December 31, 2002; to the Committee on Foreign Relations.

EC–4058. A communication from the Acting General Counsel, Department of Defense, transmitting, a report of proposed legislation; to the Committee on Foreign Relations.

EC–4059. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4060. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 38 Amendment No. 3066" (RIN2120–AA65) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4061. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, 737–700, 737–700C, 737–800, 737–900, 757, and 767 Series Airplanes" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4062. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4063. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4064. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (54)" (RIN2120–AA65) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4065. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schweizer Aircraft Corporation Model 269A, 269A–1, 269B, 269C, and TH55A Helicopters" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4066. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 737–400, 737–300 , 737–500, 737–600, 737–700, 737–800, 737–900, 757–200, and 757–300 Series Airplanes and McDonnell Douglas Model DC–10–10F, DC–10–30, DC–10–30F, DE–10–40, MD–11F" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4067. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 206A, 206A–1, 206B, 206B–1, 206L, 206L–1, 206L–3, 206L–4 Helicopters" (RIN2120–) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4068. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4069. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 200C, 300, 400, and 500 Series Airplanes" (RIN2120–AA64) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4070. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sac City, IA, Correction" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4071. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sibley, IA Correction" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4072. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Red Oak, IA Correction" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4073. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Vinton, IA" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4074. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pocohontas, IA Correction" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4075. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Sioux City, IA" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4076. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Wichita MidContinent Airport, KS" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4077. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace Area at Susanville Municipal Airport, CA" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4078. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Falls City, NE" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4079. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Window Rock, AZ Correction" (RIN2120–AA66) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4080. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Raise the Maximum Retainable Percentage of Pollock Roe from 7 to 9 Percent in the Bering Sea and Aleutian Islands Management" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4081. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Ballast Water Treatment Technology Demonstration Program: Request for Proposals for FY 2002" received on August 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4082. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4083. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Rule Title Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for the Pacific Whiting" (ID071103A) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4084. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial Fishery from the U.S. Canada Border to Cape Falcon, Oregon" (ID062503A) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4085. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4086. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4087. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustment" (ID062703A) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4088. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4089. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4090. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is Prohibiting Directed Fishing for Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4091. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of directed fishing for yellowfin sole by vessels using trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area. This action is necessary to prevent exceeding the 2002 bycatch allowance of red king crab specified for the trawl yellowfin sole fishery category in Zone 1" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4092. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Pacific Halibut and Red King Crab Bycatch Rate Standards for the Second Half of 2002" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4093. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4094. A communication from the Chairman, General Counsel's Office, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Arbitration—Various Matters Relating to its Effective Use as an Effective Means of Resolving Disputes that are Subject to the Board's Jurisdiction" (Stb Ex Parte No. 586) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4095. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Miscellaneous Amendments" (RIN2137–AD73) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4096. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Placement of Wheelchair Restraints on Buses" (RIN2127–AH03) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4097. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Definition of Multifunction School Activity Bus" (RIN2127–AH23) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4098. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Heavy Vehicle Antilock Brake System Performance Requirement" (RIN2127–AH16) received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4099. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation; to the Committee on Commerce, Science, and Transportation.

EC–4100. A communication from the Attorney/Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Associate Deputy Secretary, Department of Transportation, received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4101. A communication from the Attorney/Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Transportation Policy, Department of Transportation, received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4102. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting" received on August 13, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4103. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, a report relative to activities of the Northwest Atlantic Fisheries Organization for 2002; to the Committee on Commerce, Science, and Transportation.

EC–4104. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to cabin air quality research done by the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC–4105. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–4106. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AI93) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–4107. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a copy of a document related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC–4108. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Definition of Volatile Organic Compound" (FRL#7526–9) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–4109. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Wisconsin" (FRL#7528–7) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–4110. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Minnesota" (FRL#7543–6) received on September 2, 2003; to the Committee on Environment and Public Works.

EC–4111. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–4112. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018–AI93) received on August 22, 2003; to the Committee on Environment and Public Works.

EC–4113. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a designation of acting officer and change in previously submitted reported information for the position of Assistant Secretary and Director General of the U.S. and Foreign Commercial Service; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Commerce, Science, and Transportation; and Banking, Housing, and Urban Affairs.

EC–4114. A communication from the Acting Trade Representative, Executive Officer of the President, transmitting, pursuant to law, a notification of the pending accession to the World Trade Organization of the Kingdom of Cambodia; to the Committee on Finance.

EC–4115. A communication from the Commissioner, Social Security Administration, transmitting, a draft of proposed legislation; to the Committee on Finance.

EC–4116. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Performance of Customs Business by Parent and Subsidiary Corporations" (RIN1515–AD14) received on August 11, 2003; to the Committee on Finance.

EC–4117. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Delegations of Authority: Signature of Customs and Border Protection Regulations Published in Federal Register" (RIN1515–AD39) received on August 11, 2003; to the Committee on Finance.

EC–4118. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Extension of Emergency Import Restrictions Imposed on Ethonological Material from Cyprus" (RIN1515–AD38) received on August 11, 2003; to the Committee on Finance.

EC–4119. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lending and Investment" (RIN1550–AB37) received on September 2, 2003; to the Committee on Finance.

EC–4120. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, received on September 2, 2003; to the Committee on Finance.

EC–4121. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Valuation of Stock Options for Purposes of Golden Parachute Payments" (Rev. Rule 2003–68) received on August 11, 2003; to the Committee on Finance.

EC–4122. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability and Domestic Investment Yield Percentages for 2002" (Rev. Proc. 2002–70) received on August 11, 2003; to the Committee on Finance.

EC–4123. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Canadian Retirement Trust Plan Reporting" (Notice 2003–57) received on August 11, 2003; to the Committee on Finance.

EC–4124. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revision of Income Tax Regs Under Sec. 897, 1445, and 6109 to Require Taxpayer Identification Numbers" (RIN1545–AY24) received on August 11, 2003; to the Committee on Finance.

EC–4125. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute Payments" (TD9083) received on August 11, 2003; to the Committee on Finance.

EC–4126. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Dual Consolidated Loss Recapture Events" (RIN1545–AY27) received on August 11, 2003; to the Committee on Finance.

EC–4127. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Arbitrage and Private Activity Restrictions Applicable to Tax-exempt Bonds Issued by State and Local Governments; Investment Type Property (prepayment); Private Loan (prepayment)" (TD9085) received on August 11, 2003; to the Committee on Finance.

EC–4128. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coverdell Education Savings Accounts" (Notice 2003–53) received on August 11, 2003; to the Committee on Finance.

EC–4129. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Treatment of a Cash Distribution Made in Connection with a Reduction of Benefits Under a Life Insurance Contract" (Rev. Rul. 2003–95) received on August 11, 2003; to the Committee on Finance.

EC–4130. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Elimination of Sanctions for Refusal of Vocational Rehabilitation Services Without Good Cause" (RIN0960Z–AF81) received on August 11, 2003; to the Committee on Finance.

EC–4131. A communication from the Attorney, Office of the General Counsel, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Interim Rule: Suspension of Immediate and Continuous Transit Agreements" received on August 11, 2003; to the Committee on Finance.

EC–4132. A communication from the Secretary of the Treasury, transmitting, the report of a bookkeeping error relating to the Federal Hospital Insurance fund; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of South Carolina:

S. 1603. A bill the amend title 18 of the United States Code, to prohibit the unauthorized use of military certificates, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1604. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida (for himself and Mr. REID):

S. 1605. A bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KYL:

S. 1606. A bill to strengthen and enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 222. A resolution designating October 17, 2003 as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. CORZINE:

S. Res. 223. A resolution expressing the sense of the Senate that the life and achievements of Antonio Meucci should be recognized, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 491

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 606

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1309

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1309, a bill to provide emergency assistance to producers that have suffered crop losses due to disasters.

S. 1325

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1325, a bill to amend the National Highway System Designation Act of 1995 to modify the applicability of requirements concerning hours of service to operators of commercial motor vehicles transporting agricultural commodities and farm supplies.

S. 1380

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1393

At the request of Mr. HARKIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1508

At the request of Mr. HAGEL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1508, a bill to address regulation of secondary mortage market enterprises, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1587

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S.J. RES. 17

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 209

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 210

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 210, a resolution expressing the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity, and that the President should issue a proclamation designating October of 2003 as "National Work and Family Month".

AMENDMENT NO. 1571

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 1571 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 1572 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1580

At the request of Mr. HARKIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1580 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1586

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1586 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1588

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1588 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1588

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 1588 proposed to H.R. 2660, supra.

AMENDMENT NO. 1592

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 1592 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1595

At the request of Mr. REED, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Washington (Mrs. MURRAY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1595 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1595

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 1595 proposed to H.R. 2660, supra.

AMENDMENT NO. 1596

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 1596 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1596

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1596 proposed to H.R. 2660, supra.

AMENDMENT NO. 1602

At the request of Mr. CORZINE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1602 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1603

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1603 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1604. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Penalties Enhancement Act of 2003".

SEC. 2. PENALTIES FOR TERRORIST MURDERS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339D. Terrorist offenses resulting in death

"(a) PENALTY.—A person who, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

"(b) TERRORIST OFFENSE DEFINED.—In this section, the term 'terrorist offense' means—

"(1) international or domestic terrorism as defined in section 2331;

"(2) a Federal crime of terrorism as defined in section 2332b(g);

"(3) an offense under this chapter;

"(4) section 175, 175b, 229, or 831 of this title;

"(5) section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(6) an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5).".

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

"2339D. Terrorist offenses resulting in death.".

(c) AGGRAVATING FACTORS.—

(1) IN GENERAL.—Section 3591(a)(1) of title 18, United States Code, is amended by striking "or section 2381" and inserting "2339D, or 2381".

(2) CONFORMING AMENDMENT.—Section 3592(b) of title 18, United States Code, is amended—

(A) in the heading, by striking "AND TREASON" and inserting ", TREASON, AND TERRORISM"; and

(B) in paragraph (1)—

(i) in the heading, by striking "OR TREASON" and inserting ", TREASON, OR TERRORISM"; and

(ii) by striking "or treason" and inserting ", treason, or terrorism".

SEC. 3. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—As used in this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

"2339E. Denial of Federal benefits to terrorists.".

By Mr. GRAHAM of Florida (for himself and Mr. REID):

S. 1605. A bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that would authorize the construction of new veterans' hospitals in east-central Florida and Las Vegas, NV. In addition, the legislation would enable the Department of Veterans Affairs, VA, Medical Center in San Juan, Puerto Rico, to sustain operations in the event of a natural disaster, such as an earthquake.

For years now, VA has been under a sort of moratorium for new construction projects. This was due to the capital asset realignment for enhanced services, CARES, process, which is designed to examine VA's infrastructure and try to realign it to better meet the projected needs of veterans. Many here in Congress were understandably reluctant to invest any valuable dollars in a facility that may ultimately be slated for downsizing.

However, the CARES process is now nearing its end. The CARES Commission is in the process of reviewing the national draft plan developed by the Under Secretary for Health, and Commissioners will make their recommendations to the Secretary by the end of November. The Secretary will then make his final decisions on what plans will be implemented by the end of the year.

Included in the national draft plan were two major construction initiatives: a new hospital and clinic in Las Vegas, NV, and a new facility in east-central Florida. In light of the fact that these two projects are the only new hospitals included in the draft plan, and that the great need in both of these areas has been well documented, the sooner we can get these facilities up and running, the better.

Veterans living in east-central Florida are in dire need of a full-fledged VA hospital. One VA report found that since 1996, "the Central Florida market sustained the greatest workload expansion of the entire VA system—105 percent." Other VA studies have deemed Orlando as "the logical choice for infrastructure investment for all major Inpatient and Outpatient categories." The decision about where to place a new VA hospital in this region falls to VA, but I encourage Secretary Principi to carefully study all the options to ensure that the most appropriate location is chosen.

Las Vegas, in Clark County, NV, was recognized by VA as, ". . . one of the fastest growing markets in the U.S." VA also acknowledges that there is a gap in long-term care accessibility in this area, and that contracting in the community is not a viable option as there are quality of care issues with the region's private sector facilities. Why should we wait to authorize projects whose necessity is broadly recognized by veterans and VA alike?

This legislation would also authorize $30 million for the San Juan VA Medical Center to undertake much needed upgrading in order to ensure that patient safety is not unnecessarily jeopardized in the event of an earthquake. The money would be used to bring the facility in line with the CD–54 natural disasters directive, enabling vital services to continue to be provided for 7 to 10 days after a disaster. Services that would be reinforced by this project are primarily utilities, which in some cases provide lifesaving support to patients.

In 1991, the San Juan VA Medical Center was deemed seismically unsound, and other structural deficiencies were uncovered as well. Although the Carribean is not normally thought of as a seismic "hot spot," the islands are mountainous and severe earthquakes do occur there every few decades. The supposed unlikelihood of such an event is no reason to not have contingency operations should something actually occur. Patient safety is not something that can be gambled with in this manner. It is important that we supply the San Juan VA Medical Center with the additional resources it needs to make sure that no patient has to go without life support in the event of a natural disaster. I was disappointed that the San Juan upgrading project was not included in VA's draft plan, but regardless, I do believe we have an obligation to make these needed repairs.

Finally, I would like to recognize the efforts of my friend Senator REID in this initiative, who is also facing a rapidly growing veteran population in his home State of Nevada. Additionally, I want to thank Representative CORRINE BROWN of the Orlando area, Representative SHELLEY BERKLEY of Las Vegas, and Representative ANÍBAL ACEVEDO-VILÁ of Puerto Rico, who have all been very helpful in developing a companion bill in the House.

I urge my colleagues to join us in this effort for our Nation's veterans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a health care facility at a location in East Central Florida selected by the Secretary, as part of the Capital Asset Realignment for Enhanced Services (CARES) initiative, $170,000,000.

(2) Improvements of the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, in order to bring that facility into compliance with the CD–54 Natural Disasters Directive, $30,000,000.

(3) Construction of a health care facility in Las Vegas, Nevada, as part of the Capital Asset Realignment for Enhanced Services initiative, $250,000,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2004 for the Construction, Major Projects, account, a total of $450,000,000 for the projects authorized in section 1.

(b) LIMITATION.—The projects authorized in section 1 may only be carried out using—

(1) funds appropriated for fiscal year 2004 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2004 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2004 for a category of activity not specific to a project.

Mr. REID. Mr. President, I join with my colleague, Senator GRAHAM of Florida, to introduce legislation that authorizes funding for a new veterans' hospital, outpatient clinic and senior center in Southern Nevada. Nevada is now the third most popular retirement

State in the Nation. And many of the retirees who make their homes in Nevada are veterans who served our country with courage and honor.

More than 240,000 veterans live in Nevada, and more than one-third of Nevada's residents over age 65 have worn the uniform of the United States. Veterans are the cornerstone of our economy. They are also our neighbors, our family members and our friends.

As we welcome these veterans, we must also ensure that they can get the services they need—especially medical care. Our veterans put their lives on the line for our freedom. They deserve the best health care in the world. But we have been struggling to keep up with our fast-growing population of veterans.

Across the Nation, more than 110,000 veterans have waited more than 6 months for their first medical appointment with the VA. There have been some backlogs in booming areas like Las Vegas, which has the highest growth rate in the Nation. This new facility should ease some of these delays and result in improved care for our veterans.

I was pleased to learn recently from VA Secretary Anthony Principi that he endorsed the building of a new hospital in southern Nevada. This bill, which was made possible by the strong leadership of Senator GRAHAM of Florida, would authorize $250 million to build this sorely needed facility.

I realize that we have many urgent priorities today, and our resources are not unlimited. But this is a matter of national security. We have soldiers in the desert of Iraq today who volunteered to risk their lives protecting our freedom. They willingly put their lives on the line for us. In return, we make certain promises to them. One of those promises is that they will receive quality health care when they come home. We must keep this promise to our troops.

Right now, I am sorry to say, we are not keeping that promise to the Nation's veterans. This bill will help steer us onto the right course, and begin to correct that injustice for the veterans in Southern Nevada.

I urge your support of this legislation.

By Mr. KYL:

S. 1606. A bill to strengthen and enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce the "Pretrial Detention and Lifetime Supervision of Terrorists Act of 2003," legislation that will fill continuing gaps in the laws that our police and prosecutors use to protect our Nation from terrorism.

Under current Federal law, defendants accused of certain crimes—such as drug crimes carrying a potential sentence of ten years or more—are presumptively denied pretrial release. This provision of current law, however, does not apply to terrorists.

The legislation that I have introduced today would fix this oversight, by amending the criminal code to presumptively deny pre-trial release to persons charged with terrorist activity. The presumption would apply to Federal crimes of terrorism, as enumerated in the criminal code, if the Attorney General certifies that the offense, by its nature and context, appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping, or an offense involved in or related to domestic or international terrorism.

Extending the presumption in current law to terrorist offenses is justified by the unparalleled magnitude of the threat posed to our Nation by acts of terrorism. Terrorists are at least as much of a threat as drug dealers—and should also be subject to a presumption of pre-trial detention.

The bill that I have introduced today also would broaden the list of offenses that render a convicted terrorist eligible for lifetime supervision subsequent to his release from prison. Currently law allows lifetime post-release supervision for terrorist offenses only if they result in or create a foreseeable risk of death or serious injury. This limitation could prevent the imposition of adequate supervision periods for persons convicted of non-violent terrorist offenses, such as a computer attack on the United States that results in tens of billions of dollars of economic damage. It could also limit supervision for persons who provide the essential financial or other material support for terrorist acts, but who do not themselves directly engage in violent terrorist acts.

The continuing danger posed to our Nation's security by such persons may be no less than that posed by the direct perpetrators of terrorist violence. The courts should be afforded the same degree of discretion in prescribing postrelease supervision for these terrorists as for others.

For this reason, the bill introduced today eliminates the foreseeable-risk-of-injury requirement and allows lifetime supervision for all offenses in the standard list of crimes likely to be committed by terrorists and their supporters. This reform reflects the continuing danger posed by convicted terrorists after their completion of a term of imprisonment. It recognizes that even those terrorists not directly involved in the use of violence may continue to harbor a commitment to terrorist goals and methods that will not dissipate within a few years of release.

I look forward to the Senate's consideration of these common-sense reforms to our Nation's anti-terror laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pretrial Detention and Lifetime Supervision of Terrorists Act of 2003".

SEC. 2. PRESUMPTION FOR PRETRIAL DETENTION IN CASES INVOLVING TERRORISM.

Section 3142 of title 18, United States Code, is amended—

(1) in the flush language at the end of subsection (e) by—

(A) striking "or" before "the Maritime"; and

(B) striking "or" before "2332b"; and

(C) inserting before the period at the end the following: ", or an offense listed in section 2332b(g)(5)(B) of title 18 of the United States Code, if the Attorney General certifies that the offense appears by its nature or context to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnaping, or an offense involved in or related to domestic or international terrorism as defined in section 2331 of title 18 of the United States Code"; and

(2) in subsections (f)(1)(A) and (g)(1), by inserting after "violence" the following: "or an offense listed in section 2332b(g)(5)(B) of title 18 of the United States Code, if the Attorney General certifies that the offense appears by its nature or context to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnaping, or an offense involved in or related to domestic or international terrorism as defined in section 2331 of title 18 of the United States Code".

SEC. 3. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended by striking ", the commission" and all that follows through "person,".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 222—DESIGNATING OCTOBER 17, 2003 AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr.

INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 222

Whereas according to the American Cancer Society, in 2003, 211,300 women will be diagnosed with breast cancer and 39,800 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality from breast cancer than White women and more than a 100 percent greater mortality from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2003, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 17, 2003, as "National Mammography Day". I am pleased that 52 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2003, it is estimated that over 211,000 women will be diagnosed with breast cancer and slightly fewer than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is actually stable or falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent times, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 17, 2003, as National Mammography Day.

SENATE RESOLUTION 223—EXPRESSING THE SENSE OF THE SENATE THAT THE LIFE AND ACHIEVEMENTS OF ANTONIO MEUCCI SHOULD BE RECOGNIZED, AND FOR OTHER PURPOSES

Mr. CORZINE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 223

Whereas Antonio Meucci, the great Italian-American inventor, had a career that was both extraordinary and tragic;

Whereas upon immigrating to New York, Meucci continued to work with ceaseless vigor on a project he had begun in Havana, Cuba, an invention he later called the "teletrofono", involving electronic communications;

Whereas Meucci set up a rudimentary communications link in his Staten Island home that connected the basement with the first floor, and later, when his wife began to suffer from crippling arthritis, he created a permanent link between his lab and his wife's second floor bedroom;

Whereas having exhausted most of his life's savings in pursuing his work, Meucci was unable to commercialize his invention, though he demonstrated his invention in 1860 and had a description of it published in New York's Italian language newspaper;

Whereas Meucci never learned English well enough to navigate the complex American business community;

Whereas Meucci was unable to raise sufficient funds to pay his way through the patent application process, and thus had to settle for a caveat, a one year renewable notice of an impending patent, which was first filed on December 28, 1871;

Whereas Meucci later learned that the Western Union affiliate laboratory reportedly lost his working models, and Meucci, who at this point was living on public assistance, was unable to renew the caveat after 1874;

Whereas in March 1876, Alexander Graham Bell, who conducted experiments in the same laboratory where Meucci's materials had been stored, was granted a patent and was thereafter credited with inventing the telephone;

Whereas on January 13, 1887, the Government of the United States moved to annul the patent issued to Bell on the grounds of fraud and misrepresentation, a case that the Supreme Court found viable and remanded for trial;

Whereas Meucci died in October 1889, the Bell patent expired in 1893, and the case was discontinued as moot without ever reaching the underlying issue of the true inventor of the telephone entitled to the patent; and

Whereas if Meucci had been able to pay the $10 fee to maintain the caveat after 1874, no patent could have been issued to Bell: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the life and achievements of Antonio Meucci should be recognized; and

(2) the work of Antonio Meucci in the invention of the telephone should be acknowledged.

Mr. CORZINE. Mr. President, I rise today to submit a resolution to recognize the life and achievements of Antonio Meucci, an Italian-American inventor who had both an extraordinary and a tragic career. Mr. Meucci made a great contribution as a pioneer in the development of the telephone, and his legacy deserves recognition.

Born in 1808 in Florence, Italy, Antonio Meucci showed academic promise from an early age. After being educated at the Academy of Fine Arts, he rose to the position of assistant to the chief engineer for a leading Florentine theater. In 1835, he was recruited by a famous entrepreneur to work as chief engineer for a new theater in Havana, Cuba. There he began work on many of his inventions, including those relating to telephonic communication.

Meucci left Havana for the United States in 1850 in search of a better environment to develop his ideas relating to the telephone. In 1854, after his wife had fallen ill, Mr. Meucci set up a rudimentary communication link known as a "speaking telegraph" that connected her bedroom to his basement laboratory and the rest of his home.

Mr. Meucci spent the next several years trying to advance his idea, and his efforts culminated in December 1871, when he hired an attorney to secure a patent caveat, a 1-year renewable notice of an impending patent, which reflected the promise of his work on the telephone. Although Mr. Meucci retained the caveat for 3 years, he was unable to produce the necessary $10 renewal fee after 1874.

Unfortunately, Mr. Meucci died before he was able to complete his efforts. However, his work has not gone completely unnoticed. On the 100th anniversary of the telephone, both the Smithsonian Institution and the International Telecommunication Union honored Mr. Meucci as among the most important pioneers of the telephone.

Given his important contributions, I hope my colleagues will join in honoring both the life and achievements of Antonio Meucci.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1604. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1594 submitted by Mr. Reed and intended to be proposed to the amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1605. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1606. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1607. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1608. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1609. Mrs. BOXER (for herself, Mr. Lautenberg, Mr. Reid, Ms. Landrieu, Mr. Kerry, and Mr. Corzine) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1610. Ms. LANDRIEU (for herself, Mrs. Murray, Mr. Rockefeller, and Mr. Levin) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1611. Mr. DURBIN (for himself, Mr. Schumer, Mr. Dorgan, and Mr. Nelson, of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1612. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1613. Mr. DURBIN (for himself, Mr. Kennedy, Mr. Edwards, Mr. Bingaman, Mr. Lautenberg, and Mr. Corzine) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1614. Ms. LANDRIEU (for herself, Mr. Daschle, Mr. Johnson, and Mr. Breaux) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1615. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra; which was ordered to lie on the table.

SA 1616. Mr. STEVENS (for Ms. Collins (for herself and Mr. Feingold)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1617. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1618. Mr. STEVENS (for Mr. Wyden) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1619. Mr. STEVENS (for Mr. Ensign) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1620. Mr. STEVENS (for Mr. Specter) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1621. Mr. ENSIGN (for himself, Mrs. Murray, Mr. Gregg, and Ms. Collins) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1622. Mr. SPECTER (for himself, Mr. Harkin, Mrs. Feinstein, Ms. Collins, Ms. Snowe, Mr. Dorgan, Mrs. Clinton, Mr. Lieberman, Ms. Mikulski, Mr. Lautenberg, Mr. Leahy, Mrs. Murray, Mr. Corzine, Mr. Durbin, Mr. Sarbanes, Mr. Schumer, Ms. Cantwell, Mr. Reid, Mr. Johnson, Mr. Kennedy, and Ms. Stabenow) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1623. Mr. DeWINE (for himself, Mr. Santorum, and Mr. Durbin) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1624. Mr. HARKIN (for Mr. Bingaman) proposed an amendment to amendment SA 1594 submitted by Mr. Reed and intended to be proposed to the amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1625. Mr. HARKIN (for Ms. Mikulski) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1626. Mr. HARKIN (for Mr. Daschle) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1627. Mr. HARKIN (for Mr. Dodd (for himself and Mrs. Lincoln)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1628. Mr. HARKIN (for Mr. Kennedy) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1629. Mr. SPECTER (for Mr. McCain (for himself and Mr. Bayh)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1630. Mr. SPECTER proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1631. Mr. HARKIN (for Mr. Schumer) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1632. Mr. SPECTER (for Mr. Sessions) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1633. Mr. HARKIN (for Mr. Feingold) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1634. Mr. HARKIN (for Mr. Hollings) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1635. Mr. SPECTER (for Mr. Alexander (for himself, Mr. Dodd, Mr. Kennedy, and Mrs. Murray)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1636. Mr. HARKIN (for Mr. Daschle) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1637. Mr. HARKIN (for Mr. Kennedy) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1638. Mr. SPECTER (for Mr. Bond (for himself, Mrs. Clinton, Mrs. Murray, Ms. Cantwell, and Mr. Schumer)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1639. Mr. HARKIN (for Mr. Feingold (for himself and Ms. Collins)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1640. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1641. Mr. SPECTER (for Mr. Chambliss) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1642. Mr. SPECTER (for Mr. Roberts (for himself and Mr. Conrad)) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1643. Mr. SPECTER proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1644. Mr. SPECTER (for himself and Mr. Byrd) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

SA 1645. Mr. HARKIN (for himself and Mr. Daschle) proposed an amendment to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, supra.

TEXT OF AMENDMENTS

SA 1604. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1594 submitted by Mr. Reed and intended to be proposed by the amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

Sec. . (a) Automatic External Defibrillators.—There are appropriated, $10,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

(b) Offset.—Of the funds appropriated under this Act for the National Institutes of Health, $15,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1605. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table as follows:

On page 20, line 19, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Labor, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Labor during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Labor that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Labor shall make the report publicly available by posting the report on an Internet website.

On page 74, line 4, strike "Washington, D.C." and insert "Washington, D.C.: *Provided*, That of this amount, sufficient funds shall be available for the Secretary of Education, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Education during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Education that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Education shall make the report publicly available by posting the report on an Internet website."

SA 1606. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15 insert the following:

Sec. . From the amounts appropriated under the heading Office of the Secretary, General Departmental Management there shall be made available an additional $4,000,000 to the Health Resources and Services Administration for the purchase of automatic external defibrilators and the training of individuals in cardiac life support in rural areas.

SA 1607. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

SEC. . RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN MATHEMATICS OR SCIENCE (INCLUDING COMPUTER SCIENCE OR ENGINEERING).

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

"(C)(i) Notwithstanding subparagraph (A) and subject to clause (ii), in the case of a student who is eligible under this part and who is pursuing a degree with a major or minor in, or a certificate or program of study relating to, mathematics or science (including computer science or engineering), the amount of the Federal Pell Grant shall be 150 percent of the amount specified in clauses (i) through (v) of subparagraph (A), for the academic year involved, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

"(ii) No student who received a Federal Pell Grant for academic year 2003-2004 shall receive a subsequent Federal Pell Grant in an amount that is less than the amount of the student's Federal Pell Grant for academic year 2003-2004, due to the requirements of clause (i).".

SA 1608. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. Specter to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

Sec. . (a) Automatic External Defibrillators.—There are appropriated, $10,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

(b) Offset.—The amount made available under each account in this Act for expenses necessary for departmental management and administration shall be reduced on a pro rata basis, so that the total of such reductions equals $10,000,000.

SA 1609. Mrs. BOXER (for herself, Mr. Lautenberg, Mr. Reid, Ms. Landrieu, Mr. Kerry, and Mr. Corzine) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 76, between lines 10 and 11, insert the following:

Sec.—. In addition to any amounts otherwise appropriated under this Act for afterschool programs carried out by 21st Century Community Learning Centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), there are appropriated an additional $250,000,000 for such programs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $44,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,145,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,533,301,000.

SA 1610. Ms. LANDRIEU (for herself, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. LEVIN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) PROMOTING SAFE AND STABLE FAMILIES PROGRAM.—In addition to amounts otherwise appropriated under this Act for the promoting safe and stable families program of the Administration on Children and Families, there are appropriated an additional $100,000,000 for the Administration on Children and Families to fund such program.

(b) INDEPENDENT LIVING TRAINING VOUCHERS.—In addition to amounts otherwise appropriated under this Act for independent living training vouchers, there are appropriated an additional $18,000,000 for such vouchers.

(c) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $70,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,995,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,683,301,000.

SA 1611. Mr. DURBIN (for himself, Mr. SCHUMER, Mr. DORGAN, and Mr. NELSON of Nebraska) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III (relating to the Department of Education), insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used by the Department of Education to enforce any requirement under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), or to implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)). Nothing in this section shall be construed to prohibit a State, a State educational agency, a local educational agency, or a school from implementing the requirements of section 1116 of such Act.

SA 1612. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the matter under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" in title I, add at the end the following:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, $10,000,000 to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's Working Capital Fund, $7,500,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the account relating to the Department of Labor's management cross cut activities, $7,500,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the Department of Labor's Departmental Management account (except from funds under such account for salaries and to the Bureau of International Labor Affairs), $5,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the Department of Health and Human Service's General Departmental Management account (except from funds under such account for salaries), $20,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers). There shall be transferred from the Department of Education's Program Administration account (except from funds under such account for salaries), $10,000,000 to the account relating to carrying out activities described in section 132(a)(2)(B) of the Workforce Investment Act of 1998 (relating to dislocated worker employment and training activities and other activities for dislocated workers).

On page 74, line 1, strike "$13,644,000" and insert "$3,644,000".

SA 1613. Mr. DURBIN (for himself, Mr. KENNEDY, Mr. EDWARDS, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 16, strike the period at the end and insert ": *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $85,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That in addition to amounts otherwise appropriated under this Act for grants to States under part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), there are appropriated an additional $325,000,000 for such grants: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Preparing Tomorrow's Teachers to Use Technology Program under part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.), there are appropriated an additional $62,094,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Mathematics and Science Partnerships program under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.), there are appropriated an additional $50,000,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the school leadership program under section 2151(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651(b)), there are appropriated an additional $12,500,000 for such program: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,344,793,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,333,707,000.".

SA 1614. Ms. LANDRIEU (for herself, Mr. DASCHLE, Mr. JOHNSON, and Mr. BREAUX) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act for programs relating to West Nile Virus, there are appropriated an additional $25,000,000 for the Centers for Disease Control and Prevention to fund such programs, of which $1,250,000 shall be set aside for Indian tribes and tribal organizations, and there are appropriated an additional $100,000,000 for the Centers for Disease Control and Prevention to fund programs under the Mosquito Abatement for Safety and Health Act (Public Law 108-75), of which $5,000,000 shall be set aside for Indian tribes and tribal organizations.

(b) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $145,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,020,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,658,301,000.

SA 1615. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, insert the following before the period: ": *Provided*, That from the total amount available, the Medicare Payment Advisory Commission uses funds to conduct a study on access to health care items and services by individuals who are dually eligible for benefits under the medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.) and the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.)".

SA 1616. Mr. STEVENS (for Ms. COLLINS (for herself and Mr. FEINGOLD)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 49, line 21, insert before the period the following: ": *Provided further*, That of this amount, $3,000,000 shall be made available to carry out section 340G of the Public Health Service Act (42 U.S.C. 256g) (in addition to other amounts appropriated under this title for such purpose)".

SA 1617. Mr. STEVENS (for Mr. INHOFE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, line 2, strike "$1,188,226,000, of which $1,025,292,000" and insert "$1,193,226,000, of which $1,030,292,000".

SA 1618. Mr. STEVENS (for Mr. WYDEN) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . Not later than 90 days after the date of enactment of this Act, the Director of the National Institutes of Health shall submit to the appropriate committees of Congress a report that shall—

(1) contain the recommendations of the Director concerning the role of the National Institutes of Health in promoting the affordability of inventions and products developed with Federal funds; and

(2) specify whether any circumstances exist to prevent the Director from promoting the affordability of inventions and products developed with Federal funds.

SA 1619. Mr. STEVENS (for Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 62, line 6, insert "annually" after "obtain".

SA 1620. Mr. STEVENS (for Mr. SPECTER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title V, add the following:

SEC. . (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $14,735,000.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

SA 1621. Mr. ENSIGN (for himself, Mrs. MURRAY, Mr. GREGG, and Ms. COLLINS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. There are appropriated, out of any money in the Treasury not otherwise appropriated, to carry out section 208 of the Education Sciences Reform Act of 2002, $80,000,000. All amounts in this Act for management and administration at the Department of Education are reduced on a pro rata basis by an amount required to offset the $80,000,000 appropriation made by this section.

SA 1622. Mr. SPECTER (for himself, Mr. HARKIN, Mrs. FEINSTEIN, Ms. COLLINS, Ms. SNOWE, Mr. DORGAN, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. LEAHY, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. SARBANES, Mr. SCHUMER, Ms. CANTWELL, Mr. REID, Mr. JOHNSON, Mr. KENNEDY, and Ms. STABENOW) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act under the heading of NATIONAL INSTITUTES OF HEALTH—OFFICE OF THE DIRECTOR, there are appropriated an additional $1,500,000,000 for programs and activities under the discretion of the Office of the Director of the National Institutes of Health. Such additional amount shall be designated as emergency spending pursuant to section 502(c) of House Concurrent Resolution 95 (108th Congress).

SA 1623. Mr. DEWINE (for himself, Mr. SANTORUM, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities and $1,000,000 for non-mother-to-child activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by $61,000,000.

SA 1624. Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to amendment SA 1594 submitted by Mr. REED and intended to be proposed to the amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. . For activities authorized by part H of title I of the Elementary and Secondary Education Act, there are hereby appropriated up to $5,000,000, which may be used to carry out such activities.

SA 1625. Mr. HARKIN (for Ms. MIKULSKI) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) Study by GAO.—

(1) In general.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the "MQSA") to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) Report.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) Study by the Institute of Medicine.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without

* * * * *

assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) Report.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) Funding.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

SA 1626. Mr. HARKIN (for Mr. DASCHLE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

Sec. . (a) Findings.—The Senate finds that—

(1) Native American populations have seen an alarming increase in sexually transmitted disease prevalence in recent years; and

(2) a screening, treatment, and education program, administered by tribal health organizations or local health care providers, on Native American reservations with high rates of sexually transmitted diseases will help prevent a corresponding increase in the prevalence of HIV.

(b) Grant Program.—From amounts appropriated under this title for the Centers for Disease Control and Prevention, there may be made available up to $1,000,000 to enable the Director of the Centers for Disease Control and Prevention to carry out competitive grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases and to educate local populations about such diseases, the consequences thereof, and how the transmission of such diseases can be prevented.

SA 1627. Mr. HARKIN (for Mr. DODD (for himself and Mrs. LINCOLN)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

Sec. . In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b-8), there may be appropriated up to an additional $2,000,000 to carry out such program.

SA 1628. Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 18, line 14: strike "$440,113,000" and insert "$445,113,000".

On page 18, line 17, insert before the period the following: ", of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2)".

SA 1629. Mr. SPECTER (for Mr. MCCAIN (for himself and Mr. BAYH)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in title V, insert the following:

Sec. . In addition to any amounts otherwise appropriated under this Act for the Special Volunteers for Homeland Security program, there may be appropriated an additional $5,000,000 for such program.

SA 1630. Mr. SPECTER proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 57, between lines 14 and 15, insert the following:

"(C) in subsection (b)(1)—

"(i) in subparagraph (A), by striking 'and' at the end;

"(ii) in subparagraph (B), by striking the period and inserting '; and'; and

"(iii) by adding at the end the following:

"'(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic of Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion.'; and".

SA 1631. Mr. HARKIN (for Mr. SCHUMER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE

Sec. . (a) Definitions.—In this section:

(1) Endowment fund.—The term "endowment fund" means a fund established by the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York, for the purpose of generating income for the support of the School and other purposes as described in subsection (d).

(2) School.—The term "School" means the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York.

(3) Secretary.—The term "Secretary" means the Secretary of Education.

(4) University.—The term "University" means the Syracuse University in Syracuse, New York.

(b) Daniel Patrick Moynihan Global Affairs Institute.—

(1) REDESIGNATION.—To be eligible for a grant under subsection (c), the University shall designate the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University as the "Daniel Patrick Moynihan Global Affairs Institute".

(2) REFERENCES.—Any reference in a law, map, regulation, paper, or other record to the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University, shall be deemed to be a reference to the Daniel Patrick Moynihan Global Affairs Institute.

(c) GRANT FOR ENDOWMENT FUND.—From amounts appropriated under subsection (f), the Secretary may award a grant to the University for the establishment of an endowment fund to support the Daniel Patrick Moynihan Global Affairs Institute.

(d) DUTIES.—Amounts received under a grant under subsection (c), shall be used to—

(1) carry on the public and intellectual tradition of Senator Daniel Patrick Moynihan;

(2) sustain all of the core activities of the School;

(3) fund the residencies of visiting scholars and international leaders;

(4) support scholarship, training, and practice in countries that are often the most impoverished economically, institutionally, and civically;

(5) support partnerships with governments and other relevant entities around the world to train government officials both at the School and in their home countries; and

(6) expand the facilities of the School.

(e) MISCELLANEOUS PROVISIONS RELATING TO THE ENDOWMENT FUND.—

(1) MANAGEMENT.—The endowment fund established under subsection (c) shall be managed in accordance with the standard endowment policies established by the University.

(2) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned from the endowment fund may be used to carry out the duties under subsection (d).

(3) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds derived from the interest and other investment income earned from the endowment fund shall be available for expenditure by the University for purposes consistent with subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 to remain available until expended.

SA 1632. Mr. SPECTER (for Mr. SESSIONS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the Global AIDS Program.

SA 1633. Mr. HARKIN (for Mr. FEINGOLD) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 20, line 19, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Labor, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Labor during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Labor that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Labor shall make the report publicly available by posting the report on an Internet website.

On page 49, line 21, strike the period and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Health and Human Services, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Health and Human Services during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Health and Human Services that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Health and Human Services shall make the report publicly available by posting the report on an Internet website.".

On page 74, line 4, strike "Washington, D.C." and insert "Washington, D.C.: *Provided*, That of this amount, sufficient funds shall be available for the Secretary of Education, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Education during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Education that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Education shall make the report publicly available by posting the report on an Internet website.".

SA 1634. Mr. HARKIN (for Mr. HOLLINGS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 41, insert the following before the period on line 9: ": *Provided further*, that to the extent Medicare claims processing unit costs are projected by the Centers for Medicare & Medicaid Services to exceed $0.87 for Part A claims and/or $0.65 for Part B claims, up to an additional $18,000,000 may be available for obligation for every $0.04 increase in Medicare claims processing unit costs from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds. The calculation of projected unit costs shall be derived in the same manner in which the estimated unit costs were calculated for the Federal budget estimate for the fiscal year.".

SA 1635. Mr. SPECTER (for Mr. ALEXANDER (for himself, Mr. DODD, Mr. KENNEDY, and Mrs. MURRAY)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) In addition to any amounts otherwise appropriated under this Act to carry out activities under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), there are appropriated—

(1) up to an additional $143,000 may be used to carry out activities under title I of such Act (child abuse State grants);

(2) up to an additional $212,000 may be used to carry out activities under title II of such Act (community-based resource centers); and

(3) up to an additional $2,100,000 may be used for child abuse discretionary grants under such Act.

SA 1636. Mr. HARKIN (for Mr. DASCHLE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) a recent Aberdeen Area Indian Health Service infant mortality study identified protective and risk factors associated with Sudden Infant Death Syndrome (referred to in this section as "SIDS");

(2) several conclusions from the study suggest courses of action to reduce the incidence of SIDS among Native American and other high-incidence populations;

(3) the study noted that alcohol consumption by women of childbearing age (especially during pregnancy), maternal and environmental tobacco exposure during pregnancy, and pregnancy by women under the age of 20 increase the risk for SIDS;

(4) in 2000, for infants of African American mothers, the SIDS death rate was 2.4 times that for non-Hispanic white mothers;

(5) nationwide, SIDS rates for infants of Native American mothers were 2.6 times those of non-Hispanic white mothers; and

(6) the Office of Minority Health of the Department of Health and Human Services has the expertise to coordinate SIDS disparity reduction efforts across the Department of Health and Human Services.

(b) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriate in this Act to carry out activities to reduce Sudden Infant Death Syndrome disparity rates, the may be appropriated up to an additional $2,000,000 to enable the Director of the Office of Minority Health of the Department of Health and Human Services to carry out a demonstration project, in coordination with the Administrator of the Health Resources and Services Administration, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, and the heads of other agencies within the Department of Health and Human Services (as appropriate), to reduce Sudden Infant Death Syndrome disparity rates, and to provide risk reduction education to African American and Native American populations in the United States, including efforts to reduce alcohol use by pregnant women, support for smoking cessation (maternal and secondhand) programs, and education of teenagers on the risk factors for Sudden Infant Death Syndrome associated with teenage pregnancy within African American and Native American communities.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that in carrying out the demonstration project under subsection (b), the Director of the Office of Minority Health is encouraged to—

(1) expand upon the similar pilot program for Native Americans that was funded by the Office of Minority Health; and

(2) coordinate with the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, and the heads of other agencies within the Department of Health and Human Services (as appropriate) to support activities to reduce alcohol use by pregnant women, support smoking cessation (maternal and secondhand), and educate teenagers on the risk factors for SIDS associated with teenage pregnancy within the African American and Native American communities.

SA 1637. Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) AUTOMATIC EXTERNAL DEFIBRILLATORS.—There may be appropriated up to, $2,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

(b) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $15,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,905,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,773,301,000.

SA 1638. Mr. SPECTER (for Mr. BOND (for himself, Mrs. CLINTON, Mrs. MURRAY, Ms. CANTWELL, and Mr. SCHUMER)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

SEC. . The Department of Labor may cease the implementation of closing procedures for the Department of Labor Employment and Training administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004.

SA 1639. Mr. HARKIN (for Mr. FEINGOLD (for himself and Ms. COLLINS)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15 insert the following:

SEC. . From the amounts appropriated under the heading OFFICE OF THE SECRETARY, GENERAL DEPARTMENTAL MANAGEMENT there may be made available an additional $2,000,000 to the Health Resources and Services Administration for the purchase of automatic external defibrilators and the training of individuals in cardiac life support in rural areas.

SA 1640. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

"SEC. . Notwithstanding any other provisions of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by Section 301 of Public Law 102-408."

SA 1641. Mr. SPECTER (for Mr. CHAMBLISS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 28, line 6, strike "$250,000,000" and insert "$260,000,000" in lieu thereof.

On page 28, line 5, insert after "; and" the following: "purchase,"

SA 1642. Mr. SPECTER (for Mr. ROBERTS (for himself and Mr. CONRAD)) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 2, insert before the period the following: ": *Provided further*, That up to $15,000,000 may be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c-15)".

SA 1643. Mr. SPECTER proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in Section 515(a): Increase the amount by $37,455,000.

SA 1644. Mr. SPECTER (for himself and Mr. BYRD) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, between lines 15 and 16, insert the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) it is projected that the Department of Labor, in conjunction with labor, industry, and the National Institute for Occupational Safety and Health, will be undertaking several months of testing on Personal Dust Monitor production prototypes; and

(2) the testing of Personal Dust Monitor prototypes is set to begin (by late May or early June of 2004) following the scheduled delivery of the Personal Dust Monitors in May 2004.

(b) RE-PROPOSAL OF RULE.—Following the successful demonstration of Personal Dust Monitor technology, and if the Secretary of Labor makes a determination that Personal Dust Monitors can be effectively applied in a regulatory scheme, the Secretary of Labor shall re-propose a rule on respirable coal dust which incorporates the use of Personal Dust Monitors, and, if such rule is re-proposed, the Secretary shall comply with the regular procedures applicable to Federal rulemaking.

SA 1645. Mr. HARKIN (for himself and Mr. DASCHLE) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Add at the appropriate Place:

SECTION 1. DESIGNATION OF SENATOR PAUL D. WELLSTONE NIH MDCRC PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) On December 18, 2001, Public Law 107–84, otherwise known as the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001, or the MD CARE Act, was signed into law to provide for research and education with respect to various forms of muscular dystrophy, including Dechenne, Becker, limb girdle, congenital, facio-scapulohumeral, myotonic, oculopharyngeal, distal, and EmeryDreiffus muscular dystrophies.

(2) In response to the MD CARE Act of 2001, in September 2002, NIH announced its intention to direct $22.5 million over five years to its newly created Muscular Dystrophy Cooperative Research Centers (MDCRC) program.

(3) Senator Paul D. Wellstone was a driving force behind enactment of the MD CARE Act, which led to the establishment of the MDCRC program.

(b) DESIGNATION.—The NIH Muscular Dystrophy Cooperative Research Centers (MDCRC) program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers," in honor of Senator Paul D. Wellstone who was deceased on October 25, 2002.

(c) REFERENCES.—Any reference in a law, regulation, document.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, September 10, 2003, at 10 a.m., to consider a substitute to H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care and for other purposes; and S. 622, the Family Opportunity Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Terrorism: Two Years After 9/11, Connecting the Dots," on Wednesday, September 10, 2003, at 10 a.m., in room 226 of the Dirksen Senate Office Building.

Witness List:

Panel I: Mr. Simon Henderson, Founder Saudi Strategies, London, UK; Mr. Matthew Epstein, Attorney, Terrorism Analyst and Assistant Director of Research for the Investigative Project, Washington, DC; Mr. Nihad Awad, Director, Council on American Islamic Relations; or Mr. Omar Ahmed, Chairman of the Board, Council on American Islamic Relations, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, September 10, 2003 at 9 a.m. for a hearing entitled, "The 2003 Blackouts: The Federal Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. I ask unanimous consent that Kathleen Strottman be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIDS

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, in part of this bill was language that requires the CDC to develop a plan to deal with the medical transmission of AIDS in Africa. The science is coming in clearer and clearer that a substantial portion of the infections in Africa result from transmissions from blood transfusions or the reuse of needles for injections.

In fact, we believe the World Health Organization numbers say that 10 percent are caused by it. That means as many as 300,000 infections in Africa are, in fact, a death sentence caused by unsafe medical practices. We need to end that. We can end that.

We have had two hearings I have conducted. It is a moral crisis. It should not be allowed to continue. Our medical agencies, including Health and Human Services, CDC, and particularly WHO, have been slow to respond. My remarks go into great detail about the science behind this. It has raised the concern of human rights groups as well as health groups. We will continue to proceed. We will be discussing in more depth the need for focus.

By WHO's own number, they can virtually eliminate this problem for less than $100 million a year. We will be spending $3 billion a year when the AIDS program in Africa is rolling. We can fund this. We can eliminate this and 300,000 people a year being infected would be stopped. There are even studies that show 670,000 Africans in South Africa from the age of 2 to 14 are now infected by HIV, much of that from unsafe health practices. It is a dilemma for us. We have to act quickly and not delay.

As this Congress takes up the task of funding a landmark global effort to combat HIV/AIDS, it is imperative that lawmakers consider an aspect of this crisis that has consistently not received the prominence it deserves.

I would like to thank Senator SPECTER for his help in bringing this issue to light during our consideration of appropriations for the Departments of Labor and HHS.

While we are all aware of many excellent programs that seek to treat this virus or prevent its transmission, it is widely unrecognized that, even by conservative estimates, each day 1,000 Africans who go to hospitals, clinics, or local doctors seeking treatment come away infected with a deadly disease.

They contract this virus through unsafe injections given with needles and syringes that are often reused again and again, or through contaminated transfusions with blood that is never screened for HIV, hepatitis B, hepatitis C, or other potentially deadly diseases.

In March of this year, the Washington Times reported that Dr. David Gisselquist and his colleague John Potterat had published an article in the International Journal of STD & AIDS, a publication of the British Royal Society of Medicine, that presented evidence that the reuse of needles and syringes has played a major role in the African HIV/AIDS epidemic.

This article challenged the conventional wisdom in the international public health community that heterosexual contact is the primary route of transmission for HIV in Africa and that medical transmission of the disease did not require its foremost attention.

Dr. Gisselquist pointed to a number of pieces of evidence supporting his conclusion that medical exposures account for a large proportion of HIV transmission.

Dr. Gisselquist conducted an extensive review of refereed journal articles on the epidemiology of the African HIV epidemic. A careful analysis of the data behind these studies enabled him to identify the following trends:

Multiple studies found HIV-infected children whose mothers test negative for the virus. Many of these children are far too young to have contracted HIV through sexual practices or drug use, leaving their infections unexplained by conventional assumptions about the spread of this disease.

It was found, however, that these children bearing the HIV virus had, on average, received nearly twice as many injections of vaccines and medicines than their uninfected peers, leading researchers to conclude that there was a strong correlation between the number of injections a child received and that child's chances of contracting HIV.

International groups involved in large-scale vaccination campaigns have long realized that injection safety is an indispensable element of their work. This realization followed events such as the tremendous epidemic of hepatitis C in Egypt following a nationwide effort to vaccinate against schistosomiasis.

This is still thought to represent "the world's largest iatrogenic transmission event," contributing to an appalling 18 percent prevalence of the deadly hepatitis C virus in the Egyptian population.

Since the recognition that unsafe injections pose an unacceptable risk in vaccination campaigns, international efforts now almost universally include adequate injection safety training and supplies. These limited efforts are commendable but more needs to be done.

To understand the proportion of the problem that remains to be addressed, one must note the distinction between injections given for vaccinations and therapeutic injections, or injections given for the purpose of treating infections or other disease processes.

It has been estimated that worldwide, therapeutic injections outnumber vaccinations by about nine to one, totaling approximately 12 billion injections administered each year in the developing world, including the African nations of the global AIDS initiative.

Despite this fact, and the demonstrated risks associated with unsafe injections, leaders in the field of HIV prevention have warned that "little attention has been paid to the systematic correction of widespread unsafe practices resulting in disease transmission through therapeutic injections."

There are so many tragic aspects of this problem:

Hard-working frontline doctors and nurses inadvertently contribute to the spread of the very diseases they are struggling to treat;

The health care system in developing nations frequently does not provide either necessary education in proper injection practices or, for those providers who are striving to follow model practices, the relatively inexpensive supplies necessary to succeed;

Citizens come to trusted institutions for medical treatment for themselves, or for their children, and are unknowingly infected.

Ironically, these people do not, based on present AIDS prevention education, have any reason to view themselves as high-risk. They have not engaged in unsafe sex or intravenous drug use—they have merely acted responsibly and gone to the doctor.

Subsequently, these victims go home and, again unknowingly, pass HIV or other deadly diseases to their own families—husbands to wives, wives to husbands, mothers to children.

In this manner, this "hidden" source of disease transmission continues to fuel the epidemic, capitalizing on a large blind spot in the current HIV prevention orthodoxy.

At the outset of the AIDS epidemic in the United States, both the U.S. Government and the public declared that the blood supply must be rendered absolutely safe.

The Federal Government and the public health community moved rapidly to ensure that every singe unit of blood donated in this country is tested for the HIV virus.

It is estimated that 25 percent of blood donated in Africa is never tested for HIV and that up to 80 percent is never tested for hepatitis.

It is estimated by the respected group, Safe Blood for Africa, that as a consequence of this breakdown, approximately 15 percent of the sub-Saharan African blood supply is infected with HIV and 20 percent with hepatitis.

The World Health Organization estimates that up to 10 percent of new HIV cases in Africa may be due to contaminated blood transfusions.

Once again, it is clear that transfusions of contaminated blood result in yet another "hidden" source of disease transmission fueling this epidemic.

Seventy percent of the recipients of these high-risk transfusions are women and children, making blood safety a crucial component of our larger effort to fight HIV/AIDS in mothers and children.

This figure is linked to the high incidence in Africa of malaria, which frequently causes severe anemia, particularly in children, and of severe postpartum bleeding. It is important to recognize, too, that even in the treatment of anemia related to these common conditions, best medical practices would dictate that many of these transfusions are unnecessary.

This is just one more example of the potential to decrease the risk to people of deadly infection, as well as the considerable cost of these unnecessary transfusions through educating providers on simple guidelines for transfusion.

This administration, and our respected majority leader, Dr. BILL FRIST, have declared that ending the mother-to-child transmission of HIV is of the utmost importance in the overall global AIDS initiative.

One of the most startling facts about the healthcare transmission of HIV in Africa is the fact that injection safety and blood safety have been specifically singled out by researchers as the most cost-effective means of preventing the spread of HIV.

A study published by the WHO in 1999 suggested that addressing the problem of unsafe injections might well result in actual savings for the governments and organizations financing the fight against AIDS. These savings would be generated both by a reduction in the number of unnecessary injections, which, amazingly, may account for a majority of therapeutic injections actually given in the developing world, and by avoiding the tremendous financial drain associated with the averted infections.

In testimony before the HELP committee at a hearing I chaired in July, one of the leading WHO researchers confirmed both his own conclusion that ending unsafe injection practices would be eminently cost-effective and his projection that blood safety efforts would prove to be similarly so.

As noted previously, the World Health Organization's Department of Blood Safety and Clinical Technology has, working with a variety of groups, produced a strong body of research on both injection safety and blood safety in Africa.

At my urging, the Department of Health and Human Services has undertaken the task of reviewing all of the available data to better define the true magnitude of health care transmission through unsafe injections. At this very moment, the Research Triangle Institute, the private clinical research organization awarded the contract for this study, is working toward this goal.

The results of this study will be reviewed by an independent panel of experts in the field, and I am pleased to note that we do anxiously await the results of this analysis, which is due to be completed next month.

My eagerness to see action on this problem is fueled by evidence that there have been some real successes on the ground in Africa, in some of the poorest nations in the world:

In Burkina Faso, where in 1995 it was estimated that injection equipment was reused at rates ranging from 20 percent in urban areas to an appalling 90 percent in rural regions, the answer was supply. When adequate disposable injection equipment was available through community pharmacies, the rate of reuse dropped 92 percent within 5 years.

At the HELP committee hearing I chaired on July 31, it was very encouraging to hear the testimony of Dr. John Ssemakula a physician from Uganda, who was able to describe the great strides his country has made in cleaning up injection practices. Dr. Ssemakula was also able to convey the plea of the dedicated men and women on the frontlines of health care in Uganda—that they be provided with the equipment they need to provide safe injections.

These are intelligent, well-educated, well-intentioned people and they simply want enough syringes to provide their patients with safe care.

I have been pleased, over the past several months, to have had the opportunity to express my concerns to Randall Tobias, the incoming Global AIDS Coordinator at the State Department, and to Dr. Joe O'Neill, director of the White House Office of National AIDS policy and the new deputy coordinator and chief medical officer in the office of the coordinator.

I hope that these gentlemen came away with a good understanding of the crucial importance of addressing the healthcare transmission of HIV, and I look forward to continuing to work with the administration and other key parties to the global AIDS effort.

One of the greatest disappointments I have encountered in my effort to draw attention and resources to this problem has been the response of the leadership of the World Health Organization.

That being said, groups within the World Health Organization continue to do commendable work in the area of healthcare transmission, including Department of Blood Safety and Clinical Technology, which has made progress in the area of blood safety and, within this department, the Safe Injection Global Network, which is a pioneer in the field of injection safety.

The disconnect between the good work being done by committed people within this organization and the determined resistance of leadership to even acknowledging that this is a substantial problem is really appalling.

The World Health Organization and a number of other major public health entities responded to Dr. Gisselquist's conclusions not as an invitation to reassess their data, but instead mounted a defensive response that consisted of an unyielding insistence on their own, admittedly conservative figures and a campaign to discredit Dr. Gisselquist.

At the very World Health Organization conference where its own researchers were presenting evidence that healthcare transmission is a more substantial problem that prior WHO numbers would suggest, the leadership insisted on releasing a public statement that the organization stands by its own previous numbers—even in light of its own latest research suggesting otherwise.

At the HELP Committee hearing I chaired on this subject in July, Holly Burkhalter of Physicians for Human Rights joined a host of respected witnesses in testifying that the healthcare transmission of HIV is a problem that must be addressed within the Global AIDS initiative. Ms. Burkhalter and her colleague Dr. Eric Friedman subsequently authored an opinion piece that was run in the Washington Post following the hearing that eloquently reiterated this point.

It was shocking to once again open the paper to find that the World Health Organization again declined to lead on the issue of healthcare transmission, an area in which its own researchers are pioneers. Instead, they opted for a competing opinion piece minimizing the problem and opposing the devotion of any additional resources.

As things stand at present, there is still no comprehensive USAID or administration plan to address the healthcare transmission of HIV. I have not been made aware of any plan to address injection safety at all, outside the context of vaccination programs.

Through appropriations directed to USAID, the Global Fund, and the Department of Health and Human Services, the United States Congress represents the single greatest source of funding for the international effort to combat HIV/AIDS. In this capacity, the Congress must require that these funds are accompanied by a moral commitment to apply resources wisely.

It is clear that doing so requires promptly acknowledging and addressing the issue of the healthcare transmission of HIV.

The CDC, through its Global AIDS Program and a variety of other efforts at home and abroad, has accumulated important experience in the prevention of the healthcare transmission of HIV.

This agency provided leadership in ensuring the safety of the U.S. blood supply during the early days of the HIV epidemic here, contributing to the development of one of the world's finest and safest blood banking systems. The CDC continues to provide expertise and support of a multitude of international efforts to promote blood safety.

In the area of injection safety, the CDC has strongly backed efforts to ensure that every injection given in U.S. hospitals and clinics is a safe injection.

Overseas, the agency has supported groups such as the WHO's Safe Injection Global Network, which has conducted important research on safe injection practices in the developing world and also works to disseminate information essential to the implementation of successful injection safety programs.

At a time when the United States is launching an unprecedented campaign against HIV/AIDS in Africa and the Caribbean, the CDC is thus uniquely positioned to provide the administration and Congress with important guidance in launching the most effective effort possible to end the healthcare transmission of HIV.

While there are a multitude of programs, many of them CDC-supported, addressing various aspects of the healthcare transmission problem, there has been an ongoing failure to launch a coordinated effort to intervene to change conditions on the ground in the African region.

A hallmark of the President's Global AIDS plan has been a commitment to effective coordination and application of resources. This commitment must be extended to ensuring that we put an end, right now, to the appalling daily toll taken by unsafe injections and contaminated blood transfusions in Africa.

The CDC must again take the lead in moving quickly and energetically to outline a plan to comprehensively address injection safety and blood safety in the African nations included in the Global AIDS initiative.

This plan must reflect our intent to intervene in this problem immediately. It must include an assessment of the status of the health care system and existing programs in these countries, but it must also move beyond this initial assessment stage to outline the supply and logistical requirements that we will need to understand to move forward with real, on-the-ground interventions.

Experts in the field of injection safety suggest that an effective injection safety program must address not only the provision and distribution of safe injection equipment, preferably nonreusuable autodisable syringes, but also national-level planning, the education of providers and the public in the appropriate and safe use of injections, and an appropriate program for waste disposal.

Similarly, a strong blood safety program must not only provide rapid access to accurate test kits, but also staff training, quality assurance, and a national-level program to ensure an effective system of donor selection, blood screening, and appropriate utilization of blood products.

Thankfully, these things have all been done before. Moreover, they have been done before by the Centers for Disease Control. It is time that past lessons be applied to the problem before us today, that of the healthcare transmission of HIV.

While we may eagerly anticipate the CDC's contribution, in the form of a strong plan, to be submitted to Congress within 90 days, the interim must not be marked by inaction.

This issue will be before us again soon, when the Senate considers the Foreign Operations appropriations bill, which includes the bulk of the administration's requested appropriations to fund the global AIDS initiative.

I intend to ensure that at that time, the issue of the healthcare transmission of HIV in Africa is not neglected within the greater war on HIV/AIDS.

We have reached an important historical point in the global AIDS epidemic, a point at which the world's leaders have stepped forward to acknowledge the scope of the problem, and its tragedy.

I would like to offer the caution that this tragedy becomes a travesty when the leaders in the global effort are offered clear evidence that intervention is needed, yet continue to allow death sentences to be handed to 1,000 men, women, and children every day through their inaction.

ORDERS FOR THURSDAY, SEPTEMBER 11, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 1 p.m. on Thursday, September 11, the Senate proceed to the consideration of Calendar No. 269, S.J. Res. 17; I further ask that on Thursday there be 3 hours of debate equally divided between the two leaders or their designees with all other statutory limitations remaining in order.

I further ask unanimous consent that following the use or yielding back of the debate time during Thursday's session, the joint resolution be temporarily set aside and the Senate resume consideration of the resolution at 4:30 on Monday, September 15; provided further that there be 60 minutes remaining for debate equally divided; and that following that time the resolution be read a third time and a vote occur on final passage of the resolution with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following the FCC resolution on Thursday, the Senate proceed to the consideration of Calendar No. 218, H.R. 2754, the Energy and Water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 8:30 a.m. Thursday, September 11; I further ask that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:45; that the Senate observe 4 moments of silence in observance of the anniversary of the September 11, 2001 tragedy at the following times: 8:46 a.m.; 9:03 a.m.; 9:38 a.m.; and 10:06 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will reconvene at 8:30 to observe the anniversary of the September 11 tragedy. As earlier ordered, there will be four moments of silence which will be denoted by the ringing of ceremonial bells outside the Senate Chamber. There will be other events throughout the day as a remembrance of this day and all Senators are invited to anticipate.

As announced by the majority leader, no rollcall votes will occur on Thursday or Friday. However, the Senate will conduct business on those days. Tomorrow, the Senate will consider the FCC resolution as well as the energy and water appropriations legislation. Any votes ordered will be sequenced to begin on Monday beginning at 5:30.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. If there is no further business, the Senate stands adjourned until tomorrow morning, Thursday, September 11, at 8:30 a.m.

Thereupon, the Senate, at 8:54 p.m. adjourned until Thursday, September 11, 2003, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2003:

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004. (REAPPOINTMENT)

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

CHRISTINA M. SCHULTZ, 9048
JAMES W. TEDTAOTAO, 1726
KURT M. VAN HAUTER, 7239

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

DANIEL B ABEL, 5450
ELMO L ALEXANDER, 4886
THOMAS F ATKIN, 5472
VINCENT B ATKINS, 1599
RICHARD D BELISLE, 9675
LANCE O BENTON, 1371
ANDREW J BERGHORN, 1585
MATHEW D BLIVEN, 8630
MARK E BUTT, 6553
DAVID R CALLAHAN, 1130
KARL H CALVO, 4091
MARK M CAMPBELL, 1740
STEVEN E CARLSON, 5792
TIMOTHY M CLOSE, 9356
MICHAEL C COSENZA, 0878
THOMAS M CULLEN, 7101
MATTHEW E CUTTS, 7079
MARK J DANDREA, 8913
ROBERT L DESH, 8514
WILLIAM T DEVEREAUX, 6480
CHARLEY L DIAZ, 4339
WILLIAM J DIEHL, 3394
DAVID A DURHAM, 4098
DAVID C ELY, 7142
TODD GENTILE, 1479
TERRY D GILBREATH, 2506
DAVID H GORDNER, 4509
EUGENE GRAY, 7974
EDWARD W GREINER, 8762
RICHARD T GROMLICH, 9232
DAVID M GUNDERSEN, 8844
GREGORY R HAACK, 4486
MICHAEL A HAMEL, 2718
MARK R HIGGINS, 3308
EVAN Q KAHLER, 5178
JOHN F KAPLAN, 0134
BRIAN D KELLEY, 0764
MICHAEL R KELLEY, 4586
MICHAEL E KENDALL, 7389
SCOTT P LAROCHELLE, 9920
JOHN J MACALUSO, 5958
DANIEL R MACLEOD, 4548
TIMOTHY F MANN, 4848
BRIAN J MARVIN, 5184
CHARLES A MATHIEU, 1414
JOANNE MCCAFFREY, 6860
JAMES L MCDONALD, 4181
JAMES B MCPHERSON, 5581
STEPHEN P METRUCK, 9405
FRED M MIDGETTE, 4269
JOSEPH E MIHELIC, 0130
ROBERT G MUELLER, 7923
RICHARD K MURPHY, 6485
PATRICK J NEMETH, 8387
KEVIN M ODAY, 5619
JOHN C ODELL, 4901
MARK P OMALLEY, 3040
MICHAEL N PARKS, 1681
FRANK M PASKEWICH, 7648
RAYMOND J PETOW, 7573
JAMES E RENDON, 3900
ANTHONY S REYNOLDS, 9343
LEONARD L RITTER, 4436
MARK A ROSE, 7289
DOUGLAS G RUSSELL, 4252
PAMELA A RUSSELL, 0842
BRYAN D SCHRODER, 2588
KARL L SCHULTZ, 7603
JOSEPH A SERVIDIO, 1826
JOSEPH C SINNETT, 8403
LIAM J SLEIN, 5138
SANDRA L STOSZ, 2910
LINCOLN D STROH, 6703
MICHAEL E SULLIVAN, 4088
STEVEN C TAYLOR, 6120
GILBERT E TEAL, 7579
MICHAEL A TEKESKY, 1649
EDWIN B THIEDEMAN, 5508
BRUCE L TONEY, 0225
FREDERICK W TUCHER, 6347
THOMAS D WADE, 6948
ARTHUR C WALSH, 5114
PAUL E WIEDENHOEFT, 6119

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

MICHAEL A. ALFULTIS, 6408
JONATHAN C. RUSSELL, 7266
VINCENT WILCZYNSKI, 6471

To be commander

MELINDA D. MCGURER, 1040
KURT A. SEBASTIAN, 9421

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

TYRONE C. *ABERO, 7480
DAVID S. ABRAHAMS, 9904
THOMAS M. *ACKLEN JR., 3250
DOUGLAS *ACOBA JR., 3836
MICHAEL D. *ACORD, 3267
MARCUS P. ACOSTA, 1971
MICHAEL A. ADAMS, 5702
MICHAEL C. *ADAMS, 1198
ROY H. ADAMS III, 6594
ARTHUR A. ADDLEMAN, 1023
MICHAEL A. *ADELBERG, 2624
KEVIN D. *ADMIRAL, 0010
LAWRENCE N. *AIELLO, 5488
TERRY J. *AIKEN, 1696
ANDREW G. *AJAMIAN, 6487
DEMETRIUS C. *ALEXANDER, 8799
RICHARD W. *ALEXANDER II, 3282
TOM ALEXANDER JR., 1088
EDWARD W. ALLEN II, 3387
GEORGE K. *ALLEN, 6136
JEFFREY R. *ALLEN, 1119
KENNETH S. ALLEN, 6752
RANDY S. ALLISON, 7699
DANA C. ALLMOND, 7907
MICHAEL W. *ALSBROOK, 3385
ANTON D. *ALSTON, 8232
JONATHAN K. ALT, 1669
JOHN E. *AMADEO, 1635
JASON L. AMERINE, 6345
PAUL M. AMRHEIN, 1617
ERIC C. *ANDERSON, 4621
ERIK N. ANDERSON, 2737
JEFFREY F. ANDERSON, 0086
JOSEPH S. *ANDERSON, 4912
MICHELLE I. *ANDERSON, 7303
THOMAS E. *ANDERSON, 2772
VERNON D. ANDERSON, 1438
WESLEY J. ANDERSON, 0054
CORT W. ANDREWS, 5387
MICHAEL V. *ANGELL, 7897
JOSEPH M. *ANGELO, 6365
WENCESLAO G. *ANGULO, 0077
STEVEN R. ANSLEY JR., 7402
BRIAN P. APGAR, 8378
RICHARD T. APPELHANS, 9444
AUSTIN T. APPLETON, 0735
NEVILLE M. *ARCHER, 7781
BRENDAN J. *ARCURI, 5499
CHARLES S. ARMSTRONG, 2949
RYAN D. ARNE, 7655
KRIS A. *ARNOLD, 2980
REYNOLD R. ARREDONDO, 7407
JOSEPH *ASBERY, 4238
GREGORY N. *ASH JR., 8900
THOMAS J. ATKINS, 1248

MARY M. *AUSTIN, 8794
DOUGLAS W. *AYDELOTT, 0923
SHANNON W. *AYERS, 0994
TORO J. *AYMAT, 1651
KENNETH J. BABCOCK, 8788
EVERETT K. *BABER, 4070
GEORGE R. *BACON, 7754
PATRICK J. *BADAR, 3117
ROBERT S. *BAE, 5012
BENJAMIN S. *BAHOQUE, 5066
SCOTT J. BAIER, 8783
CURTISS M. BAILEY JR., 5500
JAMES J. BAILEY, 4483
MATTHEW J. *BAILEY, 2445
LAWRENCE J. *BAKER JR., 2139
RONALD L. *BAKER, 5481
SABRINA *BAKER, 0929
ANDRE J. BALDANZA, 9373
TROY B. *BALDRIDGE, 3939
KEVIN C. *BALISKY, 8547
ALLANA J. BALKAM, 6435
ANDRE P. *BALYOZ, 8713
JOSEPH D. BARBER III, 6999
BRADLEY D. BARKER, 9662
PAUL E. *BARNES, 4086
CHRISTOPHER M. *BARNWELL, 6106
GILBERTO J. BARRERA, 8559
NESTOR L. *BARRETO, 4516
RICHARD *BARTOSZUK, 7065
DARRELL D. BASCOM, 3705
STEVEN P. *BASILICI, 6377
STEVEN G. BASSO, 0520
ARCHIE P. *BATES III, 3311
PABLO BATISTAHERNANDEZ, 3645
LARRY J. *BAUGUESS JR., 5501
CRAIG S. BAUMGARTNER, 1304
HASHEM *BAYATPOOR, 8887
GEORDIE E. *BEAL, 1199
SCOTT T. BEALL, 6631
CYNTHIA S. BEARD, 9184
GREGORY B. *BEAUDOIN, 1827
TIMOTHY M. *BECK, 0216
JOHNNY A. *BECKWITH, 7934
CHRISTOPHER L. BELCHER, 1494
GREGORY R. *BELL, 7528
RICHARD C. BELL JR., 4449
TREAVOR J. BELLANDI, 8084
BRUCE C. *BENNARD, 7275
WILLIAM J. *BENNER, 6805
TIMOTHY J. *BENNETT, 9510
TYRONE *BENNETT, 2817
CHARLES E. BENSON, 3515
MICHAEL J. BENSON, 4614
STEVEN R. *BERGER, 0366
CHARLES K. BERGMAN, 3013
CRAIG D. *BERGWALL, 3374
RICHARD D. *BERRY, 4568
CRAIG S. BESAW, 9067
KEITH E. *BESHERSE, 8017
JOHN A. BEST, 3643
MICHAEL J. BEST, 6593
WILLIAM H. BESTERMANN, 7651
VIVIAN *BETHEA, 8545
ERIC S. BETTS, 7384
STEVEN J. *BETTS, 3124
KURT L. BEURMANN, 1785
BRUCE F. BEYERS, 5468
OLIVIA M. *BIERMAN, 1509
DANIEL L. BILLQUIST, 3864
SCOTT A. *BIRD, 5316
ALAN D. BISENIEKS, 3560
JOHN W. BITTNER, 3421
KIM T. BIVIN, 9917
WALTER T. *BLAKE, 4387
MICHAEL P. *BLANDFORD, 9073
JEFFREY D. BLANEY, 7589
CHARLES H. *BLUMENFELD III, 7619
SEAN D. *BLUNDON, 8556
GREGORY G. *BOBECK, 7765
KENNETH D. *BOGGS, 3785
BRAD J. *BOHAN, 4924
GLENN R. BOLLINGER III, 8109
GEORGE M. *BOND, 6999
JOHN J. BONIN, 9551
KRISTA L. BONINO, 1745
JOE D. *BOOKARD, 4606
REX A. BOONE, 2221
EDWARD F. *BOROWIEC JR., 3574
JONATHAN A. BOSTON, 5202
SCOTT A. BOVEE, 3108
JOHN K. *BOWMAN, 5796
ROGER L. *BOWMAN, 3219
MARK P. *BOYLAN, 1493
EDWARD *BOYLE, 0379
DELORES G. *BRADDOCK, 0063
STEVEN R. BRADDOM, 9080
JAMES M. *BRAMBLETT, 7048
JOHN D. *BRANCH, 3429
SCHAWN L. BRANCH, 1013
KURT R. *BRANNSTROM, 9703
MICHAEL R. BRAUN, 3531
JOHN E. *BRENNAN, 3425
MICHAEL L. *BRETL, 4133
GARY T. *BRETT, 4690
DAVID B. *BRICKER, 1907
ANDREW P. BRICKSON, 8687
KEVIN M. *BRILL, 7587
MARK E. *BROCK, 9387
ROBERT A. BROGAN, 9248
MATTHEW W. *BROOKE, 4856
COURTNEY R. BROOKS, 5389
HARRY D. *BROOKS, 0026
MICHAEL S. *BROOKS, 6843
STEPHEN M. BROOKS, 6663
WINSTON P. BROOKS, 7427
SID W. *BROOKSHIRE, 4148
CARL A. BROSKY, 1916
MICHAEL W. BROUGH, 3729
BRIAN W. *BROWN, 3852
DOUGLAS E. *BROWN, 8355
EDMOND M. *BROWN, 8043
JAMES L. *BROWN, 3082
JASON M. *BROWN, 4844
JOEL A. *BROWN III, 3312
JOHN C. BROWN, 7898
JUANITA R. *BROWN, 8713
MARK D. *BROWN, 0168
MATTHEW J. BROWN, 0183
RICHARD T. *BROWN, 2223
ROBERT M. *BROWN, 3163
RONNIE F. BROWN, 4203
SCOTT A. *BROWN, 9371
THOMAS J. BROWN, 2395
WILLIAM P. *BROWN, 4294
DAVID G. *BRUMLOW, 6776
AMY L. BRUNERDEHNERT, 8059
TRENT D. *BRUYERE, 3042
TODD A. *BRYER, 8805
ANGELA R. *BUCHANAN, 5307
SEAN P. BUCHHOLTZ, 8492
JOHN M. BUCK, 8815
PATRICK D. BUCKLEY, 1967
GUY H. *BUICE, 6223
JAY P. BULLOCK, 5743
GREGORY N. BUNN, 1715
JEFFREY A. *BUONO, 6998
JOSEPH A. *BURGER, 2052
DANIEL S. *BURGESS, 6431
THOMAS F. *BURKET, 1991
KEVIN H. *BURKETT, 1153
KENNETH W. BURKMAN, 1404
DARRIEL A. BURLESON, 6477
KYLE C. *BURLEY, 2301
ROBERT M. BURMASTER, 5455
CHRISTOPHER A. BURNS, 1244
FERDINAND BURNS III, 9089
LAWRENCE M. BURNS, 2031
MARK A. *BURNS, 0752
JOSHUA R. BURRIS, 8686
LAURA L. *BURTON, 0840
MATTHEW V. *BURTON, 7662
BARRY C. *BUSBY, 8748
MICHAEL D. *BUSH, 0688
JEREMY D. *BUSHYAGER, 0528
ADAM W. BUTLER, 5758
KEVIN P. *BUTLER, 0214
MARTY T. *BUTTS, 6876
PHUC BUU, 4015
CHRIS A. BYLER, 3598
FRANKLIN D. *BYRD II, 7376
TYRONE L. *BYRD, 1548
MICHAEL S. CAHILL, 2563
WILLIAM J. CAIN JR., 5273
JASON T. *CALDWELL, 8424
JOHN P. CALHOUN, 2622
STEVEN D. *CALHOUN, 8793
SAMUEL L. CALKINS, 7939
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DANIEL S. *CARRERA, 1188
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PAUL L. *CARROLL, 4206
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DON C. *CARTER, 9435
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CARL L. *CASEY, 8313
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ANDREW P. *CEMPA, 9437
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MELODY J. *CHARLES, 9643
MARK R. *CHEADLE, 7002
MARY R. CHEYNE, 1813
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MICHAEL R. CHUPAS, 9715
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JOSEPH M. CLARK, 8029
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TERRY L. *CLARK, 0714
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ROSS M. COFFEY, 9703
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CHRISTOPHER H. *COLAVITA, 8585
CYNTHIA G. COLEMAN, 4843
TIJUANA D. COLLIER, 7470
DARRELL W. *COLLINS, 1390
RENAISANCIANO *CONCORDIA, 7271
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KURT P. CONNELL, 9648
ROBERT C. *CONNELL, 6795
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MICHAEL P. CONROY, 9037
FRANCISCO D. CONSTANTINO, 9458
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RANDALL A. *COOK, 4215
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ROBERT H. *COOPER, 4087
DERRICK A. *CORBETT, 3379
FREDERICK L. CORCORAN III, 5043
ROGER G. CORDRAY, 9492
STEVE E. CORNELIUS, 8781
KEITHON R. CORPENING, 2326
JAMES T. CORRIGAN, 7817
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ELWARD P. CORTEZ, 6118
LUIS COTTOARROYO, 7757
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JOHN P. *COX, 3080
PHILLIP L. COX JR., 8743
RHETT R. *COX, 5370
JAMES D. *CRABTREE, 4189
PAUL G. CRAFT, 6060
JAMES R. CRAIG, 8665
STEVEN P. CRAM, 4867
MARK D. *CRAMUTOLO, 9453
JACOB E. CRAWFORD III, 9150
JAMES D. *CRAWFORD III, 9985
LEO R. *CRAWFORD JR., 0052
LUIS *CRESPO, 9286
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CHRISTOPHER A. *CROOKS, 2607
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TROY W. CROSBY, 7675
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JASON A. CROWE, 3044
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CRAIG P. CUMMINGS, 3162
JIMMIE E. *CUMMINGS JR., 1176
KENNETH F. *CUMMINGS, 3035
CRAIG H. *CUNNINGHAM, 3867
GARY L. *CUNNINGHAM, 7956
THOMAS J. CUNNINGHAM, 0935
ROBERT A. *CURRIS, 9636
ROBERT P. *CURTIN, 4654
GREGORY J. *CYR, 8579
MATTHEW C. DABBS, 0742
ANDREW P. *DACUS, 6935
ERIKA L. *DANCE, 9320
GARY *DANGERFIELD, 7360
HERBERT L. DANIEL JR., 5589
BARRY E. *DANIELS JR., 1034
LISA M. *DANIELS, 5266
MICHAEL D. DANIELS, 0460
DANIEL P. *DANKO, 6265
PETER A. DANNENBERG, 3604
PAUL T. *DANSEREAU, 4086
PETER E. DARGLE, 7132
WILLIAM E. *DARNE, 2098
ROBERT A. *DAVEL, 0525
BRADFORD J. *DAVIS, 0011
GEORGE E. *DAVIS, 0808
SEAN P. *DAVIS, 4688
TIMOTHY C. *DAVIS, 2055
KETTI C. *DAVISON, 4230
ROBERT A. DAWSON, 2744
STEPHEN E. DAWSON, 9663
MITCHELL K. DAY, 0922
GLENN A. DEAN III, 4684
ANDREW B. *DECKER, 0593
JAMES A. DELAPP, 5774
STEVEN M. DELGADO, 8558
GREGG M. DELLERT, 7603
ANTHONY V. DEMASI, 2600
MICHAEL E. *DEMIRJIAN, 6245
JOHN M. *DEMKO, 3196
DANIEL R. *DEMPSEY JR., 8457
JASON K. DEMPSEY, 7246
THOMAS S. DENIS, 5303
JASON S. DENNEY, 8879
WILLIAM P. *DENNY, 8725
MARK A. *DEPEW, 8273
MIKE *DEQUEVEDO, 0379
ANDREW R. *DESJARDINS, 0655
TODD R. DESLAURIERS, 8282
JOSE A. *DEVARONA, 4357
TORREY A. DICIRO, 7495
SCOTT DICKEY, 3812
LARRY F. DILLARD JR., 6649

JACK E. *DILLS, 3051
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JOSEPH A. *DIPASQUALE III, 3829
TREVOR W. *DISON, 9745
ROBERT G. *DIXON, 5958
DEAN J. *DOMINIQUE, 3025
ADRIAN A. *DONAHOE, 7201
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JAMES K. DOOGHAN, 5342
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MATTHEW R. *DOOLEY, 6981
MARK L. DOTSON, 1381
PATRICK M. DOWNES, 8326
DAVID S. DOYLE, 5565
MICHAEL B. *DRAPER, 6950
MARK S. *DREWETT, 2564
JOHN H. DROSOS, 0373
DANIELLE E. *DUBOSE, 9670
EDGAR R. DUCHEMIN, 0334
RANSOM W. *DUDLEY JR., 7694
STEPHEN M. DUNAWAY, 7751
DANIEL L. *DUNCAN JR., 6022
RUTH L. *DUNCAN, 5995
SHANE N. DUNCANSON, 5335
CHARLES A. DUNFORD JR., 7973
LANDY D. DUNHAM, 5232
JAMES K. DUNIVAN, 5687
MATTHEW W. *DUNLOP, 4674
ALBERT J. *DUNN JR., 6000
DAVID W. DUNPHY, 7494
EDWARD J. *DUPONT, 4335
JON R. DURANT, 8385
PIER M. *DURST, 4816
JAMES J. DUTHU, 8306
WILLIAM E. *DUVALL IV, 0642
JAMES P. DYKE, 3389
JAMES D. DZWONCHYK, 1596
WILLIAM B. *EBERHARDT, 8791
PAUL D. EDGAR, 1073
GARY L. EDMONDS, 0455
MARC A. EDQUID, 4844
ADAM T. EDWARDS, 5940
JAMES M. EFAW, 0517
SEAN D. EGAN, 6356
BENJAMIN S. *EISER, 2421
RUSSELL J. ELIZONDO, 3909
JAMES W. ELLERSON JR., 1237
MICHAEL A. ELLICOTT JR., 3942
JAY T. ELLIOTT, 5463
CHRISTOPHER J. ELLIS, 7248
JON E. ELLIS, 4633
PATRICK J. ELLIS, 1954
WILLIAM L. ELLIS, 0585
ISSAC W. ELLISON IV, 4595
ROBERT J. ELLS, 9594
RONALD L. ELLS, 0942
DENNIS J. *EMMERT II, 7373
CONRAD J. *ENCARNACION, 9815
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PATRICK R. ERICKSON, 3525
REED G. ERICKSON, 5701
ANDREW J. *ESCH, 0934
JOE A. ESPINOSA JR., 8794
ESEQUIEL S. *ESPINOZA, 4053
PEDRO R. ESPINOZA II, 0076
MARK R. *ESSENBERG, 2266
PHILIP J. *ETZKORN, 9830
MARCUS S. EVANS, 6941
PATROVICK G. *EVERETT, 1409
WILBUR T. *EVERRITT III, 9884
HOA V. EWING, 4903
CHRISTOPHER T. FABER, 6804
ROBERT A. FAGO, 9769
MELISSA D. FAHRNI, 9024
JAMES M. *FALCONE JR., 6279
MARK R. *FARIA, 6946
DALE L. FARRAND, 0648
THERESA L. *FARRELL, 3918
MICHAEL L. *FAZEN, 7483
PETER C. *FEDAK, 1916
CARL R. FEHRENBACHER, 8540
RICHARD E. FELICES, 8661
CHRISTIAN H. FELLOWS, 5131
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CYLE J. *FENA, 9049
KEITH X. *FENNELL, 8923
VICTOR W. FERSON, 6645
THOMAS M. FIFE, 4678
EDWARD J. FISHER, 1096
JEROME W. *FISHER, 1513
MARK A. *FISHER, 8311
ROBBIE L. *FISHER, 5146
SEAN N. *FISHER, 3428
DANNY C. *FITCH, 7361
WILLIAM S. *FLEMING, 1059
LOUIS A. FLORENCE, 4289
NORBERT A. FOCHS, 0578
JOHN K. FOLEY, 1681
JAMES S. FOLLANSBEE, 9362
CHRISTOPHER A. *FOOTE, 3836
DAVID A. *FORBES, 0531
CHRISTOPHER M. FORD, 0997
BRIAN A. FORN, 5727
JAMES A. *FOSBRINK, 2383
DAVID A. *FOSTER, 3150
STEVEN P. *FOSTER, 3873
TRACY A. FOSTER, 7757
WARREN D. *FOSTER, 2656
MARTHA R. FOUNTAIN, 1008
CHRISTOPHER V. *FOURNIER, 5063
KATHY FOX, 3296
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TODD M. FOX, 4624
FRANCENE M. *FRANKLIN, 4612
RICKY R. *FRANKLIN, 7509
DWIGHT E. FRASER, 2361
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TULIP C. FRAZIER, 0425
RANDY R. *FREEMAN, 6813
COLLIN H. *FRISBIE, 4003
JEFFREY A. FRITZ, 0662
ERIC C. *FRUTCHEY, 2887
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PAMELA M. *FULTON, 5569
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STUART D. FURNER, 6739
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JOHN M. GALLAGHER, 8482
JOHN P. *GALLAGHER JR., 7872
JULIE S. GALLAGHER, 9947
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MICHELLE M. *GARCIA, 0560
JAVIER M. *GARCIAIRIZARRY, 6046
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OCTAVIOUS L. GIBBONS, 8694
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THOMAS GOLDNER, 1371
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ROBERT E. GORDON, 5643
WILLIAM D. GOSS, 8239
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JASON M. *HAYES, 1339
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DONALD J. HAZELWOOD JR., 9556
CHRISTOPHER D. *HAZEN, 1728
DENNIS S. *HEANEY, 8657
GLEN E. *HEAPE, 3397
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JOHN W. HEATON, 1727
MICHAEL D. *HEBERT, 0101
ERIC L. HEFNER, 9078
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ROGER G. HENDERSON, 0307
JASON C. HENNEKE, 3975
RAY D. *HENRY, 6935
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WILLIAM E. HERBERT IV, 3550
NATHAN E. *HERING, 3246
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PAUL E. *HESLIN, 6242
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JARED D. *HILL, 6638
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WILLIAM J. *HILL III, 3744
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KAREN D. *HIMMELHEBER, 9630
KENT W. *HINCHCLIFF, 6029
JOHN B. *HINSON, 6698
THOMAS J. HIPSKIND, 0783
BRIAN K. *HIRSCHEY, 0348
MARK A. HITCHCOCK, 7467
JOHN D. HIXSON, 0050
GERALD D. HODGE JR., 1700
GLENN A. *HODGES, 6751
MARK R. HODGKINS, 9252
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JOSEPH A. *HOECHERL, 6414
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DANIEL M. *HOFMANN, 5989
JASON L. *HOGE, 7187
STEVEN F. HOGLUND, 6600
DANIEL F. HOLLINGSHEAD, 7128
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CARL J. HOLLISTER, 2493
JOHN E. HOLLOWELL JR., 2748
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PAUL T. HOPKINS JR., 8004
KELSO C. HORNE III, 9877
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JAMES R. HOSKIN JR., 1112
BRANT D. *HOSKINS, 9683
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ROBERT P. *HUBER. 3684
JEFFREY D. HUDSON. 6206
TOM T. *HUFF. 7553
BRIAN T. *HUGHES. 2482
CLIFTON E. HUGHES. 4334
MICHAEL P. HUGHES. 3381
DHANIA J. HUNT. 9976
JAMES W. *HUNT. 9138
WAYNE A. HUNT. 2612
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JOSEPH J. *HUTH. 4675
TAM M. *HUYNH. 6912
ANDREW J. HYATT. 5943
KENNETH P. HYNES. 7397
CURTIS F. *IDEN. 4003
MATTHEW F. *IGNATOVIG. 8818
KEVIN C. INGLIN. 2815
FRANK P. INTINI III. 1291
MARGUERITE D. IRVINE. 6155
MICHELLE L. ISENHOUR. 4589
STEVEN L. ISENHOUR. 6380
EDWARD C. JACKMAN. 7965
ERIC L. JACKSON. 4282
JAMES W. JACKSON II. 2087
JOHN C. JACKSON. 4253
MINTER JACKSON. 9961
RICHARD W. JACKSON. 8213
SHANNON C. *JACKSON. 7900
LANCE E. *JACOBSEN. 9725
BRADLEY R. JACOBSON. 1739
KATHLEEN J. *JACOBSON. 8848
CARL R. JACQUET. 8586
IVAN L. *JAMES. 4235
SYLVIA B. JAMES. 9644
JOSEPH E. JANCZYK. 5618
DEREK K. *JANSEN. 1976
MICHAEL A. JASKOWIEC. 8100
BRIAN K. *JENKINS. 3373
DAVID A. JENKINS JR.. 8852
JAMES P. *JENKINS II. 1291
SHAWN T. JENKINS. 8830
MATTHEW S. *JENNINGS. 5460
RANDY J. *JIMENEZ. 9879
GORDON N. *JOCZIK. 9295
RODNEY M. *JOHNS. 7318
DONALD S. JOHNSON. 2577
ELLSWORTH K. JOHNSON. 0851
GEORGE F. *JOHNSON. 1365
JOHN D. JOHNSON. 4867
MARK E. JOHNSON. 6190
STEVEN K. JOHNSON. 4126
TERESA A. *JOHNSON. 1317
THOMAS E. JOHNSON. 4031
THOMAS F. *JOHNSON. 4657
WADE A. JOHNSON. 0551
WILLIAM C. JOHNSON JR.. 6800
WILLIAM M. JOHNSON. 5341
TANYA *JOHNSONNEWELL. 9871
CHRISTOPHER R. *JONES. 3661
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ELMORE J. *JONES JR.. 4189
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MARCUS A. *JONES. 4903
SEAN C. JONES. 8381
WALTER H. *JONES III. 4094
WILLIAM D. *JONES. 5821
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DERYCK L. *JULIEN. 0697
MATTHEW A. JURY. 4323
TANYA L. KABELBALLARD. 3636
DAVID M. KALEY. 9885
ROBERT L. *KAMMERZELL. 0182
BRIAN M. *KANE. 2149
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KEVIN R. *KARR. 3721
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MICHAEL T. KATONA. 8697
DOUGLAS A. *KEELER JR.. 6563
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DANNY M. KELLEY II. 0878
JASON E. KELLY. 3524
KENT C. *KELLY. 6362
JEFFREY S. *KEMP. 0997
KELLY D. KENDRICK. 0729
WILLIAM A. KENDRICK. 4720
JOHN D. KENKEL. 8971
MICHAEL T. KENNY. 7911
PATRICK F. KENT. 7395
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ARISTOTLE R. *KESTNER. 8411
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WON S. KIM. 1763
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TIMOTHY R. *KING. 5779
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THOMAS B. KOKES. 6045
DEBRA L. *KOLTVEIT. 6316
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KIP A. KORTH. 6632
KYLE D. *KOURI. 2372
EDWARD A. KOVALESKI. 9318
MARK P. *KRIEGER JR.. 6513
MARK E. *KRUSSOW. 7889
ALEXANDER V. KUGAJEVSKY. 6013
MICHAEL J. KUZENKA. 5040
PHILIP G. *LABASI JR.. 1000
ROGER A. *LABRIE. 8769
CHRISTOPHER J. *LACKOVIC. 1445
DAVID R. LAFONTAINE. 6285
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KEVIN J. LAMBERT. 3624
SCOTT R. LAMPRIDES. 9520
MARK A. *LANDIS. 8722
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TRACY L. LANIER. 1074
GLENN E. *LAPOINT. 8275
GROVER J. LAPORTE JR.. 0460
ERIC D. LARKIN. 3308
KEVIN L. *LARKIN. 0362
MICHAEL M. LARSEN. 7868
PATRICIA L. LARSEN. 5928
NICHOLAS LASALA JR.. 0842
DANIEL B. LASERIA. 6088
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PATRICK L. LAVERENZ. 2995
BRADFORD D. *LAWING. 2537
RICHARD J. LAWLESS. 6589
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KEVIN C. LEAHY. 2292
MICHAEL R. LEAR. 7728
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ANGELA *LEE. 5896
DERRICK S. LEE. 3050
SANG K. LEE. 6894
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BRIAN J. *LIEB. 1431
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ERIC D. LITTLE. 6022
CHRISTOPHER S. *LITWHILER. 9862
CHAD G. *LIVINGSTON. 7529
JOHN E. *LIVINGSTONE. 9217
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CHARLES T. *LOMBARDO. 9172
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JOE A. LOPEZ. 0668
RAFAEL LOPEZ. 5537
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DOUGLAS S. *LOWREY. 4878
ANTHONY E. LOWRY. 3786
FRANCISCO J. LOZANO. 5143
SHAWN P. LUCAS. 0169
TOMMIE J. LUCIUS. 2213
ANTHONY *LUGO. 7441
DENNIS J. *LUJAN. 9746
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STEVE M. *LUTHRINGER. 4846
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ROBERT K. *MACHEN. 3450
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FREDDIE A. *MACK. 5533
ANDRE L. *MACKEY. 3088
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DESI A. *MAES. 6293
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TRACY L. MANN. 8452
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GARY A. MARTIN. 2298
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REMSO J. *MARTINEZ. 9571
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MARK A. MAYORAS. 2104
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DAVID T. *MCALEER. 3633
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ANDREW S. *MCCLELLAND. 2215
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MAUREEN MCCORD. 8468
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DONALD J. MCDANNALD. 9956
MICHAEL S. *MCDERMOTT. 1409
BARRY S. MCDOWELL. 3715
CORINA MCFADDEN. 8712
CHRISTOPHER M. MCGOWAN. 5530
DENNIS M. *MCGOWAN. 0556
MATTHEW M. MCHALE. 1399
HOWARD D. MCINVALE. 2499
KEITH A. *MCKINLEY. 5490
SCOTT D. *MCLAUGHLIN. 9421
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JOHN T. *MCNEAL. 5385
MICHAEL W. *MCNEILL. 0069
HENRY I. MCNEILLY. 9594
ARICK R. MCNIEL. 4410
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PAMELA J. MEADOWS. 3016
RAYMOND E. MEADOWS. 2298
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LAWRENCE G. *MICKLUS. 0334
AMEED D. MICKO. 1157
DARREN B. MIDDLETON. 6618
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IVAN *MIKOLIC. 1107
DWAYNE S. *MILBURN. 6538
PAUL R. MILES. 8778
RONALD J. MILLER. 4366
TIMOTHY M. *MILLER. 8207
JAMES C. *MILLS. 2135
JIMMY C. *MILLS. 7341
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JENNIFER S. MINUS. 5529
AMY E. *MITCHELL. 6268
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JAMES M. MOCK. 3877
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MONTE G. *MONTES. 9364
BRIAN M. *MOORE. 6280
HORST G. MOORE. 7696
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ANDREW MORGADO. 5355
KEITH S. *MORGAN. 3607
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JAMES W. *MORRIS. 2268
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ROBERT B. MORRIS II. 3667
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ANDREW R. *MORTON. 6806
SHANON J. MOSAKOWSKI. 6936
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THOMAS P. *NELSON III, 8994
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JENNIFER A. *NICHOLSON, 3722
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JOHN M. *PENDERGAST, 6534
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THOMAS W. *PRICE, 1866
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ROBERT M. RODRIGUEZ, 2338
MELISSA *RODRIGUEZ TORRES, 6689
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PAUL D. ROMAGNOLI, 6356
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MICHAEL E. *RUTKOWSKI, 7625
ROBERT M. RYAN, 9740
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WILLIAM A. RYAN III, 9104
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WILLIAM S. *SACHSE JR., 0067
JAMES L. *SADLER, 4644
SAMUEL J. SAINE, 2928
EVANGELINE M. *SAIZ, 8505
MERIWETHER A. *SALE JR., 5479
JAMES R. SALOME, 5594
RICHARD M. SALTUS, 3277
PAUL M. *SALTYSIAK, 5181
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AARON B. *SANDER, 6259
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PAUL F. *SCHMIDT, 2492
DAVID L. SCHMITT, 8837
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BETH M. *SCHWAIGERT, 0147
JOSEPH C. *SCHWARTZMAN, 5265
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JEFFREY A. SEGGI, 6563
JACKSON J. SEIMS, 3002
JOHN T. *SELMAN JR., 3078
CORY J. *SENA, 8705
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MICHAEL D. *SENNETT, 4377
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STEVEN E. *SEXTON, 2386
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GERALD H. SHAFFER, 4453
GEORGE R. SHATZER, 0322
ALAN C. *SHAW, 3697
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FLOYD G. *SHELDON, 9024
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JASON K. SHEPARD, 4732
JOHN H. SHEPHERD JR., 8892
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RAYMOND Y. SHETZLINE II, 6648
CHRISTOPHER L. *SHIELDS, 0785
MICHAEL L. SHIPMAN, 3565
DAVID J. *SHIVELY, 1297
KIA *SHOAMOTAMEDI, 7528
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JAMES S. *SIMKINS, 5342
ROB D. *SIMMONS, 8646
JEFFREY S. SIMPSON, 0529
ROBERT B. *SIMS, 8195
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HERBERT L. SKINNER, 9191
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DREW P. SMITH, 5444
FRANK A. SMITH, 7866
JEFFREY D. *SMITH, 2062
JOEL A. SMITH, 6999
KELLY H. *SMITH, 6999
MICHAEL J. *SMITH, 8051
ROBERT M. *SMITH, 9455
ROBERT S. *SMITH, 9298
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STUART S. *SMITH, 6866
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SCOTT A. STEPHENS, 2442
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DARRYL R. *STEWART, 4691
DONALD G. *STEWART, 9341
GEORGE A. STEWART III, 9426
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MAREK R. STOBBE, 9014
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BARBARA A. STREATER, 0096
ANTHONY J. *STRELETZ, 4286
KARL J. *STRELLNER, 5557
DAVID B. STRINGER, 8913
STEPHEN A. *STROBLE, 0016
RYAN D. STRONG, 3544
PAUL M. STRUCK, 6038
RAYMOND E. STRUNK, 2873
LEAMOND C. *STUART IV, 3843
RICHARD A. STUHRKE JR., 0800
CHARLES E. *SUBLETT, 7229
SOL D. *SUKUT, 7966
ANDREW P. *SULLIVAN, 0660
DARRYL H. SULLIVAN, 4050
GRANT S. SULLIVAN, 8254
SANDFORD S. SULLIVAN, 8572
BENETT P. SUNDS, 0192
LOUIS L. *SUTHERLAND, 5740
THOMAS T. *SUTTON, 0193
CHARLES J. SVELAN, 7022
CHRISTOPHER J. SWEENEY, 0340
JENNIFER K. *SWIFT, 6999
RUSSELL W. *SWITZER JR., 7651
PETER C. SWOLAK, 3028
BRETT G. SYLVIA, 8261
PAUL R. *SYVERSON, 9252
JOHN C. SZCZEPANSKI, 7477
MICHAEL A. *TACTO, 0658
CURTIS D. TAIT, 7561
MARK E. TALBOT, 8342
WILLIAM B. *TALBOTT, 8794
ANDREW A. *TAYLOR, 5328
BERNARD *TAYLOR, 3899
CLINT C. TAYLOR, 6542
CURTIS D. TAYLOR, 1915
JOHNNY B. *TAYLOR, 1426
PAUL J. TAYLOR JR., 8234
RUSSELL D. *TAYLOR, 8423
PATRICK A. *TEAGUE, 6152
INGRID M. *TERRY, 0657
ALLEN T. THIESSEN, 3906
GINA M. *THISIUS, 2542
JOHNATHAN M. *THOMAS, 7039
THEODORE M. *THOMAS II, 7983
KURT T. THOMPSON, 5335
TODD E. *THOMPSON, 5020
MARK A. *THOMSON, 6051
RANDALL L. THRASH, 1931
STEPHEN W. *THRASHER, 1626
PATRICK M. *TIEMANN, 7236
EDUARDO TORRES, 4723
HECTOR A. *TOVAR, 4374
MARK J. TOWERY, 5646
SEAN R. *TRUAX, 5163
TIMOTHY N. *TUBERGEN, 3560
BENJAMIN K. TUCKER, 4277
IAN V. *TUDLONG, 8085
JERONALD M. *TUELL, 7051
LORI L. TURBAK, 6774
JAMES D. TURINETTI IV, 8646
GEORGE C. TURNER JR., 7682
JERRY A. TURNER, 3867
JOEL T. TURNER, 2414
MARK M. *TURNER, 6174
SCOTT M. *TURPIN, 3797
RENEE M. UNDERWOOD, 0141
ELIAS URSITTI, 7266
JEFFREY E. *URSO, 9235
TONG C. VANG, 8369
DAVID L. *VANOVER, 9475
MARCUS L. *VARNADORE, 6233
RANDAL R. *VASQUEZ, 9422
THOMAS F. VEALE, 1810
JUAN C. *VEGA, 2214
ANTHONY S. *VELASCO, 6293
CORTES L. VELEZ, 3921
THOMAS J. *VERELL JR., 5266
JOHN A. VEST, 1854
VICTOR M. *VITOLAS, 2199
BRUCE A. VITOR, 2340
JOHN M. VOSE, 7015
JAMES R. *WAGNER, 6146
JILL L. WAGNER, 7909
GREGORY D. *WAGNON, 2015
HARRY D. *WAKEFIELD II, 0647
MATTHEW E. *WALDREP, 0619
ERIC L. WALKER, 3899
EUGENE F. *WALLACE, 7627
MATTHEW A. WALLACE, 0810
JOHN K. WALMSLEY, 1443
DAVID C. WALTON, 4623
FRANK J. WALTON, 0062
PAUL B. WALTON, 7310
SUSAN M. *WALTON, 5190
JOHN C. *WARD, 3807
WARNER R. WARD, 6931
JARED L. WARE, 6750
STEVEN A. *WARMAN, 8388
DAVID A. WARNICK, 5942
CRYSTAL M. WASHINGTON, 8455
HENRY H. *WASHINGTON III, 9001
BRUCE R. *WATKINS, 2784
MITCHELL O. *WATKINS, 3135
JOHN W. WATTERS JR., 8065
PAUL A. *WEBB, 9450
DAVID E. WEBBER, 5342
MARK M. WEBER, 2960
RHETT H. *WEDDELL, 9709
DENNIS E. *WEDDING, 5248
MARC A. WEHMEYER, 1906
THOMAS J. *WEISS II, 0334
KENNETH D. *WELCH, 8619
JED A. WELDER, 1587
AARON S. *WEST, 4617
FRED D. WEST, 5592
JOE D. WEST JR., 8471
THOMAS C. *WESTEN, 4234
WILLIAM J. *WEYCKER, 7363
PAUL C. WEYRAUCH, 7054
ANDREA A. WHATLEY, 2504
MARC WHEELER, 8869
RANDY R. *WHEELER, 9407
HAROLD H. WHIFFEN, 9496
WESLEY B. *WHITAKER, 4042
CLARENCE W. WHITE, 3346
JAMES E. WHITE JR., 2728
JONATHAN P. *WHITE, 1684
RANDY E. WHITE, 7738
SHERI A. *WHITEMANNING, 2023
CRAIG A. *WHITTEN, 7052
NATHAN WIEDENMAN, 2535
JAMES R. *WILBURN, 4540
MICHAEL A. *WILDING, 0624
CRAIG A. WILHELM, 9809
STEVEN M. *WILKE, 2203
JAMES E. WILLARD, 0610
BRUCE J. WILLIAMS, 6752
DAVID T. *WILLIAMS, 3930
JASON D. *WILLIAMS, 1243
MELISSA L. *WILLIAMS, 9784
ROBERT S. WILLIAMS JR., 3710
VERNON L. *WILLIAMS JR., 4659
WILLIAM M. *WILLIS, 0534
MATHEW M. *WILLOUGHBY, 6002
PAUL W. WILLOUGHBY, 9549
JEROME *WILSON, 5032
TROY D. *WILT, 8546
JOHN T. *WIMBERLEY, 5891
JEFFREY S. WINSTON, 7241
ROBIN L. WISDOM, 8737
MICHAEL C. *WISE, 2036
TERRI A. WISE, 7102
KAROLYN M. WISEMAN, 3607
DARIN J. *WISNIEWSKI, 5440
PETER B. *WISTI, 0301
JEFFREY D. *WITT, 5228
PETER M. WLASCHIN, 4516
JOHN K. *WOLF, 2326
TIMUCIN S. *WOLFE, 6557
RYAN B. *WOLFGRAM, 6869
STEVEN J. *WOLLMAN, 9714
JENNIFER L. WONG, 8889
MARCUS P. *WONG, 7683
JERRY L. WOOD, 2758
STEVEN A. *WOOD, 9893
DOUGLAS R. *WOODALL, 7289
GUY M. *WOODARD III, 0358
TODD D. WOODRUFF, 8584
JOHN K. WOODWARD, 7492
KAREN M. *WRANCHER, 2393
BRANDON F. *WRIGHT, 4675
DARRYL L. *WRIGHT, 1222
ROBERT A. *WRIGHT IV, 8346
TODD J. WRIGHT, 7168
DONNIE R. *YATES JR., 0501
MICHAEL A. YERKIC JR., 7518
DONGHA *YI, 9676
JUN D. YI, 6332
MICHAEL A. YORK, 3615
STEPHEN M. YORK, 6581
DAVID W. YOUNG, 8569
DEON K. YOUNG, 8812
HENRY C. *YOUNG JR., 0465
NORMAN D. *YOUNG, 0841
JAMES B. *YOUNT, 0953
BERNARD *ZACHARY JR., 3832
TIMOTHY M. ZAJAC, 5964
BRIAN P. *ZARCHIN, 1715
JAMES M. ZEPP III, 6295
LARS N. ZETTERSTROM, 1480
PATRICK D. ZOCH, 9513
JESSE W. ZUCK, 3964
X947
X1705
X3713

HOUSE OF REPRESENTATIVES—*Wednesday, September 10, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Dr. Kathryn A. Towne, President, Life in Faith and Truth Ministries, Lakewood, Colorado, offered the following prayer:

Let us bow our hearts before the Lord.

Our Lord God, the Sovereign over this great and wonderful Nation in which we live, we come to You humbly today. Thank You for the opportunity to lead the people of the United States of America. Be present, O God of Wisdom, and direct the councils of this honorable United States House of Representatives. Give insight, understanding, and discernment to each Member so they can exercise their duties for the betterment of their districts and this Nation.

May we all be reminded that righteousness exalts a nation. As these dedicated legislators meet in this Chamber or elsewhere, may their every decision, their every judgment, and their every action be said and done in righteousness. Their job is great; but You, the Almighty, give grace and direction as we ask for help.

Be pleased to grant strength and comfort to these leaders and their families. We ask in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

RESOLVE TO SEE IT THROUGH

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, hours before President Bush's speech Sunday night, the top U.S. commander in Iraq summed up in a single sentence the importance of creating a free and democratic Iraq. Lieutenant General Ricardo Sanchez said, "The only way we will fail in this country is if we decide to walk away in Iraq and fight the next battle in the war on terrorism in the United States of America." That is a stark assessment.

The President said the United Nations not only has an opportunity but a responsibility to assume a broader role in assuring that Iraq becomes a free and democratic nation. Nations that enjoy the richness of freedom have a moral obligation, when possible, to share their political and spiritual assets with countries that suffer from the poverty of totalitarianism.

Mr. Speaker, that has been the creed of this country. The American people must have the resolve to see this through.

U.S. STRETCHED TOO THIN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my great concern over the direction the Bush administration is leading our country. Simply put, we are spread too thin on every front. As a whole, our military is dangerously overextended. Just yesterday, our National Guard and Reservists were informed that their tours in Iraq have now been extended to 1 year, months longer than many initially anticipated.

Deficits are at a record high, homeland security spending is grossly inadequate, and the true cost of our military campaigns in Iraq and Afghanistan is becoming more apparent every day. Just this past week, President Bush requested an additional $87 billion from Congress, an emergency spending request not seen since the early months of World War II.

On top of all this, on top of all this, President Bush is still demanding that Congress make his expiring tax cuts permanent, a measure that will cost over $1.1 trillion through 2013. Mr. President, where are we going to get this money from?

TRIBUTE TO ALBERT CLAUDE "A.C." BARGER

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, they say you make a living by what you get, but you make a life by what you give. By that measure, A.C. Barger of Centreville, Texas, lived a very rich life. He was a Korean War veteran and a successful businessperson. I knew him when I first ran for the State legislature. And, honestly, without his help and his leadership, I would not be serving in Congress today.

More than that, he gave back to his community every day of his life. He served on the Trinity River Authority, was a member of the Silver Haired Legislature, was director of the Leon County Crime Stoppers, and he founded and was commander of the local VFW post. He loved children, and so he was Santa on the Square for 17 years and for the senior citizens. He started the Leon County Career Day and founded the Leon County Drill Team. He was selected man of the year. He just gave and gave and gave.

A.C. recently passed away. I know his wife, Darlene, daughters and family, and all will miss him. Our Nation, our

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

State of Texas, our community, is better for A.C.'s life. He is a national treasure and will be missed.

THANK YOU TO GENERAL SHINSEKI AND LARRY LINDSEY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, well over 6 months ago, Secretary of the Army, General Shinseki, was asked his opinion about how many soldiers we would need in Iraq. He said a couple hundred thousand. Today, we have about 180,000 troops in Iraq and Kuwait. The President's economic adviser, Larry Lindsey, was asked what he thought the cost of the war would be. He said around $200 billion. Today, we are nearing $160 billion.

When those two gentlemen were asked their professional judgment, they were run out of town, ridiculed, their careers were run down for what they did. Today, as we look at what they said 6 months ago, they were right on both accounts.

We do not do this enough in this town. So to General Shinseki and to Larry Lindsey, I want to thank you for your patriotism and I want to thank you for your honesty. Had we listened to you a long time ago, or at least had the willingness to have an honest debate, we would have known that we would have 187,000 troops in the Iraq theatre of war. And to Larry Lindsey, who predicted it would cost us about $200 billion of hard-earned taxpayer money, if we had listened to you rather than run you down, we would be honest and be able to handle this $87 billion that the President has requested.

So, again, thank you for your patriotism and thank you for your honesty.

THE WAR ON TERRORISM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Sunday night President Bush addressed the Nation for the first time since the end of major combat in Iraq. He showed the world once again, as ever, his determination, his tenacity to see this war through to its just conclusion, to bring peace and independence and security and freedom to the people of Iraq.

The President also called on this Congress in the next month to appropriate nearly $90 billion in supplemental spending for military and reconstruction efforts, and so we should address that astonishing number thoughtfully and carefully, as we are charged to do under the Constitution.

But I would offer two humble principles. Number one, our troops have every penny they need to get the job done and come home safe. But it is time on the subject of reconstruction, Mr. Speaker, that we begin to ask our partners in the Coalition of the Willing to contribute their resources along with the American people to rebuilding Iraq.

THE WAR ON TERRORISM

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, today I rise on a bipartisan bill, H.R. 2433, the Health Care for Veterans of Project 112. Project 112 was a series of military tests that were conducted during the Cold War in the 1960s. Many of these tests happened at sea and some on land.

The Department of Defense has admitted that they have no evidence that test participants were ever told about the tests, so we are extremely concerned about that in some cases. It is impossible to believe that the military exposed its own troops to such potent gases such as VX nerve gas and sarin. Veterans are naturally concerned about what has transpired and the information that we have received.

We have filed legislation and this will give us the opportunity to begin to examine these troops. We anticipate close to 6,000 troops might have been impacted by these tests. The VA has also requested this legislation to allow them to be able to do this test, and I am extremely pleased it is a bipartisan piece of legislation. So I ask for my colleagues' support of H.R. 2433.

HONORING THE M&N AUGUSTINE FOUNDATION

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Dr. Merlin Augustine and the M&N Augustine Foundation for a decade of service to the third district of Arkansas. The M&N Augustine Foundation embodies the spirit of neighbor helping neighbor. Their mission is to help individuals who, through no fault of their own, are down on their luck. They have accomplished great things to this end, including finding housing for the homeless, moving moms off welfare into paying jobs, providing funeral expenses for those without life insurance, and making holidays like Halloween and Christmas more enjoyable for underprivileged children.

I personally had a chance to help some of the foundation's 800-plus volunteers provide over 20,000 home-cooked meals to senior citizens, homeless individuals, and unemployed persons during their annual Easter Feed Program. Mr. Speaker, Dr. Augustine's contributions to our community are invaluable. He and the hundreds of volunteers of his foundation exemplify the spirit of charitable giving that President Bush so often speaks of, and I appreciate the opportunity to commend them here today.

THE AMERICAN PARITY ACT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the President gave quite a speech Sunday night. More of the same failing policy with a new face and a new breathtaking price tag, $87 billion he wants to borrow now. And he wants to borrow $20.5 billion from the American people to rebuild the roads, bridges, ports, water and electric systems in Iraq.

□ 1015

Mr. Speaker, what about here at home? We have to say maybe we could use some investment here in the United States on our bridges, roads, ports, water and electric systems.

So the gentleman from Illinois (Mr. EMANUEL) and I have introduced the American Parity Act, and I urge my colleagues to support it. The President would have to match dollar for dollar every dollar that he borrows from the American people to invest in Iraq, he has to invest a dollar here for the same purposes here in the United States of America. $20.5 billion for infrastructure in the United States could put a million people to work in this country and begin to rebuild our crumbling infrastructure with our tax dollars as opposed to a nation far across the sea. I urge my colleagues to support the American Parity Act.

FRANKIE MAYO MAKES A DIFFERENCE

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to express appreciation to a true American hero, Frankie Mayo. Frankie's son, Corporal Christopher Tomlinson, is serving in Iraq as part of the 300th Military Police Company, which is based in my district, Fort Riley, Kansas.

Frankie, like all military mothers, is proud of her son's service. What makes Frankie different is what she is doing to care for her son and the soldiers serving alongside him. In an e-mail to his mom, Corporal Tomlinson jokingly asked for an air conditioner to combat the scorching desert heat. Much to his surprise, a package arrived containing air conditioners, along with other units for others serving with him and his company. This news resulted in hundreds of requests for air conditioners. With the help of individuals and corporate donations, Frankie and her family have shipped hundreds of units to soldiers in Iraq.

I rise today to thank Frankie, but also point others to her example. Frankie's dedication is a perfect example of how we can make a difference in the lives of those around us.

2-YEAR ANNIVERSARY OF SEPTEMBER 11

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, 2 years ago cowardly terrorists attacked our Nation, killing innocent Americans who were simply going about their daily lives, and the aim of those terrorists was to change America. Well, the terrorists did change America, but not how they had hoped, because they renewed our patriotic pride for our Nation and what it stands for. They steeled our resolve and commitment to defeat the enemies of freedom.

The true spirit of America is not to run away from a fight or wring our hands. Our true spirit was shown by the brave firefighters and police officers who charged into those burning towers to save fellow citizens. Our true spirit has been reflected by our men and women in uniform who have toppled the Taliban and Saddam Hussein bringing freedom to Afghanistan and Iraq.

My message to the terrorists is this: You have failed. America's spirit has been strengthened, our purpose renewed, our dedication to freedom is stronger than ever. God bless America.

SUCCESS IN THE WAR ON TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow is the 2-year anniversary of the most heinous act of war this Nation has ever experienced. The September 11 attacks were made against unarmed Americans by a sadistic terrorist network beginning the war on terrorism.

Today we are winning that war. Realizing the seriousness of the threat of our freedoms and liberties, our Commander in Chief, President Bush, has displayed true courage and leadership in hunting down terrorists all over the world and bringing them to justice. First by bringing down the barbaric Taliban in Afghanistan, and then by ending the evil regime of Saddam Hussein in Iraq, the men and women of our Armed Forces have eliminated the terrorist breeding grounds while bringing freedom to millions. Today, over 90 countries are part of the coalition against terrorism. Although we cannot predict the end of the war, we are thankful in 2 years since the 9/11 attacks there have not been other major attacks at home. While our Nation's resolve will be tested, I have faith with the President and his cabinet, we will continue winning the war on terrorism. May God bless our troops.

REMEMBERING SEPTEMBER 11

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, before September 11, 2 years ago, this Nation was unaware that terrorists were planning the most deadly attack in our history. Nearly 3,000 men, women and children were killed in an act of war, the most horrific act of violence many of us have ever seen.

Tomorrow we will honor their memory. We should never forget why they died, because the agents of evil could not stand the freedom that our country represents. These enemies of freedom believed that we lacked the will to oppose them. They attacked our country and declared war on our way of life. Their intent is not our defeat, their intent is our destruction. I am proud of the way this country responded. I am proud of our troops who fought bravely to bring freedom to so many, and I am proud of our Commander in Chief who has led us in the war against terror with a steady hand. On this second anniversary, let us renew our resolve to rid the world of terrorism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

RESTORING OPERATION OF THE NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM DURING FISCAL YEAR 2003 TO SCOPE IN EFFECT ON SEPTEMBER 30, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2595) to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002.

The Clerk read as follows:

H.R. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPERATION OF NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) RESTORATION FOR FISCAL YEAR 2003 TO FISCAL YEAR 2002 LEVEL.—In carrying out the pilot program provided by subchapter V of chapter 37 of title 38, United States Code, under which the Secretary of Veterans Affairs is authorized to make direct housing loans to Native American veterans, the Secretary shall during fiscal year 2003 carry out that program without regard to the proviso under the heading "Native American Veteran Housing Loan Program Account" in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003 (division K of Public Law 108–7; 117 Stat. 476), and such proviso shall be treated as being of no force or effect.

(b) SAVINGS PROVISION.—Any action taken by the Secretary of Veterans Affairs before the enactment of this Act that is inconsistent with the proviso referred to in subsection (a) is hereby ratified with respect to such inconsistency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would restore the operation of the Native American Veteran Housing Loan Program during the current fiscal year to the scope of that program as it was in effect on September 30, 2002.

The Native American Veteran Home Loan Program was established in 1992 as a 5-year pilot program, and Congress has extended it twice, most recently through 2005. This program is intended to assist eligible veterans living on trust or equivalent lands to secure loans at market rates to purchase, build or to renovate homes. VA has made over 300 home loans under this program. The Department of Veterans Affairs has stopped making loans under the Native American direct loan program because of a limitation contained in the 2003 Appropriations Act, which capped the amount of loans that can be made under this program to $5 million. This limitation was requested by the administration with the assumption that the limit would not be breached. VA advised us as of June 11 in a letter that it has already exceeded that limit.

Mr. Speaker, 47 loans have already been made during the fiscal year, many of them refinancing loans. The VA committee has been advised that construction of a number of homes has been suspended directly attributable to the imposition of this moratorium. Pending applications are also on hold. I see no reason, in effect, why our Native American veterans should lose access to home loans in this way. We should celebrate their success, not put an artificial cap on it, especially at a time when refinancing is a way to save veterans thousands of dollars each and every year. We need to end this moratorium as soon as possible, and that is the purpose of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. This will correct the terrible error that is depriving Native American veterans access to home loans under the Native Americans Veterans Housing Program.

While the necessary funding for this loan program has already been appropriated, the administration requested a cap of $5 million on the loans of fiscal year 2003. By the time that fiscal year 2003 appropriations bill was signed, the cap had already been exceeded. Some Native Americans in Hawaii have partially built their homes but now are unable to complete that construction. This is no way to treat the brave Americans who fought for our country. This is a mistake that must be corrected now. Mr. Speaker, this bill would simply remove the existing cap on expenditures under this program. No additional funding is needed to restore the program to its original intent. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI), a member of the Committee on Veterans' Affairs.

Mr. RENZI. Mr. Speaker, I am privileged to represent more Native Americans than any other congressman. Recently my good friend, the gentleman from New Mexico (Mr. UDALL), and I visited the Navajo Nation, the homeland of the Code Talkers, a distinct group of individuals that made significant contributions to the security of our Nation in World War II.

It is deplorable to visit the Navajo Nation and see the conditions of their children, of their families, living in dilapidated housing. Therefore, Congress enacted legislation to establish a program to address this difficulty. What makes it harder is that Native Americans live on sovereign land and the ability to secure collateral makes it harder for loans to be made.

The program that was established by Congress to address this issue is scheduled to conclude at the end of this fiscal year. However, because we set a cap limiting the number of loans under this program, the Department of Veterans Affairs exceeded the limit earlier this year. H.R. 2595 would lift the caps and allow the Department to continue to process the backlog of new loan applications.

I am proud to be a cosponsor of H.R. 2595 and believe the program provides equal opportunity to all veterans, especially Native Americans, to become homeowners.

In October 2000 a joint study of the Department of Housing and Urban Development and the Department of Treasury found that ownership among Native Americans is among the lowest in the country at just 33 percent. We must hold true and honor our commitment to those who served the Nation and help Native American veterans enjoy the security of homeownership. This program has been successful in making homeownership a reality for Native American Indian veterans. For those who bravely fought to sustain this prosperous Nation, we should lift the barriers they face in homeownership.

I urge my colleagues to vote favorably in favor of H.R. 2595.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, as an original cosponsor of this bill, I rise today to offer my strong support for the restoration of the Native American housing loan program. In the past, this program has benefited many of my constituents. Restoring it today will ensure that many more will benefit in the future.

Traditionally, veterans living on tribal land, including allotted land, were not eligible for the VA home loan guarantees. However, this program has allowed many Native American veterans who might otherwise have been unable to obtain suitable housing or acquire direct home loans to do just that.

In the 107th Congress, I introduced a bill to extend this program through fiscal year 2005. That bill was included in a bill that became Public Law 107-103. Language in the omnibus appropriations bill passed earlier this year caps the program at $5 million. The loans of many Native American veterans have been cut off. As I speak, there are homes that were begun under this program that remain half constructed. All over the Nation, Native American veterans trying to refinance their homes cannot do so because of this provision.

Additionally, those veterans who have had their loans approved for construction cannot get the money they were promised. By restoring this program, we are providing an opportunity for Native American veterans with existing loans, as well as additional deserving Native American veterans to get home loans.

Poverty, lack of economic opportunity, and a shortage of financing for decent affordable housing have created housing conditions on Native American lands that may only be described as deplorable.

□ 1030

Almost one in three Native Americans living on a reservation is poor. Many Native Americans have honorably served our country in the Armed Forces. In fact, historically Native Americans have the highest record of service per capita of any ethnic group. Let us continue to help them by restoring this much-needed program.

In closing, I would like to thank Chairman SMITH, Ranking Member EVANS, and the staff of the Committee on Veterans' Affairs for their speedy work on this bill. This is an important piece of legislation. I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, amidst all of the disagreement and debate on this floor over things like war and deficits, this is a good-news story. I want to start some decades ago recognizing my political mentor, a former Member of this Chamber, my predecessor, Spark Matsunaga, a veteran himself, who went back and tried to determine whether the veterans home loan program, a successful program, was working for Native American veterans living on tribal or trust territory lands. The answer was a resounding "no." The reason was because those lands contained restraints on alienation that are not applicable to other lands. So, therefore, conventional mortgage practices were not working. My predecessor and my current Senator, DANIEL AKAKA, took up the cause and initiated the legislation which we are now addressing to provide for this program to be applied on trust territory lands, the lands of the indigenous peoples of our country, whether they be in Alaska, in North America or Hawaii or the Pacific Islands.

A very successful program arose, so successful that in the Pacific, in 300 loans granted under this program over the last 10 years, there has been one delinquency out of 300 programs. Three hundred programs, 100 paid in full, 200 being paid in full, one delinquency, a fantastic program that has accomplished its purpose. This is good news. This is good news because we made a mistake and we are coming back to correct it and we all know it. The administration deserves credit for this, the ranking member deserves credit, the Chair deserves credit, the appropriations committee deserves credit. What we are going to do is to take a program that has been successful and continue it. By the way, when you score this program, we are always talking about money, this program, if this bill goes through, will return $1 million to the U.S. Treasury. That is how successful this is. We are not spending money; we are generating money from this program because of the low delinquency rates.

I thank everybody involved. I commend this bill to the Members and urge its expeditious passage.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to thank the distinguished chairman of the Committee on Veterans' Affairs from New Jersey and our senior ranking member from Illinois for their leadership and for their sensitivity in bringing this legislation to the floor for consideration.

Mr. Speaker, as an original cosponsor of the original legislation that was offered 10 years ago, I think it is time that we no longer should call this legislation a pilot program. It has matured. I certainly want to urge my colleagues that we should increase not only the authorization as well as the funding levels for this important program.

I rise today in support of H.R. 2595, a bill to restore the operation of the Native American Veteran Housing Loan Program for fiscal year 2003. This program permits the Department of Veterans Affairs to provide direct home loans to Native American veterans who live not only on tribal lands but also on homestead lands and communal lands. Eligible native veterans can then use direct loan funding to purchase, construct or improve a home on Native American trust land. These loans may also be used simultaneously to purchase and improve a home or to refinance another VA direct loan.

This pilot program extends to Native Americans, native Hawaiians, and also to my constituents in American Samoa. As a result, this program has been crucial to providing American Samoan veterans the opportunity to build and own their own homes, an opportunity that would not otherwise be available to them. VA's annual report to Congress for fiscal year 2002 reports that over 62 loans have been closed; but for the 10-year period, hundreds of loans have been approved because of this program.

As I explained earlier, Mr. Speaker, for the benefit of my colleagues so we can better appreciate this unique home loan program for our native veterans, the thousands of American Indian veterans who live in reservations, when they returned to their homes, they could not obtain a commercial home loan as you would someone who lived in a commercially owned property, a fee simple, living in reservations. The same is true with our native Hawaiian veterans who live in what is known as "homestead lands," in the same situation where commercial lending institutions would not lend us money to build homes under a veterans program. The same is also true with my own veterans who live on communal lands. This is a unique program. I am very, very happy that we are able to continue the funding levels but also more importantly we need to make sure that this program continues.

Mr. Speaker, the Native American Veteran Housing Loan Program has been successful in providing our native veterans the opportunity to build and own their own homes. It provides our native veterans the ability to continue to live in their own lands, to contribute to their communities, and to build a legacy to leave their families. This program needs increased authorization and funding in the years to come. I urge my colleagues to support this legislation.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, when Congress authorized the Native American home loan bill in 1993, it recognized the poverty and the homelessness of veterans from the Pacific Islands. It recognized that those veterans needed special assistance to access the necessary financing to put a roof over their heads. Ten years later, the funding has expired, but the challenge remains the same.

Mr. Speaker, I understand that when the Department of Veterans Affairs shut down the lending program, they were on the verge of approving a loan to a Guam applicant. So I am pleased to join with my colleagues, Chairman SMITH and Ranking Member EVANS, in providing the funding authorization necessary to continue the program.

A noteworthy aspect of the Native American home loan bill is that it withholds a loan fee from applicants with a service-connected disability. Each time I meet with veterans in Guam and hear their descriptions of living with the effects of Agent Orange or a post-traumatic stress disorder, I am reminded that we have yet to repay the service that these men and women have given to our Nation. We need to provide adequate veterans benefits and services not just near where a military base or a VA processing center is but where the veterans are, places like the tribal lands of Colorado and the Chamorro land trust properties of Guam.

I hope that our action here today will bring attention to the good work of the program and increase the knowledge of the program amongst Native American communities.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentleman from Illinois for his leadership on this and for working so cooperatively with us. I also thank the gentleman from Arizona (Mr. RENZI), the gentleman from New Mexico (Mr. UDALL), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Hawaii (Mr. CASE), the gentlewoman from Guam (Ms. BORDALLO), the gentleman from Maine (Mr. MICHAUD), and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for their cosponsorship of this legislation. I appreciate it very much and urge the body to adopt it.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS for their support and diligent work regarding Native American issues. Today I rise in support of H.R. 2595, a bill to restore the operation of the Native American Veteran Housing Loan Program during Fiscal Year 2003. This pilot program permits the Department of Veterans Affairs to provide direct home loans to Native American veterans who live on tribal lands. Eligible native veterans can use direct loan funding to purchase, construct, or improve a home on Native American trust land. These loans may also be used to simultaneously purchase and improve a home or to refinance another VA direct loan.

This pilot program extends to Native Americans, Native Hawaiians and to my constituents in American Samoa. For the benefit of my colleagues and so that we can better appreciate this unique home loan program, I want to explain that most native veterans live on communal or tribal lands. This is true for American Indian veterans who live on reservation lands. The same is true of our Native Hawaiian veterans who live on what is known in Hawaii as Homestead lands. The same is also true with American Samoan veterans who live on communal lands which cannot be sold as commercial or as fee simple property.

Given the unique status of communal lands, thousands of native veterans have been denied loans by our commercial lending institutions and banks. However, with the creation of this pilot program, many of our native veterans are able to build and own their own homes and the VA reported that in 2002 it had closed on a total of 289 loans under the terms of this pilot program.

Recently, Public Law 108–7, Consolidated Appropriations Resolution, placed a cap of $5 million on the amount of loans that could be approved under the program. But, at the time this law was enacted, VA had already exceeded this cap. As a result, VA is unable to make new loans for the remainder of the fiscal year. Because of this new cap, veterans are unable to complete construction on homes already in progress. This is unfair to our native veterans and it is imperative that Congress remedy this situation. H.R. 2595 will accomplish this. H.R. 2595 will reinstate the program retroactively and validate the loans which have already been made.

The Native American Veteran Housing Loan Program has been successful in providing our native veterans the opportunity to build and own their own homes. It provides our native veterans the ability to continue to live on their native lands, to contribute to their communities, and to build a legacy for their families. It is the responsibility of Congress to reinstate this important program, to recognize the contributions made by our native veterans to our Nation and to afford them the opportunity to participate and realize the American dream of owning their own homes.

This program needs increased authorization and funding in the years to come and I urge my colleagues to support this legislation.

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of this bill to reinstate the Native American Veteran Housing Loan program.

I would like to thank the Chairman of the Committee on Veterans' Affairs, Mr. SMITH, the Ranking Member, Mr. EVANS, and the staff of the Committee on Veterans' Affairs for their work in crafting this much-needed remedy to the present situation. I would also like to thank Senator AKAKA for his leadership over the years on this issue. He and his staff have been tireless in their efforts to rectify this problem since it arose in May.

In 1992, the Native American Veterans Home Loan Equity Act was enacted to establish and implement a pilot program to make direct housing loans to aid Native American (Indian, Alaska or Hawaii native, or Pacific Islander) veterans in purchasing, constructing, or improving, dwellings on trust land. Almost 11 years later, the VA has closed several hundred loans, and the program is a resounding success.

Native Hawaiian veterans have greatly benefited from the loan program. Through the end of Fiscal Year 2002, 300 loans were closed throughout the Pacific. Of the 300 loans, about 215 were new construction loans, with the balance consisting of Interest Rate Reduction Loans. Although Hawaii has the highest loan volume, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam have significant levels of activity. About 100 of the 300 loans have been paid in full and the other 200 are active and performing. Only one loan termination has occurred to date since 1992.

This year's dramatic increase in use of the program mirrors the national upswing in financing new construction and refinancing existing loans. Home ownership has long been a hallmark of financial growth and community stability, and it's encouraging to see so many vets in my own state enjoying this benefit. However, I deeply regret that more of our Native American veterans were unable to take advantage of the 40-year historic low financing rates available a mere two and a half months ago. The untimely halt to this past May cut off deserving veterans from this financial tool. Mr. Speaker, I hope that we can do better in the future to correct such problems before they cause inadvertent harm.

In the end, this measure is about equity. The Native American Veterans Direct Loan program exists to afford our Native American, Native Hawaiian, Alaskan Native, and Pacific Islander veterans on trust lands the same benefits available to the rest of our veterans community. We need to sustain this program—it's a matter of fairness.

I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2595.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2433) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection, as amended.

The Clerk read as follows:

H.R. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for Veterans of Project 112/Project SHAD Act of 2003".

SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO PARTICIPATED IN CERTAIN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Deseret Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as 'Project Shipboard Hazard and Defense (SHAD)' and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.".

(2) in paragraph (2)(B), by striking out "paragraph (1)(C) or (1)(D)" and inserting "subparagraph (C), (D), or (E) of paragraph (1)"; and

(3) in paragraph (3)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2005.".

SEC. 3. IMPROVEMENTS TO THE RETENTION AND RECRUITMENT OF HEALTH CARE PROFESSIONALS.

(a) PROMOTION STANDARDS FOR HEALTH CARE PERSONNEL.—Subsection (c) of 7403 of title 38, United States Code, is amended by striking "Promotions" and inserting "Consistent with subsection (a) of section 7422 of this title, and notwithstanding subsection (b) of that section, promotions".

(b) PROMOTIONS FOR NURSES WHO DO NOT HAVE BACCALAUREATE DEGREES.—Such section is further amended by adding at the end the following new subsection:

"(h) In a case in which a registered nurse has accomplished the performance elements required for promotion to the next grade, the lack of a baccalaureate degree in nursing shall not be a bar to promotion to that grade, and in such a case the registered nurse shall not be denied a promotion on that basis.".

SEC. 4. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY FOR ADDITIONAL HEALTH CARE WORKERS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7454(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Employees appointed under section 7408 of this title shall be entitled to additional pay on the same basis as provided for nurses in section 7453(c) of this title.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 5. COVERAGE OF EMPLOYEES OF VETERANS' CANTEEN SERVICE UNDER ADDITIONAL EMPLOYMENT LAWS.

(a) COVERAGE.—Paragraph (5) of section 7802 of title 38, United States Code, is amended by inserting before the semicolon a period and the following: "An employee appointed under this section may be considered for appointment to a Department position in the competitive service in the same manner that a Department employee in the competitive service is considered for transfer to such position. An employee of the Service who is appointed to a Department position in the competitive service under the authority of the preceding sentence may count toward the time-in-service requirement for a career appointment in such position any previous period of employment in the Service".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period;

(2) by striking "The Secretary " and all that follows through "(1) establish," and inserting "(a) LOCATIONS FOR CANTEENS.—The Secretary shall establish,";

(3) by redesignating paragraphs (2) through (11) as subsections (b) through (k), respectively, and by realigning those subsections (as so redesignated) so as to be flush to the left margin;

(4) in subsection (b) (as so redesignated), by inserting "WAREHOUSES AND STORAGE DEPOTS.—The Secretary shall" before "establish";

(5) in subsection (c) (as so redesignated), by inserting "SPACE, BUILDINGS, AND STRUCTURES.—The Secretary shall" before "furnish";

(6) in subsection (d) (as so redesignated), by inserting "EQUIPMENT, SERVICES, AND UTILITIES.—The Secretary shall" before "transfer";

(7) in subsection (e) (as so redesignated and as amended by subsection (a)), by inserting "PERSONNEL.—The Secretary shall" before "employ";

(8) in subsection (f) (as so redesignated), by inserting "CONTRACTS AND AGREEMENTS.—The Secretary shall" before "make all";

(9) in subsection (g) (as so redesignated), by inserting "PRICES.—The Secretary shall" before "fix the";

(10) in subsection (h) (as so redesignated), by inserting "GIFTS AND DONATIONS.—The Secretary may" before "accept";

(11) in subsection (i) (as so redesignated), by inserting "RULES AND REGULATIONS.—The Secretary shall" before "make such";

(12) in subsection (j) (as so redesignated), by inserting "DELEGATION.—The Secretary may" before "delegate such"; and

(13) in subsection (k) (as so redesignated), by inserting "AUTHORITY TO CASH CHECKS, ETC.—The Secretary may" before "authorize".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 2433, as amended, the Health Care for Veterans of Project 112/Project Shad Act of 2003. Project SHAD stands for "shipboard hazard and defense." It was a program that was conducted in the 1970s. I will get into that in a moment. I do want to thank the chairman of the Subcommittee on Health, the gentleman from Connecticut (Mr. SIMMONS), and the subcommittee's ranking member, the gentleman from Texas (Mr. RODRIGUEZ), for their work and cooperation in moving this very bipartisan bill forward. I want to thank them for their leadership on it.

This bill would authorize the VA to provide higher priority health care to veterans who participated in Project 112/SHAD. These tests, which involved exposure of servicemembers to simulated chemical and biological agents and in some cases, Mr. Speaker, actual poisons, were conducted by the Department of Defense at their Desert Test Center from 1962 through 1973. In the past year, DOD has released information about all of these secret Cold War-era tests and has worked with the Department of Veterans Affairs and our committee to identify and notify veterans who participated in the tests, some of them unknowingly. This legislation will ensure that those veterans who did participate in those tests are able to receive medical evaluations and treatment if necessary at VA health care facilities on a higher priority basis without being required to establish service connection for these illnesses they believe were caused by those exposures. H.R. 2433 also includes several measures designed to help the VA to maintain a quality workforce in all of its health care facilities.

There is a well-documented shortage of trained registered nurses, for example, in the United States; and this shortage affects the VA's ability to deliver care to veterans. Our committee has expressed concern about a VA policy that requires VA-registered nurses to obtain baccalaureate degrees in nursing in order to advance beyond entry nurse-grade levels. The VA's continuation of this policy in the face of high demand and scarcity of nursing personnel discourages qualified nurses from seeking VA employment and makes the VA's ability to retain current nurses more challenging than it needs to be. H.R. 2433 will help keep the VA competitive with the private sector so that when a VA-registered nurse is otherwise eligible for a promotion, the lack of a specific educational degree may not be used to deny that promotion from nurse grade 1 to grade 2.

Mr. Speaker, section 4 of the bill expands the number of health care workers entitled to extra pay for working weekends. Most private hospitals provide extra pay for weekend work. Many VA health care workers already receive extra compensation for working on weekends. Section 4 is an effort to eliminate current disparities between VA employees working side by side to care for sick veterans.

The legislation also gives the approximately 3,000 Veterans' Canteen Service hourly workers the right to be considered for other VA positions on a competitive basis. This right was given to VCS managers in 1979. There is no reason whatsoever to impede good VA workers from seeking career advancement to more demanding, higher-paying positions for which they are qualified.

This is a good bill. I hope that Members will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution. I want to thank the gentleman from Texas (Mr. RODRIGUEZ) for recognizing the need to assure health care for veterans who participated, often unwittingly at times, in the tests of Desert Test Center. I also want to acknowledge the commitment of Mr. MIKE THOMPSON, whose persistence in uncovering the truth about these tests has been extraordinarily noteworthy. It is remarkable to think that the military would have knowingly exposed troops to some of the agents we now know were involved in these tests.

I am pleased that we will be offering these veterans an opportunity to receive health care services in order to address some of the conditions they believe may have been involved in this exposure. There are other important personnel issues addressed in this legislation.

For several years, the VA has been committed to converting to an all-bachelor's degree program. While this goal may be admirable, it may also be unattainable, particularly on the cusp of the severe nursing shortage confronting the whole health care industry, both private and public. It also fails to acknowledge the very real contributions of associate degree-trained nurses who receive similar practical training. It is also appropriate to give nursing assistants the same access to Saturday premium pay as their nursing counterparts.

Mr. Speaker, I hope all the Members will join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1045

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the distinguished chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the chairman of the Committee on Veterans' Affairs and the ranking member, the gentleman from Illinois (Mr. EVANS), for their terrific work on this legislation. I also thank my colleague and ranking member of the Veterans Subcommittee on Health, the gentleman from Texas (Mr. RODRIGUEZ), for all of his work. These are bipartisan products. These are legislative products that have been worked on on both sides of the aisle by all of us working together for the common good of our veterans and for those who serve them.

I am sure my colleague, the gentleman from Texas (Mr. RODRIGUEZ) will talk quite a bit about the SHAD portion of this legislation, and I will leave that to him, but I want to highlight two other parts of this legislation that I think are so important. The first one is the one that guarantees that a qualified VA registered nurse is not denied promotion to a higher job because that nurse fails to have a certain educational degree.

During my period of service on active duty in the U.S. Army, I went to infantry OCS, and at infantry OCS, I trained with a lot of enlisted personnel, sergeants, E–5s, E–6s and E–7s who decided to go to infantry OCS to get that commission to get that lieutenant's bar and to lead men in combat in Vietnam.

A number of those highly qualified enlisted persons who went to OCS did not have college degrees, and yet they accumulated awards for valor in service and led their men successfully in the war zone.

When the war was over, they lost their commissions. They were given the choice of getting out of the service or going back to enlisted rank. That made no sense to me. It made no sense to me that somebody who had been successful in leading men in combat and in battle in an infantry assignment would be denied that commission at a future date simply because they did not have the educational qualifications.

The same principle is at stake here. Why should a qualified VA registered nurse be denied a promotion on the basis of the fact that that nurse does not have a specific educational degree? We can do better than that. This bill fixes that problem.

Let me refer also to one other portion of this legislation that I think is so important, and that I think establishes fairness for those who serve us in the VA. Veterans Canteen Service food workers are not eligible currently for career service or competitive service positions because of their current position within the Canteen Service.

Well, low and behold, I began my Army career as an Army cook. I began my Army career as an Army cook. Nobody said at the time you cannot go on to go to OCS, officer candidate school, and get a commission and go up through the ranks and eventually retire as a colonel. Nobody said that at the time. So why do we say that to the canteen workers? Why do we say we are going to offer you a job as a Canteen Service worker, but it is a dead-end job. You are never going to be able to aspire to anything higher. That does not make any sense to me, and I do not think it makes any sense to the men and women who work in these positions.

So I thank my leaders in the committee, the gentleman from New Jersey (Chairman SMITH), the ranking member, the gentleman from Illinois (Mr. EVANS), and I also thank my colleague, the ranking member of the Subcommittee on Health, the gentleman from Texas (Mr. RODRIGUEZ), for their hard work on this legislation, which brings about reforms into the system that are so long overdue.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me time. I want to thank the gentleman for his leadership as ranking member. I also want to take this opportunity to thank the gentleman from New Jersey (Chairman SMITH) for his leadership and I want to thank, of course, our subcommittee chairman, the gentleman from Connecticut (Mr. SIMMONS) on this bipartisan effort.

I think there is no doubt that this particular piece of legislation is needed, so I want to personally express my gratitude on this bipartisan effort to the gentleman from New Jersey (Chairman SMITH) and the ranking Member the gentleman from Illinois (Mr. EVANS).

Project 112, as we know, was a series of military tests that began in the early 1960s and continued throughout much of the Cold War to assess the effects of chemical and biological weapons on military assets under various environmental conditions.

I introduced this piece of legislation after we had become aware of it. I also want to take note that the gentleman from California (Mr. THOMPSON) worked hard on this particular issue. I also want to indicate that many of these tests happened at sea and it is also referred to as Project SHAD, but others were land-based.

The tests were designed to identify the military vulnerabilities to various types of attacks, whether these attacks could be adequately detected or whether some protection measures were effective against these attacks. The Department of Defense has admitted that it has no evidence that the test participants were informed of the risk of their participation in these tests or that, in most cases, they received appropriate protection gear while conducting these tests. Some veterans are justly concerned, and have been informed that they were exposed to hazardous material.

In order to restore the trust and confidence of the American people, and particularly the American veterans in the Federal Government's response to these kinds of exposures-related controversies, we must act, and H.R. 2433 does that exactly.

It is impossible to believe that the military exposed our own troops to such potent agents such as VX nerve gas and sarin. Veterans are naturally concerned about the long-term effects of exposure to those poisons in terms of their health.

Project 112 veterans have complained of various forms of ailments such as cancer and hypertension. Given the amount of time that has passed and the relatively small number of veterans involved in such tests, veterans may never fully understand the effects of these tests. The VA has requested legislation, and that is why we are doing this, to begin to examine the participants and the ailments and the conditions of these veterans that participated in these experiments.

This authority will allow this opportunity for veterans involved in these exams and suffering from possible ailments to be able to get tested and be able to look in terms of how they might have been impacted by it. It may also give the VA a chance to see if there are discernible patterns of veterans' health outcomes. This information may help VA identify whether particular operations or exposures were particularly harmful.

It is time for us to make at least some amends to our veterans involved in these experiments, often without their consent, knowledge or adequate protection. We owe it to them for us to move in this protection.

I also appeal to veterans that might be informed or might be listening for them to become abreast of what has transpired, because a lot of the veterans are not aware that these particular tests had taken place.

So, once again, I ask for your support for H.R. 2433, and I thank the chairman, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Illinois (Mr. EVANS), the leading Democrat on the committee.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the former chairman of the Subcommittee on Health, who held hearings on Project SHAD.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Illinois (Mr. EVANS) and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Texas (Mr. RODRIGUEZ) for their work on this important piece of legislation.

I also would like to recognize the work of the gentleman from California (Mr. FILNER), my ranking member during the time I chaired the subcommittee, in which our subcommittee focused a lot of attention toward the issue of Project SHAD and its effect upon our veterans today and upon servicemen and women back in the 1960s. I am pleased to be here today, these months later, in support of passage of H.R. 2433.

During my time as the subcommittee chairman, we worked with a number of our colleagues on the Committee on Veterans' Affairs to highlight, to encourage the Department of Defense to provide information, the Department of Veterans Affairs to provide a higher priority in care and concern for the veterans who participated in Project SHAD, those tests conducted by the Department of Defense in the 60s.

These tests were conducted over water and on land. They were designed to ascertain the damage and dangers chemicals might have to ships and equipment, beginning a study upon the effects of weapons of mass destruction, something we hear about a lot today. Thousands of veterans, as a result of those tests, now have reason to believe that their health may have been adversely affected by exposure to dangerous substances.

In the 107th Congress, our subcommittee held those hearings on this project, upon the tests. We had a number of meetings with Department of Defense and Department of Veterans Affairs officials. We visited with veterans organizations and began the process of seeking answers to the many questions that now linger some 60 years later.

Our subcommittee concentrated also on the state of deployment health. Having been through the Persian Gulf War Syndrome, we wanted to see if we could find ways to get the Department of Defense to deploy our forces in ways that protected those forces, the equipment, vaccinations, health records and other policies that DOD utilizes today to protect the health of active duty servicemen and women who are deployed in areas of conflict.

Congress does need to focus our concern on the veterans of the past, because they teach us lessons about the veterans of our future, and we need to use history as a tool to create effective and proactive policies for our current and future servicemen and women who may be exposed at some time to dangerous poisons and other hazards of military deployment. We have seen those exposures in Vietnam, in the first Gulf War, and we may see many more in the future.

U.S. soldiers, sailors, airmen and Marines, are overseas today defending the freedoms we enjoy here at home, and we in Congress are responsible for ensuring their health, that it is protected, both in and out of the service.

The record is clear: The tests that involved Project SHAD were not intended to harm U.S. service members, they were intended to aid the U.S. in protecting ships at sea and soldiers and their equipment on the field of battle from enemy attacks using chemical, biological or nuclear weapons. But, clearly, we have a responsibility to those soldiers who were affected by those tests.

I would like to especially commend a Kansan from Topeka, Kansas, Jim Druckmiller, and the USS Power Association, as well as the Vietnam Veterans of America, their organization, for bringing this issue to the subcommittee and Congress. Citizens from my home State of Kansas and many other states were affected by these tests, and we must honor them and support them by seeking passage of this legislation.

I again commend the gentleman from New Jersey (Chairman SMITH) for giving this legislation the high priority it is due, and urge its passage by the House today.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, you would think that we would have learned from the experience in Vietnam and Agent Orange, which the gentleman from Illinois (Marine Corporal EVANS) taught us as he led the charge to uncover what happened with Agent Orange and to give our servicemen and women some protection later on.

If we learned anything, it is that our veterans must be informed of the risks of exposure that they experience on the battlefield. We did not learn that in Persian Gulf War I, and we are left with the Persian Gulf War illness. I do not think we have learned it with Persian Gulf War II, and who knows what we are going to have after this war.

Veterans must know about the agents to which they were exposed and whether these agents are likely to produce any health consequences, and they must be taken care of if they become ill due to the exposures during their service. That is what this bill does, based on this project that took place in the 1960s.

We have thanked a lot of people in the Congress for bringing this bill up, but I have to thank our veterans for their own diligence in bringing this matter to our attention. Once again, it was veterans who became ill who had to advocate on their own behalf to get their government, to get our government, to release information about harmful exposures so they could understand their own health issues and assert the legitimacy of their claims.

One of these veterans is Jack B. Anderson, a retired Navy man and a constituent of the gentleman from California (Mr. THOMPSON), and that is what brought the gentleman from California (Mr. THOMPSON) into this, and we thank him for his leadership, and the gentleman from Texas (Mr. RODRIGUEZ) also for bringing this bill to us.

This project, Project 112, was a $4 billion testing effort.

□ 1100

It would translate into a $40 billion effort today. That is a massive undertaking. And there were tests at sea called Project SHAD to identify vulnerabilities to various types of attacks. Now, that is a legitimate function of our Defense Department, but they did not inform those who were tested that they were even participating in the test or that they have the right equipment to protect themselves or that their exposure might lead to later problems, this exposure to nerve gas and sarin.

Once again, it took veterans and it took Members of Congress to force the Department of Defense to admit that they were at fault and to make sure that the veterans received health care and proper compensation.

So I thank all those who took part in this to finally bring some justice to this case. This Project 112 and Project SHAD, the Vietnam situation with agent orange, the Persian Gulf War illness, all of these are part of a pattern. One would think that we would learn that by now. I do not think that we have learned yet, however, our lesson, and we are going to see it again after this war in Iraq.

So, ladies and gentlemen, I urge support for H.R. 2433.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back, I want to again thank all of my colleagues and the gentleman from Texas (Mr. RODRIGUEZ), especially, for his leadership on this bill. The gentleman from Kansas (Mr. MORAN), who spoke earlier, held the really landmark hearings that helped catapult this issue into the forefront in people's thought.

Let us not forget what we are talking about. The Department of Defense in some 41 tests aboard ships used agents like anthrax, VX, sarin gas. Yes, they used simulants in many cases, but they actually used the real deal. They actually used real contaminants.

We are not sure, even to this day, whether or not the protective suits that were worn by our sailors aboard those ships actually protected them from these very caustic and poisonous agents.

We need to get to the bottom of it. I am convinced, having been at the hearings, having had several conversations with people at the DOD and the VA, that they are really going to go all out to make sure that every veteran who is malaffected or could have been malaffected by this gets the kind of health care and compensation that is necessary if, indeed, they have been contaminated by it.

So this is a very important bill. I hope that the full body will embrace it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2433, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, and for other purposes.".

A motion to reconsider was laid on the table.

ANNUITY COMPUTATIONS ADJUSTMENTS FOR PERIODS OF DISABILITY

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 978) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The Clerk read as follows:

H.R. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

"(l) In the case of any annuity computation under this section that includes, in the aggregate, at least 2 months of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point.".

(b) CONFORMING AMENDMENT.—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107-135) is amended by striking "8415(i)" and inserting "8415(k)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 978.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 978 is a great step towards reasonably assisting Federal employees.

This legislation temporarily doubles the usual Federal employees' retirement system direct benefit of 1 percent of an employee's pay during a period of disability. The added percentage point offsets the reductions in Social Security and the Thrift Savings Plan that would result from an employee's discontinuation of contributions while temporarily disabled.

The Department of Labor, the Office of Management and Budget, and the Office of Personnel Management support this legislation.

Mr. Speaker, the inspiration of this bill is Mrs. Louise Kurtz, a U.S. Army civilian employee who works at the Pentagon. Mrs. Kurtz was tragically injured when terrorists crashed American Airlines Flight 77 into the west side of the Pentagon. Mrs. Kurtz was at work at the Pentagon that day, and she was so severely injured that she remains in rehabilitation today for the burns that affected more than 70 percent of her body. Current law prohibits Mrs. Kurtz from contributing to her retirement program while she recovers and receives workers compensation disability payments. This reality will significantly delay the point at which she will be able to retire. H.R. 978 will allow Federal employees who are injured or otherwise unable to work for extended periods of time to retire on schedule.

Mr. Speaker, the work of Federal employees has become even more critical in the 2 years since September 11. Each and every day, Federal employees protect our homeland, deliver our mail, teach our children, respond to emergencies, and perform countless other essential tasks. H.R. 978 is an opportunity for this House to effectively protect our hard-working Federal employees by addressing an inadequate component of the FERS system. Therefore, I urge all Members to support the passage of H.R. 978.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, introduced by the gentlewoman from Virginia (Chairwoman JO ANN DAVIS), will go a long way to help Federal employees injured on the job and receiving workers compensation. More specifically, this legislation will help Mrs. Louise Kurtz, a Federal employee from Virginia, who was severely injured in the September 11 attack on the Pentagon. She suffered burns over 70 percent of her body and lost all of her fingers. Mrs. Kurtz is going through rehabilitation and would like to return to work some day.

Current law, however, does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving workers compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation. Federal employees like Mrs. Kurtz under the Federal Employees Retirement System who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's office of Workers Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, their future retirement benefits from both sources are reduced.

This legislation offsets the reductions in Social Security and Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System direct benefit calculation by 1 percentage point for extended periods of disability. The passage of this bill ensures that the pensions of hard-working Federal employees will be kept whole through their injury and recuperation period. I strongly support this bill, and I urge my colleagues to do the same.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no other speakers at this time. I urge all Members to support the passage of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 978.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING RAFAEL PALMEIRO OF THE TEXAS RANGERS FOR HITTING 500 MAJOR LEAGUE HOME RUNS AND THANKING HIM FOR BEING A ROLE MODEL FOR THE CUBAN AMERICAN COMMUNITY AND FOR ALL AMERICANS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 315) congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans.

The Clerk read as follows:

H. RES. 315

Whereas Rafael Palmeiro hit the 500th home run of his career on May 11, 2003 at The Ballpark in Arlington, Texas, becoming only the 19th player in baseball history to accomplish such an achievement;

Whereas Rafael Palmeiro's achievement places him in the company of baseball's elite, including Hank Aaron, Babe Ruth, Mickey Mantle, and Ted Williams;

Whereas Rafael Palmeiro's power swing has been consistent over his 17 years in the major league and this consummate quiet professional is still going strong;

Whereas, with eight consecutive seasons with at least 38 home runs, Rafael Palmeiro has established himself as one of the game's great power hitters;

Whereas, in addition, Rafael Palmeiro has mastered the intricacies of playing his position, first base, becoming a four-time All Star and earning three consecutive Gold Gloves from 1997 to 1999;

Whereas, through dedication and hard work, Rafael Palmeiro has become one of the superstars of baseball and a future Hall of Famer;

Whereas Rafael Palmeiro is the personification of hard work and determination, and is an inspiration for Cuban Americans, having fled Havana, Cuba with his family in 1971;

Whereas Rafael Palmeiro has become a role model for people of all ages, taking time to work with foster children at the Lena Pope Home in Ft. Worth, Texas, including raising more than $160,000 for supporting foster children and for encouraging foster parenting; and

Whereas, in addition to all of Rafael Palmeiro's other endeavors, he dedicates time to his wife Lynne and his two children, thirteen-year-old Patrick Ryne and eight-year-old Preston Connor: Now, therefore, be it

Resolved, That the House of Representatives congratulates Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanks him for being a role model for the Cuban American community, and all Americans, and for inspiring all Americans to persevere and work hard to achieve their dreams.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 315, introduced by my distinguished colleague from the State of Texas (Mr. SESSIONS), congratulates Rafael Palmeiro of the Texas Rangers for becoming the 19th player in major league baseball history to hit 500 home runs and thanking him for being a role model for the Cuban American community and, indeed, for all Americans.

On May 11, the Texas Rangers beat the Cleveland Indians in a seemingly ordinary early season major league baseball contest. During the game, he hit his 10th home run of the year. But this home run, Mr. Speaker, the 500th of his career, forever placed Rafael Palmeiro in a select class among baseball's greatest sluggers of all time.

In surpassing the 500 home run milestone, he affords this House a chance to recognize not only his exploits on the field, but also his selfless community-conscious conduct off the field. Mr. Speaker, Rafael Palmeiro was born on September 24, 1964, in Havana, Cuba. He left Cuba as a young boy in 1971 and moved to Miami with his mother and two of his three brothers in pursuit of political freedom. He attended Mississippi State University where he played baseball. Upon his graduation in 1985, Rafael was first selected by the Chicago Cubs in the first round of the amateur baseball draft. Within a year of being drafted, he was also selected and played in the majors where he has remained ever since.

In addition to the Cubs, Rafael played for the Texas Rangers and the Baltimore Orioles. Rafael has hit 523 home runs and batted in 1,676 runs during his outstanding 18-year career.

In between his big hits on the diamond, Rafael hits home runs off the field by staying involved in the lives of children in his community. Rafael makes regular appearances with children through programs such as Make-a-Wish Foundation of North Texas, an organization that makes individuals' wishes come true for children with life-threatening illnesses. Rafael also works with the Lena Pope Home in Fort Worth, Texas, which has educated, counseled, sheltered, and improved the lives of literally thousands of children each year. Rafael and his wife, Lynne, have donated generously to the Lena Pope Home and have helped the organization recruit foster parents.

In addition, this past spring, Rafael orchestrated a 2-week reading challenge for students in the Dallas area. Over 15,000 people participated in the 2-week program, and those students who read at least 500 minutes during the contest were entered into a drawing to attend the Rangers June 14 game, after which Rafael was honored for hitting 500 home runs.

Mr. Speaker, only 18 other players in major league baseball history have hit as many home runs as Rafael Palmeiro, and that alone is worthy of commendation by this House. But this resolution particularly honors Rafael's selfless service to his community.

Today, the House of Representatives, and indeed the entire Nation, salutes Rafael Palmeiro for his success, for living the American Dream, and for helping so many children to achieve their own dreams. Therefore, Mr. Speaker, I urge all Members to support the adoption of House resolution 315 that honors both the athletic, as well as the philanthropic, achievements of Rafael Palmeiro.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for introducing this worthwhile measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume. I congratulate my colleagues from Texas for putting forward this important resolution.

□ 1115

Mr. Speaker, Rafael Palmeiro continues to climb the all-time home run list. On Tuesday, Aug 26, Palmeiro hit his 521st career home run, tying him for 13th place on the list with Willie McCovey and Ted Williams. Palmeiro has 31 home runs this season and is the sixth player in major league history with 30 or more home runs in nine consecutive seasons.

Born on Thursday, September 24, 1964, Palmeiro began his major league baseball career on September 8, 1986, with the Chicago Cubs. However, Palmeiro did not start out as a power hitter. He hit just 25 homers in 258 games for the Cubs before being traded to the Texas Rangers after the 1988 season. In his first season in Texas, Palmeiro hit 8 homers in 156 games and then led the American league with 191 hits with just 14 homers in 1990. Palmeiro had 203 hits, a league-high 49 doubles and 26 homers in 1991.

As he got stronger, Palmeiro learned to pull the ball and the numbers started to build. He had 37 homers and 105 RBI's in 1993. He then left Texas as a free agent for Baltimore. Palmeiro had 182 homers and 553 RBI's in 742 games over 5 seasons in Baltimore before returning to the Texas Rangers. Along with his homers, Palmeiro also has 3 Gold Gloves at first base. He has never been on the disabled list, averaging 157 games a year since 1988.

Rafael Palmeiro is also very active in the community and has hosted the Raffy Readers reading program and is helping to build a youth baseball field in Colleyville, Texas.

I congratulate Mr. Palmeiro for his contributions to the game of baseball and the community.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from the Texas (Mr. SESSIONS), the sponsor and author of this resolution. Play ball.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) who, as a proud Cuban-American, is also a member of the Republican baseball team, a person who enjoys not only supporting other Cuban-Americans but also our baseball team, and to be joined by my good friend, the gentleman from the Committee on Rules, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), also a Cuban-American.

Mr. Speaker, it is with great pleasure that I come to the floor this morning to speak on H. Res. 315, honoring Texas Ranger first baseman Rafael Palmeiro for his amazing feat of hitting his 500th career home run. This resolution honors not only Rafael's accomplishments in major league baseball which are numerous, but also his many off-field contributions which are just as important.

Rafael is the epitome of hard work and professionalism, and I am proud to honor him today, this individual who puts his family, his team and his community before himself.

On May 11, 2003, Rafael Palmeiro hit his 500th home run at the ball park in Arlington Texas, becoming only the 19th player in baseball history to do so. With his 500th home run, Palmeiro joined the company of baseball's elites like Hank Aaron, Babe Ruth, Mickey Mantle, and Ted Williams. In fact, since May 11 when he accomplished this feat, Palmeiro has now moved to 13th on this exclusive list of 500 home run hitters.

Mr. Speaker, beyond the statistics and the numbers, however, Rafael Palmeiro has done significant work by make making a difference in his community. Whether it is encouraging foster parents through his hard work at the Lena Pope Home in Ft. Worth, Texas or encouraging kids to read with his Raffy's Readers program, Palmeiro is an ardent spokesman for children's causes.

Mr. Speaker, these are just a sampling of Rafael Palmeiro's actions in giving back to his community. This, on top of spending time with his lovely wife, Lynne, and their two sons, Patrick Ryne who is 13, and Preston Connor who is 8. Rafael Palmeiro has become a role model for people of all ages with his on- and off-the-field accomplishments.

I am proud to be the lead co-sponsor of this bill honoring a fine man who is a shining example of the things that a kind and good person can achieve in their life.

Mrs. MALONEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), one of the co-sponsors and authors of this resolution and an important leader in this body.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank the leaders on the bill. I am pleased to join my colleagues from Texas this morning in honoring Rafael Palmeiro of the Texas Rangers, a major league baseball team, for his accomplishment in reaching the 500 home run marker in May.

Along with his honors, he also has numerous other hitting records, 3 Gold Gloves at first base and he has never been on the disabled list. But it is not just his excellence on the field that explains why he has legions of fans across Texas and the country. He is a man of outstanding character. He is humble even though he is distinguished and destined for the Hall of Fame.

It is his humility that he takes out into our community, contributing to so many important causes in the Dallas, Ft. Worth area, the Lena Pope Home in Ft. Worth, Shoes for Orphan Souls, and his own organization, Raffy's 500 Club. Throughout his career, he has spent his time encouraging foster parenting, actively participating in the Make a Wish Foundation, encouraging our youth to read, and raising money for numerous disease research foundations.

He is an inspiration to all of people of all ages and he means so much to us in the Dallas, Ft. Worth metroplex. I am pleased to be a co-sponsor of this bill. I thank the gentleman from Texas (Mr. SESSIONS) for highlighting the hard work and dedication of Rafael Palmeiro.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who will be batting clean-up for our team. The gentleman is a good Cuban-American, a baseball fan who follows the Florida Marlins, the Yankees, and now I know, the Texas Rangers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think it is very appropriate that the Texas delegation is united behind this resolution. The gentleman from Texas (Mr. SESSIONS) brought it forward. I recall I have had the privilege of meeting Rafael Palmeiro. He is an extraordinary human being, a man of great decency. He had made it clear, by the way, that when he was playing up here, in a team near here, that he wanted to return to Texas because he is a proud Texan and he loves that State very much and its people. So that is why I think it is important for the Texas Delegation to be leading this effort today, and it is the right thing to do for this Congress to honor this man.

He is not only an extraordinary athlete but, as I said before, a very decent human being. A loving family man, he is extremely generous with his family, compassionate, as he is with his community. He is also a patriot and that is another reason why I admire him so much. I know of his love for freedom.

For example, he refused to go back to Cuba. He says he will not do it as long as the dictatorship is in power. As a matter of fact, when he was playing for the Orioles here and the owner of that team was recruited by this campaign that wants to open relations with Castro and help the dictatorship and the team was sent to Cuba, he refused, Rafael Palmeiro. So he stands up for his principles. He is a man of principle, a man of decency.

He has a wonderful family and he helps his community in Texas in an extraordinary fashion. So for so many reasons we are very, very proud of him. Obviously, the entire island of Cuba looks to him as an idol, but really the entire American nation also. This great United States of America admires him because of his extraordinary accomplishments. And so to that human being, we, the Congress of the United States, today sends not only our esteem but our admiration.

Again, I thank the gentleman from Texas (Mr. SESSIONS) and the Texas delegation who have brought forward this resolution for doing so. It is a privilege for me to be able to stand today on behalf of this resolution honoring this great man and extraordinary athlete, Rafael Palmeiro.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FROST), who, along with the gentleman from Texas (Mr. SESSIONS), is the lead author and sponsor of this important resolution.

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to congratulate Rafael Palmeiro of the Texas Rangers for hitting 500 home runs and to thank him for his outstanding contributions to the local community.

Known both for his powerful swing and golden glove at first base, Raffy, as he is known to many fans, joined an elite club on May 11 when he became only the 19th player in baseball history to hit 500 major league home runs.

Mr. Speaker, Rafael Palmeiro has been a constant example of hard work and quiet dedication to his sport. He is a four-time All-Star and was awarded three consecutive Gold Glove awards from 1997 to 1999. Known for his rock solid dependability, he has never spent a day on the disability list and has missed astoundingly few games each season. With the exception of the strike-shortened 1994 season, he has played an average of 157 games in each 162-game season of his career.

He is currently three home runs short of tying Jimmie Foxx's record of 9 straight years with 35 or more home runs. Since 1993, only Barry Bonds and Sammy Sosa have hit more home runs.

Mr. Speaker, Rafael Palmeiro has become a role model for people of all ages. Having fled Cuba with his family in 1971, he remains a hero within the Cuban-American community. Additionally, his dedication to the local community, as we have already heard, for his work with foster children and families in Ft. Worth has made him a leader both on and off the field. My wife, Kathy, and I just recently attended a reception at the ball park sponsored by Raffy on his Shoes for Orphans program, a program that he has spent a great deal of his time on recent years.

Mr. Speaker, I have had the honor of watching Rafael Palmeiro play at the ball park in Arlington in my congressional district. He deserves special recognition for his tremendous achievement and I look forward to the day when he will join the likes of Babe Ruth, Hank Aaron and Roberto Clemente in Cooperstown at the baseball Hall of Fame. I know my colleagues will join me today in congratulating him and in wishing him continued success in all of his future endeavors.

I would like to add and note to the management of the Texas Rangers ball club. I hope that the management of our great club will find a way to extend Raffy's contract when it runs out at the end of this year so that he may finish his career as a Texas Ranger.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO), an important leader, not only on this resolution, but in this body.

Mr. SERRANO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I come to join today in celebrating what is a fabulous career and a fabulous human being. Just think of it, over 15,000 people, men have played professional major league baseball and only 19 have hit over 500 home runs. And Rafael Palmeiro has done it, and this is my personal opinion, in a way that is really unique. He is not 6′5″. He is not 250. He is not muscular, but he has one of the prettiest swings you will ever want to see on the baseball field.

□ 1130

Every time he connects, somebody my size wonders how is that ball going to take off, and it always manages to take off; but I also come for a special reason.

Through a dear friend of mine, Juan Gonzalez, the Texas Rangers outfielder, I had the opportunity to meet Mr. Palmeiro this summer and sit with him a couple of hours and speak with him about baseball and other things; but I was amazed at how warm and strong he was in dealing with everybody around him, especially when you are sitting somewhere in public and every fan comes over for an autograph, every fan comes over to talk to you; and he took the time to speak to every child, and he took the time to speak to every fan that came over. That meant a lot to me, but a lot of folks just do not want to be bothered when they play ball, and they take the money. So I wanted to come and join this tribute.

Rafael Palmeiro is without a doubt a future Hall of Famer and he has done it in typically following the American Dream, coming from Cuba looking for a better way, a better life for his family, for himself, as a child, graduating from college, being drafted and playing day after day after day. I am always amazed also at the fact that this man does not ever seem to get hurt. He just continues to play and play and play.

I, like so many other Americans, so many people throughout the world, love the game of baseball. It is part of who I am as a person; and to have him play it the way that he does is just absolutely great, and because I got to know him, I got to even enjoy his baseball even more.

So I want to thank the sponsors on both sides of this resolution. This gentleman really deserves this tribute. He is one of the all-time greats. Baseball is still, in my opinion, the best game and certainly our greatest export throughout the world and Latin America; and I come to celebrate Mr. Palmeiro today on his career and what would certainly be induction into the Hall of Fame very soon.

Mrs. MALONEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I also have no other speakers.

Again, I congratulate the gentleman from Texas for introducing this legislation, and I urge all Members to support the adoption of House Resolution 315.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 315.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM FOR WINNING 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S GOLF CHAMPIONSHIP

Mr. WILSON of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship.

The Clerk read as follows:

H. RES. 266

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number one ranked team in the Nation;

Whereas the Tigers finished the season with a 128-8-3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002-03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

(2) recognizes the achievements of all the team's players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner;

(3) requests that the President recognize the team's accomplishments and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clemson University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Golf Championship team from Clemson University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. WILSON) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. WILSON).

GENERAL LEAVE

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 266.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 266. I would like to thank my hardworking colleague, the gentleman from South Carolina (Mr. BARRETT), for bringing this resolution forward.

Mr. Speaker, this resolution recognizes the achievement of the Clemson University men's golf team, the Tigers, for their NCAA Division I national collegiate championship. Clemson became the first school in NCAA history to win its conference championship, gain the NCAA regional title and the national championship all in 1 year.

The national championship Tigers deserve recognition for winning the title by just two shots over host school Oklahoma State University after starting the day just one stroke apart. Clemson finished with a 72-hole team total of 1,191, 39 strikes over par. The championship Tigers will enter the 2003–2004 season with a streak of 18 consecutive top three finishes, a Clemson record. In addition to inspiring the team victory, three players distinguished themselves from the field by being named to the All-America teams at the conclusion of the season.

Coach Larry Penley was named National Coach of the Year by the Golf Coaches Association and was the first Clemson coach in any sport to win a National Coach of the Year in over 10 years.

The distinction earned by these individuals and the remarkable repeat victories of the team reflect the dedication of each player, the leadership of Coach Larry Penley, and the support of family, friends, and fans.

I extend my congratulations to each of the hardworking players on this successful Tiger team, to Coach Penley, President Jim Barker, and to student body president Fletcher Anderson and all the students of Clemson University. I am happy to join my colleagues in honoring the accomplishments of this team and to wish them continued success.

I would like to pause briefly now to relay the news I learned this morning of the death of a real institution in South Carolina. According to the Associated Press, Jim Phillips, whose voice carried the dreams and disappointments of Clemson fans for 36 years, died yesterday at age 69. Jim Phillips, the voice of the Tigers, did the play-by-play for Clemson baseball, football, and men and women's basketball. He will be missed, and our thoughts and prayers are with his family.

I ask my colleagues to support this resolution, and I particularly am happy to be presenting this today in that my family has association with Clemson University. My son is a senior, Julian, who has been an intern here in Congress. I am very proud of his association, following in the footsteps of his late grandfather, Julian Dusenbury, who was a Clemson graduate.

I am also pleased that the communications director of the second district congressional office, Wesley Denton, is a Clemson graduate and also the health care legislative assistant, Micki Howard.

In conclusion, God bless our troops.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution, and I commend and congratulate the gentlemen from South Carolina (Mr. BARRETT), (Mr. SPRATT), (Mr. CLYBURN), (Mr. DEMINT), (Mr. BROWN), and my friend (Mr. WILSON) for their authorship and sponsorship of this resolution. I can understand why the South Carolina delegation is so justifiably proud of the young men who have achieved so much on the links.

Among the very most important classrooms, teaching places in our system of our higher education, is the field of athletic competition. There is a reason why we want to encourage colleges and universities around our country to continue educating young men and women on playing fields; and the achievements of the young men of the Clemson University men's golf team are an example of that principle.

I must say parenthetically one of the issues that I am proud of is my alma mater, which did not win the NCAA golf tournament, Bucknell University, was recently noted for graduating 100 percent of its student athletes who participate in NCAA sports, and that is an aspiration that I know is shared around the country.

These young men of Clemson and these young Tigers had an extraordinary year amidst extraordinarily difficult competition. I am told that they finished the season with a record of 128 wins, eight losses and three draws, or three ties, against opponents ranked in the top 25 teams in the country. So when they took on the very finest competition there was, they won 93 percent of the matches, which is really an astonishingly good record. I wish that I was right 93 percent of the time in the things that I do here in doing my job.

We also want to commend the Oklahoma State University Cowboys who were in second place in the tournament. My understanding is that the tournament took place on their home course, and I think that adds special luster to the achievement of the young men from Clemson because when one is playing against competition that is used to playing on that course day in and day out, it is an advantage for the home team that the Clemson team was able to overcome.

It is my understanding that each of the Tigers players who participated in the NCAA championship are native-born South Carolinians. That must be a source of great pride for the schools and the coaches and families of the State of South Carolina for which we congratulate those schools and coaches and families.

Finally, it is my understanding that players D.J. Trahan, Jack Ferguson, and Matt Hendrix were all honored as All-Americans in the 2002–2003 season. To have three All-Americans on one team in any sport is quite an achievement; and I know that Head Coach Larry Penley, who himself was honored as the Golf Coaches Association of America's Dave Williams Award winner as Coach of the Year, should be justifiably proud.

This morning, as we speak, there are young Americans who are in science labs and lecture halls and technology centers and study areas, all in campuses all around our country, and we commend them for that; but we also recognize that one of the most important places to learn about life and about the principles of life is on the field of battle and athletic competitions. It is obvious Clemson University should be very proud of these young men.

I also add one thing parenthetically now to inject a controversial topic for those of us, and I mean those of us on both sides of the aisle who so strongly support title IX and support equal athletic opportunities for young men and women. This is one example of how we do not have to choose between broader opportunities for all athletes and broader opportunities for some. One of the concerns about title IX is that nonrevenue-producing sports on the men's side, like golf, which really does not produce revenue, would be jeopardized if we have a strong and robust title IX. Well, we have a strong and robust title IX. We are pleased we are going to keep this, and I think this is one more example of how we can have men and women excel in the field of athletic competition.

So I congratulate Clemson University, and all of their alumni and students and followers must be very, very proud of these young men who have won such an esteemed championship.

Mr. Speaker, I reserve the balance of our time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

I would like to first thank the gentleman from New Jersey. It is very ironic, as the gentleman mentioned, that the persons who are on this team were native born, in the public institutions of South Carolina, but the State which provides the highest percentage of out-of-state students is New Jersey, and so we have a very strong relationship with our sister State to the north that people would not really recognize, but we have really benefited—

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. WILSON of South Carolina. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, we appreciate that very much. We like to keep the smart ones in the State, but we let a few of them go to South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, we do enjoy that. Many choose to stay, but the bottom line is we do have the warm relationship with the State of New Jersey.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time, and I am excited and proud to be here today, growing up in the shadow of Clemson University.

Mr. Speaker, I rise today in support of House Resolution 266, which honors and congratulates the Clemson University men's golf team for winning the 2003 NCAA National Championship. First, I would like to thank the entire South Carolina delegation for cosponsoring this resolution and the chairman of the subcommittee of the Committee on Education and the Workforce for their diligent work in bringing this resolution to the floor.

Mr. Speaker, Clemson University was founded in 1889 as a small agricultural school, but over the past 100 years the Tiger community has grown to over 16,000 students, studying not only agriculture but also engineering, economics, genetics, and architecture.

Over the years, Clemson's high standards have been set outside the classroom as well as in athletic venues throughout the campus. The Tigers men's soccer team won two national championships in 1984 and 1987. The football team won a national championship in 1981; and most recently, the men's golf team won the 2003 national championship.

The list of accomplishments achieved by the 2003 golf team is much like their tee shots, Mr. Speaker, long and intimidating. The 2003 Tiger golf team was the first team in NCAA history to win its conference title, NCAA regional title, and the national championship in the same year. The Tigers began the season as the top-ranked team in the country and finished the year ranked number one after defeating an excellent Oklahoma Cowboy State squad by two strokes, despite playing on the home course of OSU.

Mr. Speaker, the Clemson Tiger golf team finished the year with an impressive record of 128-8 and three; and as my friend, my colleague from New Jersey, said, 93 percent of the time they went out, they won. That was against the top 25 opponents, the best in Clemson history.

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An equally astonishing fact, and one I am extremely proud of, Mr. Speaker, is that the team is comprised entirely of South Carolinians. The Tiger golf team has brought honor and pride to the university, the Third Congressional District, and the entire State. Throughout their outstanding play during the 2003 season, the team demonstrated to all of us that with dedication and hard work comes great reward.

I would like to extend my personal congratulations to each player: D.J. Trahan, Ben Duncan, Matt Hendrix, Greg Jones, Michael Sims, Jack Ferguson, Brian Duncan, Martin Catalioto, and Nick Biershenk, as well as Coach Larry Penley, who was awarded the Dave Williams Award as the National Coach of the Year by the Golf Coaches of America.

Mr. Speaker, I want to again extend my sincerest congratulations to the entire Clemson family on this great day commemorating the first national championship for the Clemson University Men's golf team, and I hope there will be many more days like this in the future.

Mr. ANDREWS. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume to thank and congratulate the gentleman from South Carolina (Mr. BARRETT) for his leadership on this issue and his promotion of a great university.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume to simply congratulate our colleagues from South Carolina and to urge adoption of the resolution.

Mr. SPRATT. Mr. Speaker, I rise today to honor a remarkable achievement. In May of this year, the Clemson Tigers men's golf team from my great State of South Carolina won the NCAA Division I golf championship in dramatic fashion, edging out the Oklahoma State Cowboys by two strokes on their own course.

The team was led by Senior D.J. Trahan, the number one ranked college golfer for much of this year, and Sophomore Jack Ferguson, who was ranked in the top 25 for most of the year. Trahan finished 22nd with a four round 299 to become the only Clemson player ever with four top 25 finishes, and Ferguson finished 19th with a team best four round 298. Also anchoring the team were Junior Matt Hendrix, Junior Gregg Jones, and Senior Ben Duncan, who finished tied for 35th, 35th, and 52nd respectively.

My hat goes off to Coach Larry Penley and the entire squad for their remarkable 124–8–3 record this year, and for bringing Clemson their first ever national golf championship. They have made your State very proud. It gives me greater pride to see that every member of the Clemson team makes their home in South Carolina. If this keeps up, we may start to see athletes drinking sweet tea instead of Gatorade.

On top of their golf achievements, I am proud that each of these young men will leave with a Clemson academic degree. With that background, I am sure they will be as successful in life as they have been in golf.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to recognize the outstanding achievement of the 2002–2003 Clemson University Golf Team. The Tigers, who started and ended the year as the number-one ranked team in the Nation, clinched the school's first NCAA Division I golf title in May in Stillwater, OK and became the first school in NCAA history to win its conference championship, NCAA regional title and National Championship in the same year. The national title victory was the sixth tournament win of the year for the Tigers, a single season record, and the team finished the season with a remarkable 124–8–3 record against top 25 opposition, an incredible 93 percent winning percentage—by far the best in the Nation and in Clemson history.

The 2003 National Champions were led by team number one, D.J. Trahan, the 2002 National Player of the Year and the 2000 USGA Public Links Champion. D.J. is a member of the ACC's 50-Year Anniversary team and has represented the United States as a member of the 2001 Walker Cup team and the 2002 Palmer Cup and World Amateur teams. He was awarded the Ben Hogan Award as top colleague golfer and named the top collegiate golfer by Golf World in 2002. D.J., whose career GPA is a 3.2, was also elected to the Verizon Academic All-America third-team for 2002 becoming the first Clemson athlete to be named a National Player of the Year and Academic All-American in the same year. I am proud to have Mr. Trahan, a resident of Mount Pleasant, as a constituent in South Carolina's First District.

Mr. ANDREWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from South Carolina (Mr. WILSON) that the House suspend the rules and agree to the resolution, H. Res. 266.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WELCOMING HIS HOLINESS THE FOURTEENTH DALAI LAMA AND RECOGNIZING HIS COMMITMENT TO NON-VIOLENCE, HUMAN RIGHTS, FREEDOM, AND DEMOCRACY

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 359) welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

The Clerk read as follows:

H. RES. 359

Whereas for over 40 years in exile, His Holiness the Fourteenth Dalai Lama has used his position and leadership to promote compassion and non-violence as a solution to not only the present crisis in Tibet, but to other long-running conflicts around the world;

Whereas the Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his efforts to seek a peaceful resolution to the situation in Tibet, and to promote nonviolent methods for resolving conflict;

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

Whereas the Dalai Lama has personally promoted democratic self-government for Tibetans in exile as a model for securing freedom for all Tibet, including relinquishing his political positions and turning these authorities over to elected Tibetan representatives;

Whereas the Dalai Lama seeks a solution for Tibet that provides genuine autonomy for the Tibetan people and does not call for independence and separation from the People's Republic of China;

Whereas the envoys of the Dalai Lama have traveled to China and Tibet twice in the past year to begin discussions with Chinese authorities on a permanent negotiated settlement of the Tibet issue;

Whereas the successful advancement of these discussions is in the strong interest of both the Chinese and Tibetan people; and

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the visit of the Dalai Lama to the United States in September 2003 is warmly welcomed;

(2) the Dalai Lama should be recognized and congratulated for his consistent efforts to promote dialogue to peacefully resolve the Tibet issue and to increase the religious and cultural autonomy of the Tibetan people; and

(3) all parties to the current discussions should be encouraged by the Government of the United States to deepen these contacts in order to achieve the aspirations of the people of Tibet for genuine autonomy and basic human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 359, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

At the outset, I would like to express my great appreciation for the distinguished ranking member, the gentleman from California (Mr. LANTOS), for his long interest in this issue and congratulate the gentleman from New Jersey (Mr. ROTHMAN) for sponsoring this thoughtful and timely resolution welcoming his Holiness the Fourteenth Dalai Lama, and recognizing his commitment to nonviolence, human rights, freedom, and democracy.

As my colleagues may be aware, the Dalai Lama, Tibet's spiritual leader in exile, is in the United States for a 3-week lecture and teaching tour. While he is in Washington, his Holiness is expected to meet with President Bush and other senior administration officials to update them on the status of contacts between his envoys and representatives of the People's Republic of China.

The United States is encouraged that China invited the Dalai Lama's envoys to visit the Beijing and Tibetan regions in the fall of 2002 and again in the spring of 2003. The resumption of direct contacts has been accompanied by the release of several high-profile Tibetan political prisoners in what appears to be a softening of rhetoric regarding the Dalai Lama and the Tibet issue in the official Chinese media. Despite these encouraging signs of progress, however, severe human rights abuses and tight controls on fundamental freedoms persist in Tibet.

To date, the Chinese have insisted that the Dalai Lama renounce the prospect of independence before a substantive dialogue can resume. Although the Dalai Lama heads a "government in exile" in India, he has stated publicly and repeatedly he is seeking greater autonomy and not independence for Tibet.

While the United States Government recognizes Tibet as part of China, it is the policy of the U.S. to support respect for the human rights of all Chinese citizens, including ethnic Tibetans. To emphasize our concerns in this regard, Secretary Powell has appointed a special coordinator for Tibetan issues. The U.S. continues to raise Tibet during bilateral and multilateral exchanges with Chinese leaders.

While the U.S. does not have official diplomatic relations with the "government in exile" in Dharamsala, the U.S. maintains contact with a wide variety of groups inside and outside of China, including with Tibetans in the United States, China, and around the world. Our contacts include meetings with the Dalai Lama in his capacity as an important and revered spiritual leader and Nobel Prize laureate. It is a sign of enormous respect and affection for the Dalai Lama that the President, the Secretary of State, and other senior administration officials meet with him on an ongoing basis.

The executive branch and Congress continue to urge the Chinese Government to respect fundamental freedoms, to refrain from detaining individuals for the peaceful expression of their views, and to protect and preserve Tibet's unique religious, cultural, and linguistic heritage. We are all likewise united in our desire to encourage Beijing to follow through on discussions with the Dalai Lama's special envoys and engage in substantive dialogue, hopefully leading to a negotiated settlement of outstanding issues.

Finally, during these troubled times, it may be useful to reflect on the observations of His Holiness, who has spoken strongly of his desire for better understanding and respect among the different faiths and peoples of the world. "The need for simple human-to-human relationships is becoming increasingly urgent," the Dalai Lama has noted. Today, he stresses, "The world is smaller and increasingly interdependent. One nation's problems can no longer be solved by itself completely. Thus, without a sense of universal responsibility, our very survival becomes threatened. Basically, universal responsibility is feeling for other people's suffering just as we feel our own. This is the way to achieve a true understanding unfettered by artificial consideration."

These are the words of the Dalai Lama. With the Dalai Lama's poignant observations in mind, I would suggest that there is no better way to honor this distinguished spiritual leader and symbol of the aspirations of the Tibetan people than for Members to support this very thoughtful resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, first, I would like to commend my good friend from Iowa, the chairman of the subcommittee, the gentleman from Iowa (Mr. LEACH), and the chairman of our full committee, the gentleman from Illinois (Mr. HYDE), for facilitating the consideration of this resolution. I want also to commend my good friend, the gentleman from New Jersey (Mr. ROTHMAN), for introducing this resolution.

Mr. Speaker, yesterday, the Congress marked an important date. It was the 20th anniversary of the founding of the Congressional Human Rights Caucus, and His Holiness the Dalai Lama was the principal speaker at the festivities.

Twenty years ago, my distinguished Republican colleague, who left us just a couple of years ago, Mr. PORTER of Illinois, and I founded the Congressional Human Rights Caucus. For 2 decades, this organization, supported across the board by hundreds of colleagues, has fought for human rights in every part of the world.

When we started the Human Rights Caucus, much of our attention was aimed at the Soviet Union, and the Soviet Union is no more. Many of the refuseniks and dissidents and persecuted political prisoners in the Soviet Union had their battle fought for them by the Congressional Human Rights Caucus.

When we commenced the Congressional Human Rights Caucus, South Africa was an apartheid state divided on racial lines with strict punitive regulations impacting the black population. That South Africa exists no more. And it was one of the great joys of the Human Rights Caucus to have played a modest role in the liberation of Nelson Mandela.

It was appropriate that the organization which has been the umbrella organization in the Congress of the United States for 2 decades on behalf of human rights across this globe, fighting discrimination on racial, ethnic, religious, political grounds, fighting discrimination against women, which is still so prevalent in many parts of the Islamic world, should have as its principal speaker His Holiness the Dalai Lama.

The Dalai Lama is the embodiment of human rights on our planet. Despite the tragedies which have befallen the Tibetan people at the hands of the Chinese Communists since 1959, His Holiness has consistently called for a peaceful resolution of the Chinese Tibetan conflict. And it is a significant historic fact, Mr. Speaker, that 16 years ago it was within the framework of the Congressional Human Rights Caucus that His Holiness the Dalai Lama presented his five-point peace plan calling for reconciliation between the Chinese authorities and the people of Tibet.

When he first came here at our invitation 16 years ago, he was not seen by the Department of State; he could not go near the White House. Today, he is an honored guest at the White House. And the recognition that his work has received is demonstrated by the Dalai Lama being a recipient of the Nobel prize for peace.

When we invited His Holiness the Dalai Lama in 1987, none of us dared hope that his posture as a moral authority would rise to the heights it has attained. As we meet here this morning, there are strong indications that the Chinese at long last are ready to make their peace with Tibet and with the Dalai Lama.

The Dalai Lama's representative, Lodi Gyari, was received in Beijing this summer. And when the British Prime Minister Tony Blair met with the new Chinese President, there was a serious, substantive, and constructive discussion of the role of Tibet within China. The Congressional Human Rights Caucus yesterday called on the government of China to invite His Holiness the Dalai Lama to Beijing so that at long last peace can prevail between the long-suffering people of Tibet and the Chinese Government.

It is appropriate, Mr. Speaker, that this House express its respect and admiration for this great moral authority whose stature transcends Tibet, whose stature transcends his Buddhist principles, who stands globally as a symbol of peace, reconciliation, and an acceptance of pluralism on this small planet. I strongly urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

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Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. KIRK) who is such a leader on human rights issues in this body.

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me this time.

We celebrate this week the 20th birthday of the Congressional Human Rights Caucus founded by my predecessor, John Porter, and the gentleman from California (Mr. LANTOS). We think about the Lantoses and other families who were saved by Raoul Wallenberg, the living history and symbol of civil rights at the end of World War II. We think about one of the founders of the Democratic Party, Thomas Jefferson, and remember him largely for his legacy in human rights. We think about one of the founders of the Republican Party, Abraham Lincoln, and we think about his remembrance for human rights, and we are so lucky today to be in the presence of His Holiness, the Dalai Lama, who is our generation's symbol for human rights.

I thank the gentleman from New Jersey (Mr. ROTHMAN) for putting this resolution together, the gentleman from Illinois (Chairman HYDE), and of course the gentleman from California (Mr. LANTOS) for bringing this so quickly to the floor during His Holiness' visit to Washington.

The fourteenth Dalai Lama is the spiritual leader of the Tibetan people, and he has been leading a nonviolent struggle for freedom for his people for 40 years.

In 1959, the year I was born, he was forced to flee his Tibetan homeland and resettle in northern India. From Dharamsala, India, the Dalai Lama and his Tibetan government in exile have established a democracy under which the Tibetans in exile are free to practice their religion and lead a democratic life. However, while the Dalai Lama leads a small contingent in Dharamsala, there are over 6 million Tibetans living inside China, and his struggle is their struggle.

In 1989, the Dalai Lama was awarded the Nobel Peace prize in recognition of his work seeking a peaceful resolution of the Tibet problem. Congress has a strong history of supporting the Tibetan people. In 1987, it was the human rights caucus which hosted him on his first visit to Washington. At that time he unveiled his five-point peace plan. Congress and the U.S. Government continued to be supportive of the Tibetan cause for religious freedom, and we have established U.S. offices to help the Tibetan people, and we are encouraged by the recent dialogue between His Holiness and the Chinese government.

Representatives of His Holiness the Dalai Lama have twice traveled to Beijing and Lhasa to bring further progress on the Tibetan issue. Hopefully the day is coming when Tibetans in exile can return to their homeland and Tibetans in Tibet can enjoy a freedom of religion and a rich cultural history upon which is a key value of our country.

I want to recognize the leadership of the gentlewoman from California (Ms. PELOSI) who has been a dear friend of the Dalai Lama when it was a bit more of a lonely struggle, and I salute her leadership and the visit of the Dalai Lama.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader. Since she first joined us in Congress, she has been an indefatigable fighter for human rights across the globe, but she has had a special relationship with the people of Tibet and His Holiness, the Dalai Lama. She has been the leader in calling for a peaceful reconciliation between the government in Beijing and the people of Tibet, and yesterday she graced us with her presence at the 20th commemoration of the birth of the Congressional Human Rights Caucus and the visit of His Holiness, the Dalai Lama.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time so I can join in praising the gentleman from New Jersey (Mr. ROTHMAN) for bringing this important resolution to the floor and for his leadership on the Subcommittee on Foreign Operations where he works closely with the gentleman from Illinois (Mr. KIRK), and I commend the gentleman from Illinois also for making the issue of Tibet a priority. The gentleman from Illinois learned at the knee of John Porter who worked with the gentleman from California (Mr. LANTOS), and I congratulate the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations. He and John Porter founded the Human Rights Caucus 20 years ago. We observed that yesterday, and it was absolutely fitting and appropriate that His Holiness was the special guest speaker yesterday. What an honor it was for all of us. It brought luster to the Congress, and it was again a fitting tribute to the Human Rights Caucus.

I thank the gentleman from California for his extraordinary leadership. When I first came to Congress in 1987, I was invited to a meeting with His Holiness, the Dalai Lama, and I was overwhelmed to receive such an invitation. He and John Porter were hosting the meeting in a small room. At that meeting His Holiness put forth his five points of autonomy, not independence, of nonviolence, protecting the environment and stopping the resettlement, et cetera, a very peaceful approach to a resolution of the conflict that could have been.

The Chinese regime did not see it that way. They kept saying they say autonomy; they mean independence, and until they reject independence, we cannot have a conversation, and so these many years have gone by without a resolution.

That is why I am pleased to rise in strong support of H. Res. 359, welcoming His Holiness, the Dalai Lama, and recognizing his commitment to nonviolence, human rights, freedom and democracy. I am proud to be an original cosponsor of the Rothman resolution, and I commend the gentleman for bringing this to the floor. The gentleman from California (Mr. LANTOS) has a lifetime commitment to human rights, and in his position as co-chair and ranking member, he has spoken out for hundreds of thousands of victims of religious, ethnic, and political oppression all over the world.

In 40 years in exile, His Holiness has used his position and leadership to promote wisdom, compassion, and nonviolence as a solution not only to the present crisis in Tibet, but to other long-standing conflicts around the world. We must heed the guidance of His Holiness. He is a constant reminder that the crisis in Tibet is a challenge to the conscience of the world. We have not forgotten the people of Tibet and their struggle. We must and will continue our efforts to improve their lot.

The self-determination for Tibetans must be a priority in the U.S.-China relationship. We know that more than a million Tibetans have died under the Chinese occupation as a result of torture, starvation and execution. More than 6,000 monasteries and irreplaceable jewels of Tibetan culture have been destroyed. Tibetans are routinely imprisoned and tortured for nonviolently expressing their views. Freedom of religion is severely curtailed. China is encouraging the large-scale settlement of nonTibetans into Tibet, which is overwhelming the Tibetan population in many areas and threatening its very culture.

The U.S. Government knows the facts. In March 2003, the U.S. State Department issued its annual Country Report on Human Rights. The report documents continuing human rights abuses by the Chinese government in Tibet and states, "Chinese authorities continue to commit serious human rights abuses, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views."

The survival of the Tibetan identity is an issue of urgent U.S. and international concern. That concern will not diminish until a negotiated solution is achieved and the rights of the Tibetan people are respected. This is an important time for the Tibetan people. Tibetans urge the world to support the Dalai Lama's proposal for the restoration of peace and human rights in Tibet. There is some reason for optimism, as has been mentioned. Envoys of His Holiness, the Dalai Lama, have traveled to China and Tibet twice in the past year to continue discussions with Chinese authorities on a permanent negotiated settlement.

But unless the United States and other countries of the world are committed to meeting that challenge I mentioned that Tibet poses to the conscience of the world, then we cannot be consistent when we talk about human rights in any other part of the world. How can we talk about the violations of human rights and drastic actions we want to take in response to them one place and totally ignore them in Tibet? It undermines our moral authority to talk about human rights any place in the world unless we also talk about them in Tibet and China.

Today we recognize the Dalai Lama for his efforts to peacefully resolve the Tibetan issue and to promote the human rights of the Tibetan people. I talked at the beginning of my remarks when I first met His Holiness as a new Member of Congress 16 years ago. I remember a number of years later when the gentleman from California (Mr. LANTOS), Mr. PORTER, and Senator George Mitchell and Senator Dole, then the Republican and Democratic leaders of the U.S. Senate, we all joined together and we had a speech by His Holiness in the Rotunda of the Capitol. It was a momentous occasion, and we moved from a very small room into the center of the Capitol of the United States.

At that time, His Holiness told us about what was going on in Tibet, but he also was hopeful and optimistic about what could be in the future. I remember a personal story he told us when he was a little boy and he was already the Dalai Lama, he visited the United States. This was before he escaped from Tibet before the Chinese came in, but he came to the United States on a visit and President Franklin Roosevelt gave him a watch and he talked about that watch. It had the setting of the sun.

It was one of those watches that showed it was day time with the sun coming up or going down and what that meant to him. So he has had a connection to our country since he was a child. Since he was a child he has been the Dalai Lama. His presence in the United States any time is a blessing for all of us.

Mr. Speaker, it is appropriate that we honor and welcome him as the gentleman from New Jersey (Mr. ROTHMAN) has done so magnificently with this resolution. I urge my colleagues to unanimously support it.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished former member of the Committee on International Relations whose interest on foreign policy has been retained even after he left our committee, and who is the author of this important resolution.

Mr. ROTHMAN. Mr. Speaker, I thank my distinguished colleague, the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), who is a mentor to so many of us in this Congress and an example of what a Member of Congress can achieve not only in the Congress, but around the world with regard to human rights and so many other important issues.

While I have left the Committee on International Relations, I have not left the field, so to speak. I join many distinguished friends and colleagues on the Committee on Appropriations Subcommittee on Foreign Operations.

Mr. Speaker, I would like acknowledge the gentleman from Iowa (Mr. LEACH) for his work on the issues of human rights; and of course my cherished friend, the chairman of the Committee on International Relations, the gentleman from Illinois (Chairman HYDE) for all of his courtesies and leadership he has extended throughout the years. I would also like to thank the majority leader and our Democratic leader, the gentlewoman from California (Ms. PELOSI) whose eloquent remarks speak for themselves as to her long commitment to this issue of freedom for Tibet and the Tibetan people.

Mr. Speaker, the issue of Tibet is not a new one to this House, as the gentleman from California (Mr. LANTOS) and so many other Members have eloquently stated. Congress has been on record throughout these many, many years in support of the people of Tibet speaking out against the persecution of Tibetans, opposing the destruction of the 6,000 monasteries in Tibet. Congress is on record condemning the torture and abuse of Tibetan monks and nuns. Congress is on record bringing the world's attention to the economic marginalization and impoverishment of Tibetans in their own land.

□ 1215

We as a Congress have also provided support for the Tibetan refugees who have made the difficult journey and decision to leave Tibet and seek refuge from persecution in foreign lands. I am proud to add my voice as the sponsor of this resolution in support of the Tibetan people, led, of course, by His Holiness the Dalai Lama. That is because I believe that it is not only our obligation as freedom-loving Americans who believe in the value of each individual's human rights and dignity but because it is our moral duty, I believe, as human beings to speak out for the voiceless, the powerless, and the victims in the world.

Mr. Speaker, House Resolution 359 welcomes His Holiness the Dalai Lama to the United States and recognizes the Dalai Lama for his efforts to peacefully resolve the Tibetan issue. The measure encourages dialogue between the relevant parties, China and Tibet, in order to achieve genuine autonomy and respect for the human rights and religious freedoms of the people of Tibet.

Since 1959 when His Holiness the Dalai Lama was forced to flee his homeland of Tibet and seek refuge in India, he has worked tirelessly to improve the lives of Tibetans both inside and outside of Tibet and for a peaceful resolution to the conflict so that his fellow Tibetans can return to their homeland. The Dalai Lama has promoted a democratically elected government for Tibetans in exile located in Dharamsala, India; and he remains the head of state and spiritual leader of the Tibetan people. But His Holiness has indicated that should a negotiated settlement be reached on the issue of Tibet, he would not play any role in a future Tibetan government or seek the Dalai Lama's traditional political responsibilities. The Dalai Lama has also actively worked to sustain the distinct cultural and religious identity of Tibetans, which can be seen in Tibetan communities in India, Nepal, and in so many places around the world.

His Holiness the Dalai Lama has taken the courageous step of promoting his middle path, the middle-way approach, which provides genuine autonomy for Tibetans but does not call for independence or separation of Tibet. For over 40 years, His Holiness has been a leader in promoting nonviolent solutions for conflicts across the globe and has been a vocal supporter of human rights for all people, including the freedom of religion. He was, as we know, awarded the Nobel Peace Prize in 1989 for these efforts.

Mr. Speaker, I ask all of my colleagues to support House Resolution

359 and ask for them to continue to speak out so that one day Tibetans will be afforded the basic human rights that every single human being on this planet deserves.

The SPEAKER pro tempore (Mr. DUNCAN). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise to welcome His Holiness, the 14th Dalai Lama of Tibet, and to join with my colleagues in support of this resolution. The Dalai Lama's steadfast leadership and commitment to peace and positive social change for the people of Tibet has been a model for this world. His continued defense of human rights worldwide is an inspiration to all of us.

In 2001, the Dalai Lama made a very special visit to Minnesota. It was an honor to have him in our State. It was a unique and exciting experience for all Minnesotans, but especially for the thousand Tibetans living in Minnesota. The Dalai Lama brought a message of faith, self-examination, and compassion to us in Minnesota. He continues to encourage all of us to take a firm position regarding principled matters, such as human rights, democracy, and religious freedom. Today, the Dalai Lama's message continues to resonate, and it is truly more important than ever. The defense of political, religious, and human rights requires constant vigilance. We must work with such inspirational leaders as the Dalai Lama to promote human rights, health, healing, opportunity, and hope for the people of Tibet, the United States, and the world.

I encourage all of my colleagues to take a moment to reflect on this very special message of peace, hope, and humanity that the Dalai Lama brings to us. This week I would urge all of my colleagues to join together in reflecting once again in peace, hope, and opportunity for our world. I urge my colleagues to support this resolution.

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I merely want to underscore how significant it is that across the political spectrum, Republicans and Democrats join forces in paying tribute both to the concept of the role of human rights in U.S. foreign policy and to the embodiment of human rights on this planet, His Holiness the Dalai Lama.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

It is always awkward for this Congress, or any body, to comment on the affairs of other societies; but the uniqueness of our foundation as a nation state was that we were the first country established on the principle of individual rights which were assumed to be universal, not simply particular to those living in the original 13 colonies.

Thus we have an obligation to our forbears to speak to the universality of political values, rights endowed by a Creator to all citizens of this planet. It is in this context that we recognize the transcendent universality of the Dalai Lama's mantle of leadership values which track so consistently our heritage.

I urge Members to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to recognize His Holiness, the Dalai Lama for his commitment to non-violence, human rights, freedom, and democracy. I would like to thank Congressman ROTHMAN for introducing this bill for such an enigmatic and charismatic person whose lifetime we have the privilege of witnessing.

In 1959, the Dalai Lama was forced to flee his homeland of Tibet and seek refuge in India. In over 40 years in exile, the Dalai Lama has remained a true leader with integrity, inspiring others with his actions and philosophies. He has promoted compassion, non-violence, and peace as a solution both to the current crisis in Tibet and to other conflicts around the world.

The Dalai Lama has promoted democratic self-government and self-determination for Tibetans in exile as a model for securing freedom for all of Tibet, and he demonstrated his commitment thereto by relinquishing his political positions and turning these authorities over to elected Tibetan representatives. He works now for a peaceful solution for the Tibetan crisis that promises a future of autonomy; however, he has not called for independence and separation from China.

The Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his nonviolent methods for resolving conflict and his continuous efforts to create a peaceful resolution in Tibet.

I am proud to say that Congress has consistently supported the people of Tibet, speaking out against the persecution of Tibetans, and opposing the destruction of over 6,000 monasteries. The torture and abuse of Tibetan monks and nuns is unacceptable, and we must do more to bring the world's attention to the impoverishment of Tibetans in their own land.

We must provide support for the refugees who have made the difficult decision to embark upon their journey to leave Tibet and seek refuge from persecution in foreign lands. As Ranking Member of the Immigration and Claims Subcommittee of the Judiciary Committee, I have compassion and empathy for their struggle for recognition of basic human rights as well as the adjustment it takes to resettle in a foreign land.

I am proud to join my colleagues today and advocate peaceful solutions to political problems. I believe we should encourage all parties to engage in positive dialogue to effectively reach a conclusion without violence. The Dalai Lama has been a role model and hero to his community, and his noble life should be an example to us all.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 359.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to go to conference on H.R. 2555, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2555, be instructed to insist on inclusion of the highest possible level of funding for each homeland security, preparedness and disaster response program within Titles II, III and IV and on inclusion of House General Provision 521.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we meet today on the eve of September 11, I am one Member who remains very concerned about America's safety and the safety of the flying public. We can and must do more. My motion is just one important step in the right direction.

This motion to instruct conferees is very straightforward. It is a motion to instruct the House conferees to insist on the highest possible level of funding for each homeland security, preparedness and disaster response program in the bill and to insist on the amendment adopted on the House floor by a vote of 278 to 146 to require the screening of cargo carried in the belly of passenger aircraft.

As the conference on the fiscal year 2004 homeland security appropriations bill begins, we now have an opportunity to provide additional homeland security resources and help close known security gaps. We should do so. We should correct one of the most glaring gaps in our aviation security program, the fact that all passengers and their bags are screened for explosives and weapons, but cargo carried in the same place as passenger baggage is not screened at all. The Markey amendment adopted on the floor seeks to eliminate this air security gap. The House conferees should insist on it.

Some have argued that the screening of cargo carried on passenger aircraft is impossible to do immediately and would result in a $3 billion loss to the airline industry. This is an argument of a pre-9/11 America. We now screen passengers and their baggage. We did not before. We now secure cockpits. We did not before. Where there is a will, there is a way. The Congress either does or does not have that will. I think that the American public would "will" us to have the cargo carried on the airplanes they fly in screened.

I must point out, however, that the Markey amendment addressed only one of the homeland security gaps that exist today. There are many others. The higher levels in some of the funding differences between the House and Senate bills would help address other homeland security and preparedness shortfalls. The first affects the preparedness of our first responders. The House bill provides $3.5 billion for the Office for Domestic Preparedness, $625 million more than the Senate. If we were to accept the Senate level, our States and localities would lose $625 million in funding that helps to better equip and train our Nation's first responders.

Only a few months ago, the Council on Foreign Relations released a report entitled, "First Responders, Drastically Underfunded, Dangerously Unprepared." The report stated that billions of dollars are needed to properly equip first responders. I do not know if their estimate is right, but I do know that a great deal of additional funding is needed. Therefore, our conferees should insist on the highest funding level possible.

The second has to do with our ability to identify and respond to medical emergencies. The House bill provides $50 million for the Metropolitan Medical Response System. The Senate bill provides no funding. Not to fund this system would widen the homeland security gap that we have been trying to close.

The third deals with the porousness of our northern border, which is well known. The Air and Marine Interdiction office has told us of instances of smugglers and others being caught coming across our northern border.

□ 1230

Yet today we have no permanent air surveillance of our northern border.

The Senate bill provides a total of $71 million to permanently monitor air activity along our northern border. The House bill provides no funding for this. I think we all see the need to fund this homeland security improvement.

The Senate bill provides a total of $459 million for procurement and installation of airport explosive detection systems. The House bill provides $335 million. A number of our Nation's airports may not meet the December 31 deadline for electronic screening of all checked baggage due to the fact that TSA has been slow to fund needed modifications. We should provide all of the funding we can to allow TSA to act quickly.

The Senate bill provides $74 more than the House for 570 new Border Patrol agents and additional inspectors. The House bill provides few staffing increases in this area. The PATRIOT Act called for tripling of the number of agents and inspectors on our northern border, and the Senate funding would result in us meeting that requirement for border agents.

Lastly, the Senate bill provides $156 million more than the House bill for Disaster Relief. We have woefully underfunded the Disaster Relief program for this year and now it looks like FEMA only has enough funding to get them to the beginning of the fiscal year 2004.

FEMA has been distributing only the funding that States and localities can immediately spend, so the backlog is growing. This further strains our citizens and communities that are already in distress.

Because all of these important programs may help close some of today's homeland security gaps and better prepare our Nation, this motion to instruct directs the House conferees to agree to the highest funding levels possible for homeland security, preparedness, and disaster response programs and to insist on inclusion of the Markey amendment to screen air cargo on passenger aircraft.

In summary, let me say that we should be doing all we can to close known security gaps today, not tomorrow.

Mr. Speaker, I urge the adoption of this motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). Does the gentleman from Minnesota have additional speakers?

Mr. SABO. Mr. Speaker, yes, I do. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, it is appropriate that we appoint conferees and begin the conference on this, the day before September 11, as the gentleman from Minnesota has indicated. It is not appropriate, however, that we will be considering a conference bill in which the budget allocation of the House and Senate equals only $29.4 billion, a mere 2.3 percent above today's funding. That does not even equal inflation.

The House and the Senate bills are, in this case, a bit different. The House bill provides more funding for first responders. The Senate bill provides more funding to secure our northern border, as the gentleman has indicated, for airport security and for Disaster Relief. All of that is needed, plus more.

The House bill also includes the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) to require that cargo carried on passenger aircraft is screened. This is the right thing to do. Today no cargo is screened. According to a TSA public statement there is a 35 to 65 percent likelihood that terrorists are planning to put a bomb in cargo on a passenger plane. But even if we were to do all of the things required and funded in the House and Senate bills, we will still leave many homeland security problems to deal with for another day.

Neither the House nor the Senate bill provides any funding to improve security at the perimeters or backsides of our airports. The ability to easily penetrate those backsides of our airports has been demonstrated on numerous occasions, most recently in New York, where fishermen lost due to a storm came ashore on the back side of JFK Airport and no one spotted them.

Neither the House nor the Senate bill provides sufficient funding to secure our ports by implementing the port security plans required under the Maritime Transportation Security Act in anything less than 20 years. Neither the House nor the Senate bill provides funding to fully implement the Markey amendment. Neither the House nor the Senate bill provides funding for Customs to substantially increase the checking of cargo entering through our ports for weapons of mass destruction.

The GAO has said that the current low inspection rate makes container shipments a prime target for terrorists. So I support the motion to instruct, because it is the only motion that we can offer under House rules which makes sense.

I do not support the majority party budget system that has gotten us to this ridiculous situation under which it is apparently fine to move quickly on an $87 billion supplemental package for Iraq, but not fine to add a small percentage of this amount to better secure our homeland, our ports, our borders and our airports.

What kind of security do we have, when an individual could recently ship himself in a container from New York to another location in this country and not be detected, even though you had a human being inside the cargo box? I mean, how secure are we when that can happen? We have a long way to go before we meet the promises that so many of us made after 9/11.

The President told the country 2 days ago that 9/11 had taught him that we need to provide whatever is necessary for the security of the country. That being the case, I wish that he would accept some of the increases that we have asked for for more than a year-and-a-half on a bipartisan basis in this House. I wish that we did not have a President who was vetoing more than $1.5 billion of homeland security items that were passed in a bill that had 90 percent support of Republicans and Democrats alike in both the House and the other body. I wish we could get together on these items, which are clearly essential to the safety of our public and to the strength of this country at home.

I would urge Members to support the motion to recommit. It is the very least that we can do under these circumstances to secure the home front while we are obliterating the budget surplus by what we spend abroad to do the same thing.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Minnesota and the gentleman from Wisconsin for their leadership on this issue.

The issue that I am going to address today is one that goes to the heart of how serious we are in this country about protecting innocent Americans from a successful al Qaeda attack. On the second anniversary of September 11, we know that al Qaeda still maintains that planes are at the very top of their list of potentially successful attacks upon the physical and psychological well-being of our Nation.

Twenty-two percent of all air cargo in the United States is actually placed on passenger planes; not on cargo planes, on passenger planes. For each of us, as we get on a plane they screen our shoes, they screen our computers, our cell phones, our carry-on bags. Our luggage, if it is checked, is screened before it is put into the belly of the plane. But the cargo which is placed on that very same plane is not screened.

Now, we saw yesterday what happens, when a young man, Charles McKinley, successfully shipped himself from New York to Dallas without being detected except at the point at which he emerged from his box on the doorstep of his parents.

This is a funny cartoon about a very deadly, serious subject. If you are wearing shoes and pants, you get searched at the airport. If you are wearing a dress and heels, you get searched at the airport. But if you are wearing a box, like Charles McKinley, neither you nor the box gets searched. That is a homeland security hole that will get filled by al Qaeda if we do not fill it ourselves.

What the Transportation Security Administration and the Bush administration likes to call a "known shipper" program, I call an "unknown cargo" program. The known shipper regulations are a bureaucratic paper exercise, not a serious security program. Charles McKinley's little escapade has exposed the known shipper program as a complete and total fraud. What Mr. McKinley has pointed out to our country is that if an enemy wants to terrorize this country, they do not need to worry about hiding a box cutter; they just need to sit quietly inside a box.

The Transportation Security Agency has announced yesterday that it is going to develop an individual passenger profile of every airline passenger based on the risk that they pose to committing a future act of terrorism. So in addition to taking off our shoes, having someone rifle through our luggage, having to pass through metal detectors, we will also be given a color code. Well, if you are shipping cargo, your color code is always the same, green. Go, put it on the passenger plane. Al Qaeda is, in fact, targeting these planes as a subject for the further terrorization of our country.

Now, Pan Am Flight 103 was brought down in 1988 over Lockerbie, Scotland, by a bomb contained in unscreened baggage. Today the victims of Pan Am Flight 103 are still concerned about airline security, and have endorsed the Markey-Shays amendment to require screening or inspection of cargo loaded on to passenger planes. In addition, the Coalition of Airline Pilots of America, which pilots so many of these planes, has also endorsed the Markey-Shays amendment, the idea of screening all cargo placed on passenger planes.

It is crazy for people to be sitting on planes with their screened shoes looking out the window at a cargo truck now loading cargo on the very same plane that has not been screened. We could have al Qaeda in a box just being shipped on these planes. They do not need a boarding pass to get on above, they can put their bombs on without a boarding pass underneath on the very same passenger plane. You could ship a terrorist through this loophole.

So, while up above in the passenger cabin we now have screening for the passengers, we have air marshals, we have a double reinforced steel door to the pilot's cabin, we have armed pilots and passengers who will jump any al Qaeda from now on, meanwhile, down below, nothing which will stop them from putting this cargo on.

Support this motion to instruct. The White House, the Senate, the cargo and airline industry must listen to the American people.

□ 1245

Mr. SABO. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. TURNER), the ranking Democrat on the authorizing committee.

Mr. TURNER of Texas. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, this is the week that we remember that attack on America that occurred on September 11, 2001. It is a time of mourning, a time of remembrance. We all remember the horror of the Twin Towers, the Pentagon, the crash in the open field in Pennsylvania. We remember the determination on the faces of firefighters and the workers who entered the fiery inferno in a valiant attempt to save the lives of people they did not know. We remember the resolve and the commitment that resounded throughout this Congress and this Nation in the aftermath of that dreadful day.

Never again, we said, would we be caught unprepared. Never again would we send some of our bravest citizens, our police, our firefighters, our emergency workers into harm's way unable to communicate with one another. Never again would we allow large security gaps that could be exploited by those who seek to do us harm.

Mr. Speaker, in the aftermath of September 11, this Congress responded with unprecedented speed and unity. We authorized the President to use force against the al Qaeda network and their sponsors, the Taliban. We enacted legislation to overhaul airport security, fortify our borders, secure our seaports. We proposed formation of a new Department of Homeland Security. These actions were only the first steps in what we intended to be a sustained effort to secure America from the threat of terrorist attack.

But, Mr. Speaker, 2 years after the attacks, security gaps remain; and it is our solemn duty to do all we can to move faster, to take stronger measures to deliver security to the American people. Two years after September 11, we still lack a unified terrorist watch list to help us thwart the attacks before they occur. Two years after September 11, our forces on the border need reinforcement and the Coast Guard is stretched to its limits trying to carry out its mandate to secure our ports and coastlines. We must deploy stronger forces on our borders and protect our ports and coastline to close that security gap. Two years after September 11, the first responders, the valiant men and women who risk all to keep us safe, do not have the equipment and training that they need to meet the threats posed by chemical, biological, and radiological attacks. First responders do not have the equipment they need to communicate at a disaster site. Clearly, we must move faster; we must be stronger in our commitment to these frontline soldiers.

Therefore, I fully support the motion offered by the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

We have been told that we are safer today than we were before September 11 of 2001, but that is not the test that we must pass. The question before us is are we as safe as we must be to protect the American people. By this measure, we have much yet to do. The sums requested by this motion are essential to fulfilling our commitment to protecting the American people. This is the first responsibility of government, and nothing else matters if we fail.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

If there had been a simple regulation in place in December 1988, Pan Am 103 likely never would have happened, and that is passenger bag match, an issue that later, the Commission on Aviation Security and Terrorism appointed by President Bush on which I served and my good colleague at the time, John Paul Hammerschmidt from this body, recommended. But it was recommended earlier in hearings that I had chaired as Chair of the Subcommittee on Investigations and Oversight that we have passenger bag match. Because when the aircraft arrived from Malta at Frankfurt, Germany, for the beginning of the Pan Am 103 trip and a bag was transferred from the Malta aircraft to the 727 of Pan Am to go on to London, the bag went on, but the passenger did not. If we had the rule in place that if the passenger is not on, the bag comes off, that bomb would never had been on board that plane.

Today, we have passenger bag match at American airports as a result of the Transportation Security Act that we passed in the aftermath of September 11. A much tougher bill, it did the things that our commission recommended in 1990.

So today, we have a situation where the TSA screeners at the Nation's airports know what is in the carryon, they know what is on your body, and if you have replacement parts, they know what is in your body; but they do not know what is in the box that goes in the cargo hold on that airplane, and they need to know that. Known shipper cargo match is a good idea, but screening that box as well is a better idea, and that is what we need to know.

In addition, I think unfortunately, while the committee and the chairman and the ranking member did all they could with the money available, the amounts provided in this bill for port security are grossly inadequate to meet the threat of international terrorism, which is moving to the new level of port security problems. The House-passed bill had $150 million for port security grants, the Senate had $100 million for port security grants. The Coast Guard has told our committee, the Committee on Transportation and Infrastructure, that it will cost ports and port operators $1.6 billion in the next 2 years to comply with the security standards this body already voted and put into law. In the last round of security grants, there was $150 million available and $1 billion worth of applications.

One does not have to think too far back to the USS *Cole* with a small boat loaded with explosives ramming into the side of a U.S. naval war ship, blowing it to pieces, to imagine the same scenario in an offshore oil port in the Gulf of Mexico or in one of our busy ports on the east coast, the west coast, the Gulf Coast ports, or on one of the Great Lakes.

Neither the House nor the Senate Homeland Security Appropriation Act includes any funding for conducting foreign port security assessments for the Coast Guard. We learned a lesson in aviation that we have to have American security personnel overseas, foreign airports, looking into their security arrangements and making independent assessments, and coming back and reporting to the FAA, to the Department of Transportation, and to the Congress. And we have the authority to say, if you do not do the security right overseas, your airplanes do not land in this country. So we have a hammer on them, and we can make them comply.

But in maritime, as a result of failure to have the funding for foreign port security assessments, those great maritime nations of Malta, Cyprus, Liberia, Panama, great Third World flag, third flag nations, are going to be the places that are going to conduct the security assessments and self-certify and say, everything is okay. It is not okay until we say so, until our Coast Guard is there with security personnel looking those ports over and assuring that they have put in place the measures that we require; and we have to do a better job on this side as well. Those Third World countries do little to enforce safety and security. We have to do it here, and we should do it in this bill.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I must say that I think the chairman and the ranking member of this committee have done as best they can with what they have to do with. I also must note that 2 years later we are still struggling with getting the job done, and I think it is now time for us to press forward with all due haste to see that these homeland security issues are dealt with as quickly and as effectively as possible.

The House bill has $650 million more for the Office of Domestic Preparedness. The conferees should give first responders this higher amount. The Senate bill has $50 million for port security grants. That higher funding is critical. The President has asked for $87 billion to make Iraq secure. Certainly, America deserves no less. We are spending about half as much, about half that much to try to make the American people secure.

The motion also instructs conferees to include a provision that requires all cargo on passenger planes to be screened. Obviously, this is something that needs to be done. But we do not want to be on this floor anytime in the future talking about what happened, what went wrong, what we should have done. Now is the time to deal with homeland security funded appropriately and get the job done for the American people that we know needs to be done and we know how to do it.

Mr. SABO. Mr. Speaker, my understanding is that I have the right to close, so I will reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us provides $29.4 billion for the new Department of Homeland Security. That is an increase of over $1 billion above the amounts proposed by the President, and it is $535 million above the current year's spending.

This motion by the gentleman from Minnesota would result in more spending. We could spend all that we could beg, borrow, or steal in the name of homeland security, and it still would not be enough, according to some people. Throwing dollars at this problem of security will not necessarily add to our security. What we need is a sensible plan, spending sensible sums, for a comprehensive and complete system of protection of our people.

□ 1300

I think we have such a plan. And I am willing to accept the gentleman's motion and to do my best to meet its goals. But the motion gives me an opportunity, Mr. Speaker, on the eve of the day that changed America, 9-11, to reflect on that awful day, but also to reflect upon how far our Nation has come in protecting us from another such event.

The presumption in the motion is that we are not spending enough money to protect our Nation's homeland. I think the question is, is the glass half empty or is it half full? I think it is half full. We are not there yet, but we have come so far. We have come so far in these 2 years in protecting the country.

Since September 11 the Congress has provided almost $76 billion for homeland security funding across the entire government. For the 22 agencies that now make up the new Department of Homeland Security, the Congress has provided almost $44 billion through the current year, and then we add in the 2004 bill an additional $29.4 billion, which brings the total to the Department for fiscal years 2002 through 2004 to $73.3 billion. Protecting our borders is the first line of defense against terrorism. We include in the bill $9 billion for border protection and related activities. That is an increase of $400 million over fiscal 2003. Including $2 billion for U.S. Coast Guard homeland security activities.

We make innovative technology and capital investments a priority, recognizing that our borders will only be secure when we use a combination of people and technology. But let us talk about the borders just a minute.

We have added inspectors, special agents, border patrol agents to these borders, we have added 5,400 new personnel at those borders. That increases the coverage in our ports by 25 percent. In addition to that, we have added 4,100 Coast Guard personnel to protect the ports, to protect the waterways, to increase the intensity and numbers of inspections at ports of entry into the country; 4,100 new Coast Guard people on the job today that were not there before.

We will continue, and hear me now, we will continue to inspect 100 percent of all high-threat cargo and high-threat vessels coming into our waters. We cannot discuss in this open forum all that is being done in that respect. We would have to go into a classified briefing to do so, which we have done. I cannot talk about all of those things, but we are inspecting 100 percent of all high-threat cargo and high-threat vessels coming into our waters.

We have heard a lot about port security. In this bill we add $100 million, another down payment to secure the critical port facilities. We add that to the $388 million that is already appropriated for port security grants, a total funding level now of $488 million. Radiation detectors, other technology, $263 million for cargo screening and these technologies have been deployed at our busiest land and sea ports including Miami, Los Angeles, Newark. And we include in this bill another $129 million for these technologies, which brings that total to $392 million.

It has been said that we need to search these container pieces coming to us offshore before they get here. And that is precisely what the administration proposed and the Congress agreed to. We provide $60 million for a thing called the Customs Container Security Initiative, fully funding that effort since it began. We include $62 million in this bill bringing total funding for that project to $122 million. And with that money, we are now in the process, either in the process or already searching these container pieces at 20 of the mega-ports around the world that ship us 80 percent of our container freight, searching those targets, that high-threat cargo before it ever reaches American ports so that we do not have to do it here.

We also place a very high priority on funding our State and local first responders. Homeland security, we have all said, is hometown security. And our hometowns are protected by our local firemen, local police, emergency personnel and the like. We have not shunned them and it is essential that they have the resources to address the needs of our hometowns. We will never forget the heroism on 9-11, of those wonderful first responders, so many of whom unfortunately gave their lives on 9-11. We include $4.4 billion in this bill for those people, law enforcement, fire fighters, emergency personnel. And since September 11, the Congress has provided nearly $21 billion for those State and local governments, for terrorism prevention and preparedness, most of which is going to our local first responders. Almost $21 billion for your firemen, your first responders, your emergency technicians, your policemen, and more is on the way.

Science and technology efforts are critical to improving security, increasing the efficiency of what we do and increasing the costs. We include in this bill $900 million for science and technology, including $60 million to design, develop and test anti-missile devices for commercial aircraft, $60 million.

Then, of course, transportation security for those who fly. Since September 11, we have provided a total of $10.3 billion for passenger safety through the Transportation Security Administration, including passenger, baggage, and cargo screening. An additional $5.172 billion is included in the fiscal 2004 bill. And since September 11, we have included $1.5 billion on explosive and trace detention systems, including the development, procurement, and installation. We include in this bill $335 million more to buy more of these systems, as well as $50 million for air cargo safety, and $40 million for research on next generation technologies.

We come to this question that the gentleman from Massachusetts (Mr. MARKEY) has brought to our attention, and that is the safety or security of cargo on passenger planes. I think we all agree with his goal. It is our goal. It has been the goal of this subcommittee since we came into being, it seems like a long time ago, but it was only back in March that the subcommittee came into being. And, frankly, I am very proud of what our subcommittee has done. We have begun a staff. We had to find a place to meet. We had to hold hearings in Department where many of the principals were not yet sworn into office or confirmed, get the budget together, hold hearings, and then finally mark up a bill. And I am very proud to say that we were the first of the 13 appropriations bills brought to the floor and passed through the body, and we are the first to go to conference with the Senate. That is quite a record.

I am proud of the members of the subcommittee on both sides of the aisle, and I am especially proud of the staff on both sides of the aisle who have done a remarkable job of pulling all of this together.

We included in this bill $50 million for air cargo screening. The Senate bill has 60. I think we can go higher and give the TSA the resources it needs for the development of an air cargo screening program for domestic and foreign cargo carriers and to develop a risk-based screening system, to identify pieces of cargo that require closer scrutiny even while we work at post-haste speed to develop the machinery that does not now exist to absolutely search all pieces going on passenger or cargo planes. Funds are also provided to research and development, new technologies that would make this happen.

Mr. Speaker, I have no problem with the motion to instruct. It is the goals that we share. We share the same goals that the motion elicits. I think we have developed a good bill. I am very proud of the efforts of the Nation since 9-11 to come to grips with a new terror, a new threat to our security. The President has led the effort on both fronts, that is to take the battle to the terrorists on their own turf rather than wait until they come for us here, but at the same time preparing the Nation itself to defend itself against a terrorist who might make it through.

Do we have more to do? Absolutely. We have scratched the surface. But we have made a lot of progress and we will continue to make that progress.

Mr. Speaker, we are prepared to close.

Mr. Speaker, I yield back the balance of my time.

Mr. SABO. Mr. Speaker, we have one speaker for the balance of our time.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Minnesota (Mr. SABO) has 1 minute remaining.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think the message here is simple: If Members think that our ports are safe enough, our borders are safe enough, our airlines are safe enough, then by all means, vote against this motion. But if you recognize that they are not, then you ought to vote for it.

But I would have one cautionary note. I would say to my friends on the majority side of the aisle, please do not vote for this motion if you then intend to scuttle the Markey amendment in conference. If that were to happen, it would be tantamount to deceiving the public and trying to have it both ways.

If you voted for this motion, stick to it in conference or else everything that we have tried to do today will be as phony as a $3 bill.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of this motion to instruct conferees on our Nation's first Homeland Security Appropriations bill. Everyone expected that the new Homeland Security Department would experience the standard growing pains associated with the establishment of any new government agency and that such pains would get worked out over time. However, the situation that prompted the creation of this agency is different, and homeland security does not have the luxury to "get it right" over time. We must start getting it right the first time with this first appropriations bill. Accordingly, we must supply the necessary federal resources today, not tomorrow, and not after another terrorist attack.

While Chairman ROGERS and Ranking Member OBEY did the very best they could given their inadequate allocation, many important homeland security initiatives and programs remain underfunded. Understandably, we have focused our homeland security efforts on passenger aviation. But we must quickly provide similar focus to securing other likely targets including air cargo, seaports, electronic business systems, and other critical infrastructure. Strengthening and making less vulnerable our electronic business transactions would help protect both California's utility power grid and its economy, the fifth largest economy in the world. Providing perimeter security and thorough cargo screening will help ensure the safety of passengers and employees at Los Angeles International Airport, the nation's second busiest airport. Screening cargo ships before they reach the mega seaport of Los Angeles-Long Beach will not only maintain the economic integrity of the nation's largest intermodal container port, but also protect the residents of the portside communities. Adequately funding these efforts would produce real and immediate benefits for my state and community.

We must also sufficiently fund all functions of homeland security including border and customs efforts, disaster relief, and first responders. However, prioritizing and funding these various security initiatives as we have done with aviation security can only be accomplished with the necessary resources. It is critical, therefore, that we make our position crystal clear and instruct House conferees to insist on the highest possible level of funding for each homeland security, preparedness, and disaster response program.

Mr. Speaker, if in these grave economic times, the administration believes we can afford to spend an additional $87 billion for the military and reconstruction effort in Iraq in our campaign to prevent terrorism, then it is morally bound to support our efforts in Congress to provide the necessary resources for our own security in America.

I urge my colleagues to support the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SABO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 360 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 360

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the resolution before us is a fair and bipartisan modified open rule, simply requiring that proposed amendments to the underlying legislation be preprinted in the CONGRESSIONAL RECORD. This rule waives all points of order against consideration of the bill and provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

It provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute, and makes in order those amendments to the committee's amendment that are printed in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate. It also provides that only the Member who has authorized for an amendment to be printed or a designee may offer it and that each of these amendments shall be considered as read.

Finally, this rule also provides for one motion to recommit, with or without instructions.

It has also come to my attention that a clerical error has caused Amendment No. 15 to be incorrectly printed in the CONGRESSIONAL RECORD, and I would like to inform Members that a copy of the correct amendment is available at the desk for their review.

I rise today to introduce the rule for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, known as the FACT Act. This legislation represents a truly bipartisan effort by the Committee on Financial Services to produce a thoughtful and well-debated piece of legislation, and I would like to congratulate both the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Ranking Member FRANK) for a great deal of credit for their leadership that each of them have shown throughout the process of bringing this bill to the floor today.

The United States enjoys a financial system that is the envy of the rest of the world. It is the most free market, transparent, open and robust system on the planet. American consumers and others who come from across the globe to conduct business here would not enjoy the benefits of this free market system without strong, smart laws to provide this transparency and freedom while offering meaningful consumer protections.

The Fair Credit Reporting Act legislation that we are debating today lives up to this same high standard of smart and strong financial policy. It promotes transparency and a dynamic economic system in America while protecting consumers by preserving the basis of our uniform national consumer credit system. The national system currently in place has tremendously beneficial effects on the American economy and for American consumers. It has provided for the democratization of consumer credit since the Fair Credit Reporting Act was first passed in 1970 by ensuring affordable access to credit for millions of Americans through uniform credit reporting standards, and it has increased the speed and efficiency at which these credit transactions can be processed.

This legislation also makes extensive revisions to the Fair Credit Reporting Act's, or FCRA's, provisions governing the accuracy of consumer reports and enhancing consumers' ability to correct errors in them. By improving the accuracy of these reports, both consumers and those who supply the marketplace with credit reports stand to benefit tremendously.

It should also be noted, as proof of their commitment to bipartisanship, that the Committee on Financial Services approved this legislation by a vote of 61 to 3, following an extensive and wide-ranging battery of hearings.

This legislation improves the accuracy of credit reports in a number of ways. It allows consumers to place fraud alerts on their personal credit reports to prevent identity thieves from opening accounts under their name. It allows consumers to block information from being given credit to a credit bureau and from reporting by a credit bureau after filing a police report if such information results in identity theft. It gives consumers increased flexibility to dispute inaccurate information in their credit reports. It provides victims of identity theft with a summary of their rights and gives consumers the right to see their credit scores. It expands consumers' access to a free copy of their credit reports and protects consumer privacy by restricting access to consumers' sensitive health information.

This legislation also provides our Nation's financial institutions with new powers and obligations to ensure that they are doing as much as they can do in the battle against identity theft. The legislation requires credit card issuers to investigate suspicious address changes. It requires creditors to take additional precautions before extending additional credit to consumers who have placed a fraud alert on their files. It prohibits merchants from printing more than the last five digits of a payment card on an electronically printed receipt. It obligates banks to develop policies and procedures to identify potential instances of identity theft and to reconcile potentially fraudulent consumer address information during the opening of an account.

This legislation also contains a provision of special interest to me and a number of my colleagues from both sides of the aisle. Title VI of this legislation contains a provision that I have authored that I believe will improve workplace safety for millions of Americans. Right now, an opinion by the Federal Trade Commission uses an interpretation of FCRA to create a disincentive for employers to retain objective and professional investigators of workplace misconduct, such as sexual or racial harassment, workplace violence, threat, fraud, SEC violations or other improprieties.

This legislation would clarify that decision, ensuring that our workplaces are free of violence, fraud and intimidation by all employees.

The gentleman from California (Mr. DREIER), the Committee on Rules chairman; the gentleman from Massachusetts (Mr. FRANK), Committee on Financial Services ranking member, and a bipartisan coalition of other members of this body, including the gentleman from New York (Mr. SWEENEY) have cosponsored this provision, and I am glad that today, while we are doing as much as we can to help consumers and to preserve this great system of consumer credit, we have also taken the opportunity to do something for American's employees.

Mr. Speaker, this is a fair rule that every Member of the House should support. The underlying legislation is also a bipartisan effort that passed through its committee of jurisdiction overwhelmingly and deserves the support of every Member of this body.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me thank my friend from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, I support the underlying bill before us today, the Fair and Accurate Credit Transactions Act, and while the rule is not actually open and the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Washington (Mr. INSLEE) and the gentleman from Illinois (Mr. EMANUEL) each had amendments denied by the Committee on rules, it does allow Members to offer amendments that have been preprinted in the CONGRESSIONAL RECORD and that do not violate the rules of the House of Representatives.

Mr. Speaker, this bill is not perfect, but it is a bipartisan product, and the Democrats on the Committee on Financial Services, led by the gentleman from Massachusetts (Mr. FRANK), our ranking member, made significant improvements in it during the committee process. The resulting legislation includes new consumer protections against identity theft, a $50 billion problem that claimed 10 million victims in 2002.

It requires credit bureaus to block adverse credit information that has resulted from identity theft and allows consumers to add fraud alerts to their credit information. Moreover, the bill strengthens consumers' rights to review their credit scores, allowing them to request a free credit report annually from each of the three major national credit bureaus.

It has provisions for medical privacy. It prevents in that regard disclosure of certain health information and prohibits credit bureaus from using medical information to determine credit eligibility.

Therefore, Mr. Speaker, I urge Members, as does the gentleman from Texas (Mr. FROST) who was to handle this rule but had other matters that called him away, but I am encouraged to say that he joins in supporting this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Dallas, Texas (Mr. HENSARLING), who is on the Committee on Financial Services.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is difficult to challenge the fact that Americans have the most accessible and lowest cost credit in the world. Uniform national standards have played a major role in this development. These national standards have led to an increase in access to credit for many previously underserved populations, especially lower income Americans. This has created new economic freedoms for many who could not dream of such opportunity in the past, including unprecedented rates of homeownership and automobile ownership which are the envy of the world.

The FACT Act protects these standards. The FACT Act also protects consumers because the best consumer protection is a competitive marketplace and a free flow of accurate information. National standards allow numerous credit providers throughout the country to more effectively compete for each other consumers' business. In turn, consumers benefit through lower cost in a dizzying variety of credit products.

Mr. Speaker, the FACT Act plays an integral role in job creation as well. The Hispanic Chamber of Commerce has testified that seven out of 10 small businesses are started with less than $20,000 and over 45 percent of them use credit cards as a major source of financing. If the national standards provided by the Fair Credit Reporting Act are allowed to expire, small businesses, the job engine of our economy, would face new obstacles and new burdens in obtaining much needed start-up and expansion capital. This will hurt jobs.

Some argue that national standards for credit reporting are not necessary and that consumer information and privacy would be more effectively regulated on a State-by-State basis, but most credit transactions take place across State lines, and such a patchwork of State-by-State laws would clearly interfere with the free flow of reliable information and the access to instant credit upon which our economy is dependent.

□ 1330

Mr. Speaker, it is no secret that identity theft is a growing problem in our society. As a former victim of identity theft myself, I am pleased to see that the FACT Act takes many steps to ensure that all the parties involved in identity theft are doing their part to protect both consumers and businesses. Law enforcement officials agree that national standards are vital, or play a vital role in combating identity theft, and this legislation works towards that end.

For the sake of jobs and the economy, for the sake of low-cost available credit, I urge all of my colleagues to vote for this rule and vote for the bipartisan FACT Act. And I want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their leadership on this vital issue.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), one of the bright young stars of the Republican majority and a member of the Committee on the Judiciary.

Mrs. BLACKBURN. Mr. Speaker, I rise in support of this rule and in passage of the Fair And Accurate Credit Transactions Act. H.R. 2622 makes permanent the national uniform standards for credit reporting that were established in 1996. This bill will do much to give consumers and small businesses protection from fraud and from identity theft.

National standards for the management of financial information have allowed more consumers to qualify for home loans, and we should not forget that home purchases and refinancing are keys to this economy's health. With 9.9 million victims of identity theft in 2002 alone, it is time for us to take action.

Now, I am one of those that prefers State control to Federal control, but Congress does have a responsibility under the Constitution for the oversight of interstate commerce, and credit is the key to the economic prosperity. Fifty different systems make credit less accessible, more expensive, and less reliable. This will help our lending institutions be better recordkeepers, it will give consumers more control over their credit files, and ensure that lenders notify consumers before submitting negative credit information.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit and the main sponsor of this legislation.

Mr. BACHUS. Mr. Speaker, I thank the vice chairman of the Committee on Rules for yielding me this time.

Mr. Speaker, our economy today is important to all of us. That goes without saying. But what a lot of people do not realize is that two-thirds of our economy is consumer spending. That is the driver in our economy today. And consumer spending today is contingent upon maintaining a national uniform credit reporting system. We have that today, but it will expire December 31.

Now, what has the national uniform credit reporting system done? A lot of people do not know that it exists, but we use it every day and the benefits to our country and to the American people have been immense. We have held eight hearings. We have had over 100 witnesses, and we have brought out legislation to protect the national uniform credit reporting system by a vote of 61 to 3 from the committee.

Since the institution of the national uniform credit reporting system, the number of Americans having credit extended to them has tripled in percentages. There was a time in this country, and our grandfathers and even our fathers or mothers might tell us about it, that when they needed a loan, they had to be eyeballed. We heard testimony of this in the committee. An individual went down to the bank, they sat down and they were asked a series of questions. They could ask about your family. A lot of times credit was based on an individual's family or whether they had lived in a community for 2 or 3 years.

Credit could not be taken across State lines. Credit could not even be taken from one city to another. If someone moved and credit was dependent, and they had not had a job for over a year or 2 years, they did not get credit. That is all ended today. Almost all Americans today can get credit and credit from a number of sources.

Contrast that to Europe, contrast that to Asia where less than half the people in those countries today enjoy credit. Today, we can go down and buy an automobile, and within an hour it can be financed on the spot. We can apply for a home mortgage and have 20 or 30 different opportunities and rates. Credit cards? Some have argued there is too much credit out there. But let me say this. The other option is no credit. And in a country where we enjoy freedom and we enjoy choice, having a choice or having the ability to get a credit card is an important privilege.

Today or tomorrow we are going to vote on this legislation. It goes beyond renewing our national uniform credit reporting system. It addresses the shortcomings of that system. Most all of us have had constituents come to us, most of my colleagues in this body have shared stories with me and said there is something inaccurate on my credit report, and even though I have tried to repair it, it keeps popping up. There are important new rights for consumers to ensure that their credit reports will be more accurate in the future. What will that mean to them? It could mean getting a loan on a home mortgage at a half a percent or a quarter percent lower rate. What could that mean to them? It could mean as much as $50,000 or $75,000 over the term of the loan.

We have another problem in this country. The FTC said yesterday that it is a problem costing American consumers $50 billion, something that was not even in our vocabulary 10 years ago, and it is called ID theft. There was a time that if someone wanted to rob, they went to a bank. Then we protected our banks with security guards and safes and systems like that. Then they started robbing railroad trains. They started attacking those because they were defenseless. Today, they do not have to rob a bank, if they are smart. They do not have to break into the mail. All they have to do is go on a computer and steal someone's ID. ID theft.

The FTC says that it cost American consumers $50 billion last year. They say that there are probably a half million Americans who do not even know they have been the victim of ID theft. Many of those that we all represent have had $100 or $50 or $20 taken from them by ID theft. They do not know it, and they may never know it. This bill offers important new protections in that regard, and it does what the consumer groups have said was the number one need of Americans, and that is the ability to have their credit report, to have a free credit report, to be able to look at that credit report and see if it is accurate. This bill gives that right.

Also, if someone has been the victim of ID theft, and the gentlewoman from Oregon (Ms. HOOLEY), who cosponsored this bill with me along with the gentleman from Kansas (Mr. MOORE), who cosponsored this bill with me, the gentlewoman from Illinois (Mrs. BIGGERT), who cosponsored this bill, who were original lead cosponsors, all of them had constituents who told horror stories of being the victims of ID theft and not being able to defend themselves in a fair and expeditious manner, this legislation today will help those we represent who have been the victim of ID theft. It will also protect the rest of us from becoming victims of ID theft.

Will it end ID theft? No, it will not end ID theft. Will it help us protect ourselves against ID theft? Yes. Will it help us have more accurate credit reports? Yes. Will it help us continue to offer low interest rates and choices to low- and middle-income Americans? Yes, it will. Will it continue to help us protect an economy that is driven by consumer spending? Yes. An important bill? As important in finance as the national interstate highway system is to us in transportation.

Imagine if we did not have a national interstate system today for transportation. Well, imagine what it would be like if we do not pass this bill, and we do not do it in an expeditious manner, and we cripple this national uniform reporting agency. Our interstates today run straight through. They are seamless. We do not have a bunch of traffic lights on our interstates. What we have today and what we want to preserve is a seamless standard, one uniform standard nationwide; and that is what this bill we bring to the floor does today.

Our constituents will know nothing about this bill. They will probably read nothing about this bill. But this bill is very important to them. It is very important to business people. Today, a car dealer, every day, cannot make a sale without going to the national uniform credit reporting system. The national automobile dealers have joined over 100 other business groups in saying this is their number one priority for the year.

Mr. Speaker, this bill is the result of the leadership of the gentleman from Ohio (Mr. OXLEY), and it is the result of bipartisan support. It had 32 original cosponsors almost evenly divided between Democrats and Republicans. It is a good product. It is good for our constituents. Secretary of the Treasury John Snow advocated and was successful in his suggestion being incorporated in this bill for further protections for the American people. And we will hear a lot about those in the next 4 or 5 hours as we consider this bill.

Mr. Speaker, we will need to consider the good within it. And I appreciate the gentleman on the other side of the aisle saying he supported the underlying bill. Let us not unravel that bill today. Some of these amendments may be considered innocuous, but after 6 months of looking at it and building a consensus, what we have included in this bill is what business groups, consumer groups, and other groups came to a consensus on. The administration, Democrats, Republicans in committee feel this is the very best bill; and that is what we will vote on today, hopefully.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY). She too is one of the bipartisan cosponsors of this measure.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time. I wish to thank the Committee on Rules for the work they have done in bringing us an open rule for the Fair and Accurate Credit Transactions Act so we can all openly debate this bill.

I would also like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the committee; the gentleman from Massachusetts (Mr. FRANK), the ranking member; the gentleman from Alabama (Mr. BACHUS), the subcommittee chairman; the gentleman from Vermont (Mr. SANDERS); the gentleman from Kansas (Mr. MOORE); the gentlewoman from Illinois (Mrs. BIGGERT); the gentleman from Ohio (Mr. LATOURETTE); and all of the others that worked so hard on this legislation. And particularly the gentleman from Alabama (Mr. BACHUS). I do not know how many meetings he held, but we held more meetings on this piece of legislation than any other piece of legislation I have had since I have been here.

Five years ago, I was at a meeting where we were talking about consumer credit and credit reports and what that meant to people, and I started hearing stories about identity theft. That is when I first introduced this bill and got interested in this. Very recently, I was at a meeting with some technology people, and we were talking about a bunch of other things. I gave a little spiel, and when I got through I had mentioned in my opening remarks some talk about identity theft. The rest of the conversation was about identity theft and the number of people that either had it happen to them or knew someone that had had it happen to them and talked about how awful it was to get through the process.

☐ 1345

What we have before us today is a bill that will help prevent identity theft, and help people get through the process a lot easier. It has more consumer protections than any piece of legislation that I have seen since I have been here. This bill is a bipartisan effort, and the final product is something we can all be proud of.

I did have one amendment which was not granted a waiver by the Committee on Rules. This amendment would have increased criminal penalties for identity thieves. I felt it was germane to the underlying legislation, to stem the tide of identity theft. While I am disappointed the amendment will not be considered today, I look forward to working with the Committee on the Judiciary and drafting legislation that will put more teeth into our laws to punish those criminals who prey on our Nation's consumers.

Mr. Speaker, I thank the Committee on Rules and the Committee on Financial Services for the fine work they have done on the Fair and Accurate Credit Transaction Act. I urge Members to support both the rule and final passage.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Speaker, I want to first applaud the Committee on Rules for granting an open rule here. This is a bill that in many ways reflects all of the folks in our district who rely on getting credit to make this economy run. That is pretty much everybody that we represent, and so to have a full and open debate on this legislation, after all, we are, in fact, reauthorizing the Fair Credit Reporting Act, and we will be making a lot of these provisions permanent, so this is a very important debate. Obviously, the opportunity to debate this fully is the proper thing to do.

This bill that we will be taking up under this open rule is in many ways landmark legislation, historic legislation that addresses some of the real needs that people have out there in terms of obtaining credit, of keeping our economy moving with easily available credit, for eliminating the paperwork and the time that it took for a long time to get auto loans and other consumer loans, and just as importantly, to protect individuals against theft of their own identity.

We carefully crafted, with the work of the gentlewoman from Oregon (Ms.

HOOLEY), the gentleman from Ohio (Mr. LATOURETTE), the chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), and other members of the committee, particularly the gentleman from Massachusetts (Mr. FRANK), to not only make this a reauthorization of the Fair Credit Reporting Act, but to encompass the real need to change the law as it regarded identity theft.

The Federal Trade Commission recently completed a study that indicated that every year 10 million Americans have their identity stolen. One of the most gripping hearings that the gentleman from Alabama (Mr. BACHUS) conducted was to hear from a woman from Cleveland, a constituent of the gentleman from Ohio (Mr. LATOURETTE), testifying about how long it took her once she found out she was a victim of identity theft, to get her good credit back, the time it took, the amount of money it took, and this could be the kind of story that literally millions of people can tell every day.

So we set about working with the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Ohio (Mr. LATOURETTE) and others to craft legislation that we could make part of this historic bill that we are going to be voting on this afternoon.

That was our goal and clearly we met it. The bill that we debated and marked up first in the subcommittee and then in our full committee turned out to be a bipartisan product that all of us can take a great deal of pride in. It is really how this place ought to work. It is how the legislative process ought to work when working on important pieces of legislation in a bipartisan manner to solve problems that bedevil our constituents. I think that is why the Committee on Rules recommended an open rule because they felt that we had this good bipartisan support; indeed, a 61–3 vote that came out of our committee, and a wide number of Members on both sides of the aisle, whether they were on the Committee on Financial Services or not, who share the same goals as we do in pursuing our efforts to reauthorize this legislation and particularly to provide strong consumer protections and protections against the theft of one's identity.

Mr. Speaker, that is what brings us here today. I would expect after some very vigorous debate and some amendments proffered, that at the end of the day, we will see a strong bipartisan vote in the House for this legislation.

I think that we will look back on this with a great deal of pride in what we have been able to accomplish.

Make no mistake about it, we have to reauthorize the existing Fair Credit Reporting Act by the end of this session of Congress. To do anything less would be a dereliction of our duty to maintain the strong credit reporting system that we have developed in this country in the 1996 Act. That is why I support the rule and obviously support passage of this historic legislation. Again, I thank the Committee on Rules for making our job just a little bit easier.

I would like to thank Mr. SESSIONS and the rest of the Committee on Rules for crafting a good rule that provides for the consideration of H.R. 2622, the Fair and Accurate Credit Transactions Act, or FACT Act. The rule before us today is a modified open rule that gives Members on both sides of the aisle full opportunity to propose amendments to this bipartisan legislation. It also allows our Democrat colleagues a motion to recommit.

It is not surprising that we would take up this important consumer protection legislation under such an open process. From the very beginning of the Financial Services Committee's consideration of this bill we have worked cooperatively with our Democrat colleagues on the committee. In April of this year, the ranking minority member of the committee, Mr. FRANK, and I announced that the committee would hold comprehensive hearings on issues relating to the reauthorizing of the Fair Credit Reporting Act, landmark consumer protection legislation first enacted in 1970. The legislation that emerged from that process—which included eight hearings and testimony from over 100 witnesses—is bipartisan in the truest sense of that word, as demonstrated by the overwhelming 61–3 committee vote on final passage.

Committee members, Republicans and Democrats alike, have realized that the FACT Act is critically important to the U.S. economy and the American public. How many times over the past 2 years have we heard that it is the American consumer who has almost single-handedly kept our economy afloat? At a time in our history when consumer spending accounts for over two-thirds of gross domestic product, any disruption in the free flow of affordable credit would have serious consequences for job creation and economic growth. By preserving our national credit reporting system the FACT ensures that this disruption will not put the brakes on an economy that is on the mend.

The FACT Act is one of the most comprehensive consumer protection bills the Congress will enact this year. It significantly advances the fight against identity theft, one of the fastest growing crimes in America. A study conducted by the FTC just last week outlines the dramatic increase in the rate and cost of identity theft crimes. The study indicates that 10 million Americans were victimized by identity thieves last year. The financial costs are staggering with over $10,000 stolen in the average fraud, and American businesses and innocent victims spending upwards and innocent victims spending upwards of $55 billion due to identity theft. The FTC's findings underscore the urgent need for Congress to pass this legislation.

While many members in our Committee contributed to this work product, I wanted to mention two members who deserve special recognition. I would like to thank Mr. FRANK for his contributions to this legislation, in particular for his attention to the legislation's provisions on medical privacy and on the accuracy of consumer reports. I also want to recognize the contribution of the author of this legislation, Mr. BACHUS, the chairman of the Financial Institutions and Consumer Credit Subcommittee, who painstakingly reviewed the issues addressed in this legislation in an exhaustive series of hearings and ushered the bill so successfully through his subcommittee.

On a related note, since the Financial Services Committee reported out H.R. 2622, the Government Accounting Office (GAO) submitted a statement to the Senate Banking Committee on July 31, 2003, emphasizing the critical nature of accurate credit reporting to the consumer credit process, and some notable inconsistencies in the accuracy of consumer credit reporting today. It has recently come to my attention that reporting an accurate date of delinquency may be complicated by the relationship between the credit grantor, which originates and controls that data, and the data furnisher's role as the "intermediary" between the creditor and the consumer reporting agency. Maintaining and reporting accurate credit data will necessarily be a cooperative effort between the creditor and all other businesses engaged by the creditor to perform collection and data furnishing services. As this legislation moves to conference committee, I will continue to study the date of delinquency issue in hopes that the data furnishers who establish and follow the reasonable procedure requirements created in H.R. 2622 are not subject to unreasonable enforcement actions.

I urge my colleagues to support this fair rule and support the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment the gentleman from Ohio (Mr. OXLEY) and the ranking member for their efforts in this regard. As was said earlier, while the bill is not perfect, it does make significant improvements, and these came about during the bipartisan committee process.

With that in mind, I would hope that we would understand that strengthening consumers' rights is always a part of our responsibility. The one regret that we have is that the amendment of the gentlewoman from Oregon (Ms. HOOLEY) that was offered that was not made in order which would allow for criminal penalties for identity theft does seem to be a make-sense proposition, and hopefully at some point in the future, it will be undertaken in a positive way, which I believe will assist consumers.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this debate today, this opportunity to talk about the Fair Credit Reporting Act with not only the gentleman from Florida (Mr. HASTINGS) and his colleagues on his side of the aisle, but my colleagues on this side of the aisle, we give thanks for a lot of hard work that has taken place.

The gentleman from Ohio (Mr. LATOURETTE) from the Committee on

Financial Services, began the process, was a leader in the identity theft issue. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) have done a fabulous job, but let us not forget the work that we did together with the ranking member, the gentleman from Massachusetts (Mr. FRANK) and others on the Democratic side, to ensure that this bill has the necessary protections.

I thank the staff director of the Committee on Rules Billy Pitts, and Josh Saltzman and Adam Jarvis, who are with the Committee on Rules, and from the White House we received a great deal of hard work from Elen Liang representing President Bush. I would like to thank them for their strong work. I support this rule and the underlying legislation, and I urge all of my colleagues to support it also.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 8 of rule XX, proceedings will resume on motions previously postponed.

Votes will be taken in the following order:

H. Res. 359, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

Motion to instruct on H.R. 2555, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WELCOMING HIS HOLINESS THE FOURTEENTH DALAI LAMA AND RECOGNIZING HIS COMMITMENT TO NON-VIOLENCE, HUMAN RIGHTS, FREEDOM, AND DEMOCRACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 359.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 359, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 492]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Istook
Janklow
Keller
Rangel
Reyes
Udall (CO)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1415

Mr. MENENDEZ changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maryland (Mr. RUPPERSBERGER) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 206, nays 213, not voting 15, as follows:

[Roll No. 493]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Ballenger
Davis (IL)
Davis, Jo Ann
Emerson
English
Gephardt
Green (WI)
Hoekstra
Houghton
Janklow
Keller
Rangel
Reyes
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1425

Messrs. SAXTON, TERRY and McINNIS changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Mr. GREEN of Wisconsin. Mr. Speaker, earlier today I unfortunately missed a vote because I was unavoidably detained elsewhere in the Capitol. Had I been here, I would have voted "no" on rollcall vote 493, the Motion to Instruct Conferees on the Tax Relief, Simplification and Equity Act.

MOTION TO INSTRUCT CONFEREES ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 2555.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 74, not voting 13, as follows:

[Roll No. 494]

YEAS—347

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill

Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—74

Aderholt
Akin
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Cannon
Carter
Chocola
Collins
Crane
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeMint
Dreier
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gutknecht
Isakson
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Linder
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Ney
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Petri
Pitts
Radanovich
Regula
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Sullivan
Terry
Thornberry
Tiahrt
Toomey
Weldon (FL)
Wilson (SC)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Houghton
Janklow
Keller
Kleczka
Rangel
Reyes
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1434

Messrs. BURGESS, GINGREY, and BOOZMAN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. Speaker, on rollcall Nos. 492, 493, 494. I could not be here to vote as I was with President Bush in my District as he spoke to the Marines, FBI, and 1st responders at the FBI Lab at Quantico, VA. Had I been present, I would have voted "no" on 492; "no" on 493; and "yes" on 494.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, YOUNG of Florida, WOLF, WAMP, and LATHAM, Mrs. EMERSON, Ms. GRANGER, Messrs. SWEENEY, SHERWOOD, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, and Messrs. BERRY, MOLLOHAN, and OBEY.

There was no objection.

ANNOUNCEMENT OF PRAYER BREAKFAST MEETING TOMORROW

(Mr. BOSWELL asked and was given permission to address the House for 1 minute.)

Mr. BOSWELL. Mr. Speaker, as my colleagues probably know, many of them, I am president of the prayer breakfast in the House of Representatives, meeting every Thursday morning at 8 o'clock when we are here. With the announcement of tomorrow, the question has come up from several about tomorrow and the fact that it is Remembrance Day, a very important day.

We will, repeat, we will continue with the regularly scheduled breakfast, as a number of Members are going to be here. It will be the regular time, 8 o'clock, in the Members' dining room here in the Capitol building. Tomorrow at 8 o'clock, the prayer breakfast will proceed.

INSTITUTIONAL INTEGRITY

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, last night as we were discussing the length of the vote, I made some comments which, as I think about them this morning, were inappropriate. I meant to make a point about institutional integrity; and as I rethink what I said, it was inappropriately personally aimed at the gentleman from Texas who was in the chair.

So without repeating the offense, I just want to apologize to the gentleman from Texas. My comment should have been more institutional and not personal, and I thank the House for its indulgence.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, yesterday during the consideration of H.R. 2989, I inadvertently voted "yes" on rollcall number 482. My vote should have been "no."

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 360 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2622.

The Chair designates the gentleman from Idaho (Mr. SIMPSON) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1439

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. QUINN). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I am proud to stand before the House today with this important bipartisan jobs bill. When 9/11 hit our country, our committee responded quickly with bipartisan legislation: the U.S. PATRIOT Act and the Terrorism Risk Insurance Act. When the securities markets fell into crisis with corporate scandals, we swiftly passed the Sarbanes-Oxley Act. Today, as the preemptions in our national credit markets are set to expire, we again have responded swiftly and responsibly with a bipartisan solution to keep the American economy stable and growing.

Since the Fair Credit Reporting Act passed with its amendments, we have achieved some of the lowest mortgage rates and credit rates on record, with more competitive offerings for consumers than ever before. Mortgage and credit approvals that used to take weeks or even months are now completed in a matter of minutes, giving consumers more flexibility, making credit more affordable and available, and creating more jobs and economic growth for all Americans.

American consumers and workers also enjoy unprecedented mobility thanks to our national credit system. According to the Congressional Research Service, our national credit standards have enabled the U.S. to achieve one of the most mobile societies with 14.5 percent of our population moving in any given year, and lower-income individuals more likely to move than higher-income groups. Throughout modern history, national economies have risen and fallen based, in large part, on the flexibility and mobility of labor and management. This freedom is possible only because consumers have portable credit histories and can move from State to State. These advantages of our national system, greater choices, lower interest rates, faster and more available credit, mobility, jobs, and economic growth begin to be lost if we fail to enact legislation by the end of this year and allow our national system to expire.

In addition to preserving our national credit system, the FACT Act is one of the most comprehensive consumer protection bills that this Congress will enact this year. The FTC released a study just last week on one of the most troublesome problems that consumers are faced with today, and that is identity theft. The FTC found that 10 million Americans were victimized by identity thieves last year, costing consumers and businesses over $50 billion, not counting the 300 million hours spent by victims to try to repair damaged credit records. And these victim numbers have been skyrocketing. Congress needs to pass strong uniform identity theft protections and needs to do it now.

The FACT Act fights identity theft based on language drawn roughly half each from bipartisan Democrat and Republican proposals. Consumers would be able to place fraud alerts in their credit reports to prevent identity thieves from opening accounts in their names. They can block fraudulent income resulting from identity theft and benefit from provisions ensuring greatly improved accuracy of information before it ever gets reported. Consumers would be given the right to access their credit scores, along with free credit reports so that every American could easily and annually review their credit reports to ensure that no funny business has occurred. And they would be given greater access to information to better understand their rights, to more easily dispute inaccuracies with real investigations required, and the ability to know in advance if any lender is going to submit negative information into their records.

We have also greatly increased the privacy protections for all Americans. We have simplified and made it easier for consumers to limit unsolicited marketing offers. In combination with the FTC's do-not-call proposals, this will help every American consumer control the marketing information that they wish to receive. Equally important, we provide critical new protections for consumers' medical information. After this bill is enacted, lenders will not be able to use medical information without an individual's consent, nor will they be able to share or have access to unencrypted private medical information without consent. These are important benefits that will protect consumers in every State.

I expect that a small number of Members may want to prune back this legislation, unintentionally weakening the national credit system and undercutting the uniform consumer protections this bill provides to all Americans. But allowing different State standards on key protections will hurt, not help, consumers. What happens when a consumer living in one State and vacationing in a second is trying to resolve an identity theft occurring in a third State? And what can happen with consumers and businesses who will not know what State law applies and will find themselves caught in conflicting State requirements that cannot be adequately complied with. If a thief steals a Californian's identity and tries to open an account in another State with an identity from somewhere else, the consumer will not get any extra protection without a national standard.

The FACT Act protects all consumers equally. We have taken the best reasonable consumer protections from all States and made them into a uniform standard that everyone in all States can understand and comply with. We have strong identity theft protections, greatly improved access by consumers to their credit information, vastly improved ability for consumers to correct their records, and greatly expanded privacy protections.

Members today have a choice. We can protect our national credit system, along with all of the jobs and economic growth it creates, in addition to giving consumers solutions to identity theft and access to improved credit records. We can fulfill our responsibility to the American people by bolstering the expiring national credit system with permanent extension.

□ 1445

Or, Congress can shirk its duty and water down protections that apply equally to all Americans. Can you imagine going back to a time when you could only get a credit card from a local bank; mortgages and car loans took weeks to approve, and high interest rates made credit unavailable and unaffordable for many Americans.

This legislation was overwhelmingly approved by our committee on a bipartisan 61–3 vote. We have received support from almost every relevant federal regulator. I stand with the recorded support of almost every other member of our committee, regardless of party affiliation, with pride and conviction to urge a vote for this important legislation.

Mr. Chairman, I would particularly like to thank the gentleman from Alabama (Mr. BACHUS) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) for their tireless efforts in crafting this product. We stand in full support and ask for Members strong positive vote for this legislation.

Mr. Chairman, I reserve the balance of my team.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague and chairman, the gentleman from Ohio (Mr. OXLEY), for his kind words. I do have to correct him. At this point, the way I feel, it would be incorrect to say that my efforts were tireless, but I am pleased we brought this bill to the floor.

I urge Members to vote for this bill. There will be some amendments and I will be supporting some. I will be opposing others. I do not think they go to the heart of the bill. There is one particularly important amendment that will be offered by the ranking member of the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises of the Committee on

Financial Services, the gentleman from Pennsylvania (Mr. KANJORSKI).

We are here today because there were sunsets in the original bill in 1996. The fact that we had to come back to renew this has given us the opportunity to make some significant consumer improvements, and I agree with the gentleman from Ohio (Mr. OXLEY). I will vote for this bill because if it becomes law, consumers will have significant new protections in many areas.

They will not be all that I would have liked. For someone who serves in the minority, this bill, I think, shows both the opportunities but also the inherit limitations of being in the minority. That is a bill where we worked together. We worked together where the majority was predominant as democracy requires. I appreciate the chance we had to make some improvements that Members on our side wanted.

In many cases, the request for improvements, for instance, identity theft, where the gentlewoman from Oregon (Ms. HOOLEY) led our task force, they were mutually agreed on.

So I think we have a bill that is better than existing law and that, frankly, contains more new consumer protections than any legislation I have seen in a while. On the other hand, I should be very clear, this is not the bill that I believe we would have written if we were in the majority. There are some areas where we would have written it differently, but that is the nature of the process. And given where we were and the negotiations we were able to do, the votes that we were able to take, we have a product that I think does the best possible in these circumstances to do the two important things we have to do: One, as the gentleman from Ohio (Mr. OXLEY) has said, help the market to function.

The free market is a wonderful engine for the creation of wealth. And what we have done here today is to reenact some rules that allow it to go forward in the most efficient possible way. We have also shown, I think, that it is entirely consistent with a respect for and understanding of the free market, to protect consumers in various ways.

The market is an excellent instrument, but it is not a perfect one. It will make some mistakes. There will be errors. There will be abuse. I believe our job as legislators is to try to write legislation, create rules that allow the market to function while protecting people in ways that do not unduly interfere with the market. And I think, as I said in this bill, we have moved significantly in that direction. So I would urge Members to be supportive.

I do note that after this bill, let me explain this to people, after this bill passed through committee, the State of California did adopt additional legislation in the area of privacy. Much of that legislation is unaffected by what we do today. One section out of that legislation would be affected by what we do today. Had California acted earlier, we might perhaps have been able to address that in our deliberations. Given the way things work, once a bill is out of committee, that becomes harder.

I know from friends from California are going to continue, on our side, to try to make efforts, whether it is here or later on in the Conference Committee, and these are decisions that we will try to make to try to improve that. I regret this, but given the timing, that was something we could not control.

With all of that, the basic point to me is that we have a bill today that continues the preemptions, which I believe help the market function at its most efficient in granting credit and adds to, in most cases, the consumer protections, including some areas like identity theft and medical privacy which had not, in 1996, been on everybody's agenda. So I hope that we will go through the amendment process. I hope a couple of amendments will win, but in any case, I will urge Members to vote for this bill as the best accommodation that we were able to achieve in this circumstance of the duty to make it possible for the free market to function, while at the same time, providing those protections for consumers which would not automatically come from the market.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of H.R. 2622. I want to thank the gentleman from Ohio (Mr. OXLEY) and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), the ranking member, the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE) and all the co-sponsors for their hard work on this extremely important piece of legislation.

Mr. Chairman, to its sponsors and cosponsors, every bill is an important bill, but there are a few bills that we will take up this session or this Congress that are as critically important to our economy as reauthorizing and making permanent the expiring protections contained in the Fair Credit Reporting Act, or FCRA.

The FCRA may not be a household word, but it nonetheless touches virtually every aspect of our lives and our economy. Without this reauthorization, there could be no national credit system. Without a national credit system, there will be less credit, slower credit, inaccurate credit, inefficient credit, and in many cases, no credit at all. Less, slower, accurate, inefficient and no credit will lead inevitably to less spending, slower growth, lower incomes and fewer jobs. That would be noticed by the American consumer and would be a disaster for the American economy. And this is why H.R. 2622 is a must-pass bill for us this session.

I want to add that H.R. 2622 is much more important than a routine reauthorization of a critically important program. Thanks to the hard work of many of my colleagues on both sides of this aisle, it is a much improved version of its predecessor because it addresses the new challenges and problems created by new technologies. Chief among those are the provisions addressing identity theft which barely existed 5 years ago when we last reauthorized expiring conditions of FCRA.

In 2002, 14,777 complaints were registered with the Federal Trade Commission from victims of identify theft from my home State of Illinois alone. These consumers reported losses of almost $6.8 million to identity theft. H.R. 2622 is a good bill that provides important new protections for consumers and stops identity theft before it happens. Mr. Chairman, I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time. I thank him and the gentleman from Ohio (Mr. OXLEY) for their leadership on this important bill of which I am proud to be an original co-sponsor.

This is a strong bipartisan product that will benefit consumers as well as the entire U.S. economy. It will help the market to function more efficiently, and as an example of this bipartisanship, I am very pleased that it was the wisdom of the Committee on Financial Services to include my amendment in Section 509.

This amendment requires clear and conspicuous disclosure of credit card companies' ability to raise a customer's interest rate even though the customer makes all of their payment on time. This bill makes groundbreaking advances in fighting ID theft and in providing new rights to make sure the information on credit reports is accurate, allows free credit reports, access to credit scores, and protections for medical record. These advances are so significant that the gentleman from Pennsylvania (Mr. KANJORSKI) and I have extended the sunset amendment we will offer later in this debate from 7 years, which we first proposed, to 9 years. I believe this amendment is critically important.

All the consumer protections in this bill are the result of the current sunset which forced Congress to reexamine the FCRA before the end of the year.

I urge my colleagues to support this legislation because it is incredibly important to the economy. For my district in New York, passage of this legislation means tourists who come to shop in our famous retail sector will be able to receive instant credit, no matter how many State lines they cross on their way to New York City.

Nationally this legislation is critical to home mortgage financing and refinancing that have kept the housing market booming during the recent economic downturn.

I urge a "yes" vote on this bipartisan legislation. It is important for consumers and for the U.S. economy.

I am pleased to rise in support of H.R. 2622 the Fair and Accurate Credit Transactions Act (FACT Act).

This is a strong bipartisan product that will benefit consumers as well as the entire U.S. economy.

From the beginning of the consideration of the FCRA reauthorization this year Chairmen OXLEY and BACHUS and Ranking Members FRANK and SANDERS have conducted a thorough, open process that has created a consensus bill that I hope will be overwhelmingly approved.

As an example of this bipartisanship, I am especially pleased that it was the wisdom of the Financial Services Committee to include my amendment in Section 509.

This amendment requires clear and conspicuous disclosure of credit card companies' ability to raise a customer's interest rate even though the customer makes all their payments on time.

This devious practice is known as "bait and switch" where a consumer's low interest rate is increased to 20 percent or higher simply because they may have taken out a new mortgage or some other liability.

A recent New York Times article documented just such a case where an Illinois doctor had his rate go from 6.2 percent to 16.99 percent when he took out a mortgage.

This legislation makes ground breaking advances in fighting I.D. theft, which is now more often practiced by organized crime, and in providing new rights to make sure the information on credit reports is accurate, allows free credit reports and access to credit scores.

These advances are so significant that Congressman KANJORSKI and I have extended the sunset amendment we will offer later in the debate from the seven years we first proposed to nine years.

I believe this sunset amendment is critically important.

All the consumer protections in this bill are the result of the current sunset which forced Congress to re-examine the FCRA before the end of this year.

I urge my colleagues to support this legislation because it is incredibly important to the economy.

For my district in New York, passage of this legislation means tourists who come to shop in our famous retail sector will be able to receive instant credit no matter how many state lines they cross on their way to New York City.

Nationally, this legislation is critical to home mortgage financing and re-financings that have kept the housing market booming during the recent economic downturn.

I urge a yes vote for this important legislation.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise today in support of H.R. 2622, the Fair and Accurate Credit Transactions Act. I am a cosponsor of this important piece of legislation because I feel that reauthorizing uniform national standards included in the Fair Credit Reporting Act will ensure America continues to have the best credit system in the world.

Mr. Chairman, I came to Congress in 1994 and joined the Committee on Banking, now the Committee on Financial Services, because I knew that one of the common needs of my congressional district was capital. We were capital starved and I wanted to be a part of the committee that would have influence over the cost of and the availability of credit. And that is why I fully support this bill. It protects my constituents' access to fast and affordable credit, which is vital in today's economic times.

I also support this bill because it includes measures to protect the explosion of the identity theft in this country. Last week the FTC reported 9.9 million Americans were victims of identity theft in the last year, and that is a frightening statistic to all of us.

H.R. 2622 imposes meaningful new obligations on financial institutions to prevent identity theft and to ensure the accuracy of credit information. The uniform national credit reporting standards have lowered costs and increased choices and conveniences for all of our constituents. I urge my colleagues to support this important reauthorization.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY) who served as the Chair of our task force on identity theft and who is responsible for much of the good material in this bill.

Ms. HOOLEY of Oregon. Mr. Chairman, in August of 2001, a constituent of mine had her purse stolen, an unfortunate incident that caused her some initial annoyance, but one she quickly forgot after doing all the responsible things like filing a police report, cancelling her credit cards, notifying the major credit bureaus of the theft. She took those responsible steps and put it behind her.

She took those steps and put it behind her. Two years later when she was called about a new computer being delivered to her home, a computer she never ordered, she decided to investigate what was going on, and what she found out was that there were seven credit cards being used in her name and two cell phones, cell phones and cards that she had never requested or never seen.

Since that time, this woman has spent many hours on the phone with e-mails and research trying to clean up her credit files and protect herself from future theft. She said to me she feels like a ball in a pinball machine, being constantly bounced around from agency to agency, from credit bureau to credit bureau.

At one point a Portland police officer actually suggested to her that it might be easier to her if she would actually change her legal identity and her name. That would be easier than trying to prevent future theft and trying to clean up the damage it caused.

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I want to tell my colleagues something is wrong with a system when a law enforcement official suggests that a victim change her identity to prevent it from being stolen. Unfortunately, this experience I have described has become all too common. Identity theft is a national epidemic, the fastest-growing white collar crime in America.

Thankfully, the legislation before us today has serious and effective provisions to prevent identity theft from ever happening in the first place and, if it should, to make it easier to clean it up. Much of the bill before us today is a result of years of effort by the gentleman from Ohio (Mr. LATOURETTE) and myself. I am proud to have this legislation before the House today.

The FACT Act is a bipartisan bill that contains landmark consumer legislation. There are a lot of people that I have to thank, all of the cosponsors, certainly the gentleman from Ohio (Mr. OXLEY), the chair; the gentleman from Alabama (Mr. BACHUS), the subcommittee chair; the gentleman from Massachusetts (Mr. FRANK), ranking member; and all of the others that worked so hard on this. But I would also like to thank the staffs of both the minority and majority staff who worked incredibly hard on this. I also want to thank John Prible from my staff who worked hard on this, Travis Brower from my office and former staffers Josh Raymond and Tom Moore.

Just a few important provisions to protect against identity theft include free annual credit reports to empower consumers, national fraud alerts to protect against the issuance of fraudulent credit, a red flag system to provide our financial institutions with the latest guidance on new identity theft fads. It provides a summary of rights for victims of identity theft. It allows consumers to block all information resulting from identity theft. Consumers can obtain their credit scores and indicators to educate consumers, protection for consumers for their sensitive medical information. These are just a few of the many consumer protections provided in this legislation.

I believe that the provisions in this legislation will go a long ways towards helping our consumers fight identity theft. This legislation is long overdue, and I urge all of my colleagues to support this bill and help protect American consumers against the threat of identity theft. Please support this legislation to help our consumers and protect against identity theft.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. ISAKSON) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

The Committee resumed its sitting.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from the First State of Delaware (Mr. CASTLE), a valuable member of the Committee on Financial Services.

Mr. CASTLE. Mr. Chairman, I thank the distinguished chairman of the committee and both the ranking member from Massachusetts for this good piece of legislation. Obviously I support the bill before us.

This bipartisan legislation passed the House Committee on Financial Services by a vote of 61 to 3 in July of this year. We do not have a lot of votes with those kinds of numbers in it, an overwhelming endorsement which should obviously be noted by all of us.

The legislation is a good, bipartisan bill. It is a result of six hearings, nearly 100 witnesses and months of deliberations. Through this very thorough process, the Committee on Financial Services has produced a bill that will protect the financial privacy and access to credit for all consumers, and it will help our economic recovery by ensuring businesses have access to accurate information which provides prompt credit to American consumers.

As my colleagues know, one of the forces that has helped sustain our economy in recent years is consumer spending. A critical factor in enabling American consumers to purchase products when they need them and want them is our strong system of consumer credit. That system is supported by the Fair Credit Reporting Act which ensures the factual information is available on which to base the extension of credit. Virtually every business in this Nation and every consumer that has ever used credit depends on this system.

One of my constituents, Michael Uffner, president, chairman and CEO of AutoTeam Delaware, testified before the committee this year. Mike Uffner stressed the importance of access to accurate credit information to serve customers in a timely and fair manner. Americans want to be able to walk into an automobile showroom and purchase an automobile that day based on a prompt approval of a loan based on their credit.

In December, the national uniform consumer protection standards in the Fair Credit Reporting Act will expire. Without this legislation, there would be no national standards for consumer protections and credit availability. This will negatively affect consumer access to credit and the economy as a whole. A failure to pass this legislation would mean higher costs to consumers, who will be paying more for their credit without this legislation. In today's economy, in which we rely on instant credit available to us across the country, we need to have this legislation. This is uniformity, not a state-by-sate issue; and as Congress we must protect the consumers.

Mr. Chairman, again, I want to express my strong support for this bill and urge my colleagues on both sides of the aisle to join the 63 bipartisan members of the House Committee on Financial Services who worked together to craft the bill to protect consumers and give confidence to businesses. This is a proper step to ensure that all of our constituents have access to fair and reasonable credit information.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the second-ranking member of the committee, the ranking member of our Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, and one of the leaders in shaping this legislation.

Mr. KANJORSKI. Mr. Chairman, I rise in strong support of H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003.

If we fail to extend the expiring provisions of the Fair Credit Reporting Act before the end of this year, conflicting State laws could place financial institutions in a difficult compliance position, and the current efficiencies in obtaining credit could significantly decrease. We would, moreover, create more difficulties for our already-struggling economy. For example, according to a recent report commissioned by the Financial Services Roundtable, the loss of national uniform credit reporting standards would produce a 2 percent drop in the gross domestic product of this Nation.

The Fair Credit Reporting Act in its 1996 amendments, in my view, have created a nationwide consumer credit system that works increasingly well. This law has expanded access to credit, lowered the price of credit, and accelerated decisions to grant credit. One reason that the law works so well is the establishment of the uniform system that preempts States from enacting miscellaneous and potentially conflicting requirements regarding credit reporting.

As my colleagues may recall, Mr. Chairman, I strongly supported creating these preemptions in the 102nd, 103rd and 104th Congresses. I also believe that we should extend them now. I do not, however, think that they should be made permanent. Consequently, I will offer an amendment later today to address this issue.

In addition to extending the expiring preemptions of State law, H.R. 2622 will make a number of important improvements in current law with respect to consumer protection. These provisions, among other things, will improve the accuracy of and correction process for credit reports and establish strong privacy protections for consumers' sensitive medical information.

Furthermore, identity theft is a growing problem in our country. A recent report by the Federal Trade Commission found that 27.3 million Americans have been victims of identity theft in the last 5 years. I am, therefore, particularly pleased that H.R. 2622 includes several provisions designed to combat these crimes and aid consumers.

Mr. Chairman, I think this legislation is a high mark for this Congress, and I want to compliment the gentleman from Ohio (Mr. OXLEY), chairman of the committee; the gentleman from Massachusetts (Mr. FRANK), the ranking member of the committee; the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee of the Financial Institutions and Consumer Credit; and the gentleman from Vermont (Mr. SANDERS), our ranking member on that subcommittee.

This legislation is a perfect example that good, spirited, bipartisan activity can accomplish much for this Congress and for this Nation. We have worked to try and work out all the efforts of so many individuals who would like favoritism or special interest reports and, in fact, have worked for the common good of both industry and the consumer; and I think, Mr. Chairman, we have accomplished that.

So I congratulate my several Members that I mentioned and the full committee and this Congress. This is an extraordinarily successful piece of legislation that we should be proud of on a bipartisan basis.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, I thank the chairman for yielding me the time, and I want to commend the gentleman from Ohio (Mr. OXLEY), the chairman, and the gentleman from Massachusetts (Mr. FRANK), the ranking member, for the outstanding work they have done on a bill that is critical to American business and enterprise and American consumers.

I want to particularly thank the chairman for incorporating within the manager's amendment a provision that directs the FTC and the Treasury to promulgate rules and regulations for an orderly implementation and transition to the free credit reports called for in section 501.

Mr. Chairman, the Fair Credit Reporting Act is critical to business in America. Identity theft and the protection of consumers from identity theft is critical, but time is also critical.

By allowing the provision of free credit reports without an orderly transition for their seeking and a safe way for them to be sought could spike demand on the crediting reporting agencies and delay the reports of credit on those consumers seeking credit. For example, 2 weeks ago when home loans spiked in one day by a half a percent, a delay in the receipt of a credit report by a prospective home buyer seeking a mortgage could have cost them 10, 20, $50,000 over the life of the loan.

I encourage the chairman to continue work with the Members and then later as this is implemented with the FTC to ensure that we have a safe way for the free credit report to be sought specifically either by the Internet or in writing, and secondly, for us to manage the flow so that the spikes in those requests do not damage the timeliness with which paying customers seeking credit in this country can receive an orderly report on their credit.

The committee is doing America's consumers and the consistency of credit reporting in this country a great service by the bill. I commend the chairman for the manager's amendment, and I intend to support the bill fully.

Mr. KANJORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding me the time, and I rise to add my appreciation to the chairman of this committee and the ranking member. The chairman and the ranking member have truly evidenced the importance of the Committee on Financial Services and its bipartisan effort. These are issues I believe that really cross partisan lines and, more particularly, impact the humanity of those who may be facing some of the disasters that may come through the lack of fair credit reporting and as well the whole issue of identity theft.

I thank both the ranking member and the chairman of the subcommittees that were relevant to this particular legislation; and I rise to support it and to highlight a particular aspect of the legislation that I am very proud of, and I want to congratulate the committee for its astuteness and wisdom on this very important issue.

Title VI, protecting employees' misconduct and investigation, tracks the legislation that I cosponsored along with the gentleman from Texas (Mr. SESSIONS), the gentleman from Massachusetts (Mr. FRANK), and other Members of this body that frankly deals with a question that is minute maybe but is large in terms of the needs that it covers.

The legislation was called the Civil Rights and Employee Investigation Clarification Act, and I am very delighted that title VI in this legislation really responds to the concerns that are raised, and that is, that the Fair Credit Reporting Act, as interpreted by the Federal Trade Commission, sometimes impedes investigations of workplace misconduct.

Mr. Chairman, in particular, it deals with or undermines or did undermine the ability of employers to use experienced, outside organizations or individuals to investigate allegations of drug use or sales, violence, sexual harassment, other types of harassment, employment discrimination, job safety and health violations, as well as criminal activity, including theft, fraud, embezzlement, sabotage or arson, patient or elder abuse, child abuse and other types of misconduct related to employment. This was not the intention of the Fair Credit Reporting Act, but by its interpretation this is what occurred.

Employers have been advised by agencies and courts to utilize such experienced outside organizations and individuals in many cases to assure compliance with civil rights laws and other laws, as well as written workplace policies. That was crafted in order to give privacy to the employees and to the relationships that would help cure the problem so that there was a bridge or a firewall between the employers and the employees that might be caught up in the malfeasance or might be caught up in providing some insight in how do we correct these problems.

Employees and consumers are put at risk because the Fair Credit Reporting Act frustrates or impedes employers in their efforts to maintain a safe and productive workforce and to create that firewall in order to protect those who would tell and those who would help remedy versus those who were creating the problem.

This is an important piece of legislation, and title VI is particularly important in creating that firewall to ensure that not only do we have fair credit reporting, not only do we provide a protection for those suffering from identity theft, but we also provide the opportunity for truth and clarity in making sure that we have safe workforces and using the right kind of talent to do so.

Mr. Chairman, I rise in support of the Fair and Accurate Credit Transactions Act of 2003 ("FACT Act"), only insofar as its adoption includes the full and unamended text of Title VI: "Protecting Employee Misconduct Investigations."

OVERBROAD PROVISION

On April 5, 1999, the Federal Trade Commission (FTC) issued an opinion letter (the Vail letter), which stated that if an employer used experienced outside organizations to investigate employee misconduct, the investigation must comply with the notice and disclosure requirements of the Fair Credit Reporting Act (FCRA). Because it is virtually impossible to conduct an investigation while complying with these requirements, and because employers and investigators face unlimited liability, including punitive damages, for failing to comply with FCRA, the Vail letter effectively deters employers from using experienced and objective outside organizations to investigate workplace misconduct. Yet, in many cases, an employer must do so in order to comply with obligations under other laws. Thus, the Vail letter often places employers in the untenable position of having to choose between two legal obligations.

FCRA REQUIREMENTS

The pertinent FCRA requirements include:

(1) Notice to the consumer (in this case, the employee) of the investigation;

(2) The employee's consent prior to the investigation;

(3) A description of the nature and scope of the proposed investigation, if the employee requests it;

(4) A release of a full, un-redacted investigative report to the employee; and

(5) Notice to the employee of his or her rights under FCRA prior to taking any adverse employment action.

Any mistake in compliance with these or any of the FCRA's other numerous technical requirements may expose employers and investigators to unlimited liability for compensatory and punitive damages.

However, Title VI of H.R. 2622, remedies this problem without tampering with FCRA's consumer credit protections. Title VI of H.R. 2622 is an incorporation of a bill that I cosponsored, along with Representatives SESSIONS, BAKER, PAUL, MOORE, SHAYS, FRANK, and ROYCE, H.R. 1543, to amend the FCRA to exempt certain communications from the definition of "consumer report," and for other purposes.

The Vail letter places many businesses in an extremely difficult position. While an employer may avoid running afoul of Vail by performing the investigation itself, there are many instances where a company has no choice but to use an outside investigator. For example, the technical nature of the alleged misconduct may require an expert investigator, such as where the misconduct involves securities fraud. In other instances, such as corporate governance cases, the investigation may involve misconduct by a high-level official and outside objectivity is necessary. In other cases, the employer may simply lack the resources to conduct an in-house investigation. Even where outside investigators are not necessary, they may be preferred. Indeed, both the courts and administrative agencies have strongly encouraged employers to use experienced outside organizations to investigate suspected workplace violence, employment discrimination and harassment, securities violations. theft or other workplace misconduct. As Assistant Attorney General James K. Robinson said in his May 4, 2000 Congressional Testimony, "[t]he Department [of Justice] and other agencies often strongly encourage companies, as part of their compliance programs to retain outsider counsel to conduct certain internal investigations, on the theory that an outsider is less subject to retaliation or intimidation by supervisors or co-workers and is less likely to be biased by concerns for the company's business with existing or future customers."

While the letter impacts all businesses, it is particularly damaging to small and medium sized companies that do not have the in-house resources to conduct their own investigations. Even the FTC has recognized that "there is considerable tension between [the FCRA requirements] and certain public policy aims of statutes and regulations that, directly or indirectly compel or encourage investigations of various forms of workplace misconduct . . . [and the situation is] particularly troubling for small employers."

Although the FTC recognizes the problem it, nonetheless, has refused to reverse its position and rescind the letter, claiming that a legislative fix is necessary. Title VI of H.R. 2622 is that legislative fix. It remedies the problems created by FTC's letter by excluding employment investigations that are not for the purpose of investigating the employee's credit worthiness from the FCRA requirements. The bill is essentially a narrow technical correction that does not tamper with FCRA protections for any investigations into credit-worthiness. In addition, the bill does not leave those suspected of misconduct without protection: it still requires that employers who take adverse action against an employee based on information from an investigation provide the employee with a summary of the nature and substance of any investigative report.

BENEFITS OF H.R. 2622

This bill, along with an intact Title VI exclusion of workplace investigations, will preserve the continuity of our credit system and will include comprehensive identity theft, dispute resolution, and credit report accuracy provisions. Additionally, this legislation proposes to take the important step of providing all Americans with access to a free credit report every year in order to empower consumers to take control of their financial records.

This legislation will prove crucial to the protection of consumers from the dangers of identity theft, the fastest growing white-collar crime in America. The following important steps toward protecting our consumers from identity theft are proposed within relevant provisions:

Creating a duty for furnishers to investigate change of addresses, which can be indicators of identity theft;

Creating a multi-level fraud alert system for victims of identity theft to protect their credit information;

Requiring all credit and debit card receipts to be truncated to protect these valuable identifiers;

Providing a summary of rights for all potential victims of identity theft;

Allowing consumers to block all credit information resulting from identity theft;

Establishing "Red Flag" procedures so that government regulators may help furnishers to eradicate identity theft before it occurs (preventative); and

Requiring a study on how technology can help solve identity theft.

In addition, this legislation will take steps to improve dispute resolution procedures and improve the accuracy of credit reports. The legislation proposes to take the following steps towards these goals:

Require a reasonable reinvestigation of disputes and requires a prompt reinvestigation;

Require CRA's and furnishers to reconcile differences in addresses on requests;

Prevent repollution of data that is a result of identity theft; and

Require credit reports to disclose contact information of furnishers to resolve disputes.

This legislation will also provide consumers with more access than ever before to their credit information in order to empower these consumers with the information to protect themselves. The legislation proposes to create this access by:

Providing free credit reports annually to all consumers; and

Disclosing credit scores for a reasonable fee, as well as important factors that make the score.

Finally, this legislation also contains important provisions to protect medical information that is present in financial services' systems and provide for confidentiality of medical data in all credit reports.

Taken together, the above "facts" as to the FACT Act will protect the privacy rights of Americans; however, in crafting this bill, the Committee on Financial Services failed to put a limitation on the scope of the notice and disclosure requirements with respect to investigations into workplace misconduct. In 1999 and 2000, the Federal Trade Commission (FTC) issued several staff opinion letters which concluded that if an employer hires an experienced and objective outside organization to investigate suspected workplace misconduct, i.e., sexual or racial harassment, workplace violence, theft, fraud, SEC violations, or other improprieties, the investigation would qualify as a "consumer report" subject to the Fair Credit Reporting Act (FCRA). As such, employers and the investigators hired by them to handle alleged harassment cases would be subject to the cumbersome and over-reaching notice and disclosure requirements of FCRA.

Mr. Chairman and Ranking Member, I therefore support this bill only insofar as it is accepted with the inclusion of Title VI in its entirety and as drafted.

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Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Oversight and Investigations of the Committee on Financial Services.

Mrs. KELLY. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to applaud both the chairman and the ranking member of the Committee on Financial Services for acting on this important legislation with the kind of thoroughness and deliberation that they did take.

The legislation before us, the FACT Act, is the result of half a dozen hearings, 75 witnesses, and months of deliberation by my colleagues from both sides of the aisle. The construction of the legislation is the permanent reauthorization of the Fair Credit Reporting Act, or the FCRA. It has provided a national uniform reporting system that has effectively lowered the cost of credit and increased choices and convenience for consumers across the country.

In our hearings, we heard extensive testimony from many diverse witnesses with different interests. But there was a common message that the FCRA has lowered the cost of credit and helped fuel our economy. And this extension of low-cost credit has created new opportunities for populations who have never before had access to credit. That is why this legislation has overwhelming bipartisan support.

The Fair Credit Reporting Act has also helped address other important security provisions, such as combating identity theft and the blocking of terrorist financing under the USA PATRIOT Act, both issues which I have held a number of hearings on in my oversight subcommittee. Combating identity theft and drying up terrorist financing requires the collaborative effort of law enforcement and regulatory agencies, consumers and financial institutions, all with access to appropriate information.

FCRA improves our ability to combat identity theft and help law enforcement officials track down illicit money under the PATRIOT Act. The information sharing under this legislation is essential to protecting the American people by detecting suspicious activity and weeding out wrongdoers.

The national reform standards under FCRA have also facilitated the financial institution's ability to utilize additional authentications and identity verifications to protect consumer security. And the increased protections incorporated in this legislation are critically important in enabling victims to correct the damage to their credit histories created by identity thefts. This legislation will further help law enforcement combat financial fraud and track down criminals and terrorists. It adds new protections that are important to achieving these goals.

We have also made other important improvements to the FCRA in order to protect the sanctity of privacy of the American people throughout the credit-granting process. I believe that medical information of consumers should be kept private and does not need to be shared or distributed to others by creditors listed on credit reports. Individuals should know their personal medical information belongs to them and is not released for other purposes, whether it is for the credit-granting process or employee background checks. And we have done this with our legislation by coding this information.

Mr. Chairman, I would like to thank the gentleman from North Carolina (Mr. WATT) and the gentleman from Arkansas (Mr. ROSS) for working with me on an amendment in full committee that will protect the medical information of individuals without disrupting access to low-cost credit and the security of information. By allowing consumers to benefit from reporting the financial aspects of their transactions to credit bureaus while maintaining the sanctity of their medical privacy, this legislation is a real win for Americans.

Mr. Chairman, I strongly support this legislation. It is crucial to the economy and the security of the American people. I thank the chairman for addressing these important issues, and I urge my colleagues to vote for this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), another diligent member of the committee who made a great contribution to this bill.

Mr. HINOJOSA. Mr. Chairman, I am an original cosponsor of the Fair and Accurate Credit Transactions Act, and I support it strongly. H.R. 2622, known as the FACT Act, provides for a strong national credit system. It preserves consumers access to affordable credit, enhances consumer protections, and will ensure that Hispanics will continue to have access to credit.

From the beginning of this process, my new Democrat colleagues and I have been deeply involved in crafting this bipartisan bill, which passed the Committee on Financial Services by a 61 to 3 vote. The bill preserves the continuity of our credit system and includes comprehensive identity theft, dispute resolution, and credit report accuracy provisions that will increase and strengthen people's control over their own financial records.

Identity theft is one of the fastest growing white collar crimes in the United States, especially in my State of Texas. This legislation, H.R. 2622, will help reduce those crimes and help the victims of identity theft regain their identity and restore their credit. The FACT Act addresses all these important issues and more. It will benefit consumers in our economy, and it will help improve financial literacy in the United States.

I commend my Republican colleagues, especially the chairman, the gentleman from Ohio (Mr. OXLEY), and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), for working with us in a bipartisan manner to develop this legislation. I also applaud the ranking member, the gentleman from Massachusetts (Mr. FRANK), and another ranking member, the gentleman from Vermont (Mr. SANDERS), for guiding us through this process.

Finally, Mr. Chairman, I want to give special thanks to the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE), and the other 10 new Democrats who worked so diligently to compromise and help us forge this bipartisan compromise. I strongly encourage my colleagues to support this important legislation, H.R. 2622.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the author of this important legislation and the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Chairman, I thank the chairman of the committee, the gentleman from Ohio (Mr. OXLEY), for yielding me this time and who was certainly instrumental in making this a priority and in allowing the committee to take as much time as it did to consider this issue, because it was an important issue.

We have received a statement from the Executive Office of the President, which arrived here today, concerning this legislation; and I want to read from it. It says the administration strongly supports House passage of H.R. 2622. The bill includes many of the administration's proposed consumer protections, including new tools to help fight identity theft. The national credit reporting system has proven critical to the resilience of consumer spending and the overall economy.

That is one thing we heard over and over, that the national credit reporting system was essential to maintain the overall economy and consumer spending. So I am pleased that Chairman OXLEY has received this important endorsement from the President.

It has been said that I was the author of this legislation, and, in fact, I would sort of like to claim that, but it is truly a bipartisan bill. We had a blueprint to start with, however, on our ID theft provision, and I would like to recognize at this time and thank the gentleman from Ohio (Mr. LATOURETTE) for all his work on identifying the theft provision that needed to be in this legislation.

Actually, he introduced, with the gentlewoman from Oregon (Ms. HOOLEY), the original number of provisions which were taken and put in this bill verbatim. So we did not have to start from scratch. It was a big help that we had a bipartisan bill that the gentleman from Ohio and the gentlewoman from Oregon had worked on. What he brought to the table from the start was a piece of legislation that has since evolved over time, been updated, and I think improved with the help of consumers and the industries and the administration and Members of this Congress to serve as a valuable protection against identity theft, and I commend him on that.

I want to run over some of those protections if time permits. Here are some of the important consumer protection tools. It allows consumers to place fraud alerts in their credit reports to prevent identity thieves from opening accounts in their names, including a special provision to protect active duty military personnel, who we found, sadly, had been particularly susceptible to ID theft. It allows consumers to block fraudulent information from being given to a credit bureau and from being reported by a credit bureau if that information results from identity theft. It provides ID theft victims with a summary of their rights. It gives consumers the right to see not only their credit reports but their credit scores.

Now, that is an important new right which will help people. And I think there was unanimous agreement on this from industry, from consumers, and Members of Congress. This will actually help people save money with lower interest rates. One estimate I have read is $21 billion in savings in home mortgages alone.

It restricts access to consumer-sensitive health information. That is something people said: we do not want our health information to be shared without our permission. It empowers consumers by making it easier to limit unsolicited marketing offers. And it ensures improved accuracy of credit report procedures. It is very important that the information that is shared between creditors and credit bureaus is accurate. It provides consumers with a one-call-for-all protection by requiring credit bureaus to share consumer calls on ID theft, including reporting fraud alerts with other credit bureaus. One call does it all. Important suggestion.

With that, Mr. Chairman, I would also like to commend Wayne Abernathy, Assistant Secretary of the Treasury, and Secretary of Treasury Snow. And once again, I wish to commend the chairman, the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Massachusetts (Mr. FRANK), and all of the 58 cosponsors of this original legislation.

Mr. HINOJOSA. Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from the great Buckeye State of Ohio (Mr. LATOURETTE), a former prosecutor, and one of the real leaders in the identity theft provisions, along with the gentlewoman from Oregon (Ms. HOOLEY).

Mr. LATOURETTE. Mr. Chairman, I thank both the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their very kind words.

Mr. Chairman, when I travel back to Ohio, I have to admit that folks up there are not telling me how important it is that we reauthorize the Fair Credit Reporting Act. They are not telling me how this legislation helped them drive home the new minivan the same day they went to the dealership, or how the convenience of the national credit granting system allowed them to charge a trip with the kids to Disneyland on their MasterCard. What is ironic, Mr. Chairman, is that this lack of interest from the average American consumer demonstrates to me very clearly that the amendments the Congress passed in 1996 to create the national credit system that we all take for granted today is working exceptionally well and it is a perfect illustration of why we need to support this legislation.

The bill before us today not only makes that system of the national standard for our country, but it also, as has been mentioned, tackles the problem of identity theft. During the committee's extensive hearing process on this legislation, we heard from a number of experts on the issue. We also heard from a number of victims. One of them came from my hometown, a woman by the name of Maureen Mitchell. And it was the severity of Maureen's case that inspired me to work with my friend, the gentlewoman from Oregon (Ms. HOOLEY), who has really been dogged in the pursuit of this part of the legislation for years, and my hat's off to the gentlewoman from Oregon.

It was the severity of that case, and, basically, she and her husband had their identities stolen, and they racked up $100,000 in bills. In Chicago, the thieves went and got $45,000 in loans in the span of 2 hours, and they were horrified to learn that they were the "proud owners" of two sport utility vehicles that they, of course, did not purchase.

Anytime the Congress debates the issue of preempting State law, we have to question whether or not the Federal Government knows better than the States on how to pass a law that affects our citizens. When the question relates to access to credit and identity theft, I strongly believe the answer is in this legislation. Creating a set of uniform national standards will benefit people across the economic spectrum and is the perfect vehicle to fight the crime of identity theft.

I would urge my colleagues on both sides of the aisle to think of all the times we take for granted the ability to gain fast access to credit in our day-to-day activities. As a parent, it was terrifying when my daughter got her first credit card in the mail. But when that envelope arrived and she proudly stuck that piece of plastic in her wallet, she began building a credit history that will one day allow her to buy a home or take that vacation to Disneyland.

□ 1530

Mr. Chairman, I would like to thank very much the gentleman from Ohio (Chairman OXLEY), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Alabama (Chairman BACHUS) for this nice piece of legislation.

Mr. Chairman, when I travel back home to Madison, Ohio, I'll admit it—the folks up there aren't telling me how important reauthorizing the Fair Credit Reporting Act is to them. They're not telling me how this legislation helped them drive a new minivan home the same day they went to the dealership, or how the convenience of our national credit granting system allowed them to charge a trip with the kids to Disneyland on their Matercard. What's ironic, Mr. Chairman, is that this lack of interest from average American consumers demonstrates to me very clearly that the amendments Congress passed in 1996 to create the national credit system that we all take for granted today is working exceptionally well, and is a perfect illustration of why we need to support this legislation.

The bill before us today not only makes that system the national standard for our country, but also tackles the issue of identity theft. During the Committee's extensive hearing process on this legislation, we heard from a number of experts on this issue, and we also heard the testimony of a number of victims, one of whom—Maureen Mitchell—is from my hometown. The severity of Maureen's case is what inspired me in the 106th Congress to work with my friend Congresswoman DARLEEN HOOLEY to draft what have now become the critical ID theft provisions in the bill before us today. To give you some idea of the enormity and extent of the Mitchell family's identity theft saga, all told, Maureen and her husband Ray have been victimized to the tune of well over $100,000. Their identities have been used to apply in a two-hour period for $45,000 worth of personal loans at three different banks in Chicago. And they are the "owners" of two luxury Sport Utility Vehicles that they never purchased.

Any time Congress debates the issue of pre-empting State law, we have to question whether or not the Federal Government knows better than the States how to pass a law that affects our citizens. When the question relates to access to credit and identity theft, I strongly believe that the answer is in this legislation: creating a set of uniform national standards will benefit people across the economic spectrum, and is the perfect vehicle to fight the crime of identity theft.

That said, it would be wrong of us to tie consumers and industry down with very specific operating guidelines and regulations. It would be foolish to believe that there is one cure-all that will completely prevent cases of identity theft, but with the options and flexibility provided by this legislation, consumers, creditors, and law enforcement will be able to stay ahead of the identity thieves as they find new technologies and methods of carrying out this crime.

Again, I urge my colleagues on both sides of the aisle to consider all the times we take for granted the ability to get fast access to credit in our day-to-day activities. As a parent, yes, it was a terrifying thing when my oldest daughter got her first credit card. But when that envelope arrived in the mail and she proudly stuck that piece of plastic in her wallet, she began building a credit history that will one day allow her to buy a home and take that vacation to Disneyland with her family. With the Fair Credit Reporting Act set to expire at the end of the year, this Congress is in a unique position to have a tremendous impact on every American consumer. If we do not act today and support this legislation, we will be denying future generations of Americans the same financial luxuries we have all enjoyed for the last eight years.

Finally, I would like to thank Chairman OXLEY and Subcommittee Chairman BACHUS for their strong leadership on this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the chairmen of the full committee and the subcommittee.

Mr. Chairman, as part of this colloquy, I would say to my friends the chairmen of the full committee and subcommittee that many Members are concerned about the scope of the preemption that was just referred to, particularly with regards to identity theft.

So I want to clarify with the author of the bill, the committee chairman, what we are intending and how we have underscored that intention in the manager's amendment which will be coming forward.

Does this bill or this amendment allow the preemption of any State law on identity theft, such as limits on Social Security number use, criminal penalties for identity theft perpetrators, or other identity theft protections that are not specific subject matters addressed by this bill.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, the answer is no. The Member from Massachusetts is correct. The identity theft protections in this bill amend section 605 of the Fair Credit Reporting Act. The uniform standard for section 605 is contained in section 624(b)(1)(e) which states that, "No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 605."

The section goes on to describe section 605 saying that it relates to information contained in consumer reports, and now to identity theft prevention. That means that 605 is the section for identity theft protections, but the uniform standard requirement is still limited to the subject matters that our provisions actually address such as investigating address changes, fraud alerts, truncating credit card account numbers, blocking bad credit information, establishing red flag guidelines for identity theft prevention, and reconciling address changes.

State identity theft laws that address different issues such as limiting Social Security number use or criminal penalties on identity theft perpetrators are not preempted. We have agreed with the gentleman from Massachusetts (Mr. FRANK) to clarify this in the manager's amendment to underscore in the uniform standards provision that describes section 605 that it only relates to the specific identity theft prevention subjects covered and not to other identity theft issues outside of the subject matters covered in the uniform standard.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I would like to affirm the understanding between the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK).

In this bill we built upon the amendments that the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Oregon (Ms. HOOLEY) had first offered along with the gentleman from New York (Mr. ACKERMAN) and also the gentleman from Massachusetts (Mr. FRANK) to flesh out existing uniform standards.

The bill of the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Oregon (Ms. HOOLEY) that we used as our base text expanded on the uniform standards for identity theft. But in that bill, as in ours, there is no intent to go beyond the specific subjects identified in the bill.

So, for example, we do create uniform standards for opening new credit accounts when there are allegations of potential identity theft under our fraud alert and blocking provisions. Because you need a consistent rule that consumers and businesses can rely on when there has been a fraud alert, when there has been an allegation of identity theft. We do not address other subject matters that are not covered such as limits on Social Security number use or criminal penalties for identifying theft perpetrators.

These are issues that we expect the States to continue to work out solutions to. Hopefully we can return to work on those ourselves with Members like the gentleman from Florida (Mr. SHAW) or the gentleman from Arizona (Mr. SHADEGG), the gentleman from California (Mr. OSE), the gentleman from Illinois (Mr. EMANUEL). And I think the gentlewoman from Oregon (Ms. HOOLEY) also wants to address some of those issues. Many of them will have to be addressed either in the Committee on Ways and Means or in the Committee on the Judiciary. And they have valid concerns, but it is just from a jurisdictional standpoint.

Mr. FRANK of Massachusetts. Reclaiming my time, I thank the gentleman from Alabama (Mr. BACHUS). Let me say I appreciate the affirmations from both gentlemen.

Mr. Chairman, let me say now, I want to transition from the colloquy where we were in agreement as to what it says to express my view that I think even with these agreements the bill is, with regard to some existing law in California and elsewhere, more preemptive than it needs to be.

I recognize the value of this colloquy in making clear what those limits are. The gentlewoman from California (Ms. WATERS) who has been very concerned about this and who, indeed, alerted me to it earlier, and I unfortunately did not pay as much attention as I should have at the time, she is concerned and I share her concerns, so she will be pursuing this further.

So I just want to say while I am pleased to have this colloquy and to have these understandings, my own personal view, which I realize is not shared by the gentleman of Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) is that even with these understandings, there is more preemptive language here than need be. I intend to work with the gentleman from California and other Californians in various ways to try and further reduce that preemption.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, just to make a clarification, it has been said that this bill will preempt the new California legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, let me take back my time. There were two different California issues here. Of course, one would not expect California to settle for only one controversy. The gentleman from Alabama (Mr. BACHUS) is correctly alluding to the future issue of so-called SB1. But what the gentleman from California had identified to me before that had passed was preemption of existing California where it predates the recent enactment. And that is the concern that I was alluding to.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, as we have said, we need a national standard just like we need a national interstate highway system or other national uniform standards. California saw fit, when they passed this law, to exempt local statutes.

Mr. FRANK. Mr. Chairman, I will have to take back my time. I have one more speaker. The gentleman is again talking about the language going forward in SB1. The gentlewoman from Los Angeles and I are now addressing a different set of laws, laws that had already been on the books prior to that, laws passed subsequent to 1996, some of which I think are unnecessarily preempted, although this colloquy has helped.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a valuable member of our committee from the Keystone State.

Ms. HART. Mr. Chairman, I rise in support of the FACT Act, the Fair and Accurate Credit Transactions Act. Fortunately, today we appear to have bipartisan support of the Act, and it is for a clear reason, our credit system in the United States is the envy of the world. Our uniform national standards have helped to make the United States a world leader, and have continued to spur on our economy, even in times that have been difficult in the last year or so.

The bill makes these national standards that have been in effect permanent. This is important to ensure continuity in our credit system, and also to maintain continued access to the best credit markets in the world. This is especially important because two-thirds of our economy depends very heavily on consumer spending. Consumers will not spend without access to credit, and to get access to credit, consumers and lenders need consistent, uniform standards for credit reports. Broader access is the result. National and worldwide access is also the result.

According to the Federal Reserve Board, in fact, since the Fair Credit Reporting Act was enacted, the overall percentage of families with general purpose credit cards increased from 16 to 73 percent and the largest increase was among lower-income families.

Homeownership levels have also grown approximately 10 percent, again with low income and minority families receiving the largest gains.

According to some estimates, these improvements have saved consumers nearly $100 billion annually. Many of my colleagues have mentioned the benefits also regarding fighting identity theft. This bill allows each consumer to get a copy of their credit report annually, and that will help to avoid a lot of the problems we have been having with ID theft and use of credit by those not authorized. It helps the consumer to identify charges that are not theirs, it helps to identify and clear them from the credit report keeping the consumers' credit clear.

Every year a consumer would have access to a free copy of that credit report, see their credit scores which help them understand whether they are going to be able to get access to a mortgage or new credit.

Finally, I ask my colleagues to support this Act because it will create continuity, it will continue the dynamic American system, and it will help us keep access to safe credit and flexibility for the American consumer.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), the ranking member of the subcommittee who worked very hard to make the bill better, but still obviously has some concerns with it. But from the consumer standpoint, the gentleman worked as hard as anyone.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Unfortunately, I rise in opposition to this legislation. While this bill does include important consumer protection provisions, such as the provision that I and other members of the committee fought for, which would provide free annual credit reports to consumers who request them, and would also allow consumers to receive more information about their credit scores identical to a very good law in the State of California, there are major flaws in this legislation.

For a start, even in terms of that pro-consumer provision, we are not quite sure when that will go into effect, and I fear it will not go into effect as soon as it should.

Secondly, I think the major concern that I and consumer organizations all across this country have is that this legislation would permanently preempt the States from passing stronger consumer protection laws in order to aggressively punish identity thieves and to improve the accuracy of consumers' credit reports.

I may be the conservative on the committee, but it has long been my belief when we are dealing with an issue of protecting consumer rights, we cannot take away the ability of the States to pass stronger consumer protection laws. I find it very ironic from day one of this discussion that conservatives who have told us over and over again how much they dislike the big bad Federal Government stepping on States' rights, in fact have brought that provision into this legislation.

So if the State of Vermont or the State of California or the State of Ohio wants to go further in this area, well, my goodness, that big bad Federal Government, which we have heard so much about, is able to say sorry, you cannot do it. Attorneys general, governors, State legislators, you cannot do that, and I think that is wrong.

During the course of the debate on the committee, there was a very interesting discussion over an amendment that I and the gentleman from Alabama (Mr. BACHUS) brought forth which deals with the issue of what I call credit card switch and bait, and I will be bringing forth an amendment to win support of it. It is not included in this bill, and it should be.

Mr. Chairman, what is going on in this country is that people who pay off their credit card debts on time every single month nonetheless are seeing huge increases in the interest rates that they are paying. How does that happen? It happens because maybe 3 years ago they took out a loan which is still outstanding, or maybe they had an emergency medical bill and they had to borrow money, and arbitrarily the credit card company has determined they are a greater financial risk and their rates can double or triple. I think that is wrong.

This bill has some positive provisions, but we can do much better, and I would urge a "no" vote on it.

□ 1545

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of this carefully balanced legislation. I want to compliment the authors and the committee chairman for doing what I think is a superb bill that will in fact help consumers across America. Indeed, I think this is a key component in protecting our credit structure and enabling Americans to get the credit that they need. I am very pleased that the legislation does what it does.

Importantly, as the author of our Nation's first identity theft legislation, I am very pleased with the provisions in this bill that deal with identity theft. It makes some important strides in improving our fight against identity theft. For example, the bill requires that anytime a transaction is made and information is transmitted using a credit card number, that number has to be truncated so that someone who wants to steal your identity by grabbing ahold of your credit card number will not have the full number. While some companies currently do that, not all do. This will protect them very much.

There are a number of other key provisions dealing with the issue of identity theft, and that is a critical issue because, for example, it was just reported last week that in America last year, 10 million people became the victims of identity theft. Those individuals themselves, as individuals, suffered $5 billion in damages. But on top of that, businesses in America sustained $47 billion of losses as a result of identity theft. And so the ID theft provisions in this bill I think are very, very important. But it could go further.

The General Accounting Office testified in July of this year that Social Security numbers are often the identifier of choice among individuals seeking false identities; and perhaps to the shock and amazement of people in this room and across the country, just last month, an organization engaged in consumer advocacy, to prove that Social Security numbers are too available, purchased the Social Security number of Attorney General John Ashcroft and CIA Director George Tenet off the Internet for a mere $26. The problem is that Social Security numbers are too available.

In 2002, the FBI testified that possession of someone else's Social Security number is key to laying the groundwork to take over that individual's identity and obtain a driver's license, loans, credit cards, and merchandise. It is also key to taking over an individual's existing account and wiring money from the account, charging expenses to an existing credit line, writing checks on the account or simply withdrawing money.

It is absolutely critical that this Congress this year enact legislation to prohibit the purchase and sale of Social Security numbers in a fashion that allows identity thieves to get ahold of those numbers. This legislation does not yet do that. Hopefully, either in an amendment yet offered this afternoon or in the conference committee, we can do that. There is bipartisan support for this idea. I know the gentleman from Illinois (Mr. EMANUEL) on the other side supports doing it as well as a number of others. I have been helped by many, including the gentleman from Massachusetts. We can deal with this problem, but we must do so in legislation that will pass this year. Anyone who blocks that legislation or seeks to keep it from happening and happening very, very quickly, I think, is doing a disservice to the victims of identity theft across this country.

It is important to note that the second greatest concern of Americans when it comes to privacy is that their identity might be stolen by an identity thief and that they might be victimized by that and undergo that pain. Again, I would reiterate that this is very important legislation. It goes a long way toward stopping identity theft. It can go a little further if we prohibit the purchase and sale of Social Security numbers.

I urge my colleagues to vote for the legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), one of those who had a major input into this bill.

Mr. CROWLEY. Mr. Chairman, first I want to take this opportunity to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from Alabama (Mr. BACHUS) and the gentleman from Vermont (Mr. SANDERS), for their work together in what I believe is truly a bipartisan effort and manner to craft, in my opinion, a well-balanced bill, understanding that there is a deadline looming in the not-too-distant future as pertains to many of these issues.

This bill ensures the continued flow of credit for American consumers by allowing for the permanent protection of credit availability. Our economy and our credit-granting industry should not have to continually look over its shoulder at potentially burdensome regulations, regulations that could hinder the availability of credit for millions of Americans. But this legislation is not just about protecting consumer credit options. It is about protecting consumers' identity and their health information. This bill strengthens the rules to protect consumers from identity theft.

The Committee on Financial Services, which I am a member of, heard from a woman who originally lived in my district, someone who I grew up just seven doors away from. Her name was Maureen Sullivan. Now it is Maureen Mitchell. She grew up in Woodside, Queens, New York, who was a victim herself, and her husband, of identity theft. It cost her not only money but it cost her an enormous amount of time, not to mention mental anguish. This quite frankly happens all too often in this country. This bill addresses many of these issues and works for increased protections for honest Americans and honest people. Most importantly, this bill ensures the strict prohibition of medical and health information from being used in the credit-granting or denial process. No longer can the information used in hospitals and in doctors' offices be used to decide one's creditworthiness.

I want to urge my colleagues to vote in favor of this legislation. Once again I want to thank the chairman and the ranking member for all their good and honest work on what I think is a worthy piece of legislation.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me say this. The body just heard from the gentleman from Arizona. He actually introduced in the 104th Congress the very first legislation dealing with identity theft. It was the Identity Theft and Deterrence Act, which had criminal penalties in it. Before most Americans, even most Members of Congress, knew of this problem, he knew about it.

We do have a continuing concern about Social Security numbers. If we are going to truncate them, this is a great example of why we need a uniform standard. We cannot have one State truncating them into six numbers, another State into five numbers where we could not interchange them. I would encourage the gentleman from Arizona to continue to work with the Committee on Ways and Means in dealing with this problem, because it is something that we need to address in identity theft. I applaud and commend him for his effort and encourage him to continue with it.

The CHAIRMAN. Without objection, the gentleman from North Carolina (Mr. WATT) will control the time of the gentleman from Massachusetts (Mr. FRANK).

There was no objection.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE), a valued member of the committee who was chairman of the Democratic task force on this bill.

Mr. MOORE. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time. I also want to thank the gentleman from Ohio (Mr. OXLEY), the gentleman from Massachusetts (Mr. FRANK), also the gentleman from Vermont (Mr. SANDERS), and the gentleman from Alabama (Mr. BACHUS) for the great work that they did on this bill. I rise in strong support of this bill which passed out of committee 61 to 3. That is almost unheard of in this body where there is so much contentiousness, it seems, way too often. I think people out in the country wonder what is going on here. I think this is a splendid example of our ability to work together for something to benefit the American people and for business in this country.

I ask my colleagues to vote in support of the bill that is going to come up on the floor today because it does assure the availability of reasonably priced consumer credit to consumers, which is going to enhance their ability to purchase things that they want in the future as well as to protect our economy and business in this country.

I think it is very, very important that we pass this legislation intact. It increases consumer awareness of their rights. It protects against identity theft. It expands consumer access to credit information and gives a free credit report annually to consumers in this country. There are a number of consumer protections that the gentleman from Vermont and others worked for that are now built into this bill and if this bill is adopted will become in fact permanent.

I urge my colleagues and all the Members of this body to vote in support of this bill.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL) who has had such a tremendous impact on this bill, particularly the medical privacy portions of the bill. He has been a stalwart.

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague from North Carolina for his kind words. I would like to also congratulate the gentleman from Ohio (Mr. OXLEY), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Alabama (Mr. BACHUS), the gentleman from Vermont (Mr. SANDERS), and the gentleman from California (Mr. OSE) for cosponsoring our amendment that deals with medical information and blacking out that information. This is a landmark bill that will help American consumers by giving them important new rights and protections.

Our economy benefits from a national credit reporting system like no other in the world, and this legislation strikes the right balance by safeguarding consumers while also ensuring continued access to our instant credit system. Medical information should have no place in employment decisions or credit determinations, and corporate affiliates should not be able to share it. This information deserves the strongest protection under the law, but beyond that it is important that we give consumers back some control over who can and cannot use this information. In fact, a recent Gallup poll showed 95 percent of consumers are worried that their health providers or insurers may be sharing their private medical information with others. Beyond this concern, however, they fear losing more control every day over sensitive medical information.

No longer will we ask whether you opt in or opt out. Your medical information, medical information in your family from here forward is blacked out. It protects you in the most sensitive area. It blacks out the use of medical information in the credit-granting process. It establishes strict limits on the use of medical information for employment purposes. It blacks out the indiscriminate sharing of medical information among corporate affiliates. It blacks out the use of medical information to create individualized or aggregate lists based on consumers' payment transactions for medical products; creates a new and higher standard for reporting by credit reporting agencies to others who have requested information; and establishes strict limits on the reuse of medical information.

This is both good for consumers and good for business. In a typical way when you have a win-win situation, it will also in my view garner great bipartisan support. Again I want to close by thanking the chairman and the ranking member for having a bill that brings together business interests and consumer interests not only throughout the bill but also in this particular area, by blacking out medical information and giving consumers again control over their own lives.

Mr. WATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in 1996, or when the original fair credit reporting bill was passed, which I do think was 1996, there was quite a bit of controversy about whether the Federal Government should be the controlling entity with respect to these kinds of credit issues. You had your classic States rights versus Federal Government debate. That has been much less of a debate this time because over time we have come to realize that commerce, both intrastate and interstate, is substantially impacted by the availability of credit. Just about everybody is using credit in commerce. Nobody is paying cash anymore, or seldom are people paying cash. So the argument about whether the Federal Government has a legitimate role in this fair credit process kind of has gone by the board over the years and was less of an issue in this debate and gave the committee in my estimation the opportunity to focus on really creating a comprehensive kind of approach to dealing with credit in this country, dealing with some of the problems that people face when credit reporting agencies get the wrong information, dealing with identity theft and medical privacy, and the whole range of issues that can come into play when a credit transaction is about to take place.

□ 1600

I think the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Mr. FRANK) have done just a magnificent job of hearing all of the input from all of the different sides and coming together on a bill that came out of committee with not unanimous support, but virtually unanimous support.

Now, there are some things that may be tweaked between the committee process and the floor, and there might be some need to change one or two things that have been agreed upon, but there are some amendments that I think could have a negative effect on this kind of bipartisan agreement that has characterized this bill.

So I hope that as we go forward into the amendment process, all of us will remember how hard we worked to keep this a bipartisan bill, to deliver a bill to the Senate that had just broad-based support so they would not sit there and not do anything and let the authorization run out. We need to maintain this bill in its current form as much as possible, unless the Chair and ranking member have agreed to amendments. I hope that my colleagues will keep that in mind.

Mr. Chairman, it is time for us to pass this bill, move it over to the Senate, and hope that they will produce a product that will keep credit available to people in this country on a set of fair and equitable rules.

Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I want to thank the gentleman from North Carolina for taking over for me temporarily and for his very effective leadership throughout the deliberations on this bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OXLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in only 1 minute it will be difficult to thank everybody, but let me try. First, the chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), who has shown enormous leadership, the main sponsor of this bill. He held over eight hearings with over 100 witnesses. The gentleman from North Carolina is right, everybody who wanted to be heard on this bill was heard, sometimes more than once.

I would like to express thanks to the gentleman from Massachusetts (Mr. FRANK) for his leadership and direction and for helping us all along the way; to the gentlewoman from Oregon (Ms. HOOLEY), and to the gentleman from Ohio (Mr. LATOURETTE), particularly on their efforts on identity theft; and to the gentlewoman from Illinois (Mrs. BIGGERT) for her contributions as well. It is a real honor roll of members on our committee.

Frankly, over the last 2½ years, our committee has established a pretty solid record of bipartisan cooperation and production, whether it was the Sarbanes-Oxley bill, or whether it was tourism risk insurance, and the list goes on. This, I think, is one more addition to that honor roll. For that I am extremely grateful to the members of the committee on both sides of the aisle. We have been clearly blessed with a cooperation, and I think it will be reflected in the final vote.

Mr. HOYER. Mr. Chairman, I urge all my colleagues to support this legislation—the Fair and Accurate Credit Transactions of 2003—which provides a national uniform standard on how consumer reporting agencies and other financial services entities may access and use consumer financial and medical data.

But before I discuss the substance of the underlying bill, I want to compliment the Chairman and Ranking Member of the Financial Services Committee (Mr. OXLEY and Mr. FRANK), who worked together in crafting this bipartisan legislation, which I believe will be passed by an overwhelming margin today.

This, Mr. Chairman, is how our legislative process should work. The Chairman and Ranking Member identified a need. They held hearings. And they crafted the bipartisan solution on the Floor today that is, nonetheless, open to amendment.

Mr. Chairman, the advent of the Internet and the Information Revolution has been a terrific boon for the American consumer. Millions have received quick credit decisions on financing a new car, on obtaining a credit card, and on taking out or refinancing a mortgage. This has clearly facilitated many of the most important financial decisions consumer make, and strengthened our economy.

However, it also illustrates the need for national uniform standards for financial information. And that is what this bill addresses.

Under this legislation, consumers can receive a free annual credit report that will disclose their credit score. In addition, the Act gives consumers new options for disputing and correcting inaccuracies in their credit reports, encourages prompt investigations of such disputes, and establishes new requirements to prevent corrected errors from being reintroduced into a credit report.

The Act also includes provisions to combat identify theft. A recent Federal Trade Commission survey indicated that more than 27 million Americans have been victims of identity theft in the last five years, including nearly 10 million people in the last year alone.

H.R. 2622 permits consumers to more easily place "fraud alerts" on their consumer reports; to require credit reporting agencies to block (or omit) information that is confirmed to have resulted from an identity theft, as long as the consumer has filed a police report concerning the ID theft; and to prohibit retailers from printing the expiration date and more than the last five digits of a consumer's credit or debit card number on electronic receipts.

Finally, the Act greatly expands the protections in the Fair Credit Reporting Act that govern the sharing and use of sensitive medical records and information, as well as information pertaining to medical-related payments and debts. These provisions will prohibit consumer reporting agencies from including medical information in a consumer's credit report unless the medical information is directly relevant to the consumer's attempts to obtain employment or credit and the consumer has explicitly consented to the release of the information.

Mr. Chairman, this legislation is not only substantively important, it is timely. As my colleagues may know, Congress must reauthorize the Fair Credit Reporting Act before the preemptions expire on December 31, 2003.

I urge my colleagues to vote for this legislation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003. Passage of this important legislation is essential to maintaining our current national credit reporting system. As Federal Reserve Board Chairman Alan Greenspan make clear to the Financial Services Committee in his testimony, if we do not act to extend the uniform national standard for consumer protections governing credit transactions first established in the Fair Credit Reporting Act "we will have great difficulty in maintaining the level of consumer credit currently available."

H.R. 2622 maintains the free flow of credit reporting information to lenders and other financial services providers while also creating powerful new consumer protections. Consumers will have the authority to place fraud alerts in their credit reports, preventing identity thieves from using their information and keeping negative information resulting from fraudulent activity from being reported to a credit bureau.

The Fair and Accurate Credit Transactions Act will also allow consumers to access annually a free copy of their credit score and credit report identifying the key factors affecting their credit worthiness with recommendations on ways to improve their score. A provision I authored in H.R. 2622 will also improve the transparency of credit scoring systems by mandating that if the number of credit enquiries on a consumer's account negatively affects their score it must be disclosed in their consumer report. This ensures the consumer and their prospective lenders are fully informed. This important requirement will allow conscientious consumers to shop around for the best rates on loans or mortgages without unknowingly harming their credit.

I would like to thank Financial Services Committee Chairman OXLEY and Subcommittee Chairman BACHUS for their hard work on this issue and urge my colleagues to join me in voting for this vital legislation. The consumer benefits afforded by our national credit system are too important to our nation's economy to be left at risk.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of H.R. 2622, the Fair and Accurate Credit Transactions Act. Over the past several months, the Financial Services Committee has held numerous hearings, in addition to the subcommittee and full committee markup of this legislation. As a member of the committee, I am proud to have played a role in crafting this important legislation which achieves a number of goals important to consumers, as well as to the financial industry.

This legislation extends the expiring provisions of the Fair Credit Reporting Act, allows consumers to receive free annual credit reports, and protects consumers' sensitive medical information.

I am particularly pleased with the provisions that help consumers prevent and correct inadequacies in their credit reports. The bill provides that when a financial institution reports negative information, such as a consumer's delinquencies, the institution must notify the consumer of this in writing. This is a win-win for all parties involved. Financial institutions will stand a greater chance of collecting their money sooner if the consumer is warned that being reported to the credit bureau is imminent. A notice in writing stating you will be reported to the credit bureaus for this delinquency and that this will affect your credit rating is strong motivation for most consumers. For the consumer who wants to protect and improve his credit rating, this is essential information. For the consumer whose identity has been stolen, this may be a vital notification.

I have greatly appreciated the opportunity to collaborate with Chairman OXLEY, Ranking Member FRANK and their excellent staffs, all my colleagues on the Financial Services Committee, and representative of both the financial services industry and consumer groups to develop this historic bipartisan legislation. I ask my colleagues to join with me in supporting H.R. 2622.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). This important legislation permanently extends those provisions in the Fair Credit Reporting Act (FCRA) which relate to the preemption of State laws. These provisions in the FCRA are set to expire on December 31, 2003. The FCRA is the Federal law which governs the furnishing of reports on the credit worthiness of consumers.

This Member would like to thank the distinguished gentleman from Alabama (Mr. BACHUS), the Chairman of the House Financial Services Subcommittee on Financial Institutions and Consumer Credit, for introducing this important legislation. Furthermore, this Member would like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from Massachusetts (Mr. FRANK), the Ranking Member of this Committee, for their support in bringing this measure to the House floor.

This legislation, H.R. 2622, is essential since it ensures the continuity of the nationwide credit system while providing important consumer protections. This Member supports this legislation for many reasons. However, he would like to focus on the following three reasons.

First, this legislation provides for a free credit report annually for consumers. Typically, credit reporting agencies charge consumers up to $9 for the disclosure of the information in their credit files. Under current law, a consumer may receive a free consumer report from a reporting agency only under certain circumstances, such as when a consumer receives a notice of an adverse action by a reporting agency. The FACT Act would provide for a free credit report annually for consumers for any reason. This Member believes that this provision will promote consumer awareness of a person's credit history as well as provide an opportunity for the consumer to correct any inaccurate information on one's credit report.

Second, this legislation provides important provisions to curb identity theft. To illustrate the need for these provisions, the Federal Trade Commission (FTC) released a survey at the beginning of September of this year which showed that a staggering 27.3 million Americans had been victims of identity theft in the last 5 years, including 9.9. million people in the last year alone. This bill provides the following consumer protection tools against identity theft: Allows consumers to place "fraud alerts" in their credit reports to prevent identity thieves from opening accounts in their names; allows consumers to block information from being given to a credit reporting agency and from being reported by this agency if such information results from identity theft; and prohibits furnishers of credit information from forwarding to reporting agencies information on a consumer if the furnisher has substantial doubts as to its accuracy.

Lastly, this bill continues the Federal preemption of State laws as it relates to the corporate affiliate sharing of financial information. During the consideration of the 1996 amendments to the FCRA, this Member authored a provision, which was signed into law, that required a consumer opt-out nontransactional is shared among corporate affiliates. Examples of nontransaction information include data from a consumer credit report and information on an application such as a consumer's income or assets. This provision on consumer notice is very important as it was the first consumer "opt out" on the sharing of financial information that this Member is aware of that was signed into Federal law.

In conclusion, for the reasons stated above and many others, this Member encourages his colleagues to support H.R. 2622.

Mr. CASTLE. Mr. Chairman, I rise today to express my strong support for the Fair and Accurate Credit Transactions Act of 2003. This bipartisan legislation passed the House Financial Services Committee by a vote of 61–3 in July 2003. An overwhelming endorsement which should be noted today.

This legislation is a good bipartisan bill, it is the result of six hearings, nearly 100 witnesses, and months of deliberations. Through this very thorough process, the Financial Services Committee has produced a bill that will protect the financial privacy and access to credit for all consumers. Furthermore, it will help our economic recovery by ensuring that businesses have access to accurate information which provides prompt credit to American consumers.

As my colleagues know, one of the forces that has helped sustain our economy in recent years is consumer spending. A critical factor in enabling American consumers to purchase products when they need them and want them, is our strong system of consumer credit. That system is supported by the Fair Credit Reporting Act, which insures that factual information is available on which to base the extension of credit. Virtually every business in this Nation, and every consumer that has ever used credit, depends on this system.

One of my constituents, Michael Uffner, President, Chairman and CEO, of Auto Team Delaware, testified before the House Financial Services Committee this year. Mike Uffner stressed importance of access to accurate credit information to serve customers in a timely and fair manner. Americans want to be able to walk into an automobile showroom and purchase an automobile that day based on a prompt approval of a loan based on their credit.

In December, the national uniform consumer protection standards in the Fair Credit Reporting Act will expire. Without this legislation, there would be no national standards for consumer protections and credit availability. This will negatively affect consumer access to credit and the economy as a whole. A failure to pass this legislation means higher costs to consumers, who will be paying more for their credit without this legislation. In today's economy, rely on instant credit, available to us across the country. There is uniformity, this is not a state by state issue, as Congress we must protect consumers.

This legislation has a number of consumer protections, it helps protect consumer credit while providing access to greater opportunities of credit nationwide. This legislation provides consumers with the tools they need to fight identity theft and to ensure the accuracy of their credit reports.

Mr. Chairman, again, I want to express my strong support for this bill and urge my colleagues on both sides of the aisle to join the 61 bipartisan members of the House Financial Services Committee who worked together to craft this bill to protect consumers and give confidence to businesses. This is a proper step to ensure that all of our constituents have access to fair and reasonable credit and information.

Mr. SCHIFF. Mr. Chairman, I rise today to support the two amendments offered by my colleagues from California, Representatives SHERMAN, LEE, and WATERS which would protect California's consumer protection laws from being preempted by the base bill being debated today. First, let me express my appreciation to my colleagues who serve on the Financial Services Committee for bringing to this Floor such a strong bipartisan bill. H.R. 2622 is important legislation which is necessary to ensure the effectiveness of our nation's credit reporting system.

It is true, this legislation will extend consumer protections currently not afforded to millions of Americans. This is not true, however, for Californians. The California Legislature, with overwhelming bipartisan and consumer support, has adopted progressive and effective financial privacy laws which afford California residents the most far reaching consumer protections in the nation.

Under California law, Californians can correct erroneous credit reporting through the filing of police reports, can request a fraud alert to be posted on their personal credit reports, have access to contact information for those who placed information on their credit report, and have the right to remove their names from credit card solicitation lists furnished by credit bureaus.

Most recently, California adopted legislation which requires financial institutions to obtain a consumer's affirmative consent before sharing information with most third parties and prevents, except under certain circumstances, the affiliate sharing of a consumer's nonpublic personal information.

Should this legislation be adopted in its current form and without these amendments, perhaps fifteen consumer protections, including those which I have just listed, will be preempted. As I said, while many Americans will enjoy additional consumer protections through the adoption of H.R. 2622, Californian's will lose many of the consumer protections which they have come to depend on.

We should not punish Californians for adopting far reaching consumer protections. In fact we should learn form California's example and extend these protections to the rest of the nation. And while this legislation will help millions of Americans it will be detrimental to all Californians.

All Members should support the amendments offered by Representatives SHERMAN, LEE and WATERS to ensure the protection of California law and protect a state's right to enact and enforce effective consumer protection laws. However, should these amendments not be agreed to today, I urge my colleagues to ensure that this issue is corrected in the House—Senate Conference Committee on this legislation.

Finally, H.R. 2622 is necessary and important legislation which would only be made better with the adoption of these amendments.

Mr. RUPPERSBERGER. Mr. Chairman, I have interest in a company that does business with a financial institution that one way or another might be impacted by this legislation, so I have decided to vote present on H.R. 2622, the Fair & Accurate Credit Transactions Act and the accompanying amendments on September 10, 2003. This includes all roll call votes starting at #495 until the end of the consideration of this measure. It also includes any motion to recommit and final passage on H.R. 2622, the Fair & Accurate Credit Transaction Act.

I do support the efforts of this legislation in combating identity theft and applaud authors of this measure.

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text is the amendment in the nature of a substitute is as follows:

H.R. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair and Accurate Credit Transactions Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act are as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective dates.

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

Sec. 101. Uniform national consumer protection standards made permanent.

TITLE II—IDENTITY THEFT PREVENTION

Sec. 201. Investigating changes of address and inactive accounts.
Sec. 202. Fraud alerts.
Sec. 203. Truncation of credit card and debit card account numbers.
Sec. 204. Summary of rights of identity theft victims.
Sec. 205. Blocking of information resulting from identity theft.
Sec. 206. Establishment of procedures for depository institutions to identify possible instances of identity theft.
Sec. 207. Study on the use of technology to combat identity theft.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

Sec. 301. Coordination of consumer complaint investigations.
Sec. 302. Notice of dispute through reseller.
Sec. 303. Reasonable investigation required.
Sec. 304. Duties of furnishers of information.
Sec. 305. Prompt investigation of disputed consumer information.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

Sec. 401. Reconciling addresses.
Sec. 402. Prevention of repollution of consumer reports.
Sec. 403. Notice by users with respect to fraudulent information.
Sec. 404. Disclosure to consumers of contact information for users and furnishers of information in consumer reports.
Sec. 405. FTC study of the accuracy of consumer reports.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

Sec. 501. Free reports annually.
Sec. 502. Disclosure of credit scores.
Sec. 503. Simpler and easier method for consumers to use notification system.
Sec. 504. Requirement to disclose communications to a consumer reporting agency.
Sec. 505. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.
Sec. 506. GAO study on disparate impact of credit system.
Sec. 507. Analysis of further restrictions on offers of credit or insurance.
Sec. 508. Study on the need and the means for improving financial literacy among consumers.
Sec. 509. Disclosure of increase in APR under certain circumstances.

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

Sec. 601. Certain employee investigation communications excluded from definition of consumer report.

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

Sec. 701. Protection of medical information in the financial system.
Sec. 702. Confidentiality of medical information in credit reports.

SEC. 2. DEFINITIONS.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsections:

"(r) RESELLER.—The term 'reseller' means a consumer reporting agency that—

"(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

"(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

"(s) OTHER DEFINITIONS.—

"(1) BOARD; CREDIT; CREDITOR; CREDIT CARD.—The terms 'Board', 'credit', 'creditor', and 'credit card' have the same meanings as in section 103 of the Truth in Lending Act.

"(2) COMMISSION.—The term 'Commission' means the Federal Trade Commission.

"(3) DEBIT CARD.—The term 'debit card' means any card issued by a financial institution to a consumer for use in initiating electronic fund transfers (as defined in section 903(6) of the Electronic Fund Transfer Act) from the account (as defined in such Act) of the consumer at such financial institution for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

"(4) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer' has the same meaning as in section 903 of the Electronic Fund Transfer Act.

"(5) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(6) IDENTITY THEFT.—The term 'identity theft' means a fraud committed using another person's identifying information, subject to such further definition as the Commission and the Board may prescribe, jointly, by regulation.

"(7) POLICE REPORT.—The term 'police report' means a copy of any official valid report filed by a consumer with any appropriate Federal, State, or local government law enforcement agency, or any comparable official government document that the Board and the Commission shall jointly prescribe in regulations, that is subject to a criminal penalty for false statements.".

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)—

(1) before the end of the 2-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly prescribe regulations in final form establishing effective dates for each provision of this Act (except as otherwise specified); and

(2) the regulations prescribed under paragraph (1) shall establish effective dates that are as early as possible while allowing a reasonable time for the implementation of the provisions of this Act, but in no case shall the effective date be later than 10 months after the date of issuance of such regulations in final form.

(b) IMMEDIATE EFFECTIVE DATE.—The following provisions shall take effect on the date of the enactment of this Act:

(1) Title I.

(2) Section 201.

(3) Section 609(d)(1) of the Fair Credit Reporting Act (as added by the amendment in section 204(a)).

(4) Section 305.

(5) Section 505.

(6) Section 506.

(7) Title VI.

(c) EFFECTIVE DATE FOR PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.—Section 701 shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act, except that paragraph (2) of section 604(g) of the Fair Credit Reporting Act (as added by section 701) shall take effect on the later of—

(1) the end of the 90-day period beginning on the date the regulations required under paragraph (5)(B) of such section 604(g) (as added by section 701) are prescribed in final form; or

(2) the date specified in the regulations referred to in paragraph (1).

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

SEC. 101. UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS MADE PERMANENT.

Section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)) is amended—

(1) by striking "Subsections (b) and (c)" and all that follows through "do not affect any settlement," and inserting "Subsections (b) and (c) do not affect any settlement,"; and

(2) by striking "Consumer Credit Reporting Reform Act of 1996" and all that follows through the period at the end of paragraph (2) and inserting "Consumer Credit Reporting Reform Act of 1996.".

TITLE II—IDENTITY THEFT PREVENTION

SEC. 201. INVESTIGATING CHANGES OF ADDRESS AND INACTIVE ACCOUNTS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (f), the following new subsection:

"(g) 'RED FLAG' PATTERNS OF POSSIBLE IDENTITY THEFT.—

"(1) INVESTIGATION OF CHANGES OF ADDRESS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall jointly prescribe regulations for credit card and debit card issuers to ensure that, if any such issuer receives a request for an additional or replacement card for an existing account within a short period of time after the issuer has received notification of a change of address for the same account, the issuer will follow reasonable policies and procedures that require, as appropriate, that the issuer not issue the additional or replacement card unless the issuer—

"(A) notifies the cardholder of the request at the former address of the cardholder and provides to the cardholder a means of promptly reporting incorrect address changes;

"(B) notifies the cardholder of the request by such other means of communication as the cardholder and the card issuer previously agreed to; or

"(C) uses other means of assessing the validity of the change of address, in accordance with reasonable policies and procedures established by the card issuer in accordance with the regulations prescribed under subsection (k).

"(2) INACTIVE ACCOUNTS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall consider including, as a possible 'red flag' pattern, reasonable guidelines providing that when a transaction occurs with respect to a credit or deposit account that has been inactive for more than 2 years, the creditor or depository institution shall follow reasonable policies and procedures that provide for notice to be given to a consumer in a manner reasonably designed to reduce the likelihood of identity theft with respect to such account.".

(b) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act is amended to read as follows:

"§605. Requirements relating to information contained in consumer reports and to identity theft prevention.".

(2) The table of sections for title VI of the Consumer Credit Protection Act is amended by striking the item relating to section 605 and inserting the following new item:

"605. Requirements relating to information contained in consumer reports and to identity theft prevention.".

(3) Section 624(b)(1)(E) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)(E)) is amended by inserting "and to identity theft prevention" after "consumer reports".

SEC. 202. FRAUD ALERTS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(i) ONE-CALL FRAUD ALERTS.—

"(1) INITIAL ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who asserts, in good faith, a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency described in section 603(p) shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

"(A) include a fraud alert in the file of that consumer for a period of not less than 90 days beginning on the date of such request, unless the consumer specifically requests that such fraud alert be removed before the end of such period;

"(B) disclose to the consumer that the consumer may request a free copy of the file of the consumer and provide the consumer, upon request, a free disclosure of the consumer's file (as described in section 609(a)) within 3 business days after such request;

"(C) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

"(D) refer the information regarding the fraud alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

"(2) EXTENDED ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who contacts a consumer reporting agency described in section 603(p) to report details of an identity theft and submits evidence that provides the agency with reasonable cause to believe that such identity theft has occurred, the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

"(A) include a fraud alert in the file of that consumer and provide an opportunity for the consumer to extend the alert for a period of up to 7 years from the date of such request, unless the consumer subsequently requests that such fraud alert be removed before the end of such period;

"(B) provide the consumer with the option of including more complete information in the consumer's file, including a telephone number or some other reasonable means of communication that any person who requests the consumer's report may utilize for authorization before establishing a new credit plan in the name of the consumer; and

"(C) provide the consumer with at least 2 free disclosures of the information described in section 609(a) during the 12-month period beginning on the date of such request.

"(3) ACTIVE DUTY ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, who contacts a consumer reporting agency described in section 603(p), the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

"(A) include an active duty alert in the file of that consumer during a period of not less than 12 months beginning on the date of the request, unless the consumer requests that such active duty alert be removed before the end of such period;

"(B) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

"(C) refer the information regarding the active duty alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

"(4) PROCEDURES.—Each consumer reporting agency described in section 603(p) shall establish policies and procedures to comply with the obligations of paragraphs (1), (2), and (3), including procedures that allow consumers to request initial, extended, or active duty alerts in a simple and easy manner, including by telephone.

"(5) NOTICE TO USERS.—No person who obtains any information that includes a fraud alert under this section from a file of any consumer from a consumer reporting agency may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (9).

"(6) REFERRALS OF FRAUD ALERTS.—Each consumer reporting agency described in section 603(p) that receives a referral of a fraud alert from another such agency pursuant to paragraph (1)(D) or (3)(C) shall follow the procedures required under subparagraphs (A), (B), and (C) of paragraph (1), in the case of a referral under paragraph (1)(D), and subparagraphs (A) and (B), in the case of a referral under paragraph (3)(C), as if the agency received the request from the consumer directly.

"(7) DUTY OF RESELLER TO RECONVEY ALERT.—A reseller that is notified of the existence of a fraud alert in a consumer's consumer report shall communicate to each person procuring a consumer report with respect to such consumer the existence of a fraud alert in effect for such consumer.

"(8) DUTY OF OTHER CONSUMER REPORTING AGENCIES TO PROVIDE CONTACT INFORMATION.—If a consumer contacts any consumer reporting agency that is not a consumer reporting agency described in section 603(p) to communicate a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, the agency shall *provide the consumer with information on how to contact the Commission and the consumer reporting agencies described in section 603(p) to obtain more detailed information and request alerts under this subsection.*

"(9) FRAUD ALERT.—

"(A) DEFINITION.—For purposes of this subsection, the term 'fraud alert' means, at a minimum, a statement—

"(i) in the file of a consumer that the consumer may be a victim of fraud, including identity theft, or is a consumer described in paragraph (3); and

"(ii) that is transmitted in a manner that facilitates a clear and conspicuous view of the statement by any person requesting such file.

"(B) OTHER INFORMATION.—A fraud alert shall include information that notifies all prospective users of a consumer report on the consumer to which the alert relates that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.

"(10) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ACTIVE DUTY MILITARY CONSUMER.—The term 'active duty military consumer' means a consumer in military service who—

"(i) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

"(ii) is assigned to service away from the consumer's usual duty station.

"(B) NEW CREDIT PLAN.—The term 'new credit plan' means a new account under an open end credit plan (as defined in section 103(i) of this Act) or a new credit transaction not under an open end credit plan.".

SEC. 203. TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (k) (as added by section 206 of this title) the following new subsection:

"(l) TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.—

"(1) IN GENERAL.—Except as provided in this subsection, no person that accepts credit cards or debit cards for the transaction of business shall print the expiration date or more than the last 5 digits of the card number upon any receipt provided to the cardholder at the point of the sale or transaction.

"(2) LIMITATION.—This section shall apply only to receipts that are electronically printed, and shall not apply to transactions in which the sole means of recording the person's credit card or debit card number is by handwriting or by an imprint or copy of the card.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply after the end of—

(1) the 3-year period beginning on the date of the enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is in use before January 1, 2005; and

(2) the 1-year period beginning on the date of the enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is first put into use on or after January 1, 2005.

SEC. 204. SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(d) SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.—

"(1) IN GENERAL.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall prepare a model summary of the rights of consumers under this title with respect to the procedures for remedying the effects of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution.

"(2) SUMMARY OF RIGHTS AND CONTACT INFORMATION.—If any consumer contacts a consumer reporting agency and expresses a belief that the consumer is a victim of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution, the consumer reporting agency shall, in addition to any other action the agency may take, provide the consumer with the model summary of rights prepared by the Commission under paragraph (1) and information on how to contact the Commission to obtain more detailed information.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) is amended by striking "section 609(c)" and inserting "subsection (c) or (d) of section 609".

SEC. 205. BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (i) (as added by section 202 of this title) the following new subsection:

"(j) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

"(1) BLOCK.—Except as provided in paragraph (3), a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft and confirms is not information relating to any transaction by the consumer not later than 5 business days after the date of receipt by such agency of—

"(A) appropriate proof of the identity of a consumer;

"(B) a police report evidencing the claim of the consumer of identity theft;

"(C) the identification of the information by the consumer; and

"(D) confirmation by the consumer that the information is not information relating to any transaction by the consumer.

"(2) NOTIFICATION.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under paragraph (1)—

"(A) that the information may be a result of identity theft;

"(B) that a police report has been filed;

"(C) that a block has been requested under this subsection; and

"(D) of the effective date of the block.

"(3) AUTHORITY TO DECLINE OR RESCIND.—

"(A) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of consumer information under this subsection if the consumer reporting agency reasonably determines that—

"(i) the information was blocked in error or a block was requested by the consumer in error;

"(ii) the information was blocked, or a block was requested by the consumer, on the basis of a misrepresentation of fact by the consumer relevant to the request to block; or

"(iii) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions.

"(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 611(a)(5)(B).

"(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

"(4) EXCEPTIONS.—

"(A) VERIFICATION COMPANIES.—This subsection shall not apply to—

"(i) a check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

"(ii) a deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

"(B) RESELLERS.—

"(i) NO RESELLER FILE.—This subsection shall not apply to a consumer reporting agency if the consumer reporting agency—

"(I) is a reseller;

"(II) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

"(III) informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.

"(ii) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this subsection, with regard to any request of a consumer under this subsection, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use if—

"(I) the consumer, in accordance with the provisions of paragraph (1), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

"(II) the consumer reporting agency is a reseller of the identified information.

"(iii) NOTICE.—In carrying out its obligation under clause (ii), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

"(5) ACCESS TO BLOCKED INFORMATION BY LAW ENFORCEMENT AGENCIES.—No provision of this subsection shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.".

SEC. 206. ESTABLISHMENT OF PROCEDURES FOR DEPOSITORY INSTITUTIONS TO IDENTIFY POSSIBLE INSTANCES OF IDENTITY THEFT.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by

inserting after subsection (j) (as added by section 205 of this title) the following new subsection:

“(k) ‘RED FLAG’ GUIDELINES REQUIRED.—

“(1) IN GENERAL.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly establish and maintain guidelines for use by insured depository institutions in identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft with respect to accounts, and update such guidelines as often as necessary.

“(2) REGULATIONS.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly prescribe regulations requiring insured depository institutions to establish and adhere to reasonable policies and procedures for implementing the guidelines established pursuant to paragraph (1) to identify possible risks to customer accounts or to the safety and soundness of the institutions.

“(3) CONSISTENCY WITH VERIFICATION REQUIREMENTS.—Policies and procedures established pursuant to paragraph (2) shall not be inconsistent with, or duplicative of, the policies and procedures required under section 5318(l) of title 31, United States Code.

“(4) INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this subsection, the term ‘insured depository institution’—

“(A) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

“(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

SEC. 207. STUDY ON THE USE OF TECHNOLOGY TO COMBAT IDENTITY THEFT.

(a) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of the use of biometrics and other similar technologies to reduce the incidence and costs of identity theft by providing convincing evidence of who actually performed a given financial transaction.

(b) CONSULTATION.—The Secretary of the Treasury shall consult with Federal banking agencies, the Federal Trade Commission, and representatives of financial institutions, credit reporting agencies, Federal, State, and local government agencies that issue official forms or means of identification, State prosecutors, law enforcement agencies, and the biometric industry and other representatives of the general public, in formulating and conducting the study required by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for fiscal year 2004 such sums as may be necessary to carry out the provisions of this section.

(d) REPORT REQUIRED.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings and conclusions of the study required under subsection (a), together with such recommendations for legislative or administrative actions as may be appropriate.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

SEC. 301. COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

“(f) COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.—

“(1) IN GENERAL.—The consumer reporting agencies described in section 603(p) shall develop and maintain procedures for the referral, to each such agency, of any consumer complaint received by any such agency alleging any identity theft or requesting a block or a fraud alert.

“(2) MODEL FORM AND PROCEDURE FOR REPORTING IDENTITY THEFT.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

“(3) ANNUAL SUMMARY REPORTS.—Each consumer reporting agency described in section 603(p) shall submit an annual summary report to the Commission on consumer complaints received by the agency on identity theft or fraud alerts.”.

SEC. 302. NOTICE OF DISPUTE THROUGH RESELLER.

(a) REQUIREMENT FOR REINVESTIGATION OF DISPUTED INFORMATION UPON NOTICE FROM A RESELLER.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended—

(1) in subparagraph (A) of paragraph (1)—

(A) by striking ‘ If the completeness” and inserting “Subject to subsection (e), if the completeness”;

(B) by inserting “, or indirectly through a reseller,” after “notifies the agency directly”; and

(C) by inserting “or reseller” before the period at the end of such subparagraph;

(2) in subparagraph (A) of paragraph (2)—

(A) by inserting “or a reseller” after “dispute from any consumer”; and

(B) by inserting “or reseller” before the period at the end of such subparagraph; and

(3) in subparagraph (B) of paragraph (2), by inserting “or the reseller” after “from the consumer”.

(b) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following new subsection:

“(e) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—

“(1) EXEMPTION FROM GENERAL REINVESTIGATION REQUIREMENT.—Except as provided in paragraph (2), a reseller shall be exempt from the requirements of this section.

“(2) ACTION REQUIRED UPON RECEIVING NOTICE OF A DISPUTE.—If a reseller receives a notice from a consumer of a dispute concerning the completeness or accuracy of any item of information contained in a consumer report on such consumer produced by the reseller, the reseller shall, within 5 business days of receiving the notice and free of charge—

“(A) determine whether the item of information is incomplete or inaccurate as a result of an act or omission of the reseller; and

“(B) if—

“(i) the reseller determines that the item of information is incomplete or inaccurate as a result of an act or omission of the reseller, correct the information in the consumer report or delete it; or

“(ii) if the reseller determines that the item of information is not incomplete or inaccurate as a result of an act or omission of the reseller, convey the notice of the dispute, together with all relevant information provided by the consumer, to each consumer reporting agency that provided the reseller with the information that is the subject of the dispute.

“(3) RESELLER REINVESTIGATIONS.—No provision of this subsection shall be construed as prohibiting a reseller from conducting a reinvestigation of a consumer dispute directly.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The heading for paragraph (2)(B) of section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(2)(B)) is amended by striking “FROM CONSUMER”.

SEC. 303. REASONABLE REINVESTIGATION REQUIRED.

Section 611(a)(1)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended by striking “shall reinvestigate free of charge” and inserting “shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate”.

SEC. 304. DUTIES OF FURNISHERS OF INFORMATION.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended—

(1) in paragraph (1)(A), by striking “knows or consciously avoids knowing that the information is inaccurate” and inserting “knows or has reasonable cause to believe that the information is inaccurate”;

(2) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A), the following new subparagraph:

“(B) REASONABLE PROCEDURES TO ENSURE ACCURACY.—A person that regularly furnishes information relating to consumers to a consumer reporting agency described in section 603(p) shall maintain reasonable procedures designed to ensure that the information furnished is accurate.”; and

(C) by adding at the end the following new subparagraph:

“(F) DEFINITION.—For purposes of subparagraph (A), the term ‘reasonable cause to believe that the information is inaccurate’ means, based on the procedures described in subparagraph (B), has knowledge, other than solely allegations by the consumer, that would cause a reasonable person to have substantial doubts about the accuracy of the information.”; and

(3) by adding at the end the following new paragraph:

“(6) ABILITY OF CONSUMER TO DISPUTE INFORMATION DIRECTLY WITH FURNISHER.—

“(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that—

“(i) is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p); and

“(ii) was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B).

“(B) SUBMITTING A NOTICE OF DISPUTE.—A consumer who seeks to dispute the accuracy of information with a person under subparagraph (A) shall provide a dispute notice directly to such person at the address specified by the person for such notices that—

“(i) identifies the specific information that is being disputed; and

“(ii) explains the basis for the dispute.

“(C) DUTY OF PERSON AFTER RECEIVING NOTICE OF DISPUTE.—After receiving a notice of dispute from a consumer pursuant to subparagraph (B), the person that provided the information in dispute to a consumer reporting agency referred to in subparagraph (A) shall—

“(i) conduct an investigation with respect to the disputed information;

“(ii) review all relevant information provided by the consumer with the notice;

“(iii) complete such person's investigation of the dispute and report the results of the investigation to the consumer before the expiration of the period under section 611(a)(1) within which a consumer reporting agency would be required to complete its action if the consumer had elected to dispute the information under that section; and

"(iv) if the investigation finds that the information reported was inaccurate, promptly thereafter report correct information to each consumer reporting agency described in section 603(p) to which the person furnished the inaccurate information.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 621(c)(5)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)(A)) is amended by striking "section 623(a)(1)" and inserting "paragraph (1) or (6) of section 623(a)".

(2) The heading for section 621(c)(5) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)) is amended by striking "VIOLATION OF SECTION 623(a)(1)" and inserting "CERTAIN VIOLATIONS OF SECTION 623(a)".

SEC. 305. PROMPT INVESTIGATION OF DISPUTED CONSUMER INFORMATION.

(a) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly study the extent to which, and the manner in which, consumer reporting agencies and furnishers of consumer information to consumer reporting agencies are complying with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information, the completeness of the information provided to consumer reporting agencies, and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(b) REPORT REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly submit a progress report to the Congress on the results of the study required under subsection (a).

(c) RECOMMENDATIONS.—The report under subsection (b) shall include such recommendations as the Board and the Commission jointly determine to be appropriate for legislative or administrative action to ensure that—

(1) consumer disputes with consumer reporting agencies over the accuracy or completeness of information in a consumer's file are promptly and fully investigated and any incorrect, incomplete, or unverifiable information is corrected or deleted immediately thereafter;

(2) furnishers of information to consumer reporting agencies maintain full and prompt compliance with the duties and responsibilities established under section 623 of the Fair Credit Reporting Act; and

(3) consumer reporting agencies establish and maintain appropriate internal controls and management review procedures for maintaining full and continuous compliance with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(d) DEFINITIONS.—For purposes of this section, the terms "consumer", "consumer report", and "consumer reporting agency" have the same meaning as in the Fair Credit Reporting Act.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

SEC. 401. RECONCILING ADDRESSES.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (g) (as added by section 201 of this Act) the following new subsection.

"(h) NOTICE OF DISCREPANCY.—

"(1) IN GENERAL.—If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 603(p), the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

"(2) REGULATIONS.—

"(A) REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall jointly prescribe regulations providing guidance regarding reasonable policies and procedures a user of a consumer report should employ when such user has received a notice of discrepancy under paragraph (1).

"(B) POLICIES AND PROCEDURES TO BE INCLUDED.—The regulations prescribed under subparagraph (A) shall describe reasonable policies and procedures for use by a user of a consumer report—

"(i) to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains; and

"(ii) if the user establishes a continuing relationship with the consumer, and the user regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of discrepancy pertaining to the consumer was obtained, to reconcile the consumer's address with the consumer reporting agency by furnishing such address to such consumer reporting agency as part of information regularly furnished by the user for the period in which the relationship is established.".

SEC. 402. PREVENTION OF REPOLLUTION OF CONSUMER REPORTS.

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by inserting after subparagraph (D) (as so redesignated by section 304(2)(A)) the following new subparagraph:

"(E) INFORMATION ALLEGED TO RESULT FROM IDENTITY THEFT.—If a consumer submits a police report to a person who furnishes information to a consumer reporting agency that states that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency, unless the person subsequently knows or is informed by the consumer that the information is correct.".

SEC. 403. NOTICE BY USERS WITH RESPECT TO FRAUDULENT INFORMATION.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(e) NOTICE OF FRAUDULENT INFORMATION RELATING TO IDENTITY THEFT.—If an agent acting as a debt collector (as defined in title VIII) of a person who furnishes information to any consumer reporting agency uses information contained in a consumer report on any consumer and learns that any such information so used is the result of identity theft or otherwise is fraudulent, the agent shall—

"(1) if such information—

"(A) originated from the person for whom the debt collector is acting as agent, notify the person of the fraudulent information; or

"(B) originated from a person other than the person for whom the debt collector is acting as agent, notify the consumer reporting agency (that provided the consumer report) of the fraudulent information, either directly or through the person for whom the debt collector is acting as agent; and

"(2) upon the request of the consumer, provide the consumer with all information which the consumer would be entitled to receive if the information related to the consumer other than by reason of identity theft.".

SEC. 404. DISCLOSURE TO CONSUMERS OF CONTACT INFORMATION FOR USERS AND FURNISHERS OF INFORMATION IN CONSUMER REPORTS.

Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by inserting ", including addresses of the sources, and (if provided by the sources of information) the telephone numbers identified for customer service for the sources of information" after "sources of information" the 1st place such term appears in such paragraph; and

(2) in paragraph (3)(B) by striking clause (ii) and inserting the following new clause:

"(ii) the address and (if provided) the telephone numbers identified for customer service of the person.".

SEC. 405. FTC STUDY OF THE ACCURACY OF CONSUMER REPORTS.

(a) STUDY REQUIRED.—Until the final report is submitted under subsection (b)(2), the Federal Trade Commission shall conduct an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information.

(b) BIENNIAL REPORTS REQUIRED.—

(1) INTERIM REPORTS.—The Federal Trade Commission shall submit an interim report to the Congress on the study conducted under subsection (a) at the end of the 6-month period beginning on the date of the enactment of this Act and biennially thereafter for 8 years.

(2) FINAL REPORT.—The Federal Trade Commission shall submit a final report to the Congress on the study conducted under subsection (a) at the end of the 2-year period beginning on the date the final interim report is submitted to the Congress under paragraph (1).

(3) CONTENTS.—Each report submitted under this subsection shall contain a detailed summary of the findings and conclusions of the Commission with respect to the study required under subsection (a) and such recommendations for legislative and administrative action as the Commission may determine to be appropriate.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

SEC. 501. FREE REPORTS ANNUALLY.

(a) FREE REPORTS ANNUALLY FROM NATIONWIDE CONSUMER REPORTING AGENCIES.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following new subsection:

"(e) FREE ANNUAL DISCLOSURE.—Upon the direct request of the consumer, a consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 once during any 12-month period without charge to the consumer.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended by inserting "that is not a consumer reporting agency described in section 603(p)" after "consumer reporting agency".

SEC. 502. DISCLOSURE OF CREDIT SCORES.

(a) STATEMENT ON AVAILABILITY OF CREDIT SCORES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(6) If the consumer requests the credit file and not the credit score, a statement that the consumer may request and obtain a credit score.".

(b) DISCLOSURE OF CREDIT SCORES.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (d) (as added by section 204 of this Act) the following new subsection:

"(e) DISCLOSURE OF CREDIT SCORES.—

"(1) IN GENERAL.—Upon the consumer's request for a credit score, a consumer reporting agency shall supply to a consumer a statement indicating that the information and credit scoring model may be different than the credit score that may be used by the lender, and a notice which shall include the following information:

"(A) The consumer's current credit score or the consumer's most recent credit score that was previously calculated by the credit reporting agency for a purpose related to the extension of credit.

"(B) The range of possible credit scores under the model used.

"(C) All the key factors that adversely affected the consumer's credit score in the model used, the total number of which shall not exceed four, subject to paragraph (9).

"(D) The date the credit score was created.

"(E) The name of the person or entity that provided the credit score or credit file upon which the credit score was created.

"(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) CREDIT SCORE.—The term 'credit score'—

"(i) means a numerical value or a categorization derived from a statistical tool or modeling system used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default (and the numerical value or the categorization derived from this analysis may also be referred to as a 'risk predictor' or 'risk score'); and

"(ii) does not include—

"(I) any mortgage score or rating of an automated underwriting system that considers one or more factors in addition to credit information, including the loan to value ratio, the amount of down payment, or a consumer's financial assets; or

"(II) any other elements of the underwriting process or underwriting decision.

"(B) KEY FACTORS.—The term 'key factors' means all relevant elements or reasons adversely affecting the credit score for the particular individual listed in the order of their importance based on their effect on the credit score.

"(3) TIMEFRAME AND MANNER OF DISCLOSURE.—The information required by this subsection shall be provided in the same timeframe and manner as the information described in subsection (a).

"(4) APPLICABILITY TO CERTAIN USES.—This subsection shall not be construed so as to compel a consumer reporting agency to develop or disclose a score if the agency does not—

"(A) distribute scores that are used in connection with residential real property loans; or

"(B) develop scores that assist credit providers in understanding a consumer's general credit behavior and predicting the future credit behavior of the consumer.

"(5) APPLICABILITY TO CREDIT SCORES DEVELOPED BY ANOTHER PERSON.—

"(A) IN GENERAL.—This subsection shall not be construed to require a consumer reporting agency that distributes credit scores developed by another person or entity to provide a further explanation of them, or to process a dispute arising pursuant to section 611, except that the consumer reporting agency shall provide the consumer with the name and address and website for contacting the person or entity who developed the score or developed the methodology of the score.

"(B) EXCEPTION.—This paragraph shall not apply to a consumer reporting agency that develops or modifies scores that are developed by another person or entity.

"(6) MAINTENANCE OF CREDIT SCORES NOT REQUIRED.—This subsection shall not be construed to require a consumer reporting agency to maintain credit scores in its files.

"(7) COMPLIANCE IN CERTAIN CASES.—In complying with this subsection, a consumer reporting agency shall—

"(A) supply the consumer with a credit score that is derived from a credit scoring model that is widely distributed to users by that consumer reporting agency in connection with residential real property loans or with a credit score that assists the consumer in understanding the credit scoring assessment of the credit behavior of the consumer and predictions about the future credit behavior of the consumer; and

"(B) a statement indicating that the information and credit scoring model may be different than that used by the lender.

"(8) REASONABLE FEE.—A consumer reporting agency may charge a reasonable fee for providing the information required under this subsection.

"(9) USE OF ENQUIRIES AS A KEY FACTOR.—If a key factor that adversely affects a consumer's credit score consists of the number of enquiries made with respect to a consumer report, that factor shall be included in the disclosure pursuant to paragraph (1)(C) without regard to the numerical limitation in such paragraph.".

(c) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (e) (as added by subsection (b) of this section) the following new subsection:

"(f) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—

"(1) IN GENERAL.—Any person who makes or arranges loans and who uses a consumer credit score as defined in subsection (e) in connection with an application initiated or sought by a consumer for a closed end loan or establishment of an open end loan for a consumer purpose that is secured by 1 to 4 units of residential real property (hereafter in this subsection referred to as the 'lender') shall provide the following to the consumer as soon as reasonably practicable:

"(A) INFORMATION REQUIRED UNDER SUBSECTION (e).—

"(i) IN GENERAL.—A copy of the information identified in subsection (e) that was obtained from a consumer reporting agency or was developed and used by the user of the information.

"(ii) NOTICE UNDER SUBPARAGRAPH (D).—In addition to the information provided to it by a third party that provided the credit score or scores, a lender is only required to provide the notice contained in subparagraph (D).

"(B) DISCLOSURES IN CASE OF AUTOMATED UNDERWRITING SYSTEM.—

"(i) IN GENERAL.—If a person who is subject to this section uses an automated underwriting system to underwrite a loan, that person may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

"(ii) NUMERICAL CREDIT SCORE.—However, if a numerical credit score is generated by an automated underwriting system used by an enterprise, and that score is disclosed to the person, the score shall be disclosed to the consumer consistent with subparagraph (C).

"(iii) ENTERPRISE DEFINED.—For purposes of this subparagraph, the term 'enterprise' shall have the same meaning as in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(C) DISCLOSURES OF CREDIT SCORES NOT OBTAINED FROM A CONSUMER REPORTING AGENCY.—A person subject to the provisions of this subsection who uses a credit score other than a credit score provided by a consumer reporting agency may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

"(D) NOTICE TO HOME LOAN APPLICANTS.—A copy of the following notice, which shall include the name, address, and telephone number of each consumer reporting agency providing a credit score that was used:

"'NOTICE TO THE HOME LOAN APPLICANT

"'In connection with your application for a home loan, the lender must disclose to you the score that a consumer reporting agency distributed to users and the lender used in connection with your home loan, and the key factors affecting your credit scores.

"'The credit score is a computer generated summary calculated at the time of the request and based on information a consumer reporting agency or lender has on file. The scores are based on data about your credit history and payment patterns. Credit scores are important because they are used to assist the lender in determining whether you will obtain a loan. They may also be used to determine what interest rate you may be offered on the mortgage. Credit scores can change over time, depending on your conduct, how your credit history and payment patterns change, and how credit scoring technologies change.

"'Because the score is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Credit records may vary from one company to another.

"'If you have questions about your credit score or the credit information that is furnished to you, contact the consumer reporting agency at the address and telephone number provided with this notice, or contact the lender, if the lender developed or generated the credit score. The consumer reporting agency plays no part in the decision to take any action on the loan application and is unable to provide you with specific reasons for the decision on a loan application.

"'If you have questions concerning the terms of the loan, contact the lender.'.

"(E) ACTIONS NOT REQUIRED UNDER THIS SUBSECTION.—This subsection shall not require any person to do any of the following:

"(i) Explain the information provided pursuant to subsection (e).

"(ii) Disclose any information other than a credit score or key factor, as defined in subsection (e).

"(iii) Disclose any credit score or related information obtained by the user after a loan has closed.

"(iv) Provide more than 1 disclosure per loan transaction.

"(v) Provide the disclosure required by this subsection when another person has made the disclosure to the consumer for that loan transaction.

"(F) NO OBLIGATION FOR CONTENT.—

"(i) IN GENERAL.—Any person's obligation pursuant to this subsection shall be limited solely to providing a copy of the information that was received from the consumer reporting agency.

"(ii) LIMIT ON LIABILITY.—No person has liability under this subsection for the content of that information or for the omission of any information within the report provided by the consumer reporting agency.

"(G) PERSON DEFINED AS EXCLUDING ENTERPRISE.—As used in this subsection, the term 'person' does not include an enterprise (as defined in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992).

"(2) PROHIBITION ON DISCLOSURE CLAUSES NULL AND VOID.—

"(A) IN GENERAL.—Any provision in a contract that prohibits the disclosure of a credit score by a person who makes or arranges loans or a consumer reporting agency is void.

"(B) NO LIABILITY FOR DISCLOSURE UNDER THIS SUBSECTION.—A lender shall not have liability under any contractual provision for disclosure of a credit score pursuant to this subsection.".

(d) INCLUSION OF KEY FACTOR IN CREDIT SCORE INFORMATION IN CONSUMER REPORT.—Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended—

(1) by striking "DISCLOSED.—Any consumer reporting agency" and inserting "DISCLOSED.—

"(1) TITLE II INFORMATION.—Any consumer reporting agency"; and

(2) by adding at the end the following new paragraph:

"(2) KEY FACTOR IN CREDIT SCORE INFORMATION.—Any consumer reporting agency that furnishes a consumer report that contains any credit score or any other risk score or predictor on any consumer shall include in the report a clear and conspicuous statement that a key factor (as defined in section 609(e)(2)(B)) that adversely affected such score or predictor was the number of enquiries, if such a predictor was in fact a key factor that adversely affected such score.".

SEC. 503. SIMPLER AND EASIER METHOD FOR CONSUMERS TO USE NOTIFICATION SYSTEM.

(a) IN GENERAL.—Section 604(e)(5)(A)(i) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)(5)(A)(i)) is amended by inserting "in a simple and easy manner and" after "notify the agency,".

(b) SIMPLIFIED NOTICE AND RESPONSE FORMAT FOR USERS.—Section 615(d) of the Fair Credit Reporting Act (15 U.S.C. 1681m(d)) is amended—

(1) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4) and (5); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) SIMPLE AND EASY NOTIFICATION.—Any statement given the consumer under paragraph (1)(E) shall be in a simple and easy to understand format and shall describe the simple and easy method established under section 604(e)(5)(A)(i) for the consumer to respond.".

SEC. 504. REQUIREMENT TO DISCLOSE COMMUNICATIONS TO A CONSUMER REPORTING AGENCY.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s-2(a)) is amended by inserting after paragraph (6) (as added by section 304(3)) the following new paragraph:

"(7) NEGATIVE INFORMATION.—

"(A) NOTICE TO CONSUMER REQUIRED.—

"(i) IN GENERAL.—If any financial institution that extends credit and regularly and in the ordinary course of business furnishes information to a consumer reporting agency described in section 603(p) furnishes negative information to such an agency regarding credit extended to a customer, the financial institution shall provide a notice of such furnishing of negative information, in writing, to the customer.

"(ii) NOTICE EFFECTIVE FOR SUBSEQUENT SUBMISSIONS.—After providing such notice, the financial institution may submit additional negative information to a consumer reporting agency described in section 603(p) with respect to the same transaction, extension of credit, account, or customer without providing additional notice to the customer.

"(B) TIME OF NOTICE.—

"(i) IN GENERAL.—The notice required under subparagraph (A) shall be provided to the customer prior to, or no later than 30 days after, furnishing the negative information to a consumer reporting agency described in section 603(p).

"(ii) COORDINATION WITH NEW ACCOUNT DISCLOSURES.—If the notice is provided to the customer prior to furnishing the negative information to a consumer reporting agency, the notice may not be included in the initial disclosures provided under section 127(a) of the Truth in Lending Act.

"(C) COORDINATION WITH OTHER DISCLOSURES.—The notice required under subparagraph (A)—

"(i) may be included on or with any notice of default, any billing statement, or any other materials provided to the customer; and

"(ii) must be clear and conspicuous.

"(D) MODEL DISCLOSURE.—

"(i) DUTY OF BOARD TO PREPARE.—The Board shall prescribe a brief model disclosure a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

"(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph shall be construed as requiring a financial institution to use any such model form prescribed by the Board.

"(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any such model form prescribed by the Board, or the financial institution uses any such model form and rearranges its format.

"(E) USE OF NOTICE WITHOUT SUBMITTING NEGATIVE INFORMATION.—No provision of this paragraph shall be construed as requiring a financial institution that has provided a customer with a notice described in subparagraph (A) to furnish negative information about the customer to a consumer reporting agency.

"(F) SAFE HARBOR.—A financial institution shall not be liable for failure to perform the duties required by this paragraph if, at the time of the failure, the financial institution maintained reasonable policies and procedures to comply with this paragraph.

"(G) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) NEGATIVE INFORMATION.—The term 'negative information' means information concerning a customer's delinquencies, late payments, insolvency, or any form of default.

"(ii) CUSTOMER; FINANCIAL INSTITUTION.—The terms 'customer' and 'financial institution' have the same meaning as in section 509 of the Gramm-Leach-Bliley Act.".

(b) MODEL DISCLOSURE FORM.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall adopt the model disclosure required under the amendment made by subsection (a) after notice duly given in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

SEC. 505. STUDY OF EFFECTS OF CREDIT SCORES AND CREDIT-BASED INSURANCE SCORES ON AVAILABILITY AND AFFORDABILITY OF FINANCIAL PRODUCTS.

(a) STUDY REQUIRED.—The Federal Trade Commission, in consultation with the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development, shall conduct a study of—

(1) the effects of the use of credit scores and credit-based insurance scores on the availability and affordability of financial products and services, including credit cards, mortgages, auto loans, and property and casualty insurance;

(2) the degree of causality between the factors considered by credit score systems and the quantifiable risks and actual losses experienced by businesses, including the extent to which, if any, each of the factors considered or otherwise taken into account by such systems are accurate predictors of risk or loss, and where the means square error of a scoring model's predictions are considered in the evaluation of accuracy;

(3) the extent to which, if any, the use of credit scoring models, credit scores and credit-based insurance scores result in disparate impact by geography, income, ethnicity, race, color, religion, national origin, age, sex or marital status, and creed, including the extent to which the consideration or lack of consideration of certain factors by credit scoring systems could result in disparate effects and the extent to which, if any, the use of underwriting systems relying on these models could achieve comparable results through the use of factors with less disparate impact; and

(4) the extent to which credit scoring systems are used by businesses, the factors considered by such systems, and the effects of variables which are not considered by such systems.

(b) PUBLIC PARTICIPATION.—The Commission shall seek public input about the prescribed methodology and research design of the study required in subsection (a).

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Federal Trade Commission shall submit a detailed report on the study conducted pursuant to subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include the findings and conclusions of the Commission, together with such recommendations for legislative or administrative action as the Commission may determine to be necessary to ensure that credit and credit-based insurances score are used appropriately and fairly to avoid disparate effects.

(d) CREDIT SCORE DEFINED.—For purposes of this section, the term "credit score" means a numerical value or a categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit or insurance behaviors, including default.

SEC. 506. GAO STUDY ON DISPARATE IMPACT OF CREDIT SYSTEM.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the credit system to determine the extent to which, if any, discrimination exists with regard to the availability and the terms of credit which has a disparate impact on the basis of race, color, income and education level, geographic location, age, sex, sexual orientation, national origin, or marital status and the nature of any such discriminatory effect.

(b) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

SEC. 507. ANALYSIS OF FURTHER RESTRICTIONS ON OFFERS OF CREDIT OR INSURANCE.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall conduct a study of—

(1) the ability of consumers to avoid receiving written offers of credit or insurance in connection with transactions not initiated by the consumer; and

(2) the potential impact any further restrictions on providing consumers with such written offers of credit or insurance would have on consumers.

(b) REPORT.—The Board of Governors of the Federal Reserve System shall submit a report summarizing the results of the study required under subsection (a) to the Congress no later than 12 months after the date of the enactment of this Act, together with such recommendations for legislative or administrative action as the Board may determine to be appropriate.

(c) CONTENT OF REPORT.—The report described in subsection (b) shall address the following issues:

(1) The current statutory or voluntary mechanisms that are available to a consumer to notify

lenders and insurance providers that the consumer does not wish to receive written offers of credit or insurance.

(2) The extent to which consumers are currently utilizing existing statutory and voluntary mechanisms to avoid receiving offers of credit or insurance.

(3) The benefits provided to consumers as a result of receiving written offers of credit or insurance.

(4) Whether consumers incur significant costs or are otherwise adversely affected by the receipt of written offers of credit or insurance.

(5) Whether further restricting the ability of lenders and insurers to provide written offers of credit or insurance to consumers would affect—

(A) the cost consumers pay to obtain credit or insurance;

(B) the availability of credit or insurance;

(C) consumers' knowledge about new or alternative products and services;

(D) the ability of lenders or insurers to compete with one another; and

(E) the ability to offer credit or insurance products to consumers who have been traditionally underserved.

SEC. 508. STUDY ON THE NEED AND THE MEANS FOR IMPROVING FINANCIAL LITERACY AMONG CONSUMERS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to assess the extent of consumers' knowledge and awareness of credit reports, credit scores, and the dispute resolution process, and on methods for improving financial literacy among consumers.

(b) FACTORS TO BE INCLUDED.—The study required under subsection (a) shall include the following issues:

(1) The number of consumers who view their credit reports.

(2) Under what conditions and for what purposes do consumers primarily obtain a copy of their consumer report (such as for the purpose of ensuring the completeness and accuracy of the contents, to protect against fraud, in response to an adverse action based on the report, or in response to suspected identity theft) and approximately what percentage of the total number of consumers who obtain a copy of their consumer report do so for each such primary purpose.

(3) The extent of consumers' knowledge of the data collection process.

(4) The extent to which consumers know how to get a copy of a consumer report.

(5) The extent to which consumers know and understand the factors that positively or negatively impact credit scores.

(c) REPORT REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate, including recommendations on methods for improving financial literacy among consumers.

SEC. 509. DISCLOSURE OF INCREASE IN APR UNDER CERTAIN CIRCUMSTANCES.

Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (f) (as added by section 502(c) of this title) the following new subsection:

"(g) DISCLOSURE TO CONSUMER.—

"(1) IN GENERAL.—The ability of a credit card issuer to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account shall be clearly and conspicuously disclosed to the consumer by the credit card issuer in any disclosure or statement required to be made to the consumer under this title in connection with a credit card solicitation that is not initiated by the consumer.

"(2) REGULATIONS AND MODEL STATEMENTS.—The Board, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop such guidelines in regulations as necessary to assure that the information to be disclosed to consumers pursuant to paragraph (1) is clearly and conspicuously provided in a prominent location in any credit card solicitation that is not initiated by the consumer, and shall include model disclosure statements to be used by credit card issuers in making the disclosures required to be provided to the consumer by paragraph (1).".

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

SEC. 601. CERTAIN EMPLOYEE INVESTIGATION COMMUNICATIONS EXCLUDED FROM DEFINITION OF CONSUMER REPORT.

(a) IN GENERAL.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by inserting after subsection (p) the following new subsection:

"(q) EXCLUSION OF CERTAIN COMMUNICATIONS FOR EMPLOYEE INVESTIGATIONS.—

"(1) COMMUNICATIONS DESCRIBED IN THIS SUBSECTION.—A communication is described in this subsection if—

"(A) but for subsection (d)(2)(D), the communication would be a consumer report;

"(B) the communication is made to an employer in connection with an investigation of—

"(i) suspected misconduct relating to employment; or

"(ii) compliance with Federal, State, or local laws and regulations, the rules of a self-regulatory organization, or any preexisting written policies of the employer;

"(C) the communication is not made for the purpose of investigating a consumer's credit worthiness, credit standing, or credit capacity; and

"(D) the communication is not provided to any person except—

"(i) to the employer or an agent of the employer;

"(ii) to any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of general local government;

"(iii) to any self-regulatory organization with regulatory authority over the activities of the employer or employee;

"(iv) as otherwise required by law; or

"(v) pursuant to section 608.

"(2) SUBSEQUENT DISCLOSURE.—After taking any adverse action based in whole or in part on a communication described in paragraph (1), the employer shall disclose to the consumer a summary containing the nature and substance of the communication upon which the adverse action is based, except that the sources of information acquired solely for use in preparing what would be but for subsection (d)(2)(D) an investigative consumer report need not be disclosed.

"(3) SELF-REGULATORY ORGANIZATION DEFINED.—For purposes of this subsection, the term 'self-regulatory organization' includes any self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934), any entity established under title I of the Sarbanes-Oxley Act of 2002, any board of trade designated by the Commodity Futures Trading Commission, and any futures association registered with such Commission.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 603(d)(2)(D) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(D)) is amended by inserting "or (q)" after "subsection (o)".

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

SEC. 701. PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

(a) IN GENERAL.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) is amended to read as follows:

"(g) PROTECTION OF MEDICAL INFORMATION.—

"(1) LIMITATION ON CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction, a consumer report that contains medical information about a consumer, unless—

"(A) if furnished in connection with an insurance transaction, the consumer affirmatively consents to the furnishing of the report;

"(B) if furnished for employment purposes or in connection with a credit transaction—

"(i) the information to be furnished is relevant to process or effect the employment or credit transaction; and

"(ii) the consumer provides specific written consent for the furnishing of the report that describes in clear and conspicuous language the use for which the information will be furnished; or

"(C) such information is restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer, unless the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.

"(2) LIMITATION ON CREDITORS.—Except as permitted pursuant to paragraph (3)(C) or regulations prescribed under paragraph (5)(A), a creditor shall not obtain or use medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit.

"(3) ACTIONS AUTHORIZED BY FEDERAL LAW, INSURANCE ACTIVITIES AND REGULATORY DETERMINATIONS.—Section 603(d)(3) shall not be construed so as to treat information or any communication of information as a consumer report if the information or communication is disclosed—

"(A) in connection with the business of insurance or annuities, including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners (as in effect on January 1, 2003);

"(B) for any purpose permitted without authorization under the Standards for Individually Identifiable Health Information promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, or referred to under section 1179 of such Act, or described in section 502(e) of Public Law 106–102; or

"(C) as otherwise determined to be necessary and appropriate, by regulation or order and subject to paragraph (6), by the Commission, any Federal banking agency or the National Credit Union Administration (with respect to any financial institution subject to the jurisdiction of such agency or Administration under paragraph (1), (2), or (3) of section 621(b), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).

"(4) LIMITATION ON REDISCLOSURE OF MEDICAL INFORMATION.—Any person that receives medical information pursuant to paragraphs (1) or (3) shall not disclose such information to any other person except as necessary to carry out the purpose for which the information was initially disclosed, or as otherwise permitted by statute, regulation, or order.

"(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

"(A) REGULATIONS REQUIRED.—Each Federal banking agency and the National Credit Union Administration shall, subject to paragraph (6) and after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs, consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.

"(B) FINAL REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall prescribe the regulations required under subparagraph (A) in final form before the end of the 6-month period beginning on the date of the enactment of the Fair and Accurate Credit Transactions Act of 2003.

"(6) COORDINATION WITH OTHER LAWS.—No provision of this subsection shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.".

(b) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) in paragraph (2), by striking "The term" and inserting "Except as provided in paragraph (3), the term"; and

(2) by adding at the end the following new paragraph:

"(3) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Except for information or any communication of information disclosed as provided in section 604(g)(3), the exclusions in paragraph (2) shall not apply with respect to information disclosed to any person related by common ownership or affiliated by corporate control if—

"(A) the information is medical information; or

"(B) the information is an individualized list or description based on a consumer's payment transactions for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.".

SEC. 702. CONFIDENTIALITY OF MEDICAL CONTACT INFORMATION IN CREDIT REPORTS.

(a) DUTIES OF MEDICAL INFORMATION FURNISHERS.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s-2(a)) is amended by inserting after paragraph (7) (as added by section 504(a)) the following new paragraph:

"(8) DUTY TO PROVIDE NOTICE OF STATUS AS MEDICAL INFORMATION FURNISHER.—A person whose primary business is providing medical services, products, or devices, or the person's agent or assignee, who furnishes information to a consumer reporting agency on a consumer shall be considered a medical information furnisher for the purposes of this title and shall notify the agency of such status.".

(b) RESTRICTION OF DISSEMINATION OF MEDICAL CONTACT INFORMATION.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding the following new paragraph:

"(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless—

"(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

"(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.".

(c) NO EXCEPTIONS ALLOWED FOR DOLLAR AMOUNTS.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended by striking "The provisions of subsection (a)" and inserting "The provisions of paragraphs (1) through (5) of subsection (a)".

(d) COORDINATION WITH OTHER LAWS.—No provision of any amendment made by this section shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.

(e) FTC REGULATION OF CODING OF TRADE NAMES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (f) (as added by section 301 of this Act) the following new subsection:

"(g) FTC REGULATION OF CODING OF TRADE NAMES.—If the Commission determines that a person described in paragraph (8) of section 623(a) has not met the requirements of such paragraph, the Commission shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures as necessary to ensure that such person complies with such paragraph.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) (as amended by section 701) is amended—

(1) in paragraph (1) by inserting "(other than medical contact information treated in the manner required under section 605(a)(6))" after "a consumer report that contains medical information"; and

(2) in paragraph (2) by inserting "(other than medical information treated in the manner required under section 605(a)(6))" after "a creditor shall not obtain or use medical information".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 15-month period beginning on the date of the enactment of this Act.

The **CHAIRMAN**. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purposes of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there amendments to the bill?

AMENDMENT NO. 17 OFFERED BY MR. OXLEY

Mr. **OXLEY**. Mr. Chairman, I offer an amendment.

The **CHAIRMAN**. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. OXLEY:

Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert "inserting '(and to specific identity theft prevention subjects covered)' after".

Page 20, line 7, insert "a summary of rights, or other disclosure, that is the same as or substantially similar to" after "with".

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike ", or duplicative of,".

Page 28, line 4, strike "credit" and insert "consumer".

Page 28, strike line 7 and insert "the biometric industry, and the".

Page 28, line 8, strike the comma after "public".

Page 32, line 11, insert ", using an address or a notification mechanism specified by the consumer reporting agency for such notices" before the period.

Page 35, beginning on line 25, strike "thereafter report correct information to" and insert "notify".

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert "of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.".

Page 36, after line 3, insert the following new subparagraph:

"(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

"(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

"(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

"(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

"(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

"(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

"(I) the reasons for the determination under clause (i); and

"(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.".

Page 56, line 16, insert before the closing quotation marks the following new sentence: "This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.".

Page 60, line 16, insert "or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer" before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

"(C) the information to be furnished pertains solely to transactions, accounts, or balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike "purpose" and insert "purposes".

Page 75, line 21, insert "(and which shall include permitting actions necessary for administrative verification purposes)" after "needs".

Mr. OXLEY. Mr. Chairman, I am pleased to offer this manager's amendment, which reflects extensive negotiations with the committee's ranking minority member, the gentleman from Massachusetts (Mr. FRANK), to resolve issues that arose when the committee marked up this legislation in July. The amendment makes largely technical and conforming changes to legislation that the committee overwhelmingly approved by a vote of 61 to 3.

First, the amendment clarifies that while the new consumer protections against identity theft create uniform standards preempting State laws on the same specific subjects, the bill does not preempt subject matters that are outside the scope of those new provisions, such as limits on Social Security number use or criminal penalties for identity theft perpetrators. This approach assures that the strong new identity theft protections we establish in this legislation are applied uniformly across the country, while leaving undisturbed those State statutes that address subjects not covered by the bill's identity theft provisions.

Second, the amendment includes language responsive to concerns raised by several members at the Committee on Financial Services's markup of the FACT Act relating to the new furnisher reinvestigation duties imposed by section 304 of the bill.

Specifically, the manager's amendment gives furnishers the same right to reject frivolous or irrelevant disputes brought by consumers that credit bureaus have under existing law, including disputes already submitted to and resolved by the furnisher or a credit bureau. The furnisher is required to provide the consumer whose dispute it rejects as frivolous or irrelevant with a notice stating the reasons for that determination and identifying any information required to investigate the disputed information.

Third, the manager's amendment gives direction to the Federal regulators who are required to promulgate regulations establishing effective dates for various provisions of the bill to take into account the need for an orderly transition to a system in which consumers will be able to request a free credit report annually, to avoid overwhelming the credit bureaus and impeding their ability to satisfy time-sensitive requests for reports within the 2- to 12-month effective date provided in the legislation.

Let me again thank the ranking member, the gentleman from Massachusetts (Mr. FRANK), for the cooperative spirit in which he and his staff have worked with us since the committee's markup to make these important improvements to what was an already outstanding piece of legislation. I urge all of my colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support this amendment. It is better than we got. It is not all I want, but it improves the bill, as is appropriate for this particular form of a non-controversial amendment in a technical way. It embodies some improvement in the situation vis-a-vis the retroactive California preemption that was embodied in the colloquy.

The colloquy that the gentleman from Alabama and the gentleman from Ohio and I had is really an explanation of what is in this particular manager's amendment. I think it will improve the bill, and I urge it be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 8 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WATERS:

Page 7, line 15, insert "(a) IN GENERAL.—" before "Section".

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

"(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

"(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

"(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code).".

Ms. WATERS. Mr. Chairman, first let me say that the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), worked very, very hard to get a bipartisan bill to bring everybody together, along with the gentleman from Alabama (Mr. BACHUS). I think everybody put their best foot forward on this legislation, and I am just sorry that I am not able to support the bill simply because I have to protect California.

I think there was a misunderstanding somewhere along the way. I made lot of inquiries about whether or not post-1996 legislation or laws were protected in this bill. I was led to believe that they were protected, but now I find that they were not protected, and what we stand to do is literally undo or preempt much of the good consumer legislation that has been produced in my State. So I must object to the permanent preemption provisions that are proposed in this bill, the Fair and Accurate Credit Transaction Act.

I believe that the States should be free to adopt more extensive consumer protections than those that are provided in this Fair Credit Reporting Act. I believe that the national standards contained in the Fair Credit Reporting Act should be the floor, not a ceiling, on the protections available to consumers. States should have the right to provide additional protections.

I will ask my colleagues on both sides of the aisle, do any of you know what the next major consumer problem will be in the year 2010? In 1996, when the amendment to the Fair Credit Reporting Act was established, identity theft was not even on the radar. We had never even heard of identity theft. The idea that someone would violate a person by stealing their identity and accessing their financial records was not an issue we were familiar with. Now it is the fastest growing consumer complaint to the FTC, with over 200,000 complaints in 2002 alone.

As Californians, our laws on such emerging consumer issues as identify theft represent the gold standard in consumer protection, and that is why I am asking for support on an amendment to carve out all of California laws enacted since the passage of 1996 amendments to the Fair Credit Reporting Act from preemption provisions contained in the bill.

There has been an attempt, well, I do not know what happened, but, again, there was a misunderstanding, and I was misled. All of the consumer protections that were enacted after 1996, with the exception of California Civil Code 1785.25(a) regarding furnishers, are preemptable. So, I have a long list.

For example, let me tell you what is preempted. Consumer reporting agencies must disclose the names and addresses of all sources of information used in Consumer Reports. That is California law, now preempted if this passes.

California also requires consumer reporting agencies to, with a reasonable degree of certainty, match at least three categories of identifying information within the consumer's file with the information provided by a retailer. The categories of identifying information may include the consumer's first and last name, month and date of birth, driver's license number, place of employment, current residence, previous residence, or Social Security number. This effectively reduces a successful attempt at identity theft and reduces the chances for mistaken identity.

Another preemption, a consumer has the right to receive his or her credit score, the key factors in any related information. Another preemption.

A consumer would be able to have a security freeze placed on his or her credit report by making a request in writing by certified mail with a consumer credit reporting agency. A security freeze prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the expressed authorization of the consumer. It would preempt it.

Upon receipt from a victim of identity theft of a police report or valid investigative report, a consumer reporting agency must provide a victim of identity theft with up to 12 copies of their credit report during a consecutive 12-month period free of charge. It is very hard to straighten up this identity theft. Sometimes it takes 3 to 4 years. But if you are getting that credit report every month and you can compare what has been taken off, what has been left on, where the mistakes are, you can wind out of this thing.

With strong consumer protections, Federal preemption of States would not be necessary because Federal law would be the floor, rather than the ceiling.

Then, again, as all of you are aware, this past August, California signed into law SB1, which provides strong consumer protections that should be the law of the land. You are going to hear more about this in an amendment additional to mine that will be presented.

But, again, let me just say that whatever the mistakes were, I should have been involved in the manager's amendment to correct these problems. I have not been placed in there. So I do not know what we are going to do, but I ask my colleagues to please consider what has been done here.

Mr. OXLEY. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, equally divided and controlled by the proponent and opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SHERMAN. Reserving the right to object, the gentleman's unanimous consent applies to this one amendment?

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, yes.

Mr. SHERMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, because this came afterwards, what happens to the 5 minutes just used? Is it subsequent to the 5 minutes the gentlewoman just used?

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, that is fine with me.

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The unanimous consent request is that further debate on this amendment be limited to 20 minutes.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) will control 10 minutes and a Member in opposition will control 10 minutes.

Mr. OXLEY. Mr. Chairman, I designate the gentleman from Alabama (Mr. BACHUS) to control the 10 minutes on this side.

The CHAIRMAN. The gentleman from Alabama will control the time in opposition.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I want to acknowledge that the gentlewoman from California is absolutely correct. She did call to my attention during this discussion on this bill the potential problem that she learned about of a retroactive preemption. I missed it. I made a mistake in this case. She was correct and we should have spotted it. I think it is incorrect.

I want to make clear we are talking about two separate issues here on the preemption. There is the preemption prospectively of what is known as SB1. That is not what is at issue here. There will be a second amendment on that.

This has to do with laws that were passed by California subsequent to 1996 that were not subject to preemption at the time that would now be retroactively preempted. I think that is a mistake.

I should note that the gentlewoman read a list of preemptions. In many of the cases I acknowledge what is preemptive does provide some protection. In other words, it is not a case where there is a preemption, all protections are wiped out. In some cases, the protections are functionally equal. In other cases, they may be somewhat different. But these are laws that had been on the books in California. My view was that this bill ought to go forward with the existing preemptions, with some new consumer protections. It was not my intention to extend the preemptions. Through failure to spot the meaning of some particular words, I must concede that this happened.

□ 1615

I regret that. We have tried in conversations to undo it. We have in the manager's amendment undone some of it, but not enough of it. But as I said, there are still some of the sections preempted and are replaced by other protections, so it is not a case where there will be no protections at all; but it does seem to me still that there are some rollbacks of California law that were unnecessary.

So as a matter of fairness to California, I do not think we should have been preempting without full knowledge.

Now, I do not mean to say that anybody did anything inappropriate. I should have been clearer about what was happening and we simply failed to spot the meaning of four words; that sometimes happens. I support the gentlewoman's amendment. I think the California laws are substantively wise, but that is not the primary point. My primary point is that we should not be here retroactively preempting what a State has done. That is very different than the future of SB1. We will talk about that later.

So I strongly support the gentlewoman's amendment; and throughout this process, because this bill is a long way from being sent to the President, I will continue to do what I can. She is correct, she and the other gentlewoman from California who serves on the committee called this to our attention, they deserved a better response than they got; and I will do everything I can now to correct the error that we made.

Mr. BACHUS. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, let me first stress that the legislation before us on which we are having an amendment by the gentlewoman from California now, and we will have one from the gentleman from Vermont which will follow that, I first want to say to them that there are many important consumer protections in this bill: free credit report, fraud alerts, the one-call-does-it-all, protecting of health information. And I want to commend both of the gentlewomen for their participation in that. So I do want to say that several of their suggestions, several of the things that they advocated are in this legislation.

To the gentlewoman from California, I rise in opposition to disregarding a national uniform standard in the case of, and this amendment covers two different acts; one of them because the act before us simply does not address a lot of the Gramm-Leach-Bliley things that this legislation did not address. I think this Congress will, at some point, take up a review of those things. The second one does deal with ID theft; it is the California legislation that was just passed.

This legislation before us today, if it passes, Californians will have important new protections in ID theft cases. And I think we all, no matter how we feel about the gentlewoman's amendment, I hope we can all agree on that. We do think that this amendment really strikes at the essence of this bill; and that is a broad, uniform standard where what is done in California meets the test of what is done in Alabama, and what is done in Alabama meets the test of what is done in Ohio. If we apply different standards to fraud alerts, if we require different standards of credit reporting agencies or reports, there is so much interaction here between States. It simply drives up the expense, when California, representing a fourth of this Nation, can impose its own standards on a national issue in which, on a daily basis, millions of transactions are crossing State lines.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself 1 minute to explain to the gentleman that this is not an imposition on the rest of the country; this is a carve-out for California. This is a protection for what we have already done. We have protections in the law from 1996; and what we are saying is, you should not have national standards that are less than what we have produced in California. I have tried to protect that. I thought that I had. And as our ranking member said, a mistake was made. We thought, based on the representations of everybody, that it had been protected. And now I am here with an amendment that simply says, leave California alone and allow the better consumer laws to stand in California. Do not preempt these laws with standards that are less than what we have in California.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, is the gentlewoman talking about cases in identity theft? Is that what we are talking about?

Ms. WATERS. No. As the ranking member tried to explain, there are two different issues here today.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. BACHUS. Mr. Chairman, I yield the gentlewoman 1 minute of my remaining time.

Ms. WATERS. Mr. Chairman, there are two different issues here. When we did this work in committee, we thought that we had protected the consumer laws that were made in California after 1996; and everybody, all of our staff people, everybody thought so, on both sides of the aisle.

Mr. BACHUS. As to identity theft?

Ms. WATERS. No. I just read a number of them a few minutes ago in my presentation that had to do with some other laws, with credit reports and some other kinds of things.

Mr. BACHUS Well, the amendment deals with two specific acts.

Ms. WATERS. Yes.

Mr. BACHUS. One of those acts was just passed by the California legislature in the past few days.

Ms. WATERS. Yes. That is the latter part. That is the latter part of this amendment. But the amendment that I am speaking to now is the one where I said consumer reporting agencies must disclose the names and addresses of all sources of information. California requires consumer reporting agencies to, with a reasonable degree of certainty, match at least three categories identifying information. I read a list of items that had been preempted that none of us thought had been preempted, and I am trying to carve out for California and put them back in.

Mr. BACHUS. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Alabama (Mr. BACHUS) has 6 minutes remaining; the gentlewoman from California (Ms. WATERS) has 6 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me just say I do rise in strong support of the Waters amendment to protect Californians', Californians' mind you, financial privacy laws and identity theft provisions. I applaud my colleague from California for her leadership on this issue, for identifying a mistake that was made, and really for just trying to correct it in a very rational way. That is what this amendment does. It corrects a mistake that was made. This bill is a bipartisan bill. We all wanted to support it; but coming from California, the gentlewoman has figured out a way that we should support this, and it would be a win-win for all of us.

The FTC, Mr. Chairman, reported on September 3 that 27.3 million Americans have been victims of identity theft in the last 5 years, including 9.91 million people, or 4.6 percent of the population in the last year alone. Now, these are epidemic levels, and we must do everything we can do to prevent identity theft and to help the victims of this horrendous crime. That is why this amendment is so important. It would preserve very important California laws on identity theft. These are California laws.

Let us be clear. If we do not adopt the Waters amendment today, Californians will lose vital identity theft provisions currently provided in California law. Victims of identity theft will lose the right to a free monthly credit report. Victims of identity theft will lose the protection of California's law providing the right to correct a credit report with a police report. Victims of identity theft will lose the protections of California's law requiring credit bureaus to place a fraud alert within 5 business days of receipt of a request from the consumer. And the list continues. In total, seven existing California laws would be wiped out by this bill and another four will probably be eliminated. It really simply defies logic to kill these existing California protections for the victims of identity theft when we are facing a growing identity theft crisis in our State.

Again, I thank the gentlewoman for her leadership. I thank her for offering this fix to this very important bill, and I hope that we all can support this correction of a major error that was made.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

What this amendment does, first of all, it addresses two things; one is SB1 that was just passed in California. And as to affiliate-sharing, that is what is preempted by this legislation. But the present preemption, what we are doing is, we are taking a preemption that presently exists in the law and we are extending it as of January 1. So SB1 as to affiliate-sharing, you cannot do that today in California. You would be, if FCRA was not renewed.

Now, the second component that you have here is California's version of FCRA. And what that would do, the Waters amendment would not only allow California to change its law on an ongoing basis, but beyond what we grandfathered today, and we are grandfathering some of those protections, but it would also resurrect certain laws that are preempted today.

Now, as to a uniform standard, and I want to go back to what we posed to Treasury and what their response was in testimony before our committee, why should uniform national standards be extended to include matters that are designed to help fight identity theft? Why should not States be able to adopt stricter anti-ID theft measures?

Now, since that time, in the manager's amendment, we have allowed a lot of those as long as they do not affect the operation of the FCRA, and the answer that we got from the Federal Reserve, from the Treasury, from the FTC was that it would literally cost millions of dollars; that it is important to have national uniform standards for identity theft prevention measures.

For example, section 202 of the act calls for the development of a national fraud alert system. This requires the credit reporting agencies that operate on a nationwide basis to allow consumers to place various types of alerts in their credit reports when they are victims of identity theft. Now, we require certain things to go into those alerts. If California requires other things, then a company doing business in Ohio or Alabama or New York would not only have to comply with that law, they would have to comply with the California law if they had customers or consumers in California. Merchants dealing with California consumers would not only have to comply with the national law, they would have to worry about the law in all 50 other States with credit reports.

□ 1630

We would have a gradual erosion and chipping away of our national system. And we took volumes and volumes of testimony how the person most penalized by this would be the consumers in paying higher interest rates, also in being a less effective national standard. We would also discourage people from using the National Uniform Credit System to report and to furnish information if they thought they not only had to comply with a national law but a California law.

Finally, philosophically, when California is able to basically define what FCRA will be, then California imposes its will on the national policy. And we have to have a national policy. We have representatives of California here. In fact, probably one-fifth of this body is made up of California representatives, or one-sixth. They participated in this.

I anticipate that when this final vote is taken, the vast majority, as in committee, of Californians will vote for this legislation. But we simply cannot allow any State to dictate how this system will operate in Alabama, Ohio, New York or to impose additional requirements and costs on consumers in California or Massachusetts or other States. Simply put, this amendment, it sounds good but it strikes at the very efficiency, the cost efficiency, of our national credit reporting system. It bogs it down.

I will conclude with this: California recognized this when they preempted the law of several large cities in California who had attempted to impose their own standards simply by saying we cannot. The cost of cities and counties imposing their own standard would be prohibited. California ought to see that that logic also applies on a national level.

Governor Davis, I believe, initially bought into this. Initially when this legislation, some of this legislation was proposed, he did not sign it. He did not support it. He is now facing a recall in a few weeks, but I am not sure that is the time to judge what ought to be done in the middle of a politically expedient campaign.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 4 minutes remaining. The gentleman from Alabama's (Mr. BACHUS) time has expired.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentlewoman for yielding me time.

California may have one-sixth of the Members in this body, Vermont does not. I am it and I rise in strong support of the Waters amendment.

The issue of preemption was hotly debated in the Committee on Financial Services, and on one side of that issue was virtually every consumer organization in America. Groups like the Consumer Federation of America, the U.S. Public Interest Research Group, Consumers Union, and many others. And some of us in the committee supported these consumer organizations, making the point that the gentlewoman from California (Ms. WATERS) just made. That in the nature of our government, we are the United States of America, there are 50 States in our country. And sometimes one State does something really good and a whole lot of other States learn from that State. And that is one of the reasons that we have a creative form of government with a lot of ideas that are flowing.

On the other side of that debate, of course, were the credit card companies and the banks. And let us be clear, they do not want strong consumer protection. They are the people who are charging individuals in this country 25 percent interest rates on their credit cards. They do not want to see governors and legislatures and attorneys general stand up strongly and protect consumers. So what ends up happening is that we have a national bill which has admittedly some good provisions in it, but at the same time, it takes away the ability of 50 States to go further.

So the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), and I and many others were fighting for higher Federal standards, more consumer protection, but at the same time, give California the right to go forward.

It is inconvenient. Well, democracy is inconvenient. Alabama does some things. Vermont does some things. We live together. We learn from each other. We argue with each other, but we do not take away, we should not take away the rights of the States to go further. I support this amendment.

Mr. Chairman, I support the amendment offered by Congresswoman WATERS. This amendment would simply allow the 7 Fair Credit Reporting Act preemptions to expire, as Congress intended, on January 1, 2004 in order to allow the 50 states of this country to pass stronger consumer protection laws to improve the accuracy of credit reports and to aggressively fight identity theft.

I should note right off the bat that every major national consumer group in this country including the Consumer Federation of America, the U.S. Public Interest Research Group, Consumers Union, and the National Consumer Law Center all vigorously oppose state preemption. I would also like to tell you that the National Association of Attorneys General, representing all 50 States of this country, unanimously passed a resolution opposing the 7 FCRA state preemptions.

Mr. Chairman, you know my views on this subject. If my State of Vermont or your State of Ohio wants to pass laws that are stronger than the Federal Government's, we should give States that right. The States are the laboratories of Democracy. You know what happens here. If there is a particular identity theft crisis in Colorado and the Colorado State Legislature passes a law to correct this problem, and it works, what happens? Pretty soon, California may pass the same law. Then Nebraska. Then Maryland. And, eventually it filters up to the federal government and we have a good national law on the books. But, if this legislation is signed into law, we would permanently prevent the States from taking this action. We hear a lot of talk from conservatives about protecting the States and the American people against the big, bad and instrusive Federal Government. Well, call me a conservative on this issue because I believe that the 50 States in this country should be able to pass their own laws and should not be pre-empted by the Federal Government from passing stronger laws that protect consumers. So, I would say to my conservative friends on the other side of the aisle, vote for my amendment. It is consistent with your philosophy on the role of the government.

And to my Democratic friends on this side of the aisle, I ask all of you to vote for this amendment as well. Let us not forget that just last week, during a recent mark-up of the Securities Fraud Deterrence and Investor Restitution Act (H.R. 2179) in the Capital Markets Subcommittee, virtually every Democrat voted against preempting the states from taking strong enforcement actions against Wall Street firms that defraud investors. I agree. The 50 States of this country should not be prohibited from aggressively punishing corporate wrongdoing.

Today, we are dealing with the exact same issue: state preemption. But, this time it deals with consumer protection. Just like we should not prohibit States from aggressively punishing corporate wrongdoers, to my mind, we should also not permanently bar the states from aggressively punishing identity thieves and improving the accuracy of consumers' credit reports. Therefore, I hope my Democratic friends will vote for this amendment as well.

Mr. Chairman, as we all know, the newspapers are filled with horror stories about the harm being done to consumers by identity thieves. This problem is compounded by the shabby job done by the credit reporting system in ensuring that consumers' credit reports are accurate and up-to-date. States have been at the forefront of the effort to stop identity thieves and to clean up the credit reporting industry. The federal government should be a partner in that effort but should not pull the rug out from under the states. There is no greater impediment to consumer credit than a credit report full of errors. There is no reason to tie the states' hands.

We have heard from the financial services industry and the major credit bureaus that if we don't extend these state preemptions, the entire credit system will collapse. But, let us not forget, we had a national credit system before the 1996 state preemptions were inserted, and it worked well. For example, one of the witnesses that we heard from on this issue from Juniper Bank who supports preemption cited a study that showed "in 1990, more than 70 percent of credit card balances were being charged more than an 18 percent annual interest rate. By 1993, only 34 percent of credit card balances were being charged more than 18 percent interest."

Great study. All of the benefits to consumers just happened to be 3 years before the 1996 preemptions were enacted.

Another supporter of state preemption who testified at our first hearing from the Information Policy Institute pointed to another study that showed that credit card prices "declined by almost 35 percent between the first quarter of 1984, and the fourth quarter of 1996," saving consumers "about $30 billion per year."

Again, great study. All of the benefits to consumers happended to occur before the 1996 state preemptions were enacted.

In addition, the 1996 FCRA amendments specifically grandfathered stronger consumer protection statutes in California, Massachusetts and Vermont from pre-emption. What have we seen in these 3 states that have stronger consumer protection laws in regards to credit reporting? We have seen that my State of Vermont now has the lowest rate of consumer bankruptcies in this country; the State of Massachusetts has the second lowest consumer bankruptcies in the United States; and California comes in ahead of the median. At a time when the United States as a whole experienced the highest rate of bankruptcy cases in history, increasing by 23 percent since 2000, I would say that these three examples gives us proof that stronger State consumer protection laws work.

What about mortgage rates? Well, the most recent data indicate that the State of California has the lowest effective rate for a conventional mortgage in the nation, and Vermont and Massachusetts were well below the median. Sounds pretty good to me.

In addition, let us not forget why the 1996 FCRA amendments were enacted. While identity theft complaints have been the number one complaint to the FTC each year since 2000, and in fact doubled from 2001 to 2002, it was credit bureau mistakes which were the number one complaint to the FTC 10 years earlier. And it was credit bureau mistakes, and complaints about them, that led Congress to the 1996 FCRA amendments. From 1990–92, according to a study by U.S. PIRG, mistakes in credit reports were the number one complaint to the FTC. What will the new crisis be? We don't know for sure. But, if we permanently preempt the States from acting on future problems, we will do this country a great disservice.

Moreover, if some of the new members don't believe Congress intended these preemptions to sunset, I would refer them to the floor statement of the former Ranking Member of the Banking Committee and former Republican Congressman from California Al McCandless who had this to say during the floor debate on this bill:

"The issue over whether the Fair Credit Reporting Act should preempt more stringent State laws or whether it should permit States to enact tougher credit reporting statutes has been one of the single toughest issues for the Banking Committee to tackle. On the one hand, many of our Members like the idea of a national uniform standard. On the other, we do not want to tie the hands of State legislatures. I think that this compromise bill resolves the issue of preemption to most everyone's satisfaction. The Fair Credit Reporting Act as amended by this compromise bill, will be the law of the land for the next 8 years. It will provide consumers across the country with greater protection than is currently offered by any existing State statute. A uniform national standard will make compliance more straightforward and will facilitate the extension of credit to consumers. States will be able to enact more stringent legislation if necessary after 8 years."

Let me repeat, "States will be able to enact more stringent legislation if necessary after 8 years."

That's what was said by the top Republican on the Banking Committee on the floor of the House when a compromise was reached on this bill. Let's stick to that compromise and support this amendment.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I made the case as clearly as it can be made. I was told by everybody that certain California laws after 1996 were protected. Now I find that they have been preempted. And I really do not think it is fair that I find myself here on the floor today having the laws of my State preempted and a manager's amendment that does not attempt to correct it.

I suppose I believe that my ranking member is going to do everything he can, I guess working in conference somewhere, to try and give back the protections that we have in California. I have always maintained that the Federal standard should be the floor. If any State would like to protect its consumers more, who is the Federal Government to tell them they cannot do it? That is wrong.

I do not buy the argument that it is inconvenient for some bank or financial institution to have to deal with California, because California has better consumer laws, and they would just rather be able to deal with them the same way that they deal with everybody else.

I do not think it is fair, and I do not think we should use the powers of our government to do that.

Let me just say this, that knowing that I was today that we were not preempted, and this does not have anything to do with SB1, I am talking about those laws that I referred to. Knowing that I was told that, I would expect my colleagues, who have worked pretty well on both sides of the aisle, to try and get a bill that everybody could support, that you would at least represent to me that you are going to try and undo the mistake. That you are going to try.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Alabama.

Mr. BACHUS. I will say this: Yes, there are provisions of California law that were preempted, but they are provision where we established a consumer protection on a national basis. And in almost every one of these cases, we went beyond what most States do.

Ms. WATERS. Reclaiming my time, we have tq compare it issue-by-issue and then determine whether or not, in fact, you have done better or you have done worse.

The CHAIRMAN. All time for debate on the amendment offered by the gentlewoman from California (Ms. WATERS) has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments?

Mr. OXLEY. Mr. Chairman, I ask unanimous consent that debate on the following amendments, and any amendments thereto, be limited to the time specified equally divided and controlled by the proponent and opponent as follows:

The amendments numbered 2, 5, 7, 9, and 10 in the CONGRESSIONAL RECORD shall be debatable for 10 minutes;

The amendments numbered 1, 6, 11, 12, and 16 in the CONGRESSIONAL RECORD shall be debatable for 20 minutes;

And the amendments numbered 15 and 4 in the CONGRESSIONAL RECORD shall be debatable for 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SHERMAN. Reserving the right to object, Mr. Chairman, I thought that the Lee-Sherman amendment was getting 40 minutes equally divided. I could be wrong on that. What was the agreement?

Mr. OXLEY. Thirty minutes, Mr. Chairman.

Mr. SHERMAN. Mr. Chairman, would the gentleman mind having the Lee-Sherman amendment given 40 minutes?

Mr. OXLEY. What number is that?

Mr. SHERMAN. Number 15.

Mr. OXLEY. Number 15? I would give it 35 minutes. How is that for a compromise?

Mr. SHERMAN. That is a wonderful idea, Mr. Chairman.

Mr. OXLEY. Mr. Chairman, I amend my unanimous consent request to make the amendment number 15 debatable for 35 minutes.

The CHAIRMAN. Is there objection to the request with the addition that amendment number 15 be debatable for 35 minutes equally divided?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 15 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. LEE:

Page 7, after line 24, insert the following new section:

SEC. 102. FINANCIAL PRIVACY EXCEPTIONS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

"(e) FINANCIAL PRIVACY EXCEPTIONS.—Subsections (b) and (c) shall not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.".

The CHAIRMAN. The gentlewoman from California (Ms. LEE) will be recognized for 17½ minutes and a Member opposed will be recognized for 17½ minutes.

The Chair recognizes the gentlwoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, let me thank the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) for their diligent work to really make this a bipartisan bill. Of course, I cannot support it as long as it preempts California and that is what it does.

I offer this amendment today on behalf of all Californians and all Americans, really, who deserve and want to take back control of their private financial information. And I want to thank my California colleague, the gentleman from California (Mr. SHERMAN), the gentleman from California (Mr. FARR), the gentlewoman from California (Ms. WATERS), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Massachusetts (Mr. MARKEY), and all of those who have been working on this very, very important issue and this important amendment.

Mr. Chairman, our amendment would make a major step towards reclaiming consumers' financial privacy by doing the following: First, it protects California's recently enacted landmark Privacy Act; and, secondly, it allows every State to enact financial privacy laws giving consumers in those States similar protections to Californians, which, of course, is the strongest in the Nation, if they so choose, only if they so choose. For those of you who are not fortunate enough to hail from the great State of California and may not be familiar with California's new law, let me just provide a little bit of background.

What does the new privacy law do? It gives consumers the right to stop the sharing of information by financial institutions, unless they meet very stringent criteria. The law requires financial institutions to obtain a consumer's affirmative consent before sharing information with most third parties. It also provides standards for consumers to receive clear notice of their rights.

Now, how did this groundbreaking law come about? Well, it was the result of a long hard fight and it is a major effort by California State Senators, Jackie Speier and John Burton. And I really want to thank them for their tireless effort in working with the financial institutions in California to come up with this arrangement, this compromise, this law which really did result in resounding bipartisan support for the bill SB1, which passed the California Senate by a vote of 31 to 6 and passed the assembly by a vote of 76 to 1.

Yes, I also want to thank Governor Davis for really standing up for California consumers by signing this bill. But it is very important, I believe, to recognize the critical role California consumers played in the fight for new and strong financial protections because in the end it was this broad support and the very hard work of California consumers that pushed the bill forward.

In fact, I want to cite a January California opinion poll to demonstrate the overwhelming popularity for a strong financial protection. Now, the poll found that 91 percent of individuals supported a ballot initiative that will require a bank, credit card company, insurance company or other financial institutions to notify a consumer and to receive a customer's permission before selling any financial information to any separate financial or nonfinancial company. The support was strong regardless of party affiliation: 96 percent of Democrats, 88 percent of Republicans, 90 percent of Independents. Clearly, financial privacy is not a partisan issue.

Now these groundbreaking, popular, hard-won protections which were negotiated with our financial institutions in California are threatened because of this bill before us today. Let us be clear, this bill does preempt California law. And what does that mean? That means that important California protections will just basically be wiped out. In fact, it means that Californians will never see parts of the law that was signed by the governor. And it means that the will of an overwhelming majority of Californians will be overturned by what we are doing today.

We cannot allow that to happen. We have an obligation to stop that and this amendment would do exactly that. And just like we have an obligation to stand up for all of our consumers today, we are standing up for our California consumers. We have an obligation to stand up for consumers, as I said, all across the country so that they have the opportunity to protect and to control their intimate financial details.

□ 1645

Consumers in California are no different than consumers everywhere when it comes to their financial privacy. Strong protections are what they seek and what they deserve.

I want to take a moment to address some of the inflated and really irrational concerns that have been raised about our amendment. It will not bring commerce to a grinding halt. It will not mean an end to affordable mortgages, and it will not leave more minorities without access to credit. It will not put an end to ATM machines, and it will not ruin the credit system as we know it.

It will merely require banks and insurance companies and other financial institutions to ask California consumers before they share and sell their private information. It will merely allow consumers and other States to benefit from similar protections in the future if they determine that it makes sense for them.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Ohio (Mr. OXLEY) claim the time in opposition?

Mr. OXLEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. OXLEY) is recognized.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment and this really strikes at the heart of what we are trying to do in this legislation to provide national uniformity of our credit system. The Lee amendment would destroy the national uniformity with respect of the ability of the financial institutions and others to share information among affiliated entities.

The Lee amendment does not affect only Californians. Would that be the case, I would not be as particularly concerned, but by grandfathering the California law with respect to affiliate sharing, the Congress would actually abdicate its obligations by allowing California to set the national standard with respect to affiliate sharing. I suggest to my colleagues that that is the responsibility of the national legislature, indeed the Congress.

In essence, many financial institutions will not be able to adhere to multiple sets of rules with respect to affiliate sharing. Then what happens? Some or many will simply adopt the California requirements as the national standard, and ultimately, it becomes California setting national standards, and while I have a great deal of respect for my colleagues from California and the Golden State, I do not think it is a responsible position for the Congress to abdicate that responsibility to the Golden State.

So the question is not necessarily whether there will be a national standard but, in fact, who will set it, and ultimately, the Constitution provides the ability of the Congress to set those national standards.

The Lee amendment also would allow any other State to adopt its own laws with respect to affiliate sharing. Therefore, financial institutions and consumers could find themselves attempting to understand dozens of State laws pertaining to affiliate sharing. The actions dealing with privacy in California should not impact the Federal debate on FCRA, and this is important to understand. The affiliate sharing provisions in the California law are preempted by the existing provisions of FCRA today. So they will be essentially null and void whether Congress reauthorizes the FCRA or whether it does not.

The understanding among all parties in California was that the affiliate sharing provisions would be invalidated under the existing FCRA national standard. The negotiations on the California law and the shift of several companies positions in opposition to neutral was based on opposition to a State-wide referendum and was part of the negotiations that went on in the California legislature. That is not unusual in today's making of laws in any particular State.

In short, grandfathering California law and future laws in other States guts our national uniform standards and harms consumers across the country, could cause an increase in interest rates, inability to get credit, precisely the opposite of what we are trying to do in this legislation. That is why this legislation passed 61 to 3 in the Committee on Financial Services. That is why we have a broad base of support for this legislation across the aisle, among all sections of the country, why we have had strong leadership from both sides of the aisle on this important legislation.

We do not need at this point to get in a situation where we have a rush by other States to simply gut our national standards. That is not what we are about in this body, and all of us who have supported this legislation, who probably cosponsored and voted for it in committee and sent letters, Dear Colleagues, out supporting this legislation need to understand that this is a killer amendment to what we are trying to do in the underlying legislation, and that is why this amendment should be defeated.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from southern California (Mr. SHERMAN), cosponsor of this amendment.

Mr. SHERMAN. Mr. Chairman, I thank the chairman for arranging an extra 5 minutes to debate this important amendment. It is our intention to offer it, and then withdraw it at the end of this discussion, in the hopes that these issues can be dealt with effectively in conference. By withdrawing the amendment at the end of this discussion, we will save the House at least 30 minutes as compared to a recorded vote, thus giving my colleague a six-time return on his investment.

This is a good and necessary bill. We have an amazing credit system in this country where a bank on the east coast will compete for the opportunity to lend money to somebody on the west coast who they have never met; even when none of the banks' employees knows anyone who knows the borrower. Imagine that compared to where we were in this country 100 years ago, when it took a personal relationship with a banker to get a loan. This is an amazing system, and it can exist only with national credit reporting that borrowers and lenders can rely upon and only with a national system that regulates that national credit reporting.

But in our effort to have national standards, which our friends on the other side of the aisle have explained the importance of, we should not reach the lowest common denominator. Instead, we need to look at what the States have done to protect their consumers and try to have a national standard that is at least as high, or at least addresses each of the different consumer protection issues. So, this bill needs to be compared to California law to see whether it achieves that, or whether it might achieve it at the end of the conference.

There are two sets of consumer protections in California law. The first is known as the pre-SB1, pre-Speier's bill protections. In this area, we from California had been told that none of the California pre-SB1 protections would be preempted. But in fact, they were. However, the violence done by that preemption is perhaps not as great as some of my colleagues have pointed out because in many of the cases where California law was preempted, it was replaced by a national standard that was just as good for consumers, even if slightly different in form.

For example, there is the California requirement that consumer reporting agencies must disclose the names and addresses of all sources of information in the consumer report. That California law is preempted but replaced with an even stronger Federal law that not only requires that, but, (I thank the chairman for accepting my amendment in committee), also requires that the phone numbers, as well as the addresses, of those who provide that consumer information be provided in the consumer report.

So it is important that in conference, we take a look at all the pre-SB1 California provisions, make sure that whatever protections a Federal law preempts, are replaced by equally strong consumer protections.

In a few areas that is not the case, and I am confident that in conference, with the advocacy of our ranking member, the gentleman from Massachusetts (Mr. FRANK) and with the chairman of the committee, we will achieve that.

The second set of California Consuming Protections were given to us by SB1, the Speier's bill, which was passed while this Congress was in recess last month. There are several provisions of that bill that are not preempted by Federal law and that will do an outstanding job of protecting Californians, and I commend them to our committee and to the State legislatures around the country. One of those (SB1) provisions, however, would be preempted. That is what is called the opt-out provision dealing with affiliate information sharing.

We are talking about a situation where a person goes to a bank, provides the bank with their financial information, are the bank shares it with their affiliated insurance company or their affiliated stock brokerage company? Good business practice, as well as California law, allows a consumer to instruct their financial institution not to share their information with an affiliated company. I think that is smart business. I commend Jackie Speier of California for writing it into California law.

As we go to conference, hopefully this issue will be addressed. One way to address it is the way Bank of America already addresses it voluntarily, and this would be a compromise. That is to say, that a consumer should be able to opt-out for purposes of marketing. The consumer would be able to say, Bank, do not have your insurance company call me. If we were able to get that, yes, California consumers might lose a tiny bit, but 280 million Americans would gain substantially.

I look forward to a conference that will assure consumers around this country, and those of California, with enhaused protections.

Mr. OXLEY. Mr. Chairman, may I inquire as to the time left?

The CHAIRMAN. The gentleman from Ohio (Mr. OXLEY) has 13 minutes remaining. The gentlewoman from California (Ms. LEE) has 7 minutes remaining.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, Members are back in their office and they are listening to this debate, and one of the things that they may or may not have heard, but if they did, is that both gentlewomen from California may have been misled on this legislation into thinking that nothing in this law preempted California.

I, in fact, went back to the debate at the time that the gentlewoman from California (Ms. WATERS) offered a similar amendment to what is being offered on the floor today, and I want to read to her just by way of refreshing our memory, not to dispute what she says, and quote what she said.

She said, "I, in good faith, would not like to preempt the work of the State of California, the legislators who have spent so much time. Nor would I like to be on record preempting them with supporting this legislation, when I know that we are going to have a ballot measure that is going to be passed. The people of the State of California are going to pass this ballot measure that will give them further protections. I do not believe that a ballot measure should be preempted here at the national level."

She offered this amendment. It was defeated 56 to 6, and then as the legislation passed out of the full committee, the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Ms. WATERS) joined the gentleman from Vermont (Mr. SANDERS) and voted against the whole thing because, in fact, it did preempt something in California. What is it that it preempts?

The legislation that California just passed did three things. Number one, it required opt-in for third party nonaffiliate sharing. Nothing in this legislation changes that. It had new Gramm-Leach-Bliley privacy notices. Nothing in this legislation affects that. There is only one thing and one thing alone that this legislation "preempts" California, and that is the required opt-out for affiliate sharing, and that is also the present law. So what was passed in California, as far as the required opt-out for affiliate sharing, the citizens of California did not get anything because the national law today preempts that. It had no effect.

If our national standards expire January 1, yes, they would, but as the gentleman from Ohio (Mr. OXLEY) said, Gramm-Leach-Bliley, we are going to address that next year and look at those affiliate sharing things. In fact, the chairman of the committee in the Senate says he is going to look at them, and I think that he probably will. We may address them in conference, but we did not open up that debate. We did not address it with our hearing.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Monterey, California (Mr. FARR), a real advocate for consumers, a great leader.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise in strong support of the Lee-Sherman amendment No. 15, which protects the right of States to defend the privacy of their citizens. As written, this bill would preemptively cancel out the effects of California's SB1. I know it has been mentioned but remember, California, one, is the leading financial State in the United States and has the most number of consumers in the United States, and that bill passed after an incredibly long debate in the legislature, and it was supported by or went neutral by financial institutions who were affected by it, had overwhelming consumer support and was voted out of both Houses on a bipartisan fashion.

□ 1700

So do not take the actions of California lightly. It is a Big Business State, and it did a very remarkable thing by passing this bill. What Members should do now is preempt it. It preempts SB1 but also will nullify a number of existing identity theft laws.

The Credit Reporting Act states that it is a ceiling rather than a floor. I think if you look at what we have done in other legislation in this country where we set the floor in the areas of medical privacy, wire tapping, cable records, video rental record, telemarketing, financial records, and drivers records, Federal law allows the States to provide stronger protections. Why not here?

The Gramm-Leach-Bliley Act explicitly provides for States to enact laws for greater protection for the privacy of personal financial information. If you believe in States' rights and the ability of States to set standards to protect consumers, to protect Americans and their families, then I urge my colleagues to vote "yes" on this very important amendment.

Do not take the actions of California so lightly. It is a very important, remarkable historical act that has been created there; and we ought to allow California to proceed with it.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I just think we really need to go back historically in this discussion and take a look at what we were dealing with. I actually hate to say it, but I remember what it was like back before we dealt with uniform standards on credit back when we first started this in 1970. Then in 1996 we went to pure uniformity.

I remember trying to get credit and being told you are going to have to wait for a while before we can do that. I was not the only consumer. Probably 100 percent of Americans or probably 98 or 99 percent were being told they had to wait in order to establish whatever the credit was. Every place you went it was handled separately or differently or whatever.

Congress did something right. Congress did something extraordinarily right when they passed the act initially and then went to the uniform standards with the usurpation of some of the State laws in 1996. I think that is one thing we simply do not want to back off of. Regardless of what is in the California statute, California is the most significant State we have in terms of people and in terms of financial interests, but the bottom line is that to impose the California standards basically on this country could be a problem.

I might also note another reason to vote against this amendment to this legislation is that it states at the end of it: "or the law of any other State that is similar to the California Financial Information Privacy Act." That is a damaging statement because I don't know how you measure "similar to."

Other States could come in and try to do something that would upset the uniformity of what we are doing at the Federal Government level.

What we have done now here in Washington is given every single consumer in this country the opportunity to have a uniform plan so that we know how to get information right away. And with the use of technology that can be done. You can buy a car instantaneously, much less establish credit of a lesser nature some place else.

I think California's attempt to impose restrictions in an area that is completely, totally governed by the FCRA's uniform national standards would be a tremendous error.

We had extensive hearings. I think we need to remember that, too, as we make our decision on how to vote on this amendment. We had over 100 witnesses in very expensive hearings. The chairman and the subcommittee chairman did a wonderful job working with the majority party and our own majority party in terms of developing this legislation.

It did pass overwhelmingly in our committee as everybody understood exactly what we are dealing with. In fact, at that committee another member from California offered an amendment to sunset FCRA's uniform national standards at the end of this year. And during that debate, a specific appeal to give California the ability to establish its own standards either through action by the State legislature or statewide ballot initiative came up. That amendment was defeated 56 to 6.

So, clearly, the individuals in this body who have looked at this issue carefully understand that to undermine it by allowing States to start to opt out and to have different provisions with respect to the fair credit reporting that we have in the country would be an error.

I would encourage everybody in this body to look at this carefully and to vote "no" on this amendment to make sure that we protect a very good piece of legislation.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a real leader in this Congress in the fight for privacy rights.

Mr. MARKEY. Mr. Chairman, if the line of juris prudence that we are now operating under is allowed to stand, then we are in a situation in which there is no effective regulation of a bank, an insurance company, or a securities firm sharing of a consumer's personal financial information and no State regulation of such transactions.

In other words, we are left with a regulatory black hole in which neither the Federal Government nor the States are regulating what is going on within this affiliate structure where one part of a firm gets it and then shares it with all of its affiliates, stockbrokers, insurance, you name it. All of the family's secrets are then spread throughout the country and to anyone that is affiliated with them as an independent operator as well.

This is unacceptable. And it means we have no Federal standard for consumer consent regarding affiliate sharing and preemption of any State law dealing with the subject.

What the Lee amendment says is that we should close this black hole so that if the Federal Government is unwilling or unable to effectively address affiliate sharing, sharing it with all the companies which this bank or insurance company or stock brokerage has, taking all their secrets and starting to share it with all these other companies, then the States can do so.

This amendment preserves not only California's privacy statute but the laws of any other State that might want to give their people protection so that their family's secrets are not made a product sold to anyone with enough money to buy what it is that you are doing with your financial life, your stock brokerage, your insurance information.

This is an important issue that our country faces: the privacy of every American. It is why we fought the American Revolution.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume, as I feel compelled to respond to my good friend from Massachusetts in his somewhat overheated rhetoric regarding the revolution, which I know started in his district. And I am also sorry that we did not hear the famous story about his local banker, Mr. Wentworth. I am sure the other Members, who were not on the committee, have not had an opportunity to hear about it. I also am concerned that the gentleman was unable to hear 100 witnesses in eight separate hearings chaired by our good friend, the gentleman from Alabama.

Regulatory black hole? I would invite my good friend from Massachusetts to read this piece of legislation. This is the strongest piece of privacy legislation I would say ever passed, certainly in recent Congresses. That is why we had 61 members of our committee vote for the final product when it came to the final vote.

So I would say to my good friend, this really is crunch time as far as whether we are going to have a uniform standard that can protect consumers, can set out the rights that they have to protect their privacy, to protect their ability to fight off the horrible crime of identity theft, which affects 10 million Americans. That is what this bill is all about.

And we are dedicated to this national standard that has had so much success since the 1996 act. My friend from Delaware points it out so well, of the progress that we have made. We simply cannot allow ourselves to slip back and allow for States to start to move the goal post and to essentially lower those standards so that we end up with the system that we had before 1996, which would result in higher interest rates, less access to credit, and longer waits for credit. We do not want to go back to the bad old days; we want to move forward. And so I would suggest to the Members that that is what this bill is all about.

So, Mr. Chairman, I have great respect for my friend from Massachusetts, and am actually going to yield some of my time to him, since I miss him so much.

Mr. BACHUS. Mr. Chairman, will the gentleman yield for just a moment, before he yields to the gentleman from Massachusetts, because I think it probably has something to do with it.

Mr. OXLEY. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, the original FCRA that the gentleman from Ohio pointed out was passed in 1996. Right? Not 1776. Is that right?

I will admit to the gentleman from Massachusetts we took absolutely no testimony on the American Revolution and none of our witnesses actually tied that in. But I appreciate his input.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I would be pleased to yield to my good friend, the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I think the gentleman from Alabama missed the point in the discussion of the gentleman from Ohio where he changed the metaphor from the American Revolution to moving the goal post, which makes sense. As a graduate of Ohio State, you would try to switch the form of the debate.

But, nonetheless, we have California moving the goal post further away from the consumer, where in the minds of Californians, and most of us who have dedicated our lives to privacy, the California section moves it closer to the privacy objectives that ordinary families have for their personal financial information. And what we are doing here is essentially giving to the big financial institutions the ability to be able to circumvent this increasing interest at the State level of enhancing the rights of families to be able to protect their privacy.

I hope when we get to the conference committee that my cochairman of the privacy caucus, Senator SHELBY, who shares the passion on this issue, will be in disagreement with my colleagues as to whether or not we have reached in this bill the historic high point of where we should be in 2003 in terms of the protection of the privacy of American families.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), whose diligence on this bill has identified many errors we are trying to correct today.

Ms. WATERS. Mr. Chairman, I would like to thank the gentlewoman from California (Ms. LEE) for all the work she has done on this most important issue.

Mr. Chairman, if anybody had told me that I would be on the floor of Congress arguing States' rights, facing off with a conservative from Alabama, I would have told them they are crazy. But I am here today arguing States' rights on one of the most important issues confronting Americans today, and that is privacy.

Americans do not want people peeping into their bedrooms. They do not want folks eavesdropping on their calls. And they sure do not want financial institutions selling their personal and financial information. And that is what this is all about. This bill would require financial institutions to first obtain a consumer's explicit consent before selling or sharing their personal or financial information with affiliates or third-party companies for any purpose other than to complete a transaction initiated by the consumer.

What right do we have as Federal lawmakers saying to the American citizens that we do not care that they want their privacy protected; that we are the Federal Government; that we do not care what the States want because we have decided we want national standards for the convenience of the financial institutions. We do not want the financial institutions to have to be inconvenienced by having a State like California have better consumer laws than they have in these national standards.

I just do not believe the way this argument is going. I cannot believe that I am standing here defending the privacy rights and the States' rights of Americans against the conservatives on the other side of the aisle.

☐ 1715

Mr. Chairman, it is just too much for me to absorb at this moment. Let me say we have worked hard in California to have better consumer laws, and I dare say if we do not get it on this side, we are going to have to fight in the other body. But in the final analysis, we also have the ballot in California. We will go to the ballot to deal with this issue.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me reiterate again, because I think it is important that the gentlewoman from California (Ms. WATERS) know this, nothing in this legislation will, in any way, stop SB1, the California bill, from requiring opt-in for third-party nonaffiliate sharing, nothing. The gentlewoman mentioned third parties, this was all about allowing institutions to share their privacy or their records with third parties. That is not what this bill is about. This bill does not authorize that. This bill does not permit that. There is nothing that does that. There is nothing in this bill that stops the second component of that new California law, and that is the privacy notices. Nothing in this legislation stops that.

What this legislation does is it continues the present law. Gramm-Leach-Bliley addressed the privacy issues, not fair credit reporting, and we are going to address those issues in hearings next year. As the gentleman from Massachusetts said, the chairman of the Senate has said he may address affiliate sharing in the Senate. That is fine. We may address it in conference. We did not address it in this bill.

We did not do anything not allowed by present law. Currently, the present law does not preempt that.

Finally, we established a high bar wherever we established a bar. The gentleman from California (Mr. SHERMAN) talked about one of the most important things that they did in California, and that is the telephone numbers, giving the telephone numbers. We put that in this bill over strong industry opposition. It is in there. It is an important new right that everyone in 50 States will have, and it is part of a national standard.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

When the Committee rises and we are in the full House, I intend to submit for the RECORD a letter signed by 55 Democrats and Republicans from California discussing the fact that this law, if passed, would preempt California law, SB1.

Finally, let me just say I want to support this bill, but why would any Representative from California support a bill that wipes out the protections for California consumers that they have worked so hard for, for so many years?

Mr. Chairman, I will include for the RECORD the list of financial institutions in California that negotiated with our consumers and remained neutral as this bill was signed into law by Governor Gray Davis. I think it is very important that we protect California law, and if other States want to support stronger measures, allow States to do that. As the gentlewoman from California (Ms. WATERS) said, this is a States' rights issue. I think this amendment would allow States to enact consumer protections that they deem necessary for their consumers.

American Electronics Association
California Bankers Association
California Chamber of Commerce
California Financial Services Association
California Mortgage Bankers Association
Capital One
Citigroup
Countrywide Financial
Farmers Insurance
Fidelity Investments
Financial Services Privacy Coalition
Household International, Inc.
JP Morgan Chase
MBNA
Merrill Lynch
Personal Insurance Federation of California
Providian Financial
Securities Industry Association
State Farm Insurance
Toyota Motor Sales USA
Washington Mutual
Wells Fargo

Ms. ESHOO. Mr. Chairman, I rise today to urge my colleagues to vote in favor of the Sherman-Lee Amendment to give consumers control over their financial information.

Seven million Americans were victims last year of ID theft. Overall, more than 33 million Americans have had their identities used by someone else sometime since 1990.

The Department of Justice says ID theft is the nation's fastest growing financial crime and the damages to consumers are becoming even more significant.

Despite the fact that millions of Americans are victimized by identity theft each year, Congress is getting ready to pass a bill that blocks states from enacting tougher reforms.

The strongest financial privacy law in the nation passed in California last month with overwhelming bipartisan support. This new law, sponsored by State Senator Jackie Speier, allows consumers to stop banks and other financial institutions from sharing confidential account and transaction histories with most of their affiliated companies.

As we consider this matter, I urge my colleagues to vote to bring these protections to all Americans and make sure that any changes to the Fair Credit Reporting Act truly benefit consumers.

Vote in favor of the Sherman-Lee Amendment which protects California's financial privacy law and allow other states to enact similar laws.

Ms. LEE. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. NEY:

Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking "or" at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

"(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

"(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

"(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

"(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

"(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

"(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

"(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).".

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the leadership shown by the gentleman from Ohio (Mr. OXLEY), the ranking member, the gentleman from Massachusetts (Mr. FRANK), and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), and their staff who put this important bill together.

Reauthorizing the expiring provisions in the Fair Credit Reporting Act had the potential to be extremely divisive, partisan and contentious. However, their diligent efforts have created a solid piece of legislation that was reported from the Committee on Financial Services by an overwhelming bipartisan vote. I believe this legislation is a testament to their hard work, and I give them credit for it.

Mr. Chairman, the Ney-Royce-Scott amendment is straightforward. It will amend sections 501 and 502 of H.R. 2622 so they will be able to set a national standard for consumer access to credit scores and credit reports. As Members know, section 501 requires that all consumers have the right to request a free copy of their credit report every year. This is a common sense way to help combat identity theft and fraud while helping Americans maintain a good credit rating.

Section 502 requires that consumers be able to request their credit scores for a reasonable fee, and that when they apply for a mortgage, the credit score their mortgage was based on be provided for a reasonable fee also. I think this is not only good for home buyers, but also a common sense way for consumers to be able to protect themselves from fraud and protect their credit history.

These are just two of the many new consumer protections in the FACT Act. However, neither sections 501 nor 502 is a national standard. As it is currently drafted, H.R. 2622 is silent on whether States can add requirements on top of those already in sections 501 and 502 of the bill.

This could mean that consumers could be faced with new, confusing duplicative and potentially burdensome disclosure requirements. I want to make it clear I do not want to prevent States from being able to protect their citizens. It has been proven time and again that the States often provide the best laboratory for testing new ways to protect consumers from fraud. The ability of States to be more nimble and to be more responsive than the Federal Government has allowed them to experiment with new ways to offer important consumer protections. In fact, both sections 501 and 502 can find their roots in State law. For example, section 502 is nearly word-for-word identical to law in California. Likewise, seven States currently have different requirements for making free credit reports available to consumers.

In recognition of the leadership States have shown, this amendment allows those States that already have laws in place and which lenders and credit bureaus already comply with to remain on the books, much like in 1996 when we put in place national standards, but grandfathered in laws that were already on the books.

However, much like in 1996, now that we are taking the lessons of those laws and forming them into a national standard, we must take the next step and make this standard truly national by preventing States from enacting new and duplicative laws that could harm consumers in the future. If we are not careful, consumers could end up getting multiple disclosures with different numbers, explanations, and forms that are highly confusing and even contradictory. Even worse, if sections 501 and 502 are not made a national standard, a patchwork of State laws could end up raising costs for consumers, something none of us want to see happen. That does not benefit consumers, which is why we need a single national standard that provides consumers with one clear and comprehensive disclosure. I believe sections 501 and 502 achieve that goal.

I do not doubt that the new requirements in sections 501 and 502 will be costly to industry. However, I think that most of us would agree that those costs are worthwhile because of the protections they afford consumers. That is one of the many trade-offs we have been forced to consider when drafting this bill.

Mr. Chairman, as I mentioned a moment ago, if we allow States to add more and more regulations on top of those already in H.R. 2622, then we create the risk of adding so many burdens that ultimately the consumer will see increased costs. That is why I urge my colleagues to support uniform national standards for consumers by supporting this amendment.

We have an opportunity to make a strong statement about the need to pass strong consumer protections while also making the statement that those consumer protections must be uniform. I urge Members to vote on the bipartisan Ney-Royce-Scott amendment, and I thank the cosponsors of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the crux of this is that by this amendment, the gentleman from Ohio (Mr. NEY) seeks to extend preemption beyond where it is under current law. I believe what we attempted to do, with a great deal of success, we made a mistake with regard to California, was to go forward with existing preemptions, to bring them forward, while we added some consumer protections. It is not contested. This amendment would preempt State activity that is not now preempted.

If we simply extended the Fair Credit Reporting Act without this amendment, there are things that the States could do that this amendment will prevent them from doing. Yes, the bill does make some improvements with regard to credit scores and with regard to credit reports. But as an example, and I recognize that the gentleman's amendment does grandfather current State law that goes beyond what the Federal law does, but I cite these two States not because they are going to be preempted, but because they are an example of the kind of actions that States have taken in the past that would be preempted in the future.

Two of our more radical States have taken actions in the past that would be preempted in the future, Colorado and Georgia. What this amendment says is no other State should be as radical and as anti free market and as populist as those two places, Colorado and Georgia. Colorado and Georgia have both seen fit in their legislative processes to extend to their citizens rights with regard to credit scores and credit reports that no other State will be allowed to do if this amendment is adopted.

Now credit scores, in particular, are very important. Members should check with their own constituents and their own State governments. Credit scoring is spreading. People are now finding that credit scoring is being used not simply to give them a loan, but to give them insurance. It has become a very controversial subject. Indeed, one of the things that is in this bill, and I appreciate the chairman having agreed with us that it should be there, is a study that we have commissioned about the legitimacy of using credit scoring as a standard in areas outside the granting of credit.

Should consumers be denied insurance because there was a past credit problem if those consumers are being given insurance that does not involve credit, insurance which needs to be paid for currently?

The gentleman's amendment would prevent States in the future from going beyond where we are with regard to credit scoring. I agree there is need for uniformity in some things, but insurance has always been a State matter. I do not believe we need a national policy with regard to the regulation of insurance. If we do, then we have to change a lot more than simply preempt this because we have left insurance there.

I want to emphasize at this point, I understand this does not preempt what is currently around in some States, but it says in an area that is of growing concern to the States, credit scoring and that has particular concern for members of ethnic minority communities, you may not do anything in credit scoring that we have not done.

We do good things in this bill, but I do not think that it is perfect. I do not think it explores and occupies the entire universe of consumer protections. I believe there are things that the States could do that would be relative to that State that would not impinge on others.

I do not think the Colorado and Georgia rules interfere elsewhere. For instance, in Colorado it says as I said it, that if you are going to be treated negatively because there have been too many inquiries on your credit report, the credit agency has to tell you that so you can take some action to protect yourself. I think that is a reasonable thing for a State to be able to do. I am glad Colorado has done it. I do not think Colorado ought to be, as it would be under this amendment, the last State to be able to make that protection. I hope that we will stick with what I thought was the outlines of what we were agreeing to here which was to preserve the existing preemptions, but not to extend them.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to just stress again, and I was reminded by one of our able staff members, in the case of credit scoring, we have in our legislation emulated what California did to some extent.

□ 1730

I will be prepared to agree to a unanimous consent request that subsequently no one will be allowed to mention California in this debate. I would be ready to agree to that. But I will take my one last reference to it and say we have benefited from what the States do. Even if you believe in preemption, this is the wrong time in the evolution of national policy to lock in a preemption with regard to credit scoring. I warn Members, credit scoring is an explosive issue in some areas. It is one which is being expanded beyond the granting of credit. Do not vote for an amendment that will limit your State's ability to respond to what consumers will feel is very important in the area of credit scoring, and that is what this amendment would do. Even if you believe in an ultimate preemption, it is at a very premature stage. Credit scoring is a relatively new issue in terms of its being extended to other areas. I do not see any reason why we should go beyond the existing preemptions. Everyone has said they work very well. All the studies have been of the existing preemptions.

I want to be very clear once again, this is a new preemption. This would have the States lose the right that they now have, and have under the Fair Credit Reporting Act, to protect their citizens, particularly with regard to the area of credit scoring. I think it would be very unwise. I urge the Members to stay with the committee position here and defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. NEY) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. ROYCE:

Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

"(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

"(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

"(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

"(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

"(iv) the results of the consumer reporting agency's reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute."

Page 35, beginning on line 25, strike "thereafter report correct information to" and insert "notify".

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from California (Mr. ROYCE) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume. I am offering this amendment today on behalf of myself and on behalf of the gentleman from Pennsylvania (Mr. TOOMEY) and the gentleman from Ohio (Mr. TIBERI). We are doing this to correct some of the serious problems with the furnisher liability provision that was offered by the committee's ranking member during the full committee markup. That particular provision penalizes businesses who voluntarily provide the information that makes our credit system work. The provision also turns the existing system for correcting errors on its head with little evidence that it will do anything to increase the accuracy of that system. As the director of the FTC's Bureau of Consumer Protection recently said, and I will quote these remarks, "We don't want to discourage voluntary reporting. Imposing too many obligations on the furnishers could have that effect."

As our chairman will recall, I believe, I along with several other members of the committee raised these concerns about what we perceived as these serious flaws. We were told by the other side of the aisle that each of these problems we raised would be addressed before consideration on the House floor. Unfortunately, we have not yet found common ground. I am hopeful that we yet will; but the amendment that I have filed here seeks to resolve the following key problems, and I want to state these problems again so that we can focus on them.

First, the furnisher liability provision would allow the current system to be circumvented, thereby flooding small- and medium-sized credit grantors with unnecessary investigations; second, that provision in the bill opens the door for credit repair clinics to subvert the existing system by overwhelming furnishers who are ill prepared to address these tactics. By overwhelming, we mean sending in tens of thousands at one time. Last, that provision effectively doubles the number of reinvestigations businesses would have to handle by encouraging consumers to file in two different places at the same time, because they would file both with the furnisher and they would file with the credit bureau. In short, the provision would drive many furnishers out of the voluntary system. That would reduce the integrity and accuracy of our system.

The current dispute resolution system resolves the overwhelming majority of disputes. It is only the very small number of unusual problems that need specialized attention. Our amendment that we are offering here preserves the existing system that works for so many consumers today, but provides a new right for those infrequent instances where the current system may not be sufficient. In short, our amendment requires individuals to use the current investigation and reinvestigation process through the bureaus.

If the dispute is not resolved, it would then allow individuals to take their credit bureau dispute directly to the furnisher, and it compels the furnisher to address it within 30 days under a threat of liability. I think this approach addresses each of the concerns raised in the markup while providing a new dispute resolution process for those individuals who are not served through the current system.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a difficult issue. Let me say first, I very much agree with the gentleman, and this is something that I want us to return to; and I hope the chairman will do this. The credit repair agencies, I agree, are a problem. Whatever system we have, I think there is an abusive practice there. I think the gentleman is right to point to it. I myself check my voice mail when I am down here. I called my Massachusetts voice mail where my phone is listed, and I have a man telling me that he has got my credit records in front of him and he can help me with my debts. Since I pay up pretty regularly, I thought maybe this was identity theft. I called him up, and it was one of these phoney credit repair agencies. I called just to do that.

Let me say to the gentleman, I would be glad to work with him to do legislation, because whatever we do, whatever remedy we give, we are going to have the problem of credit repair. I think he has pointed to a very good problem. I would just say to the gentleman that I look forward to working with him. I cannot support this particular amendment, but I would be glad to work with our chairman on dealing with the credit repair issue.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ROYCE. I thank the gentleman for yielding. I look forward to trying to work out a satisfactory compromise on this.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the problem that the gentleman from California has identified is a real problem, and it does need a solution. I want to reiterate what the gentleman from Massachusetts said, because I think there is genuine support for finding a solution to this. The last thing we want is for small- and middle-sized businesses to be burdened down and not to report information to the national credit reporting system because this could actually encourage a situation in which people, knowing that they do not participate because of a liability, target them, do business with them and knowing that they are not part of the national credit reporting system. The more information that goes into that system, the more valuable it is. It is often these small- and middle-sized businesses that in fact do not have the sophistication to collect bad debts or to write off bad debts; and when they take a loss, it is more severe because it reflects a greater percentage. So the very businesses that need to be not only furnishing information but drawing information, we need to do everything we can to encourage those retailers and others to participate in the system.

I fear that unless somewhere in conference or in the Senate, and I would say to the gentleman from California, we just simply have not come up with the right language yet, but I know the gentleman from Ohio is very committed to working on this issue. I want to commend the gentleman from California for working on this issue and identifying it and bringing it to our attention, along with the National Retail Association that has made us very aware that this is a weakness of the bill as it now exists.

Mr. ROYCE. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentleman from California for yielding me this time. First of all I would like to congratulate the gentleman from Ohio (Mr. OXLEY), the gentleman from Alabama (Mr. BACHUS), and the gentleman from Massachusetts (Mr. FRANK) for producing a bill that addresses an extremely important issue. I know that the gentleman from Alabama has been quoted as saying that this is probably one of the most important economic initiatives that we have got to accomplish this session because it means so much to so many people.

I was reading some figures that say that if we are not going to go forward, if we did not or had not gone forward with reauthorizing the Fair Credit Reporting Act, it would result in a $20 billion loss in the consumer spending area. Actually, as some of the dialogue here has indicated, it would fall really on those that need help, who need access to credit most. I am glad that we are here, and I congratulate the chairman on his work.

I also am here to support the gentleman from California in trying to search for a solution to a provision that is in the bill that would, as has been said earlier, provide a disincentive for retailers to be a part of this nationwide system that we have that affords individuals access to credit. For the reasons stated before, the provision as it stands now, which would force an individual seeking to correct information on a credit report to go to the furnisher rather than the parties currently doing it now in the credit bureaus, would provide inefficiencies on the part of the furnishers; would, as I said earlier, provide a disincentive for those furnishers to even offer the information to the credit bureau; and ultimately, I think, would drive up costs for everybody. As we know, the individuals who end up suffering most are those who we are trying to help by affording the least expensive access to credit.

Again, I congratulate the gentleman from California on his efforts and want to offer help in any way that I can to hopefully resolve this issue.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

I very much appreciate the support from the gentleman from Virginia. I appreciate the offer from the ranking member to work toward a resolution of this. In the spirit of cooperation, I am going to withdraw this amendment. However, Mr. Chairman, I am going to ask for your commitment that you will continue to work with me to ensure that these problems are resolved before a final conference report comes back to the House.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, let me indicate my support for the gentleman's purposes here. I think he makes an excellent point. We had some good debate in the committee as well as here on the floor. As we work toward, hopefully, the conference committee, I pledge my support for trying to find an answer to this difficult problem.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say, particularly with regard to protecting legitimate merchants against abusive credit repair companies, I would be glad to work with the gentleman.

Mr. ROYCE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1745

AMENDMENT NO. 4 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SANDERS: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

"(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any another credit card or debt.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting "subject to subsection (d)," before "to review".

The CHAIRMAN. Pursuant to the order of the committee of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is cosponsored by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE). It is also strongly supported by the Consumer Federation of America, the Consumers Union, the Electronic Privacy Information Center, the National Association of Consumer Advocates, the National Consumer Law Center, the New York Public Interest Research Group, the Privacy Rights Clearinghouse, the Privacy Times, and the U.S. Public Interest Research Group. In other words, almost every major consumer organization in America is supporting this amendment.

Mr. Chairman, this amendment deals with an issue which is of growing concern to millions of credit card holders, and that is that, increasingly, credit card companies are engaging in an outrageous bait and switch practice which is costing consumers hundreds of millions of dollars.

This, Mr. Chairman, is how the scam works: In our country today, credit card companies are sending out over 5 billion solicitations a year. Yes, that is right, 5 billion pieces of mail are being sent to Americans every year in order to purchase this or that credit card. Sometimes I think about half of those solicitations come to my kids. Nonetheless, we are all receiving them. As we all know, these mailings very often have bold headlines stating zero percent interests rates for 6 months, or 2.5 percent interest rates for a year, or whatever. We all receive them.

Now, here, Mr. Chairman, is the scam and the bait and the switch. An individual fills out the form and purchases the credit card, and month after month after month, he or she pays the amount owed to the credit card company faithfully and on time. In other words, the individual consumer has fulfilled his or her end of the contract. But in the midst of this, something strange happens. People are paying up on time, but suddenly the interest rate skyrockets, despite the individual making their payment on time.

Now, how can this happen? How can interest rates double or triple when the individual has fulfilled the obligations of the credit card company and made payments on time and never has gone over the credit card limit?

Well, it happens because the credit card issuers, companies like Chase Manhattan, Citigroup or Bank One, have decided all on their own that the consumer has become a greater financial risk, even when that consumer has in every instance paid their credit card bill on time.

What happens is the company obtains information from their customer's credit report which indicates a late payment on another financial transaction, another transaction. Perhaps the consumer might have been late in paying a student loan or a mortgage payment or a medical bill, and because the individual was late paying off another financial transaction, having nothing to do with the credit card they have from this company, the credit card company raises interest rates on their transaction with that individual.

Even more outrageous, credit card companies are raising interest rates when the consumer has never been late on any payment, and here is the crime there: There is an illness in the family. Somebody borrows money to pay off a medical bill; and, because they have committed that terrible crime of borrowing money for a medical reason, interest rates will go on the credit card, although they have never been late on any payment.

That is absurd, that is unfair, and that is a rip-off of the American people. At a time when the Federal Reserve has lowered short-term interest rates 13 times, why do we have consumers in this country paying 16 percent, 26 percent, even 29 percent APR on their credit cards?

Furthermore, Mr. Chairman, the Committee on Financial Services and my Subcommittee of Financial Institutions, of which I am the ranking member on, have heard from a number of witnesses about the inaccuracies of credit reports. According to freecreditinsight.com, over 70 percent of credit reports contain errors, so the credit reporting agency makes a mistake and your interest rates go zooming up.

By charging higher interest' rates, the profits of credit card companies skyrocket and consumers grow deeper and deeper into debt. Is it any wonder why bankruptcies in the U.S. are now at an all time high, increasing by 23 percent since 2000?

Mr. Chairman, this is the issue. This is a very simple issue. It is an issue of fairness. If I take out a credit card and the credit card company says to me you have to pay up at a certain time and your interest rates are such-and-such, and I do that every single month, that is what the deal should be. And, if I am late, if I go above the amount of credit that I agreed to, well, I agree, they have a right to penalize me. They do not have a right to double or triple my interest rates when I pay my bills on time and because I took out a loan because my wife might have been ill.

Mr. Chairman, Congress has a responsibility to stop the credit card industry from ripping off consumers by this deceptive and unfair practice. I urge my colleagues to vote for this amendment to restrict the credit card interest rate bait and switch.

Specifically, this amendment would prohibit credit card issuers from using negative information contained in their customers' credit reports, such as a late payment on a student loan, a lower credit score, a new mortgage or new loan to pay for medical emergency or an error in a credit report, as a reason to double or triple credit card interests rates.

Importantly, as part of a compromise worked out at the committee level, this amendment has been crafted so that if a consumer is at least 60 days delinquent on any other credit card or debt, the credit card company could still use that information to increase the interest rates of their customers.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks to control time in opposition?

Mr. OXLEY. Mr. Chairman, I claim the time in opposition to the Sanders amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, first of all, was defeated on a bipartisan vote of 44 to 22 in the Committee on Financial Services.

Chairman Greenspan has raised serious concerns about this amendment. Let me quote, if I may, from a letter from Chairman Greenspan to the gentleman from Delaware (Mr. CASTLE) who had requested the response from the Fed, and specifically Chairman Greenspan, regarding the amendment offered by the gentleman from Vermont.

He says in part, "The information gathered by credit reporting companies on the borrowing and payment experiences of consumers is a cornerstone of the consumer credit system in this country. Experience indicates that access to the information assembled by these companies and credit evaluation systems based on that information have improved the overall quality and reduced the cost of credit decisions while expanding the availability of credit."

He goes on to end in this way: "In sum, in deciding whether to restrict the use of certain information in credit evaluations, the Congress should be aware that such restrictions are likely to diminish the effectiveness of statistical systems that have played a significant role in reducing the overall cost of credit and widening its availability."

So what we have here is the chairman of the Fed saying that the Sanders amendment is going to have a chilling effect on the availability of credit, and could drive up the cost of credit at the same time, basically saying to those of us who are good credit risks, we will be asked to pay for those who are less responsible in paying back those credit card debts.

Now, the committee did adopt an amendment offered by the gentlewoman from New York (Mrs. MALONEY) that specifically addresses the issue raised by the gentleman from Vermont. It requires any preapproved credit card solicitation to disclose the credit card issuer's ability to adjust the interest rate for reasons other than delinquencies on the credit card account. The notice will educate the consumer and allow him or her to act accordingly.

So in place of this rather draconian approach by the gentleman from Vermont, we have the gentlewoman from New York's amendment, which is part of this bill that we are debating now, adopted in the committee unanimously, that would provide more information, more notice to the consumer, to make certain that they are aware that, should a delinquency occur, it is a possibility that the interest rate could go up.

Essentially, this is an overkill amendment, and the committee found by a two-to-one margin that indeed that was the case. Nothing has changed from the time that the committee adopted the bill to today on the floor.

So the amendment would clearly increase the cost, and probably decrease the availability of credit for credit card borrowers. Lenders must have the ability to adjust the interest rate on a loan in order to adequately price for that borrower's risk.

It seems obvious that those who are good credit risks are able to obtain credit at lower costs. That is how our system works. If someone who is a good credit risk suddenly imposes additional risk to the lender, the lender should be able to adjust for this increased risk. The amendment would prohibit a credit card issuer from doing this in many circumstances, and what the likely impact of this Sanders amendment would be lenders would be forced to offer credit card accounts at higher interest rates in order to buffer against any potential future risk that any borrower may present.

Frankly, for those of us, the vast majority of us, those who pay their credit card bills monthly and are responsible, why should we be faced with a potential for higher interest rates and less available on that score? Adjusting the price of credit to match the level of risk imposed by the customer is not a bait-and-switch tactic, it is simply good, common sense, and such adjustments are already adequately addressed by existing law, particularly in regard to the Maloney amendment.

To that extent, I oppose the Sanders amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my friend from Ohio just said why should people who pay their bill on time every month be penalized? I agree with him. But as the gentleman knows, right now people pay their bills on time every single month and, despite that, they can see a doubling or tripling of their interest rates, and that is precisely what we are trying to prevent.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just thank the gentleman from Vermont for his leadership on the committee and for bringing this amendment today to the floor. But I must say that this is a very moderate amendment, it is a very conservative amendment, and I was, quite frankly, surprised he would go for it. But in the spirit of compromise, he did. So, very seldom do I believe that something is better than nothing, but I believe that this is such a fundamental injustice as it relates to our consumers that I had to support this very modest measure.

Quite frankly, a creditor should not be allowed to increase interest rates if consumers are paying the debt according to the agreed upon terms. They should not be allowed to raise interest rates based on payment histories of another debt. That is just fundamentally wrong. When individuals agree to a contract, when a consumer believes that they are doing the right thing and paying their monthly payments, how in the world can they get set up to fail? That is what this does.

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An interest rate that jumps from 7 percent to 29 percent, bankruptcy, certainly, will follow if, in fact, this does not fit within the consumer's financial scheme. And generally, the consumer has a financial plan that they have to stick to in terms of payment schedules of debts. And so a huge payment like this is wrong. It would make more sense if the gentleman from Vermont (Mr. SANDERS) had offered an amendment to say what I just said earlier, that a creditor should never be allowed to increase an interest rate on a debt if, in fact, the consumer is paying that debt based upon the agreed-upon agreement. But I understand how this place works, and I really thought that he had enough support on the other side to at least get this very basic kind of amendment passed, I would say to the gentleman. So I want him to know that I support it. I thank him for bringing it to the floor. But just know I think that sooner or later, we have to correct this injustice.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in opposition to the Sanders amendment. I am listening to the gentlewoman from California's remarks that we should not allow a credit card company or a bank to alter one's interest rate on an extension of credit based on that consumer's performance in the marketplace, but if we look back to the beginning of the transaction to see how the credit was extended to begin with, it was based on the overall credit picture. And we have a nationwide credit access, information access system that affords lenders the ability to know more about their risk. And by tying the hands and essentially asking the credit card issuer and the lender to ignore information that will impact their risk will end up ultimately denying more credit to more people.

Mr. Chairman, we ought to let the marketplace work. We ought not go in and try and micromanage someone's business. We have the laws in place which require disclosure. There is the Maloney amendment that was attached in committee which will ensure adequate notice if there is, for some reason, the increase in the rate. Again, the end of the day is we want to make sure as many people as possible have access to credit.

What this amendment will do, as the chairman has said, will raise rates for everyone and will deny those who really need the credit access to those funds.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. Mr. Chairman, I was hopeful that my friends on the opposite side of the aisle would have the good sense not to oppose something like this. This is so ridiculous. This is so ridiculous that they could absolutely defend a credit card company increasing your interest rates, even though you are paying your bills on time every month. You are paying your bills on time, you have not missed a payment, but because you did not pay Nordstrom's or Gap, and you may have a dispute with them, they are going to raise your interest rates. Then, my friends on the opposite side of the aisle will say, they have to do that; and if we do not allow them to do that, that will have a chilling effect on credit.

Well, I think what one of my friends on this side of the aisle just said to me makes a lot of sense. She said, you know, this is nothing but a racket. You are defending a racket. You are defending a racket that is exploiting the people for no good reason. They simply want to make more money, and they can come up with any excuse, any way possible to get more money, to gouge your constituents; and you would stand here and argue that unless we allow them to gouge your constituents, you will have a chilling effect on them being able to get some credit. Give me a break. This is the greatest ripoff I have ever seen. And to add to it that if you are paying your bills on time, you are not missing a payment, and you go out and borrow some money because you may have a situation where you need more money, they look at that and say, oh, they went out and they borrowed some more money; I can use this, and I can describe it as a credit risk. Up with the interest rates.

Oh, you are better legislators than that. You do not want to do that to your consumers. You do not want to undermine them that way. You do not want to have the dollars that they are working hard to earn pulled out of their pockets in this racket.

Support the amendment. That is the decent thing to do.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the chairman for yielding me this time.

We had this discussion on this amendment before the Committee on Financial Services, and it did not make a lot of sense then; and, frankly, it does not make a lot of sense now, that we would even consider this amendment.

Essentially, those who are issuing credit, particularly credit cards, that is their business, that is their product, that is what they do. And what they have to look to is the creditworthiness of any of us. We probably all in this room and most people in this country today are carrying some sort of credit card, and probably multiple credit cards in the cases of most individuals. And that is based on one's ability to be able to pay their debts and be able to manage their accounts. Obviously, the one account is not necessarily the whole answer. The whole answer is exactly where you are financially. They make a decision with respect to where you are in a circumstance, and they issue the credit based on that. With the Maloney amendment, we have a circumstance in which people will be informed that if, indeed, their creditworthiness is challenged, they may have to pay higher interest rates.

The chairman cited a letter which I received on July 22, 2003, from Chairman Greenspan with respect to this issue, and I would just like to read a little further from that beyond what he had read. He said, "Consumers' performance on credit accounts as well as the number and recency of certain types of inquiries to credit reporting companies are credit criteria that are statistically associated with creditworthiness in evaluative systems that are used for credit granting and pricing. Records of consumers' usage of, and payment performance on, credit accounts with other creditors are fundamental building blocks for evaluations of creditworthiness. For example, where a creditor commits to allow a consumer to make purchases or obtain cash advances from time to time on a revolving line of credit, the consumer's performance on other credit accounts can well presage the credit risk outlook for the creditor's own account," and it goes on from there.

It is relatively simple. You are in a situation in which an individual has taken credit based on the circumstances of their own creditworthiness and then has gone out and established their creditworthiness as not what it should be. There are problems or circumstances. Frankly, the credit card companies and others dealing with this do not want to have to do this if they can avoid it because it is easier for them to deal with it on the levels on which it is issued; but there are circumstances in which this happens, or perhaps this discourages it from happening, that is your interest rates might be increased.

So I think for all of these reasons, while this amendment sounds to be well-intended, ultimately would be extremely counterproductive in that I think a lot of the credit which is issued now, because people realize that this may be an outlet in order to make sure that people do not extend their credit otherwise, might in the future not be able to be granted, simply because the credit issuers are going to say this person has sort of a spotty history and yes, we would have done it if we had known we could have increased the interest rate if necessary, but in this circumstance we are not going to issue it. I think you are going to find a lot of people who marginally might have been able to receive credit before are not going to be able to receive it if this amendment were to be adopted. So I encourage the defeat of the amendment.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, July 22, 2003.
HON. MICHAEL N. CASTLE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter responds to your request of July 18, 2003, seeking my views as to whether proposed changes to the Fair Credit Reporting Act might affect the pricing of credit based upon risk or might potentially bear upon the safety and soundness of creditors. The proposed amendments referred to in your letter would limit use in credit evaluation systems of certain types of information, such as information regarding the number of inquiries about the consumer made to a credit reporting company, and would also restrict consideration of other types of information, such as information about the consumer's personal credit experiences with other creditors in credit decisions that involve the interest rate on an account.

The information gathered by credit reporting companies on the borrowing and payment experiences of consumers is a cornerstone of the consumer credit system in this country. Experience indicates that access to the information assembled by these companies and credit evaluation systems based on that information have improved the overall quality and reduced the cost of credit decisions while expanding the availability of credit.

Credit evaluation systems rely on information to measure the credit risk posed by current and prospective borrowers. In the process of credit evaluation, creditors seek to use information that helps them better distinguish between good and bad credit risks. The information items that receive positive and negative weights in credit evaluation systems are those that have demonstrated statistical usefulness in this process.

Consumers' performance on credit accounts as well as the number and recency of certain types of inquiries to credit reporting companies are credit criteria that are statistically associated with creditworthiness in evaluative systems that are used for credit granting and pricing. Records of consumers' usage of, and payment performance on, credit accounts with other creditors are fundamental building blocks for evaluations of creditworthiness. For example, where a creditor commits to allow a consumer to make purchases or obtain cash advances from time to time on a revolving line of credit, the consumer's performance on other credit accounts can well presage the credit risk outlook for the creditor's own account. Similarly, an upsurge in recent inquiries could indicate that a borrow in financial distress is seeking to gain access to more credit. Thus, restrictions on the use of information about certain inquiries or restrictions on considering the experience of consumers in using their credit accounts will likely increase overall risk in the credit system, potentially leading to higher levels of default and higher prices for consumers. Even with higher prices for credit, elevated levels of default may raise risk levels for credit-granting institutions.

In sum, in deciding whether to restrict the use of certain information in credit evaluations, the Congress should be aware that such restrictions are likely to diminish the effectiveness of statistical systems that have played a significant role in reducing the overall costs of credit and widening its availability.

I hope these comments are useful.

Sincerely,

ALAN GREENSPAN.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), the famous author of the Maloney amendment.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Alabama (Mr. BACHUS) and the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for their extraordinary leadership on this important bill. And I thank them for supporting my disclosure amendment which will require conspicuous disclosure on credit reports and all credit papers of pricing items and techniques and strategies.

But at the same time, I continue to be very, very troubled by some pricing strategies used by certain companies, and I believe that the Sanders amendment provides a needed reform.

The amendment affects how credit card companies use information from credit reports to increase interest rates on their customers. This devious practice is known as "bait and switch," where a consumer's low interest rate may be increased to 20 percent or higher simply because they may have taken out a new mortgage or some other liability. A recent New York Times article documented just such a case where an Illinois doctor had his rate go from 6.2 percent to over 16 percent when he took out a mortgage.

The amendment merely allows the consumer a window of 60 days before their rates are increased, in the event they were on a vacation or got sick or missed a payment or were experiencing some type of short-term financial difficulty.

I have met with a large number of industry representatives on this issue. Some company practices are already close to the standard of this bill and some are not. Congress has established some minimum consumer protections in other instances where necessary for the credit card industry such as the $50 maximum liability for lost cards. I believe this amendment sets a modest floor for the industry's practices above which there is an abundance of room for different companies to take different approaches and compete in the free market.

Mr. Chairman, I support this amendment.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I am opposed to this amendment for a couple of reasons. I too serve on the Committee on Financial Services where this amendment was defeated by a two to one margin. The Maloney compromise amendment which came up seemed reasonable. It does give disclosure, and I think that that certainly is a good warning to the consumer.

Mr. Chairman, one of the previous speakers mentioned a dispute, if you are disputing an item on your credit card statement, that is something that is put into abeyance, so that would not affect your credit rating. If we were to pass this amendment, I believe that all consumers would be harmed, because there would be higher costs of credit nationwide.

When a credit card is issued, it is based upon a snapshot in time. As the picture changes, obviously, we need to have the companies remain to have that kind of flexibility that they have right now. This is really an issue of credit risk and creditworthiness; and as various occasions arise in one's life that they may be overextending themselves, then certainly the credit card company deserves to have the right to make those appropriate changes.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

The sides on this debate are very clear. One side are the credit card companies and the very large banks who are making huge profits from their consumers and, in some cases in our low-interest moment, right now, who are charging 25 or 29 percent a year interest rates. In other words, they are ripping off the American people.

On the other side of this debate and supporting this amendment, are virtually every major consumer organization in America that is saying enough is enough. If people pay their bills on time every month, they should not see their interest rates double or triple. The chairman mentioned that there was bipartisan opposition to my amendment. He was right. But as he knows, there was bipartisan support for this amendment, including the gentleman from Alabama (Mr. BACHUS), who was very articulate and supportive of this amendment as chairman of the relevant subcommittee.

Let me simply conclude by saying this: the American people are sick and tired of being ripped off by credit card companies. When they pay their bills every month on time, they should not see their interest rates soar. I would urge the Members of this body, in a bipartisan way, to support the American consumer and pass the Sanders amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. KELLY:

Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

"(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

"(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers demands for such reports.

"(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.".

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while this bill contains good consumer protections, my concern is that if free credit reports are extended to consumers, then there will be an unquestionable strain on the system. Unfortunately, the current system is not yet equipped to deal with overwhelming requests for credit reports that may result from offering free credit reports or any other extraordinary events. Consumers who have an identified need to access their file could find their request lost in an overburdened system. This will undoubtedly reduce service levels that could otherwise be dedicated to helping consumers who do have a concern about their files and need to have information quickly.

After holding several hearings on the issue of identity theft, my concern is that large numbers of people simply looking for information could result in a chaotic shock to the system that would be ripe then for fraud and difficult to detect criminal behavior.

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In the full committee I offered an amendment to ensure consumers' requests are accommodated by alleviating burdens on credit bureaus as the new law is implemented. I am pleased we have included a lot of this language in the manager's amendment, and as a result, the underlying bill now directs regulators as they construct a system for implementation to take into consideration potential spikes in the volume of requests for first year of the legislation. It is a tremendous first step, but I do not feel it is enough.

The amendment I am offering now builds on the manager's amendment and simply gives regulators the authority to respond on a temporary basis to the needs of consumers when credit bureaus are overwhelmed with requests after the 1-year implementation.

If the regulators determine it is necessary to exercise this authority, the amendment also explicitly states that their temporary approach must maintain consumer access to credit reports for emergency or time-sensitive requests. Including incidents of home purchases and suspected identity theft. Without the flexibility that this amendment provides, customer service may decline as credit bureaus become overwhelmed with requests under extenuating circumstances. By giving regulators the authority to mitigate in these instances, credit bureaus would be able to devote time and attention that each request deserves.

I want to thank both the chairman and ranking member for including some language in the manager's amendment on the first year of implementation, but this amendment would complete that work. It is a straightforward approach to a significant problem and I urge colleagues to support the amendment that will benefit millions of Americans who need prompt access to their credit reports.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition to the amendment.

The gentlewoman correctly described what happened when the gentlewoman raised this issue in committee and we had a discussion of it and I agreed to the substance in the first year. And yes, in the manager's amendment we have, I think, a very good version of the amendment that she had introduced in committee because when you are doing something like this, there is often a problem in the transition. And the gentlewoman is correct that her initiative, we have managed the problem of the transition, namely, we have given to the regulators, in this case, primarily the Federal Trade Commission, with some participation from the Federal Reserve, the ability to do it within the first year.

But I could not agree to making that a permanent feature in the way in which we now have because, for instance, some of the credit reporting agencies might be responsible and gear up for this. I do not want to reward those that might not do it. I think it is very reasonable to say in the first year, and it is also the case when you go from not having this right to having the right, yes, you can expect there to be a slew of first-time requests. But after the first year there is no reason to think that there is going to be this kind of backlog and a reasonable company ought to be able to manage that.

If something should turn out later down the road to be an unanticipated problem, we have the capacity to deal with it, but I think it would weaken this if we were now to say to the regulators, in effect, on an ongoing basis, they could suspend this indefinitely, suspend this right for a lot of people. So while I supported and was glad to the 1-year transition issue, it does seem to me to go much further and we had and this was a process of give and take, we had agreed I thought on free credit reports as a basic rule. I must say that on our side and in many other places, giving the regulators an ongoing right to suspend what we have advertised as a new right beyond the transition year is very troubling and I would find it very difficult if this were to be included.

Mr. Chairman, I reserve the balance of my time.

Mrs. KELLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, serving on the Committee on Financial Services has been a challenge at times and certainly a great pleasure. And I want to thank the gentleman from Ohio (Mr. OXLEY) for his leadership in championing the bill that we have before us.

The Kelly amendment, I believe, is a very worthwhile amendment. As free credit reports are extended to consumers, there will be an unquestionable strain on the system. Unfortunately, the system is not yet equipped to deal with the overwhelming requests for credit reports. It may result from offering free credit reports or other extraordinary events that may occur as people begin to request these free credit reports and overload the system.

Consumers who have identified the need to access their file will find their requests lost in an overburdened system. That will reduce service levels that could be dedicated to truly helping consumers who do have a concern about their files.

Yes, there is language in the manager's amendment that directs regulators as they construct a system for implementation to consider potential spikes in the volume of requests for their first year of implementation. The Kelly amendment, I believe, builds on this language and simply gives regulators the authority to respond on a temporary basis to the needs of consumers when credit bureaus are overwhelmed with requests.

If the regulators determine it is necessary to exercise this authority, the amendment also explicitly states that their temporary approach must maintain consumer access to credit reports for emergency or very time-sensitive requests, including instances of home purchases and suspected identity theft. Without this flexibility that this amendment offers, customer services will undoubtedly decline as credit bureaus become overwhelmed with these requests. By giving regulators the authority to mitigate in these instances, credit bureaus will be able to devote better time and attention to those needing the requests.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

One point, I recognize there could be a spike problem in the beginning. We should underline with regard to these requests, we are talking here about the problem of sending it out. Nobody has to send out a report that does not exist.

In other words, we are not imposing on the credit reporting agencies the duty of compiling the report anew. And I think that is something we ought to take into account. The question is simply whether after that first year they will be flooded, and the request is to simply send a report that exists. If no report exists, no obligation exists. And I do not think that the problem after the first year at this point is going to be so clearly a problem that we ought to write in this suspension. I am prepared to look at it later, but I think it would be a serious error at this point.

Mr. Chairman, I reserve the balance of my time.

Mrs. KELLY. Mr. Chairman, does the gentleman have any further speakers on this issue?

Mr. FRANK of Massachusetts. Just myself to close, as we have the right to do.

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe this is an important work that I think we need to address before any conference report is finished. I think with an agreement with our chairman and with an agreement, hopefully, that was just stated by our ranking member, I think that I am willing to hopefully work with him in the spirit of cooperativeness here on the floor today.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. FRANK of Massachusetts. Reserving the right to object, I would point out to the gentlewoman, the last time she and I had this conversation the result was a pretty good amendment to the manager's. I think we have a pretty good track record of working together.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The amendment is withdrawn.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in order to enter into a colloquy with the distinguished chairman of the Committee on Financial Service.

Mr. Chairman, constituents in my district have brought to my attention a problem regarding the inability of certain people to obtain a credit rating from a credit bureau, even when they are very creditworthy. This is an extremely troublesome issue given the importance of a credit rating in our society today. It is very difficult to function without credit. From placing a deposit when renting a car, to staying in a hotel to getting a mortgage for a home, people rely on credit every day. Indeed, credit bureaus wield a great deal of influence in this respect.

Unfortunately, the rules and formulas they apply can yield unjust and nonsensical results. For example, visiting scholars at our colleges and universities or other temporary workers from overseas who have good credit in their home countries, often industrialized countries with advanced credit and accounting systems, often cannot obtain credit when coming to America. This prevents them from obtaining a credit card which is so vital for proper functioning in this society.

As another example, one woman in my district worked overseas for about 10 years during which time her credit cards expired and she stopped transacting business with credit cards from America. Upon returning she had a nearly $20,000 cash balance in a bank account but she was unable to get a credit bureau to rate her. She could not get a mortgage for a house, a credit card or even a retail store charge account. Despite her many years of good credit rating, this lull in credit usage eliminated her creditworthiness in the eyes of the number crunchers at the credit bureaus.

At the same time, credit card companies turn around and grant credit cards almost willy nilly to high school or college students with no credit history at all. These kinds of situations are unfair given the importance of a credit rating, good or bad, for so many financial transactions. It just does not make sense in many situations that some creditworthy people cannot get a credit rating at all despite having adequate cash resources or a positive history in another country.

Mr. Chairman, I would appreciate the time and effort of you and the committee to investigate whether a solution to these problems can be found.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I understand the gentleman's concern and we have had some discussion about it. I would be pleased to work with him to explore what might be done to remedy these situations. It is certainly unfortunate that under our current system some situations like the ones you mentioned do arise preventing consumers, who are low credit risks, from obtaining credit quickly.

I look forward to working with the gentleman from Michigan (Mr. EHLERS) to see if we can address the legitimate concerns he raises.

Mr. EHLERS. Reclaiming my time, I thank the chairman for his assistance and I look forward to working with him and the Committee on Financial Services on this important issue.

AMENDMENT NO. 1 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KANJORSKI:

Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) shall not apply after December 31, 2012.".

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Ohio (Mr. OXLEY) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support the Fair and Accurate Credit Transactions Act. Nevertheless, I believe that we should alter the legislation to sunset the key elements of the bill at the end of 2012.

The gentlewoman from New York (Mrs. MALONEY) also joins me in sponsoring this pragmatic and reasonable amendment.

In June, I helped to introduce H.R. 2622 to extend the expiring provisions of the Fair Credit Reporting Act and to improve consumer protections. In my view, the 1996 amendments to create a national credit reporting system have expanded access to credit, lowered the price of credit, and accelerated decisions about getting credit. To continue this record of achievement, we need to extend the expiring provisions of this law before the end of the year.

While I support the FACT Act, I also continue to believe that we should amend the bill to include a 9-year sunset. As currently drafted, the legislation would permanently extend the seven expiring preemptions of State law within the Fair Credit Reporting Act. In my view, we should sunset the Uniformed National Consumer Protections Standards contained in H.R. 2622 at the end of 2012, and the Kanjorski-Maloney amendment accomplishes this narrow objective. Unlike current law, our amendment would not specifically allow States to enact additional credit reporting standards in the preempted areas after the 9-year sunset.

In referring to the U.S. relationship with the Soviet Union, Ronald Reagan once said that we should "trust but verify." We have adopted a similar approach with H.R. 2622. We should trust that the participants in the credit reporting industry will continue to work to comply with the law but verify that the consumers continue to have appropriate protections with respect to their credit in years ahead.

Mr. Chairman, a sunset provision provides industry with incentive to continue to work to advance the interest of consumers. Moreover, without a sunset, we may well have trust until some major problem causes chaos in the credit reporting industry and forces Congress to revisit the issue in a haphazard way.

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Furthermore, a sunset provision will allow us to evaluate the effectiveness of our credit-reporting programs and policies within a predetermined time frame and force us to decide whether to alter them. In fact, the sunset imposed by Congress in 1996 has allowed us today to review in a methodical and systematic manner the success of the current law and make necessary improvements to it to reflect changes in the financial system.

Identity theft, for example, has dramatically increased in recent years. Technology has also changed greatly in the last 7 years. Mr. Chairman, the FACT Act before us today addresses both of these developments. It, therefore, makes sense to ask the 112th Congress to review and reconsider our work in the 108th Congress and make further improvements to our credit reporting laws. A sunset at the end of 2012 provides sufficient time for industry to implement the reforms called for in this bill, establishes sufficient surety for our financial marketplace, and allows for new issues to arise on the public policy landscape.

In closing, Mr. Chairman, I encourage my colleagues to make a good bill even better by supporting the sensible and practical Kanjorski-Maloney amendment to sunset H.R. 2622 at the end of 2012.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Chairman, it is a pleasure to speak to this amendment as well as to the legislation at hand. I am opposing the amendment. The amendment obviously would eliminate the uniform standards established by the FCRA in the future in 9 years.

Congress did something very good in 1996, and it did so voluntarily. There was not anything about to expire with FCRA in 1996, and Congress established a national uniform standard for FCRA in 1996 that recognized, quite competently, that this was an experiment, an experiment that should last and be tested over a 7-year period. That 7-year period is coming to an end on January 1 of 2004.

Over 100 witnesses through eight hearings loudly, clearly told our committee, Democrats and Republicans, that what we have had over the last 7 years and what Congress did in 1996 was quite successful. It has been successful for our economy, but, most importantly, successful for American consumers.

We are now, as American consumers, leaders of the world as far as credit goes, mortgage credit, consumer credit. And FCRA and the exemptions, the eight exemptions did that.

What we do not want to do is do this again in 9 years because what we have seen in the last 7 years and what was done in 1996 was done correctly.

Now, ladies and gentlemen, the committee rejected this amendment. We heard from, as I said, over 100 witnesses. Three of those witnesses included the Federal Trade Commission chairman, Chairman Greenspan, and Treasury Secretary Snow. They, too, believe this is the right way to go and support this legislation in its current form.

Now, there has been discussion on the floor today about what has been happening on the left coast and what has been happening in their legislature and what has been happening with their Governor who is in the process of being recalled. Well, this legislation is a great piece of legislation. I am afraid that because of their action, this Congress will be dealing with issues because of the California legislature in years to come.

This legislation today and what has happened in the last month out West demonstrate why this piece of legislation in its current form without the current amendment being offered is the right way to go.

The arguments that Congress will not address or will not be able to address, the problems or potential problems in the future without this amendment are unfortunately baseless because Congress can address issues pertaining to FCRA or issues pertaining to identity theft in 2 years, 3 years, 4 years, or 5 years.

Members of the House, the amendment is supported by some because they hope that the national uniform provisions will expire.

The national standard is good for consumers. It is good for America. This is a good bill drafted by the gentleman from Ohio (Chairman OXLEY) and the gentleman from Alabama (Mr. BACHUS). I support the bill. I urge my Members of the House and the Republican and Democrat side to reject the amendment from my learned colleague.

I thank the Members of the House for supporting this bill.

Mr. KANJORSKI. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am very pleased to be an original cosponsor of the Fair Credit and Reporting Act. Over the course of several months the committee conducted comprehensive hearings and produced a balanced bill that preserves the national credit market and enhances consumer protections.

I do not think any reasonable person would question the fact that the engine driving these improvements is the sunset provision put in the original Fair Credit and Reporting Act in 1996 that expires at the end of this year. Without the present sunset, consumers would not be getting free credit reports or access to their scores as they will be in this underlying bill.

Without the sunset, the Congress would not be forced to conduct months of hearings on the fundamental questions of credit report accuracy, identity theft, the privacy of medical records, and access to credit reports. These are major, all-important new rights that the underlying legislation grants to consumers that result directly from the current sunset.

In offering this amendment today, the gentleman from Pennsylvania (Mr. KANJORSKI) and I seek to strike a balance. Nine years ensures that the legislation will be revisited, but it grants the financial services industry a prolonged period of time during which it will not have to be concerned about major changes of law that will affect company operations.

I applaud my colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), for being consistent in his desire to sunset the programs Congress creates. I think this approach is particularly important on this issue and on the legislation before us tonight.

Nine years ago, the world was a very different place. Technology has completely changed the manner our constituents access financial services in that time, and things are likely to be just as different 9 years from now; and it is appropriate that Congress revisit this law at that point.

For that reason and the others illustrated by my colleague, I deeply and truly do believe that this amendment is a very important one, and I strongly support it.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the gentleman from Ohio (Mr. TIBERI) spoke in opposition to this amendment and I think basically said everything that needed to be said on this particular amendment; and I think the most important thing he said is that Congress has demonstrated, because they have done it in the past, they are free to revisit and fine-tune FCRA anytime they wish; and they did that in 1996, even though there was not an impending deadline.

Far more important is what we learned in our hearing and how good the national credit reporting system is to our Nation. I am not sure that anybody disagrees with that, that anybody thinks that it ought to be experimented with, that it ought to expire in 9 years. It is very good for consumers. It has been particularly good in democratizing credit and extending credit to middle- and low-income Americans; and to limit that to 9 years, we do not do that with the Community Reinvestment Act. We do not do that to the Equal Credit Opportunity Act. We do not do that to our other acts which protect consumers, and this act is for the benefit of consumers and it protects consumers.

Let me conclude by saying the gentleman from Ohio (Mr. TIBERI) is one of our younger members of our committee, an outstanding member. It is just one example of the many young members that we have on our committee that have really had real input in this bill. I want to commend all of them.

I will close by commending the gentleman from Ohio (Mr. OXLEY) giving me the opportunity to work on this bill, for making it a priority, for realizing early that we needed multiple hearings. I would also like to commend these people: the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE), the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from Illinois (Mrs. BIGGERT), and other members of the committee.

Mr. KANJORSKI. Mr. Chairman, can I inquire as to the time remaining.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from Pennsylvania has 3½ minutes remaining. The gentleman from Ohio (Mr. OXLEY) has 4½ minutes remaining.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume. I do not think we need our 3½ minutes. I have no other speakers, Mr. Chairman.

Mr. Chairman, I guess I want to first say one of the privileges of serving in the House of Representatives is the opportunity to meet the Members of Congress on the other side of the aisle, and one of the Members of Congress that has been very instrumental in this bill is my good friend, the gentleman from Alabama (Mr. BACHUS); and he and I do not agree on a lot of things philosophically, but he represents the type of qualities that this House needs more of. So it has been such a pleasure to see him cochair this subcommittee and accomplish the almost unanimous consent of this committee on this piece of legislation, and it goes a great deal to his innate abilities and his just Southern gentlemanliness of how to accomplish a good piece of legislation. So I want to compliment him.

I disagree on the proposition that it hurts to sunset things. I think my colleague and I probably agree and have voted for sunset provisions. I am probably on most of the committees I serve on known as the sunset person. I like to sunset everything. The reason I like to sunset everything is it forces the Congress of the United States to come back, reevaluate, restudy and bring up to date needs that otherwise are not driven by public recognition or by commonality in the public force to cause legislation to be addressed.

In my opening remarks, I said that it is important that we trust industry, and I think as a Member of my side of the aisle what I want to say is that I have met with all of the interested parties in the reporting industry and the financial industry, and I have found them all working toward a common effort to increase credit, to increase accessibility to credit, and increase efficiencies to benefit consumers. So we have no disagreements on that.

Between now and 2012 there will be changes in technologies and changes for needs, and in my opening remarks I also said I like the idea of trust but verify. There will be some elements of the society that want to take advantage or not comply with the act. It will give us an opportunity to evaluate that and find out methods that we can reward good practitioners of fair credit and at least bring into the limelight bad practitioners of good credit.

I just do also want to take one moment to respond to my gentleman friend from Ohio. He referred to the left coast, and I am not sure, was he looking north or looking south because he may have been attacking my hometown. I could be on the left coast if one is looking south.

The comment I want to make to my colleague is there is a fundamental illogic in his argument. He said that the left coast is having this recall and they are, and he seems to favor the recall. The recall probably is an element of sunset provisions, that is, the opportunity to require a revesting out there of an election of a Governor.

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So if my colleague is in favor of not having sunsetting and not having recalling, then I suggest he talk to one of his fellow colleagues on his side, because I think he brought this about with the argument that the people should be protected with the right to recall.

I do not favor recall, but in the Congress I do favor a sunsetting provision because it will give us the opportunity to reevaluate, rejudge, and have oversight and correct some mistakes made in the initial legislation. So I urge all my colleagues on the Republican side, the Democratic side, and those that are Independent, in the middle, to support this amendment.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume, and in conclusion I would say to my good friend from Pennsylvania that this is a philosophical difference. Clearly, he makes some interesting arguments. The amendment was, in fact, rejected in the committee.

In fact, FCRA, as other Members have said on both sides of the aisle today, has been a very successful piece of legislation. It has provided consistency, reliability, certainty, and uniformity in our credit laws. And that has had enormous consequences for our economy and for consumers, as has been chronicled time and time again during the period of this debate.

I would suggest that this act that we are now seeking to make permanent has stood the test of time for 7 years, and it is now time that we make this permanent so that credit agencies, people who get credit, issuers, furnishers, everybody concerned knows what the rules are, knows that those rules are effective and work well, and that they will be permanent.

So I respectfully oppose the Kanjorski amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). All time for debate has expired. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. INSLEE:

Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services".

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking "a supervisory official designated by"; and

(2) by adding at the end the following new subsections:

"(f) REPORTS TO THE CONGRESS.—On a semiannual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

"(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.".

Mr. OXLEY. Mr. Chairman, I reserve a point of order.

Mr. INSLEE. Mr. Chairman, we have an amendment that will cure a modest imperfection that occurred essentially due to the PATRIOT Act. It is something that I think actually may have been an oversight, but it is something we would like to take a shot at solving today.

Mr. Chairman, while the FBI for years has been allowed to have access to our credit reports, we have wisely included certain conditions in the law about the FBI being able to dial up and get access to citizens' credit reports. There is a requirement that there be a sign-off by the Director or someone appointed by the Director, and that there be a report to Congress and that there be payment to the credit reporting agency for the costs associated with sharing the information. These are reasonable conditions and requirements for privacy concerns.

Unfortunately, when we adopted the PATRIOT Act, we did not include those conditions, those privacy protections, when it applied to the ability now for the Treasury Department and a host of other investigatory agencies who can now essentially call up and get citizens' reports. So our amendment would simply require the same privacy protections that apply to the FBI's getting access to our credit reports to other investigatory agencies.

We understand that there is a point of order raised on this, but we have brought this to the Chair's attention; and we hope as this matter moves along, the chairman will look for a way to solve this problem at a later date as this legislation matures. It is very solvable, it needs to be resolved, and it should not be controversial. So we hope that that will occur.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 6 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANK:

Page 44, strike lines 9 and 10 and insert "Section 612 of the".

Page 44, beginning on line 14, strike "described in section 603(p)" and insert "that compiles and maintains files on consumers on a nationwide or regional basis".

Page 44, strike line 18 and all that follows through line 22.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there has been a good deal of self-congratulation on this bill, but some of it is not yet deserved. I hope after the adoption of this amendment it will be.

We have congratulated ourselves on, among other things, providing under this amendment for free copies once a year of credit reports to consumers. Indeed, we had a colloquy with the gentleman from New York about the flood that was going to happen; and at one point in committee, language was adopted which did provide all consumers with free copies of all credit reports that might have been done on them.

Then an amendment was adopted in committee, and I wish it had not been adopted, it was not by vote, it just happened, which substantially limited it. So as of now, as the bill stands, if this amendment is not adopted, consumers can get free copies of their credit reports, consumers in general, from only one of the three major national credit agencies. And that is a good thing, but there are an awful lot of specialized credit agencies. There are regional credit agencies. Not as many. Some that remain from previously. There are local credit agencies. My amendment does not cover them; I leave them out. They had been in the original bill, but I had agreed to a cutback. The cutback went much further than I thought we had agreed to.

So what this amendment says is an individual should be able to get a free copy of their credit report from the national specialized credit agencies, and there are large numbers of national agencies. One of the most important is the Medical Information Bureau, and I have spoken to them. They have no objection to being in this requirement. They give medical information, which would be relevant. There is also ChoicePoint, CheckSystems, CLUE, and Landlords United. A lot of these national specialized agencies have to do with landlord-tenant agencies.

So if this amendment does not pass, please do not try to take credit for passing a bill that generally gives consumers a right to a free credit report. It gives consumers a right to a limited pool of free credit reports, those from the major national credit agencies. But a large number of the agencies which compile credit on people will be excluded from the bill, and I think that would be a severe error and a misrepresentation.

Mr. Chairman, I reserve the balance of my time.

Mr. BAKER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. BAKER) is recognized for 10 minutes.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the gentleman's amendment.

During the course of the committee deliberations, I was concerned about the consequences of the mandatory credit report obligation on those entities within communities which are basically small businesses. The three principal national credit reporting entities are responsible for in excess of 95 percent of all credit reporting activities, financial in nature, within the country.

I offered an amendment in committee which I represented to the gentleman that would affect what we deemed to be small reporting agencies in nature, to which there was agreement in that principle. The effect of the amendment, subject to further review, though it was not the intent, was clearly to go beyond just the very small credit bureaus in the way in which the amendment was constructed. I then understood, by error, the intent of the amendment was better than I originally thought.

Although I was aiming only at the very small credit bureaus, for which it would be an economic disadvantage of some significance for them to provide this level of free report and, furthermore, who are not now required under law to provide a free credit report for this reason, it also went to other entities, for example, MIB or other health-related reporting entities under the broad definition of consumer reporting enterprises that also required them to provide the free credit report. By inadvertence, my amendment was a little broader in scope than I thought, but in principle and effect I agree with the consequences of my amendment.

I support the gentleman's view that the three large credit-reporting entities, which conduct over 95 percent of the disclosure of financial matters of consumers, should be subject to this now new one additional reason for a provision of a free credit report. The adoption of this amendment, however, if the House were to accept the gentleman's position, would be to require all consumer-related reporting agencies, even the smallest, to provide this free credit reporting information even to their financial detriment.

Although there was some disagreement in the construct of the amendment in the committee, I would still reserve my objection to the gentleman's amendment; and I think it is a policy matter for the House to determine whether we would accept any relief from the requirement for the free credit report or would we accept the gentleman's position to require all entities regardless of economic consequence to provide the mandated credit report.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute and would say first that the gentleman has correctly stated it. And, frankly, I relied when that amendment was offered on what he now concedes was a misinterpretation. That is not a good way to legislate. And I am disappointed that the gentleman is going to try to keep the advantage of that misunderstanding.

Secondly, it is inaccurate to say that this amendment that I am now offering would cover everybody. I have agreed to exempt in this amendment the local credit agencies. I am talking about the national specialized ones. They are the primary difference between us.

The gentleman acknowledges and he explained an amendment that I did not think and I guess he did not think covered people like MIB. We did not object to it. It was not carefully read. We accepted the description. He says through inadvertence it went too far. That happens. But I think it is frankly inappropriate in terms of our legislatively working together to insist on that, particularly since I am not trying to restore the original language. I am excluding the small ones.

Mr. Chairman, what this does is this covers the few regional ones, but mostly it covers national specialized agencies which do not merit the description of those who are too poor.

So I think, once again, if we reject this amendment, we have what the gentleman concedes is an inadvertent amendment that was adopted that excludes a number of agencies and we cannot say that it gives everybody free credit reports.

Mr. Chairman, I reserve the balance of my time.

Mr. BAKER. Mr. Chairman, I yield myself 2 minutes.

I simply point out in fairness to the gentleman that the discussion of regional reporting entities was not really a discussion point within the committee discourse. My concern was the economic consequences on the very small. And upon reflection of the impact of the amendment addressing the question of regionals and economic concerns, the arguments are the same.

I still feel that the exemption that I am attempting to preserve in the bill is appropriate and understand the gentleman's philosophic view that all of these enterprises at the regional level should be required to provide the free report.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Put aside the regionals. What about the national specialized agencies, like MIB? This amendment could be amended under the rules. An amendment could be offered to amend this, a second degree amendment. Would the gentleman agree to exclude the regionals and cover the specialized national ones?

Mr. BAKER. Mr. Chairman, reclaiming my time, let me suggest this to the gentleman, in light of everyone here present and observing this. I will be most happy not to repeat the same mistake I made at the committee and agree with the gentleman that in fact a description and analysis of the specialties does result in the view that they are large enough and sufficient in scope; I will commit to work with the gentleman going forward.

Mr. FRANK of Massachusetts. Where? This is the end of the bill.

Mr. BAKER. Well, it will likely be in conference, I would suggest, because there will be no assurance that the bill we pass here will seek Senate approval or uniformity with the Senate.

I would suggest to the gentleman that adopting here at the moment, without having a full listing of those specialty organizations, would be difficult for me to assess the effect. But I am not trying to obstruct the gentleman's interest and believe that the bill as constructed in its current form is appropriate.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to express my extreme disappointment.

I relied on an explanation the gentleman now acknowledges was erroneous when this amendment was adopted. The gentleman says it goes too far. I have offered to try to compromise. He now tells me that after the bill has passed, he will work with me. That offer is worth about as much as the explanation I got, apparently. And it may or may not be a conferencable item. I do not know whether the Senate will have any language in this.

So I must express my extreme disappointment. This is not conducive to a cooperative working relationship, I must say to the gentleman from Louisiana. We tried to do this through negotiations in the manager's amendment; we have tried to repair this. And the gentleman has at every point said, no, I won because there was a misunderstanding, and that is it.

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Mr. Chairman, I cannot consider that to be a reasonable offer to work together.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

Mr. Chairman, I rise in strong support of the Frank amendment. As we have heard, the base bill would allow every American access to a free annual consumer report upon request from the three national credit reporting agencies, and I salute the provision, as does the ranking member.

But as we all know, while the Fair Credit Reporting Act deals primarily with credit-reporting agencies, the underlying statute we are amending today through the FAIR Act deals with all consumer reporting agencies. These include credit investigative medical tenant reporting agencies, among many others.

Unfortunately, this bill inadvertently limits consumers to requesting and reviewing only one free credit report annually from the three national reporting agencies, meaning this bill does not permit consumers to obtain free reports from hundreds of specialized national consumer reporting agencies that compile information on consumers for noncredit purposes.

This provision is necessary in order to correct this oversight and ensure free annual consumer reports from all entities covered by the Fair Credit Reporting Act, whether they be credit agencies or other information-gathering agencies.

We need to ensure that this legislation lives up to the spirit of what all of its supporters intended, including myself, that of allowing Americans access to all consumer reports compiled on them by information-reporting bureaus, not just credit reports, but medical reports and other reports about people's personal information.

I do recognize that the Medical Information Bureau, which I have worked closely with, for their agreement to provide these free annual reports upon request, but even with this agreement, there are too many information-gathering agencies which are exempt and will remain unresponsive from these provisions without passage of this amendment.

These consumer-reporting agencies include but are not limited to companies that compile consumer information relating to medical records, employment background checks, tenant screening, driving records, insurance claims, criminal records and check-writing history. In fact, in recent years, it has become evident that two companies, only two companies almost dictate which consumers can open checking accounts based upon the reports and scores they provide to financial institutions.

These information gatherers must be included under the obligation to ensure free annual reports to individuals upon the consumer's request. This will ensure greater accuracy and transparency, what I believe is the basic goal of the underlying bill today.

Everyone should support this amendment. It does not change the bill, but rather clarifies the intent of all of its supporters, of which I am one. I urge my colleagues to support this amendment.

Mr. BAKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to address the view of the gentleman with regard to the consequences of these determinations. The focus of the bill was to provide those individuals without financial resources or for just cause access to a credit report without having to pay for it.

In our negotiations or discussions about resolution of the matter, I am willing and would support an amendment that would preserve that right for those protected classes under the bill to have access to a free credit report, regardless of the nature of that credit-reporting entity.

What I did not want to require was a broad-based requirement for either the specialty or the small business credit reporting agency to be under a monetary obligation to provide all requesters a free credit report. I think that is a fair position, given my concerns about the economic impact on these business enterprises, and would be reluctant not to provide that measure of equity to the regional reporting agencies without understanding better the economic consequences.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the Frank amendment to the Fair Credit Reporting Act. One of the things that happened in committee, and it is unfortunate because of a misunderstanding, all of a sudden we are restricting these free credit reports.

One of the big deals about passing this bill was that everyone got a free credit report. The Frank amendment allows all consumers to obtain a free annual credit report from any nationwide consumer reporting agency. It eliminates the provision in the bill that restricts consumers to getting their free annual credit report from just three national consumer reporting agencies. The amendment also restores the right of consumers who are unemployed or on public assistance or believe they have been a victim of fraud to obtain a free credit report from any consumer reporting agency. Right now they can get that from all of the major credit reporting agencies. Under this bill, as it is currently written without this amendment, they will be restricted. They will only be able to get these free reports from local or regional consumer reporting agencies.

I believe I speak for both sides of the aisle when I say it was never the intention of the Committee on Financial Services to strip away these rights that these disadvantaged groups have under current law, and these groups are already entitled to a free credit report from the national agencies. We should not be restricting access to credit reports for the disadvantaged, while at the same time, giving the rest of the Nation's consumers even more access to their credit information. This amendment will restore the additional access to credit information that these disadvantaged groups currently enjoy, and this amendment should have been part of Fair Credit Transaction Act from day one.

Again, one of the primary intentions of this legislation was to increase access to information for all Americans, and by supporting the Frank amendment, we will be doing just that. I urge Members to vote yes on the Frank amendment.

Mr. BAKER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, let me just say, having participated obviously in the markup and listening to the debate on the floor, I think all Members want to preserve the protected class. I do not think that is really an issue. Also, I think there is some concern that very small agencies ought to have some exemption from the free credit report.

I would indicate to the gentleman from Massachusetts (Mr. FRANK) my efforts to try to solve that problem. I think it is going to be impossible at this point in the process, but going forward, particularly in conference, I have every reason to think that we can come to a good conclusion. We all, I think, recognize that the protected class should continue to have access to free credit reports, as they always have had, as the gentlewoman from Oregon (Ms. HOOLEY) so carefully pointed out.

The real issue is the exemptions of the small agencies that represent approximately 10 percent of those credit reports. I do not think at the end of the day the position of the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Louisiana (Mr. BAKER) are all that different, and I would simply say that I would pledge my efforts towards reaching a good conclusion towards both gentlemen's aims.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess I must look pretty stupid to be told that people are going to work with me at the end of the bill.

This process has been going on since we finished the markup. My staff was negotiating with the staff of the majority. We offered all kinds of things. We had the manager's amendment opportunity. This amendment was filed last night. It was subject to secondary degree amendment. It could have been changed.

The gentleman from Ohio (Mr. OXLEY) said there is no real difference between my position and the position of the gentleman from Louisiana. Let me correct the gentleman, there is no difference between my position and the position the gentleman from Louisiana explained when the amendment was offered; but there is a big difference between my position and what the law says if we pass this bill this way.

We talk about the protected classes, people who have been the victims of fraud, people who are unemployed, if you pass this bill and defeat this amendment, they will have less rights thanks to your work than they have today. The amendment of the gentleman from Louisiana (Mr. BAKER), he said through inadvertence, took away their rights. Whatever they use to take away their rights, whether it was inadvertence, advertence, or anything else, they have lost their rights.

Now after saying no to a negotiation before, no to the manager's amendment, and no to an amendment here, now the other side says we will see you in conference. Let me make a commitment to the gentleman. If you want to use your majority to defeat this amendment, I probably cannot stop you; but if this is not substantially repaired in conference, this bipartisan consensus is coming to an end.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume.

Let me return to the basis of the current law and what the effect of the amendment would be if adopted. Today, any person who is the subject of an adverse action, you get turned down, you have an absolute right to a free credit report regardless of your economic status.

If you are a consumer who suspects fraudulent conduct regardless of your economic status, you get a free credit report. If you are unemployed, you get a free credit report. If you are subject to public welfare, you get a free credit report. The amendment adopted I proposed in committee does not, in any way, limit or affect those rights that exist under current law. The bill as proposed without the amendment I offered would have established one more level for a free credit report.

I was and am willing, as is the current law with regard to these categories, to say that with regard to the one additional credit report, that the protected classes may have access to that information without charge. But it is not a correct view of the effect of the Baker amendment as adopted to suggest that it rolls back current protections and authorities of those desiring to get a free credit report. It would with regard to the new right being adopted by passage of the Act. That is the state of affairs if we defeat the Frank amendment, which I hope the House will engage in; and again, renew the pledge to the gentleman, despite his difficulties with the manner under which this has proceeded, if we are fortunate enough to be on such a conference, to work with the gentleman toward appropriate resolution, and would hope the House would reject the Frank amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

AMENDMENT NO. 9 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. TAUSCHER:

Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

"(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

"(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

"(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

"(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

"(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.".

The CHAIRMAN pro tempore. Pursuant to the order of Committee of today, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed to the amendment each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to ask my colleagues to support a simple amendment. Currently only consumers who can prove that they already have been victims of identity theft can ask the credit industry to confirm the identity of a person before issuing new credit accounts under the consumer's name. My amendment would simply allow any consumer the option to require the credit industry to use the reasonable policies and procedures identification standards established in the fraud alert provision. This amendment would give all consumers, students, military, the elderly and families, a meaningful way to protect their own personal credit records.

Proponents of this bill claim that the fraud alert provision creates powerful consumer protection tools to prevent identity thieves from opening accounts in their names. They fail to mention that the tools are available only after one becomes a victim. Talk about closing the barn door after the horse is out.

□ 1915

The credit industry argues that the public needs education to learn how to protect their data. While there are some precautions individuals can take, individual consumers have little or no means to protect themselves from the fastest-growing type of identification theft, theft from poorly protected databases. Since 1990, 33 million Americans, or one in six adults, have been victims of identity theft. This year businesses will lose $4.2 billion to this crime, losses that will ultimately be passed on to other customers. Earlier this year, the major credit card companies confirmed that a hacker broke into their systems and accessed 8 million credit card records. My amendment would provide all consumers an option to proactively protect their personal information against fraudulent use by identity thieves, organized crime and terrorist organizations.

Mr. Chairman, I would like to ask the distinguished ranking member from Massachusetts to work with me and the members of the committee during conference to implement the spirit of my amendment in the final report.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for her spirit of cooperation. I think she is very much right on the substance. We did have to try to work out a balance out of committee. Some of us, as you recently saw, were more willing to stick to our commitments than others; but I would say to the gentlewoman, I think that in substance she has a very good idea and, yes, I would welcome the chance to try to work with her in conference assuming that there is something conferencable about this, as there may well be.

Mrs. TAUSCHER. I thank the gentleman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Vermont (Mr. SANDERS), amendment No. 1 offered by the gentleman from Pennsylvania (Mr. KANJORSKI), amendment No. 6 offered by the gentleman from Massachusetts (Mr. FRANK), and amendment No. 12 offered by the gentleman from Ohio (Mr. NEY).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes in this series will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 272, answered "present" 1, not voting 19, as follows:

[Roll No. 495]

AYES—142

Abercrombie
Ackerman
Aderholt
Bachus
Baldwin
Ballance
Barton (TX)
Becerra
Bereuter
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Conyers
Cooper
Costello
Cubin
Cummings
Davis (AL)
Davis (CA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Matsui
McCarthy (MO)
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Rahall
Reyes
Rodriguez
Rogers (AL)
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Stark
Strickland
Taylor (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wu

NOES—272

Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin

Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holden

Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts

Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Ruppersberger

NOT VOTING—19

Burton (IN)
Davis (IL)
Emerson
Gephardt
Hayworth
Hoekstra
Holt

Janklow
Linder
Lipinski
Markey
McDermott
McKeon
Pelosi

Pence
Rangel
Thompson (MS)
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes within which to record their vote.

☐ 1937

Messrs. CARDOZA, BARTLETT of Maryland, SANDLIN, CLYBURN, MICHAUD, ENGEL and INSLEE changed their vote from "aye" to "no."

Mr. ADERHOLT and Mr. BECERRA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HOLT. Mr. Chairman, I was unavoidably detained and failed to vote on rollcall No. 495 (the Sanders amendment to the Fair and Accurate Credit Transactions Act). Had I been present I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. KANJORSKI

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 310, answered "present" 1, not voting 11, as follows:

[Roll No. 496]

AYES—112

Abercrombie
Ackerman
Baca
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Capps
Capuano
Cardin
Conyers
Cummings
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hefley
Hinojosa
Hoeffel
Holden
Holt
Honda

Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Obey

Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Radanovich
Rahall
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sherman
Slaughter
Solis
Stark
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner

NOES—310

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel

English
Evans
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre

McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin

Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Ruppersberger

NOT VOTING—11

Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pelosi
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1944

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 186, answered "present" 1, not voting 12, as follows:

[Roll No. 497]

AYES—235

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Putnam
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wicker
Wu
Wynn

NOES—186

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Ruppersberger

NOT VOTING—12

Cox
Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pelosi
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1953

Messrs. DREIER, PETRI, TERRY, BURTON of Indiana, KIRK, SHIMKUS, LoBIONDO, and Mrs. BONO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. NEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. NEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 189, answered "present" 1, not voting 11, as follows:

[Roll No. 498]

AYES—233

Abercrombie
Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble

Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Dunn
Edwards
Ehlers
English
Etheridge
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gonzalez
Goode
Goodlatte
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norwood
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Wu
Wynn

ANSWERED "PRESENT"—1

Ruppersberger

NOT VOTING—11

Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pelosi
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised there are 2 minutes in which to record their votes.

□ 2001

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. CULBERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, pursuant to House Resolution 360, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Mr. SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 30, answered "present" 1, not voting 11, as follows:

[Roll No. 499]

YEAS—392

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer

Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Berman
Conyers
Davis (CA)
DeFazio
Delahunt
Eshoo
Farr
Filner
Flake
Harman
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
Matsui
Millender-McDonald
Miller, George
Nadler
Paul
Sanders
Schakowsky
Schiff
Stark
Tauscher
Thompson (CA)
Waters
Watson
Waxman

ANSWERED "PRESENT"—1

Ruppersberger

NOT VOTING—11

Aderholt
Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2019

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. LATOURETTE. Mr. Speaker, on a gratifying endorsement of my oratorical skills, the Chairman of the full committee has asked that I ask unanimous consent that in the engrossment of the bill, H.R. 2622, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, on September 4, I recorded a "yes" vote on rollcall vote No. 463. My vote should have been "no."

PERSONAL EXPLANATION

Mr. WAMP. Mr. Speaker, on September 4, I recorded a "yes" vote on rollcall vote No. 463 ordered on the previous question for H. Res. 351. My vote should have been "no."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. WAMP. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. EDWARDS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XX, the gentleman from Texas (Mr. EDWARDS) and a Member of the opposing party each will control 30 minutes.

Mr. MCHUGH. Mr. Speaker, I rise to control the time in opposition.

The SPEAKER pro tempore. The gentleman from New York (Mr. MCHUGH) will control the time in opposition.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, my motion would instruct the conferees working on the Defense authorization bill to recede to the Senate bill on section 606 and 619. Specifically, Section 606 would make permanent the increase of military separation pay from $100 per month to $250 a month. Section 619 would make permanent the increase to hostile fire and imminent danger special pay from $150 a month to $225 a month.

Mr. Speaker, what we are really talking about here is that in the past year, Congress voted to show respect to our service men and women making tremendous sacrifices fighting the global war on terrorism, service men and women, who are in all parts of the globe from South America to Europe to Asia to the Middle East, to virtually every section of the globe. What we are saying is that when they leave their family for 6 months or 12 months and when they are put into a hostile situation, a country ought to thank them as a service man or woman and we ought to thank their family not just with our words of rhetoric, but with our deeds here in the House, and this is why we gave in effect a $225 increase to those service men and women under the threat of hostile action, serving also away from their families.

Now $225 a month may not mean a lot to some Americans, but to our hardworking, dedicated, patriotic service men and women, it is oftentimes the difference between paying their bills that month or not while their loved ones are split because of service to country.

What the House version of this bill would do is not provide certainty to these service men and women serving in Nations such as Liberia today, serving in Kosovo and Bosnia, that their income each month will not be cut. The Senate version actually would provide certainty and say to them we respect what they are doing, we are not going to cut their pay. I think it would be tragic that at a time when our service men and women and their families are making incredible sacrifices on behalf of our country for us to leave any uncertainty that hundreds of thousands or them, or tens of thousands of them could actually have a pay cut during a time of war, during our fight against global terrorism.

So what this motion to instruct is all about is respect to our service men and women about certainty so that they do not have to worry, while they are worrying about the very lives of their loves ones in combat situations and hostile situations, they do not have to worry also about their monthly income being cut by the same government that is thanking them daily in speeches here on the floor of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Let me say, I think it is fair to state from the outset that all of us in this distinguished body, the House of Representatives, are very strongly committed to ensuring an adequate, fair and really just level of compensation for those service members that my friend, and he is my friend and my colleague, from Texas, has so adequately and so appropriately mentioned, as they are bearing the leadership, as they are literally putting their lives in harm's way.

Just yesterday, I had the very sad but high honor of attending a funeral for a 24-year-old specialist from my district, from the 10th Mountain Division who was killed in Afghanistan, and I think that any suggestion that this House would ever support any cut in diminution to the pay and to the support that we have been giving these troops would be a very, very wrongheaded suggestion. I do not believe any of us support that, and I know I certainly do not, and I commend the gentleman from Texas for bringing this forward.

I have been to Iraq. I have seen the conditions firsthand. I have been to Uzbekistan. I have been to Afghanistan. I know what these young men and these young women and these brave men and women are going through, and certainly they are serving proudly and we must not, we should not and I feel very confidently that we will not allow these troops to suffer a loss of income and the history of how we have implemented these increases to the supplemental pay is the imminent danger pay and to the family separation pay is well-known, well-stated, and we do need to take action in the bill referred to in the gentleman's motion to instruct to ensure that there is no diminution of those pays and to that support.

Having said that, there is a difference of approach. There is a difference as to how we focus this. The reality is, and I am stating this just for the record, Mr. Speaker, rather than to express any opposition to my friend's motion, is that under the Senate's proposal, we are not just dealing, for example, on family separation pay, with those who are in places like Bosnia and Kosovo, Afghanistan, the Philippines, Korea, Iraq. In fact, under the Senate's approach, if someone from my State of New York were deployed to one of the training centers for 30 days or more, they, too, would receive the separation pay, and it is the Department's position, given the difference in the cost of how the approach that they would prefer and how the approach the Senate prefers would be significant, about I believe $280 million, that that they wish to target it more precisely.

I am persuaded by what the gentleman says and I am not going to ask a single Member of this House on either side of the aisle to oppose this motion. I, in fact, would encourage them to support it, if for no other reason than to significantly demonstrate the agreement that we all hold amongst ourselves that our brave men and women in combat and those facing these hardships should not suffer any diminution, but just for the House's knowledge, the Department has perhaps a position that none of us agree with but a few or none or all, but a position that does have some merit in these very difficult financial times when they want to target these.

But I do want to say that as someone who has had, for the past two terms, the honor of serving as the chairman of first the Subcommittee on Military Personnel, and now the Subcommittee on Total Force, I will not support, and I believe I can speak for the gentleman from California (Mr. HUNTER) and all of the leadership of both the committee and the House, anything, anything that cuts by one cent the pay to our brave men and women who are serving in very dangerous places like Iraq and Afghanistan.

So in the spirit of what the gentleman is trying to accomplish, I would urge my colleagues to support this motion, to vote for it and certainly to join us as we go forward in trying to ensure that the brave men and women who are serving us are fairly and adequately compensated.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), who is the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I rise in support of the motion to instruct the conferees, and I thank the gentleman from Texas (Mr. EDWARDS) for this motion to instruct.

This motion will direct the House conferees on the National Defense Authorization Act for next year to accept the Senate Defense authorization provisions that provide for a permanent increase in imminent danger and hostile fire special pay, as well as family separation allowance.

□ 2030

Under the Senate bill, section 606 would make permanent a $75 increase in the family separation allowance, and section 619 would make permanent a $125 increase in imminent danger and hostile fire special pay. By accepting the Senate provisions, servicemembers and their families would continue to receive increases that were originally included in the first Iraq war supplemental, but which will terminate on September 30 of this year.

The Department of Defense originally expressed concern about the cost to continue these special pays and allowances. However, recent public statements by officials within the Department indicate that the administration has reversed its position and now supports continuation of these important benefits, especially as American forces continue to face hostilities around the world, particularly in Iraq and Afghanistan.

Our troops put their lives on the line every day. They do this for our country, particularly in Iraq, where guerilla warfare has become a daily occurrence. As of this morning, 179 servicemembers have given their lives in combat. Another 1,186 have been wounded in action. Additionally, another 110 have been killed, and 313 wounded in nonhostile action while deployed to that region. It would be fundamentally wrong, wrong to reduce imminent danger and hostile fire pay for these brave men and women.

Military families back home have recently been informed that longer deployments for our men and women in uniform will become the standard for the foreseeable future. The increase in family separation allowance authorized in the Senate bill is the least we can do to recognize the sacrifices of these servicemembers as well as their families. Almost all families face increased household costs while their servicemember is deployed. Mailing letters, packages for morale, making long-distance phone calls are just a few examples of the additional expenses that families incur while they were separated from a military member. Increasing imminent danger and increasing the hostile fire pay as well as the family separation allowance permanently is the right and honorable thing to do.

Mr. Speaker, I strongly urge my colleagues to join me in support of this motion of the gentleman from Texas (Mr. EDWARDS) to instruct the House conferees.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

There are no Members in this House in whom I hold higher regard on issues of concern of military men and women and their families than the gentleman who just spoke, the distinguished ranking member. Certainly nothing he said here this evening would in any way change my attitude and my perspective.

But I do think, again for the record, and in urging my colleagues still to vote for this motion, that another concern that the administration and the Department have expressed, and that I think at least merits our thoughts as we go forward, is that the Senate bill, as it is currently constructed and construed, actually treats two soldiers, to use one example, who are doing the exact same job, perhaps on the exact same patrol, whether it be in Sherkat in the mountains of Afghanistan, or be it on the streets of al Falusha, very, very differently. In the Senate bill, one member of that patrol would receive $75 added pay, the other would receive $250; and they are both exposed to the same danger. They are both exposed to the potential of the same fate.

So I think we have got to remember that there are legitimate differences of opinion here. However, the objective that we all have and we all, I think, need to pursue is that of paying and compensating these brave men and women to the highest extent possible.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished senior member of the House Committee on Armed Services.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time. I greatly respect the chairman of the Subcommittee on Military Personnel, and I am grateful to see he has decided that he should support this resolution. I think it is timely, I think it is in order, and while the gentleman says that the pay level is fair and adequate, I would really argue that even with the increases, for the burdens these soldiers, sailors, airmen and Marines bear, in hostile circumstances, this pay increment is really minimal.

Last year, when we did the Iraqi supplemental, providing $79 billion for the war in Iraq and more for Afghanistan in the war against terror, $63 billion was allocated to Iraq. And, naturally, we said with soldiers about to go in harm's way, surely we should increase the minimal amount that is being paid to them right now, which was $100. That is all, $100 a month for family separation pay, and $150 for imminent danger pay. We increased those to $250 for family separation pay and $225 for imminent danger pay, but only for 1 year. Unless we act in the defense authorization bill to make this permanent law, as provided in the Senate authorization mark, then this will expire on September 30. And that would be a terrible calamity.

Nevertheless, the Pentagon this summer issued a reclaimer to the committees in conference indicating that they thought that these two increments were too costly to sustain and recommended that they either be dropped or reduced. They met with a firestorm of protest, including a published statement from me and the ranking member on our committee, that I thought it would be outrageous at this point in time to do it. So tonight we can seal the decision and make it permanent law that these levels of incremental pay will be provided to soldiers, sailors, airmen, and Marines who go in harm's way and are separated from their families. They get all the $475.

The gentleman was saying he was in Iraq, and we all know when we go out in the field and we see these soldiers and sailors and airmen, we realize they do not work 8-hour days. They work 18-hour days, continually. And they never know whether danger might befall. The least we can do to help them is pay the way, particularly in the circumstances they now find themselves, doing duty they were not trained for. And a hard and bitter duty it is, in an inhospitable environment. The least we can do is to provide them this pay settlement.

Let me make one more argument, though, if this were not enough, and that is we can either pay now or pay later. Because if we do not provide these increments and somehow or another help our deployed troops bear the burdens that we have imposed upon them, then we are going to pay for it in terms of recruitment and retention just over the horizon. We are going to be paying big reenlistment bonuses. We will be losing E6 sergeants, with the kind of training we need for years to come. We are going to be risking real damage, long-term damage, particularly to our ground forces.

So it is only smart, not just fair, not just good policy, it is just smart personnel policy to continue these payments at the level that is established now in law and to make it permanent law.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his comments.

Very briefly, Mr. Speaker, so everyone understands, the House bill makes permanent the increases that the gentleman just mentioned for imminent danger pay from $150 to $225 and family separation pay from $100 to $250 a month. Not a single soldier, airman, sailor, Marine, or even Coast Guard, if they happened to be deployed to that region, would ever lose a cent if they were assigned to Saudi, Kuwait, Iraq, Afghanistan under the House bill either.

There are some differences on the motion with respect to family separation pay and the application of imminent danger pay that I previously mentioned; but, again, none of us want to see those in direct harm's way lose that money. And I am very confident that under either bill that will not happen. I am very confident that under whatever agreement that comes out of this that that will not happen either.

If we do not have an agreement by October 1, I feel absolutely certain we will either move a separate piece of legislation or do the conference committee agreement retroactively. So we are all on the same page there.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. LARSEN), who is a distinguished member of the House Committee on Armed Services.

Mr. LARSEN of Washington. Mr. Speaker, I want to thank the gentleman from Texas (Mr. Edward) for bringing this motion to instruct to the floor today.

Today, I met with Corporal Jeremiah Olsen, a soldier from Coupeville, Washington, which is in my district. Corporal Olsen will be awarded the Silver Star medal by the President for his heroic actions during Operation Iraqi Freedom.

Corporate Olsen and his fellow servicemembers have fought bravely, and they have represented our country honorably in Operation Iraqi Freedom, Operation Enduring Freedom, and around the world on our behalf. They deserve our respect and our thanks. For this reason, I think it is important that we pass an extension of the pay increase that we authorized earlier this year.

In April, Congress provided a temporary increase in imminent danger pay and the family separation allowance that will both expire at the end of this month. In addition, we authorized a monthly increase for family separation allowance that helps military families pay rent, pay for child care, or pay for other expenses while their loved ones are away. As a member of the Committee on Armed Services and as a representative of thousands of service men and women, it is my view that we need to do everything we can for our troops and their families.

The Senate-passed defense authorization bill provides an increase for all of our troops in imminent danger, increases the family separation allowance provisions, and makes these increases permanent. The House bill, in my opinion, does not go far enough. The motion to instruct conferees to accept the Senate provision is an important step forward toward providing our troops the compensations they deserve, and it provides it to all of our Armed Forces.

In my view, our women and men in the military are not paid enough as it is. Now that we are asking them to risk their lives away from their families and asking their families to bear the burden while they are away, we should not cut their pay off. Corporate Olsen and all the other service men and women deserve more than that.

So I urge my colleagues to pass this motion to instruct conferees and make it clear that this Congress supports our women and men in the Armed Forces and thanks them for their service.

Mr. McHUGH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who represents the very important installation at Fort Bragg and has done so so ably.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening in strong support of the Edwards motion to instruct conferees on the fiscal year 2004 Defense Authorization Act.

Specifically, I support the Senate provision on making the increase in imminent danger pay and family separation allowance permanent for all our armed service members and their families and applying the increase to all those in imminent danger no matter where they are serving. And let me tell my colleagues why.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services.

□ 2045

This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, 2003, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 a month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while the soldier is away from $100 to $250 a month.

I represent one of the largest military bases in this country, and when the call comes from the White House, it is the 9/11 post in this country. Both the House and Senate have passed defense authorization bills that deal with those expiring provisions, but the Senate-passed bill is superior to the House version in two key ways. First, the Senate provision makes permanent the increase in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed services in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That provisions leaves our soldiers in dangerous places, and leaves them out, young men and women serving in Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason they are wearing our Nation's uniform, it is indefensible to shortchange our soldiers serving in areas that may not be the political focus of this Congress or the administration.

As a congressman who represents Fort Bragg, Pope Air Force Base and the special operations soldiers that are called on daily to serve around the world, and many of the guard and reserve units who are now on duty, I strongly support the permanent increase in imminent danger and hostile fire pay and family allowances for our soldiers and their families. Our military personnel and their families right now are under enormous strain. They are stretched very thin. Our servicemen are being subjected to longer deployments and more frequent deployments than ever before.

Just 2 days ago it was announced that the deployment of reservists and National Guard in the combat theater have been extended from 6 months to 1 year. About half of our active duty Army is currently deployed abroad, up from 20 percent just 2 years ago.

Let me say I supported Operation Iraqi Freedom. I voted to authorize the President to conduct the operation and rid the world of Saddam Hussein, but now our servicemen are paying the price. We have now lost more soldiers lives since the President announced the end of the combat operation than suffered in combat. Our soldiers are serving in the war zone. They cannot speak for themselves on this vital issue. They are counting on their elected representatives in Congress to stand up for them. I intend to do so, and I urge my colleagues to join me in voting for the Edwards motion.

Mr. Speaker, I rise in strong support of the Edwards motion to instruct conferees on the FY 2004 Department of Defense Authorization Act. Specifically, I support the Senate provisions on making the increase in imminent danger pay and family separation allowance permanent for our armed services and their families and applying the increase to all those in imminent danger, no matter where they are serving.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services. This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 per month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while soldiers are away, from $100 to $250 per month.

Both the House and Senate have passed defense authorization bills that deal with these expiring provisions. But the Senate-passed bill is superior to the House version in two key ways. First, the Senate provisions make permanent the increases in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed forces in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That limitation leaves out our soldiers in dangerous places like Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason that they are wearing our Nation's uniform, it is indefensible to shortchange soldiers serving in areas that may not be the political focus of the administration or the Congress.

As the Congressman for Fort Bragg, Pope Air Force Base and many guard and reserve units, I strongly support a permanent increase in imminent danger and hostile fire pay and family allowances for our soldiers and their families. Our military personnel and their families right now are under enormous strain. They are stretched ordinarily thin. Our service members are being subjected to longer deployments and more frequent deployments than ever before. Just 2 days ago, it was announced that the deployment of Reservists and National Guard in the combat theater has been extended from 6 months to 1 year. About half of the active-duty Army is currently deployed abroad—up from 20 percent just 2 years ago.

Let me say that I support Operation Iraqi Freedom, and I voted to authorize the President to conduct the operation to rid the world of Saddam Hussein's evil rule. I am tremendously proud of our men and women in uniform who have demonstrated the American way of dealing with tyrants who terrorize their own reigon and threaten the peace and stability of the larger world. Saddam Hussein got what he deserved. But now our service members are paying the price. We have now lost more soldiers' lives since the President announced the end of combat than we suffered in that combat. Our soldiers serving in the war zone cannot speak for themselves on this vital issue. They are counting on their elected Representatives in Congress to stand up for them. I intend to do so, and I urge all my colleagues to join me in voting for the Edwards motion.

Mr. EDWARDS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, first of all, I want to thank my special friend and the gentleman from New York (Mr. McHUGH), the fellow co-chair of the House Army Caucus. The gentleman has been a real leader on military issues here in Congress. I want to thank the gentleman for asking his fellow Republican colleagues not to oppose this motion to instruct because as late as 2 hours ago, I heard that the House Republican leadership was actually going to oppose our effort to make it absolutely certain and clear we are not going to reduce family separation pay or imminent danger pay for servicemen and -women serving in all parts of the globe. I appreciate the gentleman not asking his colleagues to oppose this motion.

I understand and I respect as he said that there are differences of approaches. What I would like to make clear is the approach that we are trying to take in this motion to instruct. There are really four problems I would like to point out with the House language relative to the Senate language. First of all, in the House language, there is no permanence for the increased $225 that a service member and his or her family can receive today in serving in very dangerous parts of the world. That pay could go away if we do not have the Senate language. They deserve clarity. They deserve certainty.

Secondly, under the House language, for a military soldier in Kosovo or Bosnia today, his family gets $250 a month in family separation pay. That will drop to $100 a month on October 1 of this year, just in a few days. People serving in areas that because of the terrorist activities around the world, because of heightened tension in countries such as Korea, Kosovo, and Bosnia, could actually have their military pay cut by the same government that is saluting them daily in floor speeches. I think that is wrong. I think that is a problem, a serious problem with the House language, and that is the second reason why I am asking my colleagues to join me in support of this motion to instruct.

The third problem I have with the House language and approach to this problem is that soldiers and troops receiving $225 a month in imminent danger pay right now in countries such as Liberia, Bosnia and Kosovo could actually have their pay cut under the House language. I do not know how many of our colleagues have visited Liberia and Bosnia and Kosovo, but I think most Members would agree, as would the Department of Defense, that is a dangerous place to be right now and we should not have them have their imminent danger pay cut by $75 a month while they are serving in those far reaches of the globe today, far away from their families.

The fourth point I would make is that I think it is better for the Department of Defense to continue deciding which countries should be designated as imminent danger or hostile fire countries. I do not like the idea of Congress making that decision in an armed services bill. I do not think we are qualified to do that.

What my motion to instruct is really about is about two things: It is about certainty, certainty to our military families that they are not going to have their pay cut by as much as $225 in the next several weeks. And it is about respect. It is about respecting the incredible sacrifices, the risk of limb and life that tens of thousands of our service members from all across America are facing today.

We should show that respect not just in our speeches, but in a vote on this motion to instruct.

I do want to clarify one point, and I want to be sure I am clear on this with my colleague from New York. He talked about, under the Senate language, two soldiers on patrol in the same place, one soldier could get more money than the other.

Unless I misunderstand the argument, the reason for that, and I want to be clear, one soldier is married and one soldier is not married, and this country pays family separation pay to married troops because they have families back home that have to pay extra perhaps baby-sitting costs, they have to pay extra telephone costs to their spouses, they have perhaps baby-sitting costs that could be very substantial, and certainly there is a reason why we provide family separation pay to troops that are married and have families whereas we do not provide family separation pay for troops that do not have spouses back home, children back home.

I think that is a logical consequence, and I think it is important for our servicemen and -women, perhaps they are watching this debate, to not be confused by that argument.

But again the key point is if we adopt the House language as presently written, we could have tens of thousands of American servicemen and -women and their families losing as much as $225 a month in pay in the next several weeks. Under the Senate language, we send a clear message, a message they deserve to hear, that that is not going to happen.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again let me commend the gentleman for his concern. It is a concern that I have had an opportunity to work with and admire and benefit from during all of my years in Congress and certainly in our shared chairs of the Army caucus. The gentleman is doing good and important work here.

For the record, I have been to Bosnia and Kosovo three times each, and things have gotten demonstrably better, but I do not think anybody would argue that is pleasant duty.

I do think it is important to have the administration and the Department's position on the record here, and the gentleman gave an explanation of the reason and the construct behind the differentials were for a man on patrol, a single man would receive $75 in patrol to Crete or whatever, and the person next to him would receive $250, and it is by definition of the family, but the Department is making the argument that is, given the circumstances, too great a discrepancy and that under some of the constructs and legal definitions of what constitutes a family that if you are, for example, a single parent, noncustodial parent, nevertheless you have certain responsibilities and out of fairness, you do not get family separation pay.

If you have a single soldier who is a substantial supporter of his elderly parents or her elderly parents, that does not meet the IRS definition technically of 50 percent support, you do not get family separation pay. So this is not just in my opinion, Mr. Speaker, an accounting measure by the Department to try to evade and avoid responsibility and equity in treating their soldiers, sailors, airmen, marines and Coast Guardsmen differently or unfairly, but rather recognizing that definitions may not be as perfect as they should be.

They want to make some changes in other pays that go equally to both categories of families as well as single to make sure that they all receive more. We can disagree with that. The House bill did not develop, it did not embody that position, but I do not think it is accurate or entirely fair, and I am not suggesting that the gentleman from Texas (Mr. EDWARDS) did this, I do not think that their thoughts are really on point to suggest that the Department is being uncaring because I do not think that is their intent.

Their intent is to more precisely target where the merit exists and to try to not what they feel, whether we agree or not is irrelevant, but what they feel is a discriminatory approach.

Again, for the purposes of this House, for the purposes of the defense authorization bill, I think the gentleman from Texas (Mr. EDWARDS) makes some excellent points, and obviously those who spoke in support of him underscore those points. As the chairman of the subcommittee with the most direct responsibility, I do not disagree with one sentence, one paragraph, one period in any of those sentences, or certainly the motivation of the gentleman's instruction.

In closing, I would urge my colleagues, as I have before, to join in support of the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.

□ 2100

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

First let me again thank the gentleman from New York (Mr. MCHUGH) for his incredible leadership year in and year out to our servicemen and -women. As the person in this House who has responsibility for overseeing personnel matters, he has been a tremendous leader and I thank him. Our military families are living a better quality of life because of his leadership.

I am very grateful that today we are not disagreeing with the vote on this motion to instruct, while there may be some subtle difference in what the approach should be. In terms of responding to the gentleman's comments, I just say, I would welcome his leadership in helping us work on a bipartisan basis to address any inequities to our servicemen and -women that are single parents. Obviously, a single parent with two children back home that is separated from those children has an additional cost of living. I am not sure either the House or Senate position on this bill really addresses that inequity. I thank the gentleman for pointing out that problem, and I hope we could work together with him on that.

Let me just conclude by saying, Mr. Speaker, why I think clarity is so important, and I do not think the gentleman argues with this at all. Let me read some excerpts from some letters from soldiers in my district where Fort Hood is represented, the only two-division Army installation in America today, an installation that presently has over 18,000 troops deployed to Iraq.

One letter said to me, "Congressman, I am sickened with the flow of information regarding the upcoming cut in separation pay and hostile fire pay. I keep asking myself, Why? Our government is giving away billions of dollars to help other countries and millions just for information. Yet they are going to cut our benefits by $225. If anything, our military should be getting paid more, not less."

The second letter, reflecting also the confusion out there across our military families: "Congressman, is it true that the government is trying to make obsolete the family separation allowance and the hazardous duty hostile fire pay that soldiers are receiving while they are overseas? My husband is over in Iraq and he works hard for his country to see that his family has a safe life over here. I'm trying to convince him to reenlist, but with what the government is doing to these soldiers, it's hard to try and convince them that the military is the best way to go."

The letter goes on to talk about the sacrifices of the families. I think it just emphasizes the point that, right or wrong, there is confusion across the country with our military families about whether their separation pay and hostile fire pay is going to be cut in the next several weeks. If the conferees will accept this motion to instruct, then we can get rid of those rumors, get rid of the uncertainty and send a clear message that we do respect our servicemen and -women, their families and their sacrifices with our actions and not just with our words.

Mr. Speaker, I would ask all my colleagues on a bipartisan basis to support this motion to instruct, support our troops wherever they might be serving in harm's way. We can thank them tonight with a meaningful commitment to ensure that their pay is not going to be cut in the weeks ahead.

Mr. ORTIZ. Mr. Speaker, I rise in support of the motion by the gentleman from Texas, to permanently raise the hazard pay for all members of the U.S. military and family separation pay for those they left behind.

As a former soldier, as a member of the House Armed Services Committee, as an American, as a human being . . . I am appalled at the insensitivity of the administration in not adequately providing hazard pay for our soldiers at a time when our mission in Iraq is not yet accomplished. Nor, more importantly, is our mission in the larger war on terror.

I very much understand the dynamic that led us to this place—this nation simply cannot afford the cost to our Nation to wage a worldwide war, and raise taxes on our children through tax cuts now. Our economic policy has become folly in the 21st Century.

But that is a topic for another debate—today my colleague from Texas, Mr. EDWARDS, offers a very important matter for the House to consider. Today conferees are meeting on the Defense Authorization bill and I join my colleague from Texas in urging the conferees to permanently increase hazard pay for our military personnel fighting our wars overseas—and to permanently increase family separation pay.

The administration should be ashamed. This Còngress should be ashamed, too, if we do not support the motion by my Texas colleague and follow this issue to the end of the process. For if we only instruct our conferees, yet do not actually change the policy, we will not have.done the job.

Mr. Speaker, any member of this chamber would be hard-pressed to find anyone in this nation who disagreed with the prospect of increasing the pay of our soldiers currently dodging bullets in Iraq—and always in danger in Afghanistan and elsewhere. We would also be hard-pressed to find anybody who disagreed with the prospect of offering a supplement to the families of military personnel, who are making do on less salary and are all alone in raising their children and conducting the business of the household—while their loved one is fighting a war we sent them to fight.

We all knew a war would be expensive. The cost of a war is high in the blood of Americans, in the loss to the family income of Reserve and Guard troops called to service, and most directly, in the actual expense of building and maintaining equipment and prosecuting the war.

We send young people to war from this branch of government. Let us not abandon them on combat pay. Let us not abandon their families as they live their lives as best they can without their loved ones, and without the salary their loved one brings to the family if they are in the Guard or Reserve.

Mr. ISRAEL. Mr. Speaker, I rise to support this motion to stop outrageous plans to cut hazard and separation pay for troops. In fact, Mr. Speaker, I think it's appalling that we would balance the budget on the backs of our troops.

It is critical that we make the increase in imminent danger pay and the family separation allowance permanent for our Armed Services and their families and make it available to everyone in imminent danger, no matter where they are serving.

In April, Congress approved a much deserved pay raise for our men and women in Iraq and Afghanistan.

This was the least we could do for those who are risking their lives to secure our freedom.

It wasn't a lot of money—increases of $75 a month in "imminent danger pay" and $150 a month in "family separation allowances."

In fact, this was the first raise in "imminent danger pay" in over 10 years, and the first increase in the "family separation allowance" in over 5 years.

Now, as a Member of the Armed Services Committee, I have had the privilege of spending time with military personnel on the day of their deployments.

With 500 men and women of the Marine Corp. 2nd Battalion at Plainview, NY as they left for the Middle East and said goodbye to their families with the brave men and women at the U.S. Navy and Marine Reserve Center in Amityville.

One of my most vivid memories from that day is of a Marine kissing her child and saying, "I'll be back soon."

In her eyes, I saw determination and strength and faith and courage.

Could we ever look another soldier in the eye, if we allow these increases in imminent danger pay and family separation allowance to expire?

The right thing to do is to make the increases permanent. We know that the war on terrorism will be a lengthy one. it will require a deepest commitment.

Just yesterday, another American soldier was killed and another wounded in a bomb attack on their vehicles northeast of Baghdad.

The slain soldier was the 287th U.S. service member to die in the Iraq War. Sadly, we know that he will not be the last.

In the 24 hours before the soldier's death, the Pentagon reported that there had been 14 attacks on U.S. forces. Clearly, no one can ever doubt the bravery of our forces.

They know that sacrifices are necessary in the global campaign against terror. For the first time since the Vietnam War, army personnel are facing the possibility of doing back-to-back combat tours.

To fail to make these benefits permanent is to shortchange the moral contract we have with our soldiers. This is our chance to stand with our troops at home as they fight for our freedom abroad.

Many of our servicemen are already under severe financial stress due to their extended deployment. The effect on reservists and members of the National Guard has been particularly devastating.

Let's keep our promise to those in uniform. Vote for this motion to instruct the conferees and authorize the necessary funds to help those who are fighting for us, for our families, and our future.

Mr. EDWARDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:
>
> 1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
>
> 2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.
>
> 3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
>
> 4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.
>
> 5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sometimes we ask ourselves, why would I introduce this motion to instruct the conference committee? Seventeen other times this motion has been here on the floor. And you think, really, would it make a difference? Maybe it will not. But there are a lot of people who live in my district that hope that this one will be successful.

A few months ago, I voted for the $80 billion bill that included families in my district that have children that really would hope that they too would get the same treatment as those who make 10 or $15,000 more than them, that make above the $26,000 level that basically were allowed the tax credit of $400 each. So you wonder if it has been here 17 times, what is going to be magic about the 18th time? If it takes a thousand times, it is important to people who live in the district I represent.

Recent surveys by different groups analyzed different congressional districts. The one that I represent in rural Tennessee is the fourth most rural district in America, which means when you take the folks who live inside an incorporated area and those outside, of the 435, mine is the fourth most rural district in America. I traveled that district through the August recess. I attended 92 different meetings. A lot of the folks that I met with, a lot of folks who came to open meetings that I set aside for constituents to come and visit with their Congressman, this was one of the issues that really was of great concern to them.

But when you talk about being rural, then you look at the folks who work in the district that I represent. We have the third largest base of blue collar workers of any congressional district in America working in the fourth district, somewhat over 40 percent. Generally, you would assume blue collar would be the auto industry or some other industry that would pay higher wages. Yes, we have that in the district as well, but most of the ones I am talking about are individuals who fall in the criteria of the 10 to $26,000 bracket. They are the lower-wage income earners. They are the ones who get laid off first. They are the ones generally that their employer are not able to provide a health care policy for them.

Many of those had high hopes as they saw us go through this process. There were times that I would be back in the district and they would say, why don't Democrats support a tax cut? What's the problem? Then when I explained to them what happened, they are saying, you left us out. You left us out of at least that opportunity to share in a tax cut that went to other folks. Some folks will say, you don't get a tax cut. This is a tax credit for people who work every day, every day, that earns a check, that owns a home, has an automobile, pays almost 40 cents a gallon on gasoline when they drive to work.

I have a nephew who works at a factory in Crossville, Tennessee, in the district that I represent. He married my niece. They have two little boys. This past weekend, those two little boys along with my niece, my brother, his other daughter and the nephew that works at that factory helped hauling tobacco all weekend. Those two little boys are saying, Uncle Lincoln, it's good to see you. But I talked to Marty Brown about his earnings. He earned above the $26,000 last year because he worked overtime. He checked at his factory on the 180 folks who work on that assembly line where he does, 40 of those were extremely disappointed that they were not included in the $400 tax credit, the child tax credit that he received. On the particular assembly line where he works, there were only two that received it, his supervisor and him. He got the $800 for his two children. But there were folks who worked with him that did not receive anything. They do not understand. They are hurt. They are disappointed. They are concerned.

The question that I ask is why would I introduce this legislation to instruct the conferees in the House to meet with the Senate to resolve this issue? As a Democrat who voted for the initial $80 billion child tax credit, I am here appealing to the other side not to leave out those individuals that we included in the $80 billion tax cost over the 10-year program. Let us at least work with the Senate for this year to make it possible, at least through 2004, to make it possible. That is what the Senate bill does. That is what the initial bill did, was only made it through 2004. The $350 billion tax cut that was given that had the inclusion of those who would get a child tax credit only goes through 2004. It does not go through 2010 as the tax cut did in 2001.

Let us include, as the President asked us to and as the Senate has passed, a child tax credit for those individuals I am talking about, the 40 of that 180 who work in that one factory in my district, that are disappointed not only in just LINCOLN DAVIS but on the other side as well that they were excluded from the fairness that I think this Chamber has about it and I think this Chamber will and I hope this Chamber will correct it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I will reserve the balance of the time on this side until the gentleman is down to his last speaker.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MEEK). His mother served here in this Chamber for many years, and we are fortunate to have a young man like him that is here today that will be speaking on the child tax credit.

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague from Tennessee for his eloquent opening remarks as it relates to this child tax credit. I think it is very important, Mr. Speaker, that we look at the reason why we are here for the 18th time. One would assume in this country, in this great country of America as it relates to financially challenged families that make under $26,000 a year and also those men and women that are fighting on behalf of the freedom that we enjoy every day, that we would not even have to come to the floor on their behalf and on behalf of their families to be able to receive a fair share from this government that they look up to.

This issue is not a new issue to this House. As my colleague from Tennessee references, this is the 18th time that Democrats have come to the floor to ask for fair play and equal justice for these individuals. I want to say that this issue as it relates to just months ago, we were here on this floor, Members sat in this Chamber, we voted for this tax credit, we wanted to make sure that every American was able to enjoy it; but until this day, they still cannot. Checks have been mailed out. They have not been mailed out to the low-income individuals in our country. I think it is important that we remember them.

Since we are on the eve of 9/11, I think it is important for me to point this out. I turn on the television, and I am seeing not only Members of this body but also members of the executive branch flying around, draping themselves in the flag, saying that we stand with our military families.

□ 2115

I believe they do, to a certain extent, only when it comes down to their families being able to receive a child tax credit.

Those men and women that are out there in Iraq and Afghanistan, and even here domestically in the United States working with our various military operations, those individuals that are in combat zones are going to receive combat pay. And, guess what? They are going to receive a tax increase due to that combat pay. Will they be able to celebrate a tax credit? No, they will not, not unless this motion to instruct actually passes and we are able to fight on their behalf.

I think it is important for us when we talk about coming together as Americans to make sure that we fight on behalf of 20,000 military families who were left out of the Republican new tax law. I think we should do as the other body has done. They have moved in the right direction to make sure many families, not only in my State of Florida, are able to receive a tax credit. I think it is important that we do not muddy the water as it relates to what this Congress has done for low-income families.

My colleague from Tennessee mentioned my mother, Carrie Meek, who served in this body, and I am glad I have had the opportunity to follow in her footsteps. She was one that stood for the individuals that we may say are the least of these, hard-working Americans that are just trying to make their way in this free democracy.

I believe America is all about fair play. I believe America is all about individuals receiving their fair share for a hard day's work. But, unfortunately, many times I hear Members rise to their feet when we raise the question of the have's and have not's, and class warfare, and blue collar versus white collar, whatever the case may be.

But this is a perfect example as we are here in this Chamber today for the eighteenth time saying that just because someone makes under $26,000 a year, that they cannot receive the same credit as those that are at a higher income bracket. Something is fundamentally wrong with that. I think it is important as we are here for the eighteenth time, and I look forward to this hopefully being the last time that we have to come to this floor and to this Congress to ask for justice on behalf of these families.

I cannot help but think of those individuals in Florida and throughout this Nation that have loved ones that are in a tent or out in a field, have sand in their teeth right now, fighting on behalf of this country and standing against terrorism, that we have to come and speak on their behalf, when it should be something that is automatic.

I must say to even those families that are not military families, I want to say it again, these are people that work every day. These are individuals that want to provide for their families every day. These are families working every day. I think it is important that we understand that we are not talking about people that are sitting at home with a bag of Lay's potato chips watching cable television. I think it is important we understand that these are people that punch in and punch out, they are catching a bus, driving their cars. They are paying the same $2 a gallon for gas as I pay $2 a gallon for gas.

So I think it is important that they receive the tax credit. I think it is important that this Congress stands up on behalf of these individuals.

Mr. Speaker, I want to commend my colleague from Tennessee for coming to the floor once again and being courageous on behalf of working families in the United States.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California continues to reserve his time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this is the people's House. Every single American should be represented here. Unfortunately, the Republican majority has turned this House over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle and lower income Americans, and there is perhaps no better example of this intentional neglect than the child tax credit.

How many nights will we as Democrats have to come to this floor to fight to provide for 12 million children of low income parents who were neglected by Republicans in their latest tax bill? Unfortunately, according to this morning's Roll Call newspaper, which I have here, we may be forced to continue our fight indefinitely. Why? Well, the chairman of the committee on Ways and Means, who is here on the floor, the gentleman from California (Mr. THOMAS), according to the article, refuses to work out the differences between separate House and Senate bills passed earlier this summer.

I have a quote here from the paper. Senator CHUCK GRASSLEY, the chairman of the conference, "Complained that Mr. THOMAS has been unresponsive to his entreaties to work out the differences between the House and Senate versions of the bill." That is in this morning's Roll Call on the first page.

You see, Mr. Speaker, the Republican leadership just cannot be bothered. These 12 million children do not have any power. These 12 million children are not among the privileged. Therefore, why should the Republican leadership represent them? Why bother? Why can the chairman, the gentleman from California (Mr. THOMAS), not respond to the letter from Senate Finance Committee Chairman CHARLES GRASSLEY attempting to work out differences between bills passed in the two Chambers?

I heard the chairman, the gentleman from California (Mr. THOMAS), say that he was going to address the House later this evening, and I hope he does answer the reason why he has not been responsive to the Senate chairman's letter.

In the article, Chairman GRASSLEY is quoted as saying, "I suppose I could call a conference meeting, but I'm not going to do that unless it is going to be productive. And right now, it doesn't look like it would be."

Chairman GRASSLEY concluded that the only way negotiations would begin was if Republicans felt some heat here on the floor from Democrats.

Well, they are going to get it. We are going to be here every night, and we are going to keep making these motions to instruct, and I commend my colleague for bringing this up.

Again, quoting Republican Chairman GRASSLEY, "The Democrats won't let it be dead, and I don't blame them. If I was them and the majority party wasn't doing something about it, I would make an issue of it too."

Well, I am glad that Chairman GRASSLEY feels that way, because that is certainly what we are going to do. We demand a response. It is not fair for the Republican leadership to be unresponsive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members not to make reference to individual Members of the other body.

Mr. PALLONE. Mr. Speaker, that last sentence that I quoted says it all. House Republicans do not want to help these 1 million children. If they did, the gentleman from California (Chairman THOMAS) would have responded to this letter.

It is also clear that President Bush does not want to help these children either. It has been 99 days since President Bush advised House Republicans to pass this child tax credit legislation and send it to him so he could sign it. The urgency the President showed in June has clearly dissipated. Not once since then has the President urged Congress to send him a bill that would provide these 12 million children a tax credit. If that silence is not an indication of the President's true intentions, I do not know what is.

Mr. Speaker, this a simple question of fairness. How can Republicans say it is fair to give a millionaire a tax break of more than $90,000, while giving nothing to millions of working families? Unfortunately, the simple answer is that as long as the Republicans remain in control of this House, we will not see fairness, for the simple reason that fairness can only occur when all Americans are represented, and under the control of the Republican leadership, unless you are part of the powerful privileged elite, your voice will simply not be listened to here.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his time?

Mr. THOMAS. Yes.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I thank the gentleman from Tennessee for his effort tonight, the eighteenth time that the Democrats in this House have tried to do the right thing, the fair thing.

Mr. Speaker, I have been a Member of this House now for 9 months, and I discovered in that 9 months that the issues that I face, the difficult issues that we all face, fall into three categories:

Category number one are the issues that I understand and I agree with, the solutions that are brought forward by this Congress.

Category number two are the issues that I understand, and I disagree with the solutions that are brought forward by this Congress. Those two categories we can all appreciate.

It is category number three that bothers me the most, and that is the category of things that I just do not understand at all, no matter how long I stay on the floor of this House, no matter how long I listen to the arguments, no matter how long I try to understand what is the motivation of somebody for doing or not doing something.

Now, hopefully over time category number three will diminish with the time that I spend in this House. But I have been in this House now for 9 months, and this issue clearly falls into category number three, and I do not think it is ever going to exit category number three until we pass this child tax credit.

I have tried to understand, why are we not passing this? What is the problem? What is the big deal? What is so hard to understand about the fact that we have 12 million kids that are not covered by this credit, that we have families that are not covered by this credit, that we have poor people that are not covered by this credit, that we have soldiers coming back from overseas that are not covered by this credit?

I get letters from my constituents. I try to understand from my constituents and translate for them what is going on in Congress. Sometimes I can translate and say I understand and I agree, and we all agree on this, or I understand and I disagree. But this one throws me for a loop.

Here is just one of those communications, from a gentleman named Peter Gorham in Hawaii. He writes me, "Dear Representative Case, my wife and I recently adopted two orphans from Kazakhstan. The children are doing well and it is a joy to see them grow stronger every day as they recover from the terrible situation they were in.

"I write you today for this reason: We are shocked to find that our tax refund has been shortchanged by the sudden rescission of the child tax credit. As you know, adoption costs are very high and the Federal tax credits for adoption and the child tax credit are a welcome relief from a portion of these costs. It is a painful blow to take this from a Congress and administration that has prided itself on spoken words of tax reform, when in fact, the results appear to be the opposite. Please accept the responsibility to work for the reform of these egregious tax laws."

Mr. Gorham, I have no way of explaining to you what we are doing here tonight and what we continue to do, because I do not understand it myself.

Can it be that we do not have the money? That would be a pretty common explanation. Sorry, we cannot apply $3.5 billion to a child tax credit that is fair after we have already spent multi-billions of dollars on a child tax credit for everybody else. Can that be it? Frankly, I am not sure I have heard anybody say that yet, and how could they say it? We just gave away hundreds of billions of dollars in tax cuts that people that do not need it. We just gave away multi-billions of dollars, $500 billion now and climbing, in a deficit that does not seem to matter to anybody.

I guess you could say well, why do we not just add another $3.5 billion to the deficit. But we do not appear to be ready to do that.

We seem to be ready to spend another $87 billion on Iraq and Afghanistan that is not even accounted for. And who thinks for one minute that that is the last amount of money we are going to spend in Iraq and Afghanistan? But we cannot spend $3.5 billion on a child tax credit.

What else can it be? Can it be some rationale in our Tax Code that says somehow low income people should not be helped, whereas middle income people should be and higher income people should be? I cannot see that. I have heard the argument made on the floor. I have heard the argument made well, low income people do not pay taxes, and therefore they should not have a credit. I do not buy that argument. I do not understand it, and I do not think anybody else understands it too.

So what is it? What is the explanation? Why are we sitting here again for the eighteenth time trying to pass something that, to me, makes so much sense, that in the context of what we consider, in the context of who we are trying to help, makes so much sense?

When I walk back into my district back in Hawaii and I say, I wish I could explain this to you in a context that you can understand, I cannot do it.

So I am left with this question, so I ask this question, and I come up with this answer, and this is the best I can do for you: Because they do not want to. Because they do not want to.

It is not a matter of affordability, it is not a matter of tax policy, and it is certainly not a matter of caring about the people that are impacted. This issue has risen above all of that, and it is now just about winning. It is about not giving in. It is about maintaining face, as we call it, keeping face, and that is the wrong reason to not do the right thing.

I urge that we pass this motion and end this, and finish this once and for all.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I do want to indicate that as to the statements that were made in terms of not understanding some third category as to why certain things have not been done, the gentleman really needs to simply examine the CONGRESSIONAL RECORD.

□ 2130

On June 12 of this year, the House passed a tax relief measure providing tax relief for astronauts, suspending the tax exempt status of designated terrorist organizations, providing tax relief and enhancing tax fairness for members of the Armed Forces. That has passed this House. It passed it in June. But it not only did that, it accelerated the increase in the refundable child credit. The provision that passed on June 12 cost $3.5 billion over 11 years.

As the very point of the gentleman from Tennessee (Mr. DAVIS) where he said he cannot understand why it has not been addressed, we have addressed it. I do not happen to know how he voted on the measure, but clearly enough Members of the House were concerned about that child credit provision, were concerned about the members of the Armed Forces, that that measure passed.

It is now over in the Senate. The Senate is the body that has not responded to these concerns.

Mr. Speaker, when we talk about entreaties, as was indicated in the quote from the other body, first of all, the other body is the Chair of the conference on the tax credit. All the other body has to do is simply call for a conference. They can moan, they can groan, they can complain. All they have to do is call for a conference. That call has not been made.

In terms of the reference to the 18th time that we have dealt with this issue, Mr. Speaker, I refer to my statement on the floor in regard to the nonbinding nature of this motion to instruct and the tax applicability argument offered by the gentleman from New York (Mr. RANGEL) on page H5340 and H5341 of the CONGRESSIONAL RECORD of June 12, 2003.

Mr. Speaker, I would refer to the statement I made on the floor in response to the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO) on page H6828 of the CONGRESSIONAL RECORD of June 2003. Repeatedly, this motion has failed.

I do want to indicate so that everyone understands that on the 18th try or the 19th try or the 20th try, every page in the CONGRESSIONAL RECORD cost the taxpayers $575. Quite a sum in terms of showing how many times they are willing to refuse to admit this House passed tax relief for child credit on the amount they stated and aid to armed services.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question I asked is why would I come here for the 18th time. There is a reason. The $500 or whatever it cost today or whatever it cost for those 18 times, I guarantee the folks sitting back home expect me and expect those of us in this Chamber to be fair with them as well.

As we talk about the 6.5 million lower-income families, this is a comment made today in one of the publications, If it ain't dead, it is doing a pretty good impression, said one Senate GOP aid about the bill which caught fire in June when the media reported that about 6.5 million lower-income individual families had been left out of President Bush's $350 billion tax cut.

The reference was made that we have not had a conference committee nor a call. On the Senate side the chairman said, "I suppose I could call a conference meeting, but I am not going to do that unless it is going to be productive. And right now it does not look like it would be." We have not gotten a response from them to our letter about the conference that we sent this summer.

As I said earlier, I voted for the $80 billion tax package on June 12. That included the families I mentioned a moment ago that I personally know and that each of us knows.

Now, when we talk about those folks, we are not talking about Democrats and Republicans; my colleagues have not heard me make reference today to either political party. My hope and my request is that all of us will realize that this is not a Democrat or Republican issue, that really what it is is an issue about people back home who really feel they have been left out. And do my colleagues know something? I agree with them; they have been left out. And I think those of us in this Chamber, when we talk about we have passed the bill, we have done what we should do, we did not do what the President asked us to do. That does not necessarily mean we have to. But he asked that these families be covered with the child tax credit, and the Senate passed a $3.5 billion bill that did just exactly that. They went above the $350 billion agreement that they had agreed on, but they still passed that shortly after the $350 billion tax cut was passed in this Chamber, which reduced dividend earnings to 15 percent and capital gains to 15 percent, I believe. These individuals who work every day, we did not give them anything. We have left them out.

So as we talk about why are we back, in number five of this motion to instruct, "The House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session," and it says please, basically, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the provisions of this instruction not later than the second legislative day after adoption of this motion.

In essence, what we are trying to do is get within a short period of time, perhaps no more than 2 days after passage, a gathering of those folks in the House and the Senate who will compose a conference committee that will reach out, as the Senate has done, to those lower wage-earners who live in our districts. Who do they vote for? Someone voted for me. Someone voted for my opponent. Who did they vote for in anybody else's district? Some voted for Republicans, and some voted for Democrats. This is not an issue about who we are helping, it is who we are hurting; and the ones we are hurting are the low-income families who have children at home and who go to work every day.

My request is that we pass this instruction to the conferees and that we get on with business.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.

2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Maine (Mr. MICHAUD) and a Member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a motion to instruct conferees on H.R. 1, the Medicare prescription drug bill.

Mr. Speaker, this motion instructs conferees to do two simple things, two things that the House bill does not accomplish: one, it asks them to provide a guaranteed prescription drug benefit for all seniors; number two, it asks them to preserve Medicare as we know it today.

Upon signing the Medicare law in 1965, President Lyndon Johnson said, "Every citizen will be able, in his productive years when he is earning, to insure himself against the ravages of illness in his old age." It says "every citizen." Yet, the bill passed by this body does nothing to guarantee a prescription drug benefit for any citizen and attempts to privatize Medicare in 2010.

The proponents of this bill trumpet choice and competition between private plans as the way to provide the best benefit to Medicare beneficiaries. Yet, the truth of the matter is the only choice that will be made will be made by private insurance companies choosing not to serve rural areas. In fact, 80 percent of rural Medicare beneficiaries, including all of the State of Mainers, currently live in areas that private insurance plans have chosen not to serve. Yet, this legislation does not contain a fall-back provision. Medicare+Choice has not worked in many areas, including my State of Maine, and there is a very good chance that this drug bill will not work either.

Where does that leave rural Americans? Out in the cold without a benefit. Without a fall-back provision, we are abandoning all rural seniors at a time when they need it the most.

As if the problems with this bill were not enough, it contains a premium assistance provision that aims to privatize Medicare by phasing out the traditional fee-for-service plan and replacing it with a voucher program in 2010.

This harmful provision would force Medicare to compete with private HMOs that will appeal to younger, healthier seniors, leaving traditional Medicare with those seniors who need a more comprehensive benefit. This change in the pool of beneficiaries will cause Medicare premiums to rise and become unaffordable, jeopardizing the long-term viability of the traditional Medicare program and abandoning seniors yet once again.

Do not be fooled by the arguments for premium assistance. It is just another step towards privatization of Medicare and elimination of the only plan available to seniors in areas such as the State of Maine, the traditional Medicare plan. Forcing rural seniors into private plans and making them give up traditional Medicare without a guarantee of coverage is not the right approach and is a disservice to rural Americans, but that is what this bill would actually do.

Like my colleagues who will also speak in support of this motion, I want to pass a real prescription drug benefit; but I will not vote for a plan that hurts America's seniors. Health care coverage is nothing if you do not have access to it. We have a historic opportunity to add a much-needed prescription drug benefit; but without guaranteed coverage, we have failed.

Let us take an important step today and guarantee coverage to all seniors by providing a real prescription drug benefit, not a thinly veiled attempt to privatize Medicare and abandon rural seniors.

Mr. Speaker, I urge my colleagues to vote for this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Maine has some very important concerns. It is unfortunate that he has not read the bill. This is the very best bill for rural America that this House has ever considered. It addresses the problems of rural hospitals, of rural physicians in a way that no preceding bill ever has.

□ 2145

And that is in part because of bipartisan support that it attracted in the House. It is also true that this bill provides a prescription drug benefit to every citizen, every senior. And it is a disservice to seniors to imply that it does anything else. It provides an entitlement to prescription drugs for seniors, every senior. Secondly, it does not allow plans to discriminate between healthy seniors and unhealthy seniors.

Now, I do not fault the gentleman from Maine (Mr. MICHAUD) for not really understanding this. He is not a member of the committee. He has not been deeply involved in this bill, but if he were involved in this bill, he would know that the administration has now developed ways to risk adjust in 62 different categories, and it is not going to be possible for these plans to select healthy seniors and discriminate against unhealthy seniors. That is an issue of the past.

So this bill does not in any way privatize Medicare. It provides exactly the same program for seniors that we have been providing but a far better program, a programming that meets the challenges of 21st century medicine to manage chronic illness, that meets the challenge of Medicare covering prescription drugs, that meets the challenge that our seniors face in their everyday lives in their battles with chronic illness and their need and desire and health demand for prescription drugs.

This is an extraordinarily progressive modernization of Medicare, and this motion to instruct the conferees in two portions of the bill is extremely misguided, and I urge my colleagues to vote against it. It is important that in Medicare, Medicare control all parts of the plan, fee-for-service and also the plans. We have had those plans for a number of years. All those plans are controlled.

All we want is for seniors to have a strong fee-for-service program, and for seniors to have the kind of choice that the Federal employees have, and that is exactly what this bill provides. But the government controls all the choice plans just like they control all the Federal employee health benefit choices as well. This is a progressive plan.

This is an ill-thought-out motion to instruct, and I urge my colleagues to vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) is wrong. This plan does not provide that every senior will have a plan. This plan, all it does is provide the right for an individual to buy a private plan. It does not guarantee that plan.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am amazed when I listen to the comments of the gentlewoman from Connecticut (Mrs. JOHNSON) and she said that this plan, I assume she is talking about the House-passed plan, does not privatize Medicare.

The fact of the matter is that this motion to instruct that gentleman from Maine (Mr. MICHAUD) has so ably introduced and spoke upon, makes the point in his motion to instruct that the Republican House bill does exactly that. It does privatize Medicare.

And the motion to instruct essentially has two points. One is that we have to get rid of the overall privatization of Medicare because in the House bill essentially it says you get a voucher and by the year 2010, if you do not go into a private plan for all of Medicare, not just for prescription drugs, then you have to pay more if you want to stay in traditional Medicare.

So what happens is because you essentially force seniors to either take a private plan and find a private plan or this they do not want to stay and buy that private plan, stay in traditional Medicare, they have to pay more, you will eventually price traditional Medicare, fee-for-service Medicare, out of the market and the only thing left for the senior will be to take a private plan.

That is exactly what the motion to instruct tries to get rid of, this voucher system, this premium support system, that essentially forces privatization on the senior citizens by the year 2010.

The second thing that the motion to instruct tries to accomplish is to say that you do not have to join an HMO or a private plan to get your prescription drugs. Because if you look at the House plan there is really no way to get any kind of valid or valuable prescription drug benefit unless you join an HMO or some kind of private plan. And the second part of my colleague from Maine's (Mr. MICHAUD) motion to instruct says that unlike the House bill, we should adopt the Senate bill which essentially has a fallback and says that if you cannot find these private plans to provide you with prescription drugs, then you can stay in traditional Medicare and get the prescription drug benefit.

I kind of resent the fact that the gentlewoman from Connecticut (Mrs. JOHNSON) not only says inaccurately that the Republican House bill does not privatize Medicare, but she even tried to denigrate the gentleman from Maine by suggesting that he did not know what he was talking about when he said that in fact it does privatize. And then she went on to talk about how in rural areas they are somehow going to be favorably received. Well, the problem that the motion to instruct tries to deal with is particularly of concern to rural areas because it is most likely those rural areas where you are not going to be able to find a private HMO or a private plan that would provide you prescription drugs. And if you do not have the fallback that is in the Senate bill that says you should get it under traditional Medicare and you are living in one of those rural areas that does not have an HMO, you are not going to get the prescription drug benefit.

So it is totally inaccurate for the gentlewoman to say that this House Republican plan does not privatize Medicare. That is exactly what it does. It basically provides the incentive that if you want a prescription drug plan, you have got to go private to an HMO. And it goes beyond that by saying that in the long run, by the year 2010, you have got to have a private plan for all of your Medicare needs, otherwise you will pay an extra $500 a month or a year or $1,000 a year and eventually be priced out of the market.

I have no idea where she is coming from on this issue. You have to vote for this motion to instruct if you want to make sure that we do not privatize Medicare. That is exactly what the Republicans have in mind because they do not like Medicare. They never liked it from the beginning. They want to force senior citizens to go into private plans and not have traditional Medicare.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Maryland.

Mr. HOYER. Is the gentleman saying that there is no reason to oppose this motion which says do not privatize Medicare if, in fact, their plan does not do that?

Mr. PALLONE. Reclaiming my time, I suppose you could argue that, that if they really believed that this does not privatize Medicare, they should agree to the motion. I agree with the Democratic Whip. But the problem is they are privatizing Medicare and that is why they have to oppose the motion.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, it is very important for everyone to understand that this Medicare bill provides to the choice for seniors. It is entirely voluntary.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank her for her leadership on this issue.

Let me address a couple of the inaccuracies that the last speaker mentioned. That is the word we are using, "privatize." Under the definition on the other side of privatization, under their definition Medicare is already privatized then, because Medicare right now is private providers providing care for our seniors.

All the doctors in your country do not work for the Federal Government, the hospitals, the nursing homes. What it is is Medicare paying the bills to private providers to provide care for our seniors. Right now you have HMO's through Medicare providing care to our seniors. So today, under your logic, Medicare is already privatized. The point is this is not privatizing Medicare.

I would like to bring the gentleman from New Jersey's (Mr. PALLONE) attention to page 260 in the legislation where it says, "No change in Medicare's defined benefit package" shall occur. "Nothing in this part," and this is the title they seek to strike, "or the amendments made by this part, shall be construed as changing the entitlement to defined benefits under parts A and B of title XVIII of the Social Security Act."

The point is this is not privatizing Medicare. What we are simply doing is adding to the choices that seniors have to make in their lives. And the kind of choices that we want to give seniors entitlement to are the same choices that we, as Members of Congress have, and 9 million other Federal workers and their loved-ones have in choosing their health care.

So what we are saying here is every senior will always have access to traditional Medicare fee-for-service. Will their premiums go up by $500 like the gentleman from New Jersey (Mr. PALLONE) said? No. The CBO says their premiums may go down. If anything their premiums could go up by a dollar a month. That is hardly a big increase given the fact that we are also covering prescription drugs.

Now, I answer the question about rural. If you take a look at rural America, this is the most significant, the most significant package for rural America since Medicare was written in 1965. The House bill dedicates over $27 billion in payments to rural America to improve its Medicare program. That is even more than what the other body is doing.

Now, I simply want to put a point here, and that is this: We have to recognize the facts that Medicare itself is going insolvent. If we do nothing, if we do not pass this prescription drug bill, Medicare is going to go insolvent and bankrupt. If that time when we see an America where we have 40 million retirees today coming to the day within 15 to 20 years when we will have 77 million retirees, that is a day we must be prepared for. And so the Medicare actuaries are telling us if we want to make Medicare whole for the baby boomers before adding a prescription drug benefit, we will have to raise Medicare FICA taxes by 80 percent if we are going to do it on FICA taxes.

If you throw a prescription drug benefit on there, we could raise as much as 120 percent to keep Medicare solvent for the baby boomers. We do not want to see that happen because that would cost us jobs. That would be bad for the economy. What we want to see happen is a Medicare that is solvent, that is here for the baby boomers when they retire, and that is better for today's seniors. And by making it better for today's seniors, we will give them an entitlement to prescription drug benefits. We will give them the same kinds of choices we, as Members of Congress, have when we pick health care for our families.

Those are the kinds of choices we are giving seniors in this legislation. It is not privatizing Medicare. Medicare will be the overseer, the regulator, the overseer of all of these programs just like it does today. What we are simply trying to do is improve benefits for today's seniors by modernizing it with a prescription drug benefit, giving them more choices like we as Congressmen and Congresswomen have, and do so so we can make this thing solvent, so this very, very important and vital program in the Federal Government will be there for the baby boomers when they retire, so we are not faced with the day when we are cutting back and rationing care and cranking up FICA taxes.

Mr. MICHAUD. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, the previous speaker, of course, will have at least 35 to 37 or 39 years to worry about this problem. So for him it is not an immediate problem. For some of us, however, there is a heightened concern. And I will tell my friend from Wisconsin (Mr. RYAN), my young friend from Wisconsin, and the gentlewoman from Connecticut (Mrs. JOHNSON), who protest over and over and over again that we are not privatizing Social Security, of course, their party was led until just last year by a gentleman who said that we ought not to have Medicare in a free society and formerly led by a speaker who said it was going to fade away. And millions, I tell my gentlewoman friend and my young friend, million of seniors, forget about what we here in the House say, millions of seniors and their experts who have studied your program very carefully believe it is going to privatize Medicare, notwithstanding your legerdemain about our definition of it currently being privatized.

□ 2200

Nobody believes that. The fact of the matter is millions of seniors have reported back to my colleagues, hey, this program is not good for us.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, the only point I was making was I was not saying the current Medicare program is privatized. Under my colleague's logic, under my colleague's definition of privatization, Medicare is certainly privatized, which is not the case. That is why we are not privatizing Medicare.

Mr. HOYER. Reclaiming my time, that is the legerdemain I was referring to exactly.

Mr. Speaker, I urge my colleagues to support this motion to instruct. It recognizes what the ideologues on the other side of the aisle refuse to admit. Turning Medicare into a voucher program will only encourage private insurers to skim the healthiest seniors, leaving Medicare to cover the sickest, most disabled beneficiaries.

Vouchers are nothing more than a thinly veiled attempt to end Medicare, our Nation's bedrock commitment to America's seniors for the last 38 years.

This motion instructs conferees to reject the provision in the House bill that would turn Medicare into a voucher program in 2010. In addition, it instructs conferees to accept the Senate-passed provisions requiring a Federal fallback prescription drug benefit if the private sector in any given area refuses to offer an alternative plan.

I have not heard any protestations that there is such a fallback in the House bill, because there is not. Under the Senate bill, if at least two private plans are not available to seniors, the Federal Government would offer beneficiaries a prescription drug benefit. Let us not turn a blind eye to reality. Insurers are not lining up to provide prescription drug-only policies. In fact, as I think the gentlewoman knows, because the former chairman of the subcommittee, I think he is now the Chair of, Mr. Gradison, had some comments to make when he was president of the Health Industry Association of America, said that private sector would not offer such plans that are contemplated under my colleague's bill.

They are in business to make money, as they ought to be; and they will not hesitate to drop customers who file too many claims or cost them too much. That has been our experience with the Medicare+Choice plan in which more than 2 million seniors have been abandoned by HMOs seeking higher profits, including in my own area. I do not criticize the HMO. They are in business, but this is a service that we want to guarantee to all of our citizens to have available to them at affordable prices; and as any homeowner can tell my colleagues, that is the experience in that line of insurance as well. One might think that they are in good hands, but if they file a claim, they might just find that those hands have said bye, bye. They might think that their private insurer is a good neighbor; but if they file a claim, they might just find that their good neighbor has moved away without leaving a forwarding address.

Finally, Mr. Speaker, let me say, on Saturday, July 19, more than 70 of my colleagues, my Democratic colleagues in this House, held town hall meetings in their districts on the issue of prescription drugs. The turnout at those meetings was terrific, and virtually every Member that I have talked to said that their constituents want a guaranteed, affordable, universal prescription drug benefit under Medicare now. That is not included, and their experts and the seniors who sat around their table with their pencils and papers said your bill does not give them what they need, not necessarily what they want, but what they need.

They were deeply disappointed when they learned the details of the House GOP bill; and I might say to my friends, so that I do not just viciously attack my House friends, they are not too hot about the Senate bill either.

This motion does not address all the deficiencies of the GOP bill, but it does focus on two of the most important ones. I urge my colleagues to support this motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my friend from Maryland, for whom I have a lot of respect and have worked on many issues, his quote from Mr. Gradison is in regard to last Congress' bill, which was written entirely different. We do not hear anyone making that claim in regard to this bill. So to say that no one would offer this benefit about a bill that is not this bill is really misleading.

Secondly, my colleague's motion to move to strike the very section that guarantees Medicare's defined benefit package is duplicitous. I mean, why would they move to strike the section that guarantees, and here is the title, page 260, no change in Medicare's defined benefit package, no change. This is voluntary, this bill, and any senior who wants to continue to choose the Medicare defined benefit package and couple it with a prescription drug program is free to do so, and that defined benefit package is going to offer seniors a far more modern benefit than current Medicare because it is going to help them deal with chronic diseases which current Medicare does not help them deal with.

Thirdly, I am appalled that my Democrat colleagues want to provide this giveaway to the drug companies. CBO and CMS actuaries agree that the plans will be available to 95 percent of the beneficiaries, but CBS has said that if we choose the fallback provision in the Senate bill, it will cost 8 to $12 billion. My colleagues know who gets the 8 to $12 billion, the drug companies. They know what our bill does. It pierces the best price process in the States and goes below that and saves $18 billion for seniors; and if they are serious about doing something about drug prices, they will not put in law the fallback provision in the Senate bill because it will cost 8 to $12 billion and give it all directly to the drug companies.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, is the gentlewoman saying that the fallback plan according to the Congressional Budget Office will lead to higher drug prices for seniors to the tune of 8 to $12 billion?

Mrs. JOHNSON of Connecticut. Absolutely. That is exactly what I am saying. The fallback provision in the Senate bill will lead to drug prices that will cost our bill 8 to $12 billion more.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentlewoman will continue to yield, so this motion to recommit raises prices for seniors 8 to $12 billion?

Mrs. JOHNSON of Connecticut. You bet it does. It gives every one of those pennies to the drug manufacturers.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me just try to correct the record here.

First, the gentlewoman says this program's voluntary. It is not. It affects all of our seniors because my colleagues are affecting their basic program under Medicare fee-for-service which they are changing into a voucher program.

Secondly, GAO indicates one-third of our seniors who currently have prescription drug coverage will lose their coverage as a result of the passage of this bill.

My colleague mentioned the fact of cost. Yet they should mention the actuaries say we do not save one dime as a result of the passage of this bill; and quoting Mr. Scully, who is the administrator of the program, you know, the bankruptcy problem is a label, largely a cash flow problem, but is the Republican Medicare bill going to save money versus the original program? The answer is no.

Let us be frank about it and then we look at the Medicare trustees report which shows we have the healthiest trust fund we have had in recent histories. Let us be straight and honest with the facts. The fact of the matter is that if my colleagues would have adopted our amendment to the bill on setting price, we would have adopted the Canadian system and brought the prices down to what we are paying in Canada, but they rejected that approach.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this very important prescription drug and Medicare issue.

I stand in support of the motion which instructs conferees to abandon the privatization provisions in the House prescription drug bill.

Under H.R. 1, Medicare would end as we know it. Medicare would end in 7 years. In 7 years Medicare would be replaced by a voucher to cover part of the premium for health insurance and costs would be shifted from the government to seniors. That is privatization pure and simple.

Mr. Speaker, we should not be surprised that Republicans want to privatize Medicare. Look at the history. In 1965 when Medicare came to a vote on the House floor, on the key vote on the key part of the bill, only 11 Republicans, 11 Republicans supported the creation of Medicare. Bob Dole, future Presidential candidate, voted "no." Gerald Ford, future President, voted "no." Strom Thurmond, long-time U.S. Senator, voted "no." In the Senate, Donald Rumsfeld, later Secretary of Defense, voted "no."

Republicans could not stop Medicare in 1965, its creation, as hard as they tried; but once Republicans got a majority in this House of Representatives, the first time they had a majority after Medicare was created, a full 30 years later, one of the first things that Newt Gingrich and my friends on the other side of the aisle did was cut Medicare $250 billion to, guess what, pay for tax cuts for the highest-income, most privileged people in our country.

Now it is not just Newt Gingrich. It is the entire Republican leadership. Dick Armey, the majority leader until 9 months ago, as my friend, the gentleman from Maryland (Mr. HOYER), pointed out, said we would not have Medicare in a free society.

It is clear, Mr. Speaker, that the folks on that side of the aisle simply do not much like Medicare. Of course they want to privatize it. They did not support it when it was created. They have tried to cut it every time they have got a chance. They tried to end it as we know it. Now they have tried to privatize it. President Bush, Republican President, once he got a Republican Senate and Republican House, President Bush said, yeah, you can have a Medicare prescription drug benefit, but you have got to get out of Medicare to get it; you cannot have it in traditional Medicare the way the Democrats want to do it, provide the benefit the way that we know it works in traditional Medicare because seniors in this country love traditional Medicare, if they could have a drug benefit and a few other benefits that this Congress has denied them.

Instead, George Bush and the Republican leadership said, yeah, you can have a prescription drug benefit, but you have got to go into a private plan and have the insurance companies deliver it. That is what Republicans think about Medicare. So of course they are going to privatize it; and of course this motion to instruct says we are not going to let you privatize.

H.R. 1, the Republican bill, is a copout. The American public never, never in the election, never gave Republicans license to dissolve Medicare. The retirement safety net was not put in place for Republicans simply because they do not want Big Government to eliminate it.

Mr. Speaker, I stand in support of this motion, which instructs conferees to abandon the "privatization" provisions in the House prescription drug bill.

Under H.R. 1, Medicare would end in 7 years. In 7 years, Medicare would be replaced by a voucher to cover part of the premium for health insurance.

Medicare would no longer guarantee access to medically necessary care. Instead, the Government would contribute a capped amount to an HMO or some other health insurance.

So much for the Medicare entitlement. So much for guaranteed benefits. So much for the choices that matter: choice of hospital, choice of doctor. This voucher scheme would give seniors the "choice" to enroll in an HMO, and when that one abandons them, to enroll in another one, and when that one abandons them, to enroll in another one.

In his State of the Union address, the President called Medicare the "binding commitment of a caring community." H.R. 1 rips that commitment to shreds. It chokes off funding for the core Medicare program and sends seniors into the private market to try their luck.

The President and the authors of H.R. 1 say that seniors deserve more insurance options, and that more insurance options will somehow save the Federal Government money.

Fourteen years ago, the Medicare supplemental insurance market offered so many spurious, confusing "insurance options" that seniors were being conned into purchasing multiple plans covering the same benefits. To protect seniors, the Government had to crack down and dramatically curtail the number of "insurance options" that could be marketed.

Over the last six years, Medicare HMOs have abandoned millions of seniors. Insurers haven't abandoned their shareholders—the industry is doing quite well—but insurers have promised seniors reliable health insurance one year and dropped those seniors like a stone the next.

H.R. 1 stacks the deck against the only coverage options under Medicare seniors can truly rely on—the core fee-for-service program—and gambles seniors' health care on private insurance plans that by their very nature come and go. Insurance is supposed to alleviate uncertainty, not breed it.

Private plans are not and have never been a cost-effective alternative to Medicare. Medicare is a cost-effective alternative to private health plans.

Medicare costs have been growing at a slower rate than private insurance for 30 years now. 30 years.

H.R. 1 is a shell game. It doesn't confront drug costs or any other health care cost. It saves the Federal Government money by shifting the financial burden onto Medicare beneficiaries and their families.

It's a cop-out. The American public did not give us license to dissolve Medicare. The retirement safety net was not put in place because liberals wanted to make the Federal Government bigger, and it should not be dismantled because conservatives want to make the Federal Government smaller.

The retirement safety sector was put in place because the private sector couldn't make a profit offering health insurance to seniors, so they stopped doing it. And it was put in place because the Nation believes Americans who helped build this Nation's unrivaled prosperity throughout their working years should not face financial uncertainty and hardship when they retire.

And now, the future of Medicare is on the line. My Republican colleagues say that seniors deserve "better options." What seniors deserve is the truth.

If my Republican friends want to abandon the key principles defining Medicare—Guaranteed coverage, equal treatment of seniors regardless of income, consistent benefits, reliable benefits—if my Republic colleagues want to abdicate their responsibility for Medicare—they shouldn't hide behind a prescription drug bill to do it.

Instead of abandoning Medicare, I urge my Republican colleagues to reverse course and pledge to protect it.

Support this motion.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

It is too bad that in these debates we stray so far from the facts of the matter. The 1997 bill was passed unanimously by the Subcommittee on Health of the Committee on Ways and Means, almost unanimously by the full committee. I am proud to say that under Republican leadership we added coverage for the first preventive benefits under Medicare, mammograms and, since then, pap smears and also prostate cancer testing and a variety of other preventive benefits for diabetics and for other critical tests.

As Republicans led the effort to add preventive benefits to Medicare and President Clinton supported them, those bills had a lot of bipartisan support; and to say now that this bill privatizes Medicare when all it does is to strengthen both fee-for-service Medicare and the choice plans that can offer seniors some things that Medicare cannot offer them is simply a disservice to the seniors of America.

Just like Republicans led the effort to modernize Medicare by covering prescription drugs which had never been done before, so in this bill we are leading the effort to provide disease management and other tools to help seniors with chronic illnesses, never proposed by my Democrat colleagues. It pains me to have my Democrat colleagues just focus on the word "privatization," which actually ignores the modernization of this plan and has no place in this debate because in every year from now to 2010, 2020, all seniors will have the choice of fee-for-service Medicare or these plans, and the government will pay for coverage under both of those options and will control both of those options.

□ 2215

So they are government-controlled, government paid-for options, all part of Medicare, with a voluntary choice by seniors, an entitlement under the law.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding me this time. I had not come to the floor expecting to speak; but when I heard the gentleman from Ohio speak, I really felt compelled to.

I think it is sad and it is distasteful when we hear this kind of rhetoric that questions the motives of Members of the House, that makes such ridiculous statements as Republicans want to end Medicare. What a stupid thing to say. Republicans on this side of the aisle have worked so hard for so many years to improve Medicare; and the record is replete with the work that the gentlewoman from Connecticut (Mrs. JOHNSON) has done, that I have done, that many Members on this side of the aisle have done with Members on the other side of the aisle.

It is an insult to the intelligence of this body and it is an insult to the intelligence of the senior citizens of this country for any Member of Congress to stand before this body and make a statement that would suggest that any one of us, who work so hard on these issues, would want to do anything except make the program as good as possible for our parents and for our constituents. It is just absurd.

Now, the fact of the matter is that we do have political and philosophical differences about whether or not what we think the role of the private sector should be in the delivery of the Medicare system. Seniors got choice, the opportunity to have prescription drugs under Medicare for the first time when we had Medicare+Choice, and it was allowing the private sector to go in and offer plans that were more efficient than the Medicare fee-for-service program. And with that efficiency, they provided the prescription drug benefit for the first time. Now, this Congress failed to fund those plans, and so they went away.

Now, nearly everyone in this country who has a prescription drug benefit receives that benefit from some kind of private sector pharmaceutical benefit manager. That is the way we all get our drugs. And that is the reason that the newest drugs get quickly available to us because the private sector can compete against itself, negotiate price, and get the best newest medicines available to all Americans. And all we are suggesting is that that is the most efficient, the most cost-efficient and the most compassionate way to bring prescription drugs to the seniors.

Now, if the other side of the aisle disagrees with that, fine, it is a good argument to have. But it really is stupid to stand here and pretend that there are some people in this House who actually care about the program and there are others who do not. We need to elevate this argument way above that.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I want to first of all congratulate the gentleman from Maine for making this motion to instruct conferees. I want to address just briefly the comments that were made by the gentleman from Pennsylvania.

My colleague will have to realize that many people on this side of the aisle, when we hear comments from some Members on that side of the aisle that they would like to see Medicare wither on the vine, that we hold suspect whether or not Republicans really believe in this program or not.

When I came to Congress in 1999, the Federal Government was projected to run a surplus of nearly $5 trillion over the next decade. As a result, I advocated budgeting a portion of that money to provide a voluntary and comprehensive prescription drug benefit for all seniors under Medicare. While our fiscal situation has changed dramatically, the needs of our seniors have not changed. Like many areas across the country, southern Indiana is home to thousands of seniors who struggle every day to find room in their budgets for the mounting costs of prescription drugs.

My father died 2 years ago. He was 93 years old when he died. Much of his medical expenses when he died were paid for by Medicare. If he had to make the decision whether or not to go into a private plan or a plan under Medicare, it would have confused him. He would not have been able to make that kind of a choice. And that is the reason why Medicare is such an important program for Americans. It has been proven successful for almost 40 years now, a program that helps senior citizens, that helped my father pay his medical expenses. If it is not broken, do not fix it. It is not broken.

Medicare is not broken. If you ask every senior citizen in this country, well, maybe not every senior citizen, but most senior citizens whether or not they want to change Medicare as we know it today, they would say no, we like Medicare; it is one of our government's most successful programs. Millions of Americans are counting on us to make certain that this program is there when they retire.

I urge the conferees to do what is best for America, assure each and every American that Medicare and its program will be there, available to them when they need it. Medicare is not broken; we should not be trying to fix it by trying to privatize it in 7 more years. It will confuse our senior citizens, it will scare our senior citizens, and it is wrong the proposal that is being made. Medicare is a good program. We need to keep it as it is.

When I came to Congress in 1999, the Federal government was projected to run a surplus of nearly $5 trillion over the next decade. As a result, I advocated budgeting a portion of that money to provide a voluntary and comprehensive prescription drug benefit for all seniors under Medicare.

While our fiscal situation has changed dramatically—the needs of our seniors have not. Like many areas across the country, southern Indiana is home to thousands of seniors who still struggle every day to find room in their budgets for the mounting costs of prescription drugs.

These seniors are depending on Congress to uphold its promise to provide some relief from their drug bills—and to make Medicare a stronger program for future generations.

I did not support H.R. 1. I am concerned that, instead of providing Medicare beneficiaries with greater security, this bill would dismantle the traditional Medicare program—leaving seniors vulnerable to unstable and unpredictable health care coverage.

Medicare is one of our government's most successful programs. Millions of Americans are counting on this program to be there when they retire. I urge the conferees to do what is best for America—assure each and every American that the Medicare program will be available to them when they need it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I think it is appropriate that we be honest here just a little bit. Medicare is a program that needs reform. That does not mean it needs to go away. Now, if my colleagues think everything is perfectly okay with

Medicare, go for it. But Medicare can be better, and those on the other side of the aisle have to work with folks to get it better.

Secondly, I know none of my Democrat colleagues would want to continue to promote the lie about the "wither on the vine" phrase. Let us get that straight once and for all. Nobody over here ever said that. Mr. Newt Gingrich never said that. I was in the room when he gave the speech to the American Medical Association. He said HCFA should wither on the vine because it is one of the worst agencies in this town. He wanted HCFA to wither on the vine to make Medicare better. Now stop promoting that untruth.

Mr. MICHAUD. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Maine (Mr. MICHAUD) has 8 minutes remaining, and the gentlewoman from Connecticut (Mrs. JOHNSON) has 11½ minutes remaining.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes and 10 seconds to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in support of the Michaud motion to instruct conferees on H.R. 1 to reject the House-passed provision that would turn Medicare into a voucher program and to accept the Senate-passed provision requiring a government-sponsored fallback prescription drug benefit.

Like many of my colleagues, it has long been my top priority to be able to go back to my district and report to my senior citizens who rely on Medicare that Congress has provided a prescription drug benefit for them. Well, time and time again Congress has failed to pass meaningful legislation on this topic, placing the profit margins of drug manufacturers and insurance companies over the health and the lives of America's senior citizens.

Twice now I have voted against the Republicans' prescription drug legislation, not because I am unwilling to work within the framework of the budget situation and accept a drug benefit that is less than the dream package we could offer our seniors in a world without budget limitations. Rather, I voted against Medicare reform legislation that purports to help the elderly, but in reality it leaves the prescription drug plan in the hands of private insurers and undermines the entire health care system that 40 million American seniors rely on.

The House-passed legislation would force traditional Medicare to bid against private insurance plans beginning in 2010. Well, Mr. Speaker, my constituents in Rhode Island can tell you how dangerous this is. In 1999, the instability of the private market resulted in an HMO that insured 127,000 people in the State, Harvard Pilgrim, pulling out without any warning. The House-passed provision designed to induce seniors and people with disabilities to leave the traditional Medicare program and to enroll in private managed care plans will result in seniors having to find new plans to meet their needs, facing the possibility of higher premiums, new doctors, and a new set of co-pays and regulations every single year.

The House-passed privatization plan is the beginning of a spiral that will ultimately destroy the traditional Medicare fee-for-service program. Older, chronically-ill people who need the types of services offered by traditional Medicare will face escalating costs. As the premiums for traditional Medicare rise, the price tag will drive them into private plans, even though the data show that private plans are not good for the very old and chronically ill.

Mr. Speaker, both the House and the Senate plans have flaws. Most notably, neither plan takes the appropriate steps to lowering the prescription drug costs for Americans who pay up to 300 percent more for their medications than citizens in other industrialized nations. The reason for this price disparity is glaringly obvious, given that every other industrialized nation takes advantage of bulk purchasing power and negotiates lower prices on behalf of its citizens.

Mr. Speaker, I urge my colleagues to do the right thing and support the Michaud motion to instruct our conferees to work against the House-passed Medicare privatization provision and in favor of a government fallback plan for the prescription drug benefit. It is the right thing to do.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I think first it is important to put into context the motion to instruct. The motion is an attempt to try to remove the voucher provision which many of us believe is an obstacle to finding a middle ground to developing a Medicare prescription drug benefit. And the second part of the motion inserts the fallback provision that has been developed by both Democrats and Republicans in the Senate that many of us think is critical to having a middle ground.

I want to go back to the voucher debate and again try to be as factual as possible as to why that is so highly objectionable to Democrats in the House, and I believe to many Republicans in the Senate. Under the House bill that is being defended tonight, in 2010 seniors are forced to choose between private plans and a voucher. Private plans have made it perfectly clear that they do not want to insure people that are not an attractive risk, people that tend to have health problems after they are 65. So, instead, what those people are left with is a voucher whose value is equal to the average cost of beneficiaries in private plans. Those would be healthy people.

The chief actuarial for Medicare at HCFA has said that people who are over 65 that are not accepted by private plans could experience as much as a 25 percent increase in the cost of Medicare. Nobody yet has tried to defend or answer the question as to what happens to that Medicare beneficiary who has health problems who is not accepted by the private plan and who cannot afford to make up that huge difference in cost. And the reason nobody wants to answer that is because there is no answer. That person is left on their own. They are cut loose from Medicare.

Now, the second point about the fallback is this: it continues to be the case that private insurance companies in Washington say to Congress, we do not want your money. We do not want to get in the business of writing policies for drug coverage. And so unless we put the fallback provision the Senate is providing in this bill, we are relegating seniors to a false promise, and that is giving money to private plans to offer insurance they say they do not want to provide for seniors.

Mr. Speaker, I urge support of the motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I have not been on the floor that long tonight, but I have sat and listened to a lot of nasty things. And according to my colleagues, all Republicans want to throw out senior citizens; we do not care about our grandmas, our grandpas, our wives, our children. But that is not true. I have a mom. I lost my dad. But I want to take care of them with Medicare, and I want to take care and make sure their health care needs are filled.

□ 2230

I believe in a private-public partnership. Let me give a good example. A couple years ago I had pneumonia. I went to the doctor, and then I went to get my antibiotic. It was called Augmentin. I looked at the prescription, and it was $120. I remember thinking how is someone with a low income with children going to afford $120, especially if a couple of their children had pneumonia.

The total cost of that Augmentin was $17 because my wife, being a schoolteacher, had insurance. The more we drive up the cost of insurance, and I know it is the latest thing to demonize insurance companies, but if we have a private partnership with insurance companies and the public, they lower the cost of those prescription drugs so people can afford them. So instead of $120, it was $17. That is the goal, to make sure that people are taken care of.

Mr. Speaker, I am disappointed in the debate tonight. The wither-on-the-vine gentleman must not have been here because they know that is not true. But there are things that we can do. I understand the concerns about some of the arguments being made about privatizing some of the issues. I, on the other hand, think government control of health care is wrong, but somewhere in the middle we ought to be able to come together and not have the type of debate that was on the floor tonight.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Maine for leading the motion to instruct on this very important issue this evening.

As the owner of a small town family pharmacy back home in Prescott, Arkansas, my wife and I got tired of seeing seniors walk through the doors of our pharmacy who could not afford their medicine or could not afford to take it properly. That was a big reason why I decided to run for the United States Congress in 2000.

The reason I am speaking to Members tonight from the Republican side of the aisle is this: I thought if there was ever an issue that would not be a Democratic issue or a Republican issue but rather a senior issue, this would be it. But instead, the Republican leadership has offered us nothing more than a false hope and a false promise for our seniors.

There are three problems with the bill. Number one, the drug manufacturers wrote the bill, and if Members do not believe that, read the bill. The Republican leadership had the nerve to put language in the bill that says the Federal Government shall be prohibited from negotiating with the drug manufacturers to bring down the high cost of medicine, and we call this a senior's plan.

Problem number two, we hear how prescription drugs are cheaper in other countries, they are. They are because the other countries tell the drug manufacturers if you want your drug in our country, you will give us a discount, and they do. The drug manufacturers know if we have 41 million seniors under one plan in America, we too will demand those kinds of discounts to help offset the cost of the program for our seniors.

Problem number three, all of the talk for months about a prescription drug benefit for our seniors on the floor of this House boils down to this. When you do the math, on the first $3,500 worth of medicine that a senior needs every year, Medicare is going to pay for $900, leaving the senior to pay $2,600 of the first $3,500. Tell me if that is going to help seniors choose between buying their medicine, buying their food, paying their utility bill, and paying the rent bill. Of course it will not.

This is Medicare fraud at its worse. I will not rest until seniors can walk into the pharmacy of their choice and pull out their Medicare card and be treated.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I imagine some people watching this debate are a bit confused about what is going on. You need to understand the underlying concern of our friends on the other side of the aisle. That is why they take the well and say someone who is no longer with us, he is passed, voted no in 1965. Or other people 30 years ago took a position. What about the people today?

The Democrats really believe this is their issue and, if they do not demonize the fact that Republicans are out to destroy Medicare, they do not have a bumper sticker they have used for years. Let us not talk about the noes that occurred in 1965, let us talk about the noes that occurred in 1995. Let us talk about the noes that occurred in 1997, or the noes that occurred this year.

The Democrats had 30 years to put prescription drugs in Medicare. Did they, no. Republicans are trying to put prescription drugs in Medicare. They will say anything to not let that happen because then, of course, Republicans are not trying to destroy Medicare. Their arguments are gone.

This year in the bill that passed this House, we voted to give every senior who becomes Medicare eligible a physical. They voted no. We voted to provide screening and education and early treatment for diabetes so we do not have an increase in end-stage renal disease. They voted no. We voted to have osteoporosis screening. They voted no. We voted for more digital mammography. They voted no.

Every time they voted no on a Medicare bill that we have passed, it is stopping new, progressive preventive measures that Republicans are adding to Medicare. How is that killing Medicare?

The fact of the matter is we have to go back to 1965 for your arguments about Medicare. We want to talk about today and tomorrow. One of the reasons Medicare is better off in the Part A trust fund is because a recent Democratic President transferred the fastest growing portion of Medicare, home health care, from A, a defined payroll trust fund to the general fund that can suck up every penny in the general fund the way it is structured, every penny. That is why it is more solvent than it has been in a long time.

If the other side of the aisle wants to solve the problems of Medicare, get off their demagoguery hobbyhorse, get serious about trying to make Medicare workable, more progressive, better preventive care, quit voting no and quit playing games. These kinds of motions to instruct are destructive, not positive.

Let us work together. We are going to make a better Medicare. We are going to bring a conference report back and we are going to have every senior get a physical. Will the other side of the aisle vote no on that? We have better digital mammography. Will the other side of the aisle vote no on that? And we, Republicans, are going to put prescription drugs in Medicare. That is what this is all about. They cannot stand it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when we get through the smoke and mirrors of this bill passed by this House, it comes down that H.R. 1 aims to privatize Medicare in 2010. It does nothing to guarantee prescription drug benefits for Medicare beneficiaries in rural areas like the State of Maine. And actually, language in the bill prohibits the Secretary of Health and Human Services from negotiating for lower-cost prescriptions. That is wrong. The current bill is a disservice to all seniors, and I urge Members to adopt changes made in this motion to give Medicare recipients present and future the benefit that they deserve.

Mr. Speaker, I would say to the gentleman from California (Mr. THOMAS), we do not have to go back to 1965, I will quote the gentleman's words in 2003, "To those who say that the bill would end Medicare as we know it, the answer is, we certainly hope so." That is a quote in 2003 from the gentleman from California (Mr. THOMAS). I urge Members to adopt this motion.

Mr. GREEN of Texas. Mr. Speaker, I rise today in strong support of the Michaud motion to instruct conferees on the Medicare prescription drug bill.

This motion remedies two of the most controversial provisions of the House bill by striking provisions of the bill which would require privatization of the Medicare program by 2010, and ensuring that there is a government fallback plan for beneficiaries who do not have access to a private plan.

Over the August recess, my seniors made it clear that they do not want the Medicare program privatized. They like Medicare, they trust it, and they know that it will take care of them when they need it.

On the flip side, they know that private insurance companies have abandoned them year after year, have raised their premiums, raised their copays, and raised their deductibles, all while slashing their benefits.

They don't trust Medicare HMOs any farther than they can throw them. Our seniors don't want HMOs, and this Congress shouldn't force them on them.

Now on the government fallback provision, you don't need to be an insurance expert to know that insurers aren't going to sell a policy that everyone is going to make claims against.

And we know that 86 percent of seniors have prescription drug costs. So we know that individuals buying these policies are going to use them.

The risks of individual claims far outweigh any potential profits from these policies. Insurers know that, seniors know that and I think even my colleagues on the other side of the aisle know that.

But if they admit that, than I guess they'd have to admit that the private market just does not work for Medicare beneficiaries.

So they've refused to allow for even the possibility that private insurers won't participate in this plan.

But I would argue that, if the private market really works for this population, than they shouldn't have any objection to a government fall-back, because—if they're right—they're never going to need it.

Mr. Speaker, when it comes down to it, fixing these two provisions would clear the way for passage of this legislation. I think anyone who has campaigned that they would be the ones to fight for a prescription drug benefit should vote for this motion to instruct conferees so that we can move this process forward, get a prescription drug benefit enacted and actually start providing some help to our seniors.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MICHAUD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Motion to instruct on H.R. 1588, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

Motion to instruct on H.R. 1, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. EDWARDS ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 1588.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 28, as follows:

[Roll No. 500]

YEAS—406

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—28

Ackerman
Clay
Cummings
Davis (IL)
Dooley (CA)
Emerson
Farr
Frank (MA)
Gallegly
Gephardt
Hoekstra
Hooley (OR)
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Waters
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 2300

Messrs. SIMMONS, BONILLA, LINDER, SAM JOHNSON of Texas, KING of Iowa, ROHRABACHER, GINGREY, SMITH of Michigan, HUNTER and Mrs.

BLACKBURN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

Mr. SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 195, nays 214, not voting 25, as follows:

[Roll No. 501]

YEAS—195

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Berman
Clay
Davis (IL)
Dooley (CA)
Emerson
Gallegly
Gephardt
Hoekstra
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Waters
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2308

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill, H.R. 1.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 189, nays 220, not voting 25, as follows:

[Roll No. 502]

YEAS—189

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)

Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Clay
Davis (IL)
Dooley (CA)
Emerson
Gallegly
Gephardt
Hoekstra
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Nussle
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Watson
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 2314

So the motion was rejected.

The result of the vote was announced as above recorded.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 911, AUTHORIZING ESTABLISHMENT OF MEMORIAL TO VICTIMS WHO DIED AS A RESULT OF TERRORIST ACTS AGAINST THE UNITED STATES

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 911; that the bill be considered as read for amendment; that the amendment that I have placed at the desk be considered as read and adopted; and that the previous question be considered as ordered on the bill to final passage without intervening motion: except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the "Memorial") in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 8902(a)(3) of title 40, United States Code) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) DETAIL OF EMPLOYEES.—The Secretary of the Interior shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) RELATIONSHIP TO THE COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall apply to the Memorial, with the exception of section 8903(c) of that title which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established an advisory board to be known as the "Victims of Terrorism Memorial Advisory Board" (referred to hereafter in this Act as the "Advisory Board").

(b) MEMBERS.—The Advisory Board shall consist of 13 members who shall be appointed not later than 3 months after the date.of the enactment of this Act. Nine members shall be appointed by the President (in consultation with the Secretary of the Interior and the Secretary of Defense), 2 members by the Speaker of the House of Representatives (in consultation with the Minority Leader) and 2 members by the Majority Leader of the Senate (in consultation with the Minority Leader) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) CHAIRPERSON.—The Chairperson of the Advisory Board shall be one of its members elected by a majority of the members at the first meeting of the Advisory Board.

(d) TERMS; VACANCIES.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) DUTIES.—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 8907 of title 40, United States Code, not later than 1 year after the date of the enactment of this Act.

(f) DONATIONS.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) TERMINATION.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the 7-year period beginning on the date of the enactment of this Act, there remains a balance in the funds received under section 8903(f) of title 40, United States Code, for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b) of that title.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 1538, TRUE AMERICAN HEROES ACT OF 2003

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 1538; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion, except: one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2003, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2003.*

□ 2320

CREATING JOBS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us will be paying tribute to those who lost their lives on 9-11. But I rise today to speak of the continuing plight of the unemployed in this Nation.

On this past Monday, I held an economic forum on the unemployed in my congressional district. Houston, Texas has an unemployment rate of 7.2 percent. It is in the top 5 States of the Nation. And the striking factor of that particular session was the pain of those chronically unemployed.

The very fact that the large corporations that have received these very enormous tax cuts by this administration has done nothing to retain jobs or to create jobs. It is imperative that we work with the Department of Labor and this Congress to insist upon incentives to be given to large corporations on the basis only of them retaining or creating jobs. We have ceased to become a power in manufacturing and we are not hiring or creating the opportunity for jobs for recent graduates, for working students, and/or for those individuals trying to support their families. This is intolerable and it is not reflective of the intelligence and opportunity that we represent in this country.

Corporations and this Nation must turn their eyes toward creating jobs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COLOMBIAN PRESIDENT URIBE ATTACKS HUMAN RIGHTS DEFENDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, over the past 3 years, I have raised many questions regarding U.S. policy in Colombia. In July, working with my good colleague from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Service, I offered an amendment that would have made a modest reduction in U.S. military aid to the Colombian armed forces as a signal of grave concern about the rapidly deteriorating human rights situation in Colombia and the continuing ties between the Colombian military and paramilitary forces.

That measure was defeated, in part, because Members of Congress were reassured by Secretary of State Colin Powell and the Colombian government that President Uribe is a strong supporter of human rights and an ally in the fight against on terrorism.

Unfortunately, throughout the month of August and the first 10 days of September, the human rights situation in Colombia has deteriorated even further. Scores of trade union and human rights leaders have been detained by official government forces in Arauca, one of President Uribe's highly militarized showcase provinces and where nearly 300 U.S. military personnel are active in the counter-insurgency war. And what was their crime? Quite simply, they denounced the links between government security forces and the paramilitary groups in the region.

According to Amnesty International, the detentions "appear to be part of an ongoing coordinated campaign to undermine the work of trade unionists and human rights activists and to expose those sectors to increased attack from army-backed paramilitaries."

Also in August, the Commander in Chief of the Colombian Armed Forces, General Jorge Enrique Mora Rangel, held a press conference in which it was alleged that a village of resettled refugees who were trying to protect themselves from the armed actors by putting barbed wire around their village were somehow instead "a FARC-controlled concentration camp," a remark that puts these refugees and the humanitarian organizations that serve them, including the U.N. High Commission for Refugees, at further risk.

These accusations were made shortly after the Colombian Constitutional Court issued a decision allowing some of these organizations to proceed with a lawsuit against General Rito Alejo del Rio, for human rights abuses carried out when he was the Commander of the 17th Brigade in northwestern Colombia.

Over the past few months, one public attack after another against human rights defenders and organizations has been made by the very highest-ranking members of Colombia's government and military, culminating this week in statement by President Uribe himself.

On Monday, September 8, President Uribe, in a speech to Colombian military personnel, attacked human rights organizations as "politickers at the service of terrorism." President Uribe stated that human rights groups in Colombia are "terrorist agents and cowards who hide their political ideas behind human rights."

These highly inflammatory and dangerous remarks came on the same day as some 80 human rights groups released a report critical of President Uribe's security measures, which, in their view, have increased repression against the civilian population. The report was issued by some of Colombia's most respected human rights groups, including the Colombian Commission of Jurists, the Consultancy for Human Rights, and the Jesuit-affiliated Center for Popular Education and Investigation.

Equally disturbing, in President Uribe's speech to the military, the word "terrorist" is only used in reference to left-wing guerrilla forces; the paramilitary forces are referred to as "private justice groups," even though it is the paramilitary forces that are responsible for 70 percent of the human rights violations committed against the civilian population and nearly all attacks against labor leaders and human rights defenders, and are on the U.S. State department's list of terror organizations.

All of us in Congress have seen this pattern before.

We know that when high government and military officials start labelling leaders and organizations as "terrorists" or "sympathizers," their death soon follow.

When President Uribe made such statements, he knowingly and deliberately placed these democratic actors at great risk. The right to criticize, to disagree with official doctrine is a cornerstone of democracy.

Let me be clear: Colombia is not threatened by national and international human rights organizations, U.N. officials, judges, or Colombian government officials whose responsibility it is to protect and promote human rights.

Indeed, the most important step President Uribe could take to end terrorism within Colombia's borders is to investigate, prosecute, and punish all those responsible for violations of human right and international humanitarian law, including the paramilitaries and their military allies.

It is impunity, not human rights defenders, that is eroding any prospect for peace, democracy and the rule of law in Colombia.

Sadly, U.S. policy is complicit in aiding and abetting this serious state of affairs in Colombia.

SAVE SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, since I came to Congress in 1993, I have been very concerned about the future of Social Security. Because when I was chairman of the Senate Taxation Committee in the State of Michigan, it was brought to my attention that Social Security was running out of money. It seemed like an easy challenge to convince, if you will, America and Congress that something needs to be done if we are to save this important program that has been so helpful to so many senior citizens.

We talk about $87 billion that the President has now requested for additional help in fighting the war in Afghanistan and Iraq and for homeland security, but retirement security is just as important. And the retirement security in this country is in great risk, and if we keep putting off a solution to the problem of Social Security, then the solutions are going to be more drastic as we wait years and years. And that is what I have found out over the last 9 years as I have introduced additional business.

Let me give some figures, dollar figure, Mr. Speaker, on how short of keeping our promises on Social Security we are. The actuaries estimate that it is going to estimate that it is going to take $120 trillion, $120 trillion over and above what we are taking in in the Social Security tax to keep our promises of benefits for Social Security over the next 75 years. And why are we unwilling to deal with this? So discouraged that there has only been on my count, 26 Members of either the House or the Senate that has ever been willing to sign on the bill to keep Social Security solvent.

There are two global forces coming to hit head on, not only in the United States but throughout most of the world. One force is the fact that our seniors are living longer we are having an aging of society. And that does not mean you are growing older. It means the number of old people in relation to young people is growing very rapidly. And the other force is the birth rate is going down.

□ 2330

Most countries in Europe and the United States have a birth rate that does not propagate and replace the mother and father of those children, so fewer children and more people living longer, and since we have a pay-as-you-go program, where current workers take their tax dollars and send it and immediately the next week it goes out to current retirees, the program is unsustainable.

Here is my challenge and my warning. If we do not do something, we can have the same kind of problem that countries like France and Germany and Italy and Spain and Japan are facing now. The payroll withholding tax in France is 51 percent for their senior citizens. Fifty-one percent out of every dollar they make is deducted to pay for their senior citizens in that country, and that is because there are so many senior citizens in relation to the number of people working.

In Germany, it is approaching 42 percent payroll tax deduction. Just think of the pressure on business because the only way they have to make up this money is to charge more for their product or to reduce what they are paying for their employees, and therefore, they are going to be less competitive.

Let us not let that happen in the United States. Let us not allow a program like Social Security that has been so helpful to so many of our seniors, that so many of our seniors in this country depend on.

Right now over 80 percent of our seniors depend on Social Security for over 90 percent of their total retirement income. It is a huge challenge. We need to deal with it. I ask my colleagues to examine this problem.

Mr. Speaker, I would just ask all Americans in the next election to ask the candidates that are running for office what is their solution to save Social Security.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. NADLER).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

REMEMBERING SEPTEMBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, along with many of my colleagues in the New York delegation, tonight we remember September 11. Nearly 2 years after September 11 the shock, pain and trauma on that day lingers with my constituents in New York. While we resiliently cleaned up the site ahead of schedule and have begun to rebuild, no New Yorker can walk past a fire house or police precinct or gaze at downtown New York without an empty feeling in the pit of their stomach.

In my own District, 25 different fire stations lost people in the terror attacks, and more than 500 of my innocent neighbors who did what most Americans do every day, simply woke up and went to work, lost their lives in this terrible attack.

The hijackers chose two of the most prominent symbols of American prosperity, enterprise and strength. By taking down the symbols of America, the World Trade Center, the Pentagon, they hoped to show the weakness of American resolve. Instead, the opposite happened. America showed that in times of adversity ordinary people become heroes.

New York is the most diverse city in the world, but on that day, and I would say every day in our rebuilding effort, we were united as one.

Tomorrow, along with the gentleman from New York (Mr. KING), we will be presenting on this floor and hopefully passing the True American Heroes Act, which will award the Congressional Gold Medal to the brave rescuers who perished helping others after the attack, the police, the firefighters, the emergency medical. Our bill lets us honor the men and women who died so that others could live.

We must also remember that the World Trade Center disaster was one of the greatest rescue efforts of all time. Because of the heroic efforts of the rescue workers, the final death toll was less than 3,000. This is truly remarkable when we consider that more than 20,000 people may have been in the buildings when the planes hit, not to mention the 10s of thousands in adjacent buildings, subways and streets.

9/11 not only united New Yorkers, it united the Nation. Americans recognized that the attack on the World Trade Center was not an isolated event, experienced in Washington or Philadelphia, and Pennsylvania, or in New York. This was an attack on all of America, and Americans were unified in their response.

All over the country people joined together to send food, clothing, blood and prayers. To this day, everywhere one goes in the city of New York, in hospitals, fire stations, police stations, even stores there are messages of support and hope sent from around the country to help New Yorkers through this terrible period.

New Yorkers are standing with me tonight as I thank my colleagues in this Congress on their behalf. Within days of the tragedy, Congress appropriated $40 billion for disaster relief and increased security. We truly and deeply appreciate the swift show of support.

It is ironic that an event that generated much love and support was based on an act of unexplainable hatred, expressed in violence. Our country united in spirit to combat terrorism and those who support terrorist activities, but it was New Yorkers who bore the brunt of the attack.

I urge my colleagues to join me tonight in honoring the resourcefulness of the residents of the greatest city in the world. New Yorkers should be proud of the way they handled the most devastating attack on American soil. They showed strength of character and generosity of spirit.

9/11 has left its devastating imprint on my city, and we will always remember the horror of that day, but the recovery process is underway. We will rebuild Manhattan in a way that honors the fallen and celebrates the living and all Americans will celebrate the spirit of renewal that New York embodies.

10TH ANNIVERSARY CELEBRATION OF THE POWER CENTER AND PYRAMID COMMUNITY DEVELOPMENT CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come today to honor the wonderful work of a premier facility in Houston, Texas. This facility is known as the Power Center. It will be celebrating its 10th Anniversary this week.

Mr. Speaker, the Power Center is a center of commerce and part of a community's revitalization. Through its creation and ongoing success the people of Harris County and Houston are able to not only see but also to be a part of what happens when a community comes together. One of the leaders of this great success that I wish to pay tribute to today is Reverend Kirbyjon Caldwell of the Pyramid Community Development Corporation.

It was the Pyramid Community Development Corporation, under Reverend Caldwell's leadership that gave life to the Power Center. What were once a vacant lot and a decaying former Kmart retail store is now a vital and valuable part of the Harris County-Houston community. The Power Center has led to the conservation and redevelopment in an area of southwest Houston and surrounding neighborhoods by improving housing conditions; assisting minorities, disadvantaged, and low income families to obtain home ownership. The Power Center has also provided other important public services to its neighbors and to the people of Houston.

Mr. Speaker, having hosted a very successful homeownership fair in my district, at which there were thousands of attendees, I am honored to have this opportunity to recognize an organization that understands the importance of that part of the American dream. The homeownership fair that I speak of, held in the 18th Congressional District of Texas, was sponsored in part by the Congressional Black Caucus Foundation and the Houston Real Estate Association. It was part of an ongoing effort entitled, "With Ownership, comes Wealth" (also known as WOW) of which I am a true proponent. Mr. Speaker, WOW is an important initiative from which I believe many people can benefit; individuals, families, and communities.

Currently, African Americans are underrepresented in homeownership rates. Forty-six percent of African Americans own their homes, compared to 67 percent of the Nation as a whole. Furthermore, in the state of Texas, the homeownership rate is only 63.8 percent. Unfortunately, in the 18th District, the homeownership rate is even lower at 55.3 percent. That is 8.5 points behind the state average and nearly 11 points behind the national average.

We have quite a bit of catching up to do. In fact, of the homes owned in the Houston area, only 13.2 percent of them have African American owners, and 5.1 percent have Hispanic owners. That is a terrible disparity and it must change. The WOW initiative and the homeownership fair are wonderful agents to accomplish that change. The Power Center through Pyramid Community Development Corporation and the development of Corinthian Pointe, Rev. Kirbyjon Caldwell, and the Windsor Village United Methodist Church are also agents of change committed to increasing homeownership in the Southwest Houston community.

Rev. Kirbyjon Caldwell has facilitated the creation of the Power Center and the revitalization of a community with the help of that community and of many individuals. I would like to thank just a few of those individuals at this time. Particularly, I want to recognize Suzette Caldwell, the wife and partner of Reverend Caldwell, Ginger and Jack Blanton, Deborah and Gardner Cannon, and Nancy and Rich Kinder. I also want to thank Audrey and Rev. Bill Lawson, Beth and Charles Miller, and Beckie and Gasper Mir for all of their hard work. In addition, Bobbie and John Nau, Katie and Patrick Oxford, Anita and Gerald Smith, Rosie Zamora and Kay and Fred Zeidman and the dynamic Board of Directors deserve our thanks for the work they have done to strengthen the Power Center and the Pyramid Community Development Corporation. Mr. Speaker, there are countless others who were it not for their dedication and direction, we would not be celebrating such a joyous 10th anniversary of Houston's Power Center, and I want to thank them also.

With that, I say congratulations to the Power Center, to its leadership and to the community that it serves. We offer our respect and thanks for all that you do to provide an improved quality of life for all Houstonians.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. SOUDER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am here as a member of the Washington waste watchers group, and I am here to focus on irresponsible spending on funds that miss the beneficiary and then go elsewhere.

Today's Washington waste watch, Mr. Speaker, highlights the taxpayer dollars that are sent to people other than those who they are intended to go for, and those are dollars that are supposed to go for certain beneficiaries of certain programs.

Americans should and would be shocked to know that their tax dollars are being sent to Washington, that they are funding benefits for dead people or prisoners and millions of people that simply lie on their applications in order to receive benefits that they do not qualify for.

The Washington bureaucracy, for example, is throwing away benefits that taxpayers spend their hard-earned money to fund and money that they send to D.C. Mr. Speaker, for example, 23 percent of all students whose loans were discharged due to disability claims are actually holding jobs, and many borrowers who receive death discharges are found to be clearly alive, Mr. Speaker, and in many cases, earning wages, 23 percent.

Medicaid, for example, paid $1.6 million to a Wisconsin transportation company for multiple round trips to, among others, dead people that they clearly were not transporting.

Mr. Speaker, there are some good things going on, though. The Veterans Affairs Inspector General is using computer technology to identify individuals who may be defrauding the VA by receiving benefits that, again, for people they are receiving benefits for people that have already died. More than 5,500 possible cases have been identified and they have actually recovered $4.7 million, but over the past 5 years, for example, law enforcement has arrested almost 7,000 fugitives who were illegally receiving food stamps. They included 1,500 accused drug offenders, Mr. Speaker, 31 murderers, 45 sex offenders and child molesters, hundreds wanted for assault and robbery.

Mr. Speaker, more than 25 percent of free and reduced price school lunches are being consumed by children whose families' income is way above what they should be to qualify for those programs, and then yet we do not have enough money, some people will say, for those that do qualify.

□ 2340

The Veterans Affairs Inspector General estimated that roughly 13,700 incarcerated veterans have been paid about $100 million nationwide because the Department just does not have a way to figure out who are the prisoners or not. These funds, Mr. Speaker, could have paid for 45,000 monthly compensation benefits for disabled veterans who do deserve it and who do need those benefits.

Last year, Mr. Speaker, $366 million in Pell grant awards were improperly given out because applicants basically understated their income. These funds wasted on people that do not qualify could have paid for over 84,000 Pell grants for people that do deserve those benefits.

Mr. Speaker, President Bush is committed to eliminating these improper payments that plague these very important government programs. In fact, the President's management agenda has identified improper payments as one of the main elements within the administration's initiative to improve financial management.

Finally, Mr. Speaker, the American people should not be fooled, and they are not fooled, when millions of dollars are being spent on benefits for dead people, millions of dollars going to people in prisons that clearly do not qualify, millions going to people that lie on their applications. And despite all this, Mr. Speaker, the Democrats still want to raise the hard-working American taxpayers' taxes.

REMEMBERING SEPTEMBER 11 VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, 2 years ago tomorrow morning over 3,000 of our fellow citizens lost their lives in a series of terrorist attacks. I lost 383 friends and neighbors on Long Island alone. When I think about tomorrow morning, we in Congress are here; we in Congress are going about our business. But I remember looking out of my window and seeing the smoke coming from the Pentagon, and I remember looking up and watching TV and seeing the plane going into the Twin Towers. And within a few moments watching another plane hit the Towers, as all of us realized we were under attack.

I will think of the families that have lost their loved ones tomorrow morning, and I will think of our firemen and our police officers and all our people that ran into the buildings to try to save those that they could. I will think about my nurses that stood by in the hospitals ready for the survivors.

There are many people that will say to these victims to get on with their lives, to move forward. I would say to those people that they have gotten on with their lives; they have moved forward, but the pain is still there. And I say to the victims that I know it has been a tough 2 years, but you have survived. I know they have been there for their families and their children and the mothers and the fathers that have lost their children.

I hope the American people will really remember what September 11 was, because we as Americans came together. We as Americans opened our hearts and our pocketbooks. New Yorkers were there for everybody, the rest of the country, and this Congress was there for us.

The heroism that went on that day was unbelievable, but that is what we as Americans do. A lot of times we forget, because our lives are so busy; and yet when a tragedy hits this country, we have all come together. I ask my fellow Americans to remember the tragedy of 2 years ago tomorrow morning, and I ask them to remember by doing an act of kindness. I ask my friends on Long Island to reach out to those families, because they are going to need it.

I will be very honest with you, their first anniversary they are still in shock. And a lot of times the second and third and fourth anniversary is when the pain hits the hardest, and I talk from experience. But I will say to all those that were affected that your life will go on, as hard as it is, and you will learn to smile again and laugh again. Because we have this sense of survival in us. But I also know we survive because of all the people around us that are there for us.

We also found out that there are people out there that do not like us and do want to attack us. But we as Americans will fight back. They can try and take down a building but they cannot take away who we are. We are Americans. I will ask everyone watching to light a candle tomorrow and to remember all those that have died and those that are continuing to die for our freedom.

REMEMBERING A.C. BARGER OF CENTERVILLE, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, today I rise to honor the memory of A.C. Barger of Centerville, Texas, a constituent, friend, and distinguished American who recently passed away. A.C. Barger was a patriot who loved his country dearly. As an Army veteran, he fought for freedom. A.C. saw action on the front lines of the Korean War. He put his life on the line for others. He knew freedom is never free.

A successful businessman who worked his way from the ground up, A.C. became the owner of the Wormser Hat Company, creating jobs and hope and opportunity for others. A.C. Barger was an entrepreneur. A loyal Republican, A.C. worked tirelessly to elect Republican candidates and was responsible for leading the Leon County Republican Party in my district, and all agree he was the heart and soul of that party.

As one who loved his fellow man, A.C. was well known for his volunteer services. From serving as the director of the Leon County Crime Stoppers, to leading the local VFW, to volunteering at the senior center, A.C. Barger made a difference in people's lives. A devoted Christian and devoted family man, A.C. was a lay minister in the Methodist Church and was married to his lovely wife, Darlene, for 45 years.

Mr. Speaker, in 8 days I am due to become the father of a son. I can think of no greater tribute to pay a man than to say I would be proud to have my son grow up and be like A.C. Barger. I have no doubt that A.C. has been received with the words "Well done, good and faithful servant." I was proud to know A.C. Barger, and we will miss him.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Texas, a dear friend of Mr. Barger's.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding to me, and I rise with him tonight to honor the memory of our fellow friend and Texan, A.C. Barger of Leon County, Texas.

A.C. left us in July; and although I am saddened by the loss of such a vibrant and caring person, I feel privileged to have known him and will tell you that my life was honored as a result of his service not only to me but to others.

□ 2350

A.C. left behind a giant footprint throughout his years, and he touch the lives of many, many people. He opened his home to me on numerous occasions and I can testify he was a man filled with the joy of living. He was also a man dedicated to service, service to his wife, service to his family, service to his Lord, service to his community, service to his country. He was a husband, a father, a friend, and a patriot.

From his service to the U.S. Army in Korea, to his work with the youth and elderly in Leon County, Texas, A.C. Barger made a difference and inspired others to do the same. Anyone can talk about ideas, but A.C. recognized that only actions ultimately mattered. He cared about people, and he did his very best to provide them with happiness. A.C. walked the walk when it came to putting others first.

I thank A.C.'s family for sharing him with us over the years. A.C. leaves behind his wife of 45 years, Darlene, as well as his daughters, Kathy and Donna, and their families. I share their sense of loss. I know that A.C.'s family misses him, and I know that others in Texas, including myself in those, would say great job, and we will miss you our friend.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. OWENS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING VINCENT DANZ AND OTHER HEROES OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, tomorrow marks the second year anniversary of the most brutal acts of terrorism to ever take place on our Nation's soil. On September 11, 2001, let us not forget that families were torn apart and our way of life threatened as over 3,000 innocent lives were tragically lost in devastation at the Pentagon, World Trade Center and in Pennsylvania.

Let us also remember that September 11 was as much a day of loss and sorrow as it was a day of unprecedented heroism that poignantly demonstrated core American values of compassion, patriotism and service to country.

On that faithful morning, heroes were born as hundreds of our Nations first responders, firefighters, police officers, and other emergency personnel, selflessly and bravely lost their own lives to secure the lives and safety of others.

A good friend of mine and a resident of Long Island, Police Officer Vincent Danz, was one such hero of September 11. Vinnie Danz was among the first to respond on September 11 after a hijacked airliner crashed into the World Trade Center. Officer Danz, a member of the New York Elite Emergency Service Unit, spent his final moments helping the remaining occupants of the North Tower escape before it collapsed at 10:29 a.m.

For those who knew Vinnie Danz, it was not at all surprising that he spent his last breath courageously filling his oath to protect and serve innocent civilians. As a 14-year veteran of the New York City Police Department, he had previously earned 17 decorations. Throughout his life, Vinnie not only dutifully answered the call to serve the residents of New York, but also his country. He was enlisted in the United States Marine Corps and at the time of his death was a marine safety technician with the Coast Guard Reserves.

Friends of Vinnie remember him as an avid Mets and Rangers fan, a straight-laced cop who loved to kid around, and most of all a loving father and husband. On September 11, Vinnie left behind his wife Angela and three small girls, Winnifred, named after his sister, and Emily and Abigail, whom he adored.

In remembering Police Officer Vinnie Danz, we honor the memory of a man whose life embodied the best of American ideals. Vinnie selflessly and courageously lived by the principles of service to community and country. In doing so, he demonstrated compassion and steadfast commitment.

Even in performing his final agents of heroism at the World Trade Center, Vinnie did not show concern for himself. Rather, he asked his wife in a final phone message to, "Say a prayer that we get some of these people out. I am okay, but say a prayer for me."

Vincent Danz was not the only Long Island hero of September 11. Lieutenant Andrew Desperito, a New York city firefighter from East Patchogue, New York, was on the 23rd floor of One World Trade Center when he found out that Tower Two had already collapsed. Before exiting the building, he ordered the rest of his team ahead and he stopped to help a woman having trouble making her escape. He had just exited the building when it collapsed. He did not survive.

There were also the Vigiano brothers, Joseph of Medford, an emergency service unit detective and his firefighter brother, John Vigiano, both of whom died that day in the line of duty when the Twin Towers fell.

The brave acts of New York's first responders helped to save the lives of 25,000 World Trade Center victims on September 11. Of those who perished, 33 were from the first district of New York. These people were professional rescuers, the finest New York had to offer. Our community's loss is great, and so is that of their families. Their plans for the future ranged from seeing their children through college to soon retiring from the force. In their common mission of saving lives on September 11, their dreams were lost and their families shattered. For their sacrifice, we owe a great debt to the police officers, firefighters and emergency workers who risked their lives on September 11.

As a Congress we not only have the responsibility to remember their acts of courage, but to carry out our duties with the same love of country, compassion to others and commitment to service.

To properly pay tribute to the lives of these courageous people, we in Congress must ensure that first responders have the support they need to remain safe and effectively carry out their lifesaving duties. In addition, we must reaffirm our commitment as a Congress and as a Nation to prevent terrorists from ever again carrying out these heinous and offensive acts against Americans and other innocent people around the world.

In remembrance of these first responders from New York's first district, I will enter the names of those who perished into the RECORD.

James M. Amato, Frank Bonomo, Peter Brennan, Daniel J. Brethel, Donald James Burns, Thomas M. Butler, Nicholas Paul Chiofalo Jr., John A. Crisci, Michael Sean Curtin, Martin N. DeMeo, Andrew J. Desperito, Jerome Mark Patrick Dominguez, Michael K. Healey, Timothy B. Higgins, Andrew Jordan, Thomas Richard Kelly.

Patrick Lyons, Joseph E. Maloney, Peter C. Martin, William J. McGovern, Martin McWilliams, Thomas Moody, John Napolitano, Daniel O'Callaghan, Michael Thomas Russo Sr., Gerard Patrick Schrang, Stanley S. Smagala Jr., Kevin Joseph Smith, Lawrence T. Stack, John James Tipping II, Joseph Vincent Vigiano, Kenneth Thomas Watson, Walter Edward Weaver.

May we always remember their bravery, compassion for others, and ultimate sacrifice. We will always miss them and we will never forget.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. BURGESS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ROCHESTER A'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I will try to handle two tributes this evening. The first is to our baseball team from Minnesota, the Rochester A's.

This summer coaches Keith Kangas and Tony Beck brought together kids from Minnesota to reach a pinnacle in baseball.

Tonight I rise in recognition of the Rochester A's who won the American Legion World Series Championship in Bartlesville, Oklahoma, just a few weeks ago. Utilizing imagination, skill, and a whole lot of moxie, these kids made an improbable journey, becoming only the fourth team from Minnesota in the series' 77-year history to win this prestigious championship.

The A's made the most of their God-given skills to beat long odds and finished an astonishing 52 and 5. Perhaps the most difficult of the 52 victories in route to the ALWS was a rain delayed victory over a tough New Ulm team who was also from southern Minnesota. During an overnight rain delay pitcher Mike Badger and shortstop Danny Lyons devised a scheme in their hotel room. With a score of 6 to 4, a runner on second with the tying run at the plate with a 3 and 1 count, Badger would pick off the runner without ever throwing a pitch. With a trademark bit of tweaking, Coach Kangas suggested that Badger should throw a strike first making the count full, encouraging the runner to lean just a little heavier toward third base. Badger obliged, and then picked off the runner, sending the A's to the World Series.

Every game had a story of its own. I congratulate coaches Keith Kangas and Tony Beck, and all of the players and the team manager for their national championship season. For all of us who have ever tossed a ball around the backyard or taken a position on a baseball diamond, the A's are an inspiration, and I say congratulations.

Legion ball is a slice of Americana. There are no million dollar contracts. They play for the love of the game. In the play "Damn Yankees!" one of the immortal songs is "You gotta have heart." Well, this was a team with heart. These truly were the boys of summer.

Mr. Speaker, secondly, I would like to pay a tribute to those on September 11.

Freedom loving Americans will gather across our great land to remember the heroes lost on September 11, 2001. Nothing we can say will adequately lighten the burden borne by so many. The best we can say is we will never forget. Wrapping ourselves in the cloak of freedom, we can become comfortable and complacent, but our greater purpose is to share it with the world. President Reagan said it is up to us to work together for progress and humanity so that our grandchildren when they look back at us can truly say we not only preserved the flame of freedom, but cast its warmth and light further than those who came before us.

Out of the ashes of hatred, Americans held up the lamp of liberty, casting its light throughout the world. Each generation has its own charge. Ours is to bring freedom to those who have never known it. Ours is to bring hope and opportunity where none exists. Ours is to share our goodness so others can be great. May God comfort those who hearts still ache. May he continue to bless America and all who defend her.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and September 11 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, September 11.

Mr. HUNTER, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 11.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse".

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, September 11, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4148. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Fees for Endorsing Export Certificates for Ruminants [Docket No. 02-040-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Witchweed; Regulated Areas [Docket No. 02-042-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4150. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Removal of Regulated Area [Docket No. 02-121-3] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4151. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Removal of Areas From Quarantine [Docket no. 02-117-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4152. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Introductions of Plants Genetically Engineered to Produce Industrial Compounds [Docket No. 03-038-1] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Swine Packer Marketing Contracts; Contract Library [PSA-2000-01-b] (RIN: 0580-AA71) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerance for Emergency Exemptions [OPP-2003-0253; FRL-7319-4] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0254; FRL-7320-2] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4156. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael P. Delong, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4157. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE Program; Waiver of Certain TRICARE Deductibles; Clarification of TRICARE Prime Enrollment Period; Enrollment in TRICARE Prime Remote for Active Duty Family Members (RIN: 0720-AA72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4158. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03) (RIN: 0720-AA85) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4159. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program (RIN: 0720-AA79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4160. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4161. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department's final rule—Removal, Suspension, and Debarment of Accountants From Performing Audit Services; Office of the Comptroller of the Currency [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Federal Deposit Insurance Corporation (RIN: 3064-AC57); Office of Thrift Supervision [No. 2003-33] (RIN: 1550-AB53) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4162. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4163. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4164. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4165. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4166. A letter from the Director, Office of Standards, Regulations, Department of Labor, transmitting the Department's final rule—Seat Belts for Off-Road Work Machines and Wheeled Agriculture Tractors at Metal and Nonmetal Mines (RIN: 1219-AA98(Phase 6)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4167. A letter from the Director, Office of Standards, Regulations, Department of Labor, transmitting the Department's final rule—Standards for Sanitary Toilets in Coal Mines (RIN: 1219-AA98 (Phase 9)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4168. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Financial Assistance Regulations (RIN: 1991-AB57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4169. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Value Engineering (AL 2003-04) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4170. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4171. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Follansbee PM10 Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan [WV061-6031a: FRL-7549-1] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4172. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC-112L-2003-1-FRL-7549-6] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4173. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products [OAR-2003-0116; FRL-7549-7] (RIN: 2060-AG56) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4174. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Site Remediation [OAR 2002-0021; FRL-7549-3] (RIN: 2060-AH12) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4175. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2002-0060; FRL-7754-2] (RIN: 2060-AG67) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4176. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Docket No. OAR 2003-0178; FRL-7554-3] (RIN: 2060-AK59) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4177. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Chlorine and Hydrochloric Acid Emissions from Chlorine Production [OAR-2002-0016; FRL-7554-6] (RIN: 2060-AK38) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4178. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants [OAR-2002-0017; FRL-7551-5] (RIN: 2060-AE85) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4179. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity for Isophorone Diisocyanate [FRL-7554-9] (RIN: 2050-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4180. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [OAR-2002-0034; FRL-7554-5] (RIN: 2060-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4181. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products [OAR-2002-0074; FRL-7554-4] (RIN: 2060-AG57) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4182. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane Production and Consumption [FRL-7553-3] (RIN: 2060-AJ27) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4183. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Nevada State Implementation Plan, Clark County Air Quality Management Board [NV 045-0070a; FRL-7547-9] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4184. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Engergy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 085-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Mexico (Transmittal No. DTC 086-03), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan (Transmittal No. DDTC 087-03), pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

4188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Algeria and the United Kingdom (Transmittal No. DTC 078-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4189. A communication from the President of the United States, transmitting a report, covering three years, on the activities of the United States Government departments and agencies relating to the prevention of nuclear proliferation between January 1, 2000 and December 31, 2002, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

4190. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

4191. A letter from the Cheif Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations: Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Revised Civil Penalties Hearing Regulations—received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting "Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments," pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

4193. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 02IZ-03); to the Committee on International Relations.

4194. A letter from the Senior Attorney, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA93) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4195. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-120-FOR] received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule--Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Floudner in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 081503A] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4197. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Collection of Claims Owed the United States (RIN: 1901-AA98) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act— received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4199. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Consolidation Procedures--Exemption for Temporary Trackage Rights [STB Ex Parte No. 282 (Sub-No. 20)] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4200. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; The Spine (RIN: 2900-AJ60) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4201. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-67) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4202. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compensatory Stock Options Under Section 482 [TD 9088] (RIN: 1545-BA57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4203. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusions From Gross Income of Foreign Corporations [TD9087] (RIN: 1545-BA07) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4204. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accounts received Under Accident and Health Plans (Rev. Rul. 2003-102) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Limitation on Use of the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5) [TD 9090] (RIN: 1545-BC31) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. Supplemental report on H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest Service lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes (Rept. 108–218, Pt. 2).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. Hoyer, and Mr. Weldon of Pennsylvania):

H.R. 3054. A bill to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. Kolbe, Mr. Stenholm, Mr. Toomey, Mr. Shadegg, and Mr. Flake):

H.R. 3055. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, to amend such title and the Balanced Budget and Emergency Deficit Control Act of 1985 to protect Social Security surpluses, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 3056. A bill to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; to the Committee on Resources.

By Mr. LAMPSON (for himself, Ms. Jackson-Lee of Texas, Mr. Bell, Mr. Honda, Mr. Green of Texas, Mr. Ortiz, Mr. Evans, Ms. Linda T.

SÁNCHEZ of California, Mr. PASCRELL, Mr. HALL, Mr. REYES, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. COSTELLO, Mr. LIPINSKI, Mr. GORDON, Mr. UDALL of Colorado, Mr. LARSON of Connecticut, Mr. MILLER of North Carolina, Mr. FROST, Mr. SANDLIN, Mr. TURNER of Texas, Mr. WU, Mr. KUCINICH, Ms. ESHOO, and Ms. MCCARTHY of Missouri):

H.R. 3057. A bill to restore a vision for the United States human space flight program by instituting a series of incremental goals that will facilitate the scientific exploration of the solar system and aid in the search for life elsewhere in the universe, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. BALLENGER, Mr. GREEN of Wisconsin, Mr. REYNOLDS, Mr. SENSENBRENNER, Mr. HUNTER, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. GILLMOR, Mr. SOUDER, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Mr. HAYES, Mr. HOEKSTRA, Mr. COLLINS, Mr. ROHRABACHER, Mr. EVERETT, Mr. PLATTS, Mr. GALLEGLY, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. MURPHY, Mr. WILSON of South Carolina, Mr. OTTER, Mr. JONES of North Carolina, Mr. UPTON, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. BARRETT of South Carolina, Mr. LEWIS of Kentucky, Mr. WALSH, Mr. NORWOOD, Mr. SHAW, Mr. TERRY, and Mr. BISHOP of Utah):

H.R. 3058. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3059. A bill to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the "Lloyd L. Burke Post Office"; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. HALL, Mr. HEFLEY, and Mrs. MYRICK):

H.R. 3060. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. ACEVEDO-VILÁ, and Ms. BERKLEY):

H.R. 3061. A bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 3062. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILÁ):

H.R. 3063. A bill to authorize the Secretary of Health and Human Services, the Secretary of Education, and the Attorney General to make 10 grants to demonstration facilities to implement evidence-based preventive-screening tools to detect mental illness and suicidal tendencies in school-age youth at selected facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 3064. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 3065. A bill to authorize the extension of the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. ANDREWS, Mrs. KELLY, Mr. MURPHY, Mr. BEREUTER, Mr. BOYD, Mr. RAMSTAD, Mr. MOORE, Mr. CARTER, Mr. MCCOTTER, Mr. FEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. HENSARLING, and Ms. HART):

H.R. 3066. A bill to amend the Fair Debt Collection Practices Act to make certain technical corrections, and for other purposes; to the Committee on Financial Services.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3067. A bill to provide mortgage payment assistance for certain employees who are separated from employment; to the Committee on Education and the Workforce.

By Ms. HARRIS (for herself, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. KELLER, Mr. WELDON of Florida, Mr. HASTINGS of Florida, Mr. FEENEY, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. BOYD, Mr. GOSS, Mr. PUTNAM, Mr. FOLEY, Mr. WEXLER, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. MEEK of Florida, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. DEUTSCH, and Mr. SHAW):

H.R. 3068. A bill to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office"; to the Committee on Government Reform.

By Mr. HUNTER (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. STEARNS, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. GARRETT of New Jersey, and Mr. RYUN of Kansas):

H.R. 3069. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. LoBIONDO (for himself, Mr. SAXTON, Mr. HOLT, Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. PASCRELL, Mr. ROTHMAN, Mr. FERGUSON, Mr. GARRETT of New Jersey, and Mr. MENENDEZ):

H.R. 3070. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 3071. A bill to prohibit the provision of Federal funds to the housing-related government-sponsored enterprises and to remove certain competitive advantages granted under law to such enterprises; to the Committee on Financial Services.

By Mr. PAUL (for himself and Mr. SANDERS):

H.R. 3072. A bill to prohibit the Overseas Private Investment Corporation from providing insurance or financing to countries that subsidize their steel industries and for projects producing goods subject to antidumping duties, to require the United States to oppose the provision by the International Monetary Fund of assistance to countries which subsidize their steel industries, and to ban assistance by the Export-Import Bank of the United States to countries that subsidize their steel industries; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. GUTKNECHT, Mr. KLINE, Ms. MCCOLLUM, Mr. SABO, Mr. KENNEDY of Minnesota, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 3073. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3074. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. QUINN, Mr. WAXMAN, Mr. PETERSON of Minnesota, Ms. SOLIS, Mr. LATOURETTE, and Mr. GEORGE MILLER of California):

H. Con. Res. 276. Concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Ways and Means.

By Mr. BURGESS:

H. Con. Res. 277. Concurrent resolution expressing the sense of the House of Representatives that Congress should devote resources to researching treatment options for women with ovarian cancer and support community groups that promote awareness about the disease and encourage early diagnosis; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana (for himself, Mr. VISCLOSKY, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Ms. CARSON of Indiana, Mr. HILL, Mr. PENCE, and Mr. CHOCOLA):

H. Res. 365. A resolution extending the thoughts and prayers of the House of Representatives to Governor Frank O'Bannon of Indiana, his wife Judy, and his family and friends, and expressing hope for a full recovery from the stroke he suffered on September 8, 2003; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. Ryan of Ohio, and Mr. Evans):

H. Res. 366. A resolution urging the President to establish an Iraq service medal to recognize service by members of the Armed Forces in Operation Iraqi Freedom; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. McCotter.

H.R. 31: Mr. Smith of Washington.

H.R. 338: Mr. Stupak.

H.R. 369: Mr. Grijalva and Mr. Tiberi.

H.R. 463: Ms. Hart and Mr. Boehlert.

H.R. 476: Mr. Stupak, Ms. Eddie Bernice Johnson of Texas, and Mr. McCotter.

H.R. 571: Mr. Duncan, Mr. Miller of North Carolina, and Mr. Cramer.

H.R. 583: Mr. Gutierrez.

H.R. 673: Mr. Beauprez.

H.R. 678: Mr. Ballance and Mr. Alexander.

H.R. 687: Mr. LaHood, Mr. Peterson of Pennsylvania, Mr. Neugebauer, and Mr. Whitfield.

H.R. 709: Mr. Nussle.

H.R. 745: Mr. Baca and Mr. Capuano.

H.R. 775: Mr. Carter and Mrs. Blackburn.

H.R. 798: Mr. Ackerman, Mr. Spratt, Mr. Souder, Mr. Wu, Ms. Slaughter, and Mr. Brown of Ohio.

H.R. 814: Mrs. Miller of Michigan and Mr. LaHood.

H.R. 857: Mr. McNulty and Ms. Slaughter.

H.R. 870: Mr. McCotter.

H.R. 871: Mr. Carson of Oklahoma.

H.R. 898: Mr. English.

H.R. 911: Mr. Wolf, Mr. DeFazio, Mr. Matsui, Mr. George Miller of California, Mr. Strickland, Mr. Davis of Alabama, Mr. Filner, Mr. Bishop of New York, Ms. Lee, Mr. Tanner, Mr. Berry, Mr. Sweeney, Mr. Rothman, Mr. Lampson, Mr. Edwards, Mr. Michaud, Mr. Wicker, Mr. Walsh, Mrs. Christensen, Ms. Slaughter, Mr. Lewis of Kentucky, Mr. Dreier, Mr. Meek of Florida, Mr. Ryan of Wisconsin, Mr. Toomey, Mr. Osborne, Mr. Carter, Mr. Platts, Mr. Rohrabacher, Mr. Camp, Mr. Crenshaw, Mr. Brown of South Carolina, Mr. Dicks, Mr. Kucinich, Mr. John, Mr. Walden of Oregon, Mr. Shimkus, Mr. Udall of New Mexico, Mr. Gingrey, Mr. Putnam, Mr. King of New York, Mr. Neal of Massachusetts, Mr. Abercrombie, Mr. Alexander, Ms. Hooley of Oregon, Mr. Green of Texas, Mr. Tierney, Mr. Delahunt, Mr. Holt, Mr. Kingston, Mr. Stupak, Mr. Israel, Mr. Berman, Mr. Engel, Mr. Carson of Oklahoma, Mrs. Kelly, Mr. Hayworth, Mr. Bachus, Ms. Eshoo, Mr. Meeks of New York, Mr. Towns, Mr. Rehberg, Mr. Burgess, Ms. Millender-McDonald, Mr. McGovern, Mr. Ramstad, Mr. Smith of Texas, Mr. Ballenger, Mr. Udall of Colorado, Mr. Costello, Mr. Etheridge, Mrs. Biggert, Mr. McNulty, Mr. Crowley, Mr. Pickering, Mr. Calvert, Mr. Taylor of Mississippi, Mr. Doggett, Ms. Hart, Mr. Kildee, Mrs. Capps, Ms. Lofgren, Mr. Sabo, Mr. Dooley of California, Mr. Burton of Indiana, Mr. Payne, Mr. Serrano, Mr. Watt, Mr. Sam Johnson of Texas, Mr. Price of North Carolina, Ms. Watson, Mr. Akin, Mr. Obey, Mr. Cummings, Mrs. Bono, Mr. Sherman, Mr. Kennedy of Minnesota, Mr. Marshall, Mr. Owens, Ms. Berkley, Mr. Cardin, Ms. McCarthy of Missouri, Mr. Wynn, Mr. Case, Mr. Ballance, Ms. Linda T. Sánchez of California, Mr. Hinchey, Mr. Miller of North Carolina, Mr. Wexler, Mr. Honda, Ms. Ginny Brown-Waite of Florida, Mr. Grijalva, Mr. Becerra, Mr. Gutierrez, Ms. Kaptur, and Mr. Dingell.

H.R. 918: Mr. Cunningham, Mrs. Myrick, Mr. Tiberi, Mr. Smith of Washington, Mr. Cox, Mr. Wicker, Mr. Castle, Mr. LaTourette, Ms. Hooley of Oregon, Mrs. Emerson, Mr. Kirk, Mr. Kleczka, Mr. Shimkus, Mr. Weller, and Mr. Simmons.

H.R. 970: Mr. Inslee and Ms. Solis.

H.R. 978: Mrs. Maloney.

H.R. 1043: Mr. Stupak.

H.R. 1046: Mr. Kind.

H.R. 1083: Mr. Holt.

H.R. 1105: Mr. Miller of North Carolina.

H.R. 1173: Mr. Duncan.

H.R. 1179: Mr. Tiberi.

H.R. 1244: Mr. Strickland.

H.R. 1250: Mr. Sensenbrenner.

H.R. 1258: Ms. Eshoo.

H.R. 1295: Mr. Pastor, Ms. DeLauro, Mr. Inslee, Mr. Gillmor, Mr. Blumenauer, Ms. Eddie Bernice Johnson of Texas, Mr. Kind, Ms. Carson of Indiana, Mr. Rodriguez, Ms. Hart, and Mr. Bishop of Georgia.

H.R. 1305: Mr. John, Mr. Deal of Georgia, and Mr. Hunter.

H.R. 1336: Ms. Harris, Mr. Gonzalez, Mr. Thompson of California, Mr. Lampson, Mr. Etheridge, Mrs. Wilson of New Mexico, Mr. Boozman, Mr. Ortiz, Mrs. Jones of Ohio, Mr. Tiberi, Mr. Reyes, Ms. Linda T. Sánchez of California, Mr. LaTourette, Mr. Pascrell, Mr. Clyburn, Mr. Renzi, Mr. Carter, and Mr. Edwards.

H.R. 1342: Mr. Snyder.

H.R. 1359: Mr. McCotter, Mr. McNulty, and Ms. Berkley.

H.R. 1372: Mr. Udall of New Mexico and Mr. Tancredo.

H.R. 1397: Mr. Petri.

H.R. 1477: Mr. Udall of New Mexico.

H.R. 1508: Mr. Hinchey.

H.R. 1513: Mr. Pence, Mr. Turner of Texas, Mr. Moran of Kansas, Mr. Wicker, Mrs. Capito, Mr. Graves, Mr. Shuster, Mr. Neal of Massachusetts, Mr. Schrock, and Mr. Hayes.

H.R. 1519: Mr. Grijalva.

H.R. 1523: Mr. Hayworth, Mr. McInnis, Mr. Skelton, Mr. Weldon of Pennsylvania, and Mr. Moore.

H.R. 1532: Ms. Schakowsky and Mr. Bass.

H.R. 1538: Mr. Israel.

H.R. 1566: Mr. Jones of North Carolina.

H.R. 1612: Mr. Stearns.

H.R. 1657: Mr. Stark.

H.R. 1676: Mrs. Tauscher.

H.R. 1684: Mr. Becerra, Mr. Kind, Mr. Castle, Mr. Pascrell, and Mr. Fattah.

H.R. 1690: Ms. Bordallo and Mr. George Miller of California.

H.R. 1692: Mrs. McCarthy of New York and Mr. Walsh.

H.R. 1700: Ms. Baldwin, Mr. Allen, Mr. Davis of Illinois, and Mrs. Biggert.

H.R. 1710: Mr. Manzullo.

H.R. 1738: Mr. Weiner, Mrs. Lowey, Mr. Peterson of Minnesota, Mr. Clay, and Mr. Brady of Pennsylvania.

H.R. 1742: Mr. Ortiz.

H.R. 1749: Mr. Foley.

H.R. 1769: Ms. McCarthy of Missouri and Ms. Slaughter.

H.R. 1779: Mr. Hostettler.

H.R. 1783: Mr. Isakson.

H.R. 1811: Ms. Hooley of Oregon, Mr. Allen, and Mr. Leach.

H.R. 1819: Mr. McDermott.

H.R. 1828: Ms. Pelosi, Mr. Bishop of Utah, Mr. Stark, and Mr. Jackson of Illinois.

H.R. 1833: Mrs. Miller of Michigan and Mr. Foley.

H.R. 1873: Mr. Stupak and Mr. Souder.

H.R. 1886: Mr. Price of North Carolina.

H.R. 1889: Mr. Stark, Mrs. Napolitano, and Mr. Alexander.

H.R. 1900: Mr. Baird, Mr. Doyle, Mr. Gordon, Mr. Latham, Ms. Eshoo, Mr. Issa, Mr. Jefferson, Mr. Berman, Mr. Bishop of Georgia, Mr. Tom Davis of Virginia, Mr. Serrano, Mrs. Bono, Mr. Rodriguez, Mr. Herger, Mr. Sherman, Mr. Dreier, Mr. Wicker, Mr. McGovern, Mr. Delahunt, Mr. Tierney, Mr. Sandlin, and Ms. Velázquez.

H.R. 1902: Mr. Holt and Mr. Olver.

H.R. 1956: Mrs. Lowey and Mr. Terry.

H.R. 1961: Mr. Lipinski.

H.R. 2038: Mr. Kleczka.

H.R. 2045: Mr. Rahall, Mr. Collins, and Mr. Kingston.

H.R. 2068: Mr. Price of North Carolina, Mr. Udall of New Mexico, and Mr. Gonzalez.

H.R. 2069: Mr. Price of North Carolina, Mr. Udall of New Mexico, and Mr. Gonzalez.

H.R. 2157: Mr. Honda, Mr. Doggett, Mr. Lewis of Georgia, and Mr. Cardin.

H.R. 2208: Mr. Weldon of Florida and Mr. Hayworth.

H.R. 2213: Mr. Grijalva.

H.R. 2269: Mr. Barrett of South Carolina.

H.R. 2277: Mr. Stupak.

H.R. 2296: Mr. Burns, Mrs. Musgrave, Mr. Barton of Texas, and Mrs. Lowey.

H.R. 2346: Mr. Garrett of New Jersey.

H.R. 2347: Mr. Aderholt, Mr. Weldon of Florida, Mr. Hostettler, and Mr. Sullivan.

H.R. 2365: Mr. Green of Texas, Mr. Ballenger, and Mr. Lipinski.

H.R. 2404: Mr. Shays.

H.R. 2437: Mr. Deutsch and Mr. Gutierrez.

H.R. 2440: Mrs. Bono and Ms. Baldwin.

H.R. 2456: Mr. Kirk.

H.R. 2490: Ms. Berkley, Mr. Rothman, Ms. Millender-McDonald, and Ms. Corrine Brown of Florida.

H.R. 2521: Mr. Platts.

H.R. 2527: Mr. Price of North Carolina and Mr. Hoeffel

H.R. 2601: Mr. McDermott and Mr. Janklow.

H.R. 2614: Ms. Millender-McDonald and Mr. Moran of Virginia.

H.R. 2633: Mr. Baird.

H.R. 2634: Mr. Tanner.

H.R. 2635: Mr. Hayworth, Mr. Rehberg, Mr. Pitts, Mr. Wicker, Mr. Cox, Mr. Isakson, Mr. Nunes, Mr. Souder, Mr. Gary G. Miller of California, and Mr. Green of Wisconsin.

H.R. 2665: Mr. Stupak and Mr. Lipinski.

H.R. 2699: Mr. Bereuter, Mr. Oxley, Mr. DeMint, Mr. Hall, Mr. Scott of Georgia, Mr. Herger, Mr. Shadegg, and Mr. Meeks of New York.

H.R. 2708: Mr. Lipinski.

H.R. 2711: Mr. Udall of New Mexico and Mr. Michaud.

H.R. 2719: Mr. Jenkins and Mrs. Jo Ann Davis of Virginia.

H.R. 2720: Ms. Carson of Indiana, Mr. Kind, Mr. McHugh, Mr. Shimkus, Mr. Bishop of New York, Ms. Norton, Mr. McIntyre, and Mr. Grijalva.

H.R. 2727: Mr. Platts.

H.R. 2732: Mr. McCotter, Mr. Burgess, Mr. Latham, Mr. Gingrey, Mr. Tancredo, and Mr. Rohrabacher.

H.R. 2733: Mr. Hall.

H.R. 2743: Mr. Akin.

H.R. 2752: Ms. Berkley.

H.R. 2824: Ms. Hart and Mr. Platts.

H.R. 2835: Mr. Beauprez.

H.R. 2840: Ms. Schakowsky and Mr. Van Hollen.

H.R. 2843: Mr. Souder.

H.R. 2844: Mr. Conyers.

H.R. 2849: Mr. TANCREDO.

H.R. 2851: Mr. FEENEY.

H.R. 2853: Mr. FROST.

H.R. 2880: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. COOPER, Mr. HINCHEY, Mr. FROST, Mr. PAYNE, and Ms. BERKLEY.

H.R. 2885: Mr. FORBES.

H.R. 2890: Mr. MARSHALL.

H.R. 2898: Mr. PETERSON of Minnesota, Ms. McCARTHY of Missouri, Mr. RUSH, and Mrs. CUBIN.

H.R. 2914: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2929: Mrs. CUBIN.

H.R. 2932: Mr. PALLONE.

H.R. 2952: Mr. GRIJALVA.

H.R. 2956: Mr. WILSON of South Carolina, Ms. JACKSON-LEE of Texas, Mr. CASE, Ms. DeLAURO, Ms. MILLENDER-McDONALD, Mr. McNULTY, Mr. FROST, and Ms. SOLIS.

H.R. 2971: Ms. McCOLLUM.

H.R. 2998: Mr. MURTHA, Mr. DEUTSCH, Ms. GRANGER, Ms. PELOSI, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. HOSTETTLER, Mr. COSTELLO, Mr. SANDLIN, Mrs. BLACKBURN, Mr. OWENS, Mr. TURNER of Ohio, Ms. LEE, Mr. TANNER, Mr. BEAUPREZ, Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. BURGESS, Mr. MARSHALL, Mr. MILLER of Florida, Mr. BRADLEY of New Hampshire, Mr. AKIN, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. WALSH, Mr. FRELINGHUYSEN, Mr. DICKS, Mr. HOBSON, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. ADERHOLT, Ms. PRYCE of Ohio, Mr. WAMP, Ms. KAPTUR, Ms. MILLENDER-McDONALD, Mr. SCOTT of Georgia, Mr. SHERWOOD, Mr. LEWIS of California, Ms. KILPATRICK, Mr. BERMAN, Mr. SWEENEY, Mr. STEARNS, Mr. HASTINGS of Washington, Mr. OBEY, Mr. CROWLEY, and Mr. MORAN of Virginia.

H.R. 3004: Mr. COOPER.

H.R. 3011: Mr. BECERRA, Mr. LANTOS, Mr. GALLEGLY, Mr. BACA, Mr. MILLER of Florida, Mr. GRIJALVA, Mr. WAXMAN, Mr. OSE, and Mr. McNULTY.

H.R. 3023: Ms. KAPTUR, Mr. LIPINSKI, Mr. RYAN of Ohio, and Mr. PALLONE.

H.R. 3027: Mr. TOWNS and Mrs. JONES of Ohio.

H.R. 3043: Mr. CARDOZA.

H.J. Res. 56: Mr. KINGSTON and Mr. BOOZMAN.

H.J. Res. 62: Mr. SHUSTER.

H. Con. Res. 94: Mr. BOSWELL, Mr. WHITFIELD, Mr. RAMSTAD, Mr. MORAN of Kansas, Mrs. JOHNSON of Connecticut, Mr. MICHAUD, Mr. BOUCHER, Mr. ROSS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. LaHOOD, and Mr. LEACH.

H. Con. Res. 98: Mr. ORTIZ.

H. Con. Res. 126: Ms. HART.

H. Con. Res. 173: Mr. ROTHMAN.

H. Con. Res. 183: Mr. RAHALL and Mr. SOUDER.

H. Con. Res. 194: Ms. DeLAURO, Mr. WEINER, Mr. SERRANO, and Mr. BISHOP of Georgia.

H. Con. Res. 196: Ms. MILLENDER-McDONALD.

H. Con. Res. 254: Mr. LANGEVIN.

H. Res. 157: Mr. McGOVERN, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. GRIJALVA, Ms. CARSON of Indiana, Mr. AKIN, Mr. DeFAZIO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. LEE, and Mr. McNULTY.

H. Res. 233: Mr. PAYNE.

H. Res. 261: Mr. MEEKS of New York and Ms. SLAUGHTER.

H. Res. 285: Mr. HASTINGS of Florida, Mr. ROGERS of Kentucky, Mr. HAYWORTH, and Mr. PLATTS.

H. Res. 302: Mr. DAVIS of Illinois, Mr. McDERMOTT, Mr. BILIRAKIS, Mr. GRIJALVA, Mr. DOGGETT, Mr. EVANS, and Mrs. MALONEY.

H. Res. 313: Mr. KING of New York.

H. Res. 315: Mrs. MALONEY.

H. Res. 355: Mr. GALLEGLY, Mr. LIPINSKI, and Mr. BELL.

H. Res. 359: Mr. COX.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. WAMP.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record of September 9, 2003]

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, after line 24, insert the following new section:

SEC. 102. FINANCIAL PRIVACY EXCEPTIONS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

"(e) FINANCIAL PRIVACY EXCEPTIONS.—Subsections (b) and (c) shall not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.".

EXTENSIONS OF REMARKS

TRIBUTE TO MR. KENNETH E. RUSSELL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. DUNCAN. Mr. Speaker, I would like to pay special tribute to Mr. Kenneth E. Russell, a member of my constituency and a true American hero.

Ken Russell is the last surviving member of a group of 17 paratroopers who, in the early hours of D-Day in 1944, parachuted into the town of Ste. Mere Eglise, France.

Ken's heroism and bravery are to be commended. His actions during the D-Day operation have been included in many histories of the liberation of France, including D-Day and the Citizen Soldiers by Dr. Stephen Ambrose, among others.

As he made his way to the ground from his C–47 troop transport, Ken witnessed unthinkable violence. Many of his colleagues did not make it to the ground before being shot by German gunfire.

Both Ken and his friend, John Steel, landed atop a church in Ste. Mere Eglise. Ken landed especially hard, causing damage to his spine which limits his activities to this day. Both paratroopers were helpless as their parachutes were tangled in the church rooftop.

As he dangled helplessly above the ground, Ken was hit in the right hand by German gunfire from the ground below. While still suspended in their chutes, both Ken and John were spotted by a German soldier. Before the German could shoot at Ken and John, he was shot by another American, Sgt. John Ray.

After freeing himself from the church rooftop, Ken Russell blended into the landscape and later met up with paratroopers from the 82nd and 101st Airborne. Soon after, the troops set up a defensive position on a road leading to Ste. Mere Eglise and came under attack several times. Each time they were successful in defending their position.

For the wounds he sustained on the church rooftop, Ken Russell was awarded two Purple Hearts. For his determination and bravery, he was awarded the Silver Star.

Mr. Speaker, Ken Russell is a true American hero. His selfless actions during the D-Day operation saved lives and contributed to our great victory in World War II. I can say without hesitation that our country would be a much better place today if there were more people here like Ken Russell.

As we approach the 60th anniversary of D-Day, I hope all Americans will remember the sacrifices made by so many soldiers like Ken and will take time to thank them for their service.

100TH BIRTHDAY WISHES FOR ANNA CHARLOTTE JILG KOSLOWSKE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Anna Charlotte Jilg Koslowske who will turn 100 years old on September 29. She was born near Florissant, MS, to the family of Adolf and Caroline Jilg. Her father had immigrated as a child to America from Austria in 1859. The family had a vegetable farm outside of St. Louis, and the eleven children all learned the meaning of hard work and its rewards. They were all expected to help in the fields and in preparing the produce for market. Anna's father would drive the mule-drawn wagon into St. Louis to deliver the fresh produce. This way of life supported the family for many years.

Like many people from those days, Anna is pretty much self-taught, as children were needed to help at home or find work at an early age. Her teacher arranged for Anna to complete grades seven and eight in 1 year so the teacher could claim an eighth-grade graduate. After her graduation, Anna was hired by a family in St. Louis to care for the gentleman's terminally ill wife. Her compassionate and caring nature, in addition to her experience of living and working within a large family, made her an excellent candidate.

As a young woman Anna journeyed to Zap, ND, to visit her sister and while there, met the Rev. George Koslowske, a pastor in the Lutheran Church Missouri Synod. They were married on May 17, 1925, and to this union came seven children, all of whom are still living.

Anna moved with her husband from North Dakota to Waco, NE, where they served a rural parish, St. Johns, for 20 years. In 1950 they moved their family to Big Springs, NE, answering God's call to Zion Lutheran Church. During his ministry there, George was called home by the Lord in 1958, leaving Anna to provide for the two youngest children, ages 13 and 15. Anna worked then as a cook in the local Dairy King. Once the children were on their own, she served as a nanny for several families until 1974, when she moved to Holyoke, CO where she still resides.

Anna has been blessed with 15 grandchildren, 25 great-grandchildren, and 2 great-great-grandchildren. She also has one living sister, Lillian Dueker, who recently celebrated her 102nd birthday.

Anna and her children are grateful for the Lord's blessings during her 100 years. She has led a quiet, prayerful life. She was an excellent mother and mentor to her children, always stressing a Christian attitude. Her favorite reprimand was "If you can't say anything nice, don't say anything at all." She continues to be an example and joy to those around her.

I am proud to honor Anna on the occasion of her 100th birthday. Anna is a self taught, hard working compassionate Christian mother and grandmother who is the embodiment of all the values that have molded America into the great nation it is today.

ELSAH SESQUICENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the village of Elsah, Illinois and honor its sesquicentennial this year.

Elsah was founded in 1853, and named by one of its founding fathers, General James Semple. General Semple's ancestors were from Scotland, and, according to town tradition, the village's prominent limestone bluffs reminded him of an island just off the Firth of Clyde, "Ailsa Craig." Named after this Scottish island, the Mississippi River village slightly resembles a typical small, English town, with clusters of stone cottages mixed together with small yards and private gardens.

Recognized by the National Register of Historic Places in 1973, the village stands as a reminder of nineteenth century living along the Mississippi River. Its buildings represent a midwestern interpretation of nineteenth century styles, and many original buildings remain in place today. The newer buildings were built in the old styles as well, as the village wants to retain its historic feel.

However, in 1993, Elsah was greatly affected by the floods on the Mississippi River. Some nearby cities decided to take state and Federal aid and leave their waterlogged homes and businesses behind, deciding to rebuild elsewhere. The people of Elsah, however, recognized their city's historic foundation, and rebuilt their town. Damaged public buildings were refurbished, and residents worked together to rebuild their homes and lives; and they did so, successfully.

Elsah is quieter now than it was in the past, as mills, warehouses, river shipping, two railroads, local businesses, and farmers have gradually disappeared. But, the village remains strong. Inviting tourists to "leave the fast pace of everyday life" behind, Elsah represents a remnant of Midwestern, small-town life from the late 1800s. Its sesquicentennial this year is a significant milestone, and I wish the village and its people the best.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO BISHOP JOSEPH JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. CLYBURN. Mr. Speaker, I rise to honor a man of character and grace, Bishop Joseph Johnson. Bishop Johnson serves as the Presiding Bishop of the South Atlantic District of the A.M.E. Zion Church, which is comprised of five conferences, and as President of the Board of Bishops.

Bishop Johnson's record of service is impeccable. He served in the U.S. Army with 15 years experience in the Airborne Division. He has served as pastor of A.M.E. Zion Churches in three different North Carolina conferences, including seven years as pastor of Trinity A.M.E. Zion Church in Southern Pines, North Carolina. After serving as pastor of Trinity A.M.E. Zion Church in Greensboro, North Carolina he spent four years presiding as Southwestern Delta Episcopal District, which is comprised of six conferences.

But his reputable service extends well outside of the church walls. In 1993, Bishop Johnson delivered the Gardner C. Taylor Lecture & Preaching Series at Duke University Divinity School. He has published "A Manual for Ministerial Studies" for the A.M.E. Zion Church, in addition to several scholarly essays on Christian stewardship requisites for ministerial practice. He passed his skills and experiences to aspiring ministers when he served for ten years as professor of practical ministry at Hood Theological Seminary of Livingstone College in North Carolina.

A native of Jacksonville, Florida, Bishop Johnson grew up in Tampa and earned a degree from North Carolina State University. He earned a Master of Divinity degree from Duke Divinity School of Duke University.

Bishop Johnson is married to Dorothy Sharpe Johnson, who now serves as missionary supervisor and Episcopal secretary of the South Atlantic District of the A.M.E. Zion church. The couple has two sons.

Mr. Speaker, Bishop Johnson has led an exceptional career dedicated to teaching and preaching the virtue of kindness. This year will be the last Palmetto Annual Conference where he would preside. He will be retiring next year, and deservedly so, as he has already contributed more to the betterment of our society than most people could hope for in one lifetime. I ask my colleagues to join me today in paying tribute to this humanitarian.

HONORING CONGRESSMAN TOM LEWIS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Tom Lewis, a friend and former colleague who epitomized what being a public servant is all about.

Tom devoted his life to serving his country and his countrymen. He fought for America in the Air Force, serving tours of duty in both World War II and Korea during his eleven-year military career. Tom used the knowledge he gained in the Air Force later in life as a jet and rocket-testing chief for Pratt and Whitney Aircraft, eventually supervising work on sensitive and sophisticated military and commercial aircraft systems.

Tom came to Congress the same year I did, in 1983, after serving as both Mayor and city councilman of North Palm Beach from 1964 to 1971. He then went on to represent that area in the Florida House of Representatives until 1980, when he was elected to the Florida Senate.

During his time in these hallowed halls, Tom zealously fought for the people of his district, whom he considered more than just constituents. He was largely responsible for saving the Hurricane Hunter Plane Program, the aircraft which fly into hurricanes to collect data so meteorologists can predict when and where these storms will hit. He also led the effort to build a much-needed VA medical center in his district, as well as to save the Big Cypress Natural Preserve, a unique part of Florida's environment.

After his retirement from Congress in 1994, he worked to protect Florida's agricultural interests during trade negotiations and led a campaign which raised $66 million to improve a stretch of U.S. Highway 27 on which more than 100 people died between 1982 and 1997. That portion of highway in Palm Beach County now bears Tom's name.

My colleague from Florida, the distinguished Chairman of the Appropriations Committee, said it best when he noted a decade ago that there was "not a corner of his vast district that you can go without seeing the fruit of Tom's work."

Mr. Speaker, Tom was much more than a dedicated public servant. He was a loving husband to his wife, Marian. He was a devoted father to his three children. He also was one of my closest confidants in Congress. It saddened me to learn that he passed away last month. I am comforted, however, in the knowledge that he will be remembered as one of the most respected, accomplished, and honorable members of this institution.

HONORING THE ACHIEVEMENTS OF THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to the Leadership Training Institute of America and their inspiring mission of faith for America's youth.

LTIA originated in my home district of Northwest Arkansas and has successfully spread throughout the country and even to places as far away as Russia. Their purpose is to provide America's future leaders with a strong Christian foundation of faith in today's secular society.

The participants of the program attend weekend seminars that teach them how their faith is a logical solution for many of the world's most challenging problems. They learn how to debate their worldly colleagues in an intelligent and inviting method. Furthermore, the students may attend a weeklong seminar once a year—here in our nation's capitol. While here, they meet with leaders in the Christian movement, attend discussions with their colleagues from all over the nation, and meet with their Congressional representatives.

I believe this training is vital in preparing our future leaders to take their place in society. The youth of today face physical, emotional, and social challenges that shock the imagination. They are inundated with graphic images of sex and drugs everywhere they turn. Yet, we expect them to maintain their childhood innocence, without providing them with the tools they need to combat the horrible examples they receive. LTIA provides America with a wonderful solution of a generation steeped in their Christian faith and trained to face a materialistic society.

As the former President Ronald Reagan said, "The future doesn't belong to the fainthearted; it belongs to the brave." I believe the students involved in the Leadership Training Institute of America are part of our brave future and I applaud their efforts to make America an even greater nation than she is today.

HONORING BRAVERY OF MARINE STAFF SGT. BRIAN IVERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Marine Staff Sgt. Brian Ivers for his bravery in the face of combat during Operation Freedom in Iraq. Mr. Ivers is a resident of Fort Collins and is a Police Officer of that fair city.

Serving his country on active duty in the Fox 2nd Battalion, 23rd Marine Regiment, 1st Division, his company was ordered to rescue a group of Marine artillerymen who took a wrong turn in the town of Al Gaharraf. Encountering a near blinding sand and rain storm as they entered the town, no air support could be provided.

Staff Sergeant Ivers' platoon came under fire as they entered Al Gaharaff. As the first platoon dismounted, they immediately engaged with the enemy. Sergeant Jim Cawley's platoon worked to suppress the enemy long enough to allow Sergeant Ivers' platoon to enter the town.

Sergeant Cawley's platoon fought a gun battle while occupying a building. A grenade was launched into the building and leveled many of the marines because of the concussion. Enemy fire had increased all around them while they were returning fire. One of the marines was trapped inside the building.

Staff Sergeant Ivers attempted to rescue him. In his own words, Brian said, "I got up to get him as I thought I could just grab his hand and drag him out. As I moved along the wall, rounds began to punch holes out of the concrete in front of me. I turned to go back to where I had just come from and was struck in the side with a round. The force of it spun me around and at the time I thought I had been hit in the kidney."

Later, Brian would realize that the bayonet had taken the impact of the round, deflecting it to his flack jacket, thus saving his life. His platoon was in contact with the enemy for over a half hour and was running low on ammunition. They were finally told to pull out because air cover was expected. A tank showed up about 40 minutes later.

Brian's ribs were blue with bruises. Months later, Brian found out that he had broken the eleventh rib—a good reminder that their battle had saved a unit of the eleventh Marines.

Because he received a wound while in combat, Staff Sergeant Brian Ivers will receive the Purple Heart. Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country that honors its citizens for their spirit, their ideas, their individuality, and their courage.

I am so proud of Staff Seargeant Brian Ivers. Along with a grateful district, state, and nation, I applaud Brian Ivers for his courage and selfless dedication to duty. He has helped protect our democracy and kept our homeland safe by placing his life on the line.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KIND. Mr. Chairman, I rise today in support of the Flake/McGovern amendment to lift the United States travel ban to Cuba.

Over the past 40 years, our policy of isolation toward Cuba has been an arguable failure. The removal of the totalitarian regime in Cuba has not occurred—even a decade after the fall of the Soviet Union, Cuba's primary financial sponsor. Positive movements toward political change have not occurred in Cuba over the past 40 years—even as an overwhelming number of former communist regimes have collapsed and embraced democratic principles. These factors beg the question of whether our current policy toward Cuba is the best course of action for the people of the United States and the people of Cuba. At the very least, these factors demand that we reexamine our current policy.

With the free exchange of ideas and words profoundly important in American culture, it seems contradictory that our government would deny its people the opportunity to peaceably spread this concept without unnecessary restrictions. If the central mission of American Foreign policy is to protect Americans and our interests abroad, how does restricting the ability of Americans to travel to Cuba, a nation deemed by the U.S. Department of Defense as not posing a "military threat to the U.S. or to any other countries in the region," justifiable?

I am concerned that Cuban civilians suffer under government oppression, and it is time to confront the fact that denying direct American tourism to Cuba has resulted in no beneficial change. The island of Cuba is only 90 miles away from the United States and is surrounded by nations that embrace democracy. Positive steps to bring American ideas and words to Cuba are the right course of action, and I urge my colleagues to support this amendment.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, today, as we consider the FY04 appropriations bill for the Departments of Transportation and Treasury, I find myself facing a familiar dilemma. So often during consideration of appropriations bills, I, as I'm sure many of my colleagues do as well, face difficult choices when voting on final passage. Because appropriations bills often include so many provisions, there are always positives and negatives. It is the nature of appropriations bills that we are forced to determine whether or not the good outweighs the bad.

As we prepare to vote on final passage of this bill, a similar assessment has to be made. I am deeply disappointed in many parts of this bill, most notably the less than minimal funding for Amtrak. However, because the bill also has very important funding for New Mexico and the Nation, I will be voting in favor of passage. I cannot let the perfect—which this bill clearly is not—be the enemy of the good—which this bill is.

Before I do cast my vote, I would like to voice my displeasure with both the funding provided for Amtrak, and also for the flawed process. Not surprisingly, the Rules Committee has once again stifled debate by not allowing Mr. OLVER to offer his amendment to increase Amtrak funding by $500 million. The $900 million included in the bill is insufficient to ensure the solvency of an essential element of our national transportation network. Should Amtrak be unable to continue its important service, not only would our transportation system be severely weakened, but many communities that heavily rely on Amtrak and its passengers for economic sustainability would be devastated. Many communities in New Mexico are heavily reliant on Amtrak for their economic well-being, and they would badly struggle without it.

However, as I said earlier, there are often many positives along with the negatives in an appropriations bill, and this bill is no exception. Overall, the FY04 Appropriations bill before us provides a 3 percent increase over last years bill, and provides 4 percent more funding than the administration proposed. In addition, the bill provides $34.6 billion in total highway funding, 7 percent more than current funding and 14 percent more than requested. The bill also provides $7.2 billion for mass transit programs and $500 million for election reform activities authorized by the 2002 Federal election standards overhaul law.

I strongly support these provisions and recognize how important the funding provided in this bill is for investment in the Nation's highway, transit and aviation programs, which are all so critical to our safety and homeland security efforts, as well as to economic development. Therefore, I support this legislation. However, I will vote in support of this bill with the strong hope that the insufficient Amtrak funding will be addressed in conference.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. BALDWIN. Mr. Speaker, on rollcall 456, final passage of H.R. 2861, the FY04 VA–HUD and Independent Agencies Appropriations bill, I was recorded as voting "yea." I oppose this bill and intended to vote "nay." This bill significantly underfunds veterans' health care. Our veterans' health care system is in crisis with an average of 200,000 veterans waiting six months or more for an appointment at Veterans Administration hospitals. The funding in this bill is clearly inadequate to meet the needs of our veterans. We must deliver the quality health care that was promised to those who have served to protect American security around the world.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. KNOLLENBERG. Mr. Speaker, on September 9, 2003, I was unavoidably absent and missed rollcall vote Nos. 481–488. For the record, had I been present, I would have voted: No. 481, "no"; No. 482, "no"; No. 483, "no"; No. 484, "no"; No. 485, "no"; No. 486, "no"; No. 487, "no"; and No. 488, "no".

CONGRATULATING 137TH SPACE WARNING SQUADRON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to congratulate a truly outstanding part of this nation's defense—the 137th Space Warning Squadron based in Greeley, Colorado. For the second time in three years (an unequaled achievement), that unit has won the Distinguished Mission Support Plaque given by the National Guard Association of the United States.

This national award is given to only five outstanding units throughout all the Guard both Army and Air.

In addition to Colonel William Hudson, I would like to recognize the leadership at the 137th of Major Daniel Salgado and Major David Simmons for their outstanding work, as well as Brigadier General Mike Edwards (at the 140th Wing, Buckley AFB) and Major General Mason Whitney (the Colorado Adjutant General). The award shows the outstanding ability, competence, and potential of our Colorado Guardsmen at the Greeley location.

Additionally, the 137th in 2002 received many accolades for inspections, conversions, support, and community service. I am so proud that this unit is in the Fourth Congressional District and going above and beyond in its defense of the United States of America. May God bless them for their service.

A TRIBUTE TO FORMER REPRESENTATIVE CHARLES E. BENNETT OF FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. SHAW. Mr. Speaker, I rise today as Chairman of Florida's Congressional Delegation to honor the extraordinary life of former Congressman Charles E. Bennett. I would be hard pressed, Mr. Speaker, to find a better and more compelling individual dedicated to ethical reforms than Mr. Bennett in his 44 years in the House. Mr. Bennett was a long time proponent of such reforming legislation as the creation of the House Ethics Committee and the 1965 Voting Rights Act. Earning the title of "Mr. Clean" for his unwavering determination to financial disclosure, Mr. Bennett set an example for all public servants as early as 1950.

Mr. Bennett attended the University of Florida and graduated in 1934 with both a Bachelor and Law degree. During World War 11, Charlie defended his country with undying patriotism and fearless courage in the South Pacific, earning the Silver and Bronze Stars for his distinguished service. In 1948, Mr. Bennett was elected to the 81st Congress representing the Jacksonville metropolitan area. Forty-four years later, Charlie remains Florida's longest serving member of Congress. Despite contracting polio from his Army days, Congressman Bennett served his country with such fervor and passion rarely seen before or since.

In the early 1990's, Charlie's advocacy for the disabled community translated into his strong support and sponsorship of the Americans with Disabilities Act. Despite the use of crutches, Charlie only missed one legislative vote in 41 years; a remarkable legislative accomplishment. Mr. Bennett was also an accomplished author of seven books, as well as a passionate advocate of the preservation of Florida's natural resources and history. A well-respected member of his community, Mr. Bennett has a Federal building and a school dedicated in his name for his remarkable service to his country.

Mr. Speaker, Charlie and I served side-by-side for 12 years before his retirement in 1993, and the news of his death has greatly saddened our State, our country, and me. I am honored to have called Charles Bennett a friend and colleague during his remarkable life and our prayers go out to his surviving family; his wife Dorothy; his children Bruce, James, and Cindy; and his three grandchildren. Charles Bennett will always have a place in the hearts of everyone he represented and his memory will no doubt live forever in the State of Florida.

TRANSPORTATION TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise today in support of full funding for the Help America Vote Act of 2002 (HAVA). Congress made a commitment to election reform with the passage of this Act last year and should provide the funding required for HAVA-mandated improvements.

An amendment offered by the Honorable ALCEE HASTINGS to H.R. 2989 would have increased HAVA's funding to its authorized level of $727 million. This was offset by eliminating $165 million from Internal Revenue Service (IRS) information system funding. While I support efforts to increase HAVA funding, necessary maintenance and improvements to the IRS' information system are critical. For these reasons, I was compelled to vote against H. Amdt. 357.

I look forward to considering further legislation regarding HAVA funding in the future. Election reform is important to democracy in our country and in North Dakota. It is my hope that Congress will find a way to fully fund HAVA without reducing support for the necessary work of the IRS.

LEGISLATION FOR CONSTRUCTION OF VA FACILITY IN EAST-CENTRAL FLORIDA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, today I rise as a member of the House Committee on Veterans' Affairs, as a Congresswoman from Florida, to offer legislation that authorizes $170 million for construction of a much-needed VA facility in East-Central, Florida.

The legislation comes about after VA released, to the Capital Assets Realignment for Enhanced Services Commission, a draft report for VA review. The draft report recommends that Florida's East-Central Market receive a new hospital.

Florida's Central Market has the largest workload gap and the greatest infrastructure investment need of any market in the United States. The CARES draft report states that the logical choice for a new hospital in Florida is Orlando. There is a former 150-bed Naval Hospital in Orlando, originally designed for two additional floors, which can be restructured to take on additional services.

This will mean a big difference in many veterans' lives because currently more than 50 percent of them must travel 60 miles or one hour to the nearest VA facility. This is a problem that must be addressed now. Veteran population growth within a two-hour radius continues unabated. If a new facility is not available to veterans in East-Central, Florida soon, the hardship of long drives and waiting periods will grow even greater for our veterans.

As the Congresswoman from Florida's third district, I know firsthand of the need for a new VA facility in Orlando. I have been there for our veterans time and time again. I personally escorted former VA Secretary Jesse Brown to the old Naval facility in Orlando and told him what a perfect site it would be for a VA outpatient clinic. The James V. Haley VA Hospital in Orlando, Florida was later opened, and it is proving to be the best location available to provide even greater services to our veterans.

The goal of the CARES commission is to modernize the VA health care system. This is an important first step in making certain that the needs of our veterans are met. They are indeed, the best of the best, and deserve to be treated as such.

I abhor the treatment of America's veterans under this administration. From the shabby effort to provide for full funding of concurrent receipt, to the exclusion of new Priority Eight veterans from the VA health care rolls, this administration has proven that it is a miserable failure at treating our veterans with the honor and gratitude that they have earned.

ANIBAL ACEVEDO-VILÁ, of Puerto Rico, and SHELLEY BERKLEY, of Nevada, join me in sponsoring this measure that additionally provides $250 million for the construction of a VA hospital in Las Vegas, Nevada, and $30 million for seismic upgrades at the VA medical center in San Juan, Puerto Rico.

I would like to thank Senators BOB GRAHAM of Florida, and HARRY REID of Nevada for introducing the companion legislation to this bill in the United States Senate.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. WOOLSEY. Mr. Speaker, had I been present for rollcall No. 481, I would have voted "no." On rollcall No. 482, I would have voted "no." On rollcall No. 483, I would have voted "yes." On rollcall No. 484, I would have voted "yes." On rollcall No. 485, I would have voted "yes." On rollcall No. 486, I would have voted "yes." On rollcall No. 487, I would have voted "yes." On rollcall No. 488, I would have voted "yes." On rollcall No. 489, I would have voted "yes." On rollcall No. 490, I would have voted "no." On rollcall No. 491, I would have voted "no."

A TRIBUTE TO BARUCH TENENBAUM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LANTOS. Mr. Speaker, I am delighted to pay tribute to Baruch Tenenbaum, a truly remarkable person. He has, in an extraordinary way, made enormous efforts to promote the life and mission of World War II hero Raoul Wallenberg. As a young Swedish diplomat, Wallenberg was responsible for saving nearly 100,000 Jews in Budapest from the horror of the Holocaust. This brave man disappeared in 1945, last seen going to meet with members of the Soviet army. Though many theories regarding his disappearance abound, the world continues to wait for answers regarding Wallenberg's fate. Mr. Tenenbaum is one of the most visible leaders in carrying on Raoul Wallenberg's name.

Mr. Speaker, even before Mr. Tenenbaum started to work for Raoul Wallenberg's cause he had lived an extraordinary life. He was devoted to supporting the Jewish community in Argentina and to creating a deeper understanding between Jews and Catholics worldwide. He was the First General Director of the Argentine-Israeli Cultural Institute and focused the majority of his efforts on educational endeavors. Some of his undertakings included founding the Tarbut School and organizing the first Latin American Bible contest. In addition, he translated Spanish classics and Haskala literature into Hebrew and Yiddish.

In 1966, together with writer Jorge Lues Borges, Tenenbaum founded the first interconfessional organization, Casa Argentina en Jerusalem (Argentine House in Jerusalem). This organization has received many distinctions on behalf of the Vatican for its work in promoting ecumenism. Tenenbaum's outstanding commitment to the Jewish and Catholic communities has earned him accolades and honors from Pope Paul VI and from Monsignor Antonio Caggiano, Cardinal Primate of Argentina.

Mr. Tenenbaum and I co-founded the International Raoul Wallenberg Foundation (IRWF) in 1997. Since then, we have worked tirelessly to make Raoul Wallenberg's story known around the world. Mr. Tenenbaum has personally convinced over 60 heads of states to become members of IRWF. Some members include German Chancellor Gerhard Schröder, Israeli Prime Minister Ariel Sharon, former U.S. President Gerald Ford, and Nobel Peace Prize Laureates Dalai Lama and Elie Wiesel.

Mr. Speaker, I know you will agree that preserving the memory of Raoul Wallenberg is very important. Wallenberg is a truly timeless role model for all generations, representing an ideal sense of selflessness and caring of all people. He taught us about the importance of standing up for the immutable rights of all people and the need to combat evil when it confronts us. Wallenberg will always serve as a reminder of the tremendous difference just one man can make, and keeping his spirit alive means ensuring and preserving the spirit of humanity. In carrying on Raoul Wallenberg's name, Mr. Tenenbaum has made a tremendous effort in keeping his spirit alive and carrying his message on to future generations.

Under the direction of Mr. Tenenbaum, the IRWF has undertaken a number of various endeavors to further the memories of Holocaust heroes, including Raoul Wallenberg. There have been a number of statues raised and countless exhibits displayed around the world as a result of IRWF's efforts, honoring keepers of humanity during the Holocaust. In addition, Wallenberg has been honored throughout the world with commemorative postage stamps, and a number of streets and schools named in his honor. The IRWF's goals for these initiatives in honor of Wallenberg and other Holocaust heroes is to stimulate the educational authorities in dozens of countries to teach not only the stories of the Holocaust, but also the stories of the heroes that emerged from the horrors. By educating future generations about the plight of Holocaust heroes like Wallenberg, perhaps they will adopt just a fraction of the humanitarian values these brave men and women held.

Mr. Speaker, at the age of 67, Mr. Tenenbaum has never received a salary nor any other financial compensation for his work. He covers nearly all IRWF expenses himself and he devotes all his time to the Raoul Wallenberg cause. I am honored to pay tribute to this extraordinary man and I urge all of my colleagues to join me in congratulating Baruch Tenenbaum for his outstanding achievements. This exceptional person is truly an inspiration to us all. Like the man whose legacy he works tirelessly to preserve, Mr. Tenenbaum is living proof that one man can make a difference.

A TRIBUTE TO EAST SURRY LITTLE LEAGUE GIRLS 16 AND UNDER FAST PITCH SOFTBALL TEAM

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BURR. Mr. Speaker, I rise today to offer my congratulations to the fine athletes of the East Surry Little League of Pilot Mountain's 16-and-under girls' fast pitch softball team. The dedication, talent, and hard work of these girls has won them a place in North Carolina's history as the very first North Carolina team to win a Little League World Series Championship.

After a series of wins, the girls of East Surry clinched their final victory against Kentucky to claim the title as World Series Champions. Their victory on August 16, 2003 in Jeffersontown, Kentucky is certain to be remembered with pride in the hearts and minds of North Carolinians for many years to come.

I commend the fine sportsmanship of these girls and wish them a future of successes. I am proud of their efforts in placing North Carolina among the states to hold a Little League World Series Championship win.

To Manager Breck Honeycutt, Coaches Mike Burge and Brent Hull, and players Samantha Smith, Haley Burge, Kate Jewell, Karlie Love, Beth Hauser, Megan Hull, Sara Bartlett, Catherine Mitchell, Lauren Angel, Brooke Honeycutt, Jessica Hauser, Rachael Brooks, and Ashley Simmons, I assure you that the people of Surry County, and indeed all North Carolinians, are very proud of your accomplishments.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 476 and 477. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "nay" on rollcall Nos. 476 and 477.

RECOGNIZING THE ARTICLE "REMEMBERING THE AWESOME LESSONS OF THE HOLOCAUST"

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FORBES. Mr. Speaker, I rise to call attention to the article "Remembering the Awesome Lessons of the Holocaust" written by Rabbi Israel Zoberman. The article appeared in the Virginian-Pilot and The Ledger-Star on Saturday, June 12, 1993.

Rabbi Zoberman is spiritual leader of Congregation Beth Chaverim in Virginia Beach. Born in Chu, Kazakhstan, in 1945, and raised in Haifa, Israel, he is the son of Polish Holocaust survivors.

Remembering the Awesome Lessons of the Holocaust

Visiting the recently dedicated official United States Holocaust Memorial Museum is not an ordinary experience, nor should it be one.

Along with fellow Americans, gentiles and Jews from all walks of life, I was conscious of entering upon sacred space. The resultant education experience, through ingenious multimedia presentation and architectural genius, exposes us to the unfolding stages of the Third Reich's evil, allowing us a closer reach to an unfathomable reality.

We are led on a journey whose consequences of disaster for the Jewish people and for humanity in general become increasingly evident at each turn.

Hitler's early threats were far from idle. What was dismissed as the political rhetoric of a novice was methodically translated into a program of genocide. Failure to stop the Nazi regime early on yielded the largest harvest of death in history.

Recognizing that the tragedy's magnitude is such that without personalizing it we risk losing it, we watch a tower of photos depicting the life of an entire community that is no more, from family gatherings and children at play to loved ones and pastoral calm. In two days of mass executions, 3,000 Jews, young and old, of Elshishok, Lithuania, where Jews had lived for 900 years, were slain. This was one among more than 4,950 destroyed communities.

Focusing on the shoes of gassed victims, my eye caught one belonging to a child. Who can remain neutral toward a little one's fate?

The video (hidden from view of those who could not bear it) of the medical experimentations on live subjects—gypsies and twins were favorites—was ample proof of science's culpability and academicians' corruptibility. Yet, the inspiring example of the French village of Chambon, which saved 5,000 Jews, including many children, from round-up and deportation, shines through the darkness.

Watching on-screen survivors reminisce illustrated the power of witness and the sacred duty to preserve their essential legacy, as age diminishes their numbers, for the sake of those to follow.

At the tour's beginning one receives a passport of a person who encountered the war. Mine was of a man who expired en route to the Belzec death camp where many members of my own extended family perished. One identity card bears the name of a surviving relative, Gitla Zoberman (now Gertrude Kupfer), who lives in Richmond, Virginia.

The museum's honored location in Washington, DC, near our national shrines, reflects the awesome lessons of the Holocaust. It is a grim though necessary reminder that democracy entails eternal vigilance and those revisionists who attempt to rewrite history, claiming that the painful past is a malicious Jewish invention, will have to face life's hard facts.

The fitting memorial, at a substantial cost of $170 million, is an investment in all that we hold dear. It ought to ever arouse humanity's collective conscience, as I agonizingly contemplate the overdue need to put an end to the horrors in the former Yugoslavia.

I emerged from the trying four-hour visit with a sense of catharsis, cleansed to meet the world with a sharper awareness, to turn my tears into a well of hope for the future of all.

TRIBUTE TO MICHAEL ALLEN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Michael Allen, a dedicated public servant and valued friend. Michael is an Education Specialist for the National Park Service's Fort Sumter Group in Charleston, South Carolina, and was recently named a recipient of the William C. Everhart Award for 2003.

The William C. Everhart Award is given for sustained achievements in interpretations that have illuminated, created insights to, and fostered appreciation of cultural and natural heritage. The award will be presented to Michael on October 2, 2003 at Clemson University.

The Fort Sumter Group consists of Fort Sumter National Monument, Fort Moultrie and Charles Pinckney National Historic Site and Michael has served as their Education Specialist for three years. He was nominated for the award, in large measure, because of work in developing the educational curriculum and programs for the sites, and his leading role in the National Park Service's Gullah-Geechee Special Resource Study. The Gullah-Geechee project is one in which I take particular pride and am very proud of the role I played in securing its authorization. The final report on this unique cultural treasure is expected to be presented to the Congress in December of this year.

Michael is also a great resource and advocate in interpreting the whole and complete story of the American Civil War in the Southeast Region of the National Park Service.

Michael grew up in Kingstree, South Carolina, and is a 1982 graduate of South Carolina State University with a degree in History Education. He began his public career with the National Park Service in 1980, and has been married for 15 years to the former LaTanya Prather of James Island, South Carolina. Michael and LaTanya currently live in Mount Pleasant, South Carolina and are the parents of three children; Brandon, Shaelyn, and Isaiah.

Mr. Speaker, I commend Michael for the recognition given him for his tireless and exemplary public service, and ask that you and my colleagues join me in this tribute to his tireless and selfless service.

CONGRATULATING THE LA MIRANDA JUNIOR BASEBALL LEAGUE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on August 16, 2003, the La Mirada Junior League baseball team won in its first appearance in the Junior League World Series by defeating Santiago, Panama 8–7 for the title of 2003 Junior League World Champions.

La Mirada, located 18 miles southeast of Los Angeles, is the fourth Junior League baseball team from California to win the World Championship.

The La Mirada team, also the California state champions, started the four-team Western Regional Tournament with a 5–3 loss to Scottsdale, Arizona, but came back with four straight victories to win the title.

La Mirada eliminated Aiea, Hawaii, which won the Junior League World Series in 2000 and 2001, then beat hosting Union City, California and won two straight games over Arizona to arrive at the Junior League World Series with a 17–2 overall record.

Founded in 1981, the Junior League World Series is the older brother of the Little League World Series. The Junior League World Series is a spectacular weeklong international tournament for the best teams of 13- and 14-year-old baseball players from around the world and is played every year in beautiful Heritage Park in Taylor, Michigan.

It has blossomed to include teams from around the globe: from Europe, Latin America, the Asia-Pacific region, Canada, and the United States. To date, participating teams have come from 27 different states in the U.S., four Canadian provinces, Mexico, Puerto Rico, Belgium, Saudi Arabia, the Czech Republic, Germany, Guam, Poland, Venezuela, Saipan and, for the first time in 2003, Russia.

La Mirada's all-star roster included: Chris Amezquita, Jordyn Baldwin, Jason Dovel, Frankie Fichera, George Gonzalez, Jacob Johnson, Stephen Kaupang, Michael Le Blanc, Brandon Pesante, Kevin Platzer, A.J. Rodriguez and Taylor Seimens with coaches Larry Kaupang and Gary Bouchard, and Manager Jim Gordon.

La Mirada braved rain delays and lack of electricity caused by the Nation's largest power outage during the week-long tournament to win against regional champions Mansfield, Massachusetts (East); Urbandale, Iowa (Central); Bridgewater, Virginia (South); and Sugar Land, Texas (Southwest) to become the United States champion.

The final game of the international tournament between La Mirada and Panama may have been the most dramatic with the lead changing hands five times.

La Mirada won the championship game with exceptional pitching, an explosive offense and an excellent defense. La Mirada took the lead in the 6th inning with a three-run homer and fended off a final inning, two-run rally.

According to everyone involved, the trip to the Junior League World Series will be remembered by the players, coaches and their family members not only for the games played, but also for their shared memories of their time together.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PAYNE. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted “yea.”

TRIBUTE TO MRS. NORA G. CLEMONS McCOWAN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to bring recognition to a close and dear friend of mine, Mrs. Nora G. Clemons McCowan.

Mrs. McCowan was actually born in Terrell, Tennessee on September 17, 1913. She moved to Cleveland in 1946 upon wedding Wilmer R. McCowan, affectionately known as Winnie. Their marriage endured for 52 years. For several years, the couple won the Cleveland Press Beautiful Block Contest for their infamously marvelous yard. Wilmer McCowan passed away in January of 1999. Mrs. McCowan had one daughter, Dexter Louise Mosley. I sailed with her grandson on many occasions.

I know Mrs. McCowan to be a devout member of East Mt. Zion Baptist Church. She has held this membership for over 70 years. She sings in the Sanctuary Choir, leads Group 22 and is president of the Group Leaders Council. She is also involved in the Missionary Society and the Sunday school.

In the community, Mrs. McCowan sports active membership with the Passadena Street Club and serves as Precinct Captain during election season.

I have known Mrs. McCowan my entire life. She is a clear role model for all people in Ohio's 11th Congressional District.

TRIBUTE TO OLEY AND GRACE KOHLMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is an honor and a privilege to stand before this body of Congress and this nation today to pay tribute to two remarkable citizens from my district. Oley and Grace Kohlman of North Park, Colorado have spent numerous years in service to this nation and to their community. I would like to take this time to recognize their many achievements and accomplishments.

Both Grace and Oley have dedicated much of their time to local, regional and national cattleman's associations, and various other groups affiliated with western life. Grace was president of the North Park Pioneer Association; she is an Honorary Life Member of the North Park CattleWomen and the Colorado CattleWomen; she was also a member of the Rebekah Lodge in Walden. In his days as a soldier, Oley was part of the famous 10th Mountain Division, later becoming a member of the 10th Mountain Division Association. He was also a member of the Colorado Water Congress.

In addition to the Kohlman's contributions to regional groups affiliated with the cattle industry, they were also honored this year in recognition of fifty years as members of the Colorado Cattlemen's Association. Oley has served as chairman of the Marketing Committee and chairman of the Endowment Trust Fund, and perhaps most impressively, he also served as president of the Board of Directors for two years. Both Oley and Grace are also members of numerous national cattlemen's associations.

As members of the Junior Colorado Cattlemen's Association, they created the Oley and Grace Kohlman JCCA Scholarship, which provides tuition assistance to JCCA college students majoring or minoring in an agriculture related field of study. –

Mr. Speaker, it is for their years of passionate dedication to their trade that I recognize Oley and Grace Kohlman before this body of Congress today. I am honored to pay tribute to this tremendous Colorado couple and the wonderful contributions they have made towards the betterment of their community.

H.R. 2861—VA/HUD APPROPRIATIONS BILL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. MOORE. Mr. Speaker, today I voted in favor of the Veterans Affairs and Housing and Urban Development Appropriations Act of 2004, with serious reservations about its funding levels for veterans' facilities across the country.

Veterans deserve more than this bill, which gives the VA $2.1 billion less than the House budget resolution requested. It is unconscionable that we're not fully funding the VA. I want to see this legislation receive full funding during conference committee, before it is sent to the President. At a time when we are asking more Americans to sacrifice for our Nation, we should not cut funds for medical care facilities veterans may need upon their return home.

I hope that the conference committee can resolve differences between the House and Senate appropriations bills and will negotiate for better funding of veterans' medical care. A number of veterans' organizations have voiced their disappointment in the bill's low level of funding, including the American Legion, Disabled American Veterans, and Veterans of Foreign Wars of the United States.

Earlier today, I offered an amendment to the bill that mirrored my recently-introduced bipartisan CARES legislation. This bill, H.R. 2808, would require the Secretary of Veterans Affairs to give Congress 60 days to review any action proposed closure of VA facilities or beds. The legislation comes after the VA suggested that the Dwight D. Eisenhower VA Medical Center in Leavenworth may be considered for possible downsizing of beds and services.

Congress needs to be involved in the process of determining the future of the VA health care system, especially if facilities are on the chopping block. Eliminating services in Leavenworth would be a disservice to the men and women who have served our country. In addition, redirecting those patients to the Kansas City VA Hospital, when there is already a six month wait for non-emergency care, would overwhelm a system that is already overwhelmed. After making a sacrifice for our country, our veterans should not be denied access to health benefits they have earned.

TRIBUTE TO RUTH MARIE COLVILLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and passing of Ruth Marie Colville, an outstanding citizen from my district. Ruth was an active member of the Del Norte, Colorado community and she will be remembered as a respected historian, educator, and mother. Ruth passed away recently at the age of 99, leaving a legacy of leadership for her community to follow. I stand to honor that leadership here today.

Ruth was born in Bethlehem, Pennsylvania but moved to Del Norte shortly after she graduated from college. Ruth had a fascination with the West, exhibited in her love of movies and Western entertainment. Ruth began her life in Del Norte as a history teacher, calling on her English and History degrees from Wellesley College. Ruth's passion, however, was researching and documenting the life, culture, and exploration of early life in the San Luis Valley.

Ruth's passion would lead her to write several books on the history of the area, and she soon became a respected member of the educational community. For her service, Adams State College opened the Ruth Marie Colville room in the Nielsen library. Del Norte honored her by opening the Ruth Marie Center for the Community.

Mr. Speaker, I am honored to pay tribute to Ruth Marie Colville before this Congress and this nation. Her hard work, enthusiasm, and leadership in the community will be sorely missed. My thoughts and prayers go out to Ruth's family and friends as they mourn her loss.

HONORING THE 75TH ANNIVERSARY OF J. C. EHRLICH CO., INC.

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. HOLDEN. Mr. Speaker, I am pleased to have the opportunity to bring an authentic American success story to your attention.

The officers and coworkers of the J. C. Ehrlich Company are celebrating the 75th anniversary of the founding of their company in

1928. The company's founder, Julius C. Ehrlich emigrated to this country from Germany at the age of 17, eventually moving to Reading, Pennsylvania where he had a job as a manufacturer's representative selling insecticides and sprayers. In 1928, there were very few pest control companies in the country and none in Berks County. Mr. Ehrlich's sales were primarily to businesses who would apply the materials themselves.

One day he called one of his customers, a department store in Reading, who had not used the material he had sold them during his last sales visit. When he learned that the custodian had been unable to apply the material, Mr. Ehrlich, wanting to satisfy his customer and not wanting to lose a sale, offered to apply the material himself. At that moment Mr. Ehrlich, who was 56, founded the pest control service organization now known as the J. C. Ehrlich Company. Even today, as the company celebrates its 75th anniversary, the management and coworkers look back at that moment as inspiring their current success by using the same principles that Mr. Ehrlich employed at that department store—Initiative, Ingenuity and Exceeding Customer Expectations.

So while others were contemplating retirement, Julius C. Ehrlich was developing a new business. Even more impressive is the fact that the formative years of Mr. Ehrlich's business were during the early 1930's and the Great Depression.

By 1939, four of Mr. Ehrlich's nephews had immigrated to this country in order to avoid the conditions facing them as Jews in Nazi Germany. In the great traditions of many Americans, these four nephews, Arthur Hammel, Simon Hammel, Alex Ehrlich and Victor Hammel, worked tirelessly. (Unfortunately, Victor Hammel, for whom the company's current President is named, passed away in the early 1940's.) Their work ethic is underscored by the story of their arrival in late December 1937. Without knowing the English language, and without any knowledge of pest control, they started work just five days later. When questioned as to why they waited five whole days from the time they got off the ship to the time they started, Simon Hammel was quick to mention that they lost several days because of a weekend and New Year's Day. Otherwise, they would have started work more quickly. The hard work and determination of this second generation began the expansion of the J. C. Ehrlich Company beyond its Berks County roots. Its second district office was established in Pottsville. The third and fourth offices were in Lancaster and Allentown.

Today the third generation of Ehrlich family management includes three cousins, Victor Hammel, Robert Hammel and Richard Yashek.

The company's owners are quick to point out that it is the dedication of its coworkers that has made J. C. Ehrlich a premier company in its various businesses. In fact, the company states its core belief in its Vision Statement: "Above all else, we value long-lasting relationships with coworkers and customers." Among its current 1,100 coworkers are many who have reaffirmed that sentiment by working for J. C. Ehrlich for 15 years, 20 years, 25 years and more. Today, in addition to providing pest control services, the company provides termite control, bird control, vegetation management, and bioremediation services. The company also continues Mr. Ehrlich's very first business through a division known as Ehrlich Distribution, which sells products to control pest and vegetation.

As J. C. Ehrlich celebrates its 75th anniversary, there is much to be proud of. Consider these accomplishments:

Named as one of the "Top 25 Best Places to Work in Pennsylvania";

Named "America's Finest Pest Control Company" by Pest Control Technology Magazine;

Has grown to become the largest privately-owned pest control company in North America;

Has 39 local offices servicing 8 Mid-Atlantic States and the District of Columbia; and

Most importantly, 1,100 loyal coworkers providing more than 1 million services per year.

Mr. Speaker, these accomplishments are the proud results of J. C. Ehrlich's culture. This culture can be better understood by knowing how the company's coworkers are celebrating their 75th anniversary. Instead of a major corporate celebration, Ehrlich's 39 offices decided that they would volunteer their time and effort to the local communities that had supported them through the years. With the company's encouragement, coworkers in each district office selected a local charitable organization that they could contribute time to as a group. On the selected day, the office closed and everyone worked as a team to provide community service. In total, this represents approximately 8,000 hours of time Ehrlich coworkers have donated to their local communities. I am pleased to present to you the civic contributions that the men and women of J. C. Ehrlich have made to their communities during this, their 75th anniversary:

PENNSYLVANIA

Allentown—Girl Scout Camp Clean-up.

Clarion—Cleaned park.

Erie—Worked at a soup kitchen for at-risk children.

Harrisburg—Riverbank Cleanup.

Hatfield—Dyed Easter Eggs and assembled baskets for the needy.

Hazleton—Cleaned up a local park.

Johnstown—Donated time to local thrift shop and soup kitchen.

Lancaster—Did clean-up and landscaping for area parks.

Lebanon—Helped to prepare for cancer fundraiser.

Lewistown—Worked on a Habitat for Humanity House.

Philadelphia—Worked at a local soup kitchen.

Pittsburgh—Cleaned up at a local zoo.

Pottstown—Yard clean up for area senior citizens.

Pottsville—Cleaned up a local park.

Reading Pest Control—Riverbank cleanup.

Reading Accounting—Children's Home of Reading.

Reading Administration—Reading Hospital.

Reading Customer Service Center—Volunteered at a local festival.

Reading Audit—Distributing food at Salvation Army.

Reading VMS—Cleaned up a local park.

Reading Technical Trainers—Girl Scout Camp Clean Up.

Reading MIS—Cleaned up at local park, delivered meals on wheels, donated special computer to needy child.

Scranton—Delivered food for Meals on Wheels.

Shamokin—Planted flowers in downtown area.

State College—Helping United Way Day of Caring.

Stroudsburg—Cleaning up local highways.

West Chester—Cleaned up a local park.

Wilkes Barre—Cleaned up a local park.

Williamsport—Cleaned up an old museum.

York—Clean up and landscaping at a local park.

NEW JERSEY

Avenel—Shoreline cleanup.

Bergen County—Donated pest control services to local museum.

Flemington—Fixed and helped to remodel homes for needy residents.

Vineland—Cleaned up a park.

NEW YORK

Binghamton—Worked in a soup kitchen.

Hudson Valley—Beach clean up at a wild life sanctuary.

Middletown—Worked on houses for Habitat for Humanity.

DELAWARE

Delmarva—Worked at a nursing home.

Wilmington—Sorted clothing at a local clothing bank.

MARYLAND

Baltimore—Helped build homes for Chesapeake Habitat.

Gaithersburg—Cleaned up a park.

Hagerstown—Spent time with Senior Citizens at a local center.

Millersville—Participated in United Way Day of Caring.

VIRGINIA

Newington—Served food and cleaned up at a men's shelter.

Mr. Speaker, I am proud to have several J. C. Ehrlich offices throughout my Congressional District. On a personal level, my family has known the Hammel Family for at least two generations. My father, Joseph Holden and the father of the current owners, Simon Hammel, were friends in Schuylkill County, Pennsylvania. I am pleased to be able to continue that tradition of friendship. I congratulate them on their 75 years of success and wish them the best for the future.

HONORING MARY JEAN BERG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to a selfless community servant and dedicated doctor from my district, Mary Jean Berg of Ordway, CO. An active member of the Crowley County community, Mary Jean is this year's recipient of the 2003 Rural Healthcare Excellence Award presented by the Colorado Rural Health Center. I would like to join with the Colorado Rural Health Center in congratulating Mary Jean on this distinguished honor.

The Rural Healthcare Excellence Award is presented every year to someone who makes an outstanding contribution to rural healthcare or the rural healthcare system. Mary Jean is an obvious candidate, with over twenty years of rural healthcare experience. She has clinics located throughout Crowley and Otero counties, providing medical care that is closer to home for her patients. Mary Jean goes beyond the duty of a doctor; she has been known to make house calls and provide special services to her elderly patients. Mary Jean has also helped bring several new doctors and nurses into the area, ensuring an availability of healthcare professionals for years to come.

Mr. Speaker, I join with my colleagues here today in applauding Mary Jean's civic-mindedness and in recognizing this prestigious honor. This recognition to Mary Jean for her community service is well deserved, and I am proud to bring her achievements to the attention of this body of Congress today. Congratulations and thanks again, Mary Jean, for your many years of hard work. May you have many more to come!

HONORING THE ACHIEVEMENT OF CITY OF CAMPBELL LEADERS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. HONDA. Mr. Speaker, I rise today to recognize the achievements of Campbell Mayor Daniel E. Furtado, Councilmember Jeannette Watson, and Campbell Police Captain Russell Patterson. Their work in Campbell, California, has made that city one of our Nation's safest. Today, the National League of Cities commended these leaders for developing a homeland security preparedness program that serves as a national model.

Since the tragic events of September 11th, 2001, each level of government has been faced with the challenge of making our homeland more secure. In developing the City of Campbell's Terrorism and Disaster Preparedness Program, Campbell's leaders have met this challenge by coordinating efforts between government agencies, local schools and universities, and community based organizations in order to respond to disasters quickly and efficiently.

This highly effective program utilizes an "All Hazards" approach, sharing information and resources used to combat both natural disasters and the kind of terrorist attacks our country witnessed two years ago. The program allows for the expansion of an emergency management organization based on the severity of each possible disaster or terrorist attack.

The Mayor, City Council, and Police Department deserve our gratitude. They have made invaluable contributions to the City of Campbell over the past two years.

I hope other cities throughout the United States are able to emulate Campbell's achievements, as America moves forward in protecting our homeland. The people of Campbell are more prepared for catastrophes, and are privileged to have proactive public servants working for them.

TRIBUTE TO JODIE SPRADLIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. MCINNIS. Mr. Speaker, I stand before this body of Congress to pay tribute to a remarkable woman from my district. Jodie Spradlin of Steamboat Springs, Colorado has demonstrated the kind of personal dedication to overcoming adversity that is truly honorable. I stand before you to recognize her today.

At the age of 16, a drunk driver collided with her family's van on the interstate and Jodie lost her leg from injuries sustained in the accident. Jodie's acceptance of her loss did not come easy. She was very self-conscious for a period of time after the amputation. However, in time, she was able to overcome her anxieties and begin living a more normal life.

Jodie now assists others by donating her old prosthetic legs to victims of land mines. A new prosthetic leg costs around $15,000 and her contributions are the only hope for many less fortunate amputees. Her charitable actions provide others with an opportunity to conquer their own personal challenges, just as Jodie was able to do.

Today, Jodie and her husband have three children and are living happily in the mountains of Colorado. Her story serves as an inspiration to others by illustrating the significance of focusing on the important aspects of life, such as children and family, and overcoming those things that hold us back.

Mr. Speaker, it is a privilege to stand here today and honor Jodie Spradlin and her achievements before this body of Congress. Her spirit, self-determination and altruistic sense of community service are truly worthy of praise. Jodie's charitable actions demonstrate how much one person can improve the lives of others. I wish her all the best in the years to come.

RECOGNIZING JEFFREY GREEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to pay homage to Jeffrey Green, who is retiring this month after 20 years of service to the people of my home County, Mariposa. Jeff became County Counsel in October, 1983, and for twenty years has served with distinction in that capacity. He has served the elected officials, the staff and the citizens of the county well for those two decades.

During Jeff's tenure, he has had the distinction of serving many different members of the Board of Supervisors—so many that I confess I lost count after 15 or so—of which I am proud to say I was one. Working with Jeff was a learning experience for me. He provided sound legal advice, and was the steady hand that ensured that there would be few crises. Jeff also wrote and monitored ordinances, contracts and other legal documents, and was a source of information, opinions and assistance whenever asked. He always addressed Board concerns and concerns of individual Board members in a timely and professional manner.

In addition to his legal and administrative skills, Jeff is an expert fly-fisherman. I am sure that after his successful 20 year career in Mariposa County, he is looking forward to trying out the latest flies and catching all the fish he missed while the Board was in session.

Mr. Speaker, I am pleased to honor my friend Jeffrey Green upon his retirement as County Counsel for Mariposa County, California. He will be missed by all but the fish.

TRIBUTE TO CODY BRICKELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and passing of Cody Brickell, a resident of Glenwood Springs, Colorado. As his family and friends mourn their loss, I would like to pay tribute to his life and the wonderful memories he has left behind.

Just 18 years old, Cody was a recent high school graduate with plans for attending college in the fall and dreams of studying medicine. Cody was a young leader in his community, serving as the student body president, captain of the football team and a member of the Glenwood Springs High School Key Club. Cody was known for his solid work ethic, toiling long hours to save money while pouring concrete, mowing lawns and working at the local athletic club.

The loss of a life is tragic in any instance, but the loss of a young life is even more trying. Cody showed such tremendous potential for accomplishing tremendous feats in his short lifetime, and it saddens me to stand here today and mourn his passing. Cody's family and community will certainly miss his generous spirit.

Mr. Speaker, I am saddened by the untimely loss of such a kind and promising individual. Cody's commitment, compassion, and hard work garnered him respect in his community, and it is for those very qualities that I bring his life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of Cody Brickell.

TRIBUTE TO 100TH ANNIVERSARY OF THE CENTRAL MACOMB COUNTY CHAMBER OF COMMERCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Central Macomb County Chamber of Commerce today, in recognition of the Chamber's 100th anniversary.

For 100 years the Central Macomb County Chamber of Commerce has dedicated itself to the community. The Chamber is a local organization operated by and for the people of the business community of Clinton Township, Mount Clemens, Harrison Township, Macomb Township and New Baltimore. It is a focal point of leadership and a gathering place for those who make the strategic decisions that shape our business lives.

The Chamber's history as a champion of downtown businesses started in 1903 as the Mount Clemens Business Men's Association. Negotiating favorable rates with the Rapid Railway interurban line, sponsoring Macomb County days, lobbying for Shadyside Park, and the establishment of Selfridge Field as a permanent military facility were among the many accomplishments of the dedicated members.

The Association had become the primary organization of representation for all types of businesses in Mount Clemens. It represented merchants, bathhouses and factories. The name was changed to the Mount Clemens Board of Commerce in 1926 to clarify their purpose and reflect their diversity. Then, in 1959, they changed the organization's name to the Greater Mount Clemens Chamber of Commerce and, finally, to its present name of Central Macomb County Chamber of Commerce in 1981.

The name may change but the dedication and service to the community remain steadfast. The Chamber's original bylaws and declaration of principles from 1903, "to encourage the patronizing of home industry; to encourage the bringing of manufacturing enterprises to our city; to promote co-operation among ourselves and to endeavor to advance in every legitimate way the welfare of our city" continue to resonate today.

Mr. Speaker, I ask my colleagues to join me in recognizing the Central Macomb County Chamber of Commerce on their 100th year anniversary.

SEPTEMBER 11TH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BACA. Mr. Speaker, two years ago today, we mourned and cried as we watched the horrific events that unfolded before us on September 11, 2001.

The events of that day will live forever collectively in the conscience of this country.

Like Pearl Harbor, the assassination of John F. Kennedy, and the assassination of Dr. Martin Luther King, Jr. no one will forget where they were the moment they heard the news on that day.

September 11, 2001, like very few days before in this nation, will live forever in infamy.

We must never forget the thousands of lives that were lost as a result of those cowardly attacks. The passengers, the workers at the Pentagon and the World Trade Center and the many courageous rescue workers who in an effort to try to save lives, lost their own.

Our nation must always remember those who fell victim to terrorism on that day. Our nation must never forget the suffering felt on that day. We must never forget the pain of the families who lost their loved ones, and we must always keep them in our prayers.

But as I stand here on September 11, two years after the attacks, I am aware more now than ever before of the responsibilities we as lawmakers hold to this nation.

As leaders of the greatest nation on this Earth, we have the responsibility to fight to uphold the ideals that make this nation great. We must continue to protect freedom and democracy and never abandon the ideals put forth by our founding fathers.

We must continue to fight this war on terror and invest in our homeland security. We must make sure that attacks, like those experienced two years ago, will never happen again. And if they should happen again, we are able to respond to protect the lives of our citizens.

This country was united two years ago by an act of violence and terror. A renewed sense of patriotism gripped this nation and I feel that it is still present today.

Let us never forget this sensation. Let us use the tragedy of September 11, 2001 to make this a stronger nation, a nation that cannot be crippled by a zealous few. Let us use the tragedy of September 11, 2001 to make this a safe and freer world, not only for the children of the United States, but the children throughout the world. Freedom is a right entitled to all.

Let us never forget those who passed away on September 11, 2001.

Let us pray for the children who lost their parents, the parents who lost their children, and everyone who suffered a loss on that horrific day.

But also, on this commemorative day, let us not forget to pray for the safe return of our troops overseas. Though we may not all agree with the politics behind this past war, we can all agree that America's sons and daughters are overseas fighting with passion to protect our freedom. Let us not forget to include them in our prayers.

We must pray for continued peace and security in this nation and in all nations.

On behalf of the people of the Inland Empire of California, I offer my emotional and spiritual support to those whose lives were changed forever two years ago today.

And I would like to take a moment to mention the names of the three constituents I lost on that day. Cora Holland, mother of three and grandmother who died aboard American Airlines flight 11; Rhonda Rasmussen, who died at the Pentagon; and Navy Yeoman Second Class Melissa Rose Barnes, who died at the Pentagon.

HONORING CYNDY SIMMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to recognize a dedicated educator from my district. Over the last two decades, Cyndy Simms has provided Steamboat Springs, Colorado with exemplary service as the school district's Assistant Superintendent and Superintendent over the last two decades. As Cyndy's career now takes her to Washington State, I am proud to honor the determination and legacy that she leaves with Steamboat's school system.

Cyndy accepted the school district Assistant Superintendent position shortly after arriving in Steamboat Springs in 1983. She revolutionized many aspects of the Steamboat Springs School District in that position as well as in her subsequent service as Superintendent. With her consensus model of decision-making, Cyndy forged a relationship between the school district and the community which remains strong today. The school district has come a long way under Cyndy's stewardship. Cyndy cherished her position as Superintendent and the opportunity it gave her to impact so many students' lives.

Mr. Speaker, I am proud to stand before this body of Congress today to express my admiration for Cyndy Simms and her service and devotion to the students of Steamboat. Individuals like Cyndy personify the dedication and commitment necessary to impart strong values to future generations and allow them the opportunity to succeed. Thank you, Cyndy, for your dedication and selfless public service. I wish you all the best in your future endeavors.

INTRODUCTION OF A BILL TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LoBIONDO. Mr. Speaker, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer the rest of the Nation. Established by Congress in 1988, the Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy to the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the New Jersey Coastal Heritage Trail Route is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, oystering and crabbing. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

"Eco-tourism" along the Coastal Heritage Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys and bald eagles.

Today, I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route. This legislation would extend the authorization of the Trail to provide an additional $4 million over 5 years to continue the work began in 1988. It would also initiate a Strategic Plan which would explore opportunities to increase participation by national and local private and public interests, as well as organizational options for sustaining the Trail.

The New Jersey Coastal Heritage Trail has helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and its history. This reauthorization will allow the Trail to continue and flourish.

I urge my colleagues in the House to support this legislation.

HONORING CECIL TACKETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a true American hero and dedicated father from my district, Cecil Tackett of Pagosa Springs, Colorado. An active member of the Colorado community, Cecil was recently selected as this year's Marshal of the "Our American Heroes" Fourth of July parade. I would like to join the Pagosa Springs Rotary Club and the local community in honoring Cecil's service and recognizing this distinct honor.

Cecil was an obvious choice as Marshal of the parade, as he gallantly served to protect the freedoms we enjoy today. Cecil joined the Army Air Corps before the attack on Pearl Harbor and earned his pilot's wings as a Second Lieutenant. In 1944, Cecil was stationed on Saipan Island and was responsible for conducting bombing missions throughout Japanese territory. These missions would often last 14 to 18 hours, demanding the most from both pilot and crew. It was on one of these missions when Cecil's plane, the Pride of the Yankees, lost two engines, nearly crashing over Japan. Cecil took control and landed his aircraft and its crew safely in Saipan over eight tense hours later.

After the war, Cecil completed his degree at Kansas State University and went on to help build dams in Nebraska, Texas, Oklahoma, and Kansas. He moved to Pagosa Springs in 1963 and quickly became an active community member. Cecil served on the Pagosa Springs Board of Trustees, the Board of Directors at Citizens Bank, and currently serves the San Juan Water Conservancy District, helping restore the Lower Blanco River.

Mr. Speaker, it is an honor to bring attention to Cecil's heroic and dutiful service. Recognition for the sacrifice he made for this country is long overdue, and I am proud to bring Cecil Tackett's achievements to the attention of this body of Congress today. Thank you again, Cecil, for your many years of hard work on behalf of Pagosa Springs and the State of Colorado. May you have many more to come!

TRIBUTE TO CATHERINE GLENNON AND THE ONCOLOGY NURSING SOCIETY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PRICE of North Carolina. Mr. Speaker, today I am pleased to honor my constituent, Catherine Glennon, for the contributions that she has made to the field of oncology nursing. Catherine has dedicated her career to individuals with cancer and their families, and she is currently the Oncology Services Health Center Administrator at the Private Diagnostic Clinic at Duke University Medical Center.

Catherine has been a member of the Oncology Nursing Society since 1976 and recently stepped down from serving on the Board of Directors. The Oncology Nursing Society, the largest professional oncology group in the United States, exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer. As part of its mission, the Society honors and maintains nursing's historical commitment to advocacy for the public good.

Catherine Glennon has received numerous awards and recognition for her work on behalf of individuals with cancer including the Oncology Nursing Foundation Nurse Administrator/Manager Career Development Award, participation in the Center for Nursing Leadership, and recognition in Who's Who in American Nursing. She has also authored a number of studies and articles on quality cancer care and the nursing shortage that have appeared in several distinguished publications. In addition, Catherine has given numerous presentations to national audiences on a host of cancer care, health, and nursing shortage issues.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. Oncology nurses like Catherine are the front-line providers of cancer care with responsibilities ranging from administering chemotherapy, managing patient therapies and side effects, working with insurance companies to ensure that patients receive the appropriate treatment, and providing counseling to patients and family members. Without an adequate supply of such nurses, we cannot provide quality cancer care to a growing population of people in need.

I was proud to support the passage of the "Nurse Reinvestment Act" in the 107th Congress. This important piece of legislation expanded and implemented programs at HRSA to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments.

I commend Catherine Glennon and the Oncology Nursing Society for all of their hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer this year. I am hopeful that growing numbers of young people will follow in Catherine's footsteps and pursue a career in the rewarding and challenging profession of nursing.

TRIBUTE TO PAUL DEYERLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this Congress and this nation today to pay tribute to a dedicated veteran and loving family man from my district. Paul Deyerle of Pueblo, Colorado died recently at the age of 86. Paul's dedication and commitment to his country have left a legacy of leadership that we would all be wise to emulate. I am proud to stand and recognize his accomplishments here today.

As a member of the Army Air Corps in World War II, Paul fought to protect the freedoms we cherish today. Paul also met his future wife Kay during his stint in the army; the couple would later marry and be blessed with three children. When Paul returned from the war he settled in Pueblo and was a founding member of the Pueblo West Ecumenical Church. At the church, Paul's humorous, loving spirit was evident, and he would later be recognized for the community service he provided his hometown. Paul was voted Optimist of the Year in 1981, 1986, and 1992.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. The hard work and dedication that Paul has shown to Pueblo and the United States is truly remarkable. It was Paul's selflessness, reliability and positive spirit that have garnered him respect, and it is for those qualities that he has earned my respect. My thoughts and prayers go out to Paul's family and friends. He will surely be missed.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I want to voice my vigorous opposition to the proposed legislation to implement a school voucher program in the District of Columbia.

We cannot in good conscience ask the cash-strapped schools in the District of Columbia to impose another layer of bureaucracy on its school system when positive changes are now underway to improve the quality of public education for the most needy of students. Already, the District is showing improvement through its 15 transformation schools which were created using the lowest performing schools attended by the city's poorest students, who have made significant gains in their Stanford 9 achievement scores. Also, the District has shown great success through its 42 charter schools which represent the largest number per capita in the nation. Instead of adding an unproven new program, scarce federal resources would be much better spent shoring up these two popular and proven education options. Why can't Members of Congress and local elected officials in the District focus on funding the programs which are working and are supported by most parents? We should not be in the business of funding risky ventures like school vouchers when public schools are being overlooked for funding. Furthermore, we should not authorize funding school vouchers here in our second home when Congress has already opposed vouchers in the rest of the country. The District of Columbia should not be used as a laboratory for an educational experiment that few if any Members would try in their home districts.

By approving the use of school vouchers here in the District, a competition will be set in motion between public and private schools fighting for the same pool of scarce federal education funding. Any new federal funding should be allocated to schools made accountable to the public—charter schools and the District's public schools. The three-sector approach in the Senate's companion bill would avoid making private schools accountable, and the addition of funding for public schools seems to be an afterthought in order to push the voucher legislation through. This intent is quite apparent through the Senate bill's attempt to authorize private school vouchers for five years while making only a one-time appropriation to public schools.

Given that the Government Accounting Office (GAO) conducted a study which indicated no difference in achievement levels between students attending public schools and those using vouchers to attend private schools, we would be seriously remiss in allowing vouchers to prevail.

If we care about changing the quality of the District's public schools to truly benefit all children, we must continue to support public schools with all available resources.

TRIBUTE TO FRED SIPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to Fred Sipe of La Junta, Colorado. Fred recently retired from Otero Junior College where he taught art, drafting, and computer aided design. As Fred prepares for retirement, I would like to take this opportunity to recognize his many years of hard work and dedication to Otero Junior College.

When Fred arrived at Otero Junior College in 1992, he fell in love with the town and the campus. He quickly began work as an art teacher. Through eleven years at the school, Fred has taught almost every art class the college has to offer. However, Fred did not restrict himself to the classroom; he was known to attend almost every extracurricular event he could. He was considered a regular at art shows, concerts, and athletic events, usually accompanied by his wife Joan.

Mr. Speaker, I am honored to stand before this Congress and this nation to recognize the accomplishments of Fred Sipe. His hard work and dedication provided students with the ability to learn about art in new, creative ways. Teaching our nation's youth is truly a noble calling, and Fred's 11 years of service are truly a remarkable accomplishment. Thank you, Fred, for the service you have provided our community. I wish you all the best in your retirement.

RAISE THE MINIMUM WAGE, NOT CONGRESSIONAL PAY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. ROSS. Mr. Speaker, I rise to voice my opposition to the pay increase that Members of Congress voted to grant themselves during the debate on the Treasury and Transportation spending bill.

Every year, Congress votes on this pay raise, and every year that I have been a Member of this body, I have stood against it. It's simply not right for us to give ourselves more money when there are so many people waiting for an increase in the minimum wage.

Many of my colleagues feel the same way about the Congressional pay raise, but unfortunately the House leadership did not allow us to vote for this specific item, because it was included within a broader spending bill. Voting against this bill would mean voting against billions of dollars for our roads and other worthwhile projects. Rather, we were forced to voice our opposition in the form of a procedural vote, and I did so.

There are thousands of people in my district who hold minimum wage positions, people I was elected to serve. I would only be serving myself if I voted to raise my salary, and that is not why I'm here.

I will continue to vote against congressional pay raises until the minimum wage is increased for working families.

TRIBUTE TO IRENE MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress and this nation today to recognize the thirty years of service that Irene Martinez has dedicated to the children of the Manzanola School District. Irene is retiring after having served as both a cook and teacher's aide since 1973. As we mark her retirement, I would like to commend Irene for the devotion that she has shown to her students over the years.

Irene began her career with the Manzanola School District as a teacher's aide, though quickly switched careers and became a cook. She loved her job and says she will truly miss the students. Irene has seen three generations pass through her schools, having served the grandparents of some of today's students. Irene is looking forward to her retirement, with plans to do some gardening and spend time with her family.

Mr. Speaker, it is an honor to recognize the contributions Irene Martinez has made to the health and well being of Colorado's children. Irene will certainly be missed by the children under her care and by her co-workers who have come to know and admire her remarkable dedication. Irene, I wish you all the best in your retirement. Thank you for your many years of exemplary service.

THE TRAGIC DEATH OF JOSEPH CAMARA, HUSBAND, FATHER, POLICE OFFICER AND PATRIOT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday, September 1, a good and courageous man gave his life for his country. Joseph M. Camara was tragically killed while serving his nation in Iraq, as a member of the Rhode Island National Guard. In civilian life, as in military life, Sergeant Camara was a man dedicated to protecting his fellow citizens. He was a highly respected and deeply admired police officer in the City of New Bedford. Mr. Camara leaves behind his wife and three children, and they are joined in their grieving at the loss of this patriot by hundreds of thousands of their fellow citizens in Massachusetts and Rhode Island. Of course nothing we can say will alleviate the pain that Mr. Camara's family feels at this untimely death, but we can at least demonstrate to them how deeply we sympathize with them and it is important for us to recognize here in the United States House of Representatives the terrible sacrifice Mr. Camara made in the service of his country.

Mr. Speaker, the citizens of New Bedford, where Mr. Camara lived, raised his family, and served with great distinction as a police officer are especially devastated by his death. The people of the city have with one voice expressed their most profound condolences to the Camara family. And the depth of that feeling has been well conveyed by a series of articles in the New Bedford Standard Times about this terrible incident.

Mr. Speaker, to commemorate Joseph Camara, to recognize appropriately in the United States Congress the enormous debt that we owe his wife and children, and to pay tribute to the people of New Bedford, who have been so steadfast in their support of the Camara family, I ask that the articles from the New Bedford Standard Times about the death of Joseph Camara in the service of his country be printed here.

[From the New Bedford Standard Times, Sept. 3, 2003]

NEW BEDFORD POLICE OFFICER KILLED IN IRAQ

(By Steve Urbon)

CRANSTON, R.I.—A New Bedford police officer became the first SouthCoast resident killed in action in the Iraq war when a homemade land mine exploded on a highway near Baghdad on Monday, killing two National Guardmen.

Staff Sgt. Joseph M. Camara, 40, married and the father of three, was on patrol with two other guardsmen from Rhode Island's 115th Military Police Company when the device exploded beneath their Humvee and ignited the fuel and ammunition aboard, Lt. Col. Michael McNamara of the Rhode Island National Guard said yesterday at a press conference in Cranston announcing the deaths.

He said Sgt. Camara, a patrolman in the New Bedford Police Department when not on National Guard duty, was killed instantly as was Sgt. Charles Caldwell, 38, of North Providence, who was married with no children. Sgt. Caldwell was driving the vehicle in a convoy in the late morning on a road north of Baghdad, and Sgt. Camara was riding in the passenger seat as vehicle commander.

Spc. Edmund Aponte, 35, of Providence, who was manning the vehicle's machine gun at the time, suffered burns and shrapnel wounds and is hospitalized but expected to make a complete recovery, Lt. Col. McNamara said. Spc. Aponte is married and has three children.

National Guard officials gave details at a noon press conference at their Cranston headquarters, which followed a meeting with many of the families of the men and women in Iraq with the 115th M.P. Company. The company is in Iraq as part of the 220th Military Police Brigade, supporting combat troops performing such missions as house-to-house weapons searches and road patrols.

Flags were lowered to half-staff across southern New England as the news spread of the first casualties in the National Guard unit in 58 years. Its members come from across southeastern Massachusetts, Rhode Island and southeastern Connecticut. In all, 600 members of the Rhode Island National Guard are serving in hot spots overseas—360 of them in Iraq.

Rhode Island's adjutant general and National Guard commanding general Maj. Gen. Reginald Centracchio and Rhode Island Gov. Donald Carcieri were grim-faced as they announced the news.

"All of our hearts are broken over this," Gov. Carcieri said. "Our worst fears have been realized."

Having met with the families anxious for the safety of their relatives in Iraq, Gov. Carcieri said that often "we do not appreciate the sacrifice that these men and women are undergoing."

"This is a terrible reminder that they are in harm's way," he said.

Gen. Centracchio alluded to the changed nature of the conflict and suggested that as well-prepared, trained and led as the troops are, the United States is not fully prepared for the guerrilla war that has evolved in Iraq.

"We're fighting an unconventional war," he said. "We have to devise a way of dealing with a culture that is alien to our set of values.

"Now we're dealing with the unknown," he said. "They'll shake your hand in a friendly way during the day, and at night the same individual is willing to give his life to satisfy his thoughts.

"We have to adapt to the kind of warfare we're dealing with," Gen. Centracchio said.

He said that would involve more training and more access to armored vehicles that could withstand a land mine of the kind his men encountered this week. He remarked that the makeup of the fighting forces has changed in recent years, with reserves constituting more of the primary fighting units.

National Guard units, he said, "are the Army. They are the Air Force."

Lt. Col. McNamara said the "improvised explosive device" that detonated beneath the vehicle could have been remotely controlled by wire or transmitter. The Humvee, which was configured in a "turtle" fashion for use by the military police, was entirely vulnerable to such a threat. It carried its own fuel as well as machine gun and 9 mm pistol ammunition, and was on a routine patrol to keep supply lines open.

The 115th left Rhode Island Feb. 12 for Fort Drum, N.Y., and more training. The 360 men and women arrived in Kuwait April 2 and entered Iraq in early May.

[From the Standard-Times, Sept. 4, 2003]

LOSING GUARDSMAN JOSEPH M. CAMARA

The troubling war in Iraq and even more disturbing after-war struck us on the home front this week when an exploding land mine outside Baghdad robbed this world of National Guard Staff Sgt. Joseph M. Camara.

The 40-year-old New Bedford police officer was a bulwark of the South End neighborhood where he lived with his wife, two daughters and son.

He was the essence of a community police officer so desperately needed in this city of rising violence.

Not only did he do his job with distinction during his regular shifts as a city patrol officer, but he gave his family and neighbors on McGurk Street in the South End a profound sense of security.

His solid presence allowed them to sleep easier and take greater pride in their working-class neighborhood of old three-story homes.

He was not afraid to step outside his home to ask someone to stop creating bothersome noise or even to chase a bandit down the street. Relatives recall he once burst into a burning home to save a life.

He spent his free time with his family, enjoying the kind of close relationships with his wife and children that make life rich and wonderful.

This country, this city, this neighborhood and this family are heartbroken at the loss of such a fine man to the war in Iraq.

He gave with a generosity to his country, his city and his family that cannot be replaced.

[From the Standard Times, Sept. 3, 2003]

SOUTH END NEIGHBORHOOD WILL FEEL VOID LEFT BY OFFICER'S DEATH

(By Ray Henry)

NEW BEDFORD.—Two years ago, Luisa Vieira was sitting in her house when a series of quick gunshots interrupted the evening calm on McGurk Street.

Rushing to the window, she looked across the street and saw her neighbor, Officer Joseph M. Camara, run down the walkway leading from his family's second-floor apartment and chase the car while unarmed and barely dressed.

Within minutes, she said, the off-duty officer had warned others of danger, called for help and sealed off part of the street.

"He chased the car barefoot and in his boxers. He was very protective of children and the kids out there," Ms. Vieira said.

Yesterday, as word of Staff Sgt. Camara's death in Iraq spread around his South End neighborhood, his friends and family gathered at the Camara home and remembered the family man as a source of law and other in the sometimes rough neighborhood.

Sgt. Camara, who served in the 115th Military Police Company of the Rhode Island National Guard, and Sgt. Charles Caldwell of North Providence died on Monday when their Humvee truck struck an improvised land mine north of Baghdad. A third man, Spc. Edmund Aponte of Providence, was wounded in the explosion.

"His death certainly brings out the reality of war. He served in a life-and-death occupation on his regular job with the city and, like other patriots, he went to serve his country," said New Bedford Mayor Frederick M. Kalisz Jr., who ordered city flags to half-staff yesterday afternoon.

Since Sgt. Camara was a police officer for four years, Police Chief Carl K. Moniz drove to the Camaras home on McGurk Street yesterday morning with a military attache charged with telling Ana Camara that her husband had died.

"I think of all the things you go through in the course of a career, that pales when compared to something such as the circumstances today. Thank God I didn't have to say the words about the loss of their loved one. That was left to someone else. But I had to see the grief and anguish," Chief Moniz said.

Sgt. Camara was appointed to the Police Department on May 2, 1999. He patrolled city streets, at first from the South End station and then from the North End station.

"He was very unassuming and calm," said Capt. Kevin Hegarty, who supervised the North End station. "He wasn't excitable or an outspoken guy."

The "quiet and competent" officer, Capt. Hegarty said, was a reassuring presence both at work and, according to this neighbors, at home.

"We knew if there was a problem we could go right across (the street)," said neighbor Gary Cameron, 36, who said Sgt. Camara's presence figured heavily in his decision to rent an apartment on McGurk Street. The neighborhood was usually peaceful when Sgt. Camara was around.

"He would come out and let you know if you were making too much noise, to carry along," Mr. Cameron said.

A 1981 graduate of New Bedford High School, Sgt. Camara was once a general utility worker for Cliftex Clothing before he studied to become a police officer, friends said.

He joined the National Guard at 19 and neighbors often saw him wearing his black beret and fatigues when he left for training on the weekends or during longer two-week stints.

He and his wife have three young children, two girls and a boy, and she was nervous when his unit left in February for Iraq, friends said.

"She said she wasn't crazy about him going," said Ivo Furtado, 35.

Neighbor Maria Ramos, 35, said she often spotted Sgt. Camara piling his three children into the couple's Astro before going to martial arts lessons. Other times, he could be found playing ball on the street or sidewalk with the neighborhood youths or out enjoying a walk in Hazelwood Park.

"He was always out there with the kids. He was a family-oriented man," said Ms. Ramos.

who first met the Camara family when her daughter and their children were in elementary school together.

The Camara family, which gathered in yesterday's cold and mist, declined to speak with reporters. Most remained inside the family's three-story house, decorated with American flags and yellow ribbons.

"They're not taking it too good," Mr. Furtado said. His wife, Lucy, had approached Sgt. Camara's sister earlier in the morning, just after the family had been notified.

"She couldn't believe he was gone," Mrs. Furtado said.

During the afternoon, the Rev. John M. Sullivan, the city's police chaplain and pastor of St. Lawrence Martyr Church, visited the Camara family.

"One woman there, who is the wife of a police officer and whose husband is in Iraq, said that you're always waiting for your husband to come through the door, but when this happens 7,000 miles away from home, it is even more crushing," the Rev. Sullivan said.

He said there are no easy answers to explain the tragedies of war.

"We always ask why, but there is no good reason when one human being kills another whether in violence in the city or in war. There are no easy answers to questions like that," he said.

[From the Standard-Times, Sept. 4, 2003]

SOUTH COAST OFFICIALS PRAISE OFFICER'S SERVICE

(By Ray Henry)

NEW BEDFORD.—The body of Staff Sgt. Joseph M. Camara, a New Bedford police office killed this week in Iraq, was scheduled to be flown to Dover Air Force Base in Delaware last night, the first step in what officials said will be a long process of grief, ceremony and bureaucracy.

Sgt. Camara, of 13 McGurk St., and Sgt. Charles Caldwell, of North Providence, RI., both soldiers in the 115th Military Policy Company of the Rhode Island National Guard, were killed Monday when an improvised land mine exploded under their Humvee on a road north of Baghdad. A third man, Spc. Edmund Aponte of Providence, was seriously injured.

As representatives of the Delaware Army National Guard prepared to receive the bodies in a private ceremony, South Coast congressmen praised Sgt. Camara's local and global public service.

"He was a man who was willing to endanger himself to protect others, both at home as a police officer, and abroad as a soldier," said U.S. Rep. Barney Frank, D-Mass.

"I know that words can do nothing to alleviate the pain that the Camara family feels at the death of this brave patriot," Rep. Frank said. "But they should know that they are joined by their friends, neighbors and, indeed, all other Americans in mourning the loss of a good, courageous man who gave his life for his country."

Sen. Edward M. Kennedy, D-Mass., who lost a brother in World War II, had similar wishes for the Camara family.

"When Sgt. Camara wasn't serving his nation in the Army in Iraq, he proudly fought to keep the streets safe for the families of New Bedford. He dedicated his life to protecting others, and we will forever honor that service to family, community and country," Sen. Kennedy said.

Sgt. Camara's family declined to comment yesterday, but neighbors continued to add flowers and candles along the fence lining his family's three-story home in the South End.

The Rhode Island National Guard has assigned two lieutenant colonels to work as liaisons with the families of both slain men, said Lt. Col. Michael B. McNamara, a unit spokesman.

Both liaisons, known in military parlance as casualty assistance officers, will help the families make funeral arrangements and guide them through the process of claiming benefits. The officer typically are assigned to families for about 45 days, but they sometimes continue to answer family inquiries for years.

"Their primary duty is to that family. That's their only duty," Lt. Col. McNamara said. "As you can imagine, being a government program, there's a lot of paperwork."

[From the New Bedford Standard Times, Sept. 5, 2003]

FAMILY, SERVICE WERE HIS GUIDES

(By Ray Henry)

NEW BEDFORD.—After spending more than 20 years in uniform, Staff Sgt. Joseph M. Camara turned in his retirement papers to the Rhode Island Army National Guard.

But defense officials barred the retirements of many soldiers after the Sept. 11, 2001, terror attacks, including that of Sgt. Camara and others in the 115th Military Police Company out of Cranston. In February, the unit was ordered to Iraq where an exploding land mine on Monday killed Sgt. Camara and Sgt. Charles Caldwell of North Providence on a road north of Baghdad.

"He had turned in his papers and served his time, but he didn't turn his back on his country," said his wife, Ana Camara, in an interview yesterday in front of her family's McGurk Street home.

"He loved being in the Army. He loved serving in the Police Department. I've lost my soulmate. My children have lost a wonderful father," she said.

Lt. Col. Michael B. McNamara, a spokesman for the unit, could not comment directly on Sgt. Camara's attempt to retire but noted that regulations issued after the Sept. 11 terror attacks on New York and the Pentagon kept many in Sgt. Camara's company from leaving.

Several family members were overcome by tears as they tried to describe Sgt. Camara, who served in Saudi Arabia during Operation Desert Storm in 1991.

"He was everything to me. He's my brother and now he's my guardian angel," said his sister, Michelle Camara.

Although Sgt. Camara had only been a New Bedford police officer for four years, he had decided to "serve and protect" long before he took the oath in October 1999. He ran into his neighborhood's burning house on July 21, 1995, to rescue an elderly woman and two children trapped by a spreading kitchen fire.

Mrs. Camara also remembered how her husband stopped on Route 18 one night to guide traffic around a car that had blown two tires. Others recalled this summer night two years ago when Sgt. Camara ran out of his apartment barefoot and in boxer shorts to chase a gunman driving down McGurk Street.

"He liked the right thing to go on in the world," said his brother John Camara, explaining why Sgt. Camara became a police officer. "As long as his eyes were open, he'd be on duty."

Despite his nearly lifelong interest in law enforcement, Sgt. Camara was hesitant to apply for a job on the police force, Mrs. Camara said. He opted instead to work for a private security company, fearing the long hours and constant stress would harm his family life.

Finally, Mrs. Camara said she convinced her husband to aim higher.

"I said, 'Go, do it. You're driving me crazy. Don't worry about us,'" she said.

Although Sgt. Camara worked the midnight to 8 a.m. shift, he remained a devoted father, she said. After a full night of work, he once took his children to the "Rugrats" movie—and only fell asleep once.

As his son Matthew grew older, the duo enjoyed watching wrestling matches and Monster Truck rallies, But he also rent romantic dramas to watch with his wife, she said.

For Sgt. Camara, "children" were an extended concept. The couple had three of their own, but Sgt. Camara also referred to the younger soldiers in the National Guard unit as "my kids," Mrs. Camara said. He once led a pack of 20 neighborhood youths on a bike ride that ended in a round of slushies for everyone at a convenience store.

"That third shift never affected his family life," Mrs. Camara said.

The couple met through a mutual friend in New Bedford one year after Sgt. Camara joined the military, she said. They were friends before they started dating, a development that she believed helped them to communicate directly in the years that followed.

She was away from her house on Tuesday when a National Guard liaison arrived to inform her family on Sgt. Camara's death. A telephone call from a relative urged her to quickly return home, but a television reporter confronted her before she opened her front door and saw the uniformed man waiting inside.

"I step out of my van and there's a man with a camera waiting for me. That was the most horrible thing I had ever gone through," she said. "When did my private life become a media frenzy?"

Yesterday, Mrs. Camara thanked the police officers and the family members of the National Guard servicemen and -women who have offered her support during the past week.

"It's a family and I feel like they'll never forget my children," she said.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 11, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

2:30 p.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine defined benefit pension plans and the Pension Benefits Guaranty Corporation, focusing on specific changes that may be required within the current pension system to help ensure the financial stability of companies with underfunded pension liabilities.
SD-342

SEPTEMBER 16

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine the implementation of the Clean Water Act.
SD-406

Governmental Affairs
To hold oversight hearings to examine the future of the GAO; to be immediately followed by a hearing to consider the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security.
SD-342

Judiciary
Rules and Administration
To hold joint hearings to examine the continuity of the United States government in relation to the Presidency.
SR-325

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement, and Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.
SD-538

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH-216

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine financial reconstruction in Iraq.
SD-538

Judiciary
To hold hearings to examine the importance of the H-1 visa to the American economy.
SD-226

SEPTEMBER 17

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings to examine what can be done to ensure the future viability of the U.S. Postal Service.
SD-342

Indian Affairs
To hold hearings to examine S. 420, to provide for the acknowledgement of the Lumbee Tribe of North Carolina.
SR-485

Judiciary
To hold hearings to examine the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, Roger W. Titus, to be United States District Judge for the District of Maryland, George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.
SD-226

2 p.m.
Judiciary
To hold hearings to examine effective federal, state and local law enforcement strategies to combat gang violence in America.
SD-226

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine West Africa and Latin America in relation to U.S. Energy Security.
SD-419

SEPTEMBER 18

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine abuse of the elderly.
SD-430

SEPTEMBER 23

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine health technology.
SD-430

SEPTEMBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Indian Affairs
To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.
SR-485

SEPTEMBER 25

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine intellectual diversity.
SD-430

Indian Affairs
To hold hearings to examine proposed legislation to reauthorize the Head Start program.
Room to be announced

SEPTEMBER 30

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the securities industry.
SD-538

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine underage drinking.
SD-430

OCTOBER 2

2 p.m.
Indian Affairs
To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.
SR-485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR-485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR-485

POSTPONEMENTS

SEPTEMBER 17

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the report of the Mental Health Commission.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, September 11, 2003*

The House meet at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Two years have passed, but we have not forgotten. America will never forget the evil attack on September 11, 2001. But let us not be overwhelmed by repeated TV images that bring back paralyzing fear and make us vulnerable once again. Instead, in a moment of silence, let us stand tall and be one with the thousands of faces lost in the dust; let us hold in our minds those who still moan over the hole in their lives.

With pride and purpose let us recall survivors and ordinary heroes and heroines who came to rescue, carry, heal, lift up, tear down, pray confidently, and create anew. With determined faith and heartfelt compassion, let us today be united in silent prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each side.

REMEMBERING SEPTEMBER 11, 2001

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, we come here today to remember the tragedy of 2 years ago and remember the changes that it has made in our country.

Two years ago this morning, early in the morning, a beautiful day, much like today, we were at the end of a fairly long period of time in this country when there was a sense that there really was no role that only the Federal Government could perform, that many things that were done could be done at better places. By noon on this day 2 years ago, there was an understanding that there were some jobs that had to be done on behalf of all of us, from those of us who had the responsibility to work here in the Nation's Capitol. America was changed that day.

I am pleased that the Congress has responded in the way it has, to quickly act in the environment that the founders did not intend to be quick, to even on that week 2 years ago respond and still today to have the ongoing concerns of establishing a new department, of facing our enemies in the world, of reaching out and putting our arms around those who suffered the tragedies of September 11.

Certainly, that was a moment that changed America, a moment that changed this Congress, and it was a moment that changed the world. That was a moment that we recognize not just in silence but we recognize today in our activities all over the globe, at home and abroad to ensure that the enemies of freedom never prevail, and those who love freedom always know that they have strong friends in the United States of America and that we intend to be the symbol for freedom and free people everywhere.

REMEMBER THE TRAGEDY OF SEPTEMBER 11

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the gentleman from Missouri (Mr. BLUNT) is my counterpart in this House. It is his responsibility to organize his party to vote on issues of importance to this country and to express their views. And on my side of the aisle, it is my responsibility to organize my party to express our views. At times, that is extraordinarily contentious and we demonstrate to the American public, and indeed to the world, sometimes deep differences.

But the gentleman from Missouri is my friend, he is my fellow citizen of this greatest of democracies and nations. And on September 11, 2 years ago, he and I and our colleagues were on this hill, and we heard that there was a plane coming towards this city. It was in the context of one plane hitting the north tower and one plain hitting the south tower of the World Trade Center in New York. On that day, there were no Republicans, there were no Democrats, there were no liberals, there were no conservatives. There were Americans. There were representatives of 280 million people elected to serve this great Nation.

Today, we are as one with our President and with our people in remembering, remembering those whom we lost from this Nation, and indeed from nations around the world. We remember the heroism of those brave citizens on that plane over Pennsylvania, determined that the information they had received about terrorists taking down buildings would not be allowed by them to happen as a result of the plane that they were on being crashed into what we ultimately conclude was either this building, the center of democracy, or the White House, the House of the leader of the free world.

And so, Mr. Speaker, as we remember, as we reflect, we renew our resolve that we will confront terrorism; that in John Kennedy's words, we will pay any price, bear any burden to defend freedom here and around the world. God blesses America, God blesses America through the resolve and the courage of its people and its commitment to freedom.

REFLECTING ON THE ANNIVERSARY OF SEPTEMBER 11

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this moment marks the second anniversary of the surprise attacks on America in New York, Washington, and Pennsylvania. As we reflect on why America was attacked, I believe it is clearer than ever: It is because America is the symbol of liberty and freedom in the world.

Our values of freedom of religion, freedom of speech, freedom of assembly, and the opportunities for women to fully participate in society are cherished. But these values are a challenge to evil people who fear our freedoms as undermining their enslavement of others.

Our resolve to promote democracy is unwavering, and the pledge of President Bush has never been more correct. We will not waiver, we will not tire, we will not falter, and we will not fail. Peace and freedom will prevail. Today, I depart on a delegation to Baghdad to thank our brave Armed Forces, and it has never been more appropriate to declare: God bless our troops and God bless America.

REMEMBERING THE VICTIMS OF SEPTEMBER 11

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I join with the citizens of the United States of America and the citizens of the free world in remembering the victims of September 11, 2001.

I also remember their families. I think of my friends, Armand and Judy Reo of New York, who lost their son John Reo, and their son-in-law, John Swain, on that day.

I also remember with deepest gratitude all of the emergency personnel, the police officers, the firefighters, and the others who, when the masses were running away from the tower buildings, ran toward the buildings, into the buildings, up the stairs, many to their deaths. Why did they do that? Because that is their job, and they did it very well on that day. Because the vast majority of the people in those tower buildings below the point of impact of those planes survived, and they survived because of the heroic efforts of those police officers, firefighters, and the others who ran to their aid. So we should remember their contributions on a daily basis, because they are on guard for us 365 days a year to protect our lives all over this country.

And, finally, I join with all of you, with deepest gratitude, to the leaders of this Nation for bringing us together. And we should remember to remain united as a Nation, because if we remain united as a Nation, the forces of evil shall never prevail.

TRIBUTE TO C.E. "PEP" COONEY OF ARIZONA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to honor the memory of C.E. "Pep" Cooney, an Arizona television icon. Pep's career in broadcasting spanned more than 45 years, taking him from advertising to president to general manager at KPNX, where he led that station to its stature as the number one rated television station in the State.

Pep's nightly commentaries, or "Pep talks," made him one of Arizona's most recognizable figures. Pep was also the quintessential community leader. Whether he was lending his talents to the Valley Big Brothers, United Way, Boy Scouts, the Fiesta Bowl, or countless other organizations, Pep was constantly engaged in activities to benefit the Valley and the State of Arizona. When the history of Arizona is written, Pep Cooney and the institutions he help to build and maintain will be a prominent feature.

It is a rare individual who can be successful with his career, while devoting so much time to his community. It is truly an exceptional individual who can succeed in these areas while putting his family first. Pep was admired and respected by his colleagues and community. Most importantly, however, Pep was adored by his family. As a neighbor and friend to some of Pep's children and grandchildren, I have had the good fortune to watch them together. Surely the youngest of Pep's grandchildren knew little of his career success or his standing in the community. They just knew that they were his priority.

That, Mr. Speaker, is Pep Cooney's most enduring legacy. May it be ours as well.

MAKING AMERICANS SAFE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the way Congress and the President could best commemorate the terrorist attack, the tragedy of 9/11, and the loss of thousands of innocent lives would be to ensure that we have done all in our power both here and abroad, that Americans are as safe as possible against another assault.

Unfortunately, as a member of the Committee on Homeland Security and a senior member of the Subcommittee on Aviation, I can say with confidence that we have fallen far short of that mark. Significant portions of the Aviation Security Act have not been implemented. Our first responders, those who responded so selflessly on that tragic day, still lack basic resources and help from the Federal Government, even as Congress is considering the President's request for another $87 billion for Iraq.

On this day, Congress should resolve to remember by redoubling its efforts, avoiding dangerous distractions, and providing all the funds necessary so we can say with confidence, never again.

HONORING THE FALLEN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as we have heard so often this morning, this is a special day, and it is appropriate for us to take the time to honor the fallen and acknowledge our gratitude to our first responders and to our brave men and women who are serving here in this country and half a world away.

Mr. Speaker, I think it is also appropriate to take a moment to honor those who were here and served in this House 2 years ago. Mr. Speaker, as you have pointed out, this building, this House, was, in fact, one of the purported targets of the terrorists that morning, terror that was prevented by the actions of passengers high above the Pennsylvania countryside. Like millions of Americans, I began that day narrowly focused on my own personal concerns, and like millions of Americans, I ended that day watching Members of this House singing God bless America on the Capitol steps at sunset.

On that day, I did not know that my path would lead me here. But I remember the peace that was brought to me and my family by the visible cohesiveness of this body.

Mr. Speaker, I thank you for that day and I thank you for this day as well.

FIGHTING TERRORISM

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I, like many of my colleagues here this morning, rise to talk about September 11 and what it means to all of us as Americans, what it means to me as a New Yorker in particular, and the fact that these brave people that lost their lives, more than 3,000 of them, our lives will never again be the same. America lost its innocence that day, and we have been thinking ever since about how we can best respond to ensure that we can prevent these ugly acts of terrorism against our country.

Mr. Speaker, terrorism is everyone's enemy and a civilized world needs to ban together to fight terrorism. Here in America, we have had September 11; but 6,000 miles away, the brave people of Israel every day have to cope with ongoing acts of terror. The other day two horrific suicide bombings killed nearly 20 people, and 2 weeks ago, when I was in Israel, a bus bombing killed 22 people, including 5 Americans, 3 of my constituents.

When I go back to New York every week and look at the New York skyline and do not see the World Trade Center, I feel our city is not yet whole and something is missing. It has been 2 years since September 11, 2001, but I feel like I have aged 20 years since then. In my office is a two-page spread from the New York Times. It has pictures of the 300-plus firefighters who died that day in New York. Most of the pictures are of young men who are the same age as my daughter. One of them is the picture of a friend's son, Christian Regenhard.

When I look at the faces of these brave people, I have often thought what can I, as a Congressman, do to ensure this never happens again, and I think we need to make sure that the funding is there so our first responders can respond, and we need to make sure that the brave people who protect us have all the resources they need. We need to also make sure that the people who lost their lives that day are never forgotten. In a few minutes, the gentleman from New York (Mr. KING) and I are going to talk about the True American Heroes Act of 2003.

The bill posthumously awards Congressional Gold Medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and who perished, and to people aboard United Airlines Flight 93. We owe it to ourselves and our families and our countrymen to ensure this never happens again.

THE UNCONQUERABLE AMERICAN SPIRIT

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, the world reflects this morning upon an act of barbarism that remains too horrific for words. Two years ago, a gang of murderers shattered our complacency regarding the reach and resolve of the international merchants of hate.

Nevertheless, we also learned about the resiliency of our Nation on that awful day. When terrorists attacked the heart of America's financial and military centers, they forgot about the heart of the American people. Our country's strength lies not in its institutions, but in the courage, character and the determination of the people who built them.

On this somber anniversary, we honor the memory of the husbands and wives, fathers and mothers, brothers and sisters who lost their lives in this heinous attack, as well as the heroes who sacrificed everything to save them.

As we remember the trauma and grief of September 11, 2001, may we continue to discover the seeds of hope and the endurance of the unconquerable American spirit.

WE ARE MAKING A DIFFERENCE

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, it was the brother of a man from The Dalles, the son of parents from Pendleton that perished, the extent of the tragedy that struck America, the terrible terrorist acts of September 11 spread like tentacles across the country.

While our innocence was shattered that day, America's resolve and our commitment and unity was invigorated and strengthened. We have responded domestically in strengthening our security. We have responded internationally in building coalitions to take the battle to the terrorists. We have had great victories. We face great challenges.

Together as a country, and as a Congress under the leadership of our President, we are making a difference for our first responders at home and to secure our borders, to make air traffic safer and air travel safer, and to root out the terrorists where they are, instead of waiting for them to come back here. We have seized 1,400 bank accounts and $200 million, two-thirds of al Qaeda's leadership were killed, and 42 of 55 of Saddam Hussein's top advisors, strategists and planners of hate are no longer a problem. We all know there is more work to do. As a Congress and as a country, we must resolve to do that work, to do it with a clear focus and a great unity which befits this great country of ours. Together we are Americans, and may we ask for God's blessing for our leadership and our future.

TRUE AMERICAN HEROES ACT OF 2003

Mr. KING of New York. Mr. Speaker, pursuant to the order of the House of September 10, 2003, I call up the bill (H.R. 1538) to posthumously award Congressional Gold Medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to the people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1538 is as follows:

H.R. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "True American Heroes Act of 2003".

TITLE I—MEDALS FOR RESPONDERS AND RESISTERS

SEC. 101. CONGRESSIONAL GOLD MEDALS FOR GOVERNMENT WORKERS WHO RESPONDED TO THE ATTACKS ON THE WORLD TRADE CENTER AND PERISHED.

(a) PRESENTATION AUTHORIZED.—In recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government and others, who responded to the attacks on the World Trade Center in New York City, and perished in the tragic events of September 11, 2001 (including those who are missing and presumed dead), the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each such officer, emergency worker, employee, or other individual to the next of kin or other personal representative of each such officer, emergency worker, employee, or other individual.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary to be emblematic of the valor and heroism of the men and women honored.

(c) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under this section and the appropriate recipients of the medals after consulting with appropriate representatives of Federal, State, and local officers and agencies and the Port Authority of New York and New Jersey.

(d) DUPLICATIVE GOLD MEDALS FOR DEPARTMENTS AND DUTY STATIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall strike duplicates in gold of the gold medals struck pursuant to subsection (a) for presentation to each of the following, for permanent display in the respective offices, houses, stations, or places of employment:

(A) The Governor of the State of New York.

(B) The Mayor of the City of New York.

(C) The Commissioner of the New York Police Department, the Commissioner of the New York Fire Department, the head of emergency medical services for the City of New York, and the Chairman of the Board of Directors of the Port Authority of New York and New Jersey.

(D) Each precinct house, fire house, emergency response station, or other duty station or place of employment to which each person referred to in subsection (a) was assigned on September 11, 2001, for display in each such place in a manner befitting the memory of such persons.

(e) DUPLICATE BRONZE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under subsection (a) at a price sufficient to cover the costs of the bronze medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medal.

(f) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the medals authorized under this section should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

SEC. 102. CONGRESSIONAL GOLD MEDALS FOR PEOPLE ABOARD UNITED AIRLINES FLIGHT 93 WHO HELPED RESIST THE HIJACKERS AND CAUSED THE PLANE TO CRASH.

(a) CONGRESSIONAL FINDINGS.—The Congress finds as follows:

(1) On September 11, 2001, United Airlines Flight 93, piloted by Captain James Dahl, departed from Newark International Airport at 8:01 a.m. on its scheduled route to San Francisco, California, with 7 crew members and 38 passengers on board.

(2) Shortly after departure, United Airlines Flight 93 was hijacked by terrorists.

(3) At 10:37 a.m. United Airlines Flight 93 crashed near Shanksville, Pennsylvania.

(4) Evidence indicates that people aboard United Airlines Flight 93 learned that other hijacked planes had been used to attack the World Trade Center in New York City and resisted the actions of the hijackers on board.

(5) The effort to resist the hijackers aboard United Airlines Flight 93 appears to have

caused the plane to crash prematurely, potentially saving hundreds or thousands of lives and preventing the destruction of the White House, the Capitol, or another important symbol of freedom and democracy.

(6) The leaders of the resistance aboard United Airlines Flight 93 demonstrated exceptional bravery, valor, and patriotism, and are worthy of the appreciation of the people of the United States.

(b) PRESENTATION OF CONGRESSIONAL GOLD MEDALS AUTHORIZED.—In recognition of heroic service to the Nation, the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each passenger or crew member on board United Airlines Flight 93 who is identified by the Attorney General as having aided in the effort to resist the hijackers on board the plane to the next of kin or other personal representative of each such individual.

(c) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (b), the Secretary of the Treasury shall strike gold medals of a single design with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under subsection (b) at a price sufficient to cover the cost of the bronze medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medals.

SEC. 103. CONGRESSIONAL GOLD MEDALS FOR GOVERNMENT WORKERS WHO RESPONDED TO THE ATTACKS ON THE PENTAGON AND PERISHED.

(a) PRESENTATION AUTHORIZED.—In recognition of the bravery and self-sacrifice of officers, emergency workers, and other employees of the United States Government, who responded to the attacks on the Pentagon Washington, D.C. and perished in the tragic events of September 11, 2001 (including those who are missing and presumed dead) the Speaker of the House and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design for each such officer, emergency worker, or employee to the next of kin or other personal representative of each such officer, emergency worker, or employee.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals of a single design with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DETERMINATION OF RECIPIENTS.—The Secretary of the Treasury shall determine the number of medals to be presented under this section and the appropriate recipients of the medals after consulting with the Secretary of Defense and any other appropriate representative of Federal, State, and local officers and agencies.

SEC. 104. NATIONAL MEDALS.

The medals struck under this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE II—SPIRIT OF AMERICA COMMEMORATIVE COINS

SEC. 201. FINDINGS.

The Congress finds as follows:

(1) On September 11, 2001, the United States suffered the worst act of terrorism in its history.

(2) The more than 6,000 people who lost their lives as a result of the terrorist attacks that occurred in New York City, at the Pentagon, and in Pennsylvania on September 11, 2001, will not be forgotten.

(3) Hundreds of emergency personnel responded heroically to the crisis and lost their lives as a result.

(4) People from everywhere in the United States responded to the crisis with an outpouring of support for the victims of the terrorist attacks and their families.

(5) The civilized world stands with strength and fortitude in opposition to the cowardly terrorist attacks against the United States that occurred on September 11, 2001.

(6) It is essential to remember not only the tragedy of the attacks, but also the strength and resolve demonstrated by the people of the United States in the aftermath of the attacks.

(7) The minting of coins in commemoration of the Spirit of America will pay tribute to the countless heroes who risked their lives during the terrorist attacks and in their aftermath so that others may live and to a united people whose belief in freedom, justice, and democracy has never swayed.

SEC. 202. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the Spirit of America, the Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall mint and issue the following coins:

(1) $50 GOLD COINS.—Such number of 50 dollar coins as the Secretary determines under subsection (b), which shall—

(A) weigh 1 ounce;

(B) have a diameter of 1.287 inches; and

(C) contain 91.67 percent gold and 8.33 percent alloy.

(2) $1 SILVER COINS.—Such number of 1 dollar coins as the Secretary determines appropriate to meet demand, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Such number of half dollar coins as the Secretary determines appropriate to meet demand, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) NUMBER OF GOLD COINS.—

(1) IN GENERAL.—The number of gold coins minted and issued under this title shall equal the sum of 25,000 and the number determined under paragraph (2).

(2) DETERMINATION OF NUMBER.—The Secretary, in consultation with the Attorney General of the United States and the Governors of New York, Pennsylvania, and Virginia shall determine the number of innocent individuals confirmed or presumed to have been killed as a result of the terrorist attacks against the United States that occurred on September 11, 2001, and shall identify such individuals. The Secretary, under subsection (a)(1), shall mint and issue a number of 50 dollar coins equal to the number of such individuals.

(c) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—For the purpose of minting coins under this title, the Secretary may only use metals that are from natural deposits in the United States or any territory or possession of the United States.

(f) SPECIAL TREATMENT UNDER EXIGENT CIRCUMSTANCES.—

(1) FINDINGS.—The Congress finds as follows:

(A) The limitations contained in paragraphs (1) and (2)(A) of section 5112(m) of title 31, United States Code, and section 5134(f)(1)(B) of such title have well served, and continue to serve, their purpose of bringing greater stability to the markets for commemorative coins, maximizing demand and participation in such programs, and ensuring that such programs have a broad base of private support and are not used as the primary means of fundraising by organizations that are the recipients of surcharges.

(B) The shocking circumstances of September 11, 2001, the broad base of public interest in showing the Spirit of America and participating in the raising of funds for the victims of the crimes committed on that date, and the importance of implementing this coin program as quickly as possible, notwithstanding the limitations contained in such paragraphs, justify exempting the coins produced under this title from such limitations.

(2) EXEMPTION.—Paragraphs (1) and (2) of section 5112(m) of title 31, United States Code, and section 5134(f)(1)(B) of such title shall not apply to coins authorized under this title.

SEC. 203. DESIGN OF COINS.

(a) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the tragic events that occurred at the Pentagon, in New York City, and in Pennsylvania, on September 11, 2001.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the date "September 11, 2001" (and such coin shall bear no other date); and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this title shall be selected—

(1) by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the citizens advisory committee established under section 5135 of title 31, United States Code.

SEC. 204. STRIKING AND ISSUANCE OF COINS.

(a) QUALITY OF COINS.—

(1) IN GENERAL.—Except as provided under paragraph (2), coins minted under this title shall be issued in uncirculated quality.

(2) GOLD COINS.—50 dollar coins minted under section 202(a)(1) shall be issued only in proof quality.

(b) MINT FACILITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(2) CLAD COINS.—Any number of facilities of the United States Mint may be used to strike the half dollar coins minted under section 202(a)(3).

(c) PERIOD FOR ISSUANCE.—The Secretary—

(1) shall commence issuing coins minted under this title as soon as possible after the date of the enactment of this Act; and

(2) shall not issue any coins after the end of the 1-year period beginning on the date such coins are first issued.

SEC. 205. SALE OF COINS.

(a) SALE PRICE.—The coins issued under section 202(a) (other than the 50 dollar gold coins referred to in subsection (d)) shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharges required by section 206(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under section 202(a) at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders received before the issuance of the coins minted under section 202(a). The sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) GOLD COINS.—Notwithstanding section 204(c)(2), the Secretary shall issue a 50 dollar coin minted under section 202(a)(1) for presentation free of charge to the next of kin or personal representative of each individual identified under section 202(b). The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of such gold coins.

SEC. 206. SURCHARGES ON SALE OF COINS.

(a) ASSESSMENT.—Any sale by the Secretary of a coin minted under this title shall include a surcharge of an amount determined by the Secretary to be sufficient to cover the cost of the gold coins minted under section 202(a)(1) (including labor, materials, dies, use of machinery, overhead expenses, and shipping) for presentment in accordance with section 205(d), which charge may not be less than—

(1) $100 per coin for the 50 dollar gold coins;

(2) $10 per coin for the 1 dollar coin; and

(3) $5 per coin for the half dollar coin.

(b) DISTRIBUTION OF EXCESS PROCEEDS.—Any proceeds from the surcharges received by the Secretary from the sale of coins issued under this title in excess of the cost of producing all coins issued under this title (including coins issued for individuals identified pursuant to section 202(b)(2)) shall be—

(1) used to cover the costs incurred in the production of gold medals under title I that have not been recovered from the sale of duplicate bronze medals under such title; and

(2) with respect to any amount remaining after the costs described in paragraph (1) are covered, transferred to any fund for victims of the tragedies of September 11, 2001, that the Secretary of the Treasury and the Attorney General jointly determine to be appropriate.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of Wednesday, September 10, 2003, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. ENGEL) for the assistance they have given in formulating this legislation and for the efforts they have made in helping to rebuild New York and in all they have done since September 11 working together as a united force to bring people together and to focus attention on the tremendous heroism that was demonstrated on that day in New York, at the Pentagon, and, of course, on Flight 93.

Mr. Speaker, the purpose of this legislation is to commend those who died in the line of duty on September 11, 2001. It is almost axiomatic today to say that our lives will never be the same since September 11, and they have not. But in many ways from the terrible ashes of death and destruction that occurred on September 11, our country today is stronger than it ever was before. It is stronger morally, it is stronger spiritually, it has a great sense of moral clarity and resolve.

One of the reasons for that is at the time of the attack when America could have fallen back, when America could have retreated and gone into a state of bewilderment, it united immediately and fought back. One of the reasons it did that was because the eyes of the country and the eyes of the world were on the Twin Towers of New York, they were on the Pentagon, and they saw what happened in the fields of Pennsylvania on Flight 93, and they saw those in the eye of the storm fought back.

In New York, we saw the police officers and the firefighters rushing into the Twin Towers. Over 343 firefighters were killed, and many police officers from the Port Authority were killed. I believe it was 37. There were 23 police officers from the New York City police department, all of whom were killed, all of whom, without any hesitation, went into the burning towers to effectuate the largest evacuation in history. More than 25,000 people were evacuated that day, and it was done because of the incredible heroism of those who answered the call, those in the fire department, those in the police department and those from the Port Authority of New York and New Jersey, the police officers who demonstrated their courage.

In addition, there were the EMS workers and the construction workers who went into the Twin Towers to bring people out; that set the tone for our country. That brought us together when the eyes of the world were watching. Just suppose if they had been watching and instead of seeing firefighters rush into the building, they saw them dispersing. Suppose they had seen a state of panic or people being left in those buildings to burn while firefighters and police officers stayed below, but they did not.

All of us in New York have suffered the loss of constituents, of friends, relatives, neighbors, and in many ways the list is too long to begin to enumerate. Certainly in my own community, the Haskell brothers, Tom and Tim, were killed. There was Lieutenant John Perry who was killed. From the adjoining community of Farmingdale, Pete Ganci was the chief of the department, and he was killed. Father Michael Judge, the chaplain of the department was killed. Michael Boyle was killed, as was David Arce. I can go down the whole list of names of people that we knew, people that were friends and neighbors, people who dedicated their lives to the police department, to the fire department.

There was a police captain from the Port Authority, Cathy Mazur, who is responsible for saving untold numbers of lives. She was on the main floor of the World Trade Center, and when people could not get out, she took out her revolver and blew out the windows, and that alone enabled hundreds of people to escape. She was later killed.

□ 1030

But that is typical of the type of courage that was shown that day, the type of determination that was shown that day. There were similar acts of courage at the Pentagon. God knows there were tremendous acts of courage on Flight 93 which, as so many have said, probably saved our lives, saved the lives of those in the White House that day by bringing that plane down.

So I believe that it is important that, as a body, Congress speak on behalf of the American people to really try to begin a down payment on the debt that we owe to all those who gave their lives on September 11. In saying that, in no way should we be diminishing those who were not part of the uniformed services who were killed that day, men and women who went to work, who were doing their job, people at Cantor Fitzgerald, all those firms, they were almost wiped out on September 11, also performed acts of heroism, most of which will never be known because it was not recorded, but we know when the World Trade Center was attacked back in 1993 how heroic those people had been.

There is no doubt that it was done again in 2001. We are singling out and specifying the uniformed services and the rescue workers for what they did; but at the same time we are acknowledging the tremendous sacrifice of those who were killed just doing their jobs that day and who were targeted. They were targeted by Osama bin Laden because they symbolized the United States. The people in the World Trade Center symbolized the American economy. The people in the Pentagon symbolized the American military. They were targeted. These were not accidents that they were killed that day. They were killed for a reason. That is why the addition of the gentleman from New York (Mr. ENGEL) to this bill, which provides the commemorative coin to everyone who was killed that day, to me really brings this together in the unity that our country needs, the rescue workers and those who were killed because they were working that day; the country working together, Democrats and Republicans, the House and hopefully the Senate standing together to acknowledge those who paid the ultimate sacrifice on September 11, 2001, and whose memory will always be with us.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as coauthor of this legislation, I am pleased to join the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. ENGEL) in support of H.R. 1538, the True American Heroes Act of 2003. The brave men and women who came to our defense on 9/11 may not have been soldiers, but they certainly were heroes. Thousands of New York City's fire, police and EMT workers came racing down to the World Trade Center to give their all, to rescue the victims of the most terrible terrorist attack on America in history. The passengers of Flight 93 crashed their plane rather than allow it to slam into another building, perhaps the Capitol itself. Rescue workers at the Pentagon labored to free their colleagues. These people are true American heroes and heroines. They deserve full honors.

This bill consolidates three proposals for recognizing our heroes, a bill authored by myself and the gentleman from New York (Mr. KING) to present gold medals to emergency rescuers who perished in the World Trade Center which first passed the House last December and actually in December 2001. This will be the third time this bill has passed this House; legislation proposed by the gentleman from New York (Mr. ENGEL) to create a Spirit of America coin; and suggestions that we honor rescuers at the Pentagon and the brave people who wrestled Flight 93 to the ground in Pennsylvania. They saved an untold number of lives and quite possibly the very building in which we are standing.

More than 2 years after September 11, the shock, pain and trauma of that day lingers with my constituents in New York. While we resiliently cleaned up the site ahead of schedule, no New Yorker can walk past a firehouse or police precinct without an empty feeling in the pit of their stomach over the 343 firefighters, 37 Port Authority police officers, and 23 New York City police officers who gave their lives to save others that day. In my own district, 25 different fire stations lost people in the terror attacks. One of these firehouses, the Roosevelt Island-based special operations unit, lost 10 men because a shift change was in progress when the attacks occurred. Off-duty firefighters grabbed their gear and headed to the scene. Only God knows how many people owe them their lives. Off-duty personnel dying on the job is the ultimate paradox. But such was the valor of September 11.

When I was at Ground Zero on September 12, I heard estimates from State officials that as many as 20,000 people had been killed in the World Trade Center. We now know that, thanks to the heroics of the rescue workers, the death toll was well below 3,000. From the moment the planes struck the towers, from all over the city and surrounding areas, rescuers poured out of firehouses and precinct houses to put the lives of strangers ahead of their own. They were cops, firemen, EMTs, and other public servants. This legislation lets us honor these men and women who died so others could live.

It is true that thousands of families are missing family members 2 years later, but perhaps the best reason to pass this bill is that tens of thousands of families are not. In the past, the Congressional Gold Medal has been awarded to honor contributions to America by outstanding individuals and groups. Not since Pearl Harbor had America suffered a large-scale act of war on its own soil. I consider those who battled the flames to save lives to be the first soldiers killed in the war on terrorism. I doubt that many in the military would disagree, and I think this body needs to honor them appropriately. The True American Heroes Act will award Congressional Gold Medals to the brave rescuers who perished in the attacks, to the individual precinct houses, firehouses and emergency response stations that suffered losses, to the offices of the mayor and Governor of New York, and the head of the Port Authority which ran the World Trade Center for its 28-year life span. For the Port Authority, this is an especially fitting honor. My friend Neil Levin was head of the Port Authority. On September 11, Neil was among those lost in the attack trying to save others.

New York City is thankful to all Members of this House for this honor and for helping the City of New York recover since the attack. Why are these medals important? Let us put ourselves in the place of the men, women, and children who lost family members on September 11. They learned that something horrible had happened. They turned on the television like the rest of us. They watched in horror as the towers burned, the people jumped and the buildings collapsed. Then they waited and wondered and prayed and wept. As the day turned to night and night to morning, they waited for a reassuring call from a familiar voice that never came. When the realization finally sank in, they were confronted with the articles of continuity that had become in an instant artifacts of a life ended in midstream by an act of sheer insanity: an empty pair of shoes, a chair at the dinner table, a side of the bed. To grasp what that must have felt like even for a moment is to get a glimpse of grief in its purest form. We need to give these family members, their loved ones and colleagues another artifact of that day, one worthy of the rescue workers' courage, sacrifice and love, something affirming, something tangible, something precious, something gold, the most distinguished honor that can be bestowed by this Congress. The U.S. Mint will make bronze reproductions of the medals available to all Americans who wish to honor the rescue workers.

Finally, the bill is much improved, with language provided by the gentleman from New York (Mr. ENGEL). This Spirit of America coin is a highly appropriate commemorative for this solemn occasion. I thank the gentleman from New York (Mr. ENGEL) for his contribution to the legislation as well as the gentleman from New York (Mr. KING), my counterpart on the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology. And we thank the gentleman from Ohio (Mr. OXLEY) for his strong support of this legislation and ranking member, the gentleman from Massachusetts (Mr. FRANK).

New York City is thankful to all Members of this House. We thank you for responding to the City of New York in its time of greatest need.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I was going to yield time to the gentleman from New Jersey (Mr. FRELINGHUYSEN), but he has agreed to defer to the gentleman from New York (Mr. ENGEL), so I will reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield 5 minutes to the gentleman from the great State of New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding time to me, and I thank the gentleman from New Jersey.

I rise to offer my strong support for H.R. 1538, the True American Heroes Act of 2003. I also rise to thank the gentleman from New York (Mr. KING) and the gentlewoman from New York (Mrs. MALONEY) for their leadership on this bill and also my colleague and friend from the Committee on Energy and Commerce, the gentleman from Florida (Mr. STEARNS), who has been a stalwart ally in this effort. Finally, I want to thank the House majority and minority leadership for agreeing to bringing this bill up under unanimous consent and today on September 11. It is very fitting that we do this on September 11.

Today is the second anniversary of the greatest attack on America since our Republic was founded. Since that day, Americans have stood together, united as we never have before. Thus, it is fitting and appropriate that the House takes up this legislation. It provides the heroes of that day with a Congressional Gold Medal. It awards these medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to the people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash. This bill is combined with a bill that I had that we had a majority of Members of this House cosponsoring which requires the Secretary of the Treasury to mint coins in commemoration of the spirit of America, recognizing the tragic events of September 11, 2001. I am delighted that we have combined these two bills into one really very special bill.

Mr. Speaker, on September 12, 2001, after coming down to Washington from New York, I was in New York City on September 11, I spoke on the House floor. I would like very much to read what I said that day, September 12, one day after the terrible attacks in 2001, because it is the way I feel now, and I think it is the way so many of us feel.

"Mr. Speaker, I am going to speak from the heart. I have had a very tough couple of days. I think America lost our innocence yesterday, and I just kept thinking that perhaps this was a bad dream and we would somehow wake up and it would not be true, but we all know it is.

"Mr. Speaker, I am a New Yorker, born and bred. I love our city. I was in New York when this tragedy occurred. I often say to my children when we come back to New York, look at the skyline, look at the World Trade Center. It is so invigorating. It makes me feel so wonderful just to be in this city, the city I love, the city in which I was born.

"Mr. Speaker, we New Yorkers are a tough breed; but I have to tell my colleagues, Mr. Speaker, this morning at 7 a.m. when I went over the George Washington Bridge to come back down here to Washington and I took a look at the New York skyline and saw the Twin Towers were not there and in its place I saw the smoke and the fire, I really lost it. I really lost it.

"Mr. Speaker, as much as I have lost it because I do not see the towers there, it pales by comparison when I think of the victims, the men, women and children who lost their lives; the firemen, the policemen who came there to save people's lives and lost their lives.

□ 1045

"People who go to work, like millions of people in this great country, go to work to earn a living to support their families, they go to work and they are killed by lunatics.

"We have some questions to be asked, Mr. Speaker. We have to ask why our intelligence failed us, why our security failed us. Congress has to get to the bottom of this and ask these questions. Congress will find out.

"Let me say to the terrorists and those people in the streets that we saw, the Palestinians and others who were dancing in the streets with glee, let me say to them and Osama Bin Laden and the Taliban and all the people that support terrorism, you have awakened a sleeping giant. The United States will not rest until we root out every one of you, until we root out the terror and the terrorist cells. We are going to rally around our President, as we always have, with bipartisanship. We are all one America. God bless this wonderful Nation. God bless America."

Mr. Speaker, I hope that the vote on this bill today will be unanimous, because 2 years later, we in this Congress are just as resolute as we were 2 years ago to destroy the scourge of terrorism and to honor the brave men, women and children who lost their lives and to the people who responded who gave their lives so that others may live.

Mr. KING of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I congratulate the gentleman from New York (Mr. KING) and his colleagues, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. ENGEL), for their proposal, and I strongly support it.

Mr. Speaker, no words nor any precious medal can capture the grief and heartache of September 11 better than the words of the poem "The Names" by Billy Collins, the Poet Laureate of the United States, who gave us this wonderful piece of poetry so eloquently as we met in a special session of Congress in New York last year at this very time.

"Yesterday, I lay awake in the palm of the night.
A soft rain stole in, unhelped by any breeze,
And when I saw the silver glaze on the windows,
I started with A, with Ackerman, as it happened,
Then Baxter and Calabro,
Davis and Eberling, names falling into place
As droplets fell through the dark.
Names printed on the ceiling of the night.
Names slipping around a watery bend.
Twenty-six willows on the banks of a stream.
In the morning, I walked out barefoot
Among thousands of flowers
Heavy with dew like the eyes of tears,
And each had a name—
Fiori inscribed on a yellow petal
Then Gonzalez and Han, Ishikawa and Jenkins.
Names written in the air
And stitched into the cloth of the day.
A name under a photograph taped to a mailbox.
Monogram on a torn shirt,
I see you spelled out on storefront windows
And on bright unfurled awnings of this city.
I say the syllables as I turn a corner—
Kelly and Lee,
Medina, Nardella, and O'Connor.
When I peer into the woods,
I see a thick tangle where letters are hidden
In a puzzle concocted for children.
Parker and Quigley in the twigs of an ash,
Rizzo, Schubert, Torres, and Upton,
Secrets in boughs of an ancient maple.
Names written in the pale sky.
Names rising in the updraft amid buildings.
Names silent in stone
Or cried out behind a door.
Names blown over the earth and out to sea.
In the evening—weakening light, the last swallows.
A boy on a lake lifts his oars.
A woman by a window puts a match to a candle,
And the names are outlined on the rose clouds—
Vanacore and Wallace,
(Let X stand, if it can, for the ones unfound)
Then Young and Ziminsky, the final jolt of Z.
Names etched on the head of a pin.
One name spanning a bridge, another undergoing a tunnel.
A blue name needled into the skin.
Names of citizens, workers, mothers and fathers,
The bright-eyed daughter, the quick son.
Alphabet of names in a green field.
Names in the small tracks of birds.
Names lifted from a hat
Or balanced on the tip of the tongue.
Names wheeled into the dim warehouse of memory.
So many names, there is barely room on the walls of the heart."

Mr. Speaker, I thank the gentleman for yielding me time.

Mrs. MALONEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, two years ago to the day after the tragic terrorist attacks on the World Trade Center and the Pentagon on September 11, this date will always be etched in the minds of every American as a new day of infamy, when over 3,000 innocent people lost their lives. My most heartfelt prayers go out to the victims, survivors, families, friends and the representatives who suffered losses on this tragic day.

The debris has been cleared and buildings repaired, but none of us will ever forget the massive loss of lives and the real fear that confronted each of us on that fatal day. In particular, my thoughts and prayers go out to thousands of our Nation's first responders, our firemen and women, emergency medical personnel, our police officers, who selflessly put themselves in harm's way, and in numerous instances paid the ultimate sacrifice with their own lives.

Despite these terrible events, we as a Nation must remain strong, and we have; we must persevere, and we have; and we must remain resolute in our thoughts and actions, that never again will this happen on America's soil.

The anniversary of September 11 also provides a time for an honest assessment of where we stand on our own Homeland Security. Providing for the security of our homeland must be the number one priority of government today. Despite the steps that have been taken to improve homeland security, I believe we must do more. In memory of the thousands who perished innocently when they got up that morning, not knowing what fate had in store for them, we must concentrate on how we protect our borders.

We currently have 600,000 containers coming into our ports each day, but less than 3 percent of the cargo containers entering America's ports are ever checked to determine their contents. And, tragically, our Nation's first responders still do not have the equipment and training they need to respond to another terrorist attack.

Mr. Speaker, I ask that as we memorialize all of these innocent Americans, that we pay attention to what their sacrifices mean and interpret it as meaning we must concentrate and move ahead.

Finally, to better protect our people, we must learn everything we can about this fatal date of 9/11. So I am looking forward to seeing the report that came in on lessons learned.

We must honor the people who were sacrificed, and we must see and put in place those necessary programs and projects, and we must have a philosophy that we start here today in memory of our dead to protect our own, as we protect others around the globe.

May God bless their souls. May they all rest in peace.

Mr. KING of New York. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, today, of course, we commemorate what occurred 2 years ago, an event that changed the face of America forever. We are not the same country we were then.

Our country was once referred to as a giant hotel lobby, where you come and go at will. Well, giant hotel lobbies that are open, notoriously are easy pickings for terrorists, and they were easy pickings that day.

My friends from New York lost many constituents that day, Mr. Speaker. I lost, as far as I know, only one. Sandy Bradshaw was a flight attendant on the United Airlines flight that ditched in Pennsylvania, and I believe that she and her fellow crew members saved many lives by having elected to ditch that day.

Today, at Eastern Randolph High School in Ramseur, North Carolina, my district, there is a special event that will commence very shortly in honor of Sandy Bradshaw, who was an alumni of that school.

These people who came calling, and I will have to give the sanitized version of how I have referred to them, because I have referred to them in language that perhaps would not be acceptable to you, Mr. Speaker, or to the House, but, for want of a better word, they are cowardly criminals, murderers, who came calling that day. But they have not won. We are of strong resolve, and I am confident we will prevail.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from the great State of North Carolina for his very moving comments.

Mr. Speaker, I want to say that the authors of this legislation have worked on it for 2 years to create a fitting honor for the heroes of 9/11. This is actually the third time this legislation has come to the floor. We have passed it twice out of the House, and this is the first time this extremely worthy issue has been raised.

In response to the request from Members in the Senate, we have tried to be all-inclusive and have broadened the categories of medal recipients to include all the police, fire and rescue workers who responded to the attacks.

Mr. Speaker, I feel it is very important that we pass this very important legislation today on 9/11, on the anniversary, and move forward.

Mr. Speaker, again, I thank the gentleman for his leadership and consistency. The gentleman has stayed on this like a pit bull to get it to the floor for the third time. I thank also the chairman of our committee, the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK). I hope we will be able to pass it for the third time today with his leadership.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me, in conclusion, once again thank the gentlewoman from New York (Mrs. MALONEY) for the tremendous effort she has made over the past 2 years in doing all she can and working with me in a bipartisan way to move this legislation forward.

Let me thank the gentleman from New York (Mr. ENGEL), who is one of the first who authored a bill after September 11 commemorating those who died on that tragic day, and also has worked so closely with us, all of us trying to put egos aside, and we did definitely put partisan interests aside to move this forward. I think that really in many ways symbolizes the very best of September 11. We realize there is something more than our own narrow parochial interests, that there is a larger cause.

So I thank the gentleman from New York (Mr. ENGEL) and the gentlewoman from New York (Mrs. MALONEY) for the way they have conducted themselves, for the assistance they have given me and for the dedication they have to this matter.

I also want to thank the gentleman from Ohio (Chairman OXLEY), who has been cooperative throughout. I want to thank the majority leader, the gentleman from Texas (Mr. DELAY) and the minority leader, the gentlewoman from California (Ms. PELOSI), for agreeing to bring this legislation forward on September 11. To me it is the most fitting day of all it could be brought on.

□ 1100

Also, I would say that as we remember those who died, as we honor those who died in the line of duty that day, that we realize that their families are still going forward. So as we honor those who died, let us not forget those who survived them who still, every day, must confront the dilemma of going forward, the emptiness, the sorrow, the tragedy that occurred to them on September 11 and will be with them throughout the remainder of their lives. We should just try to put ourselves in their position, to understand some of the terrible trauma that was inflicted on them. In doing that, that should give us more momentum to make sure this bill not just passes today, but also to work with the Senate to find a way to get it through.

Mr. Speaker, this is not just passing a bill for the sake of passing a bill. I think it is a real duty and obligation on the Congress of the United States that we record and let it be known the way we feel and the respect and the honor that we have for those who died in the line of duty on September 11. And by awarding a Congressional Gold Medal, that is the way that we can pay that tribute, not just to them, but to history, so that history will record exactly what they did and the extent to which we thought about it. And, in doing that, out of that twisted steel and burning rubble of the World Trade Center, out of the terrible destruction at the Pentagon, and out of the plane that was literally obliterated in the fields of Pennsylvania, from those horrible moments will come a greater America and a lesson for future generations to realize what people should do when confronted by crisis. Because all of us in this House, we can all talk a good game, but the reality is, no one ever knows what they will do when they are really put to the test. On September 11 we had so many hundreds of people, if not thousands of people, who were put to the test, and they all passed the test. So by them passing that test that day, by them showing the courage and determination that they did, that has allowed us to go forward as a Nation.

So let us go forward from this bill today, standing together behind our President, behind the united leadership of the House and the Senate, committed to America. We can have partisan differences, we can have differences on tactics, but we should never, ever again disagree on the overriding goal of America destroying the forces of international terrorism, protecting our borders, and doing all we can to ensure that a September 11 will never again occur, and that these men and women did not die in vain.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Petri). All time for debate has expired.

Pursuant to the order of the House of Wednesday, September 10, 2003, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MEMORIAL TO VICTIMS OF TERRORISM ACT

Mr. POMBO. Mr. Speaker, pursuant to the order of the House of September 10, 2003, I call up the bill (H.R. 911) to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of September 10, 2003, the bill is considered read for amendment.

The text of H.R. 911 is as follows:

H.R. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) In General.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the "Memorial") in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 2(e) of the Commemorative Works Act (40 U.S.C. 1002(e)) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) Detail of Employees.—The Secretary of the Interior (referred to hereafter in this Act as the "Secretary") shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) Relationship to the Commemorative Works Act.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the Memorial, with the exception of section 3(c) of that Act which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) Establishment.—There is established an advisory board to be known as the "Victims of Terrorism Memorial Advisory Board" (referred to hereafter in this Act as the "Advisory Board").

(b) Members.—The Advisory Board shall consist of 13 members who shall be appointed, not later than 3 months after the date of the enactment of this Act, by the President (in consultation with the Secretary of the Interior and the Secretary of Defense) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) Chairperson.—The Chairperson of the Advisory Board shall be one of its Members elected by a majority of the Members at the first meeting of the Advisory Board.

(d) Terms; Vacancies.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) Duties.—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 7 of the Commemorative Works Act not later than 1 year after the date of the enactment of this Act.

(f) Donations.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) Termination.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act), or upon expiration of the authority for the Memorial under section 10(b) of that Act, there remains a balance in the funds received under section 3(f) for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The SPEAKER pro tempore. The amendment designated in the previous order of the House is adopted.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) In General.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the "Memorial") in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 8902(a)(3) of title 40, United States Code) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) Detail of Employees.—The Secretary of the Interior shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) Relationship to the Commemorative Works Act.—Chapter 89 of title 40, United States Code, shall apply to the Memorial, with the exception of section 8903(c) of that title which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) Establishment.—There is established an advisory board to be known as the "Victims of Terrorism Memorial Advisory Board" (referred to hereafter in this Act as the "Advisory Board").

(b) Members.—The Advisory Board shall consist of 13 members who shall be appointed not later than 3 months after the date of the enactment of this Act. Nine members shall be appointed by the President (in consultation with the Secretary of the Interior and the Secretary of Defense), 2 members by the Speaker of the House of Representatives (in consultation with the Minority Leader) and 2 members by the Majority Leader of the Senate (in consultation with the Minority Leader) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) Chairperson.—The Chairperson of the Advisory Board shall be one of its members elected by a majority of the members at the first meeting of the Advisory Board.

(d) Terms; Vacancies.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) Duties.—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 8907 of title 40, United States Code, not later than 1 year after the date of the enactment of this Act.

(f) Donations.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) Termination.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the 7-year period beginning on the date of the enactment of this Act, there remains a balance in the funds received under section 8903(f) of title 40, United States Code, for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b) of that title.

The SPEAKER pro tempore. The gentleman from California (Mr. Pombo) and the gentleman from Texas (Mr. Turner) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. Pombo).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago today, America experienced an unimaginable act of terrorism that resulted in over 3,000 innocent people being taken from their families, including over 300 brave firefighters and 60 police officers from New York City, and over 40 military personnel at the Pentagon. The attacks of 9/11 changed America forever. While it renewed our sense of patriotism, it also challenged Americans to accept new limitations in their lives.

While our Nation has certainly experienced tragedies in the past, the events of 9/11 affected the soul of this Nation and have transformed how millions of Americans live their lives. America has entered a new era following the events of September 11, 2001, an age where peace and personal security at home is no longer taken for granted. Americans, unfortunately, have been victims of terrorism in the past.

These are just a few of a long list of examples:

The assassination of Cleo Noel, U.S. Ambassador to Sudan in 1973; 63 Americans killed at the bombing of U.S. barracks in Lebanon in 1983; an American serviceman killed during the hijacking of TWA Flight 847 in Lebanon in 1985; wheelchair-bound Leo Klinghoffer was murdered aboard the *Achille Lauro* in 1985; 259 Americans were killed aboard Pan Am Flight 103 over Scotland in 1988; six people killed in the bombing of the World Trade Center garage in 1993; 19 Americans killed in the bombing of the Khobar Towers in Saudi Arabia in 1996; 247 people killed in the bombing of the U.S. Embassy in Nairobi, Kenya, and 10 people killed in the bombing of the U.S. Embassy in Dar es Salaam in Tanzania in 1998; 17 sailors killed in the attack on the USS *Cole* in Yemen in October 2000.

Mr. Speaker, H.R. 911, the National Memorial to Victims of Terrorism Act, would authorize the creation of a living national memorial in our Nation's Capital to all of the victims, past, present and, unfortunately, future, killed in terrorist attacks against the United States or its people, including those killed in the horrific September 11 attacks.

The bill would authorize the creation of an advisory board whose members would be appointed by the President, the Speaker of the House, and the majority leader. The board would be responsible for raising all necessary funds to design, construct, and maintain the memorial. Today, we have an opportunity to acknowledge the thousands of victims whose lives have been lost through acts of terrorism in our history by establishing this memorial in their honor.

While we cannot completely repair the damage that has been done by terrorists that hate liberty and freedom, we can provide some assurance that their memories will not be lost.

Mr. Speaker, I urge my colleagues to support H.R. 911, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Chairman POMBO) for his outstanding leadership on this very important piece of legislation, H.R. 911, creating a national memorial to the victims of terrorism. I also want to thank the subcommittee chairman, the gentleman from California (Mr. RADANOVICH) for his help and work on this bill, which we have been involved in for the past 2 years. I also want to thank the ranking minority member of the full committee, the gentleman from West Virginia (Mr. RAHALL) and the ranking member of the subcommittee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their work.

This bill originated shortly after September 11 of 2001 and, in the past Congress, was cosponsored by the chairman of the Committee on Resources, the then chairman, Jim Hansen, who retired and who worked very hard in putting together the initial version of this bill. So I am very grateful for the gentleman from California (Mr. POMBO) and the other Members who have supported this concept and have worked to make this bill one that we believe will be successful, one that will pay tribute and memorialize the victims of terrorism.

We have had over 218 Members of the House join in cosponsoring this bill. The occasion of September 11 always reminds us of the tragic events of 2 years ago. On that day, the attacks took thousands of innocent lives and changed the history of our Nation and of our world. Although it has been 2 years, the terrible images of that day, the pictures of the towers and flames, the horrors of the onlookers in lower Manhattan, the workers who rushed into the Pentagon to help save their colleagues, the determined faces of firefighters at Ground Zero and at the crash site in Pennsylvania all remain vividly in our memories. We can still feel the emotions of that day, our feelings of horror, anger, grief, and, most importantly, our commitment to ensure that this would never, ever happen again.

We know now that September 11 of 2001 was the beginning of what we might call a new world order. No longer would military might alone protect us. We know today that our world has grown smaller, and that our security is threatened not only by nations, but also by a small band of dedicated terrorists who hide in the shadows and who willingly use suicide missions to kill thousands of innocent victims. The savage attacks of September 11 made clear to all that war had been declared against America by a cruel and calculating foe, one that seeks to destroy this Nation, to take away our freedoms and liberties that form the bedrock of our great society.

Never before have so many Americans been killed on our own soil in a single day. The terrorists took the lives of over 3,000, fathers and mothers, husbands and wives, sons and daughters, citizens of America, and 80 other countries around the world. Since then, Americans have come together as a Nation to remember those who lost their lives and to pledge our unwavering resolve to win the war on terrorism, whatever the cost, and whatever the length of the battle.

As part of our commitment to defeat terrorism in all of its forms and to never forget the precious lives that have been lost throughout these years, this legislation, H.R. 911, would authorize the establishment of a national memorial to all victims of terrorist acts against the United States, including those who lost their lives on that fateful day 2 years ago.

The national memorial created in this bill would not only be dedicated to the memory of the victims who lost their lives at the hands of terrorists; it would be a living memorial where future generations of young Americans will come to learn about the challenges America faced when confronted by an enemy that knew no national boundaries and that used unconventional methods, including suicide attacks, to spread fear, death, and destruction.

It is my hope that this memorial will chart America's journey in the war against worldwide terrorism and will someday show the world how freedom, liberty, and justice overcame oppression, cowardice, and fanaticism.

This legislation creates a 13-member advisory board appointed by the President, the Speaker of the House, and President pro tempore of the Senate, and includes representatives from organizations dedicated to assisting the victims of terrorism. This advisory board will guide the design, the location, and will provide the leadership in raising the private funds necessary for the establishment and maintenance of the memorial. In accordance with the Commemorative Works Act, the advisory board will consult with the appropriate commissions regarding site selection and design.

When the House Committee on Resources first held a hearing on this bill last year, each of us were deeply moved by the stories of several Americans whose lives were permanently changed on September 11. Among our witnesses were Lisa Beamer, whose husband Todd was among the heroes of Flight 93. Todd was the young American who said, "let's roll." Another of our witnesses was a staff member, a then staff member of the Committee on Resources, Liz Howell, whose husband was killed at the Pentagon. We also heard on that day from Joe Finley, a New York firefighter, who lost many friends in the World Trade Center and who worked in the rescue efforts at Ground Zero. Finally, we heard from Lieutenant Colonel Ted Anderson, who personally pulled victims from the burning Pentagon.

□ 1115

All of these spoke of the need for a national memorial to the victims of terrorism in the District of Columbia. The stories of these individuals remind us of the tragedy, the sacrifice, the heroism that marked that day. Each of them represents the spirit of the bravery and patriotism that arose in America's darkest hour. Each of them expressed in a very personal way the meaning that a national memorial would have to them.

Liz Howell so eloquently stated, "I believe a national monument to terrorism would become a hallowed place for the people of this generation to remember and grieve. Perhaps even more importantly, it would teach future generations about the heroism, sacrifice, and patriotism that surrounded the deaths of people who died simply for being Americans."

Lisa Beamer in her testimony said, "It is my hope and expectation that the Memorial to Victims of Terrorism will motivate current and future generations to always be vigilant in protecting us from evil and always be practicing for great acts of heroism. If these lessons of September 11 are learned and remembered, the deaths of our loved ones will not be in vain."

Lt. Colonel Ted Anderson who rushed into the Pentagon on that fateful day, put it this way, "This is about a memorial to those who have fallen already and it is about a physical symbol of our unified commitment to persevere, prevail, and to preserve the sanctity of our endeavor and freedom and peace for our open people and for those who choose to join us."

Mr. Speaker, it is indeed altogether fitting and proper that we remember and honor all victims of terrorism here in our Nation's capital. This memorial will mark the time in the course of our Nation's history when freedom and the respect for the dignity of man overcame prejudice, hate, and evil. It will stand for the time in our Nation's history when our country stood tall, persevered, and defended peace and civility for all mankind.

I know every Member of this House will join in adoption of H.R. 911.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, the gentleman from New Jersey thanks the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, for yielding to me; and I thank him for his vision of this national memorial. I congratulate the gentleman because in coming from the New York-New Jersey region, we particularly salute him for helping us remember so many people who lost loved ones.

Mr. Speaker, today we reflect on the event of September 11, 2001, and express our deep sorrow, grief, and heartache for the victims of that tragic day and pledge never to forget them. There were about 700 New Jerseyans who were lost in those attacks and many more from New York State, other States and from other nations, as well as we remember today the lives lost at the Pentagon and in Pennsylvania.

In the face of terrorist attacks, we witnessed the remarkable bravery of EMS and first aid men and women, firefighters and police officers, including many from my State who were first on the scene, who selflessly raced into the heavily damaged World Trade Center towers to aid and rescue those in need. It was not until later that we learned that so many of them never made it out. Today we will remember their bravery and pay our respects to their families.

Like so many of us, I was touched by many heartbreaking stories and pleas from families, but one encounter I had continues to resonate with me and remind me of the tragedy of that day. On a cold, blustery, early morning in October of last year, a man walked up to me at a train station and said, "Congressman, I am angry." My first thought was that he did not agree with one of my votes in Congress or he did not like the outcome of a constituent case matter that we had tried to help him with. But then he said, "I lost my brother in the World Trade Center on September 11 and I want you to be angry too. I want you to never stop being angry."

Before leaving the train station that morning and having heard this man's plea, I walked over to a tree planted in memory of the victims of September 11, many of whom came from that small town. There was a plaque in part that read under the tree and I quote, "We shall never forget our friends and neighbors who rode the rails with us that morning but did not return with us that night."

We will forever remember the victims who died at the hands of such evil men on that day. And I think we can also promise that we will never stop being angry over the attacks on our country, and this memorial proposal by the gentleman from California (Mr. POMBO) and the ranking member and his committee may help in that regard.

Ensuring the safety and security of our Nation and my State is my duty. To protect our communities and neighborhoods, we are continuing to implement a variety of strategies for homeland security. That includes full and unfledged support for our police officers, firefighters and first aiders, defense against bioterrorism, security at our ports, harbor crossings, railroads and road networks, and new procedures and standards for preparing and standards when responding to emergencies.

Along with President Bush, I can assure you that the government at every level is responding to terrorist threats, working to track down every lead, and standing watch 24 hours a day against terrorism. We remain resolved and vigilant in our efforts. We know that our work will not be done until every American is free from fear of future terrorist attacks. This memorial, this excellent proposal, this excellent vision will be a living one as has been said, such that we will never forget.

Mr. TURNER of Texas. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much on this very honored day to have the opportunity to join my colleagues and to thank the chairman for the wisdom of his committee and his leadership, and to thank my good friend, the gentleman from Texas (Mr. TURNER), the ranking member of the Select Committee on Homeland Security, for his leadership and vision and for the expansion of the concept of 9/11, and that is that we value lives, we honor lives, we cherish life and the sacrifices that have been made, the enormity of the sacrifice that was made on 9/11, that struck a chord at the heart and soul of this Nation, where over thousands of Americans lost their lives and others lost their lives at the hands of the horrific act of terrorism.

But yet this memorial, which will be comprised of individuals and family members and others who have experienced the pain of terrorism, speaks to all who have lost their lives under that terrible mantle. So today I think 9/11 is not only to recount where we were, this body, on 9/11, 2001, this Congress had convened, Members were in meetings, and the Nation's business was being carried on. And then a singular and fateful day brought about a multitude of actions that will impact families around the world forever.

I believe this memorial has a good sense to it, common sense like we would like to think Americans have. First of all, we cherish our Constitution. We do believe that we all are created equal as the Declaration of Independence so states, and we pride ourselves in having the unique Bill of Rights that gives us the right to freedom of expression and movement, freedom of religion. So out of that we have been able to have the longest democracy without violence amongst us. We fought wars, both the Revolutionary War and the Civil War; but we have maintained a sense of appreciation for the ability to disagree. We have not taken up the sword against each other to be able to make our point. This body exemplifies democracy and is a tribute to those who lost their lives in terrorist acts, that we would not fall under the sword. So this morning I rise to pay tribute to the beautiful and wonderful families of these brave victims. The legacy will live on.

I also acknowledge that we as a Nation will toll bells and lay wreaths and we will have a number of silent moment, reflecting upon the spirit and as well, the joy in the lives that were lived. But as this committee, the Select Committee on Homeland Security, was, in fact, instituted, we are strong. Our hearts are filled with resolve. Our hearts are filled with love and admiration for those who have survived and yet those who do not live.

We are resolved that as we promote memorials and honor this day, that we will never forget the reason and the cost. The reason was because we live in a democracy and out of that we generate hatred. The cause is to preserve the democracy and to continue to celebrate with excitement and joy the fact that those brave souls who died at Ground Zero, in the field in Pennsylvania, and at the Pentagon did not die in vain. I believe we have challenges this morning, Mr. Speaker, to enhance our first responders, the men and women in blue, our firefighters, our neighbors, to provide them with the full funding that they need to fight the war on terrorism right in our own backyards.

We need to be able to secure this Nation, not out of fear, but out of resolve. We need to promote the Constitution and cherish it as well. Proudly we need to boast that we are a democracy and we do believe in freedom. And I would say, Mr. Speaker, that we clearly do not ever need to stop commemorating this day. Never do we need to say enough is enough. For evil is amongst us and will continue to be so. And the only way that we can overcome it is to be the walking, living legends of the democracy of this Nation.

What we do in this body reflects every day the tribute to those who lost their lives. I do applaud the vision of those who are not fearful of monuments and memorials in times to consider the bounty of this Nation.

Might I take this day as well acknowledging that it is a sad day because it is a commemorative day, to be able to challenge our friends and neighbors, to be on the battlefield for justice and democracy, to fight against discrimination, to recognize a principle that I think is very important, that immigration does not equate to terrorism. I would think that as this particular legislation will move that we will have an enthusiastic response. It will be probably as emotional in its passage, comparable I guess maybe to the good times in the history of this Nation, maybe and maybe not.

It will come to be as the inspiration that Francis Scott Key received as he wrote the "Star Spangled Banner," as he saw the flag still waving amidst the violence of explosion and bombs and cannons and the rockets red glare, the bombs bursting in air, gave proof through the night that the flag was still there.

Mr. Speaker, I came to this floor because I believe that America should never forget, and I would challenge Americans never to be too tired, too dated to be able to pay tribute to those who walked in freedom, those who gave their lives and particularly were willing to challenge and stand up to terrorists.

Today, as a member of the Select Committee on Homeland Security and as an American, I join with the world family and solicit them not only to honor those who have lost their lives through terrorist acts, and particularly those who lost their lives in 9/11, but I challenge them to make freedom real and to make the fight against terrorism particularly real.

□ 1130

Let us not do it against each other, but let us do it in unity. So in the words of Martin Luther King, I ask that this Nation and the world walk in freedom.

I ask as well that we stand up to the finish and never give up. Then I will say that I ask that we pray for justice, to stand united resisting injustice. I believe if we do that, the prayers of those of us who some day will look to a world of peace where terrorism has been stomped out will have a memorial like 9/11 to remind us and the lives of those who died on 9/11 and would cherish those who have been the victims of terrorism that we will say to them that we have never, never given up.

God bless this Congress. God bless America. God bless all of those who will stand with us to fight against terrorism.

Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I thank the authors of this resolution for giving us all this opportunity to reflect upon what September 11 meant to us, and to our districts, and to the Nation.

It is a beautiful day today. There are just a few fluffy clouds scattered across our stunning blue skies. Across the Nation, people are working, playing, traveling, taking care of business and their families, and by and large, going about their normal lives. It is day much like that day 2 years ago, the day of the horrific events in Washington, New York City, and Pennsylvania. It is a testament to the tremendous resolve and strength of the American people that so quickly we have come back, almost to a state of normalcy.

But 2 years later, life still is not really back to normal. Over 3,000 innocent Americans are no longer with us. In a flash of violence, they have been snatched from us—a blow to their friends and families that has been felt by every American. Among the victims were people from every walk of life and every ethnic group. The list included Barbara Olson, who fought steadfastly for the things in which she believed. Although we sat on opposite sides of many issues, I will always consider her to be an honored member of the Houston family. We as a Nation will toll bells, lay wreaths and have moments with no words at all planned for the sad commemoration of the terrorist assault that killed more than 3,000 of our mothers, fathers, sisters, and brothers. Our hearts go out to the families of those victims as well as to those who have served and still serve in Operation Iraqi Freedom and post-war efforts to rebuild Iraq.

Two years ago today, many of us, as Americans, might have been asking the questions: Why is this happening? Who are we? How are we going to get through this? These are questions that almost every people in the history of civilization has been forced to ask. But the answers that we have come to, and the ways we have risen to the challenges that face us, have been uniquely American and have truly made me proud to be a member of this great nation.

The terrorists who attacked us on September 11, 2001 might have thought that in that horrific act of violence that we would crumble. They might have expected that because we came from all walks of life and spoke different languages when we first came to this Nation, that because we cherish our respective cultures, that the coalition would disintegrate. They thought that we would no longer be America, that we would desert each other and that we would fragment into a mosaic of isolated groups based on ancestry. They thought we would put up barriers, pointing fingers and accusing each other.

But we fooled them because America is still a nation, not just of the free, but also of the brave. It is in fact a very special place; and to a greater extent than any other time in our lifetimes, Americans stood united. America was built on diversity, by ships of pilgrims, by those in the bottoms of slave-ships and by others who walked across our borders. That diversity will not be our downfall; it is our greatest strength. We did not undermine our democratic ideals or attack our Constitution. We stood firm.

As we of Congress gathered last year in the historic Federal Hall in New York City, and then as we came together again before the Pentagon, one sight brought peace and hope to my troubled heart—a great symbol that has inspired so many people around the world over the past two centuries. As I watched our flag began to blow in that morning's wind, it reminded me of the words of Francis Scott Key. I understood why he was so moved to write the "Star Spangled Banner," for as he looked up into a war-torn sky, alight with violent explosions, he wrote:

> And the rockets' red glare, the bombs bursting in air,
> Gave proof through the night that our flag was still there.

It was not despite the war raging around him that he was able to contemplate his passion for America; indeed, it was because of it. What might cause some to flee and desert their Nation, illuminated Old Glory, enlightened him and gave him the inspiration to write one of the most wonderful testaments to what being an American is. It was that same spirit of courage in the face of danger, demonstrated in 1814, that was powerfully embodied by those who died on Flight 93 in Somerset, PA. When they recognized the horror that befell them, they were inspired to do what needed to be done to prevent further bloodshed, and they acted heroically.

As a member of Congress, I commend their actions. But also, as one person who was hard at work that very day inside the Capitol Building—the intended target of the fourth vicious attack—I, Sheila Jackson-Lee, owe a personal debt of gratitude to those who lost their lives that day, and their friends and family who survive. I humbly thank them all.

Today I would also like to salute those first responders who helped us all survive: the police, the firefighters, the paramedics, all the medical professionals, and just plain ordinary people, the volunteers, the men and women of the United States military who continue to stand at the front line of freedom and opportunity and justice, the unsung heroes, many of whom did not live to write their own songs, to tell their own stories. We honor them all, the survivors and the deceased, and all of their families. We honor them and thank them for their sacrifices.

I spoke last year to a man who lost his wife in Somerset, PA, and his words were chilling to me. It reminded me of the importance of the resolve of this Nation and of this government. He said simply, "I do not understand. I'm still living through this. I do not know how I'm going to get through it," For him and for the Nation, this fight is not over. That gentleman, however, may take comfort in the way that America has come together, in knowing that anytime America is attacked that no American will stand alone, but instead we will stand together arm-in-arm.

The U.S. government came together, with State, local, and Federal officials working as one. In a country the size of America, there will always be missteps, but for the most part, although we were diverse, we did not use this time to attack any culture, or believers of any faith or any distinctive ethnic group. We came together.

Again I think back to last year at the Pentagon, a building that has long been a tremendous symbol of strength, and is now also an embodiment of the American ability to survive. Though the smoke and dust has settled at the Pentagon, a haze remains over America. We are still in a fight for justice, a fight against terrorism, in an ongoing war for freedom. But I know in my heart that we will emerge from that haze. Through it we will see that same flag seen by Francis Scott Key. For in response to his question:

O say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

I answer with a resounding and unequivocal, "Yes. It surely does."

God bless America and God bless its people.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I again want to thank Chairman Pombo for his leadership on this legislation along with the gentleman from California (Mr. Radanovich) as well as their Democratic counterparts, the gentleman from West Virginia (Mr. Rahall) and the gentlewoman from the Virgin Islands (Mrs. Christensen). They have done an outstanding job in helping us put this bill together along with the 218 cosponsors who joined us.

Also, Mr. Speaker, I would like to thank the staff who worked on this bill over the last 2 years to be sure that it was in the proper form to accomplish our objective. On the majority side, Rob Howarth did an excellent job working on this bill, David Watson on the minority staff as well, and Trent Ashby and Amy Valentine on my staff. And we appreciate their good work.

Mr. Speaker, I would urge the House to adopt H.R. 911, legislation creating a national memorial to the victims of terrorism.

Mr. Speaker, I yield back the balance of my time

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank the gentleman from Texas (Mr. Turner) for his perseverance in moving this bill through the process. This has been a long time in coming. It is a bill that has passed the House previously. I look forward to this bill being enacted and being signed into law. And I urge my colleagues to support the bill.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Michigan.

REQUEST TO ADD MEMBER AS COSPONSOR

Mr. UPTON. Mr. Speaker, I ask unanimous consent that my name be added as a cosponsor before we pass this legislation.

The SPEAKER pro tempore (Mr. Petri). The Chair will not recognize that request. The gentleman must go through the sponsor and be added.

Mr. TURNER. I certainly would welcome the cosponsorship, Mr. Speaker.

Mr. POMBO. Mr. Speaker, reclaiming my time, I would just urge my colleagues for an aye vote on the legislation.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 1538, "The True American Heroes Act" and H.R. 911 to create a "Memorial for Victims of Terrorism." Enacting both of these important bills today is a fitting tribute to the victims of the terrorist attacks launched against the United States two years ago this morning.

The September 11 attacks were devastating, but our Nation was never weakened. The attacks were perpetrated because of the terrorists' hatred of the American values of liberty, democracy and equality. Hundreds of the victims were parents working hard every day and praying for better futures filled with love and hope for their children. Some victims were young children on their first airplane flight. Others were sons and daughters, the pride of their families, making it on their own in New York City. Twenty were U.S. soldiers, thirty-three were sailors, sixty-one were federal civilian employees, and nine were Army and Navy contractors beginning their morning at the Pentagon, and all of them were living the American dream. Ordinary Americans were transformed into heroes as the two jets brought down the World Trade Center, when the third tore into the Pentagon, and when the fourth was thrust into a Pennsylvania field. Two years from September 11, we remember and honor those brave Americans, their sacrifice, and we promise to never forget them.

Our nation has remained robust because our strength derives not from tall skyscrapers or fleets of airliners, but because America is defined more by its values than borders, and is defined less by our past than by our promise. Rarely have those values of democracy and freedom been more clearly demonstrated in our country's short history than on September 11, 2001. As the gravest moments arrived, many ordinary citizens fueled by instinct, courage and grace, rushed toward the flaming buildings in order to rescue their fellow Americans or to overwhelm terrorist-controlled cockpits in order to defeat their destructive plans.

Every community was shocked and scarred by these catastrophes. My hometown of Chicago suffered the loss of five women, who left their friends and family bereft. But more than shock or horror, generosity, strength and selflessness characterized Chicago's response. Although my city is a thousand miles away from New York, Chicagoans rushed to assist New Yorkers, Pentagon workers, and rural Pennsylvanians and support them as our neighbors. Whether they were Chicago firefighters hurrying to Ground Zero or school children writing letters to comfort their fellow pupils in New York, Chicago responded with its renowned heart and generosity. And so did every community across the country.

Mr. Speaker, we observe September 11 not only to recognize the lives cut short by hatred, but also to honor the genuine American heroes. These many men and women include firefighters, police officers, paramedics, emergency technicians, and all rescue workers who cast aside concern for their own safety to rush to save the lives of other Americans in harm's way. Their bravery and commitment serve as shining examples of why they remain role models that our children emulate.

We must also pause today to honor the sacrifices and continuing heroism of our courageous service men and women who left family and friends in order to defend our nation in the global war against terror. U.S. troops are fighting, sacrificing and serving extended tours of duty so that the men, women and children of Afghanistan, Iraq and other nations suffering under the heavy burden of tyranny and terror may share the freedom and inalienable human rights that Americans enjoy. We owe them our resolve to defeat terrorism, and to ensure that here at home leaders are charting the proper course.

Mr. Speaker, it is appropriate to reflect today on how we as a nation can better demonstrate American values. As we nurture burgeoning democracies beyond foreign shores, we must also align our priorities with human rights and with freedom here at home. Let those left behind pay tribute to those who died by reaffirming our commitment as a nation to freedom and defense of human dignity, and in so doing keep our nation strong. To that end, I strongly support this legislation creating a memorial for the victims of terrorism, and ensuring that our public safety workers have all the resources that they need to do their jobs continuing to prepare and protect America.

Mr. MCNULTY. Mr. Speaker, in marking the second anniversary of the terrorist attacks of September 11, 2001, we remember and honor the 3,000 innocent men, women and children who lost their lives that day. We continue to grieve with, and reach out to, the families of the victims.

We also continue to express our gratitude to our "First Responders." We should take a moment, again, to honor and thank the firefighters, police officers, and other emergency personnel who continue to put their lives on the line, day in and day out, to protect us from dangers, both foreign and domestic.

On the solemn anniversary of these terrible attacks, we are reminded that a terrorist is, by definition, a coward—a person who cannot get what he wants by the power of persuasion and therefore resorts to killing innocent people. The attacks of September 11, 2001, were basic violations of the fundamental principle that life is to give, not to take. We must continue to show the world that the forces of evil shall not prevail. We pray for the brave American men and women serving in our Armed Forces, and we continue to pray for the victims and their families and wish them strength as they carry on in spite of their tremendous loss.

Mr. RAHALL. Mr. Speaker, we learn from the Bible in Romans 12:21, "Be not overcome with evil, but overcome evil with good." In the a.m. hours of September 11, 2001, a great evil befell America. Around 3000 lives were lost and over 281 million Americans felt the pain of their passing. Two years later we still feel that loss.

Victims of this terrible tragedy came from all across this country, including Dr. Paul Ambrose of my home state of West Virginia, a talented and public-spirited young physician, was on the airplane that the terrorists crashed into the Pentagon.

The two grand towers of New York City, the symbol of our Nation's strength here in Washington, DC, a field in Southern Pennsylvania, and America itself was struck a mighty blow two years ago, but on that day, the enduring spirit of the United States of America overcame evil with the human goodness and love of their fellow man and woman.

In the aftermath of the attacks, Americans across our great land, including my home State of West Virginia, volunteered their services. Policemen, firemen, doctors, nurses, steelworkers, construction crews, plumbers, electricians, engineers, including members IOUE's National Hazardous Materials Program based in Beaver, West Virginia. Don Carson, the program's director, and a team of workers from the Beaver facility were among the first out-of-state workers to arrive at Ground Zero immediately after the September 11th terrorist attacks. They and many more giving individuals put their lives on hold to help in the search for the lives of others and to assist in the immense job of rebuilding New York, Washington, DC, Pennsylvania, and the rest of America.

But, there was one thing they did not have to rebuild and that was America's resolve. Never had its presence been stronger. We suffered the worst attack on our own soil against civilians that this country has ever experienced, and though the number of lives lost was devastating, the world witnessed America's resolve on that fateful day.

Partrick Henry told us in the beginnings of what would be the most powerful Nation in the world, "United we stand. Divided we fall." Americans from all creeds, all religions, all backgrounds, from north to south, east to west, united behind each other that Tuesday morning and for the days that followed, proving Patrick Henry's words true. Though the World Trade Center towers eventually collapsed under great stress from heat and pressure, for the last two years America never waffled.

I am proud to be an American today, and I am proud to say that many my fellow West Virginians have given of themselves so much to those who suffered two years ago and who still feel the pain of loss. We have stood together in the face of great, unspeakable tragedy and we will continue to stand together in the face of triumph.

May God bless this great Nation, and give us the strength to serve his will.

Mr. POMBO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, September 10, 2003, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I am prepared to yield to the majority to inquire about the schedule for next week. I am pleased to yield to my friend the gentleman from Ohio (Mr. PORTMAN.)

Mr. PORTMAN. Mr. Speaker, I thank my friend and colleague from Georgia for yielding to me. I would be happy to talk about the schedule for next week.

The House has completed its work for this week. Our business is over. All members and staff are invited to attend a remembrance ceremony today in memory of those innocent lives that were lost 2 years ago this morning in the terrorist attacks in New York, Pennsylvania, and here at the Pentagon. This ceremony will begin at noon on the West Front of the Capitol.

With regard to next week's schedule, Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour, 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules as well as potential motions to go to conference.

Any votes called on the measures that will be considered Tuesday afternoon will be rolled until after 6:30 p.m. on Tuesday.

On Wednesday, the House will meet for legislative business at 10:00 a.m. We expect to consider legislation under suspension of the rules on Wednesday.

Next week, we also plan to consider H.R. 7, the Charitable Giving Act of 2003, and H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003.

In addition, I would like to note that we may consider one or more conference reports towards the end of the week. Members should be aware that we will be in session Thursday, possibly late into the evening on Thursday, in order to complete these important pieces of legislation.

Finally, I would like to note that for all Members we do not plan to have votes next Friday, September 19. I thank the gentleman from Georgia for yielding to me, and I would be happy to answer any questions that he may have.

Mr. LEWIS of Georgia. Mr. Speaker, I will continue to yield in order for the gentleman to clarify which appropriation bills we expect to move or he expects to move to go to conference on next Tuesday. We are hearing that the DOD, Military Construction and Legislative branch bills are possible.

Mr. PORTMAN. I appreciate the gentleman from Georgia for yielding further and he is exactly right. The Senate has requested conference on those three appropriations bills, Legislative branch, the DOD, and the Mil Con bill, Military Construction. We expect to move to appoint conferees to one or more of these on Tuesday afternoon. In addition, as the Senate completes additional measures, I would anticipate the possibility of going to conference on additional items as well next week.

Mr. LEWIS of Georgia. Mr. Speaker, I will further yield to inquire, is there any other bill possible? What about the Labor-HHS-Education bill, does the gentleman expect we will move to go to conference on this bill next week?

Mr. PORTMAN. Mr. Speaker, it is a possibility. I respond to my friend from Georgia, we do not have a request yet from the Senate on that legislation for conference, but it is possible that we could move the Labor-HHS bill next week as well.

Mr. LEWIS of Georgia. I will further yield to my friend from Ohio. What about the charitable choice tax bill, what type of rule might we expect on this bill? Will amendments or a substitute be allowed?

Mr. PORTMAN. Mr. Speaker, as my colleague on the Committee on Ways and Means will recall, we did have a good debate in the committee on this legislation, and it is a bipartisan piece of legislation, the Charitable Giving Act. I do not know frankly what the Committee on Rules is going to do in terms of the structure of the rule. I am convinced that there will be a good debate on it, and we will have a motion to recommit and possibly a substitute, but I just do not know what the Committee on Rules is going to decide in terms of how the rule is structured.

Mr. LEWIS of Georgia. Mr. Speaker, I will not continue to keep my colleague long, but I would like to know, and I will yield, will the FAA conference report be on the floor next week? If so, which day?

Mr. PORTMAN. That is a good question. If the gentleman will continue to yield, the FAA authorization expires at the end of September, as the gentleman knows, and we need to pass this legislation before that time. Otherwise, airports across the country will risk losing their grants to upgrade everything from their instrument landing systems to their runways they need to expand. So we do intend to schedule this important legislation before the end of September so we do not get into that problem, but at this point we are not certain if it will come to the floor next week or the following week.

Mr. LEWIS of Georgia. Mr. Speaker, I will continue to yield to inquire, the gentleman suggested that there may be other conference reports. Can we expect to have any other conference report on the floor next week? If so, which conference reports might we have?

Mr. PORTMAN. Mr. Speaker, I appreciate my colleague yielding further. It is possible that we would have a couple of other conference reports. Certainly the energy bill is a possibility. There may be good progress, we understand, in that conference. Everybody is eager to be sure, with the blackouts and with our increasing dependence on foreign oil, we move forward a national energy strategy. So that is one possibility.

Another would be the Department of Defense authorization bill, which is also in conference, and as my colleague knows, with these conference reports it is difficult to predict what will happen in conference, but if those conferences are completed, we would expect to move those conference reports to the floor as soon as possible.

Mr. LEWIS of Georgia. Mr. Speaker, let me just ask my friend maybe in closing, why is there a need for us to be here late next Thursday night? The gentleman says as a possibility.

Mr. PORTMAN. Well, it really depends on what kind of progress we make earlier in the week I suppose. We are going to come in, as we said, Tuesday night and start with suspensions and then we start working on some of these other bills, but it looks as though the Charitable Choice Giving Act and the Prison Industries Competition in Contracting Act will take quite a bit of time on Wednesday and Thursday. So, again, we are telling Members they should expect to be here on Thursday night probably to vote on the Federal Prison Industries Competition in Contracting Act.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend and colleague from Ohio (Mr. PORTMAN) for being so forthcoming.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 16, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 15, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, September 16, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REAL STORY ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I recently returned from a trip to Iraq. I was privileged to go with the Committee on Government Reform and one can imagine my surprise turning on the evening news the day I got back and watching the national news anchor describe a situation that, quite honestly, I did not recognize and we had just left the country.

Mr. Speaker, the American people are not getting the real story on what is happening with our troops in Iraq.

General Conway of the 1st Marine Expeditionary Force in Babylon described to us what he said was a vivid success story. He told us that Iraqis are not concerned that we would stay too long but rather that we would leave too soon.

Mr. Speaker, I was impressed by the return to normal life that is present through all areas of Iraq that I visited. The markets are full. In fact, there were traffic jams on the streets of Baghdad. Satellite dishes have sprouted on the roof tops of houses and apartment buildings, probably 25 to 30 percent, and Mr. Speaker, just four or five months ago, possession of a satellite dish was punishable by a year in prison.

The schools finished their school year. They completed the wheat harvest in the area around Tikrit in northern Iraq.

From the standpoint of our military, the combat phase of Operation Iraqi Freedom was prosecuted brilliantly. Mr. Speaker, there is no remaining strategic threat. To be sure, there are still dangers and there are still terrorists, but there is no operational threat in Iraq. Stabilization is now the key goal of our offensive operation. Our troops are charged with finding, containing and killing those who would harm our troops and Iraqi citizens.

Mr. Speaker, I would just like to draw attention to a photograph from the 4th Infantry Division. That is a division from Fort Hood, Texas. This is a picture that I took in one of Saddam's old palaces. Forty-two of the 54 individuals identified as the most wanted of the previous regime have been crossed off this list. The top caption reads, "Saddam's regime is gone and will not be back." At the bottom someone penned, "Can you hear me now?"

Health care was particularly important to me, bearing in mind that no health care infrastructure improvements have occurred for over 30 years in Iraq. A member of the Civil Affairs Brigade, Lieutenant Colonel Michael Keller reported to me that within one of the medical libraries at the medical school he visited no text had copyright later than 1984. Pharmaceuticals that were manufactured in Iraq were useless. They relied upon donations from Kuwait after the combat phase to avert a humanitarian disaster.

Mr. Speaker, in 90 days, schools completed their academic year and conducted testing. Ninety percent of the major cities and towns across Iraq have functioning town councils and city councils, over 500,000 Iraqis are contributing to their own security. Prisons are on the verge of reopening. The judicial system is up and functioning. Food distribution is not a problem. No humanitarian crisis grew as a result of the combat operations, and although they have a long way to go, the hospitals remain open and functional, and very important to me as a physician, 4.2 million children have been immunized since the first of May.

Mr. Speaker, I would point out that this progress within 90 days of the end of the major combat phase, none of these things were in place after 1 year of the conclusion of combat in Kosovo.

Mr. Speaker, I think there is a good story to be told to the American people about what has happened in Iraq, and I intend to make that part of my mission.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1304

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 1 o'clock and 4 minutes p.m.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SO COMMITTED AND SO RESOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, today the United States is a Nation in mourning. And yet, Mr. Speaker, even as we grieve, we fight. Even as our hearts burst with compassion, our souls burn with resolve. Because today the United States is also a Nation at war.

We are at war for the survival of our Nation and the cause of freedom. And we are at war against the evil that planned and executed the attacks we coldly remember today. That evil we fight today is the same evil mankind has always fought, the violent lie that with enough brute force, human cruelty can subdue human freedom.

In the 2 years since we declared war on this new, old enemy, the United States has not suffered a major terrorist event on our soil. Thousands of terrorists have been brought to justice by our law enforcement community and thousands more have had justice brought to them by the Army, Navy, Air Force, and Marines.

Even so, after 2 years, two successful military campaigns, and 50 million liberated Afghanis and Iraqis, our dangerous days are still just beginning.

Winston Churchill, in a similar moment at the dawn of the Second World War, braced his countrymen by saying: "We have before us an ordeal of the most grievous kind. We have before us many, many months of struggle and suffering." But he would not yield. He understood that in the face of evil, mankind's only option was to wage war by land, sea, and air. He understood that its only objective was victory. Victory at all costs. Victory in spite of all terrorists, however long and hard the road may be.

The moral defiance Churchill voiced that day, Americans fired within ourselves that moment 2 years ago when we realized we were at war. Today our Armed Forces are deployed in Afghanistan and Iraq because we are resolved to wage this war for human liberty to its end.

We know now the lesson of 9/11, that freedom and terrorism cannot coexist. This battle will be decided by our victory or by our surrender, in security or in shame.

America will have won or lost, and the brave heroes we mourn today, those who gave their lives in New York, Pennsylvania, the Pentagon, Afghanistan, Iraq, and around the world over the last 2 years, will have either sacrificed for virtue or died in vain.

The question, then, before the American people today after 2 armed years of struggle in the face of a relentless evil is whether our will is as powerful as our weapons.

This September 11, let us reaffirm our commitment to freedom and our resolve to end global terrorism everywhere its merciless hatred lurks. For if we stand together so committed and so resolved, we shall overcome. And even now as we look back on the day America came to know evil, we can by the grace of God also look forward to the day America will come to know evil's defeat.

PATRIOT DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, today is Patriot Day, so designated by a law enacted by this Congress in October 2001, that calls on the people of the United States to observe a moment of silence in honor of those who lost their lives that terrible day. It is a day of national prayer and mourning, a day to honor memories of the 3,016 men, women, and children who perished on September 11, 2001.

In my south Texas congressional district, numerous cities, schools, and civic organizations are holding ceremonies today. I want to especially mention a few events like those being held at Pharr-San Juan-Alamo High School in Beeville VFW Post 9170, as well as in the Staff Sergeant Ernesto Garcia American Legion Post 633 in Mathis, Texas.

In that moment of silence, we remember all of those who perished and pray for their families and loved ones who endure the pain and loss of that tragic day. We honor especially the heroic sacrifices of our firefighters, police and rescue personnel, military servicemembers, and the courageous passengers on Flight 93 who saved hundreds of more lives by stopping that fourth plane which crashed in Pennsylvania. They are the true heroes and patriots. And so are the tens of millions of Americans who on that day answered their Nation's calls by contributing to relief efforts and helping those in need.

As we commemorate the terrorist attack on America 2 years ago, we also reaffirm our resolve as a Nation to fight the scourge of international terrorism, to destroy the abilities of al Qaeda to mount deadly attacks against innocent civilians in the United States, the Middle East, and beyond. Achieving that goal will require the concerted effort of all civilized nations. Even as we pay tribute to our troops defending our freedoms abroad, we applaud the President for turning to the United Nations to help in the major effort that lies ahead in rebuilding Iraq.

In the aftermath of the attacks on September 11, Congress responded with unprecedented unity and speed. We authorized the President to use all necessary force to destroy the al Qaeda network and the Taliban government that provided it safe harbor in Afghanistan. We enacted legislation to strengthen our homeland security. New laws overhauled our airport security system, fortified our boarders, and provided our intelligence and law enforcement agencies with new tools to track down terrorists at home and abroad. And we worked together with the President to establish the Department of Homeland Security. But much more remains to be done to secure our homeland to make Americans safer and more secure.

Providing for the common defense as set forth in the preamble to the Constitution is our first responsibility as Members of Congress. We need to improve the protection of our borders by hiring more border patrol agents and inspectors and by employing technology to monitor every mile of our borders around the clock. We also need more extensive security protections for our commercial ports, and we need to provide our first responders with the equipment and training they need to respond to another terrorist attack.

As we remember 9/11, we also recognize that some positive things have come out of this tragedy. All across America we see a renewed sense of community, a feeling of patriotism and greater appreciation for the freedoms and the liberty that make our country great.

In the aftermath of September 11, a Newsweek poll found that fully 78 percent of the public felt more patriotism and love of country.

☐ 1315

It is estimated that more than half of American households proudly display the flag on their homes or automobiles compared to 15 percent before September 11.

A recent CNN–USA Today poll shows that an overwhelming majority of Americans, 70 percent, are extremely proud to be an American. They are proud of what our country stands for and proud to live in the greatest democracy in the history of the world.

Mr. Speaker, let us hope that this renewed sense of patriotism, of fellowship with our local communities, of compassion for those in need, and respect for those who protect and defend us will strengthen, comfort, and sustain us in the great struggle that lies ahead.

EXCHANGE OF SPECIAL ORDER TIME

Mr. RENZI. Mr. Speaker, I ask unanimous consent to speak in the gentleman from Minnesota's (Mr. Gutknecht) position.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

RENEWING COMMITMENT TO FIGHT THE SCOURGE OF GLOBAL TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Renzi) is recognized for 5 minutes.

Mr. RENZI. Mr. Speaker, I rise here today on the anniversary of this tragic occasion to renew my commitment to fight the scourge of global terrorism. I rise to send a message to those who wish to bring harm to our innocent: your tactics will not succeed, your message will not be heard, and your existence will forever be reviled by peace-loving people of this Earth.

The wound to my Nation is now a scar, a disfigurement to serve as a reminder that in this world, if you stand for liberty, you will be targeted; if you seek freedom and individual rights, you will be struck.

I am humbled by the thought that on this weekend, as on each weekend since the attacks 2 years ago, the American children who lost a mom or a dad on September 11 will go to little league ballfields around our Nation, and it is there that these young ones will play their hearts out for a dad who is not there to call to his own, to a mom who is not there to call to her little one. To the single moms and dads out there struggling to raise their children who know personal sacrifice and suffering, I am overwhelmed by their courage.

Vigilance is the eternal price of freedom, and I beg my fellow patriots to rise up and remain vigilant, to continue to give and assist one another in a spirit of brotherhood, and to know that we as a Nation will never forget and never surrender.

REMEMBERING THE VICTIMS OF THE SEPTEMBER 11 TERRORIST ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Guam (Ms. Bordallo) is recognized for 5 minutes.

Ms. BORDALLO. Mr. Speaker, I rise today on the second anniversary of the September 11 terrorist attacks of 2001 to express my sympathies for the victims of this terrible tragedy and their families.

Furthermore, I would like to take this time to honor our men and women in the armed services who risk their lives on a daily basis in Afghanistan, Iraq, and throughout the world to ensure security and freedom both at home and abroad.

The people of Guam continue to mourn the senseless loss of innocent lives that occurred 2 years ago. Although, Mr. Speaker, Guam is situated many miles west of New York City and Washington, D.C. and Pennsylvania, Guamanians find themselves engrossed in the sense of shock and sadness that all Americans felt. The people of Guam reflected on the magnitude of what had transpired and searched for a means by which they could express their solidarity with the people of New York and Washington and Pennsylvania.

One such individual, Mr. Speaker, by the name of Sergeant Christopher Quitugua of Yona, Guam, contacted my office and asked me to display a Guam flag that he has carried with him while on active duty in Egypt, Kosovo, Kuwait, and now Afghanistan. He wanted this flag to honor the men and women who lost their lives during the terrorist attacks on September 11, 2001, and the commitment of the people of Guam to protect and defend our Nation.

Accompanying the flag is a certificate which reads as follows: "This Guam flag is dedicated to the people of Guam. It was flown on a combat mission in an AH-64A Apache attack helicopter from Bagram Airfield, Afghanistan, in support of Operation Enduring Freedom. This flag was flown in honor of the men and women who lost their lives during the terrorist attacks on September 11, 2001."

In addition, this certificate was signed by the pilot, Steve Odom, and the co-pilot, John J. Blank, Jr.

On this day that we remember the terrible tragedies of September 11, 2001, let us not forget the families that have lost their loved ones and reconfirm our commitment as a Nation to comfort and help all those who have suffered.

Also, let us remember our men and women in uniform, such as Sergeant Quitugua, who bravely defended our Nation and continued to fight, to ensure that what occurred 2 years ago never, ever happens again.

God bless our people and God bless our Nation, the United States of America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hinojosa) to revise and extend their remarks and include extraneous material:)

Mrs. Davis of California, for 5 minutes, today.

Mr. Hinojosa, for 5 minutes, today.

Ms. Bordallo, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Hinchey, for 5 minutes, today.

(The following Members (at the request of Mr. Renzi) to revise and extend their remarks and include extraneous material:)

Mr. DeLay, for 5 minutes, today.

Mr. Renzi, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, September 16.

ADJOURNMENT

Ms. BORDALLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4206. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [OPP-2003-0244; FRL-7322-7] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Undersecretary of Defense, Department of Defense, transmitting the Department's five-year plan and supplemental plan for the manufacturing technology (ManTech) program for fiscal years 2003-2007, as required by subsection 2521(e) of title 10 of the United States Code; to the Committee on Armed Services.

4208. A letter from the Chief Information Officer, Department of Defense, transmitting the Department's FY 2002 Chief Information Officer Annual Information Assurance Report; to the Committee on Armed Services.

4209. A letter from the Principal Deputy, Department of Defense, transmitting notification of the Department's intention to close the combined commissary and exchange stores at Homestead Air Reserve Base, FL and Fort McClellan, AL, by December 31, 2003; to the Committee on Armed Services.

4210. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report as of June 30, 2003, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

4211. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: Pennsylvania; Redesignation of the Liberty Borough PM10 Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan [PA189-4300; FRL-7556-4] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4212. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets using MOBILE6 [IL 200-3a; FRL-7558-3] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4213. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Mecklenburg-Union Transportation Conformity Interagency Memorandum of Agreement [NC-107-200338(a); FRL-7557-9] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-7557-5] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the transmitting the Agency's final rule — Pennsylvania: Final Approval of State Underground Storage Tank Program [FRL-7557-4] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Commissioner, Federal Election Commission, transmitting the Commission's final rule — Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations [Notice 2003-15] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4217. A letter from the Public Printer, United States Government Printing Office, transmitting the Government Printing Office (GPO) annual report for Fiscal Year 2002; to the Committee on House Administration.

4218. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting A report listing an inventory of all the WPA dams in the State of Minnesota and an assessment of the condition of the dams and the need for rehabilitation or modification of the dams dated March 2003; to the Committee on Transportation and Infrastructure.

4219. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Buckle Up America: The National Initiative for Increasing Seat Belt Use, Fifth Report To Congress and Third Report to the President" April 2003; to the Committee on Transportation and Infrastructure.

4220. A letter from the Assistant Secretary, Department of the Treasury, transmitting Notification of the Secretary's determination concerning the operation and status of the CSRDF during the recent debt issuance suspension period, and restoration thereof, as persuant to section 8348 of title 5, United States Code, pursuant to 5 U.S.C. 8348(l)(2); to the Committee on Ways and Means.

4221. A letter from the Chairman, International Trade Commission, transmitting the Commission's report on investigation No. TA-204-11, entitled, "Certain Steel Wire Rod: Evaluation of the Effectiveness of Import Relief," August 2003, pursuant to 19 U.S.C. 2254(d)(3); to the Committee on Ways and Means.

4222. A letter from the Chairman, International Trade Commission, transmitting a Commissioner's report on Investigation No. TA-204-10, entitled, "Certain Circular Welded Carbon Quality Line Pipe: Evaluation of the Effectiveness of Import Relief" August 2003; to the Committee on Ways and Means.

4223. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2002: Operation of the Trade Agreements Program"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes (Rept. 108–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1006. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; with an amendment (Rept. 108–269). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARRETT of South Carolina:

H.R. 3075. A bill to amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. Boehner, Mr. McKeon, Mr. Isakson, Mr. Tiberi, Mr. Wilson of South Carolina, and Mr. Cole):

H.R. 3076. A bill to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. Boehner, Mr. McKeon, Mr. Greenwood, Mr. Wilson of South Carolina, and Mr. Cole):

H.R. 3077. A bill to amend title VI of the Higher Education Act of 1965 to enhance international education programs; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. Bishop of New York, Mr. Grijalva, Mr. Payne, Mr. Kildee, Mr. Owens, Mr. Tierney, Mr. Abercrombie, Ms. Solis, Mr. Kucinich, Mr. Udall of New Mexico, Mrs. McCarthy of New York, Mr. Ryan of Ohio, Ms. Carson of Indiana, Ms. Schakowsky, Ms. Slaughter, Ms. DeLauro, Mr. Serrano, Ms. McCollum, and Ms. Woolsey):

H.R. 3078. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form or become members of labor organizations, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CRENSHAW (for himself and Mr. Blunt):

H.R. 3079. A bill to establish the National Commission on the Modernization of the United Nations; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3080. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies; to the Committee on Government Reform.

By Mr. GEPHARDT (for himself and Mr. Boswell):

H.R. 3081. A bill to amend title XVIII of the Social Security Act to provide additional reimbursements for Medicare providers in low-reimbursement States and to provide financial incentives for high quality, low-cost health care; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. Udall of New Mexico, and Mr. Brown of Ohio):

H.R. 3082. A bill to review, reform, and terminate unnecessary and inequitable Federal payments, benefits, services, and tax advantages; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. Rehberg, Mr. Hefley, Mr. Oberstar, Mr. Janklow, and Ms. McCollum):

H.R. 3083. A bill to amend the country-of origin labeling requirements of the Agricultural Marketing Act of 1946 to specify the model upon which the certification program for producers shall be based, to facilitate verification of compliance with the requirements, to impose a schedule of penalties for violation of the requirements, and for other purposes; to the Committee on Agriculture.

By Ms. KILPATRICK (for herself and Mr. CONYERS):

H. Con. Res. 278. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. ENGLISH.

H.R. 235: Mr. RAHALL and Mr. TURNER of Ohio.

H.R. 290: Mr. MICHAUD, Mr. BOOZMAN, Mr. NEAL of Massachusetts, Mr. DELAHUNT, and Mr. ENGEL.

H.R. 296: Mr. GILCHREST.

H.R. 839: Mr. GALLEGLY, Mr. LYNCH, Mr. JOHN, Mr. DOOLEY of California, and Mr. FERGUSON.

H.R. 869: Mr. SNYDER.

H.R. 911: Ms. BALDWIN, Mrs. JONES of Ohio, Ms. HARRIS, Mr. ANDREWS, Mr. GEPHARDT, Mr. ORTIZ, Mrs. DAVIS of California, and Mr. UPTON.

H.R. 935: Ms. SOLIS.

H.R. 962: Mr. STUPAK.

H.R. 996: Mr. WALDEN of Oregon.

H.R. 1002: Mr. STARK and Mr. LARSEN of Washington.

H.R. 1105: Mr. CASTLE.

H.R. 1288: Mr. SHAW, Mr. WICKER, Mr. CROWLEY, and Mr. LARSEN of Washington.

H.R. 1310: Mr. BOYD and Mr. GOODE.

H.R. 1359: Ms. MILLENDER-MCDONALD.

H.R. 1671: Mr. PITTS.

H.R. 1910: Mr. PRICE of North Carolina.

H.R. 1929: Mr. SERRANO.

H.R. 1943: Mr. GOODE.

H.R. 2208: Ms. KAPTUR.

H.R. 2394: Mr. TANNER and Ms. MILLENDER-MCDONALD.

H.R. 2671: Mr. MCCRERY, Mr. PLATTS, and Mr. OSBORNE.

H.R. 2697: Mrs. MUSGRAVE.

H.R. 2702: Mr. STARK.

H.R. 2964: Mr. PETERSON of Minnesota.

H.R. 2998: Mr. BOYD, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. BERRY, Mr. FARR, Mr. SKELTON, Mr. CRAMER, Mrs. Miller of Michigan, Mr. GOODE, Mr. SCHROCK, Mr. GOODLATTE, Mrs. NORTHUP, Mr. RYAN of Ohio, Mr. KNOLLENBERG, Mr. MCNULTY, and Mr. COLE.

H.R. 2999: Mr. COBLE and Mr. HOSTETTLER.

H.R. 3061: Mr. PORTER.

H.J. Res. 22: Mr. EVERETT.

H.J. Res. 46: Ms. HARRIS.

H. Con. Res. 60: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 176: Mr. SMITH of Washington.

H. Con. Res. 265: Mr. SAXTON and Mr. RUPPERSBERGER.

H. Res. 355: Mr. FROST.

SENATE—*Thursday, September 11, 2003*

The Senate met at 8:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who has blessed this great land, September 11, 2001, changed the way so many view life, liberty, and love. We learned that life is fragile and the future must never be taken for granted. You reminded us that freedom is not free and that liberty is a precious gift. As we remember the courage and sacrifices of the many heroes and heroines, teach us to live our lives for others. Remind us to devote ourselves to causes that will live beyond our years. Lead our Senators today, that they will be Your instruments. Watch over our land and help us not to put our trust in human might but in the unfolding of Your loving providence. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 11, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will remember the second anniversary of the September 11 tragedy with a series of moments of silence. These times will be announced by the ringing of a bell of remembrance just outside these Chamber doors.

In a moment, at a time that corresponds with the initial attack on the World Trade Center, the Democratic leader will join me in ringing that bell just off the floor.

EXPRESSING THE SENSE OF THE SENATE ON THE SECOND ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST. Before we begin, on behalf of myself, the Democrat leader, and all of my colleagues, I send a resolution to the desk and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution.

The legislative clerk read as follows:

> A resolution (S. Res. 224) expressing the sense of the Senate on the second anniversary of the terrorist attacks against the United States on September 11, 2001:
>
> S. RES. 224
>
> Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, and a third into the Pentagon in Arlington, Virginia;
>
> Whereas the valor of the passengers and crew on the fourth aircraft, which crashed in Shanksville, Pennsylvania, prevented it from also being used as a weapon against America;
>
> Whereas thousands were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;
>
> Whereas September 11, 2001 stands as the deadliest terrorist attacks ever perpetrated against the United States;
>
> Whereas by targeting symbols of American strength and success, these attacks were intended to assail the principles, values, and freedoms of the United States and the American people, to intimidate the Nation and all who stand with us, to weaken the national resolve; and bend our will to their grotesque cause;
>
> Whereas in the darkest moments after the attacks, American men and women demonstrated extraordinary courage and compassion;
>
> Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;
>
> Whereas nations around the world provided material support and moral support to the United States as it recovered from the terrorist attacks; Now, therefore, be it
>
> *Resolved,* That the United States Senate—
>
> (1) recognizes September 11 as both a day to remember those taken so suddenly and so ruthlessly, and a day for Americans to recommit themselves to our great national purpose;
>
> (2) extends its deepest sympathies to the countless innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;
>
> (3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;
>
> (4) extends its deepest gratitude to the members of the Armed Forces serving both at home and abroad who are defending the United States from future attack;
>
> (5) praises the people of the United States for their patriotism, compassion, prayers, and generosity in donating time and money to support the innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;
>
> (6) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks; and
>
> (7) reaffirms that the United States Senate will honor the memory of those who lost their lives as a result of the September 11, 2001, terrorist attacks and will act to defend the citizens of the United States in the face of all future challenges.

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, today we honor the memory of the victims of the September 11 attacks. Many Americans will bow their heads in silence. Many will kneel before the Almighty in prayer. Others will take time from the regular course of their day to reflect in their own personal way upon the terrible events of 2 years ago.

Regardless of how we pay tribute to those who perished, we all share a profound sense of sadness for their families and sincere hope that the wounds of those who still hurt may heal.

We press on—we press on—because it is our nature to do so. Life is a precious gift. As long as God wills us to have it, we have a purpose. And as long as God wills this Nation to exist, we have the liberty to realize that purpose and make of our lives what we wish.

Mr. President, at this time, I will ask the Democratic leader to join me at the bell of remembrance for the first moment of silence.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 8:46 a.m. having arrived, the

Senate will observe a moment of silence in honor of the victims of the tragedy on September 11, 2001.

(Moment of Silence.)

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, it is a day to honor the memory of the victims of September 11, 2001. The essence of September 11 was and remains apparent to us all. The victims were innocent. They were simply going about their everyday lives—working at the desk, coming into work, answering the telephones, maybe answering an emergency call, checking on the children to make sure they got off to school, traveling on business, or possibly on vacation. All had families who loved them and all had futures yet to be lived. And now there is emptiness, not only for those 3,000 women and men and children affected on that day but for what they could have and would have become if that event had not occurred.

There is little one can do to fill the immense void that is created by such a loss. We can remember. We must remember. But even the fondest and most vivid memory is but a whisper. Simply nothing—nothing—can replace a loved one's absence from the very special moments in life and, above all, the simple everyday pleasures.

I recall the story of a woman whose husband was killed in the collapse of the World Trade Center Tower One. In the months after September 11, she did what so many of us would understand—she contemplated suicide.

She said:

> When I lost my husband, I had no bottom, no basis to get up in the morning. I knew I was going to do something terrible if I didn't define a reason.

Now she is an advocate for other families who lost loved ones in the September 11 attacks. She has found not only new strength but she has become the source of strength for others.

In a recent interview, she said:

> The best legacy for all of the people who died is that something better comes out of all of this, even with the pain.

The crumbling of the World Trade Center's towers into a massive cloud of black dust still haunts us. The explosive thunder of a plane slamming into the side of the Pentagon still haunts us. The image of a crater filled with the debris of embattled flight 93 in Shanksville, PA, still haunts us.

All of these, and other horrific memories, will continue to haunt us for decades to come. They have become an inescapable part of our national conscience. But so must be the love, so must be the charity, so must be the caring, so must be the compassion, so must be the unity, and so must be the grace that poured and continues to pour from the American people in the aftermath of September 11.

Remember the thousands of volunteers who rushed into lower Manhattan from all across America to help with those rescue and recovery efforts? Remember when we gathered just several yards from here on the steps of the Capitol to sing in unity with our colleagues from the House "God bless America"? Remember the flood of letters and drawings schoolchildren sent and continue to send out of feelings and out of sympathy for the victims, out of love and patriotism for their country?

I brought with me this picture drawn by Sara Deatherage who is a third grader from Knoxville, TN. She wrote:

> I chose the American Flag because I love America.

Those of us who have the opportunity to serve in public office received scores, hundreds, thousands, and continue to receive scores, hundreds, and thousands of these signs, these signals of patriotism.

Did September 11 change our lives and the course of our Nation forever? It, of course, did. It most assuredly did, and it did it in a horrific and still painful way. But it also brought forth the very best in the American people—an abundance of kindness, an abundance of caring, an abundance of compassion that is really unparalleled in our history.

So let us fittingly and appropriately honor the memory of the victims of the September 11 attacks. Let us, again, express our deepest regrets to the families who lost loved ones. But let us also hew from the pain of that horrific day, September 11, 2001, a lasting and a better America.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. DASCHLE. Mr. President, last night, family members and friends of those who perished in the World Trade Center held a candlelight vigil at Ground Zero, creating what they called a "circle of hope" around that hallowed ground. Tonight, twin towers of lights will stretch once again from the ruins of the Trade Center up to the heavens. In a few moments, here in the U.S. Senate, we will observe the first of four moments of silence marking the exact moments, 2 years ago today, that the four hijacked airliners crashed into the World Trade Center, the Pentagon, and that lonely field in Shanksville.

Later this afternoon, a new playground will open at Leckie Elementary School, here in the Nation's capital—a memorial to three bright sixth-graders from Washington, D.C. and four district teachers—all lost when American Airlines Flight 77 crashed into the Pentagon. This evening, in Mitchell, SD, people will gather to honor the firefighters and other emergency workers who perished on September 11, and those who toiled in the rubble for months after the attacks to try to bring order out of chaos. In countless other ways, in communities across our Nation and throughout the world—in churches, parks, town halls, and in the privacy of their own thoughts—people will pause to remember, to mourn and to honor the victims, the survivors and the heroes of September 11.

Two years later, the enormity of the tragedy remains nearly incomprehensible. Just 3 days ago, a vial holding the blood of a young Brooklyn firefighter who died at Ground Zero was placed in a coffin, along with his uniform, at a Mass, making him the last of the 343 firefighters killed at the World Trade Center to receive a memorial. A year ago, on the first anniversary of September 11, the names of all those who died at the World Trade Center were read aloud. It took 2½ hours just to recite the names. First on the list was Gordy Aamoth, a 32-year-old investment banker who grew up in Minneapolis and always knew that he wanted to work on Wall Street. The last name on the list belonged to Igor Zukelman, a 29-year-old naturalized American who moved to this country from the Ukraine. The day he became an American, he called his mother and told her, "You can congratulate me now, I'm a citizen." The terrorists of September 11 meant to strike at the heart of America. Yet their crime was more than an attack on America. It was an attack against humanity. Ninety-one nations lost citizens in the attack on the World Trade Center. Today, we remember and honor all of them.

We also pray for those who were injured, especially the many who still suffer, and for the families and friends who lost loved ones, particularly the children who lost parents. We pray for ourselves and our Nation, that we may seek justice for the victims of September 11 with wisdom. And we are also filled today with an abiding sense of gratitude for the heroes of September 11, especially the courageous firefighters and other rescue workers. In the countless acts of heroism and compassion, they inspired a stunned and wounded nation and showed us how to go on.

This morning, the sky bears an eerie and almost disconcerting resemblance to that cloudless blue sky on this morning 24 months ago. Pilots have a term for visibility conditions like that. They call it "severe clear." In our memories, we all see with severe clarity the horrific images of September 11. Today and always, let us strive to remember, with equal clarity, the many acts of sacrifice and compassion we witnessed that day. Let us remember the unshakable unity we felt as a nation in the aftermath of that terrible day. Even more than that, let us resolve to continue to demonstrate that same commitment to our nation and to each other as we saw that day. In that way, we can defy the terrorists. We can honor those we lost. And we can keep their spirits alive.

The ACTING PRESIDENT pro tempore. The Senate will observe a moment of silence.

(Moment of Silence.)

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on this day, 2003, September 11, we remember the horrific events of September 11, 2001. We mourn the victims. We pray with the families who lost loved ones and we focus on redoubling our efforts to make sure that September 11, 2001, never occurs again, and to redouble our efforts to fight terrorism.

We all recall the horrors of watching those planes crash into the trade centers, the plane which crashed into the Pentagon, and then the plane which struck my State, Pennsylvania, going down in Shanksville, Somerset County, a rural setting. No one will ever know for sure whether the plane which went down in Shanksville, PA, was headed for this Capitol. My own personal view is that it was, and this Capitol was spared because of the heroic efforts of the passengers who took matters into their own hands and saw to it that the terrorists were overwhelmed and the plane crashed.

We remember those who perished and we console, to the extent we can, the families and loved ones of those who perished. On this day, we ought to focus on our responsibilities as Members of Congress to see to it that we do not have a repetition of 9/11. In my view, had we put all of the dots on the so-called board we might well have prevented September 11. Whether that is so or not, we ought to be absolutely sure that our intelligence agencies are working coordinately to do their utmost to prevent any recurrence.

Then there is the fight against al-Qaida. I believe we are waging a successful worldwide fight in attacking al-Qaida and in bringing key operatives to justice. I believe the time is not too far away when we will find Osama bin Laden. As President Bush said, he will bring Osama bin Laden to justice or bring justice to Osama bin Laden.

There is more we can do to fight terrorism, where Americans are still being killed—for example, in Israel by Hamas. We ought to reintensify our efforts to bring back the Palestinian terrorists to the United States and try them in our courts since we have an extraterritorial jurisdiction to do so, and to impose the death penalty.

These are only a few of the thoughts which ought to be focused upon today as we pay solemn tribute to the victims of September 11 and dedicate ourselves to fighting terrorism and to prevent any further recurrence in the future.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was struck when we took this moment of silence to remember the second plane slamming into the World Trade Center. Thinking back to that day and recalling the events when the first plane crashed, there was confusion and no one knew what was going on. No one understood. It was an accident. Who knows. But with the second plane came understanding. We knew this was not a plane that got off course, an accident, but there was a stunning realization that the world had changed. It was that second crash.

In the next half hour now, there will be another moment of silence, and then another roughly a half hour after that. Within that hour's time of that realization, America mobilized. America did not fall back on its heels. We obviously saw the response of the firefighters and the police, of the average citizen in New York. We quickly would see that reaction at the Pentagon. Then we will have forever etched in our minds the realization that came over the passengers of flight 93 that America was under attack and they were in a position to do something about it.

They did not hesitate. They were ordinary people, as all of the heroes of September 11 were, ordinary people who did not sign up to fight a war, who did not even know until the moment they were pressed into service that a war was about to happen. Virtually without hesitation, at the moment they realized that what they loved so much, so much that they without flinching were willing to commit everything—everything, to a mission for which the only preparation was living in this country, was experiencing the freedom, was recognizing the privilege of being in America. And that privilege, that honor, and that freedom were worth that sacrifice.

That is what they had been taught in their history courses. But more important, that is what they had seen in their common, ordinary American experience: That which we cherish so dearly in this country is worth sacrifice; if, by some odd set of circumstances, you are placed in a position to respond to protect that freedom, that you have an obligation to do so.

That is really remarkable. It is really remarkable to think of these ordinary people, as Senator FRIST said, going about their jobs, traveling on a plane, going on a vacation, riding to work, sitting in their offices answering the phone, responding to an emergency call—going about their typical American lives—that within an instant they were able to put on the armor of defending this country.

We are a blessed nation, and the people who represented us that day, the heroes that day, we can thankfully say were like us. That is the great pride I think all of us can take from the events of that day because they were not any different from the rest of us, and these ordinary people did extraordinary things to protect us.

God bless them. We thank them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think the words of the two leaders of the Senate and the two Senators from Pennsylvania have been poignant reminders of the day, 2 years ago, that rained terror on our country, and the different perspectives, just like the different perspectives all over our country, about that tragedy.

This morning, the Senators who had constituents who were most affected in their States will have priority, speaking on the floor of the Senate, to talk about the effect on their constituents and their States, so the two Senators from Pennsylvania started our day of remembrance in a beautiful way.

It is one of those days that you will always remember where you were and what you were doing. When the bell rang at 9:03, I remembered vividly that I was in my office, getting ready to go into a meeting. Someone told me there had been a plane going into one of the World Trade Center towers, so I turned on the television thinking it must be a pilot in trouble, maybe a small plane, maybe even a pilot in training makes a mistake. And as I watched the recap, I saw the second plane hit the tower, and the realization just chilled me to the bone because it was clear this was intended, which means, of course, that it was a terrorist.

But even in that horrible moment of realization, none of us ever expected that those two towers would eventually crumble under the heat of the fire. None of us would have anticipated the next 5 hours of horror and then, in the thousands of hours following, what would happen to our country, because in fact 9/11/2001 will forever recall the worst that could happen to our country but, also, the best. The stories of hope and heroism that emerged from the rubble of Ground Zero, the Pentagon, and that Pennsylvania field continue to serve as reminders of all that is good and true in the human spirit.

Mr. President, 9/11 evoked the pride and patriotism we felt as police, firefighters, and airplane passengers gave their lives to save countless others. It inspires us. It drives us. And it continues to guide our actions today.

Our Nation is embroiled right now in a global war on terror, starting with - 9/11/2001. We are fighting to ensure that no such attack is again visited on us or any other nation. This war is a direct, decisive response to the attacks that murdered nearly 3,000 innocent people 2 years ago today.

Our mission is clear. We must choke the life out of the terrorist networks that seek to promote extremism and derail democracy. We have taken the battle to the mountains of Afghanistan, the sand dunes of Iraq, and to

Main Streets in the United States of America and abroad where terrorists have burrowed in. We know we must destroy them where they breed their hatred before they ever again visit terror on our homeland.

Today, Iraq is the central front in that war. It is in that country where the enemies of freedom are making their stand. They have congregated in Iraq to thwart our efforts to bring a taste of democracy to an oppressed and battered people. They think they can shake the will of the civilized world. They are mistaken. Once again they have underestimated the American people and our allies.

Last month, I visited with our men and women in uniform who are on the front lines in Iraq and Afghanistan. Day in and day out, they battle the enemies of freedom. Danger lurks around every corner, but for every ambush and every threat they face, they also see the liberty that is beginning to take root. They see the hope they are bringing to the Iraqi people.

Our soldiers are committed, determined, and proud. Our country has called them to duty, and they have bravely answered the call. And they know their daily sacrifices are helping to build a safer world and a safer America—an America that is free of tyrants and terrorists. They deserve our unwavering support.

As Congress contemplates the cost of our efforts on the war on terror, we must not be shortsighted. The financial cost of 9/11 has been estimated at a staggering $300 billion. But that pales in comparison to the immeasurable toll of human lives lost that day. This war, our just response to 9/11, has not and will not be fought on a shoestring budget. Failure is not an option. Success in rebuilding Iraq and Afghanistan is essential to eliminate terrorism and the threat it poses to our freedom and our way of life.

We cannot do it alone. The nations of the world must join this fight. Their support financially and militarily is critical to eradicating terrorism from our society. This is not an American war. We have led the charge, but the cause of liberty does not benefit us alone. I am committed to working with my colleagues and the President to get the necessary funding up front and secure contributions from other countries that benefit from the campaign to root out terrorism.

The victims of 9/11 from 86 nations around the world deserve no less.

Today, as we honor the memory of those lost on September 11, know that our Nation is indeed more secure. Our vulnerability was exposed, but we responded with a steely resolve that has made us stronger, richer, and better. We will never be the same. But the Americans we have become will be the shining example of liberty and democracy for all the world to see.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the terrorists who attacked us 2 years ago were not only lashing out at people and buildings, they were attacking who we are as Americans. And since that day we have had an extraordinary amount of attention paid in this country to just that question. I know in my Senate campaign when I said I thought it was time to put the teaching of American history and civics back in its rightful place in our schools so our children could grow up learning what it is to be an American, people responded to that. There was a hunger for thinking more about what makes this country special. Why were we attacked? What were the terrorists attacking?

There are many ways to remind ourselves of what it means to be an American. One way is discussions like this. One is the speeches of our President, who has done a beautiful job of that. But another way is our schools.

The late Albert Shanker, president of the American Federation of Teachers, once was asked: What is the rationale for a public school? Mr. Shanker's answer was that public schools were created—the common school—to teach the three R's, and what it means to be an American to immigrant children with the hope they would go home and teach their parents.

Earlier this year, this body, by a vote of 90 to 0, passed a piece of legislation to create Presidential academies for teachers and students of American history and civics. I know that across America last night there were thousands of teachers who were thinking about this morning and what would they say to their students today about what happened 2 years ago.

If I were teaching today in school in America, these are four or five of the questions that I would ask my students.

I would ask them: Is 9/11 the worst thing that ever happened to the United States? Of course, the answer to that is no. It helps to know American history to answer the question.

Many of the Pilgrims died in the first winter. Soldiers walked barefooted across the Delaware River in our Revolutionary War. African slaves were thrown into the bellies of slave ships and brought in the most horrible conditions to this country. Those were really bad things. The Civil War saw families killing one another. Our World Wars saw millions killed. Twenty percent of Americans stood in line for a job in the 1930s.

When I was a boy in our hometown in eastern Tennessee, we had an airbase nearby with jets there to defend us from missile attacks which could be launched by the Soviet Union, and those missiles could arrive in 45 minutes.

So 9/11 wasn't the worst thing that ever happened to the U.S. It was a terrible, challenging thing. It was a tragic thing, but we can recover from it. The fact that we have done what we have over the last 2 years reminds us of that.

I would ask my students today: What makes America exceptional?

I taught a course in American character at Harvard University during the last couple of years. I began the course by asking the student to list 100 ways our country is exceptional. They are not all good. We lock up more people in prison than any other country. We have more divorces and broken families. But many of the things are extraordinarily good. That has been recognized all throughout our history.

One of the greatest—perhaps the greatest—is the fact that we have taken all of this variety and diversity and turned it into one country. No other country is able to do that. Diversity is magnificent. But Jerusalem is diverse. What is different about the United States of America is that we have united all of that diversity into one country.

That needs to be taught as well.

I would ask my students: Why is it if you move to Japan or France, you cannot become Japanese or French; but if you come to the United States and want to be a citizen you have to become an American? It is because our identity is not based on our race or ethnicity or religion or background.

The historian, Richard Hofstadter, wrote: "It is our fate as a nation not to have ideologies, but to be one."

I would ask our students: What are the principles that unite us as a country? If it is not our race, and if it is not our religion, what is it? E pluribus unum, equal opportunity and liberty usually comes first; individualism, rule of law, free exercise of religion, no state church, laissez faire, and a belief in progress.

Someone needs to teach these principles. Our schools can do it.

We agree on these principles.

I would ask our students: Why, if you were watching C-SPAN last night, were Senators arguing so much with each other? Why wasn't it unanimous?

It is because most of our politics is about applying principles we agree on in ways that conflict. We believe, for example, in God we trust. But on the other hand, we don't trust government with God. We have an argument when we put Federal money into faith-based institutions.

I would suggest that the schools across America might consider an idea called "Pledge Plus Three." Why not start each school day with the Pledge of Allegiance, as we do in the Senate, followed by a teacher or student sharing for 3 minutes their own idea about what it means to be an American?

In the course I taught at Harvard, the student who best understood American identity was the student from the

Ukraine. She had the best idea about what it meant to be an American.

Finally, I would invite those students in my class today to go with me down to the Federal courthouse—say in Nashville, but it could be in any city in America where there is a Federal court—and watch, as I did 2 years ago, 77 students from all over the world raise their right hand and take the Oath of Allegiance to the United States. It is quite a weighty thing to see them say that they "absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty." That is the first part of the oath.

It reminds us who we are as Americans.

September 11 was a tragic day, but it brought out the best in us. One of the great lessons is that it helps us remember to teach one another what is exceptional about our country, and what it means to be an American.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, today we mark the second anniversary of one of the darkest days in our Nation's history from the initial attack on the Twin Towers and the Pentagon, to the forced plane crash in Pennsylvania. Each moment of September 11, 2001, is forever etched on our minds.

Although our wounds are still too fresh for us to view the date from the perspective of history, the last 2 years have given it a certain distance.

When terrorists attacked the symbols of our Nation's unity and strength, they failed to realize that they are just symbols of our strengths. The real strength of our Nation comes from our people—not our buildings. By attacking us on our own soil, they served not to weaken but to strengthen our resolve that this and other acts of terror would not stand, and we would answer with great and awesome strength.

On this September 11, 2 years after, we remember those who died on those three battlefields, as well as the brave soldiers from Wyoming and across the Nation who have given their lives since then to end the threat of terrorism wherever it is found.

We will all continue to remember September 11 in our own way. Some will join family and friends at public memorials to pray for peace. Others will honor this day by remembering it in the silence of their hearts. However we remember this fateful day, we will never forget the lessons learned and their terrible cost. For me, it was the realization that we are truly one nation, under God, indivisible, and that we must remain so in the face of any threat to ensure our country remains strong, united, and free.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, there are moments in our lives in the Senate that we shall never forget. This morning is one I am privileged to share with my beloved colleagues in this Chamber on both sides of the aisle a few moments to draw from our hearts and from our memory and reflect upon September 11, 2 years ago.

We were here that day, prepared to go into our regular routine, when we were told to evacuate. We did that in an orderly and calm way. Wherever we could gather, we tried to follow the situation as best we could.

Several hours later, after the plane had crashed into the Department of Defense, I called the Secretary of Defense. I spent over 5 years of my life in that building. I wanted to come over and join him and the men and women in uniform of our country to do what little I might be able to do to bring about a reassurance not only to those on site at the Pentagon but around the world. I did that, joining the Secretary and then-Chairman of the Joint Chiefs, General Shelton, in the command and control center deep into the basement of the Pentagon. We talked to the President on two occasions. I remember so well he had a firm hand on the situation, as did those in the Department of Defense.

We observed firemen, policemen, Red Cross workers and all doing the best they could to remove the bodies and care for the wounded. Military and civilian alike in that building showed extraordinary heroism that day. I was deeply humbled to stand there and observe that.

Later, the Secretary and the Chairman of the JCS went in to address a very large gathering of press. As they concluded their remarks, they invited me to say a word. I had nothing prepared but simply spoke from the heart. As I go back over the written text of what I said, I am reminded of how this has come true.

I said:

> This is indeed the most tragic hour in American history, and yet I think it can be its finest hour, as our President and those with him, most notably our Secretary of Defense, our Chairman, and the men and women of the Armed Forces all over the world stand ready not only to defend this Nation and our allies against further attack but to take such actions as directed in the future in retaliation for this terrorist act—a series of terrorist acts, unprecedented in world history.
>
> We call upon the entire world to step up and help, because terrorism is a common enemy to all, and we're in it all together. The United States has borne the brunt, but who can be next? Step forward and let us hold accountable and punish those who have perpetrated this attack.

I believe those words have proven to be true. Certainly great leadership from our President and the men and women of the Armed Forces, indeed, the world, has gathered to join us on the battlefields of Afghanistan, where I and many Members have visited, as well as the battlefields of Iraq where just weeks ago I accompanied Members of this Chamber to be with our men and women of the Armed Forces.

Our Nation stands tall. It has been and will continue to be our finest hour.

Now, Mr. President, we observe a moment of silence in reverence for those men and women, civilian and military, who lost their lives at the Department of Defense in the Commonwealth of Virginia.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:38 a.m. having arrived, the Senate will observe a moment of silence in honor of the victims of the tragedy on September 11, 2001.

(Moment of Silence.)

The ACTING PRESIDENT pro tempore. The Senate will come to order.

Mr. WARNER. Mr. President, may I at this time yield the floor to my distinguished colleague, Senator ALLEN.

Mr. LAUTENBERG. Mr. President, I call attention to the fact that I have been on the floor waiting. I will follow the instructions of the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia had the floor.

Mr. ALLEN. Mr. President, I thank my colleague from Virginia, Senator WARNER, for yielding.

I wish to share my views, my sentiments 2 years after these events. The fact is, we are 2 years exactly to the minute after American Airlines flight 77 crashed into the Pentagon.

I keep the remembrance with me of Captain Chic Burlingame, who was the captain, who fought the terrorists on that plane. I think of him. I think of the passengers. One of the passengers was the father of a young boy who lived in our neighborhood and played with our kids.

This is a tragic and vile act that hit the World Trade Center, that hit Virginia at the Pentagon, 2 years ago to this moment. Also, at this very time, there was another plane coming from the north that was undoubtedly going to be hitting either this Capitol Building right here, maybe the CIA, maybe the White House, and there was great bravery on that plane to avert further loss of life.

I heard my good colleague, Senator WARNER, who has had such a life experience in a variety of conflicts, and everyone was talking about, How does this fit into history? When he says this is a moment, dire moment in our history, it means a great deal. It struck us all that this was like Pearl Harbor; and it was. Pearl Harbor brought the United States into World War II. The attacks on New York City, on the World Trade Center, on the Pentagon in Virginia brought the United States of America into the War on Terrorism.

We reflect back on these fresh memories, but it has been a long 2 years. We reflect back on the bravery, on the courageousness, and on what has transpired. We work to make sure we are more secure here at home as well as abroad.

If you look at the legislation we have passed in this body for the last 2 years, on issue after issue, we have worked to make Americans more secure, whether it is port security, whether it is securing greater communications in the DC area, with the Northern Virginia communities and Maryland and DC working together so the first responders have better communication, as they position themselves in a situation that hopefully will never occur again, such as at the Pentagon.

We worry about procurement matters and making sure the technologies that are available in the private sector are made available and utilized by our Federal and State and local agencies to analyze the volumes of data.

We care about our port security. We care about our pilots. We care about our airports, Metro, and so forth. All of those things do matter.

Indeed, in this war we, of course, appreciate things we once took for granted on September 10, 2001, the concepts that have propelled this country, of individual rights, of life, of a strong national defense to meet the ever-changing dangerous world threats.

We have appreciated them now more than ever. And it is not just in New York City and in this area, but everywhere. You can be in Independence, VA, you can be in Jackson, WY, you can be in Sioux City, IA, and you know people appreciate the firefighters, volunteer firefighters, rescue squad people, because of the inspiration of those not just at the Pentagon but particularly the thousands who went in to save thousands of lives in New York City.

In fact, you see the letters "NYPD" or "NYFD," and that means something to everyone, no matter where you are in the country, for those courageous acts.

It does remind me of what the Bible tells us, that:

> Greater love hath no man than this, that he would lay down his life for his friends.

That is what those firefighters and rescue personnel were doing in New York City in those Twin Towers. That is why there is an appreciation for those wonderful people whom we salute and remember today and forever with their bravery. Those acts of heroism are always on our minds.

We have made our country more secure. We are taking the war to the terrorists abroad. We still have work to do. We have to persevere in many ways in securing and sustaining our country.

We have also seen in the days following September 11, 2001, a redefinition of this country and a respect for what makes this country great while we also track down the terrorists.

We also are a compassionate country, caring for the families who lost loved ones in these tragic attacks. Here on the Senate floor, Louise Kurtz is an individual whom I have brought up. Senator WARNER brought up those working at the Pentagon.

Louise Kurtz is a woman from the Fredricksburg area of Virginia. She was severely burned. Her ears were burned off. Most of her fingers were burned off. Last year at this time we were at the Phoenix Project of the rebuilding of the Pentagon. She was there. She is recuperating. She wants to get back to work. Because of Federal laws, though, she gets diminished retirement benefits.

So working with Kay James at the Office of Personnel Management, we crafted a bill last year. The Senate passed it. The House didn't take it up. We passed it again this year, with the help of my colleague, Senator WARNER, and particularly Senator COLLINS of Maine. We passed it again, and I am happy to say, finally, the House took it up yesterday and passed that bill to help out folks like Louise Kurtz and others who are serving our country. If they are injured in the line of duty, while they are recuperating they should not have their retirement benefits diminished. I am hopeful some time today this measure will get to the President's desk, to get it finally acted upon in a way that, on the second anniversary, those brave civilians will be properly treated.

More importantly, the thing that has really inspired, I think, all Americans is the great American spirit that has guided our Nation through this time of terror and tragedy. We now, of course, are so appreciative of the men and women in uniform who are in dangerous, precarious places in Iraq and Afghanistan taking the war for our security to the terrorists overseas.

We are grateful for those who are active, those who are in the Guard, those who are in the Reserve, and their families and their employers back here at home, who are all patriots, as they send their sons and their daughters abroad to protect us.

One of Virginia's most prominent sons, George Washington, our Nation's first President, knew the strength of America's spirit and ordered his Army to be encouraged by saying:

> Let us therefore rely upon the goodness of the Cause, and the aid of the supreme Being, in whose hands Victory is; to animate and encourage us to great and noble actions.

We saw great and noble actions on September 11, 2001, and we have seen great and noble actions over the past two years.

We must be mindful, appreciative, and grateful for those patriots who lost their lives on September 11, 2001, and we must be equally grateful and appreciative for those who are serving us now.

So I thank my colleague, Senator WARNER, for his sage and steady advice. We have worked together. This is a day that actually brings all Americans together, regardless of which region, which State, or which political party you come from, in remembering what is good and wholesome about this country and uniting us for the benefit of the people.

As we remember those whom we lost on September 11, I urge my colleagues to join me in saluting those heroes, the family members, and the survivors who remain. And let us be encouraged, as was President Washington, to higher goals, "to animate and encourage us to great and noble actions."

Let's be encouraged to those greater actions because we will always remember, and we will always stand strong for freedom. Because together we must make sure liberty and justice not only endure but prevail.

I thank you, Mr. President, and yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. How privileged, how humble we are to stand here in these 200-plus years of this Senate, and to be here on behalf of the people of the Commonwealth of Virginia. It is a great privilege.

I thank my colleague and I yield the floor..

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I commend my colleagues from Virginia for their comments and for the recall of their memories regarding that terrible day.

Today we commemorate the second anniversary of the terrorist attacks we now refer to as 9/11. It is a day heavy with sadness for me personally. Before I became a Senator, I was a commissioner on the Port Authority of New York and New Jersey, and had offices on the 67th floor in the Trade Tower. The Port Authority lost 84 of its people on 9/11, including 37 brave police officers who gave their lives as they tried to save the lives of others.

Fifty-one of those Port Authority employees lived in the State of New Jersey. I knew many Port Authority employees and others who died on this date 2 years ago. And I know many more families who lost a loved one. One of my oldest daughter's dearest friends perished that day. They had worked together on Wall Street before she went to Cantor Fitzgerald. That firm lost nearly 700 people out of the 1,000 who worked for it on the morning of 9/11. The husband of my daughter's friend searched hospitals for 3 weeks looking for a sign that perhaps his wife had escaped death in that terrible calamity.

Because of its proximity to New York, my home State of New Jersey suffered catastrophically. Of the 3,025 innocent people who lost their lives on 9/11, nearly a quarter of them—700 in all—came from my home State.

Thirty-seven of them came from a single town, Middletown, NJ. Yesterday, a 2-acre memorial garden next to the train station was dedicated in a private ceremony for the victims' families.

The author Gail Sheehy just published a book entitled "Middletown, America: One Town's Passage from Trauma to Hope." For the past 2 years, she has followed the lives of survivors and widows, of parents who lost children and children who lost parents. She has spoken with the town's religious leaders, with mental health professionals, and others in the community. I have not had a chance yet to read her book, but it is described as a wonderful testament to individual acts of heroism and kindness and to the courage and hope and resilience of people who have suffered a terrible loss and grieve but who, somehow, are soldiering on.

As we remember 9/11, we remember people such as Fire Department Chaplain Mychal Judge, who was killed by falling debris in the lobby of Tower 1. Father Judge was the first official casualty at the World Trade Center and one of 343 New York City Fire Department casualties.

We remember people such as a fellow named Abe Zelmanowitz, a computer programmer who might have been able to escape from the 27th floor of the north tower, where he worked for Blue Cross/Blue Shield, but he refused to abandon his friend, Ed Beyea, a quadriplegic confined to a wheelchair, who could not make it down the stairs. Abe stood by his side until the end came.

We remember people such as Todd Beamer, Tom Burnett, and Jeremy Glick, and the other passengers and crew of United Flight 93, who crashed their airplane in a field near Shanksville, PA, rather than allow the hijackers to crash it in Washington—perhaps into this very building where we now stand.

So 9/11 revealed the very best in people. But, of course, we have to remember what caused it also. And that reveals the very worst in people—19 of whom had the insane belief that their suicidal/homicide actions would send them straight to paradise.

Mr. President, 9/11 did more than that; 9/11 shocked us to our very core. We suffered terrorist attacks before 9/11, including one on the World Trade Center itself. But not since Pearl Harbor has the collective psyche of our country been so shocked out of its complacency.

The results of that shock are plainly visible. Terrorism has scarred America—permanently. People are mourning their loved ones, and they will do that for the rest of their lives. We endure long lines at the airports. Washington looks like a fortress. Our civil liberties have taken a beating reminiscent of the Palmer Raids after World War I, Japanese-American internment during World War II, and McCarthyism during the Cold War. And tens of thousands of our young men and women are in harm's way in Iraq and Afghanistan.

Mr. President, 9/11 shocked us into learning that our "invincibility" had been pierced. We crave the sense of security we enjoyed before 9/11, but deep down we know we are not likely to get it back soon.

We now know to take our security more seriously. There are terrorists who glory in the maiming and killing of innocent men, women, and children. They hate everything about us—our families, our country, our way of life—so much that they would deprive their own families of their presence as a beloved son, brother, or father, so they can act on their murderous desire.

9/11 shattered illusions we had about our safety. But being stripped of our illusions, we have the opportunity now to forge ahead truly knowing that the war against terrorism will be long and tough. We have the opportunity now to forge ahead truly knowing that the struggle here at home to preserve our civil liberties, the very things we are defending, will be a challenge.

For the better part of the last century, we fought against fascism and totalitarianism. I had the privilege of serving in Europe during World War II. I was so young that I didn't understand the big picture. But I understood very clearly my obligation and my role.

When the Berlin Wall came down and the Soviet Union was dissolved, many Americans thought the conflict was over; they thought we had won. That was an illusion. The conflict is not over. It has simply shifted to a new front.

We now know we are fighting a new enemy—an utterly ruthless enemy—that wants to make our home front the front lines, an enemy that deliberately targets noncombatants, and an enemy that has absolutely no sense of propriety or decency while it wages war against innocent people.

It is important to fight this enemy without any illusions if we want to win. That means no premature declaration of "mission accomplished." That means a full accounting of what the cost of the war is going to be. That means an honest acknowledgment of the limits of our power and the humility to enlist our allies in our cause.

What we experienced on 9/11 is a permanent wound on our society. People struggling to face the future will never stop mourning the past. Our daily lives have been forever altered. But we are survivors. It takes courage to survive. Armed with that courage, we endure the pain and look beyond the smoke, rubble, and grief to rebuild—rebuild something that is stronger than what went before.

We will defend ourselves, our country, and our liberties—the things that terrorists despise. Despite the difficulties, despite the casualties, despite the setbacks that we will suffer, this war against terrorism must be fought and is worth the fight.

Even though he wrote in an earlier age, the poet Archibald MacLeish summed up what is at stake when he said:

> There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream.

America is the last, best hope for mankind. That is the dream. It is up to all of us to make sure it is not an illusion. This is the best way to honor the memory of those who perished 2 years ago and assuage the grief we feel when we reflect on that terrible day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I know we have a moment of silence to be observed at 10:06. I will make a few remarks preceding that and, if necessary, I will complete those following the moment of silence.

Mr. President, I wish to say a few words to supplement the eloquent comments made by the Senator from New Jersey, the two Senators from Virginia, and the others who have spoken today on the second anniversary of the tragedy of September 11.

I was not serving here in Washington at that time, as many were, but as were so many Americans, I was at home in Texas preparing for work when I heard the terrible news and then saw the terrible images—the clouds of flame from a plane that ripped a hole in the bright, blue sky and took down the World Trade Center in New York. I will never forget that site as long as I live, nor should any of us forget it.

I know many of my friends and colleagues who were here on that horrific day feel a very deep and personal debt to the heroes of September 11, particularly those on Flight 93. As was noted, the brave passengers on that flight did more than just save the lives of their fellow citizens. Absent their courageous sacrifice, it is likely that Flight 93 would have reached its final destination in this very building, an attack that would have virtually eliminated an entire branch of the United States Government.

Even as we dedicate ourselves to fighting terror at home and abroad, even as we hope and pray that the tragedy of September 11 will not be repeated, we must always remain conscious of our oath as Senators, as representatives of the people, to support and defend the Constitution and laws of the United States, and make sure the Constitution has representatives here arguing for laws and appropriations and defense that is needed on behalf of the American people.

In the aftermath of September 11, it is clear that our current system of providing for the continuity of our Government in the event of a disaster is inadequate to address the reality of a post-9/11 world. As unthinkable as another attack of that magnitude might seem, we in this branch must be ready for the worst. We must provide for the stable continuance and function of Government, despite all possible calamities.

Even if we in this body fall, we should not leave our Nation's citizens without representation, without order, without defense. We owe it to the American people to ensure that our Government remains strong, even in the face of disaster.

Two years ago, our Nation was attacked by evil men who wanted to leave us weak, vulnerable, and divided. Instead, they saw a world strong, determined, and united. They gravely underestimated America's resolve. America will never surrender to tyrants or terrorists. We will not cut and run in the face of danger.

Instead, we are taking the fight to freedom's enemies, fighting in Afghanistan and Iraq and wherever else necessary so that terrorists can no longer export their evil to our streets or those of our allies. Many challenges lie ahead, but now is not the time to stop or show a lack of confidence or resolve.

While we mourn our dead and wounded in the war on terror, we must remain dedicated to finishing the job in Iraq and Afghanistan and wherever terrorists or their allies spread their doctrine of hate. Here at home, we must support our brave men and women in uniform who put their lives on the line every day for the cause of security and freedom.

Two years later, it is clearer now how the world grew so much smaller on September 11. We can no longer allow for the evildoers to plot and scheme in nations on the other side of the globe. We cannot wait to be attacked again. We cannot allow for another tragedy.

We must hunt down the enemies of freedom wherever we find them, or we risk the spilling of blood again on our own soil. Like the passengers on Flight 93, we must not sit back and allow our destiny to be determined by freedom's enemies. No, we must take the fight to them. The minions of terror have shown their capability for inhumanity, and we cannot underestimate their desire to do so again.

In July, Prime Minister Blair, speaking before a joint meeting of Congress, reminded us of our duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that task falls to us at this moment in history to continue spreading the blessings of liberty.

Mr. President, I understand in 1 minute we will observe a moment of silence, and certainly I will pause in my remarks to do so. But I will say before then that I believe now that the task falls to us at this moment in history to continue making sure that others may enjoy the blessings of liberty that we in this country even on occasion take for granted.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:06 a.m. having arrived, the Senate will observe a moment of silence.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, in Afghanistan, in Iraq, and in our own streets and cities, we must labor on undeterred, always confident in pursuit of our ultimate goal. We seek not domination, not occupation; we seek a just, free, and peaceful world for ourselves, for our allies, and for future generations, no matter where they may be found on this planet.

The passengers on Flight 93 were everyday Americans, men and women with jobs, with families and dreams. Like all of us, they made promises to their loved ones before they boarded that plane; perhaps promises of vacations and baseball games, of presents and anniversaries, birthdays—small promises and big ones.

We know that some promises don't come cheap. Some cost us nothing. Others require that we risk all, even our very lives.

The crash site of Flight 93 in the quiet hills of Pennsylvania is filled with memories of the promises those heroes made and will, sadly, never keep. But we have made a promise that we are dutybound to keep—we, the living—a promise to the Nation we love and to all our countrymen and to the loved ones these heroes left behind: a promise that says the story of freedom will not end here in the violent acts of evil men. It will persist, it will endure, and it will not be destroyed.

Those of us left behind must fulfill that promise. We must prepare for all contingencies as we continue to hunt the agents of terror and dedicate ourselves, once again, to ensuring that the promise of freedom shall not perish from this Earth.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I really do appreciate the opportunity to come this morning and say a few words about this momentous event that is in the minds and hearts of every American today. I thought rather a lot about what I ought to say. I certainly do not want to be guilty of presumption to lecture to the American people about what they ought to reflect upon as we all remember this attack upon our Nation that today is 2 years old.

We are going to talk about it tonight at our dinner table. I have three children. We are going to spend a few minutes—which is about all that young children spend thinking about anything, I guess—talking about this. I think it is important, and I thought maybe what I could do and would be appropriate to do is to share what our family is going to talk about tonight, at least if the dad in that family has anything to say about it.

I think this is a good opportunity for us to reflect upon what a nation is and what America is as a nation. We are not just a place where 250 million people happen to live together. We are not like a big apartment complex, where the only thing people have in common is the proximity of their living arrangements. Any nation, especially America, which, as rich as we are in cultural and ethnic diversity and different traditions that have added to our national life, is also a nation that is held together by some common beliefs. We don't have a monarchy here, thank God. We don't have an established religion that defines us as a nation. We do have a commitment to certain shared values, certain transcendent codes about how people should live in a decent and civilized country.

Those codes have a claim, by common recognition, on our actions. Each of us, even if we don't realize it, makes hundreds of decisions every day in response to those shared beliefs. Maybe at the core of those beliefs is a common recognition on the part of the people of this country that human beings have an inherent dignity. As the Framers of the Declaration of Independence said: They are endowed by their Creator with certain inalienable rights.

Inalienable means you can't give it away, you can't sell it, and it can't be taken from you. The rights to life, liberty, and the pursuit of happiness—we are equal in the possession and the enjoyment of these rights. Pursuit of happiness is just the right to participate in an orderly fashion in the institutions of private, social, and economic life, and in the political activities of the day.

One thing Americans recognize is that we as a people, and indeed people all over the world, are, by virtue of our humanity, in possession of these rights and they cannot be taken away.

I believe very strongly that we were attacked 2 years ago precisely because that is what we believe. It was an attack upon this common heritage and because we stand for that in this world. It is because we stand for that, that hundreds of millions of people around the world look to this Nation as a beacon of hope—what Lincoln called the last and best hope of all mankind. I certainly agree with that, in the secular sense of it anyway. That is the reason we were attacked.

I want our family tonight to reflect upon three things. First, I want us to take satisfaction as Americans—and I hope all Americans will take satisfaction—in what we as a nation have achieved in the war against terrorism this last year. We are safer than we were 2 years ago—not in the sense that attack is impossible; that is not true. But in the sense that it is less likely to succeed than it was 2 years ago. That is because of the resolution of the American people which has motivated this Congress, in a bipartisan way, and the President of the United States to conduct this war against terrorism with vigor.

We have put thousands of these terrorists in places where they cannot hurt us and our families anymore. We have built a great international coalition, in which we are at the center, that is every hour of every day organizing its intelligence and its police forces with the utmost vigor to track these people down and put them away. We have taken the fight to the enemy in Afghanistan and now in Iraq, where our men and women are heroically defending this Nation.

It is hard to plan an attack on us here at home when you never know when the 101st Airborne may be descending on you in Iraq or the FBI may be descending on one of your cells or one of our Allied Nations with our police forces may be chasing you around the corner.

I want us as a nation, and we will as a family, to resolve to continue this fight until we win. I believe we are winning. I believe we will win. I do not believe this Nation is going to quit.

We are going to have our squabbles about how we ought to conduct it. Other people are going to look at us and wonder how we can continue with all this in-fighting. There are many people around the world who consider us to be, as Winston Churchill quoted somebody referring to us, as "a numerous, remote, and talkative people."

We certainly are numerous, sometimes we are remote, and we are often talkative. But no one should mistake the resolve of every American, and every Member of this body, to continue this fight until the end, until we remove the shadow of this tyranny, this ruthlessness, and this evil not just from this country but from the lives of everybody around the world who loves freedom.

The third thing I want our family to do, and I hope America will do, is reflect on the sacrifice of those who are fighting this war on the front line. There is a sense in which we are all fighting this war. I was asked by the press a couple of days ago how it has affected the lives of people on a day-to-day basis. I said, you know, in your personal lives it has, to some extent, every time we go into a Federal building or fly on an airline. But in people's business or trade or jobs, it has affected it a lot. Almost everybody's job has been affected to some degree, if you stop to think about it. The computer system is different because you or your employer may be cooperating with Federal authorities in some way, or tightening up security.

There are just all kinds of ways in which our lives are different. There is a sense in which we are all fighting this. But I want us to think about the sacrifices of the people on the front line and especially to reflect upon those who gave the ultimate sacrifice, those who gave everything they had to give: the firefighters who fell in the towers, the men and women who have given their lives in the battle against terrorism in Afghanistan and now in Iraq.

I often—not often, but too often, I guess, in the sense it happens too much—have occasion to communicate with somebody from Missouri who has lost a loved one in that struggle. I think a lot about what to say to them. In a sense, there is no way in which words can possibly begin to assuage the grief they feel. But one of the things I do try to remind them is to take comfort from what this sacrifice of their loved one says about the things their loved one held dear. These men and women who have died in this fight knew when they went into it that they were putting their lives on the line. I am not saying they talk about it all the time. I don't think they do. They are not the kind of people who wear their feelings on their sleeves. But they know why they are doing what they are doing. They know the risks. They know the potential cost. And they know, and have resolved in their hearts, why it is worth it.

In conclusion, I hope that those who are close to those who died—and, indeed, all of us—will reflect today that the sacrifice of those who have fallen is a measure of the love they have for their families and the value they place on the freedom of their country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. DOLE. Mr. President, today we remember the thousands of people who so tragically lost their lives in the September 11 attacks. It was just 2 years ago today that terrorists launched an assault on America and everything she stands for—her freedom, her liberty, her democracy. Our hearts were broken, our lives were ever changed and left with the jarring memories of that day, those moments which seemed to last through eternity. We will never forget.

Because these tragedies, those centered in New York, Pennsylvania, the Pentagon, touched the hearts of each and every American across the country, together we mourn. In our collective grief we became the embodiment of an American family, from New York to California to Mississippi to my home State of North Carolina, where we struggled to come to grips with the deaths of several of our own.

Today we pause to remember these men, women, and children and honor their lives—the mothers and fathers, the sons and daughters. I recall something that was said shortly after the attacks by Fred Cranford, of Drexel, NC. He and his wife lost their 32-year-old son, LCDR Eric Cranford, at the Pentagon. Yet even in the midst of a grief most of us cannot even imagine, Fred Cranford said: Even out of evil, God can bring good things.

Two years ago, the very personification of evil sought to tear us apart, but today the United States stands strong, dedicated, committed, and more than ever we are a nation united against terrorism.

We are the most powerful country on the face of the Earth, but 2 years ago our lives changed forever. September 11 and its aftermath have demonstrated that America cannot ignore events in far-flung places such as Afghanistan and Iraq. We can and must act when our security is threatened. Our leadership was decisive and our leadership will continue to be necessary as the war on terror proceeds.

This Nation dedicated itself to winning the global war on terror. We must remain dedicated. And that means continuing to work with the international community to help the Iraqi citizens stabilize their country and establish their government.

Recently, in an editorial in the Washington Post, Ambassador Paul Bremer outlined a clear and well-defined course of action in Iraq. As he noted, there will be bumps along the way, but it is critical for us to stay the course—stay the course. One particular paragraph stood out to me, and his poignant words bear repeating:

> Gone are Saddam Hussein's torture chambers. Gone are his mass killings and rape rooms. And gone is his threat to America and the international community.

As we go forward, it is this that we should keep in mind. Certainly the operation in Iraq is proving to be a dangerous and more grinding conflict. The

President addressed the fact candidly and resolutely in his address to the Nation Sunday night. But eliminating terror is more than removing the leaders of an evil regime from power. Terrorism must be torn out by its roots, ensuring that there is no toehold for its sponsors to reestablish their violent ways.

More than words, more than negotiations, the President's supplemental spending request sent an unmistakable signal to these sponsors of terror, to the liberated Iraqi citizens, and to the world that the United States of America is staying the course. Attacks on United States troops and other targets in Iraq are aimed at undermining the efforts of democracy. But these will not cause us to shy away from our commitment because we know that failure to follow through in our mission could leave a lethal void, a void that would rapidly be filled by terror and its supporters.

A routine criticism, even from the start of actions in Iraq, is that inadequate resources were dedicated to the Iraqi theater. The supplemental requested by the President not only gives our men and women in uniform the resources they need to succeed in their mission in Iraq and in Afghanistan and elsewhere in the war on terror, it also targets funds to help build safe, stable, and self-governing societies in nations that have been torn apart by the self-serving regimes of rogue leaders such as Saddam Hussein and Osama bin Laden.

For our soldiers engaged in these military operations, the supplemental must equate to equipment that will ensure their safety, supplies that will make their mission achievable, and something else which is essentially priceless—time, even if only 2 weeks, to get away from the tireless effort necessary to maintain peace in Iraq.

These men and women in uniform deserve our highest respect and admiration for the often difficult and dangerous jobs they do. Our troops deserve the very best—the best equipment, the best training, the best housing, and the best leadership.

I have a great deal of confidence in our current leaders—President Bush, Vice President CHENEY, National Security Adviser Rice, General Myers, and my old colleagues Secretary Rumsfeld and Secretary Powell. They understand how and when to ask our military to go into action. But our men and women in uniform must be given the tools to do the jobs we ask of them. To them I say, Congress will not let you down.

Also, it is clear we cannot transform Iraq without more help from the Iraqi people themselves. That is why it is so important that sufficient funds are dedicated to training and equipping an Iraqi police force and helping the Iraqis establish a strong judicial system.

I look forward to hearing how the State Department plans to work with the United Nations to jointly provide assistance and further these and other goals. The evolving Iraqi Government needs the support of the entire international community to gain a credible foothold. While it is important in the near term for the United States to retain control over the military forces to ensure this fledgling government can grow strong without the fear of terrorist sabotage, it is just as important for the long term that a sound structure is put in place so that the Iraqis can govern themselves and ensure their citizens' security when coalition forces leave.

While it has fallen off the front pages of the daily news, Afghanistan remains a key component to peace in this region. In the most recent military operations, United States troops engaged fighters in the southern part of the country who were suspected of being Taliban. Members of this military operation are part of a campaign to combat a major Taliban regrouping effort.

Again, we cannot afford to leave a void for terror—not for a lack of patience or a lack of resources. The war against terror continues in Afghanistan and Iraq, and it will require a sustained commitment of time and resources similar to our commitment in rebuilding Germany and Japan after World War II—a commitment that resulted in the hard lessons learned after World War I.

This effort will be difficult and costly, but it is critical to our national security here at home. We must continue fighting the war on terror in Iraq and Afghanistan lest the fight return again to American soil.

Two years ago, more than 3,000 innocent lives were lost in a terrible strike against America. We must vow in their honor that our spirit will continue to triumph and ensure those families that America will not shrink from those who seek to destroy our values. We will continue to be a good and great Nation, because we are a good and great people.

God bless this great land of the free—America.

Mr. DOMENICI. Mr. President, I rise today in remembrance of the victims of the September 11, 2001 terrorist attacks on our country. On this second anniversary of that fateful day, many of the emotions we felt are still very real. We continue to feel grief for those who were lost. We continue to feel admiration for the bravery of our policemen and firefighters. And we continue to feel shock over that day's inconceivable violence. The reality is that these emotions may be at the front of America's conscience for years to come, but it is my hope today that for those families who lost loved ones, each passing day brings with it some measure of healing.

In addition to the emotional impact of the attacks, September 11, 2001 also had a profound effect on U.S. national security policy. The use of asymmetrical means by terrorists to inflict mass casualties altered our traditional view of who terrorists are and how we must confront them.

No longer do we view terrorist acts as isolated events committed by a few extremists. Rather, 21st century terrorists have shown themselves to be organized, well-financed, and deeply committed to a doctrine of violence. We know this doctrine is aimed at undermining our economy, our infrastructure, and our sense of personal security. We also know it is based upon a willingness to employ weapons of mass destruction against civilian targets.

This reality has forced both our political leaders and military planners to rethink the American premise about where and how to use armed force. And the result is that the specter of another WMD attack against our population means we can no longer subscribe to the long-held principle that the United States will attack only after being attacked. Instead, we must act preemptively to best protect innocent Americans from a replay of the 9/11 tragedy.

Preemption means taking the offensive. It means taking the battle to the terrorists before they attack us. It requires good intelligence and cooperation from our friends and allies from around the world. And immediately after the terrorist attacks of September 11, many nations pledged such cooperation and actively supported our actions in Afghanistan.

For example, President Chirac of France was the first head-of-state to visit the United States after the attacks, pledging to join in the fight to defend civilization from the scourge of terrorism. Indeed, no country showed a greater outpouring of sympathy for the United States in the immediate aftermath of the attacks than did France. Similarly, a poll conducted in Germany in the autumn of 2001 showed that after the attacks in New York, Washington and Pennsylvania, an increased number of Germans, 58 percent, saw the U.S. as Germany's most important partner. To be sure, this solidarity was greatly appreciated during our dark time of September 2001.

The tragedy that America experienced, and that elicited such international sympathy, was the same tragedy that prompted us to adopt this preemptive military doctrine. It was the tragedy of September 11 that made us say to governments who would sponsor terrorism and supply terrorists with weapons of mass destruction, "disarm or we will act to disarm you before your weapons can hurt our people." And this is what led us to act against Saddam Hussein, a proven killer who steadfastly refused to prove he no longer had WMDs that the world knew he had after the Gulf War.

Many of our coalition partners understood the imperative of acting against a thug like Saddam Hussein in a post 9/11 world. They remembered the pain we endured and knew our actions in Iraq were a direct response to preventing a similar tragedy. But other nations did not recognize a link between illegitimate regimes like Iraq's and the terrorist threat facing the civilized world. The war on terror will continue to be difficult and will require tough decisions like those faced in deposing Saddam Hussein. It is my hope that all of our allies will join in a unified front in this war both in good times, and in bad.

I want to say in closing how proud I am of many of the contributions that my home State has made in executing the war on terror. It was our F–117 stealth aircraft pilots who answered the President's call to take the first action against Saddam Hussein's regime. Furthermore, New Mexicans have fought and died heroically in both Afghanistan and Iraq. For that, we owe our deepest gratitude and respect.

Our national laboratories have also made immense contributions to the war against terrorism, both ahead of 9/11 and with increasing emphasis post-9/11. They provided critical support in identifying strains of anthrax, and a biothreat detection system that was fielded at the Olympics as well as locations around the District of Columbia. Sandia invented the material that was heavily used in ridding the Hart building of anthrax concerns. Both labs have led the national efforts to control materials suitable for weapons of mass destruction. From weapons grade materials to materials suitable for dirty bombs, the labs have developed detectors and technologies to help secure and dispose of these materials. The systems used in monitoring international trade for any radioactive materials that could become weapons against us are largely from the New Mexico labs. They are providing computing resources through the National Infrastructure and Analysis Center of NISAC to model complex events that could threaten our Nation and develop mitigation strategies.

I close by again remembering all the brothers and sisters we lost on September 11, 2001, and all those who have sacrificed in the ensuing war. Let our enemies not doubt that we will continue to pursue them wherever they may hide and will not stop until our victory is complete. God bless our soldiers and their families, and may God bless America.

Mrs. BOXER. Mr. President, the images of September 11, 2001, remain etched in our minds and our hearts. On this second anniversary of the attack, we commemorate those who died in the attacks and the unwavering spirit of those who survived. We remember the true heroism that emerged out of tragedy, how strong and united we can be, how we can set aside differences for the greater good and work together.

Californians were part of each tragic moment of that day. Some were trapped in the World Trade Center. Some were at work in the Pentagon. And the fates of others were sealed as they boarded planes bound for San Francisco or Los Angeles. All four planes used by the terrorists on September 11 were headed for my State of California.

I want to remember the more than 50 Californians who were victims of the September 11 attacks. Their memories will live on and their legacies will live on, as will the memories and legacies of every innocent victim who we lost on that tragic September day.

The people of California join the Nation in mourning the loss of these Americans:

David Angell; Lynn Angell; David Aoyama; Melissa Barnes; Alan Beaven; Berry Berenson; Dr. Yen Betru; Carol Beug, Mark Bingham; Deora Bodley; Touri Bolourchi; Daniel Brandworst; David Brandhorst; Ronald Gamboa; Charles "Chic" Burlingame; Thomas Burnett; Suzanne Calley; Jeffrey Collman; Dorothy DeAraujo; Lisa Frost; Andrew Garcia; Edmund Glazer; Lauren Grandcolas; Andrew Curry Green; Richard Guadagno; Stanley Hall; Gerald Hardacre; John Hart; John Hofer; Melissa Hughes; Barbara Keating; Chad Keller; Christopher Larrabee; Daniel Lee; Dong Lee; Joe Lopez; Hilda Marcin; Dean Mattson; Dora Menchaca; Nicole Miller; Laurie Neira; Ruben Ornedo; Marie Pappalardo; Jerrold Paskins; Thomas Pecorelli; Robin Penninger; Marie-Rae Sopper; Xavier Suarez; Alicia Titus; Otis Tolbert; Pendyala Vamsikrashna; Timothy Ward; Christopher Wemmers; and John Wenckus.

As we reflect on the horror and the pain of September 11, we embrace our Nation and our freedom. We must continue to work together to strengthen democracy in the world, and we must redouble our efforts to erase terrorism's shadow from our lives.

Mr. BAUCUS. Mr. President, two years ago today, our world changed forever. At 8:45 a.m., EST, on Tuesday, September 11, 2001, the first World Trade Center was attacked. Shortly thereafter I remember seeing the chaos on the streets in Washington after the Pentagon was hit. I will never forget the sights and sounds from that day.

On that day, we lost a feeling of security. And we felt a little exposed. We lost mothers and fathers, sisters and brothers, grandparents and grandchildren. But as we united as a nation, we gained strength. What terrorists sought to destroy, what they thought they could topple, is the unbreakable American spirit.

"September 11" will never again just be a date on the calendar. It is a day that marks the largest attack on American soil in our Nation's history. It was a day of confusion, a day of fear, a day of loss. But it was also a day of heroism—a day of standing together.

On the 2-year anniversary, it is important to remember the events and emotions of September 11. As Americans, we are still living in uncertain terms. As Montanans and Americans, we must continue to be determined and steadfast in our dedication to win the fight against terrorism. We must lead an unprecedented effort to eliminate the terrorist networks that threaten our Nation. We must remain committed to defending the rights and freedoms that make us proud to be Americans. From our freedom to express our thoughts and determine our religious beliefs—to our right to openly vote for and elect our political leaders.

Today we stand as one to pay respect and express our gratitude to our Nation's heroes: the countless firefighters, the policemen and women, the emergency medical technicians, doctors, nurses, as well as everyday citizens who risked their lives to save others on September 11.

I remain dedicated to working together with Congress and the administration to protect America and the principles this Nation stands for and to bring those responsible for the September 11 attacks to justice.

On the two-year anniversary of September 11, and in the weeks, months, and years that follow, I call on every Montanan to remember the lessons learned on that fateful day. Remember the solidarity. Remember the countless America flags that flew across the State and the Nation. Remember the generosity with which people donated to charities and volunteered in their communities. Remember the support we received from the international community.

While September 11 is a horrific day in our Nation's history, it taught us a tremendous amount about ourselves, as Montanans, as Americans, and as a Nation. We must never forget these lessons.

Mr. JOHNSON. Mr. President, I rise today to share my thoughts on the second anniversary of the September 11 terrorist attacks.

None of us will ever be able to forget where we were when we first heard the terrible news of that day. As the day went on, we were riveted to our television sets and saw incomprehensible images of destruction at the World Trade Center, the serious damage at the Pentagon, and the crash site of Flight 93 in rural Pennsylvania. Yet beyond the destruction we also saw remarkable demonstrations of heroism. From the first responders who unhesitatingly rushed into the World Trade Center and Pentagon to rescue survivors, to the passengers and crew of Flight 93 who chose to crash their plane rather than allow the terrorists to complete their plan, September 11 showed us the strength of our country.

The terrorists had hoped to paralyze us with fear, but the American people were somber and resolute in their commitment to honor those who had died, to rebuild from the destruction, and to ensure that we would lessen our vulnerability to future terrorist attacks. Bearing in mind the example provided by the heroes of September 11, people throughout the country began to look for ways that they could contribute to the relief and recovery effort.

I am particularly proud of the contributions made by thousands of South Dakotans in the days following the attacks. Schoolchildren led drives to collect clothing and blankets for those left homeless. Students from Augustana College spent their 2002 spring break in New York serving food to Ground Zero workers. Experts from the Disaster Mental Health Institute at the University of South Dakota went to New York to help counsel family members and relief workers and to assist in the recovery process. Ranchers from my State sold cattle so they could make donations to the victims and their families. And countless South Dakotans lined up at the Red Cross to donate blood. Each of these people, in large and small ways, was doing their part to help our Nation.

As we take this time to look back on how our country responded to the attacks, I want to say a special word about the men and women of our Armed Forces. The members of our military have made extraordinary sacrifices over the last 2 years in the war on terrorism to make our Nation safer. We can never forget the debt of gratitude we owe to those who have fought and to those who have died in defense of our freedoms.

South Dakota is privileged to be the home of Ellsworth Air Force Base, and on behalf of all South Dakotans I would like to thank the men and women of Ellsworth Air Force Base for their dedicated service and decisive contributions to both Operation Enduring Freedom and Operation Iraqi Freedom. I also acknowledge the important work of the members of the South Dakota National Guard and Reserves, many of whom are still in the middle of lengthy deployments away from their families and friends.

The National Guard is the oldest component of our Armed Forces. Since its earliest days, the Guard has served a dual, Federal-State role. Following the September 11 attacks, members of the National Guard and Reserves were called on to provide additional security at our Nation's airports, to assist at critical U.S. border checkpoints, to fly protective missions over U.S. cities, and to maintain disaster preparedness in the States. In addition, National Guard units have played a crucial role in the war on terrorism; several units from South Dakota continue to serve in Iraq and Kuwait. I know my colleagues join with me in thanking all of our Armed forces, both Active Duty and Reserve, for their continuing service to our Nation.

Rather than defeating us, the September 11 attacks demonstrated our strength and resiliency. In New York, planning and design for a memorial and the future use of the World Trade Center site is well underway. In Somerset County, PA, there are ongoing efforts to erect a permanent memorial to the crew and passengers of Flight 93. And at the Pentagon, reconstruction has been completed for several months.

While our Nation has moved forward, September 11 will always be a day for quiet reflection and an opportunity to honor those who were lost.

Ms. SNOWE. Mr. President, this September 11, we pause once again to remember those we so tragically lost in the horrific attacks on the World Trade Center and the Pentagon, and those aboard United Flight 93 two years ago.

For people in all of our States, there are individual connections that bind us to that terrible day. In my home State of Maine, families will again mark a tragic anniversary for the victims they knew and loved: Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline and Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Today, the greatest tribute we can offer is to remember their names, their lives, and their contributions. They are indelibly branded upon our national consciousness.

We feel a pain that will never fade, withstanding even the tempering nature of time. But as we gather around the country on this second anniversary of the attacks, we can see we have been changed permanently, in ways that stand in shining testament to who we are as a nation.

More than 150,000 Americans—from my home State of Maine and across the Nation—continue their brave service overseas, on a mission to ensure the freedom of the people of Iraq and Afghanistan, and to reduce the threat of future terrorist attacks worldwide. In Maine and elsewhere, thousands more are working countless hours to enhance our physical security. That vital work continues to this day. Indeed, we are safer than we were 2 years ago because of those efforts—and we must remain ever vigilant, always identifying ways we can do more.

But 9/11 has had an impact on our society that is perhaps less obvious, yet equally powerful.

Quite simply, we have witnessed the full force of the indomitable spirit with which this Nation has been blessed. The evidence exists in every town and city in America. We all know countless stories of bravery and of quieter but no less significant acts of kindness and compassion—all the more beautiful when viewed through the prism of such incomprehensible inhumanity as was visited upon us.

I cannot help but think of New York City and how her people reacted to the recent blackout. In echoes of 2 years past, New Yorkers pulled together to face the adversity, relying on each other and looking out for a city that will be forever scared, but also forever proud—and strong. They are changed—not because they were broken but because they are now more united than ever before in the cause of defending that which they love.

It is the same for our entire Nation. America's indomitable spirit shines at events in my home State as it does in all of yours. It shines in Portland and Bangor, Lewiston, and Augusta. It shines in many smaller ways. In the town of Freeport, two women began a simple tribute right after 9/11. They would wave flags each morning, and their fellow citizens would acknowledge—honking their horns and waving. Last year on this date, that simple tribute blossomed into a parade of patriotism down Main Street. And this year, they are organizing a weekend-long event, "The Freeport Freedom Festival."

Our spirit will shine in innumerable other small but heartfelt gestures we make on this second anniversary, just as it shined when people in Maine and across the country lined up at blood banks and donated millions of dollars and tons of food and equipment in the days after the attacks. It is a spirit fueled by freedom, polished with compassion and burnished by pride in our country and the men and women who are risking their lives to protect ours, both here and abroad.

Clearly, even as we have achieved successes, our mission to eradicate terror at its roots—and to secure our homeland—will continue. And just as we did not foresee the tragedies of September 11, 2001, we cannot foretell what will happen next. But we can and must work together to remember those who have come before us, to maintain our collective vigilance in the face of continued threats, and to remind each other of the principles and people in which we believe.

By working together to help change the world, we are paying the highest possible honor to the more than 3,000 people who lost their lives on September 11, and to those who have made the ultimate sacrifice in the fight against terror in the following days and years. It is a tribute that will resonate throughout the freedom-loving world as we remember. And there should be no mistake—we will always remember.

Mr. ALLARD. Mr. President, today I rise, as I did 2 years ago, to ponder the terrible events that had occurred only a day before. I rose to express my anger and my sadness, my disbelief, and my disdain for the situation. I rose, as did most of my fellow Senators from both sides of the aisle.

I spoke of the strength and resolve of this great Nation. I spoke of the sad reality that thousands of families were directly affected and would never be the same; that some fathers and some mothers would never be coming home again; that some young sons and daughters would grow up to pictures of parents and grandparents lost in New York, Pennsylvania and across the Potomac at the Pentagon.

I also spoke of the horror yet to be seen and I spoke of our determination, as a country, to face whatever challenges lay ahead and I spoke of our President and the strength of character he would need to withstand such an attack and keep this Nation strong.

I rise today and speak of the same issues and my respect and admiration for the men and women of our military, proud of our President's resolve to stand up to such a challenge and leadership during these 2 years of conflict and proud of our country to rally around the cause of liberty and the defeat of terrorism. I am also proud of this body's dedication to support the ongoing war on terrorism.

It was popular and "good press" to support the initial tide of patriotism and rise against the actions of September 11, 2001. We all stood and swore to the world we would not be bowed or broken. We rallied to the cause and professed dedication to righting this most egregious wrong.

Two years have passed and some among us are starting to lose focus and the resolve necessary to wage this battle—and yes this is a battle. I can understand how that could happen. The more time passes the easier it is to allow other challenges, others programs, and other agendas to take center stage and we get back to the daily business at hand. But we, like our President and our military, must do our part to conquer this foe. We must remember the War on Terrorism does not have one lone face or name attached to it nor is it contained to the field of battle.

This war is being waged in Iraq and Afghanistan as we try to wage peace and raise those countries to when they can stand on their own with self-leadership and rule of law by their own people. The war on terrorism is being waged through the financial institutions, diplomatic arena, and the fields of conflict.

What this country and this Senate needs is the same kind of resolve to continue to support the efforts of this administration in Iraq and Afghanistan and whatever lands this fight takes us. Let us not be confused, the cost of freedom is high but the loss of our freedom and freedom of all nations is a much greater cost. Our only choice is to wage this battle and wage it fully. Our only choice is to wage this battle no matter where it takes us. Our only choice is to wage this battle through the courts and the banks, through the intelligence agencies and the embassies, through our combat capability and the United Nations.

In 2001 I spoke of our President and how he prayed the evening of September 11, 2001. As I close, I offer a suggestion to each of my distinguished colleagues. This evening before bed I will take time to pray. I will pray for all of the victims of September 11, 2001 and their affected families. I will pray for all of the victims of terrorism throughout the world whether by the hands of organized terrorism or random acts perpetrated by despicable men with warped ideas. I will pray for all of the men and women of our military especially those that have paid the ultimate sacrifice in defense of this Nation. I will also pray that our military is successful in defeating our foes in this war. I will pray for our President that he continue to lead this country during these trying times as he has done so honorably. Lastly I will pray for this body to continue to have the strength of character and fortitude to continue to support this cause through to completion no matter how long it may be.

Let this day be a day of remembering and a day of pride as well as sadness. Let this day be the day that we gain renewed resolve, clarity of thought and strength of purpose. May God bless this day and may God bless the United States of America.

Mr. STEVENS. Mr. President, in the morning hours of September 11, 2001, our Nation endured a terrible tragedy. In the wake of that tragedy, the response from our "Last Frontier" was overwhelming. Two years ago, Alaskans volunteered their time and their resources to assist the victims of the attacks. One year ago, the people of our State found unique ways to commemorate our Nation's loss. This year we join the Nation once again in mourning and remembrance.

Since the September 11 attacks, the United States has led the campaign to wipe out terrorism and those who support it. John F. Kennedy once warned the world ". . . that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty." The bravery and courage our troops demonstrated on battlefields in Afghanistan and Iraq confirmed that Americans will make the ultimate sacrifice to preserve freedom.

Here at home we are a safer Nation. We have established the Homeland Security Department, changed our laws so that agencies can share information, ensured better communication between State and Federal law enforcement, and provided better protection for ports and other points of entry. But the war on terror requires more and we must stay the course.

In his speech on Sunday night, President Bush reaffirmed our commitment to this cause and called upon the Congress and the Nation to once again prove our resolve. I urge all Americans to support the President. History has taught us that freedom always comes at a cost; we mut pay the price. New coalitions have formed among terrorists. Those who wish us ill present us with an almost world-wide burden. Nevertheless, we cannot neglect our responsibilities.

I hope all Alaskans will remember the victims of September 11 today by attending a memorial service or prominently displaying an American flag. The victims of September 11 and the volunteer soldiers who gave their lives in the campaign against terror gave what Lincoln called the "last full measure of devotion." Today, we honor their memory and their sacrifice.

Mr. NELSON of Florida. Mr. President, I wish to speak about this day 2 years ago and what it signifies to our country. There is not a soul in this country who does not remember exactly where they were and what they were doing on that fateful day that was so much of a watershed point in our country.

I will tell you where I was. I was with the Senator from North Dakota and a number of others in a leadership meeting about 30 yards from here on the west front of the Capitol. We had broken up our meeting and were watching the television, watching the World Trade Center, when someone burst in the door and said, "The Pentagon has been hit." We immediately looked to the window looking out across The Mall and saw the black smoke rising.

In times such as that, it is interesting how you react. Since my wife and I had just moved into an apartment overlooking the southwest corner of the Pentagon, my instinctive reaction was to leap to a telephone and to try to get word to her to get out of the apartment and get to the basement garage. Of course, I did not know what was happening on that side of the Potomac River.

I went back to the meeting room, and it was vacant. I walked into the hallway and saw everyone pouring down the stairs. I will never forget what I heard at the bottom of the stairs. I heard the Capitol Police shouting at the top of their lungs: "Get out of the building. Get out of the building."

The memories of that day are seared in the minds of so many of us. And here we are 2 years later still confronting the terrorists and still conducting the war against terrorism.

I am going to close with this because still people come up to me in my State of Florida, as they did so frequently in the aftermath of that fateful day 2 years ago, and they say: "Bill, what can we do?"

Let me tell you what my advice is, and it is the same now as it was then. Loyal, hard-working Americans, what can you do? You can go on about your lives being faithful and hard-working and productive citizens of this country because in defense of this country and our values and our way of life, it is not only that we need military strength for that, we need to continue our moral strength, and we need to continue our economic strength.

It is the strength of that and many other values, if we continue in our normal everyday productive selves that we will overcome. I particularly use that word "overcome" because that is what America is. Our character as a people is that we are overcomers to the obstacles that are put in front of us, to the setbacks with which we are faced. We are overcomers, and our history shows that time and time again. Likewise, this time it will be also.

I thank the Chair. I yield the floor.

Mr. SARBANES. Mr. President, on September 11, 2001, our Nation experienced a daunting tragedy. It touched every single one of us. Our people came together and we spoke with one voice as we mourned the terrible loss of family, friends, neighbors and fellow Americans, and as we paid tribute to the heroes who sacrificed their own lives to save others. We found a new and rich meaning in the phrase, "I am an American."

At the same time, we resolved to move forward, to bring the perpetrators of those terrible attacks to account and to put an end to the scourge of terrorism, so that our people remain free to live rewarding and productive lives. We made a major and fundamental commitment to our homeland security.

Now, however, our rapidly expanding commitment in Iraq threatens to overshadow our commitment here at home.

Earlier this year, I supported a series of amendments to the Department of Homeland Security appropriations bill to increase funding for homeland security needs. These included firefighter and first-responder assistance grants, port security, transit security, border security and chemical security protections. Regrettably, these amendments were all defeated, primarily on party-line votes.

If this administration is prepared to ask for nearly $90 billion in additional funding for our operations in Iraq, it should and must be prepared to provide the funds we must have to strengthen the security of America's shores and protect the American public.

The terrible losses of 2 years ago will never be forgotten. But the most enduring memorial we can raise to those we lost is a future of freedom and opportunity, a future without fear. Our response to the events of September 11, 2001, is a demonstration of the great and abiding strength of America. We must be prepared to pledge our resources as well as our words.

Mr. PRYOR. Mr. President, 2 years have past since the tragedy of September 11, 2001, but the visions of smoke rising out of the World Trade Center and the Pentagon, and the pain and terror on the faces of those who lost family members, friends and colleagues remain vivid in our minds. Within seconds, America realized that it was not invincible.

More than a thousand of miles away from Manhattan's ground zero, the Pentagon, and the field in Shanksville, PA, Arkansans felt the vibrations of this tragedy. Families in Batesville, Pine Bluff, Jonesboro and throughout the State learned about the deaths of friends and family members. Just a few months later, thousands of families would celebrate Thanksgiving and Christmas without the moms, dads, sons and daughters who had been deployed in the fight against terrorism. Soldiers began to guard the Little Rock National Airport and Arkansas Nuclear One. And we all began to care for our neighbors a little bit more. On September 11, 2001, life for Americans changed forever.

September 11 is made bearable only by the true heroism displayed on that day and everyday thereafter. We will never forget the selfless acts demonstrated by our firefighters who ran into burning buildings; police officers who went the extra mile to help the frightened and frail; EMTs, doctors and nurses who cared for the injured; and everyday individuals who raised money for the victims of this tragedy.

Along with these heroes, we have hundreds of thousands of servicemen and women who continue to risk life and limb in places such as Afghanistan, Turkey and Iraq in the name of democracy and all it embodies. They put themselves in harm's way not for personal aggrandizement or advancement but for immense love of country, liberty, and family. I ask all Arkansans to join me with continued support for our men and women in uniform.

I ask also that Arkansans pray for the families who lost their loved ones in the tragic terrorist attacks. The healing process is a long and difficult road, and these families need our support and compassion.

Finally, we must ensure that the more than 3,000 innocent Americans did not die in vain on September 11. We must continue taking those steps necessary to protect our homeland. This means ensuring that our first responders have the tools they need to confront terrorism at home. It means ensuring that our servicemen and women have cutting-edge equipment, training and technology they need to complete their mission. It means working together by placing our safety and our children's safety above politics.

Americans have endured great hardship and heartbreak as a result of the terrorist attacks, but this has not broken our faith, courage and an unshakable commitment to freedom, democracy and each other. Today, we remember the tragedy of September 11, and we honor its victims. We will never forget them.

Mr. GRAHAM of South Carolina. Mr. President, 2 years ago, our world changed forever. The terrorist attacks on the World Trade Centers and Pentagon were a painful wakeup call to our Nation that we must remain ever vigilant in protecting our freedom. We must confront evil where it exists and defeat it. We must battle the terrorists where they live before they are able to carry out their missions of death and destruction on our homeland. Our hearts still grieve for those who lost loved ones in the terrorist attacks, and we must never forget the painful lessons learned on September 11.

September 11 was a dark day in America history.

While the terrorists were carrying out their evil, our national character as a strong, proud people showed through as it produced a new generation of American heroes. The memory of the firefighters who rushed into the Trade Centers before their collapse to save their fellow citizens showed us the best in our Nation, as did the passengers on Flight 93 who decided to storm the cockpit and sacrifice their own lives to prevent the terrorists from carrying out their deadly mission. September 11 was a stark contrast between the best and worst of mankind.

On this September 11, may God continue to protect and bless the United States of America.

Mr. BUNNING. Mr. President, I would like to take this opportunity to pay tribute to those in New York, at the Pentagon, and in the skies over Pennsylvania who lost their lives 2 years ago today.

None of us in the Senate will ever forget the events of that terrible morning, nor will we forget the courage and compassion displayed by Americans everywhere in response to the attacks.

Today my thoughts and prayers are with the victims, their families, and all of those who risked their lives to save others on that awful day.

We faced the worst terrorist attack in our Nation's history on that day and we told ourselves that we would not let our guard down. We have not let our guard down and we will not let our guard down.

The world has changed dramatically over the past 2 years. Under the President's leadership, we have taken on our enemies abroad so that Americans can live in peace at home. With the help of our allies abroad, our brave soldiers have dismantled the Taliban in Afghanistan and defeated Saddam Hussein's evil regime in Iraq.

We have killed or taken into custody nearly two-thirds of senior al-Qieda leaders. We have chosen to take on al-Qieda on its battlefield to prevent terrorists from choosing the time and place of battle.

Terrorists across the world have been given notice that the U.S. will do whatever it takes to prevent another terrorist attack.

America will triumph and those who want nothing less than to destroy our way of life will fail.

They will fail because of the American spirit. They will fail because of our faith in freedom and democracy. They will fail because of the strength and character of the American people.

I believe that Americans have emerged from the attacks of September 11, 2001, even stronger and more dedicated to our beliefs and to our Nation.

We are safer now than we were 2 years ago, but the enemy will undoubtedly try again and we must be ready. And we will be ready.

It has been said many times before, but it bears repeating again—it might not seem like it, but we are at war. Al-Qaida and its terrorist allies may be on the run, but they are still plotting against peace-loving people across the world.

It's a different kind of struggle than we have fought before. The war on terror will not end next month or even next year. It will take patience and it will take perseverance. But let the world know that this is a war that we will win. This is a war that Americans and our freedom-loving allies will not allow us to lose.

The President has done a superb job leading our country in the war on terror. And we have done our best in Congress to provide him the resources necessary to prosecute and to win that war.

People often ask me how things have changed in Washington since 9/11.

Some things on the surface certainly have changed. There are more concrete barriers, roadblocks, and security precautions. But looking beneath the surface I think the better question is to ask what did September 11, 2001, reveal about us.

It showed that we are still a good and compassionate people. And it showed that we have many friends around the world that also love freedom.

It showed that under the worst of circumstances we will come to the aid of not only our friends and neighbors but complete strangers.

It showed that America is still the greatest nation on Earth. And it showed that in the war on terror, we will prevail.

I thank the Chair. May God grant strength to those that mourn the loss of their loved ones in this war on terror and may God continue to bless this great Nation.

Ms. CANTWELL. Mr. President, 2 years ago, our Nation was brutally attacked by terrorists. Thousands of innocent men, women, and children lost their lives on September 11, 2001, in New York, the Washington, DC, area, and Pennsylvania. This week, we honor the memories of those lost, and remember the mothers and fathers, sons and daughters, and other loved ones who will never return to their families.

Yet in the midst of that tragedy, we were reminded about what makes America strong. Firefighters raced into the doomed towers of the World Trade Center, saving thousands of lives, although they would be unable to reach safety themselves. At the Pentagon, even as part of their building burned, the men and women of the military command stayed at their desks to help coordinate information and keep the country's armed forces on high alert. Over Pennsylvania, a group of strangers joined together to fight back against their attackers and saved countless lives by giving their own.

Our strength has always come from the capacity of average Americans to rise to acts of heroism to protect neighbor and stranger alike. Now, our security derives from regular people in a wide range of jobs, in addition to the brave men and women of the armed forces. From Customs agents, to cops on the beat, to baggage screeners, million of U.S. citizens have important roles to play in keeping our country safe.

Today, the fight against terror continues. We face an elusive enemy, willing and eager to take any measure and to murder innocent civilians. To them, the freedoms we enjoy represent opportunities to attack our society and way of life.

This week we remember why we have been drawn into this fight—so that no more families must mourn the loss of loved ones to terror attacks. As we continue this struggle, it is imperative that we do so in a manner befitting a nation of laws. By doing so, we will send a powerful message to the rest of the world: America will not yield to terrorists, and the principles of freedom and democracy will not be bowed by their cowardly tactics. Together, we will prevail.

Mr. REID. Mr. President, Barbara G. Edwards of Las Vegas, NV, Wilson "Buddy" Flagg, a part-time resident of Las Vegas, Lieutenant Colonel Karen Wagner, a 1982 graduate of the University of Nevada, Las Vegas, where she was in the Army ROTC—these three people were killed in the terrorist attacks 2 years ago. Mrs. Edwards and Mr. Flagg were passengers on the American Airlines flight that crashed into the Pentagon and LT Wagner worked in the Pentagon. They were the first three heroes from Nevada to die in the war on terrorism, but sadly they were not the last.

Private First Class Matthew Commons, Boulder City, Staff Sergeant Kerry Frith of Las Vegas, Army Specialist Jason Disney of Fallon, First Lieutenant Fred Pokorney of Tonopah, Marine Corps Lance Corporal Michael Williams, who lived in Phoenix but had extended family in Reno, Marine Corps Lance Corporal Donald Cline, Jr., of Sparks, Army Captain Josh Byers, Sparks, Staff Sergeant Bryan Sarno, Las Vegas—these eight brave soldiers have also given their lives in the war on terrorism. The most recent was 10 days ago. Sergeant Sarno was killed in Iraq on September 1. Most of these Nevadans died wearing the uniform of our country. Others were simply going about their every-day lives.

We have a duty as Americans to remember every one of them, not just for their sake but also for our own, because, as painful as those memories might be, they will always remind us of important truths. Remembering September 11 reminds us we have the greatest system of government on Earth. For more than 2 centuries, no nation has held the flame of freedom higher or opened the doors of opportunity wider than the United States of America. The cowards who struck America on September 11 understand this. That is why they chose targets that symbolize our free economy and our strong Armed Forces. Those cowards had no reason to hate the people they murdered. They didn't even know these people. But they hated America because we stand for freedom, tolerance, and opportunity. That is why we must never let time cloud our memory of what happened and why we must never forget those who gave their lives in the war against terror.

In this body we are privileged to freely debate the important issues facing our Nation. That means we often disagree with one another. But we have no disagreement today on these issues regarding September 11. Today we stand as one to honor our fallen heroes and to pledge that we will never stop fighting until we have won the war against terrorism.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the men, women, and children who lost their lives in the terrorist attacks on our country on September 11, 2001.

The morning of September 11, 2001 will forever be remembered as the day America came face to face with the forces of evil and prevailed. Innocent men, women, and children lost their lives and families suffered. Police officers, firefighters, rescue personnel, and Americans from every walk of life rose to the occasion to save others, in many instances losing their own lives in the process. That day, we learned about a new kind of American hero.

In the aftermath of these attacks, our country put aside our differences and came together as one nation to mourn our loss, celebrate our liberty, and demonstrate to the world the strength and compassion of a free people. We united behind a single cause: to root out and destroy those responsible for terrorism around the world.

Two years later, America is still leading that fight. The men and women of our Armed Forces stationed throughout the world are defending our way of life, our principles, and our freedom. They do so because we will never forget the loss to America on September 11, 2001.

Today, I ask all Americans to pray for those who lost their lives, pray for their families, and pray for those who have given their lives in the war on terrorism. I also ask that you not forget our uniformed men and women still stationed overseas in harm's way.

Mr. DOMENICI. Mr. President, I compliment the distinguished Senator REID for his brief remarks regarding this day, and for myself merely say I am among those Americans who never thought it could happen to us. While I sat in my den with my wife on the morning it happened, I was about as incredulous as anyone could be. After I heard more about it, and they told me it was real, I was still disbelieving. I was still incredulous.

But now we look back and we know we are no longer invulnerable. We are no longer so powerful that we can say anything of danger to us will be fought far away. We know the kind of enemy that confronts us is very different than the enemies we have confronted during the lifetime of our Nation.

This is a tough one. This is a unique one. This is one run by crazy men, by people who do not understand or reason as we do.

So I am very pleased, with all the politics at home, that I can stand here and say I feel pretty confident we are doing better, that we are better off than the day this happened, that we are safer than the day it happened, that our big cities are safer. Certainly we are not totally safe. But I wonder whether anybody will ever be able to tell us we have done everything, we have spent every nickel, we have done every program, and we are totally safe from terrorists. I doubt that very much.

In some regards we are lacking. Let us hope we have the wisdom so on the third anniversary we can stand here and say we have even done better, and it is more farfetched that they would succeed. Let's hope we can do that.

For now, I am very proud of an open and free society that made changes to accommodate to this scourge of venom. We had to change a few things, but we did it. We had to spend some extra dollars, but we did. We had to make some cities much safer, but we helped them do it. And then we fought a war for it.

Clearly, when you look back at it all, we did pretty well. For a free nation, we did pretty well. It is pretty easy to mobilize when you are not free. It is pretty easy to fight when you are a dictator. It is pretty difficult to fight against terrorism when you are a democracy and you have to do it openly, in public, and fight them openly, in public, and be criticized openly and in public. It is very hard, but we have done it.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to, the preamble is agreed to, and the motion to reconsider is laid upon the table.

The resolution (S. Res. 224) was agreed to.

The preamble was agreed to.

Mrs. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we mourn the many lives lost 2 years ago today, both the victims of terrorist attack and the heroes, the first responders who rushed to try to save them. In various ceremonies around the country today people are contemplating once again what the war on terrorism involves.

Mr. President, only two years ago, we awoke to the threat that global terrorists posed to the security of the American people and, for that matter, freedom-loving people around the globe, and Americans resolved to fight back against these enemies of freedom.

Our Nation committed to fighting terrorism knowing full well it would require risks, and sacrifice, and time, and, yes, money. We committed to fighting terrorism because the terrorists had already committed to fighting us.

Fortunately, America does not stand alone, because the same terrorists who target the United States also plotted and carried out attacks against European, Asian, and moderate Arab governments who do not share their violent ideology or rationalized interpretation of Islam.

We are now only 24 months into a global war against terrorism and that fact alone is worthy of some reflection.

For 53 months, between June 1914 and November 1919, World War I engulfed Europe. More than 110,000 Americans lost their lives in defense of global security.

For 72 months, between September 1939 and September 1945, World War II raged across the globe, and required years of peacekeeping and reconstruction efforts afterwards. During this tragic conflict nearly half a million American troops gave their lives not only to bring security to America but also to liberate millions of innocent victims suffering under the jackboot of totalitarianism.

For 37 months, between June 1950 and July 1953, American troops battled Communist forces on the Korean Peninsula. American troops remain in South Korea today to maintain a sometimes fragile cease-fire and defend a democratic ally in a war that has yet to end. More than 30,000 Americans were killed while defending against North Korean and Chinese Communist aggression.

And for nearly 50 years of cold war conflict, American troops were deployed to the edges of the Earth in support of our country's efforts to protect free societies from the threat posed by Soviet totalitarianism. During these tense and difficult decades of cold war, America did not shirk its responsibility to defend its people and the rights of all freedom-loving people. Nor did American politicians put price tags on the defense of democracy and liberty.

The global war against terrorism requires, like the Cold War, a sustained level of commitment by the United States that is equal to our moral commitment in all of these previous conflicts—perhaps even more so—because the terrorists who now confront America do not seek merely territory in a far-off land but are dedicated to the destruction of the United States and the elimination of free societies wherever they may exist. We are fighting an enemy which seeks weapons of mass destruction, not to blackmail democracies but to destroy them.

Under the leadership of President Bush, America has made tremendous progress over the last 24 months. We have jailed or otherwise dealt with nearly two-thirds of al-Qaida's leadership and have dismantled terrorist sleeper cells, severely curtailing al-Qaida's ability to plan and carry out terrorist attacks.

We have cooperated with international police organizations to arrest thousands of terrorists throughout the world, to freeze terrorist assets, to increase surveillance of terrorist organizations, and to keep terrorists on the run.

We routed al-Qaida from Afghanistan and destroyed its many terrorist training camps. Under the Taliban government in Afghanistan, terrorists freely plotted the destruction of our cities and the mass murder of our citizens, while an evil government tortured, raped, and killed those who dared to oppose its misrule. The Afghan people are now building a democratic government and terrorists are no longer welcome in Afghanistan.

In addition, we ended the regime of Saddam Hussein, a long-time sponsor of terrorism and a potential terrorist clearinghouse of weapons of mass destruction. We liberated nearly 25 million Iraqis, who for generations had suffered under Hussein's brutal regime. Now we are helping the Iraqis build for themselves a multiethnic and moderate democracy in the heart of the Middle East.

All these efforts have helped to prevent another terrorist attack on American soil despite al-Qaida's unremitting desire to carry out such an attack.

However, despite our successes, more challenges lie ahead. The terrorists are making a desperate stand in Iraq and Afghanistan and we must be firm in our resolve to defeat them. As President Bush said to the Nation this very week:

> The terrorists have a strategic goal. They want us to leave Iraq before our work is done. They want to shake the will of the civilized world. In the past, the terrorists have the examples of Beirut and of Somalia, claiming that if you inflict harm on Americans, we will run from the challenge. They are mistaken.

For 24 months we have fought to keep America safe from terrorists, and with Osama bin Laden calling for American troops to return home, we must not shrink from our responsibilities now.

We must confront the terrorists where they live and train; otherwise, they will face us in the streets of our cities. We must continue to bring the fight to the enemy or surely he will bring it to us.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 11:45 am.

The Senator from Nebraska.

IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. HAGEL. Mr. President, today is a day for remembrance and reflection. The attacks of September 11, 2001, affected all Americans as individuals, as families, and as a Nation. On that day, 2 years ago, I told the Omaha World Herald: "America is forever changed."

We remember today those who died 2 years ago in New York, at the Pentagon, and in Pennsylvania, as well as those who have since lost their lives to terrorism in Iraq, Afghanistan, Indonesia, Saudi Arabia, Israel, Jordan, Pakistan, the Philippines, Yemen, and elsewhere. Their sacrifices and service should reinforce our commitment to defeating this new scourge of mankind.

History has allowed America no quarter from the heavy burdens of leadership. The post-cold-war era of the 1990s now seems like an interlude between two epoch challenges: the cold war and the war on terrorism. Just as previous American generations defeated Nazi tyranny and contained Soviet expansion, today's war on terrorism requires new thinking, commitments, sacrifices, and responsibilities by a new generation of Americans.

Americans can take pride in the courage and determination we have shown over the last 2 years. Our young men and women have participated in the liberation of Iraq and Afghanistan from brutal tyrannies, and we continue to kill and capture al-Qaida leaders and terrorists and disrupt their cells and networks worldwide.

Our Foreign Service officers, policemen, firefighters, and health and immigration professionals are on the front lines, at home and abroad, in keeping our homeland safe. Their roles have been redefined, along with our understandings of personal and collective security. These are battles joined but not yet won.

Two years is but a blip in the span of generations. America is still finding its way, seeking a new center of gravity and balance between power and purpose in world affairs. America must approach its foreign policy with a principled realism that reflects our values, acknowledges the realities and challenges we face worldwide, and conveys an awareness of the costs and consequences of our actions. Decisions made today will have global implications for years to come, at a time when there is very little margin for error.

America is playing for the next generation around the world. The battle against terrorism cannot be considered in a vacuum from the breeding grounds of poverty and despair in the Islamic world. We need to turn the tide in our favor. Our military power and policies must be balanced with a nobility of purpose that conveys America's commitment to helping make a better world for all people.

The perception of American power will either enhance or diminish our influence, trust, and respect in the world. America's success will be determined not only by the extent of its power but by a judicious and wise use of it. America must enhance its relationships, not just its power. And America should not meet those world challenges alone.

At these historic junctures, international alliances and institutions will change and be redefined, as events unfold and realities demand. America must lead in reshaping these alliances, institutions, and relationships that have helped support peace and prosperity since World War II. America's interests are not mutually exclusive from the interests of our friends and partners. Our actions abroad cannot be separated from our priorities at home.

I have spoken across the country and to many Nebraskans about their concerns of the costs of the war on terrorism and building Iraq and Afghanistan at the expense of America's economy, health care, agriculture, and environment. But we have to understand all of this is connected. Our commitments abroad will require resources and sacrifices. But America cannot prosper at home in the absence of security and stability abroad. Issues critical to Nebraskans, to America, such as trade and economic growth, do not flourish in conflict; they wither and die.

In thinking of the post-9/11 world, I think of my children and the world that they and all of our children will inherit. The stakes could not be higher.

Today America looks upon a world of danger, of risk, but yet opportunity. The world looks upon an America that stands astride the globe as no other nation in history. How will the future of the world play out? That is up to us. The world is made up of 190 nations. These 6.2 billion people represent many religions, cultures, traditions, histories, and ideas. But there is a fundamental common denominator among all people—the desire to be free. America's course in the world will be guided by the hallmarks of our national character: courage, compassion, humility, and respect for others.

The memory of September 11, 2001, will focus our prayers, lift our spirits, and renew our purpose. That is the way those Americans who gave their lives on that day would have wanted it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mrs. FEINSTEIN. Thank you very much.

Mr. President, I come to the floor to add my words to those of my colleagues as we take time to remember those who died and who were injured 2 years ago on this very day and at this very time.

America will never be the same again. The changes are visceral and they are real. So many innocents were killed by a vicious and evil act. We still can't really comprehend how people could do this kind of thing.

It has truly been a living nightmare for so many children, wives, mothers, fathers, and loved ones. There have been so many candles, so many shattered dreams. September 11, 2001 was a true day of infamy.

But the rebuilding has begun and the page is turned. I cannot imagine what the survivors and family members and friends of those killed have endured. My sorrow, my sympathy, and my condolences go to those who lost so very much. I hope they understand that they still have the love and respect of a sympathetic nation.

Here in the Capitol, in the wake of 9/11, we have come to see that many loopholes exist in the security of this great and free Nation. Some of these are the very result of what we have treasured as part of our freedom, our openness, our democratic way of life. And while acknowledging this fact, we in the Senate have participated in plugging a number of these loopholes in ways we hope are designed to protect our country from another catastrophic terrorist attack.

First, we passed the USA PATRIOT Act, which is legislation that aims to make it easier for the FBI and other law enforcement agencies to monitor terror suspects and investigate their financial and personal records, to improve the sharing of information between law enforcement and intelligence-gathering agencies, and to bring Federal law up to date with recent advances in communication technology.

It is still amazing to me to realize that 19 terrorists were able to come into this country—most of them on legal visas—and launch an attack that killed thousands of our people. But we should also be very much aware that the 9/11 attacks were no anomaly. In fact, there are thousands of other terrorists, just like those 19 hijackers, who are poised to strike at the United States and our interests.

The CIA Counterterrorism Center estimates that 70,000 to 120,000 individuals trained in Afghanistan terrorist training camps between 1979 and 2001. Think of that. The Center also says that between 15,000 and 20,000 are believed to have been trained by Osama bin Laden. These people are now spread all over the world and in many areas of this country now.

The number of terrorist cells in this country is classified. I cannot share this on the floor of the Senate, but if I did, many people would be both shocked and surprised. So there is no question that the danger is real and, unless we find out who the enemy is and stop them before they try to kill us, only suffering and death can result.

The USA PATRIOT Act was aimed at helping solve some of the problems that led to missed opportunities before 9/11. This legislation was spurred by the fact that key agencies in our Government had bits of information that, when viewed together, may have revealed details about the hijackers and their plans and prevented 9/11. Unfortunately, these bits of information were often held by different law enforcement and intelligence agencies and not widely shared—or, in some cases, not shared at all.

Given the urgency of the war on terror and the inevitability of future attacks against our country and our interests, I believe there is a compelling need for our law enforcement and intelligence agencies to be able to gather intelligence to prevent attacks. But the challenge is, how can we do this without violating cherished civil rights and liberties?

Now, the PATRIOT Act was passed with the knowledge that it had been drafted and negotiated quickly. Mr. President, you yourself serve on the same committee I do—Judiciary—and I think it was about 6 weeks from start to finish that we held hearings, debated the bill, and then finally enacted it. Congress needs to exercise vigorous oversight to prevent abuse and to solve unintended problems with the legislation. That is one of the reasons some of these sections in the PATRIOT Act are scheduled to sunset in 5 years.

The USA PATRIOT Act was also passed with the expectation that the executive branch would limit its new powers to the intended purpose of fighting terrorism. Indeed, the breadth and depth of these new powers in the act demand careful application and close oversight. And the jury is still out as we evaluate the actions taken under this new law.

Secondly, after September 11, I learned at a hearing on the Technology and Terrorism Subcommittee of Judiciary that the security controls for anthrax, smallpox, ebola, and 33 other deadly pathogens were too lax. The FBI and the CDC could not tell us at that time how many people were working with these deadly agents, how much they possessed, where these agents were, or where they were being used or stored. Moreover, labs conducted no background screening of workers who handled these dangerous agents. As a result, Senator KYL and I introduced legislation to heighten security and restrict possession of these pathogens. Ultimately, Congress incorporated many of these provisions into the comprehensive bioterrorism bill that was passed in June of last year.

Thirdly, Senator KYL and I also coauthored the Enhanced Border Security and Visa Entry Reform Act of 2002, which seeks to plug loopholes in our border security. We have seen over the years that our borders are like swiss cheese. This legislation enhances border security by, among other things, putting more Federal officers on the border to try to stop possible terrorists from entering our country.

Last month, for example, two Pakistani nationals at Seattle-Tacoma International Airport paid cash for one-way tickets to John F. Kennedy International Airport. The customer agent at the desk checked a terrorism-related "no fly" list and found both men's names on it. Local police then detained the two men and handed them over to the FBI.

The new border security law requires the Federal Government to take concrete steps to restore integrity to the immigration and visa process. It requires that all visas, passports, and other travel documents to be fraud- and tamper-resistant and contain biometric data by October 26, 2004.

Word has reached me that the administration may be requesting a delay in this deadline. I hope they will not. I hope that, instead of taking the easy course and saying let's delay that deadline, they take the more constructive and important course and say let's find out what we can do to comply with the law. It is critical and important that they do this.

This law also requires all foreign nationals be fingerprinted and, when appropriate, to submit other biometric data to the State Department when applying for a visa.

These provisions should help eliminate fraud, as well as identify potential threats to the country before foreign nationals gain access to the United States. That is why that October 26, 2004, deadline is so important.

Now, when we put deadlines into the border security bill, we actually considered the need to come up with the new technology and the time it might take. We believed that the 2004 date was one that could be met. I, for one, think we should meet it.

Finally, this law tightened up two programs that were highly unregulated and ripe for abuse and have been abused by terrorists: the Visa Waiver Program and the Foreign Student Visa Program.

Much other work remains to be done. We know all of our ports, all 361 one of them, are the soft underbelly of homeland security. To emphasize this point, "ABC News Primetime" tonight will have a segment announcing the results of an investigation that shows just how porous our borders are.

As a test, they shipped a suitcase with 15 pounds of depleted uranium from Jakarta to Singapore to Hong Kong to mainland China, and finally to the port of Los Angeles—all without being detected. The suitcase was in a 20-foot container filled with teak furniture.

This investigation demonstrates how easily a terrorist could put a dirty bomb on a container, ship that container to a port in the United States, then place the container on a train unopened, and move it out anywhere into the heartland of our country.

To help solve this sort of problem, earlier this year, Senator KYL and I introduced the Antiterrorism and Port Security Act of 2003. This bill is still pending. Our distinguished colleague, Senator SCHUMER, is a cosponsor, and we are grateful for his support.

This legislation would close loopholes in our criminal laws that would allow terrorists to strike against our ports to escape appropriate punishment. Many criminal laws don't deal appropriately with port security and were never even contemplated as deterring and punishing a terrorist attack on a port, so there are enormous loopholes in them.

The bill would also help safeguard ports by strengthening security standards and requirements and ensuring greater coordination, and it would better focus our limited cargo inspection resources by improving the existing shipment profiling system and substantially bolstering container security.

The "ABC News" show airing tonight will show that our container risk profiling and inspection system is inadequate. Today, the administration is putting a handful of Customs agents in other countries, to try to push the borders out, and using a risk profiling system that includes much less information and intelligence that it could. Moreover, fewer than 2 or 3 percent of the containers that come into our country are searched.

I would add that over 40 percent of all imported containers in the U.S. come through two big ports in my State. I would hate to see a dirty bomb come in through the port of Los Angeles, the port of Long Beach, or the port of Oakland and be detonated somewhere in the United States. That is all too easy to do still today.

Rather than criticize ABC for this show, we should be grateful to them because, once again, their investigative efforts have shown dramatically a loophole in the homeland security of this great, free society.

I have also come to truly believe that we need to look deeply at our entire intelligence structure in this country. I have been privileged to serve on the Select Committee on Intelligence now for a couple of years, and I have seen many indicators that our intelligence structure needs dramatic improvement.

Some recommendations for improvement are in the report by the joint inquiry into intelligence community activities before and after the terror attacks of September 11. One of the most important of these recommendations is the creation of a statutory Director of National Intelligence who shall be the President's principal adviser on intelligence and have the full range of management, budgetary, and personnel responsibilities necessary to run the entire United States intelligence community.

Our intelligence community is so big—more than a dozen separate departments—and yet the individual who is head of the CIA is also supposed to be the head of this entire community. Yet he does not have budgetary and statutory authority over all of the departments. Consequently, he cannot transfer positions, and he cannot set strategies among the more than a dozen departments.

I believe this is a shortcoming. And I have been joined by others in this belief. I am pleased that the joint inquiry report included the creation of a Director of National Intelligence as one of its recommendations. I am also pleased that Senator GRAHAM of Florida makes this one of the provisions in his bill implementing the report's major recommendations.

The current structure of our intelligence community was designed for post-cold-war intelligence-gathering agencies in a symmetrical world where two world powers—the Soviet Union, and the United States—dominated. That structured world is no more. We are now in an asymmetrical world where intelligence-gathering agencies have to move to entirely new and different dimensions. Our current intelligence structure is not set up to allow that to happen.

One of the things that has concerned me greatly is that many people have shied away from considering real reform in this area. If I ask questions about restructuring our intelligence community, I am told: Well, now is really not the time.

I proposed the Director of National Intelligence bill in June 2002 and have introduced it again in this Congress. Yet we still have not had a hearing on that bill. It still has not moved. When I make inquiries, I am told: Now is really not the time. When is it going to be the time?

The Intelligence Committees of both the House and Senate are charged with oversight of the intelligence structure. But I do not believe we are doing our job in that respect with respect to the organization of our intelligence community.

One of the things, also, that I have learned is that man is capable of unspeakable violence, and in the case of 9/11, violence was the product of learned hatred—hatred that was conscientiously taught, that was drummed into tens of thousands, maybe millions, of people. Such hatred sows a field of violence and now this violence is all over our world.

As The New York Times points out today, in the 2 years since 9/11, the view of the United States as a victim of terrorism deserving the world's sympathy has changed. Remember the Le Monde headline right after 9/11 in France? It was: "We are all Americans today."

That view has given way to a widespread vision of America as an imperial power that has defied world opinion through unjustified and unilateral use of force. We must take heed of this and move to remedy it. We must listen more; we must build alliances; we must move multilaterally; and we must recognize that we need the help of others. Yes, we need the help of the United Nations.

In a world of asymmetrical warfare and terror, unilateralism is a flawed and unworkable doctrine. I believe the last 2 years have demonstrated that point.

I hope we take heed, I hope we listen. And I hope as we commemorate this very solemn day that we will dedicate ourselves to that listening, to working with alliances, to building partnerships, to encouraging the United Nations to work with us, and to dispelling arrogance and becoming the humble nation that we said we were going to be.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. SUNUNU. Mr. President, I ask unanimous consent that at 11:45 a.m., the Senate stand in recess until 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for not more than 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we remember the victims of the attack on this country 2 years ago today. Last year, Congress held a special session in New York on this day. As part of those proceedings, the poet laureate of the United States, Billy Collins, read a poem written for the occasion entitled "The Names." He dedicated it to the victims of September 11 and to their survivors. I believe it appropriate to reread that poem again here today:

THE NAMES

Yesterday, I lay awake in the palm of the night.
A fine rain stole in, unhelped by any breeze,
And when I saw the silver glaze on the windows,
I started with A, with Ackerman, as it happened,
Then Baxter and Calabro,
Davis and Eberling, names falling into place
As droplets fell through the dark.

Names printed on the ceiling of the night.
Names slipping around a water bend.
Twenty-six willows on the banks of a stream.

In the morning, I walked out barefoot

Among thousands of flowers
Heavy with dew like the eyes of tears,
And each had a name—
Fiori inscribed on a yellow petal
Then Gonzalez and Han, Ishikawa and Jenkins.

Names written in the air
And stitched into the cloth of the day.
A name under a photograph taped to a mailbox.
Monogram on a torn shirt.

I see you spelled out on storefront windows
And on the bright unfurled awnings of this city.
I say the syllables as I turn a corner—
Kelly and Lee,
Medina, Nardella, and O'Connor.

When I peer into the woods,
I see a thick tangle where letters are hidden
As in a puzzle concocted for children.
Parker and Quigley in the twigs of an ash,
Rizzo, Schubert, Torres, and Upton.
Secrets in the boughs of an ancient maple.

Names written in the pale sky.
Names rising in the updraft amid buildings.
Names silent in stone
Or cried out behind a door.
Names blown over the earth and out to sea.

In the evenings—weakening light, the last swallows.
A boy on a lake lifts his oars.
A woman by a window puts a match to a candle,
And the names are outlined on the rose clouds—
Vanacore and Wallace,
(Let X stand, if it can, for the ones unfound)
Then Young and Ziminsky, the final jolt of Z.

Names etched on the head of a pin.
One name spanning a bridge, another undergoing a tunnel.
A blue name needled into the skin.
Names of citizens, workers, mothers and fathers,
The bright-eyed daughter, the quick son.

Alphabet of names in green rows in a field.
Names in the small tracks of birds.
Names lifted from a hat
Or balanced on the tip of the tongue.
Names wheeled into the dim warehouse of memory.
So many names, there is barely room on the walls of the heart.

Our thoughts and prayers are first and foremost with all those who sacrificed their lives on September 11 two years ago.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 1 p.m.

Whereupon, the Senate, at 11:44 a.m., recessed until 1:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

DISAPPROVING FEDERAL COMMUNICATIONS COMMISSION BROADCAST MEDIA OWNERSHIP RULE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 17, which the clerk will report.

The legislative clerk read as follows:

A Senate Joint Resolution 17 (S.J. Res. 17) disapproving the rules submitted by the Federal Communications Commission with respect to broadcast media ownership.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin with a brief opening statement about why we are here and what brings us to this point. My colleague from Arizona, who will speak in opposition to this resolution of disapproval, is here to make a presentation and my colleague with whom I have worked on this resolution of disapproval, Senator LOTT from Mississippi, is here and will make a statement. I believe others will arrive as well.

Let me describe what we are doing. There is a provision in Federal law that allows the Congress to effectively veto a rule offered by a Federal agency under certain circumstances. This is called the Congressional Review Act. I call it a legislative veto. It is rarely used. In fact, this is only the second occasion on whicn it will be used. It requires 35 signatures of Senators to discharge a proposition from a committee and bring it to the Senate floor, with 10 hours of debate. Following the 10 hours of debate, there is then a vote on the resolution of disapproval.

The specific rule that brings us to the floor today with a resolution of disapproval is a rule by the Federal Communications Commission dealing with broadcast ownership rules. This is an issue that is controversial. It is highly charged and very significant. Some Members believe very strongly that what the Federal Communications Commission has done is horribly wrong for the interests of this country.

I said at the Commerce Committee when we discussed this, especially in the aftermath of the FCC making and announcing its rules, never have I seen a Federal agency that is supposed to be a regulatory agency cave in so quickly and so completely to the large economic interests. That is exactly what I think has happened. It has happened at the expense of the public interest.

The foundation of our democracy is information. The free flow of information is what nourishes and refreshes this democracy of ours. When what the American people see, hear, and read is controlled by fewer and fewer interests, in my judgment, it is detrimental to this government and to our country.

The ruling by the Federal Communications Commission says, among other things, this will be just fine in the future: in America's largest cities, one single company can own the dominant newspaper, the dominant television station, and two other television stations, eight radio stations, and the cable company in that same town. It is just fine. And they can do it in that town and another town and another town and another town, and that is just fine, according to the FCC rule.

Pardon my expression, but I think that is absolutely nuts. It is not fine—not fine with me, not fine with a good many of my colleagues. What we design to do is to pass a resolution of disapproval in the Senate to say to the Federal Communications Commission: Do it over, and do it right.

The Federal Communications Commission held only one public hearing before embarking on the largest rule change in the history of this country with respect to ownership of broadcast properties. Having held only one hearing, they then said: Well, let's do this Katie-bar-the-door approach to allowing the additional concentration and this new orgy of mergers that almost certainly will occur as a result of this rule. They said: Let's allow newspapers to own television stations in the same town, have the same television stations and radio stations marry up.

We know what has happened since the 1996 act. Ownership rules have changed; we have seen galloping concentrations. One company in this country now owns nearly 1,300 radio stations. In one city in North Dakota, we have eight radio stations. One of them is a religious station, one is a public broadcast station, and six are commercial stations. All six are owned by the same company.

I ask my colleagues, does anyone think there is a public outcry in this country for the need to have more concentration in broadcast ownership? Has anyone heard that public outcry? I have not.

The airwaves in this country belong to the American people. They do not belong to the broadcast companies. They do not belong to a television or radio company. They belong to the American people. We license them for use by companies that want to send a television or radio signal and we say that, attendant to that use, you have certain responsibilities and obligations: Competition, diversity, and localism.

What does localism mean? It means we anticipate that when you have a property to broadcast radio or television signals in your local community, you have a responsibility to that community to broadcast some of those local basketball games, talk to the people in the community about the local charity event this weekend, tell them about what is happening on Main Street. That is localism.

What do we have these days? All too often we have the concentration that has developed in all broadcast media. Now we have something instead of localism; it is called voice tracking.

Do you know what voice tracking is? With this massive amount of mergers, with one company owning many stations, voice tracking is that which occurs when you drive down the street in Salt Lake City, UT, and turn on your dial on the radio station and hear someone saying, "It is sunny out here in Salt Lake City this morning," and that person may be in a basement in Baltimore, MD, broadcasting from a broadcast booth. Do you know what that is called? Voice tracking; ripping a sheet off the printer from the Internet that shows the sun is shining in Salt Lake City so they can pretend they are broadcasting from Salt Lake City, UT, from a Salt Lake City station, when in fact they are not 1,000 miles near Salt Lake City, they are halfway across the country pretending there is some local element to that radio station.

That is not moving in the public interest.

As we engage in this debate, I want someone to tell me that localism is old fashioned. I want someone to tell me that what I consider to be a transcendent truth about the value of requiring localism in exchange for being able to use the airwaves with a radio or television license is somehow an old-fashioned value. For me, it is not.

There is so much to say about all of this, and I will speak at great length, but I have a chart that shows where we are with respect to these broadcast properties these days. I will not attempt to tell you about all of this, but the News Corporation, of course, is Fox and Rupert Murdoch; Clear Channel; Viacom; Disney; AOL/Time Warner. Let me use Disney as an example: Ten television stations, including in New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Raleigh, Fresno, Flint, Toledo; 53 radio stations. The ABC Network, Disney Channel, ESPN, A&E, SoapNet, History Channel, Lifetime, Disney Pictures, Touchstone, Hollywood, Caravan, Miramax. It goes on and on and on.

People say: What is the big deal here? We have so many more outlets in which you can get information. We now have the Internet. We didn't used to have that. You have so many different outlets. Do you know something. Go to your cable system and find out who owns the major channels. The same people. Go to the Internet and find out who owns the top sites on the Internet. The same people.

So you have many different voices; yes, from the same ventriloquist. Many voices, one ventriloquist or two or three or four—at least fewer ventriloquists in terms of what the American people see, hear, and read.

I do not accuse the Federal Communications Commission of bad faith. I happen to like the Federal Communications Commissioners. I believe I know all of them personally. The chairman is someone I have had lunch with a couple times. I like him a lot. I just think they have made a horrible mistake, and I think they did it without the due diligence that is required of those in a regulatory commission position.

We expect them to be the referees of sorts. We expect them to wear the striped shirts with the whistles that say: We are here to call the fouls. We are here on behalf of the public interest to call the game. The fact is, this regulatory agency did exactly what the big economic interests and the broadcasting industry wanted. And they did it cleanly and quickly, with minimum nuisance of public participation. There was only one hearing in Richmond, VA.

Well, they did get three-quarters of a million pieces of mail and communications over the Internet saying: Don't do this. It is against the public interest. But it did not matter to the FCC. They did it anyway.

As a result, I hope this Senate will send a message to the Federal Communications Commission: This rule is a bad rule. This rule opens the gates to massive additional concentration, mergers, and acquisition to fewer and fewer companies owning more and more properties, at least in the circumstance with respect to broadcasts and newspapers. And, by the way, they also eliminate the ban on cross ownership. At least in this circumstance, we don't think it is in the public interest. That is what I hope the Senate will tell the Federal Communications Commission today.

By this vote, it will be the first step—a big step—in a process of saying to the Federal Communications Commission: We in Congress veto this rule. You must go back and do it again. Do it over and do it right.

Mr. President, I have a lot to say today, and I know my colleagues do as well. But I think in the interest of time, having described why we are here, and the origin of this effort, I will yield the floor. My colleagues from Arizona and Mississippi want to make presentations, following which I will again then amplify my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my colleague from North Dakota for, as always, informing, and sometimes with very startling information. I still find it very difficult to understand the situation that happened in his State. When there was a toxic spill, and the radio stations were attempted to be contacted to alert the population, the citizenry, there was not a single soul in any of the six radio stations. All the broadcasting was done from somewhere else. That, obviously, was not the intent of the law, the intent of Congress, nor, indeed, the intent of the Federal Communications Commission. But these examples happen today.

I rise to speak in opposition to S.J. Res. 17, which has already been described by my colleague from North Dakota. As a result, pursuant to the Congressional Review Act, these rules would have no force or effect, and the FCC would not be able to adopt any similar regulations until Congress authorized the Commission to do so.

I share many of the concerns expressed by my friends from North Dakota and Mississippi. I oppose the resolution because I believe that rejecting the rules without providing further guidance is not an appropriate congressional response. In addition, the nullification of all of the FCC's new media ownership regulations is, in my opinion, too sweeping.

Whether we agree with them or not, the FCC's actions are a direct result of the direction given to it by Congress in the Telecommunications Act of 1996, which should have been called "Leave No Lobbyist Behind Act of 1996."

And might I add, as we are all responsible for our votes, my colleague from North Dakota voted for that bill, as did my colleague from Mississippi. I voted against it. I voted against it because I thought it was an outrageous exercise of lobbying power and special interest power and would have enormous unintended as well as intended consequences; and the unintended consequences we are dealing with today.

So let's be clear, all of my colleagues, what is the genesis of this problem. That is the 1996 Telecommunications Act. I say so because the DC Court of Appeals vacated the 35-percent cap and remanded it back to the FCC. The DC Circuit Court of Appeals found that:

> Congress set in motion a process to deregulate the structure of the broadcast and cable television industries [in the act].

In fact, the court—I think very appropriately—characterized the 1996 act's deregulatory tone as not subtle but quite explicit, likening it to "Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'" That is how the court described the 1996 deregulatory act that my colleagues are on the floor now examining and wanting to reverse.

Let's at least take responsibility for our action that set this train in motion. I agree with my colleagues, particularly on the issue of radio. When there is an example such as what happened in Minot, ND, and testimony before our committee that there is an organization, Clear Channel—let's say who they are—that owns, as the Senator from North Dakota mentioned, 1,300 radio stations, the ticket sales, the promotions, and the concerts—artists have come to us and stated unequivocally that they have been basically blackmailed and told to do concerts at a certain place or their works would not be played on the radio stations.

Now, I can't prove that. I am only telling you what information was given us. So we have a tough situation.

The resolution offers neither congressional direction for the FCC's next review of these rules nor a remedy for the infirmities of the existing statute that pushed the FCC to its recent decision. Moreover, the resolution would throw out the entirety of the FCC's action, including some rules that would actually tighten radio ownership limitations. Finally, the resolution could result in significant uncertainty about the status of the FCC's media ownership rules.

Let me mention one other thing before I go into a little bit more about this process.

As usual, unfortunately, tragically, the Appropriations Committee has now gotten into the act. The Appropriations Committee, I understand, on the Commerce, State, and Justice appropriations bill is now going to remove the provision of 35 to 45 percent media ownership, but they are not—they are not—going to touch the cross-ownership aspect of the rules that the FCC issued. Why? Why would that be?

Well, my dear friends and colleagues, I only know one reason: The National Association of Broadcasters supports the 35 to 45 percent and opposes the cross ownership. Which is worse, that a conglomerate owns now 45 percent of the television stations in a market, or a conglomerate owns three televisions stations, the newspaper—the Los Angeles Times—the Internet, the cable company, and 8 radio stations? That is okay according to the Appropriations Committee. But they are going to take care of the 35 to 45 percent aspect of it and jam it into an appropriations bill, by the way, without a hearing before the Appropriations Committee, as usual.

The Commerce Committee acted with a piece of legislation that is on the calendar. S. 1046, which passed through the committee, addresses the entire issue. Do you think we will get S. 1046 before this body before this year ends, my friends? No. But we will have to fight like blazes a one single shot provision that has been placed in an appropriations bill, in clearly a gross excess of their responsibilities, which are to fund authorized programs.

So I guess if there is any lack of cynicism amongst my colleagues about this whole process we are undergoing right now, any lack of cynicism should be dispelled by the actions of the Appropriations Committee.

Whether we agree with them or not, as I mentioned, those actions are a direct result of the 1996 act.

In short, if the Congress is unsatisfied with the result of the FCC review, it should step in to provide new direction. Simply saying, "You got it wrong, try again," in my view, is not an appropriate response.

Although they are not provided in the resolution before us, new directions to the FCC have been provided and reported out of the Commerce Committee. The bill is on the Senate calendar awaiting action. The bill would establish explicit, sustainable media ownership limits while preserving new radio ownership rules tightened by the FCC in its June 2 order.

While I don't support the resolution, I do support S. 1046. I have not always supported retaining strict limits on media consolidation, and in the past I have spoken frequently about the merits of deregulation of media markets. Over the years, I have written letters to the FCC insisting that they deregulate in this area of media markets. Moreover, even a few years ago, I offered legislation to raise the national television station ownership cap to 50 percent and to eliminate limits on newspaper and broadcast cross-ownership. I continue to believe in the principle of allowing markets, and not government, to regulate the way businesses operate.

After chairing seven hearings on media ownership and observing unprecedented public outcry, it is apparent to me that the business of media ownership, which can so affect the nature and quality of our democracy, is too important to be dealt with so categorically. As a result, I have come to believe that stringent, but reasonable, limits on media ownership may very well be appropriate.

It is a testament to the vitality and health of our democracy that the public mobilized to defend what they perceived as a challenge to this democracy. If Congress is displeased with the Commission's new rules, however, we must accept some responsibility for them. Congress and the courts gave the Commission little choice but to deregulate the media industry. When the D.C. circuit court of Appeals vacated the 35 percent cap and remanded it back to the FCC for further consideration, it found that "Congress set in motion a process to deregulate the structure of the broadcast and cable television industries" in the Act. In fact, the court characterized the 1996 Act's deregulatory tone as not subtle, but quite explicit, likening it to "Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'"

Led by the able chairman, Michael Powell, the Commission followed the direction of Congress and the courts. The commission incrementally increased the network ownership cap to 4.5 percent finding that a "modest relaxation of the cap will help networks compete more effectively with cable and DBS operators and will promote free, over-the-air television by deterring migration of expensive programming to cable networks."

I ask unanimous consent that an article by Michael K. Powell that appeared in the Wall Street Journal this morning be printed in the Record.

There being no objection, the material was ordered to be printed in the Record as follows:

[From the Wall Street Journal, Sept. 11, 2003]

And That's the Way It Is

(By Michael K. Powell)

The days of free television may be numbered. We are in the midst of change that is having a dramatic effect on how we watch television. Consider how much the television landscape has altered in the past two decades. It used to be that the "big three" networks, ABC, CBS and NBC were just about the only game in town. In those "glory days" of television, when Walter Cronkite left us each night with his famous "And that's the way it is," the big three were "the only way it was"—our only sources of television programming. If you wanted to watch sports you turned to the big three. Want to watch the movie of the week? Turn to the big three. Saturday morning cartoons? Turn to the big three. With over 80% of the viewing audience watching free TV, it was good to be a broadcaster.

Today, much of the high-quality sports (ESPN, Fox Sports), movies (HBO, Showtime, Starz, Independent Film Channel), mini-series (Hallmark Channel), documentaries (History and Discovery Channels), children's programming (Nickelodeon, Disney Channel, Cartoon Network), minority-oriented programming (BET, Univision) and breaking news (CNN, MSNBC, Fox News) can be found on pay television. The migration of top programming to pay television is demonstrated by the fact that cable, for the first time, surpassed broadcast television in all-day viewing share and this summer cable claimed an all-time high 60% of the prime-time television audience. And the quality of programming now on pay television is embodied in its unprecedented success in recent Emmy awards and nominations.

Why is this happening? For those in the business of pay television, there are two main sources of income, subscription fees and advertising. Free television has only one source—advertising. As the cost of quality programming increases ("Friends," for example, costs a reported $10 million per episode), so too does the pressure to place those shows on cable or satellite. To stem these rising programming costs, free television has turned to low-budget programming such as reality shows and daytime talk shows.

Moreover, producers and creators of television shows often are lured to the greater creative freedom of pay television. Pay television programmers enjoy greater first amendment protection against government content regulation than their broadcast counterparts. This is why a show like "The Sopranos," too risque for the big three networks who passed on airing the series, can be enjoyed by millions each week on HBO. It also allows the possibility of running a show commercial-free. For us viewers, pay television offers programming that is tailored to our personal interests, be it 24-hour tennis, golf, news, history, food or game shows. On free television, we get television created for the masses, on a date and time of the network programmer's choosing.

To survive, free TV must improve its competitive position against pay television and find a way to innovate and offer personalized television experiences that today's viewers have come to enjoy and expect. The future of free television is, at best, uncertain and, at worst, in peril.

The shift to pay television and the value it has brought to the television viewer over the course of the last 20 years begs a question—do we even need free television? From a public policy perspective, I believe the answer is yes—we absolutely need to maintain a viable free television service for the welfare of our citizens. Free broadcast television remains an important service for those citizens that cannot afford pay television. Additionally, free television continues to play a vital role in informing the public during national and local emergencies and in serving the interests of their local communities.

That's why this past June, the FCC passed a new set of broadcast ownership limits, modernizing a regulatory regime that was made for the bygone era of the big three to reflect today's dynamic media marketplace. Those rule modifications were made, in part, to strengthen free television to give it a chance to remain viable for our citizens to enjoy for decades to come. For example, by setting a slightly revised national television ownership limit, the FCC will help the networks attract and maintain quality programming, from the World Series and Olympics to the next great TV series like "Everybody Loves Raymond" or "The West Wing." Other rule changes, such as allowing cross-ownership or the ownership of more than one local television broadcast outlet in some markets, will bring consumers more and better quality local news coverage and will help fund the transition to high definition digital television, potentially giving free television the ability to provide new innovative services to the public well into the 21st century.

These changes have been under attack from some in Congress. A rush headlong into re-regulating free television is afoot, and if successful, would prove disastrous. Bringing free television into a more hostile regulatory environment will continue to drive investment to pay television and drive more sports and creative programs to pay television. It may just drive free television to pay television altogether, as Bob Wright, CEO of NBC, once suggested that he might shut down NBC and simply move it to cable. Moreover, in its wake, this hostile regulatory climate will stymie the transition to digital broadcast television leaving broadcasters with ill-suited analog tools to work in a digital world—in turn denying the American public the use of a primary spectrum for future wireless innovation and services.

Free television will not disappear tomorrow. Many remain profitable with low budget reality shows and other programming. In the face of increasing competition from an ever expanding array of pay television programming, however, the government must be careful not to hasten its demise. Free television has been an important service to the American public for over 50 years. If our efforts do not provide free television with the ability to better compete in today's vibrant media marketplace, we risk losing its services for the next 50 years. And that's the way it is.

Mr. McCAIN. Mr. President, two networks, Viacom/CBS and News Corp. have been operating at almost 40 percent for almost 2 years now due to stay from courts and waivers from the FCC. The Commission also relaxed its cross-ownership rules by permitting combinations of multiple television, radio, and newspaper outlets in more American media markets.

The Commission had limited discretion in its decision-making process. We, however, do not. If Congress is displeased with the results of the Commission's review, it should legislate a solution, not just disapprove of the Commission's actions. Unlike the Commission, Congress consists of elected officials who must consider the views of the American public, not court mandates and statutory directives, when tackling difficult questions like the ones posed here.

The public has strongly voiced its dissatisfaction with the new rules. The Commission received more public comments about its media ownership proceeding than any other proceeding. My office continues to receive numerous letters, phone calls, and e-mails from the public addressing the new rules. As representatives of the public, Congress should take a lead role in examining these rules, and if necessary, crafting new limits.

As William Safire wrote recently in an Op-Ed piece in the New York Times, itself a large owner of several media outlets: "The effect of the media's march to amalgamation on Americans' freedom of voice is too worrisome to be left to three unelected commissioners. This far-reaching political decision should be made by Congress and the White House, after extensive hearings and fair coverage by too-shy broadcasters, no-local-news cable networks and conflicted newspapers."

In discussing this resolution, we must also be mindful that its passage would roll back all of the FCC's rules, even those that tightened radio ownership limits. The Telecommunications Act eliminated the national radio ownership cap thereby allowing one company to grow at an unprecedented pace from 40 to more than 1,200 radio stations, including ownership of 6 of the 7 commercial radio stations in Minot, ND. At a hearing before the Commerce Committee, all five FCC Commissioners agreed that the consolidation of radio that has occurred in local markets has been excessive.

This brings me to the issue we must continue to discuss and to which I don't know the answer: How much is too much? In my home State of Arizona, Gannett owns a newspaper and a television station. Is that bad? I have seen no ill effects of it. I have seen no consolidation problems, no collusion between the two, no problem with the citizens of my State receiving correct and accurate and unbiased information. What if Gannett owned two television stations, or three stations or four stations? What is the point, I ask my colleagues—and that requires an incredible amount of knowledge, which I admit I don't possess, as to what the proper degree of media concentration is allowable.

Then you have a difference in markets. Minot, ND—with all due respect to the large population of North Dakota—I think has 27,000 or 37,000 people—higher than that. The valley which I was just describing has over 3 million people. So it is not only a problem of the criterion itself for ownership, it also has a lot to do with large or small populations.

I don't think a small town is going to have five television stations or eight television stations. So should the owner of the television station in Greenwood, MS, be allowed to own the newspaper? Is that control there? That may be excessive. But in Phoenix, AZ, ownership of one television station and a newspaper clearly is not of significant impact.

So this is why it is important that we continue to examine these issues carefully and try to get the best knowledge and information we have.

But I think there is one area of agreement, whether we succeed or whether the proponents of the CRA succeed: There is too much concentration in radio. I know of no credible person who disagrees with that. While it received little credit amid the outcry against the regulations, the FCC attempted to address this problem by prescribing new market definitions designed to tighten the limits on local radio ownership.

This resolution would therefore have the perverse consequence of eliminating efforts taken by the Commission to strengthen its radio ownership rules—a move that surely would be applauded in the corporate offices of large radio station groups that hope to perpetuate their ability to benefit from existing loopholes. Moreover, the resolution would limit the FCC's ability to reinstate its more stringent radio market definition, because the CRA precludes the FCC from adopting rules "in substantially the same form" as those that have been disapproved without further direction from Congress.

Finally, the use of the CRA in the present case will create a regulatory void likely to be filled only by uncertainty about the status of the FCC's media ownership rules. The absence of an affirmative Congressional directive will cast considerable doubt on the enforceability of the FCC's previous rules, given that one of the FCC's previous attempts to retain the rules was found by the D.C. Circuit to be arbitrary and capricious, and another was found not to have justified that the rules are "necessary in the public interest." In both cases, the D.C. circuit remanded the rules to the FCC and directed the agency to either articulate a justification for retaining the rules or modify them. The lack of an enforceable FCC order will leave these court orders unanswered, risking additional court action that relaxes the rules even further, or even invalidates them entirely.

Moreover, passage of this resolution would appear to set up the FCC for failure when conducting its next biennial review in 2004. In that proceeding, the FCC will likely have to justify its new rules before a court that has stated that the Telecommunications Act sets in motion a process of deregulation, while remaining mindful of Congress' disapproval of its 2002 Biennial Review. Chairman Powell has stated that the courts placed "a high hurdle before the Commission for maintaining a given regulation, and made clear that failure to surmount that hurdle, based on a thorough record, must result in the rule's modification or elimination." Moreover, the Commission will also be forced to explain how it reached a different conclusion after previously having made extensive findings that undercut the network ownership cap and cross-ownership limits. Whatever action the Commission takes will be ripe for challenge by an unsatisfied party.

These rules have been mired in litigation for too long. If Congress believes that it is appropriate to retain certain ownership restrictions under today's market conditions, then it should pass legislation explicitly stating so. Again, S. 1046 is the appropriate legislative vehicle to achieve this goal.

The Commission did its job by promulgating new rules after completing an intense twenty-month review. During that time the Commission reviewed twelve studies it commissioned to gather empirical evidence on the media industry, and studied over 500,000 public comments to better understand the media marketplace. As Mr. Safire suggested, it is now time for Congress to do its job. Congress has spent the past few months studying the previous rules, digesting the new rules, and holding multiple hearings on this issue. I have come to appreciate the importance of appropriate limits on media ownership. The media has a tremendous impact on the everyday lives of all Americans. By selecting and framing issues and ideas and promoting public discourse, the media facilitate a critical function in our democracy. It is now time for Congress to offer guidance, not simply reject the FCC's rules.

My decision to oppose this resolution has been a difficult one for me, in large part, because I hold the senior senator from North Dakota in such high regard. I commend Senator DORGAN for his leadership in bringing the issue of media ownership to the attention of his colleagues. Earlier this year, he raised the now-famous issue of radio ownership in Minot, ND, in the Senate Commerce Committee. That issue was the catalyst for the Committee's subsequent review of media ownership, which included seven hearings this year. Few, if any, members of the Commerce Committee or the Senate understands the intricacies of this issue better than Senator DORGAN.

Finally, I thank colleagues for their interest and involvement in this issue—especially three colleagues on the Commerce Committee: Senators WYDEN, LOTT, and DORGAN. They have been incredibly involved in these issues. We have had some of the best hearings I have ever participated in on these issues. I think we have contributed not only to the knowledge of our colleagues but to that of the American people.

I want to commit, no matter how it comes out today, that we will continue to bring the Commissioners before the committee, bring the smartest people we can find before the committee, and move forward in an orderly legislative process. I hope one of the things we can do as early as possible is get consideration of the legislation that we passed through the committee, after careful deliberation and discussion and a very spirited markup.

So I thank my colleagues. I think this is an important part of the debate and, for sure, we will be discussing this issue for a long time.

I ask Members to vote against S.J. Res. 17 but support passage of S. 1046.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in support of this resolution which would disapprove the new media ownership rules passed by the Federal Communications Commission on June 2 of this year. I must say, in listening to the chairman of the Commerce Committee, I share a lot of his concerns and questions. I know from my discussions with him, and he knows, we need to do more in this area, and he believes the FCC ruling may not have hit the target in every area. He makes a good case about the difference in the size of the markets, from Phoenix to Jackson, to Minot, and other areas. Maybe he has touched on the answer. Maybe we need some sort of a tiered arrangement.

I think in this case the fundamental policy is the one that really matters; that is, cross-ownership is not good. I think there are things you lose when you have the same newspaper chain owning one or two or three of the local radio stations and the same number of local television stations.

I have a background, to a degree, in radio. My mother worked for a local radio station, WPMP/WPMO, which served Pascagoula and Moss Point. She was a bookkeeper. She did the logs, and then she did some announcing. She was the first woman's voice I had ever heard on a radio. And I did a program in high school for the local high school. This station was local, personal, and involved in the community. They were part of the community, and they were involved in the Chamber of Commerce. They had remotes, and if you opened a new furniture store on Market Street, they would go down there with a remote and would say: Come down to see the new furniture store here and maybe win a lamp. It was very personal.

We have lost that involvement. I have a different attitude than Senator MCCAIN in my thinking: It's OK to have these big radio chains, but I have to acknowledge that we have lost something in the process. We have lost some localism. We don't have any in my hometown anymore. WPMP and WPMO have limited exposure. I don't know who owns them. If you want local news, you have to listen to a radio station 19 miles away in Biloxi, WBMI.

This is my question: If that has not worked out, if there are consolidations, if one or two companies own an overwhelming number of radio stations, do we want that to happen in television? We already have all these chains that gobbled up our local newspapers. I don't know where these people come from or get their ideas that come in with these big chains. They worry me about some of the things they do and their idea of how they should report the news in local communities.

I have a real problem with what happened at the FCC in this instance. I want to emphasize this: This is not a newfound position. This is a position I have had for basically 30 years in Congress.

First, I am not one who thinks big is always bad. I don't believe we have to keep it small. I want the American people to have more of everything—more choices, more opportunities, more diversity, more competition. That is great. I am all for that.

I am also one who has voted many times for deregulation. It has not always worked out perfectly. I am not as theoretically pure on deregulation as I used to be. I voted to deregulate trucking and deregulate the airlines, and I am for deregulation as much as possible in this area. But this is a little different now. This gets into First Amendment rights. It does get into the airwaves and who owns them. It does get into what happened with the networks and the chains.

Do the American people really feel good about what is happening with the media in America? No. Check the polls. Check the people.

This very morning I talked with my mother. She is 90 years old. She said: You weren't born in the backwoods.

I said: What are you talking about?

She said: You were born in Grenada Hospital, a small town, but it wasn't the backwoods, and they always make it sound like you are Abraham Lincoln coming out of some log cabin, which is fine, I like that politically. But my mother was offended that they had reported incorrectly as to my background.

I said: Mother, relax, nobody pays attention to that. These people write stuff they think will make the story sound more interesting, embellish the truth. You know that. This very morning we talked about this.

This is not about personality. This is not about revenge. This is not about prevailing in a position. This is about doing what is right and in the best interest of the American people.

I recommended the Chairman of the FCC Michael Powell to President Clinton for a Republican vacancy when I was serving as Majority Leader. That was my prerogative. That is the way we worked things out with President Clinton and, by the way, he had been recommended to me by Senator McCAIN. This is not about personality. I like the Democrats and Republicans on the FCC. I find them to be highly qualified, good people. I just think they missed the target this time. By the way, who has the ultimate say for the American people on something such as this? Should it be these Commissioners? Should it be this agency? Or should the Congress have a little say in this? Shouldn't we at least have the right to say: Wait, this is a dangerous thing for freedom, information, and democracy in America. Go back and do it again. We have that right. In fact, I think we have that responsibility.

This is not partisan. In fact, there are 20 cosponsors, or more, of this disapproval resolution. I know for sure in addition to myself there is Senator HUTCHISON from Texas, Senator SNOWE from Maine, Senator COLLINS from Maine, and Senator ALLARD from Colorado and Senator CHAMBLISS from Georgia both signed the discharge petition for this resolution. So you see there are Republicans and Democrats, small State Senators, big State Senators. Colorado, Texas, and Georgia are not exactly small places.

By the way, they have seen some pretty interesting examples of what happens in Dallas or Atlanta with that sort of consolidation.

What would this disapproval resolution do? If it is passed, if it gets through the Senate and House and the President signs it, the FCC will have to take another look. They might come back and say: We will do these modifications or we will go with half of this or not all of this, and they may need more action from the Commerce Committee and from the Congress. Great, we can do that. The President may veto this resolution. I think that would be a mistake.

We are coming at this issue on all fronts. We are going after the issue with a resolution of disapproval and we will go after it in the appropriations bill, if we have to. I prefer we do it through the authorization bill, as Senator McCAIN said. I don't like the Appropriations Committee always having to do our work because we will not or cannot find the time to get it done.

The Commerce Committee voted. We reported out S. 1046. I am a cosponsor of it. Senator STEVENS of Alaska is for that bill. I believe Senator McCAIN said he would be supportive of that bill. If we fail here, we will be back here, there, and everywhere because this is a very critical issue.

Let me go back to the process. I was worried when I saw this developing. I had a feeling it was not going right. The proof was that we were having trouble getting information about exactly what they were going to do.

On April 9, 2003, I joined a large bipartisan group from Congress in sending a letter—most of the signers are on the Commerce Committee—to Chairman Powell and the Commission saying we were disappointed that the FCC-revised ownership rules would be released in final form June 2 without any opportunity for the Congress or the public to review them beforehand, in effect saying: Wait a minute, have more hearings; come see us about this. They pretty much summarily ignored that letter.

I ask unanimous consent that this letter to the Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 9, 2003.

DEAR CHAIRMAN POWELL: We note with disappointment your announcement that the FCC's revised media ownership rules will be released in final form June 2nd without any opportunity for the Congress or the public to review them beforehand. We believe it is virtually impossible to serve the public interest in this extremely important and highly complex proceeding without letting the public know about and comment on the changes you intend to make to these critical rules.

While the Commission and its staff have amassed a significant record of comments to date on current media ownership rules, the Commission has not put forth any specific changes it is planning.

Dramatic changes in the structure of our media marketplace could have long-term consequences on the diversity of voices and free expression in our nation. Given the gravity of this proceeding, we are puzzled as to why the FCC would not insist on having a thorough discussion about any proposed changes before these would take effect. Openness in this process is the best path to ensure that Congress and the public support the agency's direction.

We again urge the Commission to provide full disclosure of any proposed changes before they are made final.

Sincerely,

Olympia J. Snowe, Byron L. Dorgan, Ernest F. Hollings, Trent Lott, Kay Bailey Hutchison, Daniel K. Inouye, John D. Rockefeller, Ron Wyden, Barbara Boxer, Bill Nelson, Maria Cantwell, Frank R. Lautenberg, Susan M. Collins, Patty Murray, Wayne Allard, U.S. Senators.

Mr. LOTT. Mr. President, I don't think they reached out and listened enough. I know the committee was worried about it. Then they—poof—made their decisions, and then they came before the Commerce Committee to explain it. I have to tell you, I scratched my head at some of their explanations, particularly their explanation of the media ownership cap at 35 percent and why it should be raised to 45 percent. The 35 percent cap is a position I supported back in the midnineties and earlier. We had a huge debate as to whether it should be 25 or 35. Senator DORGAN wanted 25. I think I supported that, but we finally went along with 35 percent.

When questioned on that issue, the chairman said something to the fact that a couple of the networks are above or at this cap now so we should raise it to 45. Does that mean when they get to 45, we are going to raise it to 55? I admit we can have disagreements on the cap. Maybe it should be this level, a little higher, a little lower. I would rather have no caps than have this creeping raising of caps.

Should we have some restraint on the reach of one network owned by these corporate giants? I think so. Am I mad at one network or the networks versus the cable? No. This is ABC, CBS, NBC, CNN, Fox—it is all of them. I just think that some limits are appropriate, which would give a greater variety of voices—and also I worry about more and more dominance by the networks.

Local affiliates, if you get them off in a corner, say they don't want the cap to be raised. Local affiliates say: We don't like a lot of the programming; it is trashy, worthless; we would rather have local programming. Boy, they have trouble now. You don't think the networks don't tell them: You are going to run what we send you in Jackson, Mississippi, or Portland, Oregon, or a small town in Oregon? I don't like that.

Again, localism is good for the people—some choice, some discretion. That is one of the things at risk here.

Let me emphasize, we have an unusual alliance on this issue. We have the Actor's Equity Association. I generally don't team up with actors, other than in the Senate. We have the AFL-CIO, the National Organization for Women. Then we get over to the Family Research Council and the National Rifle Association. This is the far, far, far left and the far right, and everything in between, I think.

Here is an interesting thing about this alliance. This is a diverse group, and they generally represent people, individuals. That is why they have had this avalanche of mail at the FCC opposing these regulations. I understand perhaps it is the largest number of comments to the FCC of any issue in history. The groups here represent individuals, generally speaking, not big or corporate interests. I like being identified with those people.

I like worrying about what the fishermen in Biloxi, Mississippi, are going to be able to hear and see, and that they have choices. So this is a very important issue and it is one we should act on.

The Majority Leader has been very cooperative with this. He could try to maneuver this around or push this off, but he was reasonable, as was Senator DORGAN, and I am glad to be involved in this effort.

I do want to emphasize that personally I am less concerned about the cap than I am about the cross-ownership. I think we ought to repeal the new rules as to both, but my major worry is this consolidation of newspaper, television, radio, cable, the works, and how in towns the size of Jackson, Mississippi, one entity is controlling everything. I do not know that it is that dangerous to people. People are smarter than we are, and the media, for sure. They would just watch it, dismiss it, and not put much stock in it, but I would still like for them to have that choice.

By the way, we should note that the court has also stepped in. The Third Circuit Court of Appeals in Philadelphia placed an injunction, a stay, of the new rules so Congress could have more time to officially override them if we see fit. That is what this is all about.

I do not think anybody should be apologetic for supporting this or worried about what the impact is. This is part of the process. I do not want to get all caught up in process, but I think what is at stake here is bigger than process. This will have long-lasting effects, and once we start down this trail unwinding that Gordian knot we would be tied to in community after community in America, it would be difficult, if not impossible, to do something.

I urge my colleagues not to worry about the personalities, not to worry about the threat of a veto, not to worry about the threat of a network or a newspaper or a chain. What can they do to each and every one of us that they have not already done? Worry about what is at stake, and it is really fundamental. This gets to what makes this country great, and that is the ability to have diversity of opinion and arguments, different points of view.

So I urge my colleagues on both sides of the aisle to step up, let us vote for this disapproval resolution. We put this process in place for a reason. We have been very careful about using it. This is only the second time in the history of this disapproval resolution process that it has been used, but this is a good one to do it on. I am delighted to join with my colleagues on both sides of the aisle in supporting this disapproval resolution and I thank Senator DORGAN for the courtesies he has extended along the way, and I am glad to work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise today in support of the resolution. I particularly want to commend my colleague from North Dakota, Mr. DORGAN, and our friend from Mississippi, Senator LOTT, as well, for their bipartisan efforts.

I believe I have sat through every minute of these hearings because I believe what the Commerce Committee has been looking at is extraordinarily important. I want to take a few minutes today to outline for the Senate and others who are just beginning to get involved in this issue what I think is at stake.

First, I think it is important to be clear about what is ahead. In my view, the big media conglomerates want to make a meal out of the Nation's small media outlets, and I believe the Senate needs to step in and cancel this feast. That is what this resolution would do and why it is so important.

I would like to begin, in discussing this issue, by talking about the fact that the Senate has been down this road before. In the discussion with respect to radio, there was considerable debate about the deregulation of radio at the time. Extensive testimony was taken. Arguments were made that this was an experiment that should be allowed to go forward. In 1996, the Congress relaxed the limits on radio station ownership. What we heard during our hearings, and I asked Chairman Powell about this specifically with respect to radio, was truly alarming.

Chairman Powell, under questioning that I engaged him in in committee, admitted now there was a problem with respect to concentration of radio. Chairman McCAIN attested to it as well this afternoon. So the challenge now for the Senate is to make sure the Senate does not allow a repeat of the failed media experiment.

What went on in radio is something that has not worked. It is an experiment, where the drawbacks outweigh the advantages. The Senate has an opportunity to make sure that the failed experiment that has taken a toll on localism, choice, and diversity across this country is not to be repeated. In my view, it is the centerpiece of the argument as to why this resolution is so important.

There are not a lot of rallies outside the offices of Senators for big media kind of feeding frenzies. All of the input has essentially been the other way. The public has been concerned that as the conglomerates get bigger, the diet of news in particular is going to get blander and certainly less diverse and less locally oriented and more mass produced.

We have been very troubled about what we have seen in our home State of Oregon. In Eugene, OR, for example, a network affiliate wanted to shift around program time slots so it could offer the city's first 10 p.m. newscast. It was not going to cut programming. It was going to shift some of the schedules. The network said no, because they wanted to maintain what they described as a consistent nationwide distribution pattern.

As a result, Eugene residents still have no 10 p.m. news program even though the local station, a family-owned business, wanted to offer it.

The lesson has been clear. For the network, nationwide business judgments trump local interests. That is the story of what has happened in Eugene. The big networks may claim they are fully committed to localism, but in practice they behave differently than a truly local owner would.

When they came before the committee, I asked about this issue and they said, it is a free country. That local network affiliate does not have to take network programming 7 to 8, or 8 to 9, or 9 to 10. It is a free country. They can make their own choices.

Essentially, the freedom they have described for a local affiliate is the freedom to go broke. A local affiliate cannot, in effect, write off network programming for most of the evening because they are committed to public service news and the opportunity for citizens to be heard.

There has to be a balance. There has to be a balance between national judgments and local judgments, and I believe the Federal Communications Commission would skew that balance. They would skew it towards a media that was less sensitive to local concerns and local interests, and would be less diverse and offer fewer choices. I believe that is why these rules need to be maintained so as to have a proper balance rather than a skewed approach to media regulation in our country as the Federal Communications Commission's approach would do.

If we look at the media landscape today, it is pretty hard to argue that the Federal Communications Commission is holding the reins too tightly at present. Concentration is already on the rise in television, radio, cable, and newspapers. Viacom, News Corporation, AOL/Time Warner, Walt Disney, and others have amassed a very broad and extensive array of media properties, and it would seem to me that given the trend towards concentration at present, the current FCC's rules are even more important than before.

I think what it comes down to is that the Federal Communications Commission's approach is going to take a toll on several vital areas of the public's interest. I believe, for example, that the diversity of viewpoints in medium-size towns across the country will be reduced if the same company owns the local newspaper, the most watched television stations, local radio stations, and perhaps the cable system, too. We heard testimony to that effect in the Senate Commerce Committee.

If each of these media outlets at the local level are part of a big nationwide chain that is making programming decisions at corporate headquarters thousands of miles away, what is going to be the bottom line emphasis? Are those people at distant conference tables thousands of miles from our local communities going to put the kind of focus on local news and local programming that my constituents want? The evidence suggests otherwise.

With respect to creativity and independent content, if the local cable system, the local broadcaster, and the main satellite providers in effect are able to control substantial programming interests, we do have a way to preserve the kind of local orientation that our citizens feel so strongly about. If that changes, and I believe it would change under the Federal Communications Commission approach, I think what is going to happen in the future is everywhere independent programmers turn, they are going to be told by the national interests, by these national economic powers: Sorry, but we have to give preference to the programs that we produce in-house, rather than the local cable system, the local broadcaster, the main satellite providers who, today, offer so much creativity and diverse programming for local communities.

Finally, it seems to me that the Federal Communications Commission approach is going to take a toll on objective news coverage. With respect to news outlets reporting independently on issues that affect the parent companies, you ought to begin the discussion just by noting that ABC—and it has already been reported with respect to this matter—that ABC News, owned by Disney, quashed an investigative story on Disney theme parks. It seems to me that more cross-ownership is going to create more opportunities for conflicts of interest in news coverage and that will reduce the kind of independent reporting that has consistently been in the public interest.

A lot of the advocates for these changes, these powerful conglomerates, point to the idea that these are tough economic times; that some media outlets may be hurting. Their argument has been that it may be efficient, as they describe it, from a pure dollars and cents perspective, to allow different media businesses to combine their operations.

I would only say to those who make that argument that efficiency is not the only thing at stake in this debate. Sure, if all anybody cares about in the United States is efficiency, why not just have one single nationwide news bureau? They could run everything and people could say we sure have efficiency now. We wouldn't have all these reporters and commentators running around trying to beat each other and scoop each other and the like. But I think it is pretty obvious to Senators that would not be in the public interest because it would reduce diversity and reduce choice and reduce the kind of robust public debate that America wants.

So there are other values besides efficiency. That is the point of the current rules, that they help to balance these competing interests.

I will wrap up because I see other colleagues waiting to make their remarks. I think what has happened in this country, and with the FCC's set of initiatives in this area, is that the Federal Communications Commission has rung the dinner bell—they have rung the dinner bell for these powerful conglomerates who are out there licking their chops at the prospect of making a meal out of these small outlets.

As I said earlier, I hope the Senate, when it looks at the facts, when it looks at what has gone on in the failed experiment of radio—and I want to emphasize that—I think the Federal Communications Commission will say: All right, these big media companies are at the dinner table. They want to gobble up these small outlets.

I hope the Senate votes in favor of this resolution and cancels the Federal Communications Commission's feeding frenzy. I hope the Senate will do that when we vote next week.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Colorado.

Mr. ALLARD. Mr. President, are we under managed time?

Mr. DORGAN. I yield such time as he may consume to the Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today in support of the resolution of disapproval regarding proposed changes in the media ownership regulations by the Federal Communications Commission. I personally thank Senator DORGAN for his leadership on this issue, as well as the rest of the Commerce Committee for so vigorously exploring the potential impact these regulations would have on the nature and content of the American media. These issues are of vital importance to the public, and I am pleased to be part of this effort, utilizing the congressional review process to ensure that the rulemaking process reflects the public interest.

Frank Blethen, the publisher of the Seattle Times, eloquently testified before the Senate Commerce Committee earlier this year. Mr. Blethen stated:

> The America newspaper, large and small, and without exception, belongs to a town, a city, at the most to a region.

There is a certain pride and comfort to be taken from the notion that the media that so pervades our lives could be so rooted in focus and accountability. That comment reflects a core value that has led me to the position that I take today, that the Federal Communications Commission has proposed a series of historically broad rules changes that would make it easier for large media corporations to gobble up a greater share of local media, including television stations, in the same market.

The Commission, and those who already hold enormous control over the content of the press, claim that this will only enhance the ability of the media to meet the needs of the consumer. The world, they claim, has grown so large and so complex that only vast resources and centralized control can carry important stories across the globe. I respectfully disagree.

Consumers benefit from technology more today than in any time in history. In an age of satellite television and the Internet, I am not as convinced as some that the greatest hole in news coverage is the world beyond our region. The Consumers Union has correctly pointed out that the opposite is the case: Satellite provides no independent local news information and is struggling just to make local stations available to subscribers.

Radio provides another acute example. Prior to 1996, there was a 40-station national ownership cap in the radio industry. Today, Clear Channel alone owns almost 1,240 stations, and between one-third and one-half of all independent radio stations have been absorbed or run out of business, including many in Colorado. Suggesting allowing increased cross ownership does not strike me as a policy in the greatest interest of the public whom the FCC is chartered to serve.

The current generation of Americans has seen the number of independently owned newspapers dwindle from 1,700 to 280. As Commerce Committee Chairman MCCAIN noted this spring, this often equates to a loss of diversity of opinion in the pages of those newspapers with a common owner. I share the Chairman's opinion on this matter and am profoundly concerned with the homogenization of information being funneled in to local communities by multi-market media corporations. As Mr. Blethen stated in his testimony, the secret of the free press and vibrant public discourse depends upon voices in the communities themselves.

While those facts stand on their own, it is instructive to examine what we have witnessed in my home State of Colorado in recent years.

A number of family-owned newspapers in Colorado have recently been absorbed by a media giant, the Media One Corporation. In Northeastern Colorado both the Ft. Morgan Times and the Sterling Journal Advocate, as well as the Southeastern Colorado paper the Lamar Daily News, have gone from being locally owned family papers to being part of an enormous media machine headquartered far from those who rely on the news and information of those papers. I ask my colleagues, particularly those from States with large rural areas, what will happen to the information available in those communities if the rules are relaxed even further? Will those in Lamar, CO, receive all of their news from newspapers, radio and television outlets owned by the same company?

In my community of Loveland, CO, for example, I have seen a locally owned radio station become part of a syndicate of radio stations. We don't have the coverage of the local football games by the radio station anymore. We don't have local newscasters. A new station came in which was created by the city so you can tune into the station to get driving information in that small community in which I live. All of this was provided by a small radio station at an earlier time, before that larger conglomerate bought up that radio station in Loveland, CO.

This represents an enormous fiscal impact on large and small businesses as well as individuals, infringing on their ability to reach the consumers they relied upon for years. Those who can still afford to advertise are forced to pass these increased costs to consumers. It is important to note that this is the market today, without the new, more loose FCC regulations in effect. What will happen with newspapers and television stations are owned by the same corporation?

That is legitimate question. Capitol Broadcasting Company makes the following estimates for what will happen in Colorado under these proposed regulations:

One company could own six Colorado television stations.

One company could own an unlimited number of both daily and weekly newspapers in the Denver area or a combination of television stations and a majority of the print media.

The local cable company serving every Colorado home could be owned by one company.

The issue before the FCC and the Senate is not whether we need to re-debate the Telecommunications Act of 1996 or specific Joint Operating Agreements. The issue today is whether the public will be well served by another round of consolidation, particularly the wisdom of enhancing the ability of a large corporation to purchase broadcast outlets and newspapers in the same market. On several occasions I have contacted FCC Chairman Michael Powell to express my concern over the direction the FCC has taken and the speed with which it has moved.

In my opinion the FCC did not give the public nor Congress an adequate chance to comment on changes of such enormous consequence prior to the adoption of the new regulations.

I have been impressed and encouraged by the broad coalition of organizations expressing similar concerns over the FCC's press for action. The Consumers Union, National Rifle Association, Common Cause, the Traditional Values Coalition, CodePink Women for Peace, the U.S. Conference of Catholic Bishops, and the Future of Music Coalition are just a few of the organizations that share my concern for independent and diverse media in the United States. Given the actions of the FCC, we must carefully consider the prudence of these rule changes and the overall public interest at stake.

Reed Hundt, FCC Chairman during the passage of the Telecommunications Act, stated well the intention of the Congress. "The Commission's goal in this proceeding is to further competition, just as we seek to promote competition in other communications industries we regulate. But in our broadcast ownership rules we also seek to promote diversity in programming and diversity in the viewpoints expressed on this powerful medium that so shapes our culture." What we must encourage is locally driven news coverage as opposed to national news that attempts to find a local perspective. National news for the sake of simplicity or sensationalism never gives local communities the in-depth coverage they should have. Do we want top down coverage or bottom up coverage? I opt for local to national.

I feel much more comfortable with news stories originating out of my hometown in Colorado and then, on their own merits, rising to the national level. I am not particularly comfortable with national news being created and local stations trying to find a local perspective for the national headline. So I think that the top down is a bad alternative; the bottom up is the best approach.

It is my hope that this body will listen to the many voices that are asking us not to chart a dangerous, wholly business-driven course for media and consumers in the coming years.

The FCC would have been wise to maintain the existing commitment made to the public, facilitating greater opportunity for Americans to do business, seek information, and enjoy entertainment from a vibrant, diverse, and healthy media. The FCC has failed in doing this by passing a sweeping slate of rules that will do only one thing for certain: put fewer hands in control of the Nation's media. Thanks to the tool at our disposal, the Congressional Review Act, Congress has the opportunity to prevent these rules from going into effect.

I urge my colleagues to stand up and send a loud and clear message to the FCC by voting in favor of this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Presiding Officer.

Mr. President, and anyone who may be listening to this "debate"—which is really not a debate yet but probably will be a debate when we vote on Thursday when the time is allocated for Members to speak to present their positions on the resolution that is before the Senate—let us remind ourselves that the resolution that has been introduced, S.J. Res. 17, is a resolution to completely throw out all the work of the Federal Communications Commission that they have spent 2 years in crafting. That is not something this body should consider doing without a great deal of thought and understanding.

The Federal Communications Commission is a body of experts—people who have made careers of understanding the communications industry in this country—who are charged with looking after the best interests of the people of this country with regard to communications policy, and also to make sure that the system they devise, in keeping with what Congress has done, is a system that allows American industries to prosper, thrive, and to be successful in bringing about good communications to the people of this country, and at the same time try to create a level playing field that really balances the national interest with the public interest and with the interest of legitimate communications companies.

It is no question that it is a public interest we are talking about because the airwaves do belong to the public; they do not belong to the companies. The real challenge the Federal Communications Commission has always had is to create the proper balance that protects the public interests for those who use the public airwaves and at the same time allows companies to be able to make a sufficient profit to be able to operate and provide the services which are expanding at an incredible rate.

There is no question that America has clearly the best communication system in the world. We have more services available to more people at a price that is more affordable than any other country anywhere in the world. You can argue the Internet is not fast enough or we do not have enough choices between cable companies or that the rates are too high; those are basically issues we deal with through the commission, and they make recommendations.

Congress has enacted overall communication policy and the FCC has to follow what the Congress has said. They have come up, after 2 years of study and hearings and public debate, with recommendations dealing with ownership rules as to who can own and in what degree of concentration television stations and radio stations and newspapers to try and make sure we do not get out of balance; that the American public is protected by having a different choice and fair choices about what they want to watch, what they want to hear, and what they want to read. That is what the Federal Communications Commission does.

The resolution before the Congress says after 2 years and what has been presented as rules under the FCC, we will throw all of that out; that the Congress, in its wisdom, will take a couple of hours, debate this issue, and throw out 2 years of work by the FCC, 2 years of hearings, 2 years of debate, 2 years of discussion and we will have a hearing in the Commerce Committee that will last a couple of hours and debate it 30 minutes apiece on Tuesday and then vote on whether to throw out what the Federal Communications Commission has done for 2 years as a matter of public policy.

It is clear the administration says this is not the right thing for the Congress to do. I ask unanimous consent to have printed in the RECORD a statement of administration policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 11, 2003.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 17—DISAPPROVING THE RULE OF THE FEDERAL COMMUNICATIONS COMMISSION ON BROADCAST MEDIA OWNERSHIP

The Administration strongly opposes Senate passage of S.J. Res. 17, a resolution disapproving the rule submitted by the Federal Communications Commission (FCC) with respect to broadcast media ownership. The Administration believes that the new FCC local and national media ownership rules more accurately reflect the changing media landscape and the current state of network station ownership, while guarding against undue concentration in the marketplace. S.J. Res. 17 overturns all of the FCC's new media ownership rules—negating almost two years of careful study, detailed analysis, and thorough review; creating significant regulatory uncertainty; and preventing the implementation of important new rules which will improve the quality of local news and support free over-the-air broadcast television. If S.J. Res. 17 were presented to the President, his senior advisors would recommend that he veto it.

Mr. BREAUX. It says if Congress passes this, we will veto it. It is very clear. The administration says the new FCC local and national media ownership rules more accurately reflect the changing media landscape and current state of network station ownership, while guarding against undue concentration in the marketplace. They point out this resolution throws all of that out the window, replaces it with nothing, and says we do not like it. Maybe some people like some of it and do not like other parts, but they got rid of everything the FCC recommended.

That is bad policy and not something the Congress should do. I strongly oppose the resolution. I hope the Congress, in the wisdom of the Senate, will not adopt this resolution. Or at least I hope we do not adopt it in such a large margin that it prevents it from being successfully vetoed.

Many of the arguments, when talking about television, newspapers, and radio come down to big is bad and small is good. That is obviously a simplistic statement and a simplistic argument.

Many of the people who support the resolution talk about three areas: localism, diversity, and media concentration. In reviewing what the FCC has done in each of these areas, you will see we have a fair approach to guiding how the industries operate in the 21st century. This is not 1930, before we even had television. When Americans finally got a TV, citizens had a choice of maybe one network and then three. We have so many choices now people do not know what to pick. I have 150 television stations I can watch with diversity and differences of opinion.

When they talk of localism, they say we have to get rid of this resolution because of localism, we want to have more local people able to own the stations. I remember a group of businessmen came to me and argued about localism and how they wanted to make sure the networks did not own all the television stations because if the networks located in New York City owned all the local TV stations, everything would come out of New York. I am reminded of the television commercial. When they ask where they are from and they say New York City, they said, String 'em up, as if people in New York cannot be fair and make sure that local people get what they want, because they can.

They argued if the networks owned all the local television stations, somehow everything would be directed out of New York by the network owners who own the local station down in Louisiana. These people own stations in my hometown down in Louisiana. I asked them where they were from and they were from New York City. The idea that local ownership means a local group of people in the local town will own the local television station is not in keeping with the facts. Stations not owned by networks are not owned by a local mom and pop, people in the local community. They are, in turn, also owned by a large corporation, many headquartered in Los Angeles or New York or large entertainment centers around the country.

The argument falls when you talk about localism by saying if networks could own stations, you are preventing local stations from owning a local station in a community. It is simply not true. It is very rare indeed when a group of local owners happen to be from the local community as opposed to being very large companies and corporations that own the stations themselves.

They say if you have the local owners, you get better local news, because they will have more interest in providing what the local community wants. It is not borne out by the facts. In fact, studies we have received in the committee clearly show—and this is a factual determination—that the network-owned stations—ABC networks, NBC, CBS networks that own the local stations—on average present as much as 37 percent more local news than the non-network-owned stations. That is important for those who argue you have to throw the rule out because we do not want the networks to own the stations, because if the networks own the station you do not get local news coverage. The actual facts show when you look at the programming, the network-owned stations, on average, show 37 percent more local information programming, more local community needs shows and information-providing shows on local events, and they provide 37 percent more coverage of local events than the non-network-owned facilities. The fact is most of the locally owned stations are not locally owned but are owned by corporations all over the United States. The networks do a much better job of providing local input and local news than the network affiliates.

The argument some make that we need this resolution to throw out this rule because we do not want the networks to own the stations because we want to have more localism is clearly not borne out by the actual facts, just by reading the schedules of the local news available on network programming and network-owned stations as opposed to non-network-owned stations.

The other argument is you have to have diversity. I mentioned a little bit about this in my first argument. They say if the networks own the stations, you will not have diversity; you will not have diversity of opinion; you will only have the network's opinion broadcast and no diversity or difference of opinion. What we have to look at is who actually owns the non-network stations. They are, indeed, large corporate entities. Nothing wrong with that, but large corporate entities, many of them on the Fortune 500 list of some of the most profitable corporations in America. Nothing wrong with that. But it is not a lot of difference, if any, whatsoever, from the networks that own the stations.

The Tribune Corporation, Gannett, Hearst-Argyle, Cox Communications—are these mom-and-pop operations? Of course not. They are large corporations that operate all over the United States. They operate cable companies, newspaper companies, television stations all over the United States. They are not going to bring about any more great adversity than the networks that own their share of stations.

The final contention is media concentration. The argument that some would make is, well, the amount of media concentration is so bad, when you have the network-owned stations, with a rule that says you can go from 35-percent penetration in the market to 45 percent, it would allow this media concentration to exist to a certain extent that would be very bad for the American public.

We have about 1,721 full-power television stations operating in the United

States of America. There are a little over 1,700 of those stations. The concentration of the networks owning these stations is indeed very small.

CBS, through Viacom, owns about 3.4 percent of the total television households in this country. On average, their concentration of the network-owned stations is about 2.27 percent of the stations in the country. Fox—we all know the Fox network—owns about 2 percent of the stations. NBC owns about 1.69 percent. ABC owns .58 percent of the stations that operate full-time, full-power television in this country.

Our hearing in the Commerce Committee showed very clearly that no one tried to defend this existing 35-percent so-called cap that we have as a rule right now; that the FCC moved up to 45 percent because the measurement of concentration is totally unjustifiable and unsustainable.

The current rule says if you have a television station in a market or in several markets that add up to 35 percent of the population, you have reached the cap. That is absolutely a totally inadequate measurement of media concentration. It is like saying if I sold cars in New York City, which has 6 percent of the U.S. population, therefore I am selling cars to 6 percent of the population of the United States, when, in fact, I just have one car dealership in a city that has 6 percent of the population.

If there were no other car dealers in New York, yes, then I could say that I am selling 6 percent of all the cars in America because I am selling them in the city and I am the only dealer there. But that is the problem with the measurement we are using today and the reason moving it up to 45 percent certainly makes sense.

If I had television stations in Los Angeles, New York, Houston, and Miami, I would probably pass the cap—even if no one in those cities ever watched my television station. The current measurement assumes if you have a TV tower and a station in each one of those cities, in those cities everyone is watching your station every day, all day, and only your station.

Well, some of these cities have 150 television channels that people watch. They don't just watch NBC or CBS or ABC or Fox. They have 150 stations they can look to. Yet the current rule says if you have one station in each one of those big markets, and the population of those markets adds up to 35 percent of the population of the United States, you have reached the cap, and you cannot go over the cap, and you can't have another TV station—when, in fact, no one in the city may be watching your station or maybe only a few people in the city watch your particular station.

So when you are talking about concentration, it is not where the TV tower happens to be located; it is how many of the people in an area are watching your station. If you look at the ratings, you see that none of these operations in prime time come anywhere close to having 35 percent of the people in the country watch their station.

For Viacom, what, 3.4 percent is the amount of people watching. It is 3.4 percent of total TV households. It is not 35 percent; it is not 45 percent; it is only 3.4 percent. But the way the FCC and Congress measure it, because they have stations in large cities, such as Los Angeles, somehow they have reached the cap and they can't go over the cap, and, therefore, the idea of raising it to 45 percent some believe is so bad because of this media concentration; when, in fact, it has nothing to do with concentration. The current measurement is really outdated and makes no sense whatsoever.

So when people say the FCC is raising the cap to 45 percent, and a station can have 45 percent of the viewing audience in the country, it has nothing to do with that. The measurement only indicates the number of people in a city who could possibly be watching the station. If they were the only station in Los Angeles, that may be true, but when they have 150 other TV stations they are watching—you see the highest concentration is CBS with 3.4 percent, Fox is 3.1 percent, ABC is 1.5 percent, NBC is 2.8 percent—I think it really does not make the argument on the question of diversity and media concentration by saying that because you are located in a large city, you have media concentration merely because there are a lot of people in that city.

It is just like back to my example of owning a car dealership in New York. Obviously, just because New York is 6 percent of the population does not mean because I own an automobile dealership in New York I have sold every single car that is bought in New York. If I did, I would have 6 percent of the concentration of car sales in the country. But there are probably 1,000 car dealers in New York, and, obviously, everybody has a little piece of the action, but nobody has 100 percent. Yet the measurement the FCC uses really measures not the amount of concentration, it merely measures the population of the city.

So those who say what the FCC did was incorrect because it allows greater media concentration, that is simply not true. So I think the resolution should be rejected. If Congress does not reject it, this administration will veto it, and the result ultimately will be the same.

But on the three principal arguments of localism, diversity, and media concentration that are used in order to say why this resolution should pass, I think the evidence and the facts, as opposed to the rhetoric, are very clear that those three reasons are not sufficient to overturn the Communications Commission that has spent 2 years in bringing this to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I suggest the absence of a quorum.

Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

Mr. President, let me begin with a chart that I had used previously. There is the suggestion that somehow concentration is not of any significant interest and, gosh, there is nothing wrong. This is all localism and mom-and-pop operations. I used this chart before. I mentioned Disney.

Let me just say that although I picked Disney out, I happen to like Disney. Disney has given me some of the more rewarding moments of my life when I was young. Disney is a great company. But it is a very large company doing a lot of things.

Let me go to News Corp: 22 TV stations including duopolies in New York, Los Angeles, Chicago, Dallas, Washington, Minnesota, Houston, Orlando, Phoenix. They have newspapers: the New York Post, the Times, the Sun. They have books: Harper Collins, Regan Books, Amistad Books, William Morrow & Co. They have sports teams: the Los Angeles Dodgers, the Los Angeles Kings.

I could go through all of this and describe the largest media companies, and you would see these are significant concentrations, dramatic concentrations in broadcast ownership, newspapers. And I don't know. Maybe some say it doesn't matter much.

I think it does matter. Let me describe at least one part of why it matters. The issue of localism, by which we say you may use the airwaves—they belong to the American people, but you and your radio or television company may use these airwaves—not own them, but use them—in exchange for certain requirements. One of them is localism. That means you have to serve local interests.

The question is, how do you serve local interests from a thousand miles away, where you create some homogenized music and run it through a board and play it though your radio or TV operation in that hometown. Earlier, I described voice tracking. Someone may be driving down the road in Salt Lake City listening to the radio station, and the announcer, with a sonorous voice, says, "Good morning, the sun is shining here in Salt Lake City; what a wonderful day to wake up and be in America." You would think, what a great resident to have broadcasting for our radio station.

The problem is, that person isn't in Salt Lake City; he is in a basement in Baltimore, MD, in a studio, ripping off a printer something that came from the Internet that says it is sunny in Salt Lake City. It is called voice tracking—pretending there is a local announcer on that radio station. That is going on all over the country now.

There is something called central casting on television. You can turn on two television stations in two cities and see the same television personality giving the news—homogenized regional news, because they cannot quite do it locally. They are trying to convince people this is a local news person. Let's pretend there is localism. That is what it is all about.

When you have these concentrations of ownership, this orgy of mergers that has occurred in recent years in both radio and television, it hurts there isn't much localism. We have had testimony before the Commerce Committee by a man who runs a pretty substantial television station. He said:

> I can't decide that my viewers don't want to watch a piece of trash that will come down from the network. Even though it is awful stuff they say you have to run it.

Here is an interesting letter. It is dated July 25, 2003, by a television station in Kansas City, Missouri, to someone who complained to them:

> We received your letter dated June 30, 2003, regarding the content of [a certain show] that aired on [this date].
>
> We forwarded your letter to the . . . Network. The Network, not [our station], decides what shows go on the air for [this network-owned station].

So it says that they don't decide what goes on the air in Kansas City. You can complain to us, but we don't decide. The network does. Is there localism involved in that?

One of my colleagues, on the floor of the Senate a number of years ago, when we were debating all of this, said something interesting. I decided to pull it out and read it today because it relates to this issue of localism. Should we care about whether someone in Bismarck, ND, or Chattanooga, TN, has an opportunity to decide this is not a program that meets our standards? Or should we say, look, let the networks decide, and whatever they decide to produce in New York or Hollywood is going to be shown in Bismarck, ND, or Chattanooga, TN, and it doesn't matter what the local folks think. My colleague, Senator Sam Nunn, in 1995, when we were debating this prior to the 1996 act, talked about violence on television, what was on television. He said:

To follow up on this issue, one member of my staff voluntarily conducted an unscientific survey of the topics on daytime talk shows. Every hour or so, he would scan the television on his desk and see what the day's topics were for the daytime talk shows.

The reason I point this out is this:

> The first day, one show was called "Stop Pretending To Be a Girl" and featured young boys whose parents were upset that their sons dressed and acted like a girl. Another show offered a show entitled "Boys Who Only Have Sex With Virgins." Yet another show offered a girl dumping her boyfriend on national television and asking her new "significant other," another girl, to commit to her.

He said:

> Mr. President, I thought that surely the next day's shows would pale in comparison to these. I was wrong. Subsequent days' reviews of these shows found titles such as "One-Night Stand Reunions." Another show was entitled "I Am Ready to Have Sex With You Right Now." And another show was called "I Cheat and Am Proud Of It." One show featured a woman who chose to tell her fiance on national television that she cheated on him with her sister's boyfriend . . .

It goes on and on. He said:

> Perhaps the most appropriately titled show of all was the one entitled "You Look Like a Freak."

Localism. Trash on television. Should someone who owns a television station in Tennessee have the ability to say, you know, what you are sending us in this time period is a show I don't think represents any kind of standard that makes sense for us. The answer is that too often the stations are not allowed to do that because someone else calls the shots, not the local folks.

When you have this concentration, local standards no longer matter. Will there be more concentration as a result of what the FCC has done with its rules? Of course. In fact, I will read a letter written by W.B. Grimes & Company that was written before the FCC even ruled. They wrote it to the publisher of a newspaper in Seattle:

> As you know, the FCC is considering elimination of the ban on cross-ownership of media properties within a daily newspaper publisher's given markets.

They can then buy the television station in the same market.

It says:

> In anticipation of that ruling, several newspaper groups are already forging alliances and cutting handshake agreements with both radio and television broadcasters in their markets. If you are considering broadcast acquisitions to bolster your market presence, we believe the time to act is now.
>
> We would like to be your broker.

This was before the FCC acted. Most people thought the FCC was going to do what the big interests wanted them to do. Here is a broker saying, let us get involved so we can help you buy television stations. Once again, more and more concentration.

I will talk about some of the voices opposed to this. Some of my colleagues talked about this. William Safire, a very conservative columnist, who worked for President Richard Nixon as a speech writer, and for the New York Times for many years, said:

> The overwhelming amount of news and entertainment comes via broadcast and print. Putting these outlets in fewer and bigger hands profits the few at the cost of the many. Does that sound unconservative? Not to me. The concentration of power—political, corporate, media, and cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

U.S. Conference of Catholic Bishops:

> Without diversity of ownership, our meaningful alternatives to syndicated shows and info-mercials, and public affairs programs, are in jeopardy.

NRA's executive VP Wayne LaPierre said:

> Most cities have only one major newspaper to begin with. Add ownership of the dominant local TV station, the top AM and FM bands and the local cable TV provider. Then do the same thing in 20 or 50 cities, and you see how a multibillion-dollar corporation corners the market in the marketplace of ideas.
>
> Minority or unpopular causes—think of women's suffrage in 1914, or civil rights in 1954--would be downplayed or dismissed to keep viewers watching and advertisers buying. That's no way to run a democracy.

That is the executive vice president of the National Rifle Association. That is not a liberal organization.

Walter Cronkite:

> The gathering of more and more outlets under one owner clearly can be an impediment to a free and independent press.

I could go on and on.

Parents Television Council:

> Almost 80 percent of families rely on their hometown papers and TV for local information. People can't turn to a national news network over the Internet. They provide one-size-fits-all programming, controlled from an office hundreds, perhaps thousands, of miles from your town.

Barry Diller, former head of Universal Studios, who has acquired a rather substantial enterprise in information:

> The big, bad truth is—and I don't think it is given enough importance—the big four networks have in fact reconstituted themselves into the oligopoly that the FCC originally set out to curb back in the 1960s. They may have controlled 90 percent of what people saw, but they operated with a sense of public responsibility that simply doesn't exist for these vertically integrated media conglomerates, driven only to fit their next piece in the puzzle of world dominance.

Let me speak for a few moments about my colleague, Senator MCCAIN, someone for whom I have great respect. He gave a statement and I told him I was certainly not going to be supportive of his contention that anything we are doing here or any reason to come to the floor of the Senate on this issue has to do with the 1996 Telecommunications Act. That was his contention. Nothing could be further from the truth, in my judgment. I just disagree with that.

In 1996, when we rewrote the Telecommunications Act, beginning in 1995, we addressed these very issues. I offered an amendment on the floor of the Senate in 1995 to S. 652 during debate on the Telecommunications Act—an amendment by Senator DORGAN of North Dakota: To strike the provisions of the bill that would allow television networks and other chains to own no more than 35 percent of the Nation's households and take it back to 25 percent.

We had a vote on that amendment. Guess what? I won the vote by three votes. Senator Dole was standing at that chair—at that point he was majority leader—and Senator D'Amato from New York was at the desk in the back. I won the vote by three votes, to roll back the 35 percent, which was in the telecommunications bill, to say: You can't own more than 25 percent of the reach in this country when you own television stations.

Guess what happened? Dinner intervened. The worst thing in the world around here is dinner because over dinner—we call it supper back in my hometown—over that period when you eat your evening meal, although I had won by three votes at 4 in the afternoon, three of my colleagues had some sort of epiphany over their main course, apparently. Senator D'Amato came back and asked for reconsideration, and he and Senator Dole decided to overturn the vote by which I had won at 4 o'clock that would have prevented the 35 percent and gone back to 25 percent. They changed three votes. We came back 3 hours later and I lost. So I won for 3 hours.

My colleague—incidentally, Senator McCAIN made the point I voted for the 1996 Telecommunications Act, which I did, to be sure—my colleague Senator McCAIN voted against my amendment that would have rolled back the 35 percent back to 25 percent.

I was fighting then to stop this gross concentration that is going on in the broadcast industry, and I won for 3 hours. Then I forgot, when you get people out of this Chamber and get arms twisted, you can have a re-vote and several people will apparently come here with a different mind-set. Winning is temporary in those circumstances, and it certainly was that day.

This is a situation I understood then exactly what was going to happen, and it has happened wholesale. I mentioned earlier we have one company that has well over 1,200 radio stations in this country. The same is happening in television and happening very quickly.

With newspapers, this new FCC rule says: Oh, by the way, in addition to allowing more concentration in radio and television, let's let the newspapers own the television stations and more radio stations in the same marketplace. I was taught long ago never argue with anybody who buys ink by the barrel. I guess I never quite understood that lesson.

Here we take on the American Newspaper Association and the publishers, and they are lobbying furiously because they are opposed to what we are doing. They want to be able to buy television stations in the same city.

I said the extension of what the FCC is going to allow to happen as a result of their rule is this: That in the largest American cities one company will now be able to own the dominant newspaper, the dominant television station, two other television stations, eight radio stations, and the cable company, and they can do that in city after city. If you think that is in the public interest, then I say look up the term "public interest" in the dictionary or understand the public interest in the context of what we ask of radio and television stations, of what we need for the free flow of information in our democracy. It is not in the public interest.

I seldom ever come to the floor to say "I told you so," but it is almost too tempting to avoid at this moment. In 1995, following what happened on the floor of the Senate when I was attempting to stop this orgy of mergers that was going to occur, when I won a vote for 3 hours and then lost because my colleagues left to have something to eat, this is what I said:

> If these changes are enacted, the media industry in this country will be controlled by a handful of conglomerates in the future. The long-held principles of localism and diversity will suffer.

I said that on June 15, 1995, when I was fighting then for the same principle I fight for today, and that is to stop the massive concentration. What the American people see, hear, and read will increasingly be controlled by a very few voices. That is not in the interest of this country.

I have more to say. I believe the Senator from Virginia wishes to speak either perhaps strongly supporting this resolution or maybe he will oppose it. Perhaps the latter. What I would like to do is allow him to speak, and I understand the Senator from New Hampshire is also going to be on the floor. I am going to make some concluding remarks this afternoon.

I yield the floor so the Senator from Virginia can make his presentation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to consume as much time as I may require to speak in opposition to this proposed resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I thank the Chair.

Mr. President, I rise today to urge my colleagues to oppose this resolution which will essentially throw out six media ownership regulations issued by the FCC on June 2. There are a variety of issues to cover, and I hope to do that in a coherent and cogent manner.

Let me first say to my friend from North Dakota, the issues we are talking about are media ownership of 35 percent versus 45 percent; the issue of cross-ownership, whether newspapers and TV stations can be owned by the same entity or enterprise; and the other issue is whether medium and smaller sized markets are afforded the same opportunities for working together as are allowed in large media markets.

Those are the three issues. A lot is focused on just one issue, but the cross-ownership and the so-called duopoly or multiple ownership issues are also very important.

It was said by the Senator from North Dakota that the local TV cap and cross-media rule are going to allow one company to dominate sources of news and information in one community. This is simply not true. It is an alarmist argument that may get folks all fired up.

The rules the FCC put forward modify the rules that represent long overdue reactions to very extensive and well-researched and documented changes in the marketplace. The new ownership rules that are being put forward ensure no company can dominate a local media landscape.

In reality, the newspaper cross-ownership will continue to be completely prohibited in all markets with three or fewer TV stations while only cross-ownership will be allowed in midsized markets with between four and eight TV stations. Only in the Nation's largest market, representing approximately 70 out of the 210 TV markets in the United States, would cross-ownership restrictions be removed.

Even in those markets, however, parties will continue to be subject to the FCC's separate local television duopoly and radio ownership limits. So any newspaper-broadcast combination thus will be subjected to competition from at least three and generally more independently owned television stations, numerous radio outlets, not to mention the wealth of cable, DSS, the Internet satellite print competitors, as well, that make up the contemporary media ownership spectrum that is available to consumers.

From the very beginning, in the 1930s, the core principles that drove the Nation's communications policies were localism, competition, and diversity. Ownership rules are a byproduct of this public interest and in constructing rules, our Government seeks to preserve these principles, and they continue to be preserved with the FCC's regulation.

After 20 months of decisions, comprehensive, exhaustive analysis by the FCC, they have finally done what the courts and the Congress commanded them to do—to adopt new ownership rules that are based on empirical evidence and also the present marketplace.

On June 2, the Commission made positive steps in crafting updated rules to take into account the new media outlets that are available to consumers for news information and entertainment.

Every 2 years, the FCC is required by the Telecommunications Act of 1996 to review the media-ownership regulations. Over the past 2 years, five of the six ownership rules were challenged in court. In each case, the FCC's prior regulations, or regulations at that time, were overturned. Indeed, both Congress and the courts have given the Commission a high standard of establishing legally sustainable ownership limits that most importantly remain in the public interest.

Unfortunately, many have turned this important policy debate into a political one, substituting opinion for fact. Allegations that these rules will allow four or five companies to dominate all major sources of news and information in one community make for good headlines but are simply not grounded in fact.

Over 40 years ago, in the era of black and white television, three networks controlled the TV airwaves, providing only 15 minutes of evening news and 5 minutes of brief news snippets throughout the day on an irregular basis.

Today, the fact is there are more choices available to' the consumer in terms of how they access information than any other time in our Nation's history—in fact, more than any time in the history of mankind. Even in small towns, the number of media outlets, including cable, satellite, radio and TV stations, has increased by over 250 percent during the past 40 years.

Independent ownership of these outlets is far more diverse with approximately 139 percent more independent owners than there were 40 years ago. Today, there are three 24-hour all-news networks, seven broadcast networks, and over 300 cable networks. The multiple news programs, independent commentary, public affairs channels are all fueling our democratic economy and opportunities. There is more programming, more choice and more control in the hands of citizens today than ever before.

Sure, times have changed, changed for the better, and the rules governing this burgeoning industry also ought to change to reflect the current state of innovation and new technologies. Otherwise, the rules that were once designed to help consumers, if this resolution passes, have the potential to harm consumers, limiting quality and opportunities for choice programming.

Much of this debate gets focused on the 35-percent versus 45-percent broadcast ownership cap and whether that ought to be increased. Our opponents maintain that increasing the cap presents a problem because the five major broadcast networks already own 80 to 90 percent of the top cable channels. In truth, the five companies do not control the majority of the channels. Eighty to ninety percent, that statistic, is what the opponents refer to as actually related to viewership.

Now, we heard earlier about Disney and we do not want to be against Disney. Well, let's just take last Sunday night's ESPN broadcast of the Raiders-Titans game which was played in Nashville, TN. I did not particularly like the results, but it sure did score big ratings, averaging 10.8 million viewers, averaging 7.8 million households. However, this number only amounts to approximately 11 percent of all households that subscribe to cable or satellite programming. This is by far the No. 1 for ESPN for an opening Sunday night game. At any given time, a consumer watching television actually has an opportunity to look at 54 different stations.

Sunday night's game was the highest rated regular season game in the Nashville TV market since the Titans moved to Music City. Of the sixty-eight percent of the televisions that were on in Nashville, two-thirds of them were watching the Raiders-Titans game. That is about 48 percent of all TVs, so not every TV was on. Nevertheless, those that were on, 68 percent were watching that game. It was the sixth highest rated TV broadcast overall in Nashville since 1997. The top four, and five of the top six, highest rated TV programs in Nashville since 1997 are Titans games. That was led by last January's AFC championship game, in which case I was more happy in that the Raiders beat the Titans, but that was the No. 1 Sunday game of all-time back in January.

With this approach, since people in the Nashville, TN, area, or maybe in the Oakland area or elsewhere, two-thirds of them wanting to watch that game, does that mean we ought to be prohibiting or regulating or punishing ESPN or ABC or Disney because they have programming that people actually want to watch? What do we want to make them do, watch something we think is better for them than popular programming?

This is a rare situation that there is such viewership, but that will happen. It is consumer choice to see it. In my view, what we ought to do is trust free people. I would never advocate limiting consumer choice or American's ability to access information.

We are all concerned about consolidation. We all are opposed to monopolies and care about antitrust. We want to preserve diversity and competition in the media marketplace, but if we look at the real number of options that are available to consumers today across media outlets, consumers have an unprecedented abundance of choices.

We get statistics from 1943 to 2000, and there are obviously big increases. Newspapers are about the same or slightly less. In 1943 there were about 1,700 daily newspapers. Now there are approximately 1,500. In 1943 there were 931 AM stations. In 1978, there were about 4,500. In 2001—the best statistics we have presently—it has gone up to 4,700-plus AM stations. In 1943, there were 59 FM radio stations. In 1978, there were 4,069. It has doubled since 1978 to over 8,285 FM stations.

Full-power TV stations have gone from 6 in 1943 to 988 in 1978, and in 2001, there were 1,686 full-powered TV stations. In 1978 there were zero lower powered TV stations. In 2001, there were 2,212 low-powered TV stations. Cable started kicking off in the 1970s, and it had about 13 million subscribers. Now, in 2001, there are 69 million. DBS subscribers, of course, there were zero if we are talking about to 1990. In 2001, there were 16 million plus.

There are a variety of other areas: Internet access, big difference. Nobody was using Internet access back in the 1990s. Now there are literally hundreds of millions of people on the Internet, and Internet access is about 72 percent. Broadcast networks in 2001, 7 in English and 2 in Spanish; cable networks are now approximately 300; and there are over approximately 2,454-plus channel cable systems. That is what is in the power, in the discretion, in the choice of the American people. They are the ones who see the competition. They are the ones who have control and are making the choice as to what they want to watch.

On the issues of newspaper cross-ownership and the local television ownership or duopoly issues, if the resolution were debated today and passed next week, we would be reverting back to the rules that were created in the 1970s. In both cases, the rules are outdated and largely unnecessary, given the increase in the number of media outlets. In some cases, cross-ownership may actually benefit consumers in smaller markets where broadcast companies and newspaper owners face financially challenging conditions. If this resolution passes, local television stations in smaller markets will be prohibited from combining to pool their resources to provide better programming and more local coverage.

We all know local news and reporting is expensive to produce, both in getting digital equipment and quality news staff. Those are major expenses, especially in smaller markets where there is less advertising; therefore, less can be charged but there are still pretty much the basic same costs as a large market would have. And while the large market can get all that advertising revenue because they are potentially having contact with more people, they can get their costs recouped. In the smaller markets, there are pretty much the same costs with less of a revenue stream, which makes it more difficult to operate stations in those smaller markets.

I am aware of at least two markets in Virginia—Harrisonburg and Charlottesville—that would benefit from the new media rules the Commission issued on June 2. Both of these markets are very small in comparison to the big markets of New York City and Los Angeles and simply don't have the same resources available for comprehensive news programming and so forth that the New York City and LA markets may have. But they still try to make it in a smaller market.

Another interesting nuance, ignored in this, is what this does to some markets that were grandfathered, before the 1996 act. In some Virginia markets, and one shared with Virginia and Tennessee, back in 1975 they were grandfathered, or waived, under the ownership rules. If this resolution passes, they potentially will no longer be able to provide local news—if this resolution passes. This is where you have cross-ownership. Previously, and currently under the present rules and law, both the Roanoke and Lynchburg markets as well as the Tri-Cities—which, as the President knows, are Bristol, Johnson City, and Kingsport—were grandfathered. If this resolution passes, potentially they will no longer be able to provide local news.

You also have in the Lynchburg market the local television station and the two local newspapers, the Lynchburg and Danville papers. Both of these media sources have been permitted to combine resources, and that has led to expanded news coverage and increased program offerings for their customers and constituents.

I am increasingly convinced by these successful examples in Virginia—this is not theory but it is fact—that we should be relaxing the newspaper cross-ownership rules and regulations. If this resolution passes, it will harm the ability of these voices and these markets to be able to pool their resources for more effective and better reporting and production. I think these FCC rules, by the way, preserve the key, core principles of localism, diversity, and competition.

A duopoly—local TV cap. I was visited by several constituent station managers from the Shenandoah Valley, Roanoke area, and Bristol. They raised the local television ownership rule which, if this resolution were to pass, would restrict ownership of more than one station in a market with eight voices or fewer.

These small, local television managers confirm that revenue and facility sharing would help keep struggling stations afloat in small markets and actually, and logically, would improve the quality and diversity of programming currently available to viewers.

It is certainly the prerogative of the Senator from North Dakota to use the Congressional Review Act and bring before the Senate this resolution of disapproval. At issue are some of the founding principles of government: Freedom of speech and the press, freedom to associate and to petition the Government, freedom to acquire and hold property in accordance with the law.

Our Founding Fathers understood that government should not have the power to restrict speech without deeply compelling justifications. I believe the public interest is ill served when Congress forces the FCC to revert back to ownership rules that were overturned by the courts for being outdated and not guided by solid factual records.

In my opinion, the congressional mandate established in the 1996 Telecommunications Act and the court order forced the FCC, in a positive and proactive way, to conduct a thorough and exhaustive review of the media ownership rules. I am confident that the Commission's June 2 order established legally sustainable ownership limits that accomplished these three goals: No. 1, promoting diversity, localism, and competition; No. 2, updating the rules to reflect a multitude of new outlets for news information and entertaining; and, No. 3, striking a careful balance that promotes the public interest while ensuring no one company can monopolize any one medium of communications or limit any American's ability to access information.

I will conclude by asking my colleagues to oppose this resolution, stand strong for freedom, and support the FCC. Don't foul up. Look forward. Look forward into the reality of opportunity today in America. Let's move forward with that rational, logical approach promulgated by the FCC.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise in opposition to the Dorgan resolution. This is a debate and an issue that does bring us in touch with a number of the important issues discussed by the Senator from Virginia: free speech, media concentration, consolidation. It certainly affects our media markets and the shape of those media markets for years to come. But, at its heart, this is really a question of regulation, a new set of regulations, a different set of regulations put forward by the FCC, dealing with who can buy, who can own different kinds of media outlets—newspapers, TV, radio stations, and the like—and what kind of limits we are going to put on them.

So it is a debate about regulation and how much regulation is the appropriate amount on the part of the Federal Government. To what degree do we want the Federal Government interfering with, limiting, and manipulating the media that we as consumers enjoy and use in our daily lives? What level of regulation is appropriate and is really required to uphold some very important principles that you have heard the Senator from Virginia and the Senator from North Dakota and many others speak of—principles of localism, competition, and diversity, principles that we support, that the FCC works to support anytime it looks at a regulatory issue such as this one?

How much regulation do we really require to protect these important principles? This is not a debate about the poor quality of the TV that we might go home and look at, or look away from, every night. In some ways, I wish this were a debate about improving the quality of television because if we could just do that by a simple adjustment of these regulations, then we probably would all feel much better about the quality of television. But we can't.

To suggest this is about the quality of the television we see in any part of the country is to suggest that you believe limiting, say, Fox Corporation to the 35 stations it owns today versus the 40 or 42 or 44, or some number it might own at a future date with the new regulations, that somehow that would affect the quality of the programming we see. I think that is ridiculous. I don't think that program quality would be improved if we forced NBC to get rid of 8 of its 29 stations or 10 or 12 stations within the limits that we are talking about that any one of these companies owns. I don't think it would in any way affect the quality of television.

I am the father of three children. I am as frustrated as any parent about the search for good quality programming. I am frustrated about the poor quality of programming that is often put on television in the prime time hour. But that is the nature of modern media—whether it is cable or radio or television or even newspapers. We are not all going to be happy as Americans with everything that comes across the channels.

At the same time, I very much support the process that the Senator from North Dakota is using here, the Congressional Review Act. I think it does bear some emphasis because some people have come to the floor and have been somewhat critical of the process being used here—using the Congressional Review Act resolution to repeal a regulation that a Member of Congress or a Member of the Senate doesn't like. But that is exactly what the law was intended to do.

It is a law that was passed, I am pleased to say, when Republicans took control of Congress back in 1995. They said we ought to have as a Congress—as a House or as a Senate—a way to register disapproval; to repeal regulations that are put forward all the time by very large bureaucracies, or different branches of the executive regulating commerce, or regulating the environment, or regulating the forestry issues, or, in this case, regulating the media. It is a very appropriate use of the act, but it is a resolution with which I strongly disagree. I will talk about those reasons this afternoon.

We are here obviously because the Senator from North Dakota has submitted this resolution of disapproval, or rejection of these new regulations, but the regulations were put forward in the first place primarily because of a couple of issues.

The first was in 1996. The Telecommunications Act sets the guidelines under which the FCC acts; that calls on the FCC to reconsider regulations that do not serve the principles of localism, competition, or diversity, and doesn't seem necessary to promote these competitive forces, or to serve the public.

The 1996 act actually calls on the members of the FCC to do exactly what they did; that is, reconsider these regulations and modify them if they believe it is in the public interest and the right thing to do.

Second, related to that legislation but even more current is the action of the courts recently. The courts struck down or remanded several of the media regulations—in particular, the 35-percent cap which we will talk about—and called on the FCC to either revise or justify the regulations that were on the books.

So you have two forces coming to bear. I am sure the FCC Commissioners weren't dying to throw themselves into the issue, but they were called upon effectively to do so by the courts and by the legislation that this very Congress passed in 1996.

These are proposals—I think as the Senator from Virginia discussed—which were very long in the making. It was not a spur of the moment recommendation or a spur of the moment change in regulations. For 20 months, there were deliberations, collecting comments, soliciting comments, and several hearings that took place. People came forward and spoke for and against different rules and for and against different concepts for changing those rules and to argue their point of view—to argue the very reasons they thought a change in the existing rules might be in keeping with the goals of the 1996 act and the three principles of localism, competition, and diversity.

There was a thorough process, not one that was without any disagreement but a great country, a strong country, and one where we take great pride in our ability to debate and discuss these issues with one another.

Let me talk about three of the proposals and the reasons I think at the end of this very thorough and very complete process, resulting in the rules put forward by the FCC, the reason I think the rules make sense, and why I don't think we should be rushing to repeal them or reject them. I believe there are several negative consequences of repealing these rules, which I will speak about at the end of my presentation.

First, we are talking about a proposal that will take the current 35-percent cap to 45 percent.

What does the 35-percent cap mean? Is it 35 percent of the television market share? It is not 35 percent of the television viewers on any particular night or any particular hour. It is not 35 percent of the television station. It is a cap on owning stations that can reach 35 percent of the population, the immense concentration that we hear about. Take NBC, for example, which owns 29 television stations. That is less than 2 percent of the number of full-power television stations in the country. I think they are the largest owner of stations. Perhaps Fox Corporation may own 35 stations, close to 2.5 percent of the full-power television stations. This is just a limit on the amount of viewers you can reach if every viewer out there happens to be watching your station.

If you look at, as I said, the number of stations that are owned, we are talking about a very small number on a percentage basis. Opponents of the rules and supporters of this resolution will say, well, let us talk about the six big companies. Those six big companies control 75 percent of the television viewers.

First, to suggest you are being controlled when you choose what you want to watch on television any given night, I think, misunderstands what television viewers are all about. But even if you look at those numbers—six companies, 75 percent of the viewers—let us go back 20 or 30 years; it used to be that there were three companies which had 90 percent of the viewers. I think things have changed in that regard for the better. But the numbers are even more striking if you break them apart further.

Those six companies may have 75 percent of the viewers because their shows happen to be popular, but they have fewer than 25 percent of the channels that would typically come through your cable or your satellite outlet.

On that cable dial, all channels are created equal. We used to be segmented in VHF and UHF. But today a majority of people receive their television through cable or through satellite. Channel 85 and channel 42 are just as likely to attract viewers, depending on the quality of their program.

It is a pretty fair fight when you think about it—pretty fair competition among the dozens of stations on the dial. Those six companies only control or own fewer than 25 percent of the channels. There is greater competition in that regard and greater diversity in that regard not only than we had 30 years ago but, quite frankly, than most people could have imagined 30 years ago.

With all the discussion about localism—it is a very important thing, indeed—there has been no connection shown between localism and a larger concentrated owner of these stations. Simply because a TV station is owned by one of the larger corporations does not mean it shows less local programming. It is a very important point. This has been studied. You can look at it empirically, look at NBC, Fox, or ABC-owned stations, and measure how much local programming they put on any given day and compare it to independently owned stations around the country and measure how much local programming there is on any given day. There is no difference. To the extent there is a difference, one of the most comprehensive studies the FCC relied upon showed a slight increase in local programming among those owned by the larger media entities.

Localism is important. To be sure, the FCC maintains its ability to press for and emphasize localism, diversity, and competition when they make decisions of who can and cannot purchase a license. And all of the purchases of licenses—radio, TV—are still subject to FCC review and still subject to antitrust laws that govern monopoly power in this country. So that is one of their regulations. Probably the one that gets the most discussion is the movement from a path of 35 to 45 percent of the audience that could be reached by all the stations.

The second regulation that received a lot of discussion is the issue of cross-ownership, whether you can allow a company that has a newspaper to also own a TV or radio station. Here we actually have cases we can look at. The FCC did look at it and asked the question, Where cross-ownership occurs, are localism, competition, and diversity poorly served? Do we have problems? Do we have conflicts of interest? Do we see a reduction in the responsiveness of the media outlets to local community needs? We can look at existing evidence because there were 40 markets that were grandfatherd by the FCC, 40 markets where entities already engage in cross-ownership. There was no harm found by the FCC. That certainly does not mean everyone is happy with everything that newspaper or radio station or TV that has cross-ownership produced. I am sure we will hear from Members that might in their remarks speak to personal experiences where they do not feel they were treated well by a newspaper or radio station. That is unfortunate for them.

But that is the nature of the country's free media and free markets. It is something that ultimately, when we get over the personal feelings, every member of this Chamber is proud of, that this country allows such a free and open media.

Again, where cross-ownership issues come into play and purchases of TV or radio station and all spectrum come into play, the principles of localism, competition, and diversity will be protected, but antitrust provisions still hold. That is important to remember.

A third and final area of regulatory change or regulations that has been discussed in this debate is radio ownership. There is a little bit of irony here because this is something that cuts close to home for the Senator from North Dakota, the celebrated case in his State where one company was able to acquire six or seven radio stations that all covered one particular region of the State, a very clear case of dominance of radio in a particular region of the State. But with regard to radio ownership limits, the FCC actually tightened the regulations. There is no change to the regulations on the number of stations you can own in a particular market in an attempt by the FCC to actually tighten the definition of market areas in order to prevent that unfortunate situation from happening again.

We can critique the radio stations or the large radio station owners, talk about their business practices or things we liked or disliked about them, and there are important points to make, but they do not really have any bearing on this debate because even if this CRA provision offered and were to pass, there would be no significant modification to the radio ownership structures.

If the resolution passes, it does have a number of other counterproductive effects that concern me. First and foremost, it would surely send these issues back to the courts. That is one of the reasons—not the only reason but one of the reasons—the FCC acted in the first place because the courts had said there is no justification for the regulations as currently structured. So if this resolution passes and were to pass the House and get signed into law—which is unlikely to happen, and I certainly do not support it—if it were to be signed into law, this would all be thrown back into the courts and we would have a very uncertain environment for ownership, for media, for evaluation, and for business. Whether you are an entity large or small, independent or corporately owned, it would create an uncertain marketplace.

Second, this resolution turns back the clock. I don't believe that is a good thing, in that turning back the clock would ignore the enormous changes we have seen to the industry over the last 10 years, let alone the last 20 or 30 years. A number of the regulations that are modified or adjusted by the FCC date back 30 or 40 years to their original crafting.

I know it is difficult to picture what the state of television was for many of the younger Members of the Chamber, but I amaze my children constantly when I describe it in a world where you had to walk across the room to change the channel on your television. I am old enough to remember those days and they seem not so long ago, indeed. Times have changed enormously. Regulations dealing with this industry and with the media markets need to be updated to keep pace with the evolution of technology, to protect the values of localism, competition, and diversity, but they do need to evolve with the changes in technology.

A third and final concern if this resolution were to pass was raised by FCC Chairman Michael Powell in a piece he authored yesterday or today for publication. That is, it could well portend the end of free TV. Rolling back these regulations with the passage of this act could result in the end of free TV. It sounds like a pretty dramatic claim. I think it bears some additional description. How could that be?

Free TV depends on advertising for its revenues. Cable TV depends on both advertising revenue and cable subscriptions—monthly fees or per-show fees paid to watch programming. Simply put, that is a better business model. Anyone can see that. Pay TV has a better, stronger, more robust business model. If you do not believe it, look at the migration of so-called quality programming—sports, entertainment, even certain forms of news programming from free TV to cable TV over the last 3 or 4 or 5 years, let alone the last 10 or 15 years. Go back 10 or 15 years, it is a wholesale migration, but you can see changes in the last 3, 4, or 5 years.

If we repeal the rules, we create a tougher competitive environment and more restrictive competitive environment for the free TV networks or stations. You put them at a competitive disadvantage relative to cable and pay TV. So the acceleration and the movement of that so-called quality programming to cable TV will only accelerate and make it tougher and tougher to sustain any level of quality among free TV in the marketplace.

I could be cynical and say, That is fine with me. I don't care. I have cable TV and I will still continue to get lots of channels, lots of entertainment, lots of news, and lots of sports. Many people would argue, and part of me certainly would argue, that there is a value and a benefit to free TV especially in those areas of our country that are at an economic disadvantage, where cable TV does not have the penetration of urban areas and where people simply cannot afford to pay for cable TV.

Those are serious considerations. The effect of free TV, turning back the clock with regard to the evolution of technology and throwing the issues back into the courts, all of those would be cause to reject this resolution in and of themselves.

But on top of that, we see that the radio ownership regulations are effectively untouched. Cross-ownership has already proven its ability to work in the marketplace without harming the principles of localism, competition, and diversity. And the adjustment from 35 percent to 45 percent of national ownership cap, I would contend, is modest. It is very modest, indeed, when you look at what the true market share numbers are and the number of channels.

This is an important debate. I appreciate being given time to talk on these issues. I do hope my colleagues step forward to reject this resolution, although, as I say, I certainly respect the way in which it has been offered and the process the Senator from North Dakota has gone through to get us to this debate.

We respect the ideals of free speech, of democracy, and we work to promote the idea of competition and diversity in media ownership. I believe that is exactly what the FCC has done and attempted to do in crafting these regulations. I hope we will reject this resolution and continue to move forward in a thoughtful way, and to a world and to an age of technology and media that, frankly, we can't quite picture today which will be exciting, will provide opportunities, and will continue to promote the ideals of free speech upon which this country was founded.

I thank you, Mr. President, and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, this has been an interesting discussion on the floor of the Senate today on an issue that I think is very important and one that will affect the life of every American citizen. It is complicated and difficult to understand. In some circumstances, it deals with cases of law in Federal court, ideals with arcane rules, and the history of the Federal Communications Commission with respect to broadcast ownership. So it has all of those aspects.

I respect the fact there are those who feel strongly on the other side of the issue. I believe very strongly, of course, that the Federal Communications Commission has created a set of rules that will benefit the largest corporate interests in this country in broadcasting. I think they will, however, be a significant detriment to the American people.

I was sitting here thinking about the issue of radio and television. Of course, we have not had radio and television in the lives of humankind for very long. It is a relatively recent phenomenon. And I was thinking of the statement that was attributed once to David Sarnoff. I don't know for sure that it was his. But he was asked to comment about the advent of the radio when he was presented with this new invention, and he said: "The wireless music box—which he called it—has no imaginable commercial value. Who would pay for a message sent to nobody in particular?"

That was his vision of radio. But, of course, radio has become a very significant feature in our lives, and television as well.

Television is a central part of the lives of many Americans. I am told that when children go to school in this country, by the time they are a senior in high school and graduate from school, they have spent somewhere around 12,500 hours sitting in a classroom in our schools and around 20,000 hours in front of the television set. It tells you a little something about the importance of television in the lives of at least children.

Let me respond to just a couple of the thoughts that have been expressed by my colleagues. My two colleagues who just spoke are on the Commerce Committee, and on the Commerce Committee they supported the FCC and believe these rules are appropriate. They indicated, for example, that in many ways these rules are for the purpose of protecting—they don't use the term "mom and pop," but let me use it—this is really for mom and pop television stations—you know, the little guy. It is helping the little television station out there that you know is going to go by the wayside if we don't let the big guys buy them up, I guess is the contention.

In fact, Commissioner Powell has an op-ed piece in the Wall Street Journal today. He begins his Wall Street Journal op-ed piece by saying: "The days of free television may be numbered."

That is Commissioner Powell in today's Wall Street Journal. And he uses the title "And That's the Way It Is." I guess that suggests Walter Cronkite, who actually opposes what Commissioner Powell is doing. "And That's the Way It Is."

> The days of free television may be numbered.

Interesting. This rule is nothing about free television. It certainly is nothing about mom and pop. It is nothing about saving small television stations. Its point is that we are in the midst of a lot of change that has a dramatic impact and the only way the television industry can make it is to allow this concentration.

Well, perhaps we could just separate some fact from fiction. There is no evidence anywhere that the television industry or television stations or mom and pop stations are in any kind of financial trouble. We have a substantial amount of evidence, in fact, that that is not the case.

Let me quote Barry Diller, who is a giant in this industry. He recently said: "Anybody who thinks the networks are in trouble hasn't read the profit statements of those companies. The only way you can lose money in broadcasting is if somebody steals it from you." That is Barry Diller.

The Wall Street Journal reports that:

Fox's president for sales said, "We all knew that it was going to be big, it just turned out to be the biggest year that we had ever had." The chairman of Fox Entertainment noted that Fox will generate significantly more revenue this year than in its previous 17 years, with revenue growth up more than 20%.

So free television in financial trouble? I don't think so. It is interesting to hear this discussion, that somehow the rule the FCC has developed—that is really just a high dive on behalf of the largest corporate interests—is being done in order to save the little guy. I have heard a lot of things on the floor of the Senate but never anything quite as entertaining as that. But it is so far from fact that it is almost hard to respond to.

The FCC, we are told, in another argument, did what the court said it had to do. The court said: The rules you have on broadcast ownership cannot be justified. You must change them.

That is not what the court said. I have what the court said in my hand. The court said: "It is entirely possible that the Commission will be able to justify a decision to retain the cap." It just said that in the response the FCC provided, it did not provide the justification. It did not say: Go change the rule and give the largest corporate interests everything they want. It said: Justify it.

The FCC did not even appeal the court's ruling, and now has not tried to justify it. It just said: Well, apparently the court said we must cave in here and decide that there is a kind of "Katie bar the door" limit, and we will do what the big interests want.

Again, this is a regulatory agency that ought to be concerned about the public interest but, in my judgment, with respect to these rules, is not concerned much about the public interest.

My colleagues say: This is all about the market system and the Constitution. The first amendment says you have the right of free speech and the right to buy what you want to buy. One of my colleagues talked about being able to acquire property you want to acquire.

That is not an inalienable right in this country. We have things such as antitrust. We have laws dealing with antitrust. When somebody wants to steal from you by creating a cartel and jacking up the price, that is called stealing. It violates the law, and we put people in jail for it. So you do not have an absolute right to do whatever you want in the marketplace.

We have had some experience with this over time. The most recent experience, of course, is the Enron Corporation. And I suppose some of those Enron folks are going to get 2 years of hard tennis at some minimum-security institution some place.

Some of them are still waiting to see if indictments and charges will come. Hundreds of millions of dollars were bilked from people because of concentration in the marketplace monopoly, pricing, and so forth.

Look, the point is this: If, in this circumstance, what people see, read, and think is controlled by fewer and fewer interests, it is, in my judgment, detrimental to the democratic way of life and system of government that we have because the foundation of this system of government is the free flow of information.

Now, if somebody decided tomorrow, look, we are going to buy up all the hamburger stands in America, and instead of driving down the street and seeing a McDonald's or a Burger King or a Wendy's, one company decides we want all the hamburger stands in our name. We just want to call all those hamburger stands "The World's Best Burger Stands," and we are going to buy them all. That would be awful, would it not? It would not affect our lives very much. We might have indigestion once in a while, and there would be no variety. Somebody would probably say it violates the antitrust laws for a company to own them all, but I wouldn't have an apoplectic seizure on the Senate floor because I don't stop at those stands much.

But what about instead of hamburger stands, we talk about information? Information is what makes a democracy work. What about the control of information in fewer and fewer and fewer hands? Is that something we should be concerned about? Yes, of course. That is something that is important. They say, well, but the market system should make this judgment. Look, that market system is wonderful; it is a great thing.

I used to teach economics briefly. I taught about the market system. I love the market system. It is a wonderful allocator of goods and services. But it is not perfect. That is why we have regulators and regulations. Under the market system—Judge Judy, that woman on television with an attitude, gets $25 million a year. Good for her. That is the market system. Judge Rehnquist, Chief Justice of the Supreme Court, gets $180,000 a year. That is the market system.

A shortstop for a Texas baseball team makes the same amount of money in a year as 1,000 elementary school teachers. Good for him. Is that a market system judgment that you think makes sense? I don't. But that is the market system.

The market system is not perfect. In circumstances where you are dealing with ideas, and the free flow of information in a democracy, we need to be concerned about making certain that we don't have fewer and fewer people, fewer companies or institutions, determining what we see, read, and hear in this, the greatest democracy on Earth. That is what this is about.

I mentioned earlier that there are some trashy things in the media. I talked about the television programs that my colleague, Senator Nunn, talked about on the floor of the Senate. I could have updated it and used the same things for this year or last year. I should hasten to say, however, there are also some wonderful things. I don't want to just tarnish an industry. I think there are wonderful things, gripping things, things with such incredible, utter beauty that you can hardly describe them, on television and on the radio. It is really quite remarkable.

Some of the things that we are able to see and experience are great. I don't want anybody to think that I am somebody who doesn't watch television, doesn't appreciate television, or radio. I just want there to be some vibrancy with respect to the use of the airwaves, which belong to the American people and are licensed to companies. I want there to be vibrancy with respect to serving the local communities they serve. The reason we license a radio station in a community is to be responsive to local needs and interests in that community. It doesn't attach at all when properties are purchased by companies that only want to run homogenized music from a thousand miles away. They are selling advertising and making profits, but they don't do anything with respect to the localism requirements in those local communities. That bothers me.

I offered this amendment with my colleagues, Republicans and Democrats. This isn't a partisan or political issue in any way. Senator LOTT from Mississippi and I, and many others, including Senator KAY BAILEY HUTCHISON and others, have been very concerned about what is going on with respect to concentration in the media. This battle that has shaped up in the FCC to write a new rule is a battle between the public interest and the special interests.

Frankly, the special interests won everything. They won the whole pot. By that, I mean it was put in the middle of the table and they turned over a card and the FCC said: You win, big interests; you get it all.

We have a procedure called the Congressional Review Act by which we can, as the Senate, vote on whether we want to disapprove this rule. I want the Senate to decide that now in this time we will say to the FCC that we disapprove of that rule. That rule is not in the public's interest. That rule is not what we expect this regulatory agency to do on behalf of the American people.

I mentioned earlier, I come from a very small town. We didn't have a radio or television station. I come from a town of 350 people in a southwestern corner of a sparsely populated State. North Dakota is a wonderful place, but we have 640,000 people spread out in a landmass the size of 10 Massachusettes. The nearest television station to where I grew up was 125 miles away. The first television in our little town was at a place called the Regent Garage. The people in town—at night, especially, because that is when you can catch disparate signals being broadcast—would gather at the Regent Garage. With this one television set—the only one in our town, they would all peer into that set and see this grainy, snowy vision coming from Bismarck, ND, 125 miles away.

Occasionally, there would be some sort of a skip and they would pick up professional wrestling from West Virginia, or a strange program from way out East. The people in my hometown thought it was just incredible. The people began to get television sets. It wasn't just the Regent Garage; they got sets in their homes. So it has gone for some 60 years.

There wasn't any question years ago about localism. When stations were developed, one developed closer to my hometown. It is still the closest television station now. It was 60 miles away—KDIX television in Dickinson. As television stations developed, they were locally owned. The only way they got a television station in Dickinson is folks in the region put in money. They asked people to contribute $100. So my dad contributed $100. He was one of a lot of people who contributed to building a television station in Dickinson, ND. So we had localism, local ownership.

But that has changed dramatically. The question is, Do we want it to change more? Do we want most of our properties in broadcast radio and television to be owned from a thousand miles away? Do we want, in most of our big cities, the dominant newspaper to own the dominant television station? Do we want, in most big cities, to have one company own three television stations, eight radio stations, the dominant newspaper, and the cable system? Does anybody think that will benefit the consumers of this country? The answer ought to be no to those questions.

That is not what we want or expect from the FCC. It is not the direction that we anticipated when we created the 1996 Telecommunications Act.

Mr. President, there is a lot to say. I want to correct one other thing with regards to the discussion about the quality of programming. Somebody talked about the quality of programming and said network-owned stations, where you have one big owner, you get higher quality programming from those folks because they have the money and they are big shots and they have it all going. They are producing great things.

Well, here is something I think is interesting. Two organizations, NASA (Network Affiliated Stations Alliance) and the National Association of Broadcasters (NAB), were highly critical of a study that the FCC did on the quality of news programming between affiliates and network-owned stations. While the original study indicated that network-owned stations did better than affiliates because they won more awards, NASA and NAB demonstrated that the conclusion was untrue once the study was adjusted to take market size into account. After controlling for market size the data showed that independent affiliates outperformed network-owned stations on all measures of news quality. Affiliates win substantially more Dupont awards and substantially more Peabody awards. In addition, the Project for Excellence in Journalism study showed that affiliates are superior to network-owned stations in terms of news quality. I think that is important.

Finally, it is also important in the context of what kind of program is going to come into your community. Is it going to be programming that someone in your community can decide they do not want? We see the programming these days on some of the national shows. It is almost embarrassing to read the names of the programming, and yet if you tune in some evening, when your television set comes on you will see someone standing in front of a bowl of maggots and they are beginning to eat this bowl of maggots. I forget the name, "Fear Factor"—it is one of those shows. I have only seen it momentarily.

When I saw somebody trying to eat a bowl of maggots, I thought: It is a good thing there is an off button on the television set. Maybe there ought to be an off button with the person who owns the local broadcasting company saying: I happen to think that is not the program I want to sell in Tallahassee, FL, or Chattanooga, TN. What I would like to do is put on an alternative program that I think is better than someone eating maggots.

You know what. They cannot do that. I described earlier letters from local stations who say: We can't do that. So the more stations you get under this umbrella, under single ownership, the less opportunity anybody anywhere at any time will have to say: I don't happen to like that program. You might have put it together in the recesses of a closet in Hollywood someplace where you thought it was wonderful, but back in our hometown, we think it is trashy. I don't want to play it. I want to play something that more reflects the values of our hometown.

They cannot change it. If you want more of that, if you want to move more in that direction, then you ought to vote to sustain the FCC. Like a cheerleader, shake some pom-poms, jump up in the air and say: We really like what you do; bigger is better. Katie bar the door, let them have anything. Let's have one big company give us a crooked smile every morning and say: We are for America, and we decide what you ought to see, what you ought to hear, and what you ought to read from Sunday to Saturday. Don't like it? Tough luck, we own it all.

If that is your philosophy, then you need to vote for this resolution of disapproval. But if you believe in enterprise, in local control, in owning up to the responsibility we have given those who own local stations, if you believe in that, then you ought to vote for this resolution of disapproval.

Mr. President, I yield the floor.

Mr. REID. Mr. President, the Federal Communications Commission regulations must serve the public interest by guaranteeing that a wide range of local voices can be heard and by promoting competition in the marketplace.

As a public trustee, the FCC has a duty and obligation to include the public in its decisionmaking process. That was not done in this case.

I support this resolution that has been engineered by Senators DORGAN and LOTT because the FCC did not hold a single public hearing to present its proposed rules for comment. Chairman Powell refused to hold a hearing even after Commissioners Copps and Adelstein personally requested such a hearing.

Even though the FCC's flawed process makes it impossible for me to support its action, I am deeply concerned about the situation in rural communities where many TV and radio stations are struggling.

The FCC cross-ownership provisions would enable a newspaper to more easily acquire a troubled and failing broadcast station in situations where it might not be cost efficient for another entity to purchase the station.

Newspapers have the business expertise, the financial stability, and the news-gathering resources to supplement local news and informational programming. If the FCC and Department of Justice have determined that a transfer of title would serve the public interest and would not present an unfair market advantage, newspapers should be permitted to use these strengths to serve their communities.

Although pre-June 2 newspaper-broadcast cross-ownership prohibitions provided for a waiver that would allow a newspaper to purchase a failing broadcast company, only four such waivers have been granted in the past 28 years.

Under the current cross-ownership provisions, the smallest broadcast markets would be protected from monopolies, and a limited cross-ownership rule will remain in effect in markets of between four and eight broadcast companies.

The FCC newspaper-broadcast cross-ownership rules will benefit communities in Nevada. For this reason, I support the cross-ownership part of the FCC's action.

I hope the final outcome of this will be to drop the number of stations a company can own but allow the cross-ownership. This will not only stimulate competition but will allow rural America to have some of the programming that simply will not be available unless a newspaper and/or a TV station join together. This is the way it is all over America, not just Nevada.

Mr. INOUYE. Mr. President, I rise today in support of S.J. Res. 17, the bipartisan resolution offered by Senators DORGAN, LOTT, and others that would repeal rule changes recently adopted by the Federal Communications Commission that, if allowed to go into effect, could dramatically alter the shape of the American media landscape.

The foundation of our democracy is based on the free flow of information guaranteed by the first amendment. As the Supreme Court explained more than 50 years ago, the first amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the people." Unfortunately, the FCC's recent changes to its broadcast media ownership rules call into question that agency's commitment to this fundamental principle.

On June 2 of this year, the FCC voted to significantly relax rules that protect the American people from the ill-effects of concentrated media power. Already, in television and in print, large media conglomerates control an alarming amount of what Americans see, read, and hear. In fact, 75 percent of what Americans watch during prime time and 90 percent of the top 50 channels on cable are controlled by just 5 media companies.

Against this backdrop, the FCC's decision to allow greater concentration of ownership is clearly a step in the wrong direction. If allowed to go into effect, these rules will result in fewer creative outlets for independent television and content producers; higher ad rates for large and small businesses; fewer antagonistic sources of news and opinion; and less air time for community groups. In addition, there may be growing reluctance by local station operators to take on network executives in rejecting nationally produced programming that violates community standards.

Some Members contend that "[t]here should be reasoned debate on each of the rules" rather than disapproving the entire package. I fully agree that there should be reasoned debate on each of the rules. That is exactly what I, along with 14 other Senators, asked FCC Chairman Michael Powell to do—to given Americans the opportunity to review and comment on the specific rule changes before any final decision by the FCC. Our request was denied.

While recent action by the Third Circuit Court of Appeals in staying the implementation of these new rules is an encouraging sign that these changes may not survive judicial scrutiny, we in Congress should not rely on court action. Instead, we must act decisively to protect the public interest and to rescind these recently adopted rules.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the Senate will proceed to the consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DOMENICI. Madam President, while we are now on this energy-water appropriations bill, let me first thank my friend, Senator HARRY REID from Nevada, as the ranking member of this subcommittee, for the hard work he and his staff put into this bill. We have a great bill. The Senate will find that out in the next 2 or 3 days. I am hopeful there will only be a few amendments. We kind of know what they are. We do not intend to discuss them until those proponents come to the floor and offer them, but we know about them and we think we can have a serious debate Monday. I understand maybe we can't vote on Monday. If we can, we will, and dispose of that serious nuclear amendment—antinuclear development amendment. If not, we would do it on Tuesday.

But I hope nobody intends to use this bill as a Christmas tree for authorizations. I can assure them they will meet great resistance from this Senator. This is not an authorization bill for electricity. That is somewhere else, another bill. It is in the conference. We have already voted. We will not consider that, and if we do, it will not matter because I will not bring back from conference any energy amendments that belong on the authorization bill, creating the policy for the energy future of our country.

With that, I move now to the business before the Senate.

Today the Senate is going to consider one of the 13 appropriations bills. It is a small one, but it is a very important one. We worked very hard this year to put together what we think is a fair bill under extremely difficult circumstances. This fiscal 2004 allocation to the subcommittee is $27 billion, an amount that is only $367 million over the President's request. This situation posed a daunting challenge to the subcommittee.

Let me put that in context. All of the Members here know the President's request dramatically cut water projects. The occupant of the Chair knows that—it cut water projects well below the current year level and left out many projects we had to do.

Furthermore, the President proposed to fund a portion of the Corps of Engineers budget, an amount of $145 million, in a way the Congressional Budget Office says is not permissible. If it is not permissible and we did it, it would be subject to a point of order—even though the Congressional Budget Office gives the President credit for the mechanism in this scoring request.

Thus, we have included a provision that will make an additional $145 million available to the Corps to spend on the enactment of the provision in authorizing legislation that is required under the rules of the Congressional Budget Office. We think that is the way to do it.

But for now, the long and the short of all of this is that the President's request was $530 million below the current year level for water projects, and we only received an increase from the appropriations process of $367 million.

There is nothing that Senators and House Members are more aware of than water projects in their home States. I do not know if they are as important as the Members think. But I only can tell you that if you are chairman of this committee, you cannot get by without Senators stuffing your pockets with the requests and sending them to your office, saying: Don't forget; don't forget. We have a pile of them. I didn't bring them to the floor. There are more than a few hundred.

The bill spreads the increased allocation generally as follows:

An additional $233 million to the Corps water projects; an additional $67 million to the Bureau of Reclamation water projects; an additional $80 million to independent regional commissions which were badly cut in the President's request, such as the Denali Regional Commission of Alaska, the Appalachia Regional Commission, and the Delta Regional Commission; and we held the Department of Energy at just about the President's request level.

I believe—and I think Senator REID will agree with me—that this was the fairest way to distribute the very limited resources. It was the fairest in any sense of the word, and also in the sense of the word of what our Members expect of us and what they can expect of us in doing our job correctly.

The bill provides $4.43 billion for the Corps of Engineers. That is $233 million above the President's request but $212 million below the current year's level. We have included no new construction projects and have focused our resources on restoring the cuts to existing construction projects.

For the Bureau of Reclamation and related activities, the bill provides $990 million, which is $67 million above the President's request but only $17 million above the current year level.

For nuclear weapons activities of the National Nuclear Security Administration—known as NNSA—the bill provides $6.47 billion, which is $96 million more than the President's request and $492 million over the current year level.

The budget increases are consistent with a major Defense Department initiative to restore our nuclear weapons complex.

Mr. President, I told you when we opened the bill that it was a small bill. But it has a lot in it. It pays for the National Nuclear Security Administration. That is the laboratories and the administration. Among its charges is making sure scientifically, with the science-based Stockpile Stewardship Program—meaning these laboratories have to engage in all kinds and varieties of science—that they tell us our weapons are valid without testing them.

For most of our adult life we tested them, so we had no doubt. Great scientists hooked them up and the great desert provided the test site. And we tested them. But we voted to quit it. We didn't vote to stop having nuclear weapons; we just voted not to test them.

Somebody has the responsibility when you stop testing them to be in a position of reporting to the Chief Executive and, thus, then to us whether the weapons are still valid. Some of them are 30 or 35 years old. I don't know whether they are 40 years old yet. But they are pretty old for nuclear weapons. So somebody has to do that. That is the work of the National Nuclear Security Administration and the laboratories, and this bill has to pay for that.

For nuclear nonproliferation activities, it is important that we understand this little bill funds $1.34 billion, which is the same as the President's request, and $171 million above the current level. The committee continues its leadership role in countering nuclear terrorism. The budget request, coupled with $148 million added in last year's supplemental, gives a strong boost to this highly important program.

When we speak of terror in the world, we now have almost stopped talking about nuclear terrorism because we speak so much about biological terrorism and chemical terrorism. But we cannot forget that the granddaddy of all terrorist activities is a nuclear terrorist activity.

Nonproliferation is the effort of our Government to try to keep the things that people might use for nuclear weapons or to keep them out of the hands of those who might put them together and use them. That is a big job.

This is a little bill with a lot of money—$1.34 billion for that effort. We have great laboratory people engaged in that.

Then there is the "Isn't good news provision." We have been paying to clean up energy sites for many years. These are the sites that remained from the cold-war era in the development of nuclear weapons and plutonium in various parts of America, such as the Savannah River area, areas in the west coast and Washington—environmental cleanup sites.

This bill provides an incredible amount of money—$7.6 billion. But believe it or not, that is $62 million below the President's request. For the first time in many years, it is less than the previous year—$238 million less.

The subcommittee was not required to add huge additional amounts to maintain cleanup budgets around the country. This is an unknown—almost secret—success of this Department of Energy. They said they would do it when they took office, but they have been saying it as they took office in that Department for 12 years, that I am aware of, and each year it was more—not less.

We finally have a couple of projects—led by one in Colorado—which have timeframes for completion which is credible and near at hand. There are some that are going to go on for a long time. But at least since this money comes out of the defense of our country, the Defense Department might be hopeful that as they increase their defense dollars we will not have to suck away large amounts to pay for this cleanup, although I am not yet making that as a promise because there are a few of these sites for which we are not absolutely certain how long it will take and how much it will cost. But they have become extremely, extremely expensive sites with thousands of people employed.

The frustration level for a Senator such as me paying for it year after year is very high. I didn't think the cleanup sites were supposed to be public works projects. I thought they were supposed to be cleanup sites.

But there is a lot of justification and a lot of reasoning, and we are not responsible for all of them. But some of them we have to fix, and we are trying.

Then there is a great issue in the State of my friend, HARRY REID, of Yucca Mountain. The project at Yucca causes the Senate to provide $425 million for 2004 construction. That is $166 million below the President's request, and $32 million less than the current level. But this project will be a major point of contention in conference with the House, which has increased the project by $180 million over the request.

This is a very important matter to many members of the subcommittee, each for various reasons, and it will require additional work as we move through the process.

For renewable energy research and development, believe it or not, we even found the money—$459 million, which is $15 million more than the President's request and $40 million more than this year—for renewables.

The committee funds the President's new hydrogen technology initiative.

For nuclear energy research and development, the bill provides $437 million, which is $447 million above the President's request and $63 million over a comparable current bill level. The Members know this is a great priority of mine as we continue to make investments. I believe it will eventually result in the construction of a new commercial power reactor, or more than one, in the United States. We will provide a total of $35 million toward the development of a new reactor in Idaho that could produce both electricity and hydrogen. We are not alone in this goal and in this kind of project. Japan is on the way. Japan is substantially ahead in terms of a timeframe for hydrogen engines in automobiles. Yet it is not something that will happen quickly. It is a few years away even for them, like 10, and, who knows, more than that for us. But we had better get started since we know we are hugely dependent upon oil from foreign countries.

Basic research for the Department of Energy: $3.36 billion, which is $50 million above the President and $88 million above this year. We talk about research. We had a big debate last night about research at the National Institutes of Health, a huge debate. We are researching the human body and the ways we might give health where the bodies are sick and find solutions to illnesses that besiege us. We are spending a huge amount of money in that field. I think the figure was well over the $25 billion mark.

The other agency that does research, but in physics and other sciences, is the Department of Energy. We do not treat it right; we only have $3.36 billion. That is $88 million more than last year for all of their research.

The bill provides $48.5 million for the Denali Commission, $58 million for the Appalachian Regional Commission, and $7 million for the Delta Regional Authority, an increase of $5 million over the President's request and $1 million below the current year level.

The bill also provides a total budget of $619 million for the Nuclear Regulatory Commission, the same as the budget request and an increase of $41 million over the current year level.

Given the overall constraints, we worked hard but were unfortunately limited to accommodating only the highest priority requests of Members where possible. This is going to be a difficult year, but I look forward to the recommendations of other Members.

Finally, the Senate should be fully aware that the committee reported bill includes a provision regarding the Middle Rio Grande River in New Mexico. The provision does two things. First it prohibits the use of outer-basin water for endangered species purposes. Second, it establishes how the Endangered Species Act will be complied with for this river and the affected fish. This is a very important provision that has the bipartisan support in the New Mexico delegation and at the state level.

Before I yield to the floor and my Ranking Member for his statement, I would like to thank him and his excellent staff for all the effort he has put forth in getting this bill put together.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. I join with Senator DOMENICI in presenting this 2004 Energy and Water Development Appropriations Act. I am pleased with the bill Senator DOMENICI and I have produced. Our relationship extends all my time in the Senate on this committee. We have done this bill seven or eight cycles. We have worked together a long time and have worked well together.

This has proven to be a difficult bill this year given the very tight budget constraints within which we had to work. Effectively, Senator DOMENICI and I—I hate to use the word "effectively"—we have worked well together. We have $367 million in new funding, which is hardly adequate to pay for the many needs in this bill.

We added the first $300 million to the Corps of Engineers in the Bureau of Reclamation. I am pleased we added $233 million above the budget for the Corps, but I note that we are $212 million below what we enacted last year.

I realize with respect to staffs, they have done the best they could do with the limited resources. But we need to recognize that by underfunding the Corps of Engineers, we are seriously impacting how they accomplish the mission Congress laid out for them. Project schedules will continue to be lengthened, the maintenance backlog will grow, and solutions to water needs throughout the country will be delayed.

We must always remember, as many have said, wars in the future are not going to be fought over land but over water. We have wars already taking place within the confines of our country dealing with water.

Senator DOMENICI and I believe over the long term we need to find additional resources for the Corps. The work they do for our Nation is too important to be underfunded in the manner they are underfunded.

Finally, $67 million in funding above the President's request was added to regional commissions which were slashed in the President's budget request. While the funding for the Denali Commission, the Appalachian Regional Commission, and the Delta Regional Authority is far below what is required, we have been able to improve matters significantly. While we were able to restore current year funding to the Appalachian Regional Commission, I am disappointed we are unable to do more for the Delta Regional Authority. However, our funding constraints simply do not allow more funding to be restored at this point.

At some time there will be offered an emergency title fund for weather-related, nationwide problems, and that is what we have done while the bill is on the floor. I am prepared to muster every vote possible to support this critical emergency package. There was a debate yesterday that took place, but a very cursory glance would recognize this is much different from what was presented yesterday. We try to be fiscally prudent. We strive to be fiscally prudent. We were sent here to be responsive to the needs of the American people. Devastating floods, hurricanes, tornados, and fires have hit so many parts of the country this year, requiring a response from the Congress. I am glad we are going to do so. We will have bipartisan support for this emergency request.

As for fiscal year 2004 before the Senate, I reiterate, as either Senator DOMENICI or I do every year at this time, we have produced a bipartisan bill that addresses the needs of the Nation and accommodates many of the desires of our Members. We cannot give everyone everything they need. That is an understatement. We do the best we can. Our subcommittee has always been known as one of the most collegial on the Hill. Our staffs have performed this way this year in super fashion. I extend to Senator DOMENICI my appreciation for his leadership in helping produce this bill.

Additionally, I think it is useful to let everyone know there have been certain items deferred for consideration when we go to conference—that is, with one exception—the same items we defer each year until we know what our final resources will be. We cannot do that until we complete our conference. So there are no new construction starts or new environment infrastructure projects for the Corps or Bureau and no university or hospital marks within the DOE's Office of Science and no geographically specific renewable energy earmarks. It is my expectation, as every year, that we will emerge with Members' projects in each of the accounts.

In my view, we will accomplish three very important objectives with this legislation. No. 1, we have been able to restore many of the ridiculous cuts made by the administration to the Corps and Bureau. This President, this administration, is not the only one that has made these ridiculous cuts, but that is not the way it is. For reasons I do not fully understand, every administration does such a terrible job of understanding the importance of the Corps of Engineers. Each year, we get a budget from a President that tremendously underfunds these programs.

It reminds me of when I was chairman of the Military Construction Subcommittee. Every year, we got a request from the President that did not do anything for the Guard and Reserve—nothing. I don't know what this country would have done if we had sent the bill back they gave us. Every year, the Congress bails out the administration on projects, programs relating to the National Guard and Reserve programs. That is what this reminds me of. I don't know what the country would do if we sent the administration back the bill they gave us. But as usual, we don't have the resources to do more.

We have a construction backlog with the Corps of Engineers and the Bureau of Reclamation of $40 billion, but we have found enough resources to prevent the problem from becoming much worse. The chronic underfunding of the Corps of Engineers prevents it from establishing the critical flood control and navigation infrastructure of this Nation.

In the meantime, rather than me going into a lot of detail, suffice it to say that I believe this administration is doing the American taxpayer a tremendous disservice by sending woefully inadequate budget requests to Capitol Hill. In fact, I believe they are putting our economy at risk and putting people's lives at risk.

No. 2, in this bill we have fully funded the National Nuclear Security Administration, the organization charged with keeping our nuclear weapons stockpile safe, secure, and reliable, and with securing and safeguarding fissile material abroad, particularly in Russia.

At a time when our Nation has never been more concerned about homeland security, these programs are more critical than ever.

As I mentioned earlier, we are going to send an amendment to the desk at a subsequent time that will provide, on an emergency basis, $125 million in Corps of Engineers funding to mitigate weather-related damages. Acts of God is the reason we are offering this emergency amendment. There may be a few who oppose an emergency designation on this portion of the bill, but this funding is absolutely critical to the parts of our country that have been devastated by floods, hurricanes, tornadoes, and fires this year.

Senator DOMENICI did a fine job of describing the bill, so I will not take up everyone's time by repeating it. However, before we close here today, I want to take a moment to thank the staffs for all their hard work.

This bill has never had the resources needed to do what our Members would like us to do. However, the staffs have always done the very best they could with what we had.

Senator DOMENICI has always been well served by his now-former staff director, Clay Sell. Tammy Perrin and Erin McHale have also done a very good job for the majority staff.

Clay left the committee at the end of July to become a Special Assistant to President Bush for Economic Affairs. And I don't think it is appropriate to blame Clay for the just-announced deficits that we have. But I do say, on a serious note, he is a fine man, and the President is so fortunate to have someone of Clay's stature working for him.

As I have indicated, he has been great to work with. He has been a tremendous asset to Chairman DOMENICI. And my staff and I have nothing but fine things to say about him and the rest of Senator DOMENICI's staff.

I look forward to working with Senator DOMENICI's former Energy and Water staff director, Alex Flint, who is now the chief of staff in the Energy and Natural Resources Committee, of which Senator DOMENICI is the chairman. Alex Flint is therefore working here on this bill as the staff director of the Natural Resources Committee, but also helping maneuver this bill through the Congress. And he can do that because he has had previous experience being the staff director for Senator DOMENICI.

Alex Flint is a fine man. He is of the same caliber as Clay. Senator DOMENICI has been served extremely well by these two fine men.

On my staff, Madam President, I thank Roger Cockrell. It was very difficult to do, but Roger agreed to leave his lifetime job, really, with the Corps of Engineers and come to work for the Senate, the Appropriations Committee. What a wonderful asset he has been to our committee.

Senator BYRD was elated we were able to work this out so that he came here. There is nobody in the Congress that knows more about the Corps of Engineers projects than Roger Cockrell. So I publicly thank him for making this very dramatic change in his personal life, leaving the career that he has had. And I am sure they are disappointed, the people at the Corps, but we in the Senate are elated he has decided to join us on a permanent basis. He does a wonderful job of handling our water issues.

There are a handful of Senators who are interested in the NNSA and other DOE issues, but every Member has an interest in the Corps of Engineers and/or Bureau of Reclamation projects. Those projects are the engine that drives this bill, and Roger does a wonderful job of working through literally thousands of requests.

I also thank Nancy Olkewicz, who returned to the subcommittee to handle renewable energy, nuclear energy, the Office of Science, and several other non-Defense Department of Energy accounts this year after having worked for the full committee for a number of years.

Senator BYRD has spoken highly of Nancy. And I am very happy that she has been willing to come here and work with me on this bill, and also for Senator DURBIN on the legislative branch bill.

Finally, I want to say a word about my staff director, Drew Willison. Drew is one of those people who came to the Senate as a fellow from a Government agency. This agency was the Environmental Protection Agency. He worked with me, and he worked in the areas that he was not familiar with, but it didn't matter; he was tremendous. The first year he came to work for me, we had a highway bill. I had been on the Environment and Public Works Committee since I came to the Senate, and he was the first person who was able to impart to me enough information that I fully understood what I was doing.

As a result of that, I recognized talent when I saw it, and I worked with him to get him to leave the Environmental Protection Agency. He has had a very busy time working with me. He has graduated from law school while working with me, going to night school, which is very hard. He went to my alma mater, George Washington School of Law.

In short, let me just say that Drew Willison is a valuable asset to not only me but to our country.

And let me say to Senator DOMENICI, I appreciate many things about Senator DOMENICI, but most of all his friendship. He is a proud Republican. I am a proud Democrat. But first of all, we are proud Americans.

He does a tremendous job of representing the State of New Mexico. I have been with him to New Mexico. I have been to New Mexico without him. He is a person who serves that State very well.

As I have indicated, I thank Senator DOMENICI very much for our many years of working on this committee. I heard Senator SPECTER talk about he and Senator HARKIN having a seamless transition when things change in the Senate, but so do we. Under the circumstances we have had this year, it has been extremely difficult. I am happy to work with him and lock arms and do what we can to push through this most important piece of legislation.

Every dollar we have in this bill is designated. We don't have set-asides in this bill. Senator DOMENICI and I and our staffs work together to try to come up with a fair bill. These dollar amounts in this bill are not—no one dictates to us what we do. We have to decide what is best for the country. We are not always right, but we really try to do what is right for the country.

I also thank Chairman STEVENS and Senator BYRD, who is also the former Democratic leader, for their steadfast support for the work that DOMENICI and REID do. I have never had either one of these people come to me and say: How could you have done this? It is the wrong thing you have done for the committee. It is quite the opposite. They come to us and say: How can we help?

So they are great to work with, these two men. The President pro tempore of the Senate is Senator STEVENS, who is the successor of the President pro tempore when we were in control, Senator BYRD.

These two very wise men have very tough choices to make, but I have great respect for the work they do, which has only been amplified by the way they worked with us on this bill.

So I look forward to debate on this bill starting next week. Senator DOMENICI and I are disappointed we are not going to have votes on Monday. But, as some know, a terrible tragedy occurred in the Senate family. The son of Senator GORDON SMITH, a wonderful human being, was taken in death this past Wednesday night. So as a result of that, there will be no Senate votes on Monday. The Senate will be in session on Monday, but out of respect for Senator SMITH, there will be no votes.

Senator DOMENICI and I have asked, and we have received word that Senator FEINSTEIN will offer her amendment, which will be cosponsored by Senator KENNEDY. They can be here at 2:30. We will see if the leader can agree that we can have them debate this matter and set it up for a vote Tuesday, at the discretion of the majority leader. I look forward to the debate.

As Senator DOMENICI said, we hope people understand this bill is not a perfect bill. It is the best we have done. If somebody has a problem, their staff should get ahold of our staff. We feel we have bipartisan support, and we have pretty much accomplished what we have set forth in the bill. The matter Senator FEINSTEIN will debate is something that, as far as we know, is the only real contentious issue on the bill, and that relates to some of the nuclear money in this bill. Other than that, I think we should have a fairly easy time moving this most important bill through the Senate. We look forward to conference, which, again, will not be easy. We have our position and we will do our best to protect the position of the Senate in conference with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank Senator REID for his kind remarks. I think he knows that for each and every comment he made, I have nothing but reciprocal feelings toward him. I thank him for his hard work and for working with me to get this good bill.

There are two things in this bill that are always misunderstood, and administration after administration makes it difficult. One is the Corps of Engineers. It is kind of amazing, whenever we get in trouble and we want somebody to build something for us someplace overseas, the Corps of Engineers is asked to supervise it and manage it and hire the people and the contractors—whether it is in Saudi Arabia or Iraq. And then at home, every President cuts the Corps of Engineers and leaves us in a position where we cannot sustain those numbers. So we have a bill that gets more difficult all the time.

This year, the President didn't do as badly; nonetheless, the same sequence was followed. We are trying to fix it somewhat. It has put us in the position where we cannot quite do it. We will be talking with other people in the Senate about some very serious emergency matters, which are not covered here, that we might very much have the Senate consider putting in this bill.

Second, people don't know we run three giant nuclear laboratories. That means we have to keep the best scientists in the world and their families living in the area, especially Los Alamos, which is a city built only for nuclear. That means we have to modernize because scientists are living in modern times. They want to work in modern facilities, not 50-year-old buildings. We are in the process of modernizing the workplace in Los Alamos in particular. Some don't understand that that is a must. We have to spend money to do it. In addition, as part of maintaining a rigorous core of nuclear weapons, there are certain scientific activities these laboratories have to do, so they are always on the cutting edge in terms of keeping these the most safe weapons. That means they have to do research—the most cutting-edge kind. You cannot have scientists at Sandia Laboratory or Los Alamos researching in depth a new science called nanoscience in shacks or in 50-year-old buildings. We are in the process of rebuilding modern facilities for this kind of science. We are going to bring companies and individuals to work with these great scientists as this new field of nanoscience is developed.

The same is true with microengineering, which is another incredible field. We have to do that, too. They need to use some microengineering aspects in replacing parts of nuclear weapons, to keep them safe. So we have to have facilities. We are in the process of building facilities—the greatest in the world—to take microengineering and develop it.

Microengineering, to put it in a simple way, is a wafer we use now for computers. The wafer we are talking about in microengineering contains on it thousands of machines, or engines. These little machines can be formulated to work, one with the other, on a wafer. When you see it with a magnifying glass, you say what in the world is next for humankind, and what are they going to do with these? Nobody knows yet, but it will be part of the next generation. Perhaps medical science will use them. Perhaps it will be injected into the human body and these little machines will go to work and do things in the body, or for the body, such as clean out parts around the heart by just eating them up. We don't know. But those are things that are in these laboratories. We get excited when we hear and see them.

So when we fund these buildings, we are funding something great for our country. People don't believe us and they think maybe we should not be doing some of it, but we have been generally prevailing. The Senate has been saying let's do it, let's keep on.

Madam President, we are finished for the evening. We have nothing else to do, and we have no indication that anybody else wants to do anything. From my standpoint, I am going to finish now.

MORNING BUSINESS

Mr. DOMENICI. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELLING US THE TRUTH

Mr. DAYTON. Mr. President, September 11, 2001, was a day of infamy that will rank down with the very worst, most cowardly and vile actions ever taken against this Nation or any other nation on this planet, a sneak attack, murdering thousands—innocent children, women, and men—with no provocation, no forewarning, with no justification or rational reason, just the demented ravings and rantings of a fanatic who has perverted the principal teachings of his professed faith, of its greatest prophet, Mohammad. He twisted Mohammad's words into support for wars, with himself to play God and decide who deserved mercy and who did not.

Innocent civilians died in the United States as a result of that fanaticism. His soldiers died on September 11. And he is off somewhere hiding in a cave.

Ten Minnesotans or Minnesota natives lost their lives in the attacks that terrible day: Gordon Aamoth, Jr., whose parents are good friends of my parents, an investment banker with offices on the 104th floor of the World Trade Center; as did Ann Nelson, a bond trader. Others were killed at work at the Pentagon: Captain Charles Burlingame, III, was the pilot of the hijacked American airlines plane which struck the World Trade Center. Tom Burnet was a passenger on United Airlines Flight 93, and one who led the counterattack against the hijackers on that plane. Tom and the other American heroes could not save themselves, but they may have saved us, as that plane's target was reportedly this very Capitol in which I stand with you today—alive, all of us, thanks, possibly, to Tom Burnet and the other American heroes.

These were good, hard-working Minnesotans, good, hard-working American citizens, who had the terrible misfortune to be living their lives in the wrong places on that day, September 11, 2001. They have been forever taken away from their families and friends, from their lives. So to those families and friends I express my very deepest condolences.

I remember leaving the Russell Senate Office Building that morning, going over to a hotel just a couple of blocks away from the Capitol where I was residing at the time, and I was asked by the general manager if I wanted to go up on the roof of the hotel, which I did, about 10:30 in the morning. The sky was totally clear except for a dark plume of cloud coming up from the Pentagon. There was no air traffic in the sky, no planes going in and out of National Airport, no helicopters, as is usually the case, going across the river.

All was quiet there until suddenly this one F-16 fighter plane came streaking down The Mall, seemingly just a few hundred feet right over the top of the Capitol. I thought to myself, I just never imagined in my worst nightmares I would ever see a day where a U.S. fighter jet was flying over our Capitol to defend it from whatever foreign enemy was attacking us. I pray to God I will never, ever see it again—never again.

George W. Bush became our President that week. He hadn't been elected our President, not in the traditional way of a democracy, by getting the most votes in the election, but that week he became our President. He rose magnificently to the enormous challenges and burdens which a President of the United States must bear, and must often bear alone, for all the rest of us. President Bush did that and he did it well, very well. He gained the good will of our entire Nation, and our Nation gained the good will of almost the entire world.

What priceless silver linings there were for all of us who survived those dark, terrible, black clouds which engulfed us on that terrible day. What opportunities those 10 Minnesotans and their fellow citizens gave to their country, at the terrible cost of their own lives. We gained the support, the good will, and the alliance of practically the entire world.

The President said, just 4 months later in his State of the Union Address to Congress and the American people, on January 29, 2002:

> As we gather tonight, our Nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the State of our Union has never been stronger.

I recall all of us rising up in the House Chamber where we were witnessing that speech, and being stirred—shivers down my spine—by those words: "Yet the state of our Union has never been stronger."

Today, 2 years later, the U.S. Government, the same Bush administration, does not have the support nor the trust nor the respect of the nations of the world—not their governments and not the majority of their citizens. That is not surprising. For most of the past year, the administration has scorned most of the rest of the world. It has denounced the United Nations, derided allies of ours who disagreed with us, has berated others in order to try to compel their support. And it has proclaimed repeatedly the right of the United States, and the intention of the Bush administration, to take whatever military action it deems necessary—whenever, against whomever, who threatened or might at some time in the future threaten our national security.

No one in this country who cares about this country could question our right to protect our Nation's or our citizens' safety, not before September 11, 2001, and not after September 11, 2001. No one in the world who wishes us well would question our doing so. In fact, the vast majority of the world's governments and people supported our war against the Taliban in Afghanistan, and against al-Qaida, and our stated intention to attack terrorists and terrorist organizations and their bases of operation wherever they were throughout the world.

But instead, the administration chose to go to war against Iraq. That action most of the rest of the world did not support. Other governments and the United Nations were skeptical about the Bush administration's claim that Saddam Hussein had weapons of mass destruction which U.N. inspectors could not find last fall and this year. They didn't believe they constituted an imminent threat to our National Security.

The Chief U.N. Weapons Inspector, Hans Blix, called the evidence the U.S. gave him about Iran's weapons of mass destruction "pretty pathetic." The rest of the world was skeptical, and the rest of the world would be proven right to be skeptical. There were no weapons of mass destruction used, thank God, against U.S. troops when they invaded Iraq. No weapons of mass destruction were found unused on battlefields or command posts or stored in caches anywhere in that country. Not even biological, chemical, or nuclear materials that could have been used to make those weapons have been found. Not even top level Iraqi scientists or former government officials, some of whom have been incarcerated for months now, denied any legal representation, denied chances to visit with their families—in some cases the families don't even know where they are or even if they are alive—not even interrogations under those conditions have produced information leading to weapons of mass destruction or supplies of weapons of mass destruction materials of the kinds and in the amounts that were claimed by the President and Vice President and Secretary of Defense and the National Security Adviser.

The rest of the world didn't believe our fears, but the American people did. The American people trusted our leaders. They believed them. They supported their decisions. They sent their sons and daughters, their husbands and wives, their friends and neighbors halfway around the world to fight for, and some to die for, that stated threat, that urgent threat that was asserted again and again by our leaders.

On August 26, 2002, Vice President CHENEY said in a speech:

> There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

One month later, on September 26, 2002, President Bush stated after meeting with Members of Congress:

> All of us are united in our determination to confront an urgent threat to America. The danger to our country is grave. The danger to our country is growing. The Iraqi regime possesses biological and chemical weapons. The Iraqi regime could launch a biological or chemical attack in as little as minutes after the order were given.

Ten days later, just before Congress voted on his desire for a resolution, the President added that "Iraq is exploring ways of using UAVs—unmanned aerial vehicles—for missions targeting the United States".

Later, the administration officials admitted those vehicles had a maximum range of only about 300 miles and couldn't have been used against the United States.

During the same speech, the President asserted Saddam Hussein could have "a nuclear weapon in less than a year".

Supposedly the evidence cited and leaked to the press before that speech was that Saddam Hussein was secretly buying aluminum tubes for use in producing nuclear fissile materials. But when our own Department of Energy concluded they were the wrong tubes to use for such a purpose, the State Department's intelligence bureau concluded and pointed out they weren't even secret buys and that the purchase orders were posted on the Internet. The question was not made known to Congress nor made known to the American people.

In two reports to the Secretary of State, the State Department's Bureau of Intelligence and Research concluded there was no reliable evidence that Iraq had restarted its nuclear program at all.

That was, in fact, what Saddam Hussein's own son-in-law had told the United States and United Nations officials when he defected in 1995.

As the Washington Post reported on August 10 of this year, a year previously—on August 7, 2002—the Vice President volunteered in a question-and-answer session at the Commonwealth Club in San Francisco, speaking of Hussein, that "left to his own devices, it's the judgment of many of us that in the not-too-distant future, he will acquire nuclear weapons."

On August 26, the Vice President described Hussein as a "sworn enemy of our country" who constituted a "mortal threat" to the United States. He foresaw a time in which Hussein could "subject the United States or any other nation to nuclear blackmail."

Continuing to quote:

> We now know that Saddam has resumed his efforts to acquire nuclear weapons. Among other sources, we've gotten this from firsthand testimony from defectors, including Saddam's own son-in-law.

But as the Washington Post goes on to say, the son-in-law's testimony was the reverse of the Vice President's description; the opposite of what the American people, were told and what Congress was told. But those contradictions were never disclosed to the American people nor to Congress. In fact, the President and the Vice President continued to insist right up until the invasion that Saddam Hussein had a nuclear threat that was an imminent and urgent danger to the United States.

The Vice President said on a network show on March 16 of 2003 that "We believe he—Saddam Hussein—has in fact reconstituted nuclear weapons."

The President, in his address to the Nation on March 17, 2003, cited intelligence gathered by this and other governments leaves "no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised."

If the Vice President of the United States asserts there is no doubt, and if the President of the United States asserts there is no doubt, then what is there to doubt? If you can't trust your own President and Vice President to tell you the truth about matters of life and death, such as nuclear threats, wars, and the future of this Nation, then what can you trust?

Another thing the American public believes is that Saddam Hussein is directly linked to al-Qaida and to the terrible events of September 11, 2001. According to the national surveys, over two-thirds of the American public believes that. Why? Because that assertion has been made repeatedly by this administration.

In fact, in the President's speech to the Nation last Sunday, he mentions the word "terrorists" or "terrorist organizations" 27 times—27 times. He cited the weapons of mass destruction once, in a rhetorical reference.

The fundamental basis on which we went into Iraq as proclaimed before the war began was only cited one time in that entire address to the Nation. But "terrorism," or the connection of terrorists to Iraq, al-Qaida, and the West dominated the President's remarks, and his continued assertions to the American people of what the real situation is in that country for which Americans are still giving their blood, bodies, and lives.

On the other hand, as reported in the Washington Post recently, key administration figures have largely abandoned any claim that Iraq was involved in the 2001 attacks. "I am not now sure that Iraq had something to do with it," Deputy Defense Secretary Paul Wolfowitz said on August 1.

The CIA's report—the administration's main source of information about these connections or lack of them—to the President and the administration, as reported in the New York Times on February 2 of 2002, found "no evidence that Iraq has engaged in terrorist operations against the United States in nearly a decade, and the agency is convinced that Saddam Hussein has not provided chemical or biological weapons to al-Qaida or related terrorist groups."

Maybe former Marine General Anthony Zinni, who has been on missions representing the administration and the President in the Middle East, has the best analysis of this changing rationale for our actions. He said:

> Initially, there was at least an implication that Iraq was linked to terrorism. When that link couldn't be made, it was possession of weapons of mass destruction. When that link couldn't be made, it was lack of cooperation. Right now it is about "we will not let you talk to our scientists," and it is the reason we will go to war. We know what the Iraqis have, and we can't tell you. I just think it is too confusing.

What is not confusing is the casualties mount. The number of Americans being wounded or killed in action in Iraq last month exceeded the previous month by over a third. Director Tenent told us this week that they are averaging 15 attacks a day on United States forces after the victory we won so courageously and magnificently in 3 weeks over 4 months ago. But we in the Senate owe the American people and those soldiers over there our continued search for and insistence that the truth be told to us and to the American people about the circumstances that got us into this war, the circumstances that exist in this war, and how we are going to get out of this war preserving the victory which was won but also bringing our men and women home. They have performed and continue to perform with patriotism that goes beyond anything I can imagine. But they want to come home. Their families want them home. They deserve to come home.

In his Gettysburg address, recognizing and paying tribute to other American heroes who lost their lives, President Lincoln concluded that "we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

A government of the people, by the people, and for the people is a government that tells the truth to its citizens. If it doesn't, it is not a government of them, not by them, and certainly not for them. It is imperative.

Today, in commemoration of those who did not die in vain 2 years ago, there should be once again a rebirth of our freedom and our assertion to this Government or any Government of the United States of America to tell us the truth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1611 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

GASOLINE

Mr. WYDEN. Mr. President, I take a few minutes tonight to talk about the issue of gasoline prices. I serve on the House-Senate conference committee which is now negotiating over how to pass a good and hopefully bipartisan Energy bill. I will talk about an issue that is clobbering consumers all across this country. It has been devastating across the West—in Oregon, in Washington, Idaho, and California. The fact is, this is true all over America.

In Los Angeles, the average price for regular unleaded gas is $2.10 a gallon.

In New York City, the average price is $1.95 for a gallon of gas. In Phoenix, it is $2. At present, gasoline costs 30 cents more than it did at this very time last year, and 15 cents of that increase has happened in the last few months. In my home State, Oregon drivers are paying a whooping 56 cents more per gallon than they paid for the same gas in September of last year.

I don't think anyone is confused about the implications of these skyrocketing increases. When Americans have to spend this additional money on gasoline, they do not have money for other essentials at a time when millions of our families are hurting. They cannot buy those back-to-school clothes and groceries and consumer items when they are paying an extra 50 cents for gas all across the West and in numerous communities across the country.

It seems to me with so many people hurting, with so many folks out of work, the efforts of the conferees with respect to protecting the American people from escalating gasoline prices seems to be especially important.

Artificially inflated gasoline prices shellac our families three ways: It takes dollars from their pocketbooks; it slows job creation; and it often raises the prices of the goods families need to buy due to increased transportation costs.

When I was home this summer and I held town meetings across Oregon, from Elgin in the rural part of our State to the metropolitan areas of Portland, I heard again and again: What steps is the Congress going to take to promote competition, use free-market principles to help put in place policies that will promote competition in the gasoline markets and provide relief for our consumers?

These gasoline price spikes and the escalating cost of gas cannot be explained just by the market. Steps ought to be taken to put in place real procompetitive market-oriented policies to provide relief for our consumers.

The Secretary of Energy said recently that he is conducting what amounts to an informal investigation into this issue. But we have examined the law and the Department of Energy does not have any power to do anything about gasoline prices. The Federal Trade Commission, which we thought could play the role of being on the side of the consumer, says they can only prosecute if they find out-and-out, blatant collusion, setting out a standard that is virtually impossible to prove in the real world. Moreover, the Federal Trade Commission does not seem to think that tightly documented cases of anticompetitive practices such as redlining and zone pricing is a particularly big deal.

I come to the Senate tonight because the American people deserve better and the American people have a right to insist in this House-Senate energy conference going forward now, that steps are taken to actually put in place new policies to put the Government on the side of marketplace-oriented procompetitive policies that will provide relief for the American consumer who fills the tank at pumps across the country and is just getting shellacked right now when they try to afford those bills.

Even the oil companies admit that the market is not going to solve the problem by itself. Last month, a report by the Rand Corporation revealed that even industry officials are predicting a great deal of price volatility in the future. If you look at what the industry is saying—and that is the assessment of people within the energy industry, not critics—even people within the energy industry are saying, for all practical purposes, consumers can expect more frequent and larger price spikes in the next few years.

I am proposing, and I have shared it with members of the conference, both Democrats and Republicans, and I intend to do so in the days ahead, a proposal so the energy conference does not wrap up without a concrete package of procompetitive initiatives to help consumers at the Nation's gas pumps.

It seems to me the focus of such a procompetitive package should be for the energy conferees to direct Government regulators to act to eliminate anticompetitive practices that right now are siphoning the competition out of our gasoline markets.

Specifically, what we have found is that in my home State, and at least 27 other States, there are essentially oligopolies, mini kinds of monopolies, where just a handful of companies—maybe three or so, maybe four, but a tiny number of companies—are controlling more than 60 percent of the gasoline supply.

That is the case in my home State. It is all over the West, where four of the top six States for high gas prices are located. So, in effect, what you have is more than half of our States very highly concentrated as gasoline markets, where, in effect, you have seen the competitive juices drained out of the gasoline business. It is those competitive juices that I want to restore.

What happens in these tightly concentrated markets—there have been numerous studies to this effect—is that you end up losing a lot of the big sources of competition and price restraint. I am talking specifically about the independent wholesalers and dealers, and we are losing them from these concentrated markets.

One way that has taken a huge toll on the consumer is that these markets often get redlined. In effect, when a market is redlined, you have the independent distributor restricted in terms of where they can sell their gas. As a result, the independent stations have to buy their gasoline directly from those large companies, usually at a higher price than the company's own brandname stations pay. With these higher costs, the independent stations cannot compete.

In my home State, we have lost hundreds of gasoline stations in the last few years. We know many of them are the independent stations that are the biggest source of competition that is so beneficial to the consumer.

So it seems to me, at a minimum, the Federal Trade Commission should act to promote competition in these areas, these 27 States, for example, that have these quasi-monopolies. I believe these highly concentrated markets ought to be designated "consumer watch zones," where there would be greater monitoring by the Federal Trade Commission, and where the Federal Trade Commission would be empowered to issue cease and desist orders to prevent companies from gouging consumers.

I also think that in these particular areas, where you have quasi-monopolies, the Congress ought to stipulate that redlining and zone pricing are anticompetitive practices by their very nature, and that companies that engage in redlining and zone pricing in these tightly concentrated markets should have to carry the burden of proof that what they are doing in those concentrated markets doesn't hurt the consumer.

In the past—and, as I say, I have shared these proposals with Senators of both parties; I have offered ideas to promote competition in the gasoline industry—there have been some who have said, and vociferously, that these kinds of proposals are unacceptable: somehow they would create disincentives to production—this sort of thing.

Well, I see absolutely nothing here that creates a disincentive to production. What I want to do is promote competition and freer markets for consumers at the gas pump.

What I would say to those in the Congress who disagree with the procompetitive proposals I am making today is that I want to issue you a challenge. To those who think the approach I am offering up today is unwise, I would say: Bring your own proposal, give your own proposal to the conferees on the House-Senate committee that is meeting now with your ideas on how to promote competition in the gasoline market.

I want people to know I have offered a proposal to colleagues to both parties in the conference, but I would like to hear from others who have ideas if they happen to agree that my approach is not the way to go—unless someone is prepared to say there is no problem for the consumer. I defy somebody to say that to people I am hearing from in the West and all over the country, who are paying $2 a gallon for gas.

Unless you are prepared to tell those people there is no problem out there, I believe those who disagree with the proposals I am discussing today to promote competition ought to come forward and put their own ideas on the table.

There are a couple of other points I want to make with respect to this proposal to promote competition in gasoline markets.

I see my good friend from Virginia here, who wants to address the Senate. I will just wrap up with a couple of additional points.

I also believe, Mr. President, and colleagues, that as part of the energy conference, the Congress needs to address the growing gap between consumer demand for gasoline and what the oil companies can produce. When supplies are tight, and there is no spare gasoline in inventories, consumers are especially vulnerable to supply shortages and price spikes when refineries shut down unexpectedly or a pipeline breaks, as happened this summer.

Congress ought to take steps to ensure that the consumer is not left stalled by the side of the road or fuming at the pump, by taking steps to keep supplies available in emergencies. It seems to me that here, at a very minimum, steps ought to be taken to ensure there are inventories on hand to address unexpected supply crunches. That has been done in other areas. Certainly we have a Strategic Petroleum Reserve for petroleum and heating oil supplies. I think, given the shellacking consumers are taking with respect to gasoline prices, steps ought to be taken by the Congress conferees to ensure that adequate inventories are on hand to address unexpected supply crunches and the hikes that so often accompany them.

Finally, I hope, as the conferees move to complete their business, they look at what is on the record today with respect to anticompetitive practices in our gasoline markets. These are practices that have driven prices up and have driven consumers crazy at the pump. The evidence is very real.

The fact is, the investigation, as the Department of Energy describes it, is toothless. They do not have the authority under current law to stand up for the consumer at the pump. The Federal Trade Commission, for reasons that are beyond my comprehension, refuses to deal with the documented cases of redlining and zone pricing and anticompetitive practices.

So I have come to the floor today, Mr. President, and colleagues, to outline specific steps, specific actions that could to be taken on a bipartisan basis by the energy conferees to provide real and concrete relief to energy consumers at the pump.

In this conference, the Congress has the opportunity to say that when our consumers are facing, as I described, price hikes of 50 cents—50 cents—for gas, the Government is going to be on their side with policies that promote competition in gasoline markets, in particularly those 27 States which are, in effect, mini monopolies, where there are just a handful of choices for consumers and prices go up as a result.

I call on the Congress to take up this cause in this House-Senate energy conference. This is a chance to go to bat for consumers on the issue that is frustrating our consumers and our small businesses every single day. They are looking for the Congress to step up and act to provide some real relief. The people of this country are asking for that kind of advocacy. I believe it is time for the Congress to provide that kind of approach.

With that, I yield the floor.

OATH OF ALLEGIANCE

Mr. ALEXANDER. Mr. President, earlier today, I talked about remembering September 11 and the terrible events that happened that day, but it also brought us together as we remembered what it means to be an American.

This afternoon, I wish to address an important statement on what it means to be a citizen of the United States. I mean specifically the oath of allegiance which all new citizens swear in court when they are naturalized.

I rise this afternoon to announce that I will shortly introduce legislation to make the current oath of allegiance the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being American. The American Flag, the Pledge of Allegiance, the National Anthem, and our national motto—all these symbols and statements have been specifically approved by Congress and are now a matter of law.

The oath of allegiance, which is currently a matter of mere Federal regulation, ought to be treated with the same dignity. I do this today because it has come to my attention that the Bureau of Citizenship and Immigration Services, or BCIS, an agency of the Department of Homeland Security, may be planning to change the oath of allegiance that immigrants take to become citizens of this Nation.

According to National Review Online:

> The Federal Government is about to change the Oath of Allegiance that immigrants take at citizenship ceremonies.

The article goes on to say BCIS intends to announce the change, perhaps make it effective immediately, perhaps on September 17, Citizenship Day, or next week, during Constitution Week, which is the anniversary of the signing of the Constitution. I do not know whether that will happen or whether it will not happen, but I have read the new oath that, according to National Review Online, BCIS intends to make public next week.

I prefer the oath we already have. The oath of allegiance is a fundamental statement on the commitment of becoming a U.S. citizen. It should not be altered by a Government agency, no matter how well intentioned. Any change should be subject to the approval of this body. It ought to be enshrined in law.

In the first 5 months of this fiscal year, nearly 170,000 new Americans took the oath of allegiance and were naturalized as citizens of this country. The oath assumed its present form in the 1950s and was first adopted in Federal regulation in 1929, but some of the language dates all the way back to 1790.

Let me describe how this oath is used in practice. Imagine that we are in a Federal courthouse, such as the one I was in in Nashville. It was October 2001. It was Naturalization Day. This happens at virtually every Federal courthouse virtually every month. The room is filled with anxious persons talking among themselves in halting English. They are obviously with their families and their closest friends. They are neatly dressed. Most faces are radiant.

That day there were 77 persons from 22 countries who had passed their exams, learned English, passed a test about American Government, survived a character investigation, paid their taxes, and waited in line for 5 years to be a citizen of the United States of America.

The bailiff shouts: "God save this honorable court." On that day, the judge, her Honor Aleta Trauger, walked in. She asked each of the applicants to stand, to raise each one's right hand and repeat the following oath, which I am going to state. I hope those listening will listen carefully because this oath makes an impression:

> I—

And then you state your name—

> hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States, when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion, so help me God.

Now, that is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by a couple of rowdy patriots in Philadelphia or Williamsburg. Yet, surprisingly, Congress has never voted on the content of this oath of allegiance. We have left it to regulators.

That is not how we treat other symbols of our Nation or other statements on what it means to be an American. For example, the American flag with its 50 stars—one for each State, 13 stripes for the original colonies—cannot be altered by Federal regulation. The only way a star gets added is when Congress acts to admit a new State, and we have never changed the 13 stripes since the flag was first adopted in 1777.

The Pledge of Allegiance, which we repeat each morning in the Senate, cannot be altered by Federal regulation. The pledge is a statement of some of the values of the American creed: "One nation under God, indivisible, with liberty and justice for all."

What if a Federal agency decided we should take out the word "justice," and just say "with liberty for all"? It cannot happen because the pledge can only be altered by an act of Congress, as it was in 1954 when the phrase "under God" was added.

The national motto, "In God We Trust," which appears on all of our coins and dollar bills, cannot be altered by Federal regulation. It is a fundamental statement of the religious character of the American people, even though we do not permit and do not want the establishment of a state religion.

The Treasury Department cannot decide to leave "In God We Trust" off the next dollar bill it prints because the motto was adopted by Congress, at first in 1864 to be printed on the 2-cent piece, and later as the official national motto in 1956.

The national anthem, "The Star-Spangled Banner," cannot be changed by Federal regulation. It, too, is a statement of our values, declaring our country to be "the land of the free and the home of the brave."

What if a Government agency decided it preferred "America the Beautiful" or "The Battle Hymn of the Republic" or the song we sang on the steps of the Capitol this morning, "God Bless America," all of which are great songs? It cannot be done. The agency would have to ask Congress to act. Why? Because "The Star-Spangled Banner" was named our national anthem by law in 1931.

Likewise, the oath of allegiance should not be altered lightly by a Government agency without public comment and without approval from Congress.

Of the five symbols and statements I have described, the flag, the anthem, the pledge, the motto, and the oath of allegiance, only the oath of allegiance is legally binding on those who take it. New citizens must take it and they must sign it.

Just to be clear, I have no objection to others proposing modifications to the oath of allegiance that we use today. I happen to like the present oath. It has strength. It has clarity. I have seen in the eyes of new Americans how much it means to them. Perhaps ways can be found to make it even stronger. Still, let us make sure any changes have the support of a people as represented by Congress.

The oath of allegiance is a statement of the commitments required of new citizens. Current citizens, through their elected representatives, ought to have a say in what those commitments are. That is a lesson in democracy. A legally binding statement on an American citizen ought to reflect American values, including democracy.

So as we remember the sobering events of September 11, we are also reminded of how our country came together as one nation in response to those events. Today, more than at any time in a generation, we understand and value what it means to be an American. We ought to protect in law the great statements of our citizenship, such as the oath of allegiance. If it should ever be revised, it should be done in an open and democratic manner. The people should have a chance to make their views known. Congress should vote. That is the American way.

RYAN WHITE CARE ACT

Mr. FRIST. Mr. President, I would like to make some comments regarding the Ryan White CARE Act and the Labor-HHS appropriations bill that we passed yesterday.

Twenty-two years ago, the Centers for Disease Control published a case study that involved five patients infected with a mysterious virus. At the time, I was a third-year surgical resident at the Massachusetts General Hospital in Boston. I remember, vaguely, those first cases and the worrying questions. What was it? How was it transmitted? Could it travel by air? Should we be afraid?

As reports of the illness grew, so did the public anxiety. Never before had we seen a virus with such power to destroy—to destroy cells, cellular function, to destroy lives, families, and entire communities.

During my surgical residency, we began to treat blood in the operation room as potentially toxic, potentially deadly. We began wearing double gloves, masks in the operating room. And we took these precautions to protect ourselves, not our patients. The emergence of HIV/AIDS changed the practice of medicine, public health, and it changed the public consciousness.

Fast forward to 2003. The Centers for Disease Control and Prevention estimate that between 850,000 and 950,000 Americans are infected with HIV/AIDS. One quarter of them do not know they have it and for the first time in many years we are seeing an increase in rate of HIV infection.

CDC experts estimate that, since the virus was first identified, 500,000 Americans have died from AIDS-related illnesses.

The number of new infections among adolescents is rising, and rising disproportionately among minorities. AIDS is the leading cause of death among African Americans 25-44 years of age. It is the second leading cause of death among Latinos of the same age group. In Shelby County in my home State, African Americans comprise 45 percent of the population, but make up 75 to 85 percent of county residents infected with the virus.

Over the course of more than 20 years of treating patients, I have seen first hand the deadly results of HIV infection. I have also seen the devastation it wreaks across entire communities: mothers who unknowingly transmit the virus to their newborns; children who suffer the double curse of being HIV positive and orphaned by parents taken by the disease.

Fortunately, since those early days, researchers have discovered methods to double the life expectancy of people with HIV/AIDS. They have developed new and powerful drugs for the treatment of HIV infection, and researchers continue making advances in the treatment and prevention of AIDS-related opportunistic infections. We may not yet have a cure, but we are working around the clock to find one.

Key to this effort has been the Ryan White CARE Act first passed in 1990. The Ryan White CARE Act forms a unique partnership between Federal, local and State governments; nonprofit community organizations, health care and supportive service providers. For the last decade, this legislation has successfully provided crucial support services for low-income, uninsured and underinsured people with HIV/AIDS.

In particular, through the AIDS Drug Assistance Program, the CARE Act has helped patients gain access to life saving drugs.

In 2000, more than 125,000 people living with HIV and AIDS received drug therapy because of this provision. Without the CARE Act, none of these individuals would have had the necessary resources to get the drugs they need which can total a whopping $12,000 per year.

And when we say the CARE Act, we must pay proper tribute to the American taxpayer who is making this compassionate intervention possible.

Paradoxically, because of our success in decreasing AIDS mortality, however, the total number of individuals living with HIV disease continues to climb; and more individuals are becoming dependent on these programs. But success should not breed failure.

Congress has demonstrated its commitment to ensuring the availability of funds to meet this need by increasing funding for Ryan White programs from $656 million when I entered the Senate in 1995 to more than $1.9 billion last year. The bill passed yesterday provides more than $2 billion for these programs, an increase of almost $24 million.

I know many are concerned that, because of State funding shortfalls, some States have begun to restrict their AIDS drug assistance programs. This year, Congress has provided more than $20 billion in fiscal relief to the states. It is my hope that some of those funds will be used to improve and maintain access for HIV patients.

I thank the chairman for the hard work he has put into crafting the Labor-HHS bill that is currently before us. In 1996, I had the pleasure of working with Senator Kassebaum to reauthorize the Ryan White CARE Act and put in place a number of essential improvements. Again in 2000, when the law was up for reauthorization, I worked with Senator KENNEDY and Senator JEFFORDS, among others, to put in place another round of critical improvements.

I know that Chairman SPECTER faces many challenges in developing this important legislation every year, and I commend him for his leadership.

He did an excellent job in securing Senate passage of this bill under certain constraints. It is my hope that we will be able to address this issue further in conference, in next year's budget cycle, and through the upcoming reauthorization of these vital programs.

I close with a report from my home State of Tennessee. This morning a gentleman named Albert Jones came to visit my office. Mr. Jones is the executive director of New Directions, Incorporated, an organization based in Memphis which serves people infected with HIV/AIDS.

He and representatives from the National Minority AIDS Council came to describe what they encounter down in Shelby County and what they think we need to do to fight the epidemic.

What Mr. Jones hears most from HIV/AIDS patients is that they need better access to health care services. Getting to and from treatment is often the biggest obstacle. He also urges us to support early treatment for HIV/AIDS, so that HIV becomes a chronic rather than fatal disease.

Mr. Jones had a colleague who recently died of AIDS. He tells me that his colleague was so engrossed in his work, so dedicated to the cause, that he worked right up until the day he went to the hospital the very last time.

By passing the Ryan White CARE Act yesterday, may we honor this man's strength and commitment by continuing the fight against HIV/AIDS here and around the world.

CONGRATULATING MARY THOMPSON

Mr. DASCHLE. Mr. President, today I offer my best regards and sincere congratulations to Mary Thompson as she is being honored as the First Lady of Aberdeen, SD. As you know, Aberdeen is my hometown. Since 1948, we've had the tradition of naming a First Lady of the town. The First Ladies of Aberdeen, sponsored by Beta Sigma Phi, are selected for their outstanding service to the community in many areas including culture, religion, education, arts and politics. Mary has been very active in each and every one of these areas.

Mary has served the Plymouth Congregational Church as secretary-treasurer, as leader of Puritan Circle, and she has held various officer posts with Women's Fellowship and numerous other committees. As a proud born Norwegian, Mary has actively participated in Sons of Norway for many years. She and her husband, Robert, have opened their home and welcomed visitors from across the country and the world. Mary is also an Avera St. Luke's Hospital Auxiliary member; for several years, she has worked in the gift shop and on special projects. Now retired, Mary records movies and television specials and takes them to the sick, lonely and shut-ins.

I have had the pleasure of knowing Mary since I was a small child, and I consider her a dear friend and gracious lady. Mary and my mother, Betty, have been friends for many years, and both love playing bridge. For nearly 50 years, Mary has played bridge with the Northern State University Faculty Bridge Club. She attended college at NSU, earning an elementary education degree. There, she met and married the love of her life, Robert Thompson. They celebrated their 60th wedding anniversary May 29, 2003.

On May 3, 2003, Mary was named Aberdeen's 55th First Lady. This Sunday, September 14, she will be celebrated at a special reception at the Plymouth Congregational Church in Aberdeen. I know of no one more deserving of this very special honor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. McCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides Federal Funding for the Departments of Labor, DOL, Health and Human Services, HHS, and Education, and related agencies. It funds programs that are among the most critical to the health and well-being of our Nation. With our military forces deployed abroad and a struggling domestic economy here at home, providing for and protecting our Nation has never been more challenging or more important.

The funding provided by this bill for domestic health programs is critical for our country, States and local governments. Given the poor state of our national economy and the rising number of unemployed and uninsured Americans, as well as the budget crises facing most State governments, resources provided by this legislation will help meet the substantial health care needs of our Nation's vulnerable populations.

I am pleased that this legislation provides increased funding for a number of programs that are particularly important in light of the many threats facing our Nation today. This bill increases funding for the Centers for Disease Control and Prevention, CDC, which plays a vital role in protecting our nation from bioterror attacks and ensuring adequate preparedness for health emergencies. With the recent threat of foreign born illnesses such as SARS and Monkey Pox, increased funding for the Infectious Disease Initiative is especially important and will ensure quick response to public health threats.

Additionally, this bill increases funding for National Institutes of Health, NIH, by $1 billion over the last fiscal year. That increase will enable the continuation and expansion of research into treatments and cures for chronic diseases such as cancer and diabetes, new infectious diseases that threaten our Nation's safety, and diseases that disproportionally affect older Americans, such as Alzheimer's. I have strongly supported doubling the amount of the NIH budget, and I am pleased that its funding continues to increase.

In addition to funding key public health programs, this bill provides funding to help States and local communities educate our children. I applaud the fact that funding for education for individuals with disabilities and programs to improve educational opportunities for economically disadvantaged students have been increased in this bill. I also am pleased that this legislation increases funding for Head Start to ensure that low-income children are physically and mentally prepared to begin school.

These and the many other important programs funded throughout this legislation will help many Americans. However, I am disappointed to find that the report accompanying this bill is laden with directives and suggestive language that predetermines which programs may receive funding. This language eliminates the ability of the agencies funded by this bill to determine, by a fair and competitive process, which programs to fund. This is yet another example of the micro-management of federal agencies at the hands of the appropriators.

I would like to note that both the bill and the report contain only a handful of earmarks, and I commend the Appropriations Committee for its restraint. I encourage the members of the Committee to resist the temptation to weigh down this important bill with locally specific parochial projects when the bill is negotiated with the House of Representatives during conference. Unfortunately, however, the list of directive and suggestive language included in the actual bill language and the accompanying report are extensive, and I will not burden the chamber by listing each one individually. Instead, I highlight a few examples:

In the report language, for the Department of Labor, the Committee "recommends" $7 million for the Denali Commission for job training in rural Alaska. The funding is intended to train rural Alaskans for high-paying jobs in their villages. Any doubt as to whether the appropriators wanted this funding to occur is dispelled by the fact that the bill language authorizes "such sums as may be necessary" to the Denali Commission to conduct this Alaskan job training. Although this specific authority and funding was unrequested by the Administration, the appropriators apparently think they know better. They not only provide the appropriation, but they also want to do the work of the authorizing committee as well. How fortunate it is that this activity in the State of Alaska has such ardent supporters in the members of the Appropriations Committee and has received special treatment at the expense of other states.

Furthermore, the report language expresses the Committee's concern about the Department of Labor's reorganization proposal, which would close the Occupational Safety and Health Administration, OSHA, offices in Bangor and Portland, Maine, and would consolidate the activities of those offices in Augusta, Maine. Instead of allowing DOL to do their job and streamline the operations of OSHA, the Committee in its report, "expects" the Department of Labor to maintain the existing organizational structure with offices in Bangor and in Portland, including providing adequate office space for the current Bangor OSHA staff. Again, the appropriators are catering to a locality-specific interest in Maine at the expense of the national interest in having a more efficient government agency.

Furthermore, this legislation includes legislative and report language that creates a new National Cord Blood Stem Cell Bank Program, through the Health Resources and Services Administration, and appropriates $10 million for the new program. This program may further important life-saving research; however, this is a new legislative initiative, not authorized by the committee of jurisdiction, and not requested by the Administration, but created and funded entirely by the appropriators.

Similarly, the report language accompanying the bill includes directive and suggestive language for the Department of Health and Human Services to initiate a number of new programs, all of which may be worthy of consideration; however, none have been requested or authorized. These programs range from the creation of a Diamond Blackfan Anemia Clinical Care Center to $500,000 allocated for the CDC to create a registry and database of children nationwide with craniofacial malformation. Although these new programs will undoubtedly benefit many children and individuals, they are further examples of new programs created by the appropriators, by circumventing the authorizing committee of jurisdiction.

Also included in the report is language directing HHS and the Department of Education to complete over 20 reports, all at the specific request of the Appropriations Committee. These reports concern important programs within the Departments, but producing them will require substantial manpower and time, diverting scarce and valuable resources to projects dictated by the Appropriations Committee.

With this sluggish economy expected to push this year's budget deficit past a whopping $450 billion and numerous threats facing our nation, funds must be expended on programs that will provide the maximum benefit for all Americans. It cannot be spent on unauthorized and unrequested projects and reports demanded by members of the Appropriations Committee. This is simply wrong and does a disservice to all Americans.

DEATH OF ANNA LINDH, FOREIGN MINISTER OF SWEDEN

Mr. HARKIN. Mr. President, we mark the second anniversary of the September 11 attacks with sadness, as well as resolve.

I am further saddened today, and I believe the world is further saddened, by the death of Anna Lindh. Anna Lindh, the Foreign Minister of Sweden, was attacked with a knife by an unknown person in a Stockholm department store, and she died early this morning.

Anna Lindh was an extraordinarily accomplished and dedicated public servant. Among her many achievements and distinctions, I would like to point out that she has been in the past a member of Parliamentarians for Global Action—a group which will send members from around the world here to Capitol Hill next week. As a co-host of next week's activities here on the Hill, I know that we will honor and seek to carry on Anna Lindh's work.

I am sure that I speak for all Senators when I say that we all feel deep sorrow for Anna Lindh's family, as well as for the people of Sweden. The world has lost a great light.

TRIBUTE TO GOV. O'BANNON

Mr. LUGAR. Mr. President, it is my sad duty today to inform the Senate that our distinguished Governor of Indiana, Frank O'Bannon, has been incapacitated by what his doctors describe as a massive stroke. Governor O'Bannon is currently at Northwestern Memorial Hospital in Chicago where—thankfully—he is showing some small but encouraging signs of improvement.

This has been a heartbreaking moment for all of us in Indiana. Frank O'Bannon is not only one of the State's most dedicated public servants—he is also one of the most respected and loved. I have joined with all my fellow Hoosiers in praying for his recovery. His wife, Judy, has been at his side at the hospital since Monday, and I hope she knows that she has our unwavering support.

Governor O'Bannon has a record of public service that goes back more than 30 years. He was first elected to the Indiana State Senate where he served 18 years—much of it as the Democratic floor leader. He was Lieutenant Governor for 8 years before being elected Governor in 1996 and then re-elected by a wide margin in 2000.

I have known Frank O'Bannon many years and consider him my friend. He is a good man with a good heart—and that is why we are all so saddened by this sudden turn of events.

On Wednesday, the Indiana Supreme Court reluctantly issued an order transferring the authority and responsibilities of the Office of Governor to our Lieutenant Governor, Joe Kernan. This transfer of power, done in full compliance with the Indiana State Constitution, ensures that state government will continue to provide all its services without interruption or delay.

I ask my colleagues to join my prayers that Frank O'Bannon is able to recover from this sudden affliction and resume his responsibilities as Governor of Indiana.

EULOGY FOR AMBASSADOR JOHN DAWSON

Mrs. DOLE. Mr. President, last year, my husband, Bob, had the privilege of introducing Members of the Senate to John Dawson, who was nominated to serve as the United States Ambassador to Peru. Ambassador Dawson assumed leadership of the Embassy in Lima in November 2002, at a time of increasing discontent with the government of President Alejandro Toledo. Undaunted, John was excited about the challenges and opportunities of the new post. But his tenure there was all too brief. Sadly, just as he was entering the prime of his life and at the pinnacle of his career, John died of cancer on August 1, 2003.

Those who knew John well, knew him to be very dedicated to duty a man with a high sense of optimism and great compassion for others. He was kind and thoughtful, and generous in the giving of his time.

At his Senate confirmation hearing, it was clear that John had extraordinary interpersonal skills, and the work history and experience to qualify him for his ambassadorship. But one curious professional experience that he and Bob share bears mention: At one time in their lives, both John and Bob were soda jerks at Dawson's Drug Store in Russell, KS.

It was 1915 when John's great-grandfather took over the drug store. A quarter century later, John's grandfather—Ernie Dawson—gave Bob Dole one of his first jobs working behind the soda counter. Bob was a freshman in high school, and Ernie Dawson was the pharmacist at Dawson's Drug Store. John's two uncles, Bub and Chet, ran the store. Growing up in the dust bowl days of the 1930s, Bob and John's father, Bob Dawson, became fast friends.

John's father, his mother Joan, and the rest of the family in Kansas instilled in John the work ethic, integrity, dedication, public spiritedness and patriotism that helped make him a success in his life and his work. Later, John was also fortunate to have the loving support of his wife, Susana.

John was born in Kansas City in 1950, but spent much of his childhood in Latin America. After achieving a Bachelor of Arts degree with honors from the University of Michigan in 1973, where he majored in economics and Latin American studies, John earned a Master of Arts degree in law and diplomacy from the Fletcher School of Law and Diplomacy at Tufts University in 1975.

That year, John joined the State Department as a foreign service officer. During a long and distinguished career in the U.S. foreign service, he served as Deputy Chief of Mission in El Salvador, Country Director for Panama, Office Director for Andean Affairs, and Economic Counselor at our U.S. Embassies in Panama and Costa Rica. Early on, he held positions as Financial Economist at the U.S. Mission to the United Nations in New York, at the U.S. Mission to the Organization of Economic Cooperation and Development, OECD, in Paris, and in Buenos Aires and Rio de Janeiro. John also served his country in Argentina and Brazil, and was the Director of Mexican Affairs for the State Department prior to his ambassadorship in Peru.

During his years at the State Department, John received numerous awards and commendations for his work in El Salvador, Costa Rica, Panama, Brazil, and Argentina, at the U.S. Mission to the United Nations, and in the Bureau of Western Hemisphere Affairs. His dedication and success in his life's work was recognized with the Herbert Salzman Award for Excellence in International Economic Performance, a Presidential Meritorious Service Award, and Superior and Meritorious honor awards.

Having achieved the post of Ambassador to Peru, John began his assignment with great hope and optimism. Within months, however, he became seriously ill and returned to the United States for treatment. Displaying his characteristic good humor, John looked forward to making a full recovery and spoke with family and friends of his desire to return to Peru and continue his work. Tragically, his life was cut short, but his memory lives on through his friends and family, and his many good deeds.

Truly, America has lost a faithful public servant and John's family has lost a loving son, husband, father and brother. After John's death, Secretary of State Colin Powell stated, "Ambassador Dawson was very popular with his State Department colleagues and will be remembered for both the dedication and collegiality he brought to all of the posts in which he served." A fitting tribute for a remarkable man.

I join Bob Dole, Secretary Powell, and John's family, friends and colleagues in saluting this great American and thanking him for his service to our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM PHILLIPS

• Mr. GRAHAM of South Carolina. Mr. President, I would like to take a moment to reflect on the life of Jim Phillips, one of the most recognized and beloved broadcasters South Carolina has ever known.

I cannot adequately express the significance of Jim Phillip's life and the effect his passing has on the Clemson University family. As the legendary voice of the Clemson Tigers, for 36 years Jim broadcast over 2,000 sporting events, from baseball to women's basketball, including games in the Tigers' 1981 Men's Football National Championship season.

A five-time recipient of the South Carolina Broadcaster of the Year award, Jim has received several prestigious broadcasting awards including the Master Broadcaster Award by the South Carolina Association of Broadcasters. Jim also served as the sports director at a South Carolina television station and radio station for years.

Personally, he was a true friend and one of the most delightful people I have ever had the privilege of knowing. He always had a smile on his face.

God gave him a tremendous gift which he shared with so many for all too brief a period of time.

He was truly one of the best in the business and will be deeply missed.

I invite you to join me in the celebration of Jim's life and the mourning of his passing with the entire Clemson family and all those who were fortunate enough to call Jim Phillips a friend.•

MESSAGE FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 911. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

H.R. 1538. An act to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes.

H.R. 2433. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, and for other purposes.

H.R. 2595. An act to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002.

H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

H.R. 911. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

H.R. 1538. An act to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World

Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes.

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H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4133. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees: Fees for Endorsing Export Certificates for Ruminants" (Doc. No. 02–240–2) received on September 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4134. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Removal of Regulated Area" (Doc. No. 02–121–3) received on September 8, 2003 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4135. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Witchweed; Regulated Areas" (Doc. No. 02–04202) received on September 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4136. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01–02; to the Committee on Appropriations.

EC–4137. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01–01; to the Committee on Appropriations.

EC–4138. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 01–04; to the Committee on Appropriations.

EC–4139. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4140. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4141. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a quarterly report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account" and a report on the value of logistics support contributions that foreign nations have provided the United States for the Global War on Terrorism; to the Committee on Armed Services.

EC–4142. A communication from the Office of the General Counsel, Selective Service System, transmitting, pursuant to law, the report of a designation of acting officer and nomination for the position of Director, Selective Service System, received on September 8, 2003; to the Committee on Armed Services.

EC–4143. A communication from the Acting Assistant Secretary of the Army, Department of the Army, Department of Defense, transmitting, pursuant to law, a report relative to projects and separable elements that meet the criteria of Section 1001(b)(2) of the Water Resources Development Act of 1986; to the Committee on Armed Services.

EC–4144. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4145. A communication from the President of the United States, transmitting, pursuant to law, the report of an intended nomination for the position of Director of Selective Service; to the Committee on Armed Services.

EC–4146. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulatory Reporting Standards: Qualifications" (RIN1550–AB54) received on September 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4147. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and change in previously submitted reported information for the position of Deputy Secretary, Department of Transportation, received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4148. A communication from the Secretary, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Policy Statement on Monetary Equitable Remedies in Competition Cases" received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4149. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Federal Motor Carrier Safety Administration, Department of Transportation, received on September 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4150. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's report on increasing national safety belt use; to the Committee on Commerce, Science, and Transportation.

EC–4151. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (VA–120–FOR) received on September 8, 2003; to the Committee on Energy and Natural Resources.

EC–4152. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents that the Agency recently issued related to its regulatory programs; to the Committee on Environment and Public Works.

EC–4153. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, a report relative to the Commission's actions taken to enhance security at licensed nuclear facilities and of radioactive material; to the Committee on Environment and Public Works.

EC–4154. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines" (FRL#7554–2) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4155. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing" (FRL#7554–3) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4156. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products" (FRL#7554–4) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4157. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan, Clark County Air Quality Management Board" (FRL#7547–9) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4158. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Phaseout of Chlorobromomethan Production and Consumption" (FRL#7553–3) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4159. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Chlorine and Hyrdochlorine Acid

Emissions from Chlorine Production" (FRL#7554-6) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4160. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants" (FRL#7551-5) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4161. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity of Isophorone Diisocyanate" (FRL#7554-9) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4162. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries" (FRL#7554-5) received on September 8, 2003; to the Committee on Environment and Public Works.

EC–4163. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (RIN1545–BC39) received on September 8, 2003; to the Committee on Finance.

EC–4164. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Limitation on Use of the Nonaccrual-experience Method of Accounting Under Section 448(d)(5)" (RIN1545–BC31) received on September 8, 2003; to the Committee on Finance.

EC–4165. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Nonprescription Drugs Under Section 105(b)" (Rev. Rul. 2003–102) received on September 8, 2003; to the Committee on Finance.

EC–4166. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Time Limitation of Price Recalculations and Record Keeping Requirements Under the Drug Rebate Program" (RIN0938–AM20) received on September 8, 2003; to the Committee on Finance.

EC–4167. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the report of recommendations on the future of the social health maintenance organization demonstration and on the issue of risk adjustment for frail beneficiaries in the attached report; to the Committee on Finance.

EC–4168. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Administration's bill to extend the customs user fees enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985; to the Committee on Finance.

EC–4169. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a notification of the transfer of a function within the Department of Homeland Security; to the Committee on Finance.

EC–4170. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Parts 123 and 125 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–4171. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the report of text and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4172. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4173. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" received on September 8, 2003; to the Committee on Foreign Relations.

EC–4174. A communication from the Auditor of the District of Columbia, transmitting, a report relative to the Advisory Neighborhood Commission; to the Committee on Governmental Affairs.

EC–4175. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for the Office of Inspector General, Railroad Retirement Board; to the Committee on Governmental Affairs.

EC–4176. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–114, "Presidential Elector Deadline Waiver Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4177. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–108 "Bowling Alley and Billiard Parlor Act of 2003"; to the Committee on Governmental Affairs.

EC–4178. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–110 "Closing of a Public Alley in Square 2297, S.O. 01–4263, Act of 2003"; to the Committee on Governmental Affairs.

EC–4179. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–112 "District of Columbia Hail Improvement Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC–4180. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–113 "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003"; to the Committee on Governmental Affairs.

EC–4181. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–146 "Streamlining Regulation Act of 2003"; to the Committee on Governmental Affairs.

EC–4182. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–142 "Lincoln Square Theater Sales and Use Tax Exemption Temporary Act of 2003"; to the Committee on Governmental Affairs.

EC–4183. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to D.C. Act 15–109 "Closing of a Public Alley in Square 625, S.O. 01–187, Act of 2003"; to the Committee on Governmental Affairs.

EC–4184. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Annual Report on Commercial Activities; to the Committee on Governmental Affairs.

EC–4185. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a notification of an institution of higher education that has a policy or practice of denying military recruiting personnel entry to campuses; to the Committee on Armed Services.

EC–4186. A communication from the Chairman, Merit Systems Protection Board, transmitting, a copy of the Board's Annual Report for FY 2002; to the Committee on Governmental Affairs.

EC–4187. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to grants streamlining and standardization; to the Committee on Governmental Affairs.

EC–4188. A communication from the Secretary/Chief Administrative Officer, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination for the position of Commissioner, Postal Rate Commission, received on September 8, 2003; to the Committee on Governmental Affairs.

EC–4189. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Awards and Subawards" received on September 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4190. A communication from the Railroad Retirement Board, transmitting, a budget request for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4191. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4192. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4193. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Deputy Secretary, Office of Elementary and Secondary Education, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4194. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra" (Doc. No. 2000F-0792) received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4195. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the evaluation of the Medicare Subvention Demonstration Project for Military Retirees; to the Committee on Health, Education, Labor, and Pensions.

EC-4196. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Accounting for VA and DoD Expenditures for Medicare Beneficiaries"; to the Committee on Health, Education, Labor, and Pensions.

EC-4197. A communication from the Secretary of Health and Human Services, transmitting, a report relative to promoting the use of information technology in health care to increase patient safety, reduce medical errors, and increase efficiency; to the Committee on Health, Education, Labor, and Pensions.

EC-4198. A communication from the Secretary of Health and Human Services, transmitting, a recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system rates for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-4199. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, the report of a vacancy, designation of acting officer, and nomination for the position of Special Counsel, received on September 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4200. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, the report of a nomination confirmed for the position of General Counsel, Equal Employment Opportunity Commission, received on September 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4201. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a request of the concurrence of the Office of Management and Budget to consolidate the Attorney General's Semiannual Report to Congress with the DOJ's Annual Performance and Accountability Report; to the Committee on the Judiciary.

EC-4202. A communication from the Commissioner, Federal Election Commission, transmitting, a copy of the Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations; to the Committee on Rules and Administration.

EC-4203. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of South Carolina:

S. 1607. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SESSIONS (for himself and Mr. Hatch):

S. 1608. A bill to increase the penalties for terrorism against mass transportation and railroads and provide law enforcement with the tools to combat and prevent attacks on mass transportation and railroads; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. Kerry):

S. 1610. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure the adequate funding of pension plans, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 1611. A bill to provide for the establishment of a commission to conduct a study concerning the overtime regulations of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. Pryor):

S. 1612. A bill to establish a technology, equipment, and information transfer within the Department of Homeland Security; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself, Ms. Snowe, Mr. Reid, Mr. Smith, Mr. Breaux, Mr. Ensign, Mr. Durbin, Mr. Cochran, Mr. Leahy, Ms. Collins, Mr. Graham of South Carolina, Mr. Daschle, Mrs. Boxer, Mr. Kennedy, Mr. Kerry, Mrs. Feinstein, Mr. Bingaman, Ms. Landrieu, and Mr. Schumer):

S. 1613. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Daschle, Mr. McConnell, Mr. Reid, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Graham of Florida, Mr. Graham of South Carolina, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. McCain, Ms. Mikulski, Mr. Miller, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Voinovich, Mr. Warner, and Mr. Wyden):

S. Res. 224. A resolution expressing the sense of the Senate on the second anniversary of the terrorist attacks against the United States on September 11, 2001; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. Hollings, Mr. Kennedy, and Mr. Graham of South Carolina):

S. Con. Res. 67. A concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 333

At the request of Mrs. Murray, her name was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 416

At the request of Ms. Snowe, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 416, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 480

At the request of Mr. Harkin, the names of the Senator from Vermont (Mr. Jeffords), the Senator from Louisiana (Ms. Landrieu) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 606

At the request of Mrs. Murray, her name was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 736

At the request of Mr. Ensign, the names of the Senator from Wisconsin (Mr. Feingold) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 852

At the request of Mr. Daschle, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 939

At the request of Mr. HAGEL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 953

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 953, a bill to amend chapter 53 of title 5, United States Code, to provide special pay for board certified Federal Employees who are employed in health science positions, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S . 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1531

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1601

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S . Res. 222, a resolution designating October 17, 2003 as "National Mammography Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1609. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Parental Responsibility Obligations Met Through Immigration System Enforcement Act, or PROMISE Act. Sadly, there are many in our society who do not honor their child support obligations, and ultimately, it is the children who are hurt by such irresponsibility. Shockingly, many foreign nationals are able to benefit from our immigration laws notwithstanding their failure to live up to their child support obligations. As a matter of sound policy, our immigration laws should require those who wish to come into or remain in our country to comply with our moral and ethical standards. Let us be clear in our message. If you do not live up to your financial obligations to your own children, then you are not welcome in the United States.

I am introducing this legislation now because it is time to do something to protect many children who are economically disadvantaged or neglected. These children need clothes, food, and shelter—basic necessities of life. Moreover, when the deadbeat parents fail to meet their obligations to their own children, it is our society and our taxpayers who must pick up the cost. Of course, we will do what we have to for the children in our country, but we need to hold the parents responsible and impress upon them we will no longer tolerate their irresponsible attitude toward their own children.

Specifically, this legislation amends the current Immigration and Nationality Act, section 212(a), to include failure to pay child support as a ground of inadmissibility. It will also amend section 101(f) of the Immigration and Nationality Act so that one who fails to pay child support is statutorily without good moral character. The legislation will cover not only orders from a court in the United States but also foreign courts with which our Federal or State governments have reciprocity agreements. As such, deadbeat parents cannot use the United States as a haven from child support enforcement by other governments.

In conclusion, we must be mindful that permission to enter the United States is a privilege and not a right. We will not grant this privilege to individuals who do not respect the law of our Nation, the laws of their home country, or their moral duty to provide for their children.

I ask for your support of the PROMISE Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Responsibility Obligations Met Through Immigration System Enforcement Act" or "PROMISE Act".

SEC. 2. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in an arrearage is inadmissible.

"(ii) EXCEPTION.—An alien described in clause (i) may be admissible when child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

SEC. 3. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting "; or"; and

(2) by inserting after paragraph (8) the following:

"(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 212(a)(10)), and whose failure to pay such child support has resulted in any arrearage, unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

SEC. 4. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States, legal process with respect to any action to enforce a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

SEC. 5. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General, Secretary of Homeland Security, or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

By Mr. BAYH (for himself and Mr. KERRY):

S. 1610. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure the adequate funding of pension plans, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defined Benefit Pension Plan Reform Act of 2003".

SEC. 2. MULTIEMPLOYER PLAN EMERGENCY INVESTMENT LOSS RULE.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 412(b)(7) of the Internal Revenue Code of 1986 (relating to special rules for multiemployer plans) is amended by adding at the end the following:

"(F) EMERGENCY INVESTMENT LOSS METHOD.—

"(i) IN GENERAL.—In lieu of amortizing net experience loss as prescribed in paragraph (2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

"(ii) EMERGENCY INVESTMENT LOSS.—An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

"(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

"(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

"(iii) AMORTIZATION OF EMERGENCY INVESTMENT LOSS.—The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

"(iv) TREATMENT OF ADJUSTED NET ACTUARIAL EXPERIENCE.—If an election is in effect for any plan year described in clause (ii)—

"(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

"(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv)."

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 302(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(7)) is amended by adding at the end the following:

"(F)(i) In lieu of amortizing net experience loss as prescribed in paragraph (2)(B)(iv), a multiemployer plan may elect to use the emergency investment loss method described in this subparagraph, starting with the first plan year in which there is an emergency investment loss.

"(ii) An emergency investment loss for any plan year beginning on or after July 1, 1999, and ending before January 1, 2004, is the amount (if any) by which—

"(I) the fair market value of the plan's assets as of the last day of the plan year, is less than

"(II) the fair market value which would have been determined if the plan's earnings for the plan year had been equal to the projected investment return based on the actuarial interest rate under paragraph (5)(A) for the plan year, applied to the fair market value of assets as of the beginning of the year and noninvestment cash flows during the year.

"(iii) The funding standard account shall be charged with the amounts necessary to amortize in equal annual installments (until fully amortized) the plan's emergency investment loss over a period of 30 plan years.

"(iv) If an election is in effect for any plan year described in clause (ii)—

"(I) any net experience gain otherwise determined for such year under paragraph (2)(B)(iv) shall be increased by an amount equal to the emergency investment loss for such year, and

"(II) any net experience loss otherwise determined for such year under paragraph (3)(B)(ii) shall be reduced by the emergency investment loss for such year, except that if such emergency investment loss exceeds such net experience loss, the excess shall be treated as a net experience gain for such year for purposes of paragraph (2)(B)(iv)."

(c) ELECTION PROCEDURE.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe a procedure under which multiemployer plans that elect to use the emergency investment loss method described in section 412(b)(7)(F) of the Internal Revenue Code of 1986 and section 302(b)(7)(F) of the Employee Retirement Income Security Act of 1974 may do so either by starting the special amortization periods in the actuarial valuations for each of the affected plan years or by starting with a cumulative emergency investment loss and adjusted net actuarial experience (based on the outstanding balance of the experience gain bases for the affected plan years, reduced by the cumulative emergency investment loss) in the actuarial valuation for the last plan year ending before January 1, 2004.

(2) FILING PERIOD.—The procedures described in paragraph (1) shall provide a period of not less than 210 days after the date of enactment of this Act for multiemployer plans to file Schedule Bs (relating to actuarial information under the plan) to the

Form 5500 Annual Reports for the plan years for which the emergency investment loss method is elected, including amended Schedule Bs for annual reports previously filed.

(d) Effective Date.—The amendments made by this section shall apply to years beginning after June 30, 1999.

SEC. 3. MORTALITY TABLE ADJUSTMENT.

(a) Amendment to the Internal Revenue Code of 1986.—Section 412(l)(7)(C) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(iv) Separate mortality tables for blue-collar and white-collar workers.—

"(I) In general.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary shall take into account the Society of Actuaries RP–2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

"(II) Classification of workers.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary. In prescribing such rules, the Secretary shall treat professional employees (within the meaning of section 410) as white-collar workers.

"(III) Consistent use.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary.".

(b) Amendment to the Employee Retirement Income Security Act of 1974.—Section 302(d)(7)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following:

"(iv) Separate mortality tables for blue-collar and white-collar workers.—

"(I) In general.—Notwithstanding clause (ii), in the case of plan years beginning after December 31, 2003, the Secretary of the Treasury shall establish separate mortality tables for blue-collar workers and white-collar workers which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection. For this purpose, the Secretary of the Treasury shall take into account the Society of Actuaries RP–2000 Mortality Table, as adjusted to take into account the collar adjustment prescribed in such table to reflect the workforce covered by the plan.

"(II) Classification of workers.—For purposes of this clause, individuals shall be classified as blue-collar or white-collar workers under rules prescribed by the Secretary of the Treasury. In prescribing such rules, the Secretary of the Treasury shall treat professional employees (within the meaning of section 410 of the Internal Revenue Code of 1986) as white-collar workers.

"(III) Consistent use.—If an employer elects to use the tables prescribed under subclause (I) for any plan established or maintained by the employer, the employer shall use the tables for all such plans other than a plan for which use of the tables is prohibited under regulations prescribed by the Secretary of the Treasury.".

(c) Effective Date.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SEC. 4. MODIFICATION OF FULL-FUNDING LIMITATION FOR PURPOSES OF DEDUCTION LIMITS ON EMPLOYER PENSION CONTRIBUTIONS.

(a) In General.—Section 404(a)(1)(A) of the Internal Revenue Code of 1986 (relating to limitation on deductibility of employer contributions) is amended by adding at the end the following: "In determining the full funding limitation for purposes of the preceding sentence for any year beginning after December 31, 2003, the amount determined under section 412(c)(7)(A)(i) shall in no event be treated as being less than 130 percent of current liability (including the expected increase in current liability due to benefits accruing during the year)."

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2003.

SEC. 5. REQUIRED NOTIFICATION OF PARTICIPANTS AND BENEFICIARIES OF PLAN TERMINATIONS BY PENSION BENEFIT GUARANTY CORPORATION.

(a) In General.—Section 4042(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(b)) is amended by adding at the end the following:

"(4)(A) Not later than 30 days after the corporation notifies a plan administrator under this subsection regarding the commencement of proceedings to terminate a plan under this section, the corporation shall provide notice of such proceedings to affected parties as provided in this paragraph. The notice shall state that such termination is intended, the proposed termination date, and the procedure for such termination under this section.

"(B) Upon notice to the plan of the commencement of proceedings, the plan administrator shall provide the corporation with a list of the names and addresses of all participants and beneficiaries of the plan.

"(C) The corporation shall provide—

"(i) written notice to each affected party of the plan; and

"(ii) notice in the 2 newspapers with the largest circulation in the area of the majority of the affected parties.".

(b) Effective Date.—The amendment made by this section shall apply to proceedings commenced after the date of enactment of this Act.

By Mr. SPECTER:

S. 1611. A bill to provide for the establishment of a commission to conduct a study concerning the overtime regulations of the Department of Labor, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I sought recognition to introduce legislation to create a commission on overtime pay.

Yesterday, the Senate passed an amendment to preclude Federal funding for the regulation issued by the Department of Labor on overtime pay, and it is uncertain what will happen as the bill goes to conference. There has been a representation that the President will veto the appropriations bill on Labor, Health and Human Services, and Education if this regulation is not in the bill.

It seems to me we ought to be taking another step, and that is to create a commission to deal with this issue so we are prepared in any eventuality. There is no doubt that the 1945 regulations on the Fair Labor Standards Act, that those regulations are vastly out of date and they ought to be revised. There are many lawsuits, some class actions, to determine what the definitions are for those who are or who are not covered by overtime pay that ought to be clarified. Clarification can be achieved without having the massive disruption on the change on overtime pay for so many in the workforce.

A change in the overtime pay for those in the workforce would be especially problematic given the economic situation at hand, that it is a difficult time and there ought not to be that kind of disruption which would be occasioned by this bill, by the regulations going into effect.

Even though the Department of Labor's propose legislation stated that the Department could not exactly clarify which workers would be exempt or not exempt based on the current and the proposed rules, the commission which I am proposing would have representatives from business, the public sector, the labor groups, with widespread approval from congressional leaders, and is a preferable course so we can achieve both objectives; that is, to have clarification on the outdated regulations to avoid the litigation and know who is exempt and who is not exempt while doing it without massive disruption of the overtime pay at a very difficult time for the workers.

To reiterate, today I am introducing legislation to establish a commission to conduct a thorough study of issues relating to modernization of the Fair Labor Standards Act overtime provisions. These provisions have remained substantially unchanged since 1975, despite changes in the modern work place.

On March 31, 2003, the Labor Department issued proposed regulations to update the exemptions from overtime pay for executive, administrative, professional, outside sales and computer employees. More than 70,000 comments were received by the June 30, 2003 deadline. Due to the controversy generated by the proposed regulations, I held a hearing on July 31, 2003 to explore this complex question. We heard testimony from the Labor Department, as well as organized labor and business representatives. It was evident that while there was general agreement that greater clarity of definitions concerning overtime pay eligibility would be beneficial to both employees and workers there was disagreement about the impact of the proposed regulations, and no consensus about how to achieve greater clarity and compliance to avoid costly lawsuits. Even the Labor Department's proposed regulations stated that the Department could not exactly clarify which workers are exempt and nonexempt based on the current and proposed rules.

The commission I am proposing will bring together experts to study these ambiguities and other issues deemed appropriate, and report to the Secretary of Labor and Congress by July 30, 2004. The legislation also specifies that the proposed overtime regulation will not become effective until 60 days after the date the commission report is submitted.

The commission will be composed of 11 members representing organized labor, the business community, the general public and Federal officials. The commission members will be appointed on a bipartisan, bicameral basis and shall be appointed by the Secretary of Labor, and the House and Senate appropriations and authorizing committees.

The primary duties of the commission will be to conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938.

Specifically the commission will:

(1) Review categories and numbers of workers not eligible for overtime pay under current regulations and identify how many workers and employers might be affected by proposed changes to the current regulation;

(2) Determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(3) Assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(4) Assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation; and

(5) Determine the impact of the regulation on nurses, pharmacists, and police, firefighters and paramedics.

Given the extreme controversy over the proposed overtime regulation, I believe that the legislation that I am proposing will provide an opportunity for all sides to air the concerns and work with the Secretary of Labor to craft a regulation that will benefit employers, employees and the general public.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION ON OVERTIME REGULATIONS.

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission on Overtime Regulations (in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members of whom—

(A) 1 member shall be appointed by the Secretary of Labor from the general public;

(B) 1 member shall be a representative of business to be nominated by the United States Chamber of Commerce and appointed by the Secretary of Labor;

(C) 1 member shall be a representative of organized labor to be nominated by the AFL-CIO and appointed by the Secretary of Labor;

(D) 1 member shall be appointed by the chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(F) 1 member shall be appointed by the chairman of the Committee on Appropriations of the Senate;

(G) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the Senate;

(H) 1 member shall be appointed by the chairman of the Committee on Education and the Workforce of the House of Representatives;

(I) 1 member shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives;

(J) 1 member shall be appointed by the chairman of the Committee on Appropriations of the House of Representatives; and

(K) 1 member shall be appointed by the ranking minority member of the Committee on Appropriations of the House of Representatives.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall conduct a thorough study of, and develop recommendations on, issues relating to the modernization of the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) in order to promote clarity and compliance. In conducting such study the Commission shall—

(A) review the categories and number of workers not eligible for overtime pay under current regulations under the Fair Labor Standards Act of 1938 and identify how many workers and employers might be affected by proposed changes to such regulations;

(B) determine if the proposed regulation relating to overtime is sufficiently clear to be easily understood by employers and workers;

(C) assess the paperwork burden that employers would have in order to assure that each individual worker, claimed to be exempt from such overtime requirements, actually is exempt under such regulation;

(D) assess the extent to which it will be clear to the individual worker as to his or her overtime pay protection under the proposed regulation;

(E) determine the impact of the proposed regulation on the access of individuals to health care based upon the impact the proposed regulation has on nurses and pharmacists, and the impact that such regulation has on fundamental security occupations of first responders such as police, firefighters, and paramedics;

(F) identify how the proposed regulation would affect enforcement and compliance actions of the Department of Labor;

(G) make recommendation to simplify the definitions of professional or managerial duties that exempt workers from overtime requirements so that they have a greater ability to know in advance what their expectations should be;

(H) identify new and emerging specialty positions in the modern workplace that require clarification of their status with respect to the profession employees exemption to the overtime requirements;

(I) review the need to update the exemption to the overtime requirements for computer workers;

(J) examine the merits of an income ceiling above which workers would be exempt from the overtime requirements;

(K) review the salary levels used to trigger the regulatory tests for overtime compliance, including the merits and drawbacks of indexing such levels for inflation;

(L) consider what kind of limited or conditional "docking" flexibility would provide employers with alternatives to termination and to week-long suspensions without being used as a subterfuge to evade or undermine the salary test with respect to overtime requirements;

(M) identify obstacles small businesses may face in achieving compliance or correction with respect to the overtime requirements and develop a means to overcome those obstacles;

(N) clarify the definition of "workplace conduct" so that employers and employees know whether dangerous or abusive situations, such as harassment or violence off the employer's premises can, nevertheless, be addressed in a manner consistent with the Fair Labor Standards Act of 1938;

(O) identify ways in which employers can satisfy the requirement that policies regarding workplace conduct be in writing to permit the use of other forms of notice or other technologies for communications while ensuring that notice is fairly provided to workers;

(P) identify ways to improve the availability of the proposed safe harbor means of demonstrating compliance with the overtime regulations by clarifying that such regulations are intended to parallel existing legal requirements for discrimination or labor law cases and not to prompt new litigation or confusion; and

(Q) study other issues determined appropriate by the Commission.

(2) REPORT.—Not later than July 30, 2004, the Commission shall prepare and submit to the Secretary of Labor, the appropriate committees of Congress, and the general public a report concerning the study conducted under paragraph (1). The report shall include the findings and recommendations of the Commission with respect to the matters described in subparagraphs (A) through (Q) of paragraph (1).

(3) EFFECTIVE DATE OF REVISED REGULATIONS.—The Secretary of Labor shall ensure that the effective date for any proposed modifications to the regulations relating to the overtime requirements under the Fair Labor Standards Act of 1938 is not earlier than 60 days after the date on which the report is submitted under paragraph (2).

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive

such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research prior to holding such hearings.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF AND EQUIPMENT.—The Department of Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(A) office space;

(B) furnishings; and

(C) equipment.

(f) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (c)(2).

By Ms. COLLINS (for herself and Mr. PRYOR):

S. 1612. A bill to establish a technology, equipment, and information transfer within the Department of Homeland Security; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to reflect on the terrorist attacks of 2 years ago, and to remember those who lost their lives or their loved ones on that tragic day. We also pause to honor the heroes who came to the rescue that day: our firefighters, police officers, and emergency workers.

Two years ago, a brilliant late-summer Tuesday morning turned without warning into a horror of fire, smoke and chaos. Just another workday suddenly became a day of unimaginable loss, courage and sacrifice. What happened in New York City, Washington and Pennsylvania 2 years ago ensured that September 11 would be forever a solemn anniversary we will observe with reverence and reflection. It is a date we will keep in our places of worship, in our streets and public parks, certainly in our hearts.

This second anniversary also is an appropriate time for assessment. While the terrorist attacks told us much about the strength of our people, they also revealed many weaknesses—in planning, cohesiveness and cooperation—in our government. The question we in government must answer today is whether our planning is more comprehensive, preparedness more effective, and the interactions among the various agencies of government more cohesive and cooperative.

Since September 11, 2001, the Federal Government has worked to forge a new relationship with State and local governments. During the past 2 years, Congress has provided $11 billion to States and localities to help equip and train their police, fire, and emergency personnel. Federal experts have trained more than 450,000 State and local first responders and conducted nearly 450 training exercises throughout the country. These efforts have better equipped our communities and first responders to respond to a terrorist attack.

But we must do more to help first responders become first preventers—to help them apprehend terrorists and thwart attacks before they happen. Our communities requires more than decontamination equipment to treat those affected by a dirty bomb—we need to give our law enforcement agencies innovative monitoring technologies to thwart terrorists before they strike.

As the Portland Press Herald reported just last week, "While [Maine] is better equipped to respond to a chemical strike or "dirty" radioactive bomb, little has been spent to prevent such an attack." The legislation I am introducing today is aimed squarely at prevention.

The Homeland Security Act established a framework to research and develop new advanced counter-terrorism technologies. The Homeland Security Appropriations bill passed by the Senate just a few months ago will provide the millions needed to fund this effort. Many other agencies, both within and outside the Department of Homeland Security, are developing technologies that could be used to prevent future terrorist attacks.

I am pleased to introduce legislation with my colleague from Arkansas, Senator PRYOR, which would help the Department quickly identify and transfer cutting edge counter-terrorism technologies and equipment to the front lines. Under our legislation, the Director of the Office for Domestic Preparedness, working with State and local law enforcement officials, the Science and Technology Directorate, and other Federal agencies will identify counter-terrorism technologies with the potential to significantly assist the law enforcement community.

Once these technologies have been identified, State and local law enforcement agencies can apply to receive these technologies and equipment directly from the Department of Homeland Security. For example, those law enforcement agencies protecting borders, cargo ports, and other freight transportation links will be able to secure advanced detection and monitoring equipment that may not be purchased using other Office for Domestic Preparedness funds. This program, then, will fill in the technology gaps between traditional homeland security assistance programs.

This is not another open-ended grant program. Rather, the counter-terrorism technologies and equipment themselves will be available from a catalog of items proven to work. Transferring the technology, instead of providing a monetary grant, will enable ODP to provide the appropriate training to law enforcement officials.

Our legislation is modeled after a program that works—the successful Technology Transfer Program within the Counterdrug Technology Assessment Center. Since 1998, this program has provided nearly five thousand pieces of equipment to roughly twenty percent of the Nation's State and local law enforcement agencies. It has also operated efficiently: administrative costs run less than 10 percent of the total funding per year.

I commend Secretary Ridge for his outstanding efforts on the monumental challenge of incorporating nearly two-dozen agencies into the new Department of Homeland Security. But just as it is our first responders who are on the front lines when terrorism strikes, it is our law enforcement community, our "first preventers," who can best thwart terrorism before it occurs. We must build on Secretary Ridge's efforts by helping to ensure that our state and local law enforcement agencies have the equipment and training they need.

I am pleased to have the support from police chiefs and sheriffs across America. In fact, the National Sheriffs' Association, the International Association of Chiefs of Police, and the Major City Police Chiefs have already voiced their support for this legislation.

A few weeks ago, the Port Authority of New York and New Jersey released transcripts of the 911 tapes from that awful day, more than 1,800 tragic pages that tell an inspiring story of everyday people responding as extraordinary heroes. We in government must not forget that story as we proceed with the difficult task we have undertaken, one that may never be finished but that must progress. Let every September 11, then, be both a day of remembrance and a day when we commit ourselves to better protect the citizens of this great Nation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 224—EXPRESSING THE SENSE OF THE SENATE ON THE SECOND ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mrs. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 224

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, and a third into the Pentagon in Arlington, Virginia;

Whereas the valor of the passengers and crew on the fourth aircraft, which crashed in Shanksville, Pennsylvania, prevented it from also being used as a weapon against America;

Whereas thousands were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas September 11, 2001 stands as the deadliest terrorist attacks ever perpetrated against the United States;

Whereas by targeting symbols of American strength and success, these attacks were intended to assail the principles, values, and freedoms of the United States and the American people, to intimidate the Nation and all who stand with us, to weaken the national resolve; and bend our will to their grotesque cause;

Whereas in the darkest moments after the attacks, American men and women demonstrated extraordinary courage and compassion;

Whereas local, State, and Federal leaders set aside differences and worked together to provide for those who were attacked and to protect those who remained;

Whereas nations around the world provided material support and moral support to the United States as it recovered from the terrorist attacks: Now, therefore, be it

Resolved, That the United States Senate—

(1) recognizes September 11 as both a day to remember those taken so suddenly and so ruthlessly, and a day for Americans to recommit themselves to our great national purpose;

(2) extends its deepest sympathies to the countless innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) extends its deepest gratitude to the members of the Armed Forces serving both at home and abroad who are defending the United States from future attack;

(5) praises the people of the United States for their patriotism, compassion, prayers, and generosity in donating time and money to support the innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(6) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks; and

(7) reaffirms that the United States Senate will honor the memory of those who lost their lives as a result of the September 11, 2001, terrorist attacks and will act to defend the citizens of the United States in the face of all future challenges.

SENATE CONCURRENT RESOLUTION 67—EXPRESSING THE NEED FOR ENHANCED PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORTING THE DESIGNATION OF A NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. COCHRAN (for himself, Mr. HOLLINGS, Mr. KENNEDY, and Mr. GRAHAM of South Carolina) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 67

Whereas traumatic brain injury is the leading cause of death and disability among children and young adults in the United States;

Whereas at least 5,300,000 Americans currently live with permanent disabilities resulting from traumatic brain injury;

Whereas at least 1,500,000 Americans sustain traumatic brain injury each year;

Whereas another 80,000 Americans each year sustain lifelong disabilities from traumatic brain injury, resulting in life-altering experiences that can include the most serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, 1 person in the United States sustains traumatic brain injury;

Whereas traumatic brain injury costs the United States $48,300,000,000 annually, consisting of approximately $31,700,000,000 for hospitalization expenditures and approximately $16,600,000,000 for fatal brain injury expenditures;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's "silent epidemic";

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing the public awareness of traumatic brain injury;

Whereas former President Ronald Reagan proclaimed the month of October 1984 as National Head Injury Awareness Month; and

Whereas the Brain Injury Association of America has recognized October as Brain Injury Awareness Month since 1980: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life-altering impact that traumatic brain injury can have, both on Americans living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the President to issue a proclamation designating National Brain Injury Awareness Month.

AMENDMENTS SUBMITTED & PROPOSED

SA 1646. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1647. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1648. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1649. Mr. FRIST (for Mr. STEVENS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1650. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1652. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1653. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1646. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, beginning on line 2, strike "the continuation" and all that follows through line 8 and insert "preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized, for recreation:".

SA 1647. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 19, strike "1706:" and insert "1706; and of which an additional $5,000,000 shall be available for the Mni Wiconi project, South Dakota:".

SA 1648. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 12, before the period at the end, insert the following: ": *Provided further*, That of the funds provided under this heading, an additional $5,000,000 shall be available for the Mni Wiconi project, South Dakota".

SA 1649. Mr. FRIST (for Mr. STEVENS) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SA 1650. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.

The Secretary of the Army shall implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the city of Baltimore, Maryland.

SA 1651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 14, before the period at the end, insert ", of which $10,000,000 shall be available for a defense and security research center".

SA 1652. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004; and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 8, strike "facilities:" and insert "facilities; and of which $858,000 shall be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon:".

SA 1653. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 8, strike "facilities:" and insert "facilities; and of which $983,000 shall be available for dredging and other operation and maintenance of the Umpqua River, Oregon:".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy and Natural Resources.

The hearing will be held on Thursday, September 18, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the Western United States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, TX, and for other purposes; and H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes. Contact: Shelly Randel 202-224-7933, Erik Webb 202-224-4756 or Meghan Beal at 202-224-7556.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 11, 2003, at 3 p.m., in closed session to receive a classified briefing regarding Operation Iraqi Freedom "Lessons Learned".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2003, at 9:30 a.m., to hold a hearing on United States-China relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the senate and Thursday, September 11, 2003, for a hearing on the Department of Veterans Affairs' Capital Asset Realignment for Enhanced Services (CARES) initiative. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 11 at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommitee on Public Lands and forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 11, 2003, at 2:30 p.m.

The purpose of the hearing is to consider S. 432, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System and for other purposes; S. 511, which would provide permanent funding for the payment in lieu of taxes program, and for other purposes; S. 849, which would provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, and S. 1582, which would amend the Valles Caldera Preservation Trust Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Spencer Chambers, a staff person in my office who does not currently have floor privileges, be admitted to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that Kris Schaffer of my staff be given floor privileges during consideration of this Energy and water bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

PROVIDING FOR THE ADJUSTMENT OF CERTAIN FEDERAL ANNUITY COMPUTATIONS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 978, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 978) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 978) was read the third time and passed.

Mr. ALLEN. Mr. President, it is altogether fitting that we have finally accomplished this idea on the second anniversary of the violent and dastardly attacks of September 11, 2001. Several survivors of that tragic day helped inspire this legislation, which will adjust Federal employees' retirement computations to offset reductions in the retirement amounts arising from on-the-job injuries covered under the workers compensation program.

I thank my colleague, JOHN WARNER of Virginia, for cosponsoring the measure. I particularly thank Kay Cole James in the Office of Personnel Management and her staff for working with me on this measure for well over a year now. Moreover, I wish to thank my colleague, Senator SUSAN COLLINS of Maine, whose leadership today, earlier this year, and last year helped move this measure several times through the procedural hoops of the Senate. Finally, we have gotten it passed on the House side.

Mr. President, this bill addresses a problem in the retirement program for Federal employees that has been recognized for a long time but unresolved since 1986, when the current retirement system was established. Unfortunately, complications arising from the Tax Code and the Workers Rehabilitation Act of 1973 have blocked any solution.

My resolve to introduce this bill and address this problem was inspired by Ms. Louise Kurtz, a Federal employee from Virginia who was severely injured in the September 11 attack, 2 years ago today, on the Pentagon. She worked at the Pentagon as a civil service employee. She suffered burns from the impact of American Airlines Flight 77, but even with all these burns, she still was trying to rescue and help others get out. She suffered burns on over 70 percent of her body. I have seen her several times. In fact, I saw her last year, at the Project Phoenix, the reopening and dedication of the Pentagon. She had no fingers left—just little nubs, really. Her ears were mostly burned off as well. She is a person, though, who continues to endure these painful surgeries and faces other surgeries in the future. She wants to continue with her rehabilitation. She still hopes to return to work someday.

Current law, however, does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving workers compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation and rehabilitation.

As Mrs. Kurtz's situation reveals, Federal employees under the Federal employees retirement system who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's Office of Workers Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, under the current situation, which is being changed by this law, future retirement benefits from both sources—the Thrift Savings Plan and Social Security—are reduced.

This legislation offsets the reductions in Social Security and the Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System's direct benefit calculation by 1 percentage point for the extended periods of disability.

Mr. President, you have probably already heard my talk about this bill because we have actually passed this measure twice in the Senate. We passed it once on October 17, 2002, and then again in July of this year, 2003. As a lead sponsor of the bill, I was pleased to see that my colleague on the House side, Congresswoman JO ANN DAVIS, with her persistence, finally got the House of Representatives to pass this measure yesterday. By taking this matter up and passing it in the Senate today, we are clearing it for the President's signature.

The passage of this bill ensures that the pensions of our hard-working Federal employees will be kept whole during a period of injury and recuperation, especially now that many of them are on the front lines in protecting our homeland security in this new and ongoing war against terror. By protecting the retirement security of injured Federal employees, we have provided an incentive for them to return to work and increased our ability to retain our most dedicated and experienced Federal workers. This is a reasonable and fair approach, in which the whole Senate acted in a logical and compassionate manner last fall, and, of course, we did so in July, and we have done so again today.

On the second anniversary of the attacks on the World Trade Center, the Pentagon, and Flight 93, which crashed in Pennsylvania after the brave efforts of those passengers, I thank my colleagues for once again passing this compassionate legislation honoring and helping some of the survivors of these horrific events.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL ADDRESSES TO THE NATION

Mr. FRIST. Mr. President, on Sunday night in his televised address to the Nation, the President of the United States outlined clearly and unequivocally why we are at war and what is required to defeat our enemies. In his remarks, he urged us to remain steadfast and resolute. In that speech, he reminded us that our enemies are motivated not by the perception that we are strong. No. Indeed, they attacked us out of the mistaken belief that we are weak.

This is not mere guess or conjecture. When one listens to the words of Osama bin Laden himself, he calls America "a paper tiger." He boasts that at the first sign of danger, that first painful blow, we retreat to wallow in our so-called—his words—decadence.

The terrorists did not launch the September 11 attacks in retaliation to military action. They struck America as a direct demonstration of their pure and unshakable hatred. One only has to listen to the words of one of Osama bin Laden's closest associates, Yussuf al-Ayyeri—no longer with us, I might add, in body. This murderer warned in a treatise written just before Operation Iraqi Freedom that:

> It is not the American war machine that should be of the utmost concern to Muslims. What threatens the future of Islam, in fact its very survival, is American democracy.

Why? Mr. al-Ayyeri fears democracy will—

> . . . make Muslims love this world, forget the next world, and abandon jihad.

He fears that if democracy takes root in Iraq, Muslims might actually benefit in the here and in the now, that they might become prosperous, self-sufficient, tolerant, and consequently—going back to quoting him:

> . . . reluctant to die in martyrdom.

For this reason, and he explains in the treatise, his comrades must defeat unbelief, must defeat modernism, and most of all must defeat the democracy brought on by the Americans.

While Mr. al-Ayyeri falsely conflates his power-mad ideology with the Muslim faith, a faith that we all know is practiced peacefully by millions in this country and indeed around the world, one cannot deny, however, unwittingly, that he makes his case. Success in Iraq spells failure for al-Qaida, failure for al-Qaida's murderous fanaticism, failure for al-Qaida's tyrannical goals. Success in Iraq strikes at the cold, arid hearts of men who murder Muslims for daring to reject al-Qaida's warped demands.

Our efforts to help the Iraqi people build a decent and free nation, yes, a democratic society where people of differing ideas, of differing ethnicity can live in peace, live with one another, will be a clear refutation of all that the terrorists stand for and the poison that they continue to peddle.

September 11—most Americans have spent much of the day in thought and reflection on that event 2 years ago. I wish, as every American, that September 11 had never happened, that those innocent women and men and children were alive today, were with their families, were thriving, were safe. I wish our enemies had never emerged from their caves and they never cooked up their crazed campaign. I wish all these things. But clearly wishing will not and does not make it so.

Thus, we are called to act. We are called to lead. We must protect our fellow citizens and defeat terror and those regimes that support them. Our enemies will not disappear or go away. It is not going to happen. We know that. Words do not in any way mollify them. Negotiation in no way mollifies them. Thus, we must stand firm and we must not waver.

We must support our troops; let them know how much we admire their courage, their sacrifice, their bravery. We must let the enemy know that America will press on to victory.

I know we will meet the challenge. Americans are strong and Americans are tough. We have seen that tenacity. In many ways September 11 made it come alive. It uplifted all of us, but it made that tenacity and that strength come alive.

We are sincere in our compassion. Why? Because it springs from the fundamental belief that all people have a God-given right to liberty, to freedom, to know what is in their own minds and to control their own futures; freedom to act in a room and a body like this in the political sphere; freedom to participate in their own governance. And, unlike our deadly enemies, we wish the best—not the worst—for Iraq.

The President has come this week to this body seeking our support. It really began formally in his speech now 5 days ago on Sunday night. His proposal for emergency funding to defeat terror and to stabilize our efforts in Iraq and Afghanistan clearly warrants it.

We will continue to meet with the administration in the days ahead, as we have in the last several days, to assist them in these efforts. I know there will be much debate and there will be careful examination of the request, but I know the Senate will overwhelmingly support the President's request. Why? We think back to September 11. We know who the enemy is and we know what it takes to defeat that enemy.

Over the course of the week and in our briefings and after we talked to our colleagues who have gone to Iraq, it is very clear that we are making a lot of progress in Iraq. It is not what you see when you first turn on the television or when you open the newspapers now, but from our colleagues who have gone there to see firsthand, and as we have been briefed by people who have just come back, clearly, we are making progress.

Just this week the League of Arab States granted the Iraqi Governing Council membership, albeit conditional membership but membership, in their deliberative body. This is a significant step forward. There will be many more steps forward in the coming weeks and months ahead. I know we will succeed in this mission. We will defeat terror. And the Iraqi people will have a free and a democratic nation to lead into the future.

AN INSPIRATIONAL DAY

Mr. FRIST. Mr. President, I will talk a little bit on another topic for a couple of minutes, in large part because we began this morning opening at 8:30, and over the course of the morning I personally, in part representing this body, have had a wonderful day. It was a day that was truly inspiring if you look at public service, but also if you look at the sacrifice that others made on September 11 and since that time, and others who continue to make right now in Iraq and Afghanistan to preserve the freedoms and liberties that we have.

We opened this morning with a commemoration, a bell ringing, and had a moment of silence with that glorious sound of that bell dramatically ringing for each of the incidents and the tragedies that occurred on September 11.

Over the course of the day on this floor, we have heard our colleagues on both sides of the aisle reminisce, talk about what they were doing then but also how they have been affected as public servants in dealing with others, how people have been brought together, how the common threads which bind all of us have been stressed a little bit more the last couple of years than maybe in the previous years.

A little bit later in the morning I had an opportunity to go by the Pentagon. At the Pentagon I saw the reconstruction. I had the real privilege of having the Speaker of the House give to Secretary Rumsfeld the flag that was flying over the east wing of the Capitol 2 years ago.

We were in the chapel in the part of the Pentagon that was struck. In that new chapel are four beautiful stained-glass windows dedicated to the events, to the families, and to the institution—all related to September 11.

Coming back here a little bit later, the Congress—Members of the House and Senate, and others—were on the front steps of the Capitol not too far from where I am speaking now on the floor of the Senate. It was very reminiscent of that night 2 years ago when we were on the steps. We made a statement. It was a spontaneous statement that the terrorists will not shut down our Government, where we joined hands and sang "God Bless America" on the night of September 11.

Then later this afternoon—just a few minutes ago—we had a wonderful service with our Senate family, staff, Senators, President pro tempore, and the Senate Chaplain and the House Chaplain, again reflecting late this afternoon on the events of 2 years ago. It was a wonderful 10 minutes when the Chaplain said: "I just want three people to volunteer to come forward and say how September affected them." Usually everybody kind of sinks down and doesn't want to be the one to volunteer in front of a few hundred people. But hands shot up, and people spoke from the heart about how September 11 affected them each in individual ways, but with a common theme coming back of appreciation for what this country has given us and the importance of our doing everything we can to protect the freedom and liberty upon which this country has been founded and of which we take advantage.

Also, 40 minutes ago I had the opportunity to go to the West Front of the Capitol and look out over The Mall, with the Lincoln Memorial and the Washington Monument—again, not too many yards from where we are today—to have the lone bugler quietly—right at 6 o'clock tonight, 40 minutes ago—play Taps with a clear sky—the Sun was just beginning to go down—to express our appreciation, our love, and our feeling for the many families who have been affected by the tragedy of September 11.

Again, I want to add that people continue to sacrifice and fight for that very same freedom. It is appropriate that we use this day for a day of reflection.

We continue business. I think that is important. A lot of people said we should stop all business in the Senate. No, I don't think anybody from September 11 would say stop the Nation's business. In effect, they would say continue the Nation's business. Indeed, we made real progress today and continued the work of the Senate well into last night as well.

Americans all over the country—and indeed all over the world; indeed, not just Americans—I know spent the day kneeling, praying, going to synagogues, mosques, and churches, holding services like the many services we have had here in Washington, DC. A large part of that I think is reflected in the power of faith and the fact that faith has that power to help heal, to help explain the questions of "Why?" that continue to arise: Why did things happen on that fateful day? Power to console, faith to reassure—both right now and as it did 2 years ago on that fateful day.

Although 2 years later memories are a little bit fainter and our pain may be just a touch more distant, we still ask questions, questions of "Why?" In that answer of the "why," I think it makes all of us a bit more determined, a bit more focused, and a bit more appreciative of what we have.

We do put our trust in providence. It is hard to be in this body for very long and not realize the importance of faith and providence in the Senate and in our Founding Fathers and the democracy we share today.

Abraham Lincoln, in his second inaugural address after 4 of the most traumatic years in U.S. history, said: "The almighty has His own purposes."

I thought of that today while sitting through one of the ceremonies. It does help that question of "Why?" Clearly, in Abraham Lincoln's time, faith was able to support, console, and give strength to our Nation. Clearly, that is the same thing today as we look at the various services. Our Founders had a belief. They believed—they knew, and believed—that our Nation was founded with divine purpose. During some of the most difficult moments, with the odds being against us at certain points in time, our leaders turned to faith. And indeed God has watched over this Nation. Although we asked, "Why?" on September 11, God was watching over us on September 11.

Over the course of the day, it came up to each of us in different ways. And Lisa Beamer—the world knows now because she was able to articulate and put a face that expresses what we are all trying to describe—said of her husband's flight on that day, September 11:

> The courageous actions of the passengers and crew reminded me that on the day when people around the world felt violated, helpless, alone and afraid, there were still people of character, people who in the midst of crisis dared to live to the last second with hope.

She captured it.

We all have to ask ourselves: Where did those heroes on Flight 93 reach to get their courage? We answer: "Family." That is where we get our strength. They answer: "Faith." There is no question that each individual's faith almost certainly played a role.

Todd Beamer said what is probably the most inspirational thing many of us have heard in our lives. He was talking to the telephone operator and said: "Let's roll." But what he said a few seconds before that was the recitation of The Lord's Prayer.

A few days after September 11, Billy Graham, in the national prayer service at the cathedral, along with folks here looking at the lessons of the "why," said:

> The lesson of this event is not only about the mystery of iniquity and evil, but . . . it's a lesson about our need for each other.

I was thinking about that when I was at the Senate service about an hour ago with the Senate family. Regardless of whether we are staff, or a Member, elected official, worker, Democrat, Republican, whether we are in our first term or seventh term, those in the room there, that common bond is a calling to public service. We believe in the greatness of this institution.

As you look at the inscriptions all around—the inscription on the east doorway that we come through every day, or that most Senators come through—the inscription written up there is the English translation of the Latin, "God has favored our undertakings."

We start coming back to those "why's."

I will close. But I think, clearly, my final reference today, after coming in 11 hours ago for what has been a meaningful day for me, is a wish and a prayer that God continues to watch over the family members of the victims of September 11, that God heal their wounds as time goes forward, and that God continue to shine on America and indeed on this Senate.

Mr. McCONNELL. Mr. President, I know the majority leader is about to take us out of session, but I just wanted to take a moment to thank him for his truly inspirational remarks about the events of today which I had an opportunity to hear over the last few moments and also to thank him for his extraordinary leadership of the Senate.

You make us proud every day; particularly you make us proud today.

THE SENATE WEEK

Mr. FRIST. I close with some announcements. We had a good, productive week. We completed the Labor-HHS appropriations bill after 7 days of consideration. We had 68 amendments considered. We disposed of all 68 amendments. We had 25 rollcall votes. I congratulate both of the managers who did just a superb job in staying focused, handling some very difficult situations but allowing time for debate and votes. We have completed that bill. Both Senator SPECTER and Senator HARKIN did a superb job.

Senator ALLEN helped clear the way for Senate action on H.R. 978 with regard to the disability compensation computation bill which can now go to the President's desk.

Earlier today the Senate spoke with a voice vote as it unanimously adopted S. Res. 224 relating to the second anniversary of September 11.

Next week I look forward to beginning a fresh week and continuing on our appropriations process. Again, we have a number of appropriations bills to address. We have made real progress; in fact, five appropriations bills. If you look at the overall amount of money, that is probably 70 percent of the overall amount of money appropriated. So we are making progress. It is tough—

slower than I would like, but we are making steady progress.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. FRIST. I ask unanimous consent that notwithstanding the passage of H.R. 2660, the Labor-HHS appropriations bill, it be in order to consider the amendment I now send to the desk, that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1649) was agreed to, as follows:

(Purpose: To provide the Director of the National Institutes of Health with the authority to carry out the NIH Roadmap to provide for rapid advances in the biomedical research process)

On page 61, between lines 14 and 15, insert the following:

SEC. . (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

UNANIMOUS CONSENT—S.J. Res. 17

Mr. FRIST. I ask consent that the debate time allocated for the consideration of S.J. Res. 17 be delayed to begin at 9:30 a.m. on Tuesday, September 16, with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. For the information of all Senators, this consent will now move the debate and vote in relation to the FCC rule resolution from Monday evening to Tuesday evening. With this consent granted, there will be no votes on Monday. The next vote will occur Tuesday morning.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER A. WRAY, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. FRIST. I ask unanimous consent the Senate immediately proceed to executive session to consider Executive Calendar No. 309, the nomination of Christopher A. Wray.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and agreed to is as follows:

DEPARTMENT OF JUSTICE

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, SEPTEMBER 15, 2003

Mr. FRIST. I ask unanimous consent when the Senate completes its business today, it adjourn until 1 p.m. Monday, September 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 2:30 p.m. with Senators to speak for up to 10 minutes.

Further, I ask that at 2:30 the Senate then resume consideration of calendar No. 218, H.R. 2754, the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday the Senate will resume debate on the energy and water appropriations bill. Senators FEINSTEIN and KENNEDY will have an amendment to that legislation which will be debated during Monday's session.

As announced earlier, any votes ordered on Monday will be delayed until Tuesday.

In addition, on Monday, under a previous understanding, the Senate will debate a motion to go to conference on the partial-birth abortion bill. Also, as previously ordered, the FCC rule resolution will be debated and voted on Tuesday morning.

ADJOURNMENT UNTIL 1 P.M. MONDAY, SEPTEMBER 15, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Monday, September 15, at 1 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 11, 2003:

DEPARTMENT OF JUSTICE

CHRISTOPHER A. WRAY, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

A SPECIAL TRIBUTE TO THE SOUTH RICHLAND TOWNSHIP VOLUNTEER FIRE DEPARTMENT, DEFIANCE COUNTY, OHIO, CELEBRATING 50 YEARS OF SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a distinguished group of citizens in Ohio's Fifth Congressional District. On September 13, 2003, the South Richland Township Volunteer Fire Department is celebrating 50 years of service to Defiance County, Ohio.

No vocation more embodies the spirit of the American community than that of a volunteer firefighter. These modern American heroes—men and women of all walks of life and social station—give freely of their time and talents to prepare themselves to stand watch for the community.

We, in Ohio's Fifth Congressional District, are blessed to have such dedicated citizens as the members of the South Richland Township Volunteer Fire Department. In 1953 42 charter members organized under the leadership of Chief Clifford Colwell. Remarkably, three of these charter members are still active in the department today.

The department has gone through many changes during its first 50 years of service. A rescue service was added to the department in 1971. The 2-bay fire station was expanded to 5 bays. The lone original 1953 GMC pumper has been replaced by multiple vehicles, including a 2002 custom pumper, a 1971 GMC and a 1984 pumper tanker, a 1998 Ford grass truck, a 1999 GMC rescue until, a lifeboat, a generator set and a volunteer member-owned 1998 GMC tanker.

During its first 50 years of service, the department has been blessed by the leadership of 5 dedicated fire Chiefs—Clifford Colwell 1953–58; Clinton Colwell 1958–60; Robert Colwell 1960–80; John Zimmerman 1980–90; and, Robert Lehman 1990—present.

At present time, the department has 39 members with a total of over 571 years of service and experience. Within their membership, the South Richland Township Volunteer Fire Department has third generation firefighters, and the fourth generation is waiting in the ranks.

Mr. Speaker, the individuality of the American culture, the freedom of the American spirit, and the American value of neighbor-helping-neighbor is embodied in the tradition of the South Richland Township Volunteer Fire Department. I urge my colleagues to join me in this special tribute. Our Nation is well served when citizens willingly sacrifice for their community. I am proud to represent them in this Congress.

INTRODUCING FREE HOUSING MARKET ENHANCEMENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Free Housing Market Enhancement Act. This legislation restores a free market in housing by repealing special privileges for the housing-related government sponsored enterprises (GSE). These entities are the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the National Home Loan Bank Board. According to the Congressional Budget Office, the housing-related GSEs received 13.6 billion worth of indirect Federal subsidies in Fiscal Year 2000 alone.

One of the major government privileges granted the GSE is a line of credit to the United States Treasury. According to some estimates, the line of credit may be worth over $2 billion dollars. This explicit promise by the Treasury to bail out the GSEs in times of economic difficulty helps the GSEs attract investors who are willing to settle for lower yields than they would demand in the absence of the subsidy. Thus, the line of credit distorts the allocation of capital. More importantly, the line of credit is a promise on behalf of the government to engage in a massive unconstitutional and immoral income transfer from working Americans to holders of GSE debt.

The Free Housing Market Enhancement Act also repeals the explicit grant of legal authority given to the Federal Reserve to purchase the debt of GSE. GSEs are the only institutions besides the United States Treasury granted explicit statutory authority to monetarize their debt through the Federal Reserve. This provision gives the GSEs a source of liquidity unavailable to their competitors.

The connection between the GSEs and the government helps isolate the GSE management from market discipline. This isolation from market discipline is the root cause of the recent reports of mismanagement occurring at Fannie and Freddie. After all, if investors did not have reason to believe that Fannie and Freddie were underwritten by the Federal government then investors would demand Fannie and Freddie provided assurance they were following accepted management and accounting practices before investing in Fannie and Freddie.

Ironically, by transferring the risk of a widespread mortgage default, the government increases the likelihood of a painful crash in the housing market This is because the special privileges of Fannie and Freddie have distorted the housing marketing by allowing Fannie, Freddie and the home loan bank board to attract capital they could not attract under pure market conditions. As a result, capitol is diverted from its most productive use into housing. This reduces the efficacy of the entire market and thus reduces the standard of living of all Americans.

Despite the long-term damage to the economy inflicted by the government's interference in the housing market, the government's policies of diverting capital to other uses creates a short-term boom in housing. Like all artificially-created bubbles, the boom in housing prices cannot last forever. When housing prices fall, homeowners will experience difficulty as their equity is wiped out. Furthermore, the holders of the mortgage debt will also have a loss. These losses will be greater than they would have otherwise been had government policy not actively encouraged over-investment in housing.

Perhaps the Federal Reserve can stave off the day of reckoning by purchasing the GSE's debt and pumping liquidity into the housing market, but this cannot hold off the inevitable drop in the housing market forever. In fact, postponing the necessary, but painful market corrections will only deepen the inevitable fall. The more people invested in the market, the greater the effects across the economy when the bubble bursts.

No less an authority than Federal Reserve Chairman Alan Greenspan has expressed concern that the government subsidies provided to the GSEs make investors underestimate the risk of investing in Fannie Mac and Freddie Mac.

Mr. Speaker, it is time for Congress to act to remove taxpayer support from the housing GSEs before the bubble bursts and taxpayers are once again forced to bail out investors who were misled by foolish government interference in the market. I therefore hope my colleagues will stand up for American taxpayers and investors by cosponsoring the Free Housing Market Enhancement Act.

THE LOSS OF SOLDIERS IN IRAQ

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of three soldiers in Iraq, all of whom served with dignity and honor and for whom the people of Rhode Island now mourn.

On Wednesday, August 27, U.S. Army Sergeant Gregory Belanger died after his vehicle was hit with an explosive device. A resident of Narragansett, Rhode Island, Sergeant Belanger was a member of the Army Reserves and served with the Headquarters Service Company, 325th Military Intelligence Battalion, which was deployed to Iraq in March. In addition to his service to his nation, Sgt. Belanger was known among his friends

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and family for his impressive culinary skills, having earned an associate's degree from Johnson & Wales University. I express my condolences to Sgt. Belanger's finacée Tara Woundy and his family in Deerfield, Massachusetts.

Additionally, two members of Rhode Island's 115th Military Policy Company were lost on September 1, when their Humvee was hit by an improvised explosive device. Sergeant Charles Todd Caldwell of Attleboro, Massachusetts, and Staff Sergeant Joseph Camara of New Bedford, Massachusetts, had been deployed to Iraq in May and were conducting security operations along a main supply route at the time of the incident. A third Reservist, Specialist Edmund Aponte of Providence, was wounded in the attack, and we pray for his quick and fully recovery.

Staff Sergeant Camara, who commanded the three-person patrol unit, was a police officer in New Bedford and a 21-year veteran of the National Guard. In addition to his commitment to his police duties, Sgt. Camara will be remembered for his dedication to his wife, Anna, and his three children, Matthew, Angela, and Ashley.

Sergeant Caldwell, who worked as a senior financial investment specialist in Norwood, Massachusetts, served in the National Guard since 1997. He is survived by his wife, Margaret, whom he married shortly before his deployment.

These losses remind us of the bravery of our servicemembers as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We will remember them not only as soldiers, but also as patriots, who made the ultimate sacrifice for their country, as well as their families. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF THE SECOND BAPTIST CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to the Second Baptist Church of Keyport. The Second Baptist Church is a pillar of faith, serving the Keyport community as well as the greater Bayshore community since 1993. The church's original congregation flourished under the leadership of its first minister, Reverend David D. Hall. Under Reverend Hall's guidance, the church was able to bring people of African-American decent together, forming a greater sense of community. The church has remained committed to Reverend Hall's vision, and has stayed an active member of many community outreach programs for over a century. For example, members of the congregation have put countless hours of work into the Keyport Food Pantry and Manna House in Cliffwood. Furthermore, many members have volunteered countless hours to ministries that sponsor Global outreach, including the Asian Youth Ministries, a youth based worldwide mission stemming out of Red Bank, NJ. I am truly grateful to the Second Baptist Church's congregation for the work that they do and services they provide.

The energy and compassion amongst the members of this church community is to be commended and admired. I would like to honor 13 individuals in particular who have given the Second Baptist Church many years of dedicated service. Mrs. Mary Alen, Mrs. Floretta Ball, Mrs. Nicie Hammond, Deacon Luther Jackson, Mrs. Josephine John, Mrs. Garnette Lawon, Mrs. Elizabeth Mackason, Deacon Leroy Mackason, Mrs. Mary Major, Mrs. Eloise Schanck, Mrs. Gwendolyn Washington, Mr. William Washington, and Mr. William Williams. All of these men and women deserve to be celebrated for their faith and devotion in working toward a better community.

I want to thank these 13 members as well as the whole congregation for dedicating their time to the Second Baptist Church on its 110th year of serving Keyport, NJ. All of its members should be proud of themselves for helping to build this church into what it is today—a place that fosters volunteerism and a deep sense of community. I would like to congratulate the Second Baptist Church once again on their anniversary and ask my colleagues to join with me in commemorating their 110 years of service.

JAILED CUBAN INDEPENDENT JOURNALIST OSCAR ESPINOSA CHEPE MUST NOT BE ALLOWED TO LANGUISH IN CASTRO'S GULAG

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today I bring to the floor of the U.S. House of Representatives the case of Cuban political prisoner Oscar Espinosa Chepe. This 62 year old independent journalist was one of 28 independent journalists and more than 100 other opposition members detained in a massive crackdown in March by the dictatorship.

In April, Mr. Espinosa Chepe was sentenced to 20 years in prison because he wrote press stories, spoke to foreigners and interacted with the foreign press, things we take for granted in this country. In the past 6 months he has been moved through several prisons in the Cuban gulag, and various serious medical conditions have been left untreated. He is currently being held at the Carlos Finlay Military Hospital—a facility visited by some members of this Congress—and is suffering from untreated hepatitis, liver failure, cirrhosis, and high blood pressure. According to his wife who is allowed to see him only every 3 months, all of these conditions were under control before his arrest and she fears he may die.

In the past week, she has also said that Mr. Espinosa Chepe is being held in solitary confinement in an unventilated room, and also believes he is being given psychiatric drugs against his will. The misuse of psychiatric drugs and electroshock therapy against political prisoners considered "anti-social elements" by the Cuban dictatorship has been well-documented. The Center for a Free Cuba, the Committee to Protect Journalists and Amnesty International have all issued urgent appeals for the life and freedom of Oscar Espinosa Chepe.

Mr. Speaker, it is important to stop and focus on cases such as this. Some in Congress say that tourist travel to Cuba will cause the regime to change. Yet we see a dictatorship that happily collects millions of tourist dollars and refuses to change. We see a regime that will host Members of Congress who oppose U.S. policy, but imprisons Oscar Espinosa Chepe for speaking to foreign journalists. We see Members of Congress who dine with Castro, but often fail to even raise the issue of the hundreds of political prisoners suffering in the dictatorship's prisons.

It is my hope that Mr. Espinosal Chepe will one day soon be free. Sooner than later, Cuba will be free, journalists will not be jailed, and the Cuban people will be free to express their opinions.

A WARM HOME FOR THE WINTER—PROJECT HEAT'S ON

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention Project Heat's On, a community service endeavor that provides invaluable services to the elderly and handicapped in New Mexico and around the country.

Project Heat's On began ten years ago to help ensure that needy citizens have the heat and smoke detection services so critical during the winter. Sponsored by the Mechanical Contractors Association, the event takes place nationally every year and involves thousands of contractors volunteering to help their communities.

On October 4, local contractors in Albuquerque, New Mexico and throughout my home state will once again volunteer to provide free safety inspections and repairs of heating systems as well as new smoke detectors and carbon monoxide detectors to improve homeowners' safety.

This project is notable not just because of the services it provides but because of the cooperation it represents. U.A. Local 412 and MCA of New Mexico have participated with United Way, the Office of Senior Affairs, and the Red Cross to work for 1200 of New Mexico's low-income elderly and handicapped citizens over the past years. Project Heat's On thus demonstrates not only a commitment to community but a willingness of labor, management, and government to work together.

Mr. Speaker, I ask you to join me and all the residents of New Mexico in honoring and thanking the Mechanical Contractors Association and its partners for ten years of providing warm and safe homes for the winter ahead.

INTRODUCTION OF THE STEEL FINANCING FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Steel Financing Fairness Act. This bill helps our Nation's beleaguered steel industry by stopping the Government from forcing American steel workers to subsidize their foreign competitors. Specifically, the bill prohibits the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank (EXIMBANK) from providing any assistance to countries that subsidize their steel industries. The Steel Financing Fairness Act also instructs the Secretary of the Treasury to reduce America's contribution to the International Monetary Fund (IMF) by a prorated share of the IMF's assistance to countries that subsidize their steel industries.

No one can doubt that the United States steel industry is in crisis. Approximately 15 million tons of flat-rolled capability (20 percent of the existing domestic capacity base at the start of 2000) was closed in the 18 months from September 2000 to December 2001. The decline of the steel industry has a human cost: in just the last five years, 30,000 Americans once productively employed in the steel industry have joined the ranks of the unemployed.

One of the problems facing America's domestic steel industry is that it must compete with foreign industries that receive subsidies from their governments. Some of these subsidies are explicitly intended to provide these companies with a non-market advantage over American steel producers. The U.S. Government further compounds the damage caused by these subsidies by forcing the domestic steel producers to support their major competitors through taxpayer-funded programs.

For example, according to the most recent figures available, the eight countries with the greatest EXIMBANK exposure are all among the top ten exporters of steel and/or steel products to the United States. In fact, EXIMBANK has provided over $250 billion of U.S. taxpayer support to these countries.

Meanwhile, OPIC has provided over $3 billion of the taxpayers' money to seven of the top ten leading steel exporters. Thus, the American taxpayer has provided at least $253 billion worth of support to the countries that are the leading competitors of the domestic steel industry. This does not count the funds provided these countries by the IMF. Since money is fungible, the practical effect of providing aid to countries which practice industrial policy is to free up resources these governments can use to further subsidize their steel industries. Thus, taxpayer dollars sent to foreign governments and industries can benefit foreign steel manufacturers even if American taxpayer money is not sent to directly benefit those industries.

However, hard as it may be to believe, organizations funded by American taxpayers actually use American tax dollars to directly assist foreign steel producers! For example, among the projects funded by EXIMBANK in recent years is an $18 million loan guarantee to expand steel manufacturing in Red China. Ironically, many of the supporters of these foreign giveaways claim to be promoters of free trade. This claim makes as much sense as a supporter of higher taxes and spending claiming to be a fiscally conservative supporter of limited government. Free trade is the peaceful exchange of goods and services across borders unhampered by government interference. Taxing American workers to support their overseas competitors is not free trade. Instead, it is corporatism designed to benefit certain politically powerful interests at the expense of American entrepreneurs and workers.

I have no doubt that America's steel industry can out-compete the steel industry of any country if allowed to compete on a level planning field. Unfortunately, due in part to government policy, today's playing field is in no way level. Congress must end this economically destructive, immoral, and unconstitutional policy of forcing owners and workers in the domestic steel industry to subsidize their competitors. I therefore call upon my colleagues to cosponsor the Steel Financing Fairness Act.

GIVE PEACE A CHANCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FARR. Mr. Speaker, I rise today to honor His Holiness Tenzin Gyatso, the 14th Dalai Lama of Tibet for his efforts promoting dialogue to bring peace to Tibetan lands and an end to oppression. His presence here on Capitol Hill today should be a reminder to all—that dialogue makes firm the roots of peace and without it tyranny takes hold.

His Holiness is a figure of pure inspiration. He speaks on love, war, peace, hate, economics and other subjects, but he continually comes back to individual responsibility. The individual is the root, the base, the foundation of family, community, society, and country, and all things good must begin with the individual. There is much good each American can do to promote world peace if we take to heart the Dali Lama's teaching.

I would like to commemorate the Dalai Lama for his continued pursuit of peace in Tibet, the Middle East, and other war-torn places around the globe, and for the goodness that he imbues in all of us. He challenges us to search for the better, and in that search, we inspire others. This body politic must recommit itself to the pursuit of peace at home and abroad.

HONORING SELMA FISCH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize a very dear friend of mine, Selma Fisch, who despite being born in August celebrates her 70th birthday on September 13 because she was characteristically too busy last month.

Mrs. Fisch was born Selma Schenker on August 11, 1933, in Brooklyn, New York. At sixteen years old, she and her family moved to California and settled in Boyle Heights, an area that my family is very familiar with.

Soon after graduating from Roosevelt High School, she met and married her husband of 51 years, Len Fisch.

Selma and Len have three children—Laura Anne, William Daryl, and Lisa Kennedy. Over the years her family has grown and prospered and she is now the proud grandmother of six granddaughters and four grandsons.

In 1972, she and her husband Len started a wholesale clothing company, The Clothing Game, on Santee Street in Los Angeles.

A few years later, they bought and developed their first property on nearby Maple Avenue. Originally built to house The Clothing Game, the property was instead redeveloped into six individual clothing stores. The ownership of this building began their successful career as full time property managers. Their foresight and influence helped produce the now nationally famous "Fashion Alley", spanning Maple Avenue and Santee Street.

Throughout the 80's and 90's, Selma and Len continued to buy and develop prime properties throughout the Los Angeles Garment District.

During these years the area experienced such a boom that local officials and the Los Angeles Police Department struggled to provide adequate services. In response to the area's growing needs, Selma, in conjunction with other property owners, formed the Santee-Maple Alley Association to provide additional maintenance and safety officers throughout the Alley area.

In 1991, working closely with my former State Assembly office and the office of the 9th Council District, Selma was instrumental in obtaining a pedestrian crosswalk for a very busy area of the Alley.

Over the years, she has continued to work to ensure that the area remains attractive to consumers by resurfacing the alley hardscape, replacing area storm drains, adding attractive alley banners, and increasing the number of maintenance workers and security officers.

Selma has been a member of various women's political groups, such as AIPAC and WINPAC, which serves to better the United States' international relationship with Israel, and is currently a member of the Republican Jewish Coalition.

Mr. Speaker, it is my greatest pleasure to honor Selma Fisch for her many years of valuable service to our community, and to wish her a very happy 70th birthday.

SEPTEMBER 11—A TIME TO REMEMBER OUR HEROES

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. GINGREY. Mr. Speaker, not all American heroes make headlines. In fact, most don't. They don't seek the spotlight and they don't need slaps on the back. American heroes go to work every morning, do a good job and provide for their families.

We celebrate our heroes on Sept. 11, just as we mourn the innocent victims of that day.

Sept. 11 marks a time when Americans grieve and remember our terrible losses. But it's also a time when we celebrate the patriotism, courage and valor of public servants and extraordinary citizens.

Heroism manifested itself that day in people from all walks of life. Travelers flying from New Jersey to California said goodbye to their loved ones, prayed together and one said, "Let's roll!" Hundreds knowingly sacrificed their lives so that hundreds more in our nation's capital could live.

Police and firefighters in New York City ran up the stairs of the twin towers. Looking to save lives, they lost their own.

Today, we honor our heroes, those who perished in the line of duty, and those who proudly serve us today.

Our U.S. soldiers continue to serve our nation and the world, from the soaring mountains of Afghanistan to the searing deserts of Iraq. Georgians have played a proud and important role in the war on terror, as have the state's military bases such as Fort Benning in the 11th Congressional District.

Other men and women in uniform, firefighters and police officers in the 11th District serve us every day on the homefront.

We thank our everyday heroes for all their dedication to their communities and to their country. We honor soldiers, firefighters and police officers today as we remember those who died two years ago.

THE ALMOST FORGOTTEN

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. HOUGHTON. Mr. Speaker, on Saturday evening, I had the honor of giving out several medals to WW II Veterans and their families—Nick Cavallaro, Leon Andrews, Frank Barber, and Charlie Giardina in Corning, NY.

On the wall behind us was a battle scene and under it were the words: "The United States is #1 because of its veterans." It was a haunting reminder of how much we owe to those who leave their families, their friends, and go off to defend the idea of freedom which, of course, is the reason for this country being what it is.

There is not a family that has not been touched by some sort of wartime heroism. The flashbacks of those honored veterans of Crystal City Post 524—headed by Doug Herbert and Mike Asiello—still light up the world of those of us coming from WW II. But right now, boys and girls, men and women are fighting for us in Iraq and around the world. We are so proud of them. They embody the same spirit of those older men and women, some of whom went off to war over 60 years ago.

God Bless them—God Bless those who risk everything for this special country of ours.

TRIBUTE TO ALEX MACHASKEE, THE 2003 INTERNATIONAL BUSINESS EXECUTIVE OF THE YEAR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. KAPTUR. Mr. Speaker, I rise today to honor Alex Machaskee, President, Publisher, and Chief Executive Officer of the Cleveland Plain Dealer, as the 2003 International Business Executive of the Year.

On Thursday, September 18th, 2003, Mr. Machaskee will be recognized for his ongoing contribution to broadening Northeast Ohio's role in the international community. He has energized the business community by catalyzing civic leaders to attract international companies to Northeast Ohio as well as link Ohio to the people of other nations. I want to take this opportunity before this body to honor him and to say a few words about why he is deserving of this incredible distinction as a global citizen.

Born in Warren, Ohio, Mr. Machaskee worked as a sports reporter and general assignment reporter for the Warren Tribune before joining the Plain Dealer. As President, Publisher and C.E.O., he is responsible for the overall policy, operation, and direction of the newspaper. He is a graduate of Cleveland State University with a bachelor's degree in marketing. Mr. Machaskee was awarded the honorary degree of Doctor of Humane Letters by both Cleveland State University in 1995 and the University of Akron in 1998. He was recognized for his tireless passion and talent in 2001 with his induction into the Northeast Ohio Business Hall of Fame.

Mr. Machaskee has demonstrated unflagging leadership in the improvement of Northeast Ohio. He currently is Vice President of the Musical Arts Association, serves on both the Board of Governance and the Finance and Administration Committees of The Cleveland Foundation, is a member of The Greater Cleveland Roundtable and The Museum Council of The Cleveland Museum of Art, a Corporate Member of The Holden Arboretum and a Board Member of The Ohio Arts Council, Leadership Cleveland, University Circle Inc., Cleveland Tomorrow, The Great Lakes Science Center, The Greater Cleveland Growth Association, Urban League of Greater Cleveland, Crime Stoppers of Cuyahoga County, Inc., St. Vladimir's Orthodox Theological Seminary, in Crestwood, New York, and the national board of the International Orthodox Christian Charities.

Additionally, Mr. Machaskee is committed to improving racial amity and promoting diversity. He is the Chairman of the Board of United Way Services for 2002–2003, and previously served as Chairman of the 2000–2001 United Way Campaign. Mr. Machaskee is past Chairman of the Greater Cleveland Roundtable, a racially and culturally diverse civic forum committed to resolving the human relations challenges confronting the city.

Mr. Machaskee has been a critical community partner for many years through his energetic leadership helping to improve and promote the economy of Northeast Ohio. Many throughout the years have appreciated his service and dedication. Let us congratulate him on being honored as International Business Executive of the Year. This award duly recognizes his commitment and service to Northeast Ohio.

IN MEMORY OF SEPTEMBER 11TH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. LEE. Mr. Speaker, two years ago, we all watched in horror as television cameras brought us the terrible scenes from New York, as we could see the smoke rising from the Pentagon, and as we learned of acts of terrorism and heroism over the skies of Pennsylvania.

My thoughts and prayers go out to the family and friends who lost loved ones that day.

September 11th will remain forever seared into our memories. Today, we pause to remember all those who were lost and all those who rushed into burning buildings to try and save those trapped inside.

So may losses, so many funerals, so many families denied even that small consolation.

The losses are so great, it's hard even to comprehend them. One of those lost was Wanda Green, who was a flight attendant on United Flight 93 and a cousin of my chief of staff, Sandre Swanson. I remember Wanda tonight as I remember all those killed that terrible, terrible day.

Most Americans believe that we will face more acts of terrorism. Sadly, I believe they are right.

We have to do all we can to try an ensure our security here at home.

We need to do everything possible to safeguard the world's known stockpiles of chemicals, biological, and, God forbid, nuclear weapons and materials. We need to protect our own plants, bridges, and ports.

And we need to make sure that our first responders have the tools, the equipment, and the training to do their jobs. We ask them to risk their lives for us. The least we can do is to give them the means to do it.

I leave you with the words of Tom Paxton describing both the awful loss and the awesome courage at the World Trade Center and elsewhere that day:

"Now every time I try to sleep I'm haunted by the sound, of firemen pounding up the stairs while we were coming down."

When we ask men and women to pound up the stairs into the face of death and danger, we must give them every bit of support that might help.

In the memory of all those we lost two years ago today, let us renew our commitment to safeguarding our communities.

My thoughts and prayers go out to the parents and children; husbands, wives, and partners; and family and friends of all those who lost loved ones in those awful events.

Thank you, and I yield back the balance of my time.

TRIBUTE TO DANIEL AND MINOR LEBLOND

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Dan and Minor LeBlond, friends and distinguished constituents, who will receive the Jacob E. Davis Volunteer Leadership Award from the Greater Cincinnati Foundation (GCF) on September 15, 2003. To commemorate the joint 40th anniversaries of GCF and Stepping Stones Center for the Handicapped, four awards will be presented this year honoring volunteers who have played vital roles in the overlapping histories of these outstanding organizations.

Dan is a native Cincinnatian, and is being recognized for his 15 years of service to GCF. He joined GCF as an Associate Director in 1988, serving in that role until GCF's volunteer and staffing structure changed in 1994, when he became a member of the new Grants Review Committee and served until 2003.

Among his many community leadership roles, Dan has been a board member of American Red Cross; Boys & Girls Clubs of Greater Cincinnati, Inc.; Cincinnati Country Day School; Cincinnati Institute for Fine Arts; Good Samaritan Hospital and TriHealth, Inc; United Way of Greater Cincinnati; and a number of corporate boards.

Minor was born in Memphis, Tennessee. She is being recognized for her role as a founder, past trustee, and president of Stepping Stones Center for the Handicapped.

In addition to Stepping Stones, Minor has been active with a number of other important organizations. She was a founder, past trustee, and president of Living Arrangements for the Developmentally Disabled, Incorporated. She also served as a past board member of United Cerebral Palsy of Cincinnati, Inc.; Friends of the School for Creative and Performing Arts; Glad House; and Playhouse in the Park. She is active in fund drives for United Way, Fine Arts Fund, and other organizations.

Mr. Speaker, I hope my colleagues will join me in recognizing the many accomplishments of Daniel and Minor LeBlond. All of us in the Greater Cincinnati area thank them for their dedication to improving the lives of others. They have made a significant difference in our community, and I know they will continue to do so.

TRIBUTE TO MS. OLLIE M. SMITH

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Ms. Ollie M. Smith, who is retiring as Director of the Transition Assistance Program (TAP), Office of the Assistant Secretary of Defense (Force Management Policy), after holding this position since November 1996. TAP is a program run jointly by the Departments of Defense, Veterans Affairs, and Labor to assist separating servicemembers and their families as they transition into civilian life.

Ms. Smith has dedicated her career to the Department of Defense, working for not only the Office of the Assistant Secretary, but also for the U.S. Navy and the Defense Logistics Agency. Ms. Smith's career began at the Naval Supply Systems Command as a Project Manager. She also served in the great State of South Carolina at the Charleston Naval Supply Center as a contracting officer.

After serving on the Board of Naval Corrections from 1986 to 1993, Ms. Smith became Chief of Business Management, Defense Distribution Standard Center at the Headquarters of the Defense Logistics Agency. While there she was responsible for budget formulation, justification, and execution of the Defense Standard Systems budget.

Since November 1996, her responsibilities have changed to the more human aspect of the Department of Defense. As the Director of TAP, she oversaw the automated outplacement assistance system, public and community service policy, and job seeker and employment outreach for active duty servicemembers and their families.

Ms. Smith's enthusiasm, commitment, and professionalism are hallmarks of her persona.

Thank you, Ollie, for your dedication to America's servicemembers and veterans. You are leaving a lasting legacy of dedicated service to America and those who protect our freedoms.

TRIBUTE TO DR. JEAN ROTHENBERG

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Dr. Jean Rothenberg, a distinguished constituent, who will receive the Jacob E. Davis Volunteer Leadership Award from the Greater Cincinnati Foundation (GCF) on September 15, 2003. To commemorate the joint 40th anniversaries of GCF and Stepping Stones Center for the Handicapped, four awards will be presented this year honoring volunteers who have played vital roles in the overlapping histories of these outstanding organizations.

Jean was instrumental in helping to get GCF on its feet. Jean was the last president of the Fresh Air & Convalescent Aid Society, which ran the Fresh Air Farm on what is now the Stepping Stones Center property. When the group decided its mission had become outdated, a committee was formed to study what to do with its $600,000 endowment and property. In 1963 and because of Jean's leadership, the committee collaborated with a group of civic leaders and bank presidents, who were forming GCF, to provide the $600,000 as seed money for the new foundation. The Fresh Air Farm property became Camp Stepping Stones.

Jean has also been integral to other local organizations that are important to our community. One example is the Hearing, Speech & Deaf Center of Greater Cincinnati, which she founded in 1950. She has supported the Center and the cause of helping the hearing impaired with her leadership and financial resources, and is currently an emeritus member of the board.

Mr. Speaker, I hope my colleagues will join me in recognizing Jean's accomplishments as she receives the Jacob E. Davis Volunteer Leadership Award. All of us in the Greater Cincinnati area thank her for her outstanding service to our community and for her efforts to help those who need it most.

TRIBUTE TO PAUL GOLDENBERG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor Paul Goldenberg. Mr. Goldenberg has been a successful businessman in the Los Angeles area for two decades. He has also worked hard to fund and support medical centers and education programs, and has recently been honored with the 2003 Jewish Home for the Aging Lifetime Achievement Award.

Known as "The King of Big Screen," Paul Goldenberg is a self-made businessman who started a TV repair business with $1000 he borrowed from two cousins. For the last 19 years, his La Habra store has sold more big-screen TVs than any other store in America.

Mr. Goldenberg's success has led him to support many charitable causes. Paul's work with the Keeping the Promise Capital Campaign made the opening of the Paul Goldenberg-Daphna and Richard Ziman Special Care Center possible, and he is also a major contributor to the Jewish Home Residential Medical Center and the City of Hope. Mr. Goldenberg is also active in the Elizabeth Glaser Pediatric AIDS Foundation.

Along with his contributions of time and money to the medical community, Mr. Goldenberg is a dedicated supporter of education and after-school programs. Mr. Goldenberg has been the scholarship director of the California Highway Patrol 11–99 Foundation, an organization devoted to awarding scholarships to children of Highway Patrol employees. This year Mr. Goldenberg and his committee raised over one million dollars to fund 712 scholarships. In June, Paul awarded 43 personally funded scholarships to local high school students.

For his work on behalf of the Los Angeles community, as well as his dedication to education, I am proud to ask all Members to join with me in commending Paul Goldenberg upon receiving the 2003 Jewish Home for the Aging Lifetime Achievement Award.

HONORING THE ANN ARBOR SYMPHONY ORCHESTRA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Ann Arbor Symphony Orchestra in honor of its 75th Anniversary.

The Ann Arbor Symphony Orchestra, which is located in my district, was founded in 1928 by Phillip Potts and continues to be the largest employer in the arts within Washtenaw County. The orchestra employs over 150 professional musicians.

Throughout the year, the symphony performs music from Bach to Broadway in nine mainstage concerts for over 8,000 people, as well as four youth concerts and five senior citizen concerts. During the history of the Ann Arbor symphony, numerous honors have been bestowed upon it. It was the only arts organization to be named "Crain's Business Best Managed Nonprofit in 2002." The orchestra was also given the Nonprofit Enterprise at Work's Excellence Award for Management in 1997 and 2003. Further, it was the only Michigan orchestra to receive a Millennium Project award from the National Endowment for the Arts for a premiere of a new work for orchestra and gamelan.

Over the past 75 years, the Ann Arbor Symphony Orchestra has provided southeastern Michigan with wonderful entertainment and great role models for young people. The Orchestra has given nearly 18,500 area students the opportunity to perform through its Ensemble in Your School program. The orchestra has had numerous world renowned guest performers such as Jaime Laredo, Catherine Cho, Ilya Kaler, and Augustin Hadelich just to name a few.

The Ann Arbor symphony orchestra continues to make much needed contributions to the art community. The orchestra is actively involved in giving young people the opportunity to become involved with the arts.

Mr. Speaker, I ask that all of my colleagues join me in commending the Ann Arbor Symphony Orchestra on providing 75 years of exemplary service in the arts to the Michigan community and in wishing them many more years of success.

TRIBUTE TO RUTH UPSON

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Ruth Upson, a distinguished leader, who will receive the Jacob E. Davis Volunteer Leadership Award from the Greater Cincinnati Foundation (GCF) on September 15, 2003. To commemorate the joint 40th anniversaries of GCF and Stepping Stones Center for the Handicapped, four awards will be presented this year honoring volunteers who have played vital roles in the overlapping histories of these outstanding organizations.

Ruth's father-in-law, Mark Upson, was GCF's first Director and, through Mark, she became very familiar with the good work GCF does. Ruth is a GCF donor and member of the Foundation Society for legacy givers. Ruth also has been active with Stepping Stones since the early 1960s.

In addition to Ruth's good work at GCF and Stepping Stones is her dedicated service at a number of hospitals in the Cincinnati area. Ruth has given a great deal of her time (over 3,500 volunteer hours) at General Hospital in the 1930s, Columbia Presbyterian Hospital in the 1940s, Christ Hospital, and most recently at the Women's Imaging Center.

Other volunteer work includes the Junior League of Cincinnati, which she joined in 1940; the Deupree Community, where she has served with the Auxiliary and on the Executive Board; and the Church of the Redeemer, volunteering "wherever needed."

Mr. Speaker, I hope my colleagues will join me in recognizing Jean's accomplishments as she receives the Jacob E. Davis Volunteer Leadership Award. All of us in the Greater Cincinnati community thank her for her outstanding service and efforts to help those in need.

TRIBUTE TO MISS SARAH MERCER

HON. HENRY E. BROWN, JR

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to recognize the extraordinary accomplishment of Miss Sarah Mercer of Moultrie Middle School in Mt. Pleasant, South Carolina. Miss Mercer recently won the Siemens American History Innovation Award at the National History Day Competition held this summer at the University of Maryland.

Her entry, "The Fencing Frenzy: Rights and Responsibilities of Barbed Wire Usage in the Wild West," highlights how the innovation of barbed wire led to efficient, economical, and ecological practices for both ranchers and farmers on the American frontier. I am proud to represent Miss Mercer and her family, who reside in South Carolina's First Congressional District.

IN RECOGNITION OF DONALD R. FROELICH WHO WILL RETIRE AFTER 13 YEARS OF DEDICATED AND DISTINGUISHED SERVICE WITH THE CITY OF GLENDALE'S DEPARTMENT OF WATER AND POWER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Donald R. Froelich who will retire from the City of Glendale's Department of Water and Power after 13 years of service to the city and community as Water Service Administrator.

Donald R. Froelich graduated from the University of Southern California in 1963 with a B.S. in Civil Engineering. He continued his studies and received a Masters in Civil Engineering in 1967. He also received a certificate for Executive Management in 1988. Among his exemplary list of educational achievements is also an engineering license. In addition, Mr. Froelich is a distinguished member of the California Bar.

While Mr. Froelich was vice-president of the Board of Directors of the Castaic Lake Water Agency, he held great responsibility for supplying State Project Water to the Santa Clarita Valley. Donald worked for the Metropolitan Water District for 24 years. He was responsible for water supply and demand, planning activities, and identifying the need for additional facilities to ensure that Metropolitan could provide adequate water to the growing communities of its member agencies.

In September of 1990, Donald arrived at the City of Glendale to work for Water & Power as Water Service Administrator. He was dedicated to managing the activities of the Water Department that dealt with finances, construction, operation and maintenance of the City's water system.

Donald Froelich's accomplishments have been numerous. In 1996, he received the California Water Reuse Association Project of the Year Award. Notably, he implemented a regional recycled water program with the cities of Pasadena and Los Angeles. He worked closely with the Environmental Protection Agency and the California Department of Health Services. He planned and implemented a pivotal Superfund groundwater cleanup project in an attempt to clear up the San Fernando Basin of volatile organic chemicals used by the neighboring industries as degreasers. Lately, Donald spearheaded the Chromium 6 research project where he worked with the cities of Los Angeles, Burbank, San Fernando and regulatory agencies to identify the best technology for removing Chromium 6 from drinking water supplies. He made this possible by dedicating his efforts to obtain Congressional funding for the project with my office and that of Senator Barbara Boxer.

I ask all Members of Congress to join me today in congratulating Donald R. Froelich on a truly exemplary professional and public service career, and for his immense commitment to the City of Glendale and surrounding communities.

REMEMBERING THE TRAGIC EVENTS OF SEPTEMBER 11, 2001

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. DINGELL. Mr. Speaker, I rise today in observance of the tragic terrorist attacks of September 11, 2001.

We must never forget the character of these attacks. Nor can we forget the many innocent victims on the ground and in the air, or the heroic efforts of the many firefighters, police officers and emergency personnel who sacrificed their lives while attempting to save others.

Our American ideals and values have survived and sustained us through this difficult time. Ultimately, with this tragedy behind us we are a stronger nation. Throughout history we have always grown stronger after facing great national challenges. This is a time of national unity. We survived the onslaught of September 11 and demonstrated once again the greatness of our nation.

The sacrifice of Americans continues. As we memorialize the victims of that awful day, we are reminded that thousands of young Americans are overseas—away from their country, their homes, and their loved ones—fighting the real War on Terror in the mountains and deserts of Afghanistan. Our nightly news brings daily reports of American sacrifice in Iraq, and we need to ensure that our soldiers have our unwavering support during this difficult time.

In large measure, the strength of our nation lies in its diversity and its commitment to democracy. As we remember these events and our fallen friends and family, we must honor their memory by upholding the values that have made our country great and ensure that those who perpetrated these attacks did not succeed in defeating our fundamental values. In particular, we must not assault the civil liberties of any group of Americans. Our past efforts to restrict the liberties of German-Americans, Italian-Americans, African-Americans, and Japanese-Americans are scars on our history. We must not let history repeat itself. Indeed, depriving any group of Americans of their liberty undermines the liberty of all Americans and hands a victory to those who attacked us.

Mr. Speaker, I ask that you and all of my colleagues join me in remembering the victims and heroes of September 11 and in wishing their loved ones a safe and prosperous future.

TRIBUTE TO KATHRYN PETTENGILL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Kay Pettengill, a dear friend and distinguished constituent, who will receive the Jacob E. Davis Volunteer Leadership Award from the Greater Cincinnati Foundation (GCF) on September 15, 2003. To commemorate the joint 40th anniversaries of GCF and Stepping Stones Center for the Handicapped, four awards will be presented this year honoring volunteers who have played vital roles in the overlapping histories of these outstanding organizations.

Kay is being honored for her service to both GCF and Stepping Stones Center. She served as a member of the GCF Distribution Committee and later the Governing Board from 1984 to 1993 and as Governing Board chair from 1990 to 1991. Kay began volunteering with Stepping Stones in 1971. She is a past president and board chair and, due to her outstanding dedication and accomplishments, became the first Honorary Trustee of Stepping Stones in 1993. Between 1981 and 1984, she was instrumental in raising $1.2 million for Stepping Stones. Kay also was key in helping to raise $1.5 million for Camp Allyn, owned by Rotary Club and where Stepping Stones operated a resident camping program.

Kay also has been a member of the Junior League since 1948 and has helped to raise vital funds for United Way of Greater Cincinnati, Hamilton County Special Olympics, Easter Seals Southwest Ohio, American Red Cross, Children's Theater, and Cincinnati Restoration, Incorporated.

Mr. Speaker, I hope my colleagues will join me in recognizing Kay's many accomplishments as she receives the Jacob E. Davis Volunteer Leadership Award. All of us in the Greater Cincinnati area thank her for her tireless work to help those who are less fortunate.

DEATH OF JOE SHINE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I learned just yesterday about the death of Joe Shine, who has been a longtime friend and advisor. We worked together when I was in the State Senate, as he served as the attorney for the Budget and Control Board.

I am most appreciative of his chairmanship of the Lower Savannah Minority Affairs Committee for the Second Congressional District.

My family and I offer our most sincere sympathy to Joe's family and friends.

I would like to enter into the RECORD the following article published this morning in The State newspaper.

[From The State, Sept. 11, 2003]

PROMINENT LAWYER JOE SHINE DIES AT 53; CITADEL GRAD WAS FORMER COUNSEL FOR BUDGET AND CONTROL

(By Valerie Bauerlein)

Joe Shine, respected lawyer, public servant and husband of a federal judge, collapsed and died unexpectedly Wednesday morning. He was 53.

Shine was the second black graduate of The Citadel and a graduate of Harvard law school. He came back to his home state to work, and became the first legal counsel for the state's Budget and Control Board.

Fred Carter, the board's former director and current chief of staff for Gov. Mark Sanford, said he felt like part of him was ripped out when he heard of Shine's death.

"I've had the privilege of working with thousands of people in state government," Carter said. "I don't know that I could identify anybody that had greater integrity than Joe Shine."

Shine grew up in Charleston, the son of a teacher and a cook on naval ships. From his mother, he once said, he learned to love knowledge and education, and from his father, adventure and a sense of the world.

Shine went to The Citadel in 1967, with the encouragement of teachers at his high school, including Jim Clyburn, now a U.S. representative.

Shine said he was razzed because it was part of The Citadel culture, and because he was black. One cadet kicked him under the table at meals until his shins bled.

"There's an atmosphere there that the fittest survive," he said in a 2002 interview with The Post and Courier of Charleston.

"I decided that no one would determine who I was but me," said Shine, who was named to The Citadel's board of visitors last week.

As a student at the military school, Shine honed the discipline that friends say he carried through his life.

He went to Harvard law school, served in the U.S. Air Force and earned an MBA from Southern Illinois University at Edwardsville.

Shine worked in Washington, D.C., where he met his wife, Margaret Seymour, then an attorney with the Office of Civil Rights of the U.S. Department of Education.

Shine loved the water and spent as much time kayaking and sailing as he could.

"Joe was a big outdoorsman," said Ed Evans, the Budget and Control Board's general counsel and Shine's former chief of staff.

"His first date with his wife was a sailing adventure," said Evans, laughing. "He capsized the boat. Why she went out on a second date, I'll never know."

Shine came back to South Carolina to serve as chief deputy attorney general. He and Seymour had been dating less than a year, but he proposed to her.

They married in 1988.

In 1993, Gov. Carroll Campbell picked Shine as the first general counsel for the Budget and Control Board, the administrative arm of state government.

Shine supervised 11 attorneys at the board and defended the state in cases ranging from the mundane to the controversial, including a 1994 case on whether the state could fly the Confederate flag.

Shine defended the state's legal rights. Many people told him he shouldn't.

"As a lawyer, I have an obligation to defend my client," he told The Post and Courier. "My job was to try to have the case dismissed."

"You have to have public servants who recognize their responsibilities and are going to do their jobs. I don't choose my cases. The cases come to me."

Shine retired last year from the Budget and Control Board. He became general counsel for the Savannah River Site in June 2002.

Clyburn said Shine asked his advice about working at SRS, the subject of numerous discrimination claims.

"I told him he should do it," Clyburn said. "I saw Joe's going down there as general counsel as a step in the right direction."

Shine commuted to Aiken, with Seymour commuting to Spartanburg, where she is a federal district judge, the first black woman named to the federal bench in the state.

The family lives in Columbia's Northlake community. Friends say Shine was devoted to his son, who turned 12 last Thursday.

The cause of Shine's death was not known Wednesday.

Shine leaves a legacy of public service, as a past president of the S.C. Bar Association Foundation, which raises money for indigent defense, and as a leader in civic groups, sailing clubs and his church, St. Martin's in the Fields Episcopal Church.

"Joe had a level of clarity knowing the difference between right and wrong that very few people had," Evans said. "More than that, he had the courage to do what was right."

REMEMBERING THE SECOND ANNIVERSARY OF SEPTEMBER 11, 2001

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and remember the men and women from Connecticut and throughout the nation who lost their lives on September 11, 2001.

I know that many people throughout my district and state are taking time today to remember those who died that day two years ago, as well as the families and friends that they left behind. No matter how much time passes from that day forward, the ache that we as a nation felt in our hearts will never fade. The sorrow and grief we felt on behalf of the country and our fellow Americans is unwavering, as is our sense of outrage at the despicable acts and the vicious few who perpetrated them on peaceful, innocent people.

As we recall the tragedy of that horrible day, I hope that in addition to remembering the pain, sadness and anger that this brutal act of terrorism caused in our nation, we also take time to remember the brave, selfless men and women who desperately worked to save others, both in the World Trade Towers, the Pentagon, and Flight 93. Let us remember the fire fighters, police officers, emergency medical responders and others that unflinchingly confronted terror and chaos. There were many heroes that day, and many of them are no longer with us.

We should take time on each anniversary of September 11, 2001 to honor the dead, their families and those that continue to serve on the nation's front lines of defense against acts of terrorism and disasters.

Let us also be grateful: Grateful for our lives, our freedom and our Democracy—the foundation that this nation is built on. Terrorists throughout the world, much like those who committed those terrible acts two years ago, would most like to take from us these things we so value. We must remain defiant in the face of danger and adversity and take every measure to ensure that in our efforts to be secure, we do not deprive ourselves of our greatest strength: our liberty. As we continue to safeguard our communities and our borders, we must also safeguard the rights and freedoms that make this nation what it is. To do otherwise would be a disservice to the memory of September 11.

May we never forget those who died or the members of the United States Armed Forces who have given their lives since that day. In their memory, we must work to protect our homeland and our liberty, defeat terrorism, and build lasting peace throughout the world. God bless those who lost their lives two years ago, and God bless America.

HONORING THE MEMORY OF THE PRINCE WILLIAM COUNTY RESIDENTS WHO LOST THEIR LIVES DURING THE TRAGIC EVENTS 9/11/01

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today, on the eve of the anniversary of one of the darkest hours in our great nation's history, to honor the memory of twenty-two Prince William County residents who were victims of the horrific attacks on September 11, 2001.

The horrible and senseless acts of random violence that took place two years ago in New York, Virginia, and Pennsylvania have left an indelible mark on our nation and have forever changed the course of history. As we take this opportunity to reflect upon the catastrophic loss incurred by our country on that day, it is our duty to ensure that the memory of those who suffered the greatest loss of all not be forgotten.

I would like to take a moment to honor each citizen individually by name. Sergeant First Class John J. Chada, USA (Ret.) of Manassas; Storekeeper 3 Jamie L. Fallon, USN of Lake Ridge; Ms. Amelia V. Fields of Dumfries; Lieutenant Colonial Robert J. Hymel, USAF (Ret.) of Lake Ridge; Sergeant Major Lacey B. Ivory, USA of Woodbridge; Ms. Judith L. Jones of Dale City; Mr. David W. Laychak of Manassas; Mr. James T. Lynch, Jr. of Manassas; Mr. Robert J. Maxwell of Manassas; Ms. Molly L. McKenzie of Dale City; Ms. Diana B. Padro of Woodbridge; Ms. Rhonda S. Rasmussen of Lake Ridge; Mr. Edward V. Rowenhorst of Lake Ridge; Ms. Judy Rowlett of Woodbridge; Mr. Donald D. Simmons of Dumfries; Ms. Cheryle D. Sincock of Dumfries; Interior Communications Electrician Gregg H. Smallwood, USN of Woodbridge; Sergeant Major Larry L. Strickland, USA of Woodbridge; Ms. Sandra L. White of Dumfries; Mr. Jeff Simpson of Woodbridge; Mr. Gene Edward Malloy of Manassas; and Mr. Craig Miller.

Mr. Speaker, I ask that my colleagues in the House of Representatives join me in saluting these Prince William County residents who we lost in the events of September 11, 2001. Through this tribute may our respect and remembrance, never fade.

TRIBUTE TO PHILLIP BRIDENBAUGH, M.D.

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding service of Dr. Phillip Bridenbaugh, a friend and distinguished constituent. He is stepping down as Chair of the Department of Anesthesia at the University of Cincinnati Medical Center after 26 years of outstanding service.

For more than a quarter century, Dr. Bridenbaugh has dedicated himself to the medical community in Cincinnati. He has built strong relationships with key volunteers, government officials, and his staff. He also has been a close and valuable adviser to me and the Administration on important health care issues affecting our nation.

He has also been active nationally on anesthesiology issues. He is a member of the Association of University Anesthesiologists, a diplomat of the American Board of Anesthesiology and a fellow of the American College of Anesthesiologists. He also has invested a great deal of his time with the American Society of Anesthesiologists (ASA) and has served as ASA president (1996 to 1997), president-elect (1995 to 1996), first vice president (1994 to 1995), and vice president for scientific affairs (1992 to 1994). In addition, he is past president of the Washington State and Ohio Societies of Anesthesiologists, the American Society of Regional Anesthesia, and the Society of Academic Anesthesiology Chairs.

Dr. Bridenbaugh received his medical degree from the University of Nebraska School of Medicine. He served his anesthesiology residency at Virginia Mason Hospital, and was a National Institutes of Health trainee in anesthesia for two years at Stanford University and at St. Thomas' Hospital.

Dr. Bridenbaugh also has been very active with several professional journals, serving as associate editor of ASA's journal Anesthesiology since 1984, associate editor of the journal Anesthesia and Analgesia from 1989 to 1994, and editor-in-chief of the journal Regional Anesthesia from 1986 to 1989. He is co-editor of the textbook "Neural Blockade, Pain Management."

Mr. Speaker, I hope my colleagues will join me in recognizing Dr. Bridenbaugh's many accomplishments as he steps down as Chair of the Department of Anesthesia at the University of Cincinnati. All of us in the Greater Cincinnati area thank him for his outstanding dedication to our community, and we wish Dr. Bridenbaugh and his wife, Dr. Diann Bridenbaugh all the best.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF SAKS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the First Baptist Church of Saks, of Anniston, Alabama, on the occasion of its 75th anniversary.

First Baptist Church of Saks began as New Hope Missionary Baptist Church on September 10, 1927, with 13 charter members. Those early meetings were held in the home of the members. On November 7, 1927, Dr. and Mrs. C. L. Harkins donated one-half acre of land to be used as a building site for a sanctuary. That first building was constructed of wood and seated approximately 200 people.

On October 7, 1945, the first full-time pastor, Reverend Grover Shaddix, was called to serve the church. In May of 1955, the first

Pastor's home was dedicated. Then, approximately one year later, on May 4, 1960, New Hope Missionary Baptist Church became First Baptist Church of Saks. In June of 1960, the first service was held in the church's second sanctuary, a brick building able to accommodate 500 people.

In 1967, the kindergarten program began at the church; and in 1974, a 23,000 square foot educational building was completed. By 1977, the church had begun its current Day Care program known as Weekday Early Education. That was the same year that the state-of the-art pipe organ was purchased.

In 1990, First Baptist Church of Saks dedicated its third sanctuary seating 1200 people. In 1995, the church began their TV ministry, which currently reaches homes in greater Calhoun County, Alabama; Gadsden, Alabama; and the northeast and east central Alabama area.

I am proud to salute First Baptist Church of Saks on its 75th anniversary.

EXPRESSING SORROW FOR FAMILIES OF SEPTEMBER 11 VICTIMS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today on the two-year anniversary of the worst attack on American soil in our history. Once again I would like to express my sorrow for the families of the September 11 victims and all those who have lost their lives in the war on terrorism.

The power of the American spirit shall never again be underestimated. On September 11 and the days since, America has shown everyone that a strong, vibrant nation faced with adversity can come together unlike any nation on earth. America has distinguished itself as the shining beacon of democracy throughout the world. When attacked, and freedom is in danger, we have proven that freedom will prevail. I am proud to see American citizens reflect on this day, whether by displaying flags or sharing a moment of silence.

The memories of that tragic day will always be remembered and reflected upon by the First District of Florida. May God bless our military men and women, and these United States.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Ms. DELAURO. Mr. Chairman, I rise in support of the Sanders amendment, which would protect the pensions of older workers who have seen their retirement benefits slashed by as much as 50 percent as a result of age discriminatory cash balance pension conversions.

On July 31, a federal court ruled that IBM's cash balance pension plan violates federal anti-age discrimination law. The court found that IBM knew that older workers would lose up to 47 percent of their pensions under the cash balance conversion. This ruling was a welcome outcome for the 130,000 IBM employees who were represented in the case—and for the millions of other Americans whose employers have already converted to one of these age discriminatory plans or might in the future.

The Treasury Department is moving ahead with proposed regulations that permit the same cash balance pension plans that the court ruled are illegal. The Sanders amendment would specifically prohibit the IRS from issuing regulations that would conflict with this federal court ruling.

It has now been nearly two years since the collapse of Enron, more than a year since the collapse of WorldCom, and what has this body done to protect the pensions of American workers? Not a thing. We have passed legislation—legislation that fails to allow employees the right to fully diversify their stock, legislation that fails to hold executives who are fiduciaries of the pension plan accountable if they violate the law—executives like Ken Lay. We have passed legislation that allows employers to give the same conflicted financial advice the Republicans tried to push on the American workers last fall before the Enron scandal broke.

And today, if the Administration's rule is allowed to go forward, we head back down the same road. With companies like Xerox, Georgia Pacific and the Bank of Boston already having switched from traditional defined benefit plans to cash balance pension plans that leave older employees with their pensions slashed by up to 50 percent, this rule would actually make it easier for more companies to adopt such practices. It would make it easier for companies like Motorola to put another $38 million into the retirement funds of their executives while they contribute not a cent to their workers' already underfunded pension fund. Quite frankly, this rule does absolutely nothing to limit runaway executive compensation or protect employees from these unfair benefit cuts.

It seems obvious to everyone but this Republican majority and Administration that our pension rules do not do enough to protect helpless employees. It does not protect them from being locked out of their pension plans while their life savings go down the drain or protect them from venal executives who would take their money and run. The majority seems to think that is somehow acceptable behavior.

Today, with the Sanders amendment, we have an opportunity to protect the working men and women in this country. We can tell them today that, yes, we want to protect your pensions because the fruits of your life's work have to be there for you and your family when you retire. That is what this country is built on. That is what our values are. That is the direction we should go in.

I urge my colleagues to support the Sanders amendment.

SEPTEMBER 11

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on September 11, the world watched in horror as nearly 3,000 Americans lost their lives in the terrorist attacks on World Trade Center, the Pentagon, and on Flight 93, that crashed in Shanksville, Pennsylvania.

September 11 is one of the defining events of an entire generation. Each of us vividly remembers where we were and how we heard the news of the attacks. Like so many others, I watched as the second plane slammed into the World Trade Center, and then as the two towers came crashing down. I heard the reports of the attack on the Pentagon, then the news that the last plane had crashed in Pennsylvania. And like all Americans, I sat in shock and horror worrying about the safety of my loved ones.

I was lucky enough to find out that everyone I knew was safe. Many were not so lucky. The events of September 11 helped me to take stock in my life and to appreciate the enormous sacrifice of ordinary Americans.

This tragic moment in our history produced a new definition of the word "hero." You could see this exemplified on Halloween in 2001 when children across America traded in their Superman and Spiderman costumes for those of fireman, policeman and paramedics. On September 11th children witnessed real heroes—the firemen who rushed into the burning Twin Towers, the police who did everything possible to rescue those in need, and the medical personnel who tirelessly worked to save lives. It has been said before, but should be remembered everyday—these ordinary people did extraordinary things without hesitation and with enormous sacrifice.

There were also heroes in the sky that day. The brave passengers of Flight 93 saved the lives of others by forcing their plane to the ground. What an incredible act of self-sacrifice! And let's not forget the workers who came to ground zero day after day to sift through the rubble, looking for survivors, and eventually looking for the remains of the victims. They are heroes.

On the 2nd Anniversary of September 11th, I think again of my loved ones and I want to say to all the families and friends who lost someone on this heartbreaking day—you are heroes. You have endured an unthinkable loss and yet everyday find the strength to go on. I admire your courage and resilience. You are a great inspiration to all Americans.

Let us honor the valor and sacrifice of these heroes by living life to the fullest. Let us reflect on their actions and lives and be inspired to build a better America.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes:

Mr. BLUMENAUER. Mr. Chairman, quick, effective, and accurate exchange of information is critical to our current financial system. Technology has improved this information exchange, which benefits both businesses and consumers.

However, technological reliance has also led to credit report inaccuracies and instances of identity theft that have hurt consumers in Oregon and across the nation. According to a recent Federal Trade Commission report, 10 million Americans were victims of identity theft last year at a cost of $5 billion to them and $48 billion to businesses.

Oregon is one of most states that do not have laws that protect consumers from identity theft and this bill will greatly benefit my constituents. It is essential that we protect consumers from identity theft and other abuses and ensure credit reports are accurate and accessible. I support the Fair and Accurate Credit Transactions Act which will do just that.

However, I am concerned about the ability and commitment to strengthening consumer protections as time goes on. This bill preempts state laws, which in some instances may be stronger than this legislation, and will prevent states from passing stronger consumer protections in the areas of privacy and identity theft. I worry that by passing good legislation that raises the bar for privacy standards, we may actually be creating a ceiling for future improvements. I supported an amendment to sunset this legislation so that Congress will be forced to revisit its effectiveness and fairness for consumers.

TRIBUTE TO RITA RICCARDO

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. FERGUSON. Mr. Speaker, I rise today to honor Rita Riccardo of South Plainfield, New Jersey.

On September 1, 2003, Mrs. Rita F. Riccardo passed away at the age of 77. I had the privilege of knowing this loving, compassionate and remarkable woman. As a mother of three children she had an unyielding dedication to the sanctity of life. She was loving and compassionate to anyone who knew her.

Mrs. Riccardo was a member of the New Jersey Right to Life for 30 years. She worked diligently for her cause by organizing local groups for marches and parades. She was a selfless woman who put her community first. She was a member of several community organizations and the president of the Rosary Altar Society of Sacred Heart Church.

I believe that her family and community will always remember her service and most importantly, her great spirit. It is in her honor today that I stand before you.

REMEMBERING SEPTEMBER 11

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. HARMAN. Mr. Speaker, the passage of time will not fade from our memories the horror we witnessed 2 years ago today.

Nor will it diminish our feelings of sadness for those who lost their lives at the World Trade Center, the Pentagon, and in a remote field in western Pennsylvania.

For California's South Bay, where LAX—the destination of three of the four hijacked planes—is located, four of my constituents were killed.

We remember these individuals and comfort their families: Anna Alison of Torrance, Chandler "Chad" Keller of Manhattan Beach, Stanley Hall of Rancho Palos Verdes, and John Wenckus of Torrance.

We also remember several other individuals who worked in the 36th district but lived elsewhere. Their coworkers remember them fondly: Ruben Ornedo, who worked at Boeing, and Peter Gay, who worked for Raytheon Electronics and commuted to El Segundo weekly from the east coast

Mr. Speaker, since September 11, we have taken concerted action to defeat terrorism. Brave members of our Armed Forces and intelligence communities are working to bring the perpetrators of those terrorist attacks to justice.

But we have much still to do.

And however difficult that task, we are inspired by the heroism of the first responders who gave their lives that day—by the thousands who are prepared to do the same should another attack occur—and by the memories of so many people who died.

As we mark this anniversary, to paraphrase Tennyson, America will "strive . . . seek . . . find . . . and not yield" in the face of this new threat.

Indeed, America will prevail.

TRIBUTE TO ALEX MACHASKEE, THE 2003 INTERNATIONAL BUSINESS EXECUTIVE OF THE YEAR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. KAPTUR. Mr. Speaker, I rise today to honor Alex Machaskee, President, Publisher, and Chief Executive Officer of the Cleveland Plain Dealer, as the 2003 International Business Executive of the Year.

On Thursday, September 18th, 2003, Mr. Machaskee will be recognized for his ongoing contribution to the internationalization of Northeast Ohio. He has energized the business community by catalyzing civic leaders to attract international companies to Northeast Ohio. I want to take this opportunity before this body to honor him and to say a few words about why he is deserving of this incredible distinction.

Born in Warren, Ohio, Mr. Machaskee worked as a sports reporter and general assignment reporter for the Warren Tribune before joining the Plain Dealer. As President, Publisher and C.E.O., he is responsible for the overall policy, operation, and direction of the newspaper. He is a graduate of Cleveland State University with a bachelor's degree in marketing. Mr. Machaskee was awarded the honorary degree of Doctor of Humane Letters by both Cleveland State University in 1995 and the University of Akron in 1998. He was recognized for his tireless passion and talent in 2001 with his induction into the Northeast Ohio Business Hall of Fame.

Mr. Machaskee has demonstrated unflagging leadership in the improvement of Northeast Ohio. He currently is Vice President of the Musical Arts Association, serves on both the Board Governance and the Finance and Administration Committees of The Cleveland Foundation, is a member of The Greater Cleveland Roundtable and The Museum Council of The Cleveland Museum of Art, a Corporate Member of The Holden Arboretum and a Board Member of The Ohio Arts Council, Leadership Cleveland, University Circle Inc., Cleveland Tomorrow, The Great Lakes Science Center, The Greater Cleveland Growth Association, Urban League of Greater Cleveland, Crime Stoppers of Cuyahoga County, Inc., St. Vladimir's Orthodox Theological Seminary, in Crestwood, New York, and the national board of the International Orthodox Christian Charities.

Additionally, Mr. Machaskee is committed to improving racial amity and promoting diversity. He is the Chairman of the Board of United Way Services for 2002–2003, and previously served as Chairman of the 2000–2001 United Way Campaign. Mr. Machaskee is past Chairman of the Greater Cleveland Roundtable, a racially and culturally diverse civic forum committed to resolving the human relations problems confronting the city.

Mr. Machaskee has been a critical community partner for many years through his energetic leadership helping to improve and promote the economy of Northeast Ohio. Many throughout the years have appreciated his service and dedication and I congratulate him on being honored as International Business Executive of the Year. He should be commended for his commitment and service to Northeast Ohio.

HONORING MEMORY OF MOTHER TERESA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor the memory of one of the most compassionate people to have walked the earth: Mother Teresa of Calcutta.

I was not fortunate enough to personally know Mother Teresa, but I have been blessed to stand within twenty feet of this incredible woman. A few years ago, we presented Mother Teresa with the Congressional Gold Medal.

Arriving early, I was able to sit near enough that I could see every detail of Mother Teresa's face. Though she was old and weathered, one thought struck me as I stared at this living saint, "What a beautiful face."

Through her years in Calcutta she had seen illness and death, mourning and tragedy. She was rugged and aging, but, Mr. Speaker, she still possessed a perfectly beautiful face of love.

Were she still with us today, Mother Teresa would have celebrated her birthday on August 27. This year, Pope John Paul II will honor the life and service of Mother Teresa by beatifying her on October 19.

Mr. Speaker, to be honest, words cannot do this holy servant justice. I am convicted of my own inability to serve as selflessly as she did. This saint did the Lord's work on a daily basis, with no desire to be recognized, thanked or applauded.

I am certain that when she went Home to meet her Maker, she was greeted at the gates of heaven by the Father, with arms open wide, saying to her, "Well done, my good and faithful servant."

Each of us should seek to serve with even one-third of the heart that Mother Teresa had. She is an example to us all of what a difference one life can make to so many millions.

Mother Teresa used to say, "There is joy in transcending self to serve others." Mr. Speaker, to all of us in Congress, I truly pray we can find such joy—such pure and selfless joy.

Happy Birthday, Mother Teresa. And may God bless the souls of those who still remain on this earth, seeking to carry on the tradition of servitude you left behind.

HONORING HARRY DeBENEDET AS HE IS NAMED ST. MICHAEL'S "MAN OF THE YEAR"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the congregation of St. Michael Church in New Haven and pay tribute to an outstanding member of our community and my dear friend, Harry DeBenedet, as he is honored with the "Man of the Year" Award.

Throughout his life, Harry has shown a unique dedication to the City of New Haven and its residents. A native son of the City, he has and continues to enrich the lives of many through both his professional and personal contributions. We are fortunate to have such a person who so willingly gives of himself to ensure the betterment of our community.

In a career that has spanned over three decades, Harry has been a member of both the New Haven Police Department and the Yale University Police. As a law enforcement officer, he has dedicated his career to serving and protecting our families and neighborhoods. The myriad of awards and citations which he has earned are a reflection of his commitment and outstanding service to our community.

During his twenty years with the New Haven Police Department, Harry served in many divisions. For twenty-five years he was a member of the Bomb Squad where he was cited for co-inventing several tools, which continue to be utilized across the country, designed to allow for a safer approach to explosive devices. Upon his retirement from the New Haven Police Department, Harry joined the Yale University Police Department where he continues to serve today. Among others, Harry also serves on the Mayor's Emergency Preparedness and Response Committee, the Yale Emergency Planning Committee, and the New Haven Terrorist Task Force.

Beyond his professional contributions, Harry has always generously donated his time and energies to local charitable organizations. Among many others, he has long been an advocate, fundraiser, and vocal supporter for the St. Jude's Hospital, the Marine Cadets of America, New Haven Teen Challenge, and the Leukemia Society. Harry has touched the lives of thousands and has left an indelible mark on this community.

It is an honor for me to stand today to extend my sincere thanks and appreciation to Harry DeBenedet for his countless contributions as he is named St. Michael's "Man of the Year." He has made such a difference and the City of New Haven is indeed a better place because of his good work.

IN RECOGNITION OF PAULA EDWARDS, NEWLY ELECTED BOARD MEMBER OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. LATOURETTE. Mr. Speaker, I rise today to congratulate Paula Edwards, a fellow resident of Ohio on her recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). Ms. Edwards, the President and CEO of Nationwide Federal Credit Union located in Columbus, Ohio, was elected as a regional director, representing the States of Illinois, Indiana, Michigan, Missouri, Ohio, West Virginia and Wisconsin.

Ms. Edwards has been associated with Nationwide FCU for more than 25 years. Ms. Edwards joined Nationwide FCU as the Operations Manager in 1975. Since that time, Ms. Edwards has served as the Services Manager for Nationwide's mutual fund operation, Nationwide Investing Foundation, she has served on the Nationwide FCU board of directors, including a three-year stint as chairwoman, and in 1989 she took over her current position as President and CEO of Nationwide FCU.

In addition, Ms. Edwards is active in a number of other activities including holding positions on the Corporate One FCU Board and Executive Committee. She is the Chair of Consumer Credit Counseling for the Midwest and she also serves on the Public Service Credit Union Strategic Advisory Group.

During her 25 years of service in the credit union community Ms. Edwards has made the financial literacy of her members a priority. In addition, Ms. Edwards has worked hard to build the credit union movement into what it is today; a healthy, competitive alternative to other financial institutions.

As a board member of NAFCU, she has distinguished herself as a leader in the only national trade association that exclusively represents the interests of America's federal credit unions, and I have no doubt that Ms. Edwards will serve NAFCU members as well as she has served her own credit union members. Again, I would like to congratulate Ms. Edwards on her new position and wish her the best of luck in this new role.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. WOOLSEY. Mr. Speaker, had I been present for rollcall No. 492, I would have voted "aye". I would have voted "aye" on rollcall No. 493, and "aye" on rollcall No. 494. I would have voted "aye" on rollcall No. 495. I would have voted "aye" on rollcall No. 496, and "aye" on rollcall No. 497. On rollcall No. 498, I would have voted "no". On rollcall No. 499, I would have voted "no". On rollcall No. 500, I would have voted "aye". On rollcall No. 501, I would have voted "aye". On rollcall No. 502, I would have voted "aye".

COMMENDING THE EMPLOYEE BENEFIT RESEARCH INSTITUTE ON ITS 25TH ANNIVERSARY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. POMEROY. Mr. Speaker, I rise today to express my sincere congratulations to the Employee Benefit Research Institute as it celebrates its 25th anniversary.

Since I began serving the state of North Dakota in Congress, I have supported public policy that would encourage the growth of health and pension plans among private employers. I continuously turn to EBRI for the nonpartisan data I need in order to make legislative judgments in this area. To this end, I am especially thankful to EBRI and its superb, responsive and hard-working professional staff.

EBRI, led by Dallas Salisbury, is widely regarded by both political parties and the press as a knowledgeable and substantive source of information about employer-sponsored health and welfare plans. As Congress faces the monumental task of trying to sustain our employer-sponsored health and pension systems, I salute EBRI on its 25th anniversary, thank them for the important work they have performed over the years and recommend them to my colleagues who seek a deeper understanding of the policy options we confront. Congratulations. We will need your analysis even more in the 25 years that lie ahead.

REMEMBERING SEPTEMBER 11, 2001

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to share a few thoughts with my colleagues on this anniversary of the September 11, 2001, attacks against our nation. None of us will ever forget the day that members of the terrorist group al Qaeda destroyed the World Trade Center towers and attacked the Pentagon. The courageous action taken by the passengers aboard United Airlines Flight 93 prevented more carnage by crashing the aircraft in a Pennsylvania field. On that day nearly 3,000 innocent victims were murdered.

Like many of my colleagues, I lost constituents on that terrible morning. A number of them were personal friends of mine and of my family. Those of us who live in eastern Connecticut will never forget Josh Piver, Madeline Amy Sweeney, Ruth Clifford McCourt, Juliana Valentine McCourt, James Greenleaf Jr., Bruce Eagleson, James Hobin, Rick Thorpe and Eric Evans. All of them died far too soon; all of them left behind grieving families and friends.

The events of that day are burned indelibly in our minds and on our hearts. Like Americans always have, we immediately began to rise to the challenge. We put out the fires; we cleared the debris; we prayed for the deceased and their families; and we began the serious work of ensuring that such an act of war would never again visit our shores.

While we will never forget that day, sadly, some Americans, including some in this very Chamber, have either forgotten or failed to learn the lessons of those attacks. Until September 11, 2001, it was thought that in order to wage war against the United States the enemy would have to be a nation with a mighty army and enormous industrial capability. That is no longer the case. Today we live in a world in which a few dedicated and evil men, supported by a minimal amount of resources and armed with box cutters, brought to our shores death and destruction the likes of which we have never seen before. Those who died on September 11th and their families are the tragic witnesses to that reality. We have no greater responsibility than making sure it never happens again. Advances in communication and technology have created opportunities for the enemies of freedom and justice. Terrorists do not need huge armies. They do not need an industrial base. They have learned how to exploit the resources of the 21st Century. But they underestimate the resources and resolve of the American spirit.

America is engaged in a war. Today a major battleground is Iraq. We have weakened an evil regime in Afghanistan that gave al Qaeda support and we have removed Saddam Hussein from power. Our people have not suffered further attacks at home, not because our enemy has changed its mind, but because our law enforcement agencies and our intelligence community have worked diligently to prevent further assaults. Congress has provided the tools they need to make America safer. And we have taken the fight to our enemies instead of waiting for them to continue their violence here. But the war is not over.

Some of us have expressed concern about the cost of the war—both in terms of funds and with regards to the even more precious cost in the lives of our fellow Americans. As a Vietnam veteran, I understand these issues personally and share those concerns every day.

In Connecticut's Second District, which I represent, two courageous heroes have given their lives in defense of freedom. Corporal Kemaphoom Chanawongse, 22 years old, 1st Battalion, 2nd Marine Regiment, was killed in action during operations on the outskirts of Nasiriya on March 23, 2003. Gunnery Sergeant Phillip Jordan, 2nd Marine Regiment, 42 years old, was killed in action near Nasiriya on March 23, 2003. Their families and they have made the ultimate sacrifice on our behalf. The price of defending our nation is great.

Every death of an American who wears our nations uniform is one death too many. Families who lose a loved one will never be able to fill the void. But I also know this. As in other difficult wars our nation has fought, we send our forces abroad to meet the enemy in order to prevent the war from coming to our shores and to our homes. The front lines of the war on terrorism will either be in Kabul and Baghdad or they will be in New York, Washington or New London, Connecticut. We are doing the right thing for America and for the free people of the world. But doing the right thing is no guarantee against misfortune. The war will be long and difficult. So was the Cold War; so was World War II.

War is a terrible thing, but it is not the most terrible. Far worse are the evils that war can prevent and end—evils like the attacks of September 11th that took the lives of innocent people on their way to work, in their offices and flying on jet airliners. War is a moral undertaking when arms are taken against brutal despots and those who would destroy our people, our values and our nation. September 11th showed us with graphic clarity that there is great good and great evil in the world. As a free and resourceful nation, America must accept its obligations to lead in the world, and we must do so fully and without apology. As we debate how much the war on terrorism will cost; as we question how long the war will last; as we seek answers to how long it will take to bring stability to Iraq, let us realize that none of those important questions negates the righteousness of our cause and the necessity of our actions.

The enemies of freedom know what is at stake in Iraq and Afghanistan. If those nations fall back into the dark days of oppression and terror, those who seek the destruction of the United States will have achieved a significant victory—preserving abroad a climate of tyranny and breeding ground for terrorism. They are fighting to defeat our allies and us. The danger facing us is not that we will be drawn further into a difficult situation but that we will lose our will and quit before the work is done. In the past the terrorists have taken undue comfort from our lack of resolve. They believe that if they create enough chaos and generate enough American casualties, we will give up. They are wrong. We will not give up because we cannot afford to have the front lines of the war drawn in the United States. We will not give up because we will never forget those who died in the Twin Towers, and at the Pentagon and in a lonely field in Pennsylvania. We will not give up because in the words of President John F. Kennedy, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Our enemies have declared war on us and they intend to win. We can fight the war on our terms or on theirs, but we cannot opt out. We cannot let the calls for an "exit strategy" become calls to retreat. May we have the wisdom to understand that this war is not about politics or elections, it is about survival. May we have the patience to know our mission is worthwhile. It is about ensuring that our children and grandchildren will inherit a nation that is free and just and whole. Our oath of office demands we meet these responsibilities to provide for the common defense.

Mr. Speaker, two years ago a cartoon published in the national news media pictured a young girl seated on her father's lap responding to a news article of the September 11 attacks on America. She asked him, "Will we hate back?" Two years later the answer is clear. Children of the victims of the World Trade Center attacks are reading the names of their loved ones into the record at Ground Zero in New York City. They are not doing it with hatred and vengeance but with remembrance and love. This is America's answer to those who would destroy us, and it is answer for future generations and the world.

THE DEATH OF EDWARD TELLER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mrs. TAUSCHER. Mr. Speaker, with the passing of Edward Teller on Tuesday, the United States has lost one of our foremost physicists and a lifelong advocate for education. Through his leadership and vision, Lawrence Livermore National Laboratory in my district designed the nuclear weapons that have deterred world wars and the infrastructure that ensures the continuing safety, security, and reliability of our Nation's nuclear weapons stockpile without live testing.

His efforts were instrumental in creating the Livermore site at what was then the University of California Radiation Laboratory in 1952.

Teller served as the Laboratory's second director from 1958 to 1960, a time when it was well along in development of the U.S. Navy's Polaris missile warhead. Teller advanced Polaris, the Laboratory's first military design project. Polaris was validated in a test in 1958, a few months before nuclear testing was halted for a time by a voluntary moratorium.

The moratorium was one of Teller's greatest challenges. Faced with keeping the Laboratory viable without testing, plans were laid for a program exploring the peaceful uses of nuclear explosives called Project Plowshare.

In addition to his contributions to physics, Teller was a passionate educator and strongly believed that America needed more intensive scientific education to develop future generations of scientists and engineers.

Less than two months ago, Edward Teller was recognized for his contributions to science with the prestigious Presidential Medal of Freedom, the Nation's highest honor.

As I work with the national laboratories on the cutting edge programs they have developed in multiple areas, I am constantly reminded of Edward Teller's legacy. I am saddened by this loss but know that he has made lasting and important contributions to the security of the United States. For that, we are all grateful.

REMEMBERING SEPTEMBER 11, 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. CRENSHAW. Mr. Speaker, on this second September since the terrorist attacks of 2001, I think it is important to focus on what has kept our Nation strong.

In the darkest hours of September 11, many of us reached out to our loved ones. We did not understand why we were being attacked but we did know to reach for those people important to us. Let this be the reason why we gather today and remember September 11, 2001.

Those that harmed us on that day were attempting to steal from us our freedom. They did not succeed. They will not succeed. They will never take our spirit.

That day 2 years ago, marks many things for many people. It is images of horror. It is feelings of sadness. It brings striking appreciation for the precious fragility that is life.

For many of us, time will not wash away the hurt of that horrific moment. Though these things happened in New York, Washington, DC, and Pennsylvania, it was an attack on America. Through prayer and the support of our spouses and children, we survive. We move on. We persevere.

Today let our prayers remain with the victims, their souls, and their families during this time of immeasurable sadness. Our Nation grieves with you.

There are truly few moments in history when a Nation can agree the events of a day changed the world. September 11 is one of those days. Let us honor the people who gave their lives on September 11 and those both here and abroad who continue to work diligently to watch over us as we continue to go about our normal business. God bless America.

TRIBUTE TO MAI HONG ON THE FOURTH ANNIVERSARY OF THE OPENING OF "A TOUCH OF ELEGANCE"

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished Californian, Mai Hong, as she celebrates the fourth anniversary of the opening of "A Touch of Elegance", her thriving Menlo Park salon, founded October 4, 1999.

Mai Hong has built a remarkable business with loyal customers from throughout the community together with her able team of Cindy, Amy, Julie, Danny, Kim and Brittany.

From the time Mai arrived in the United States from Viet Nam in 1984, she has built a better life for her two children, her mother, herself and so many others. Mai celebrates daily the privileges and responsibilities of her American citizenship.

How proud I am to honor her work, her values, and her deep love for her adopted country. She is a model for others to emulate and she is a woman I'm proud to call my friend.

Mr. Speaker, I ask my colleagues to join me in honoring Mai Hong and the entire "Touch of Elegance" team as they celebrate their fourth anniversary, a model business in California's 14th Congressional District.

A TRIBUTE TO THE SEPTEMBER 11 FAMILIES OF THE 5TH DISTRICT OF MASSACHUSETTS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to the 31 people from my district who died in the September 11 attacks. Captain John Ogonowski was the pilot of American Flight 11. John was a Vietnam veteran and a member of the American Legion and the Dracut Grange. He was a pilot, and he also was a fourth-generation farmer. I'd like to express my appreciation that the 2002 Agriculture Appropriations Conference Report was renamed the U.S. Department of Agriculture's (USDA) Farmer-to-Farmer Program after Captain John Ogonowski. John left a wife, Peggy, and three daughters, whom I have come to know and admire over the last two years for their courage and determination in the face of devastating loss. Their strength and commitment to John's legacy will ensure that his memory never dies.

As Captain Ogonowski was one of the first victims, David Bernard of Chelmsford was the last. Dave was struck with falling debris as he walked into the World Trade Center. He was one of the first people rushed to New York hospitals and fought for his life for over 3 months, until December of 2001. He is survived by his wife Nancy; his sons, David and Mark; and his daughter, Jill. If you have a chance to see it, the IRS—where David worked—has a beautiful stone memorial on Constitution Avenue, just a few blocks from here.

Patrick Quigley often took American Flight 11 to California. Concerned once the news that American Flight 11 had hit the World Trade Center, his wife Patti, called his office. She was relieved when they said they were sure he was fine, that he had decided to take United Flight 175 instead. Patrick was on United Flight 175, and at the time, Patti Quigley was seven months pregnant. His daughter Leah will celebrate her 2nd birthday in a few months. Patti, who is a tremendous source of strength for her friends and family, has joined with other widows from September 11th to start a non-profit agency called Beyond the 11th. Next year, we will all know much more about her work, as she begins to work with victims of terrorism and the war in Afghanistan.

I want to tell you all about Larissa Gay, a young woman from Tewksbury, who lost her dad, Peter, a senior trouble shooter for Raytheon. Larissa maintains an A+ average at the Sacred Heart School in Lowell. Larissa ran the 7 mile Falmouth Road Race in honor of her father. What an incredible way to show strength and tackle adversity.

There's a story behind every victim of the September 11 attacks. In the last 2 years, I have had the privilege to get to know many of the families left behind. I'd like to now pay tribute and honor all of them, with a reading of each of their names.

Trudi Alagero, an Andover native; David Bernard of Chelmsford; Geoffrey Cloud of Sudbury; Andrew Curry Green of Chelmsford; Alexander Filipov of Concord; Peter Gay of Tewksbury; Peter Goodrich of Sudbury; Douglas Gowell of Methuen; The Hanson Family—Peter, Susan & Christine Hanson, age 3, of Groton; Peter Hashem of Tewksbury; James Hayden of Westford; Cora Holland of Sudbury; Brian Kinney of Lowell; Susan MacKay of Westford; Louis Mariani, formerly of Dracut; Christopher Morrison of Andover; Mildred "Milly" Naiman of Andover; Captain John Ogonowski of Dracut, Pilot of American Flight 11; Betty Ong of Andover, Flight Attendant of American Airlines Flight 11; Jane Orth of Haverhill; Abner Morales Pabon of Lawrence; Marie Pappalardo of Methuen; Patrick Quigley of Wellesley, a Methuen native; Philip Rosenzweig of Acton; Jessica Sachs of Billerica; Jane Simpkin of Wayland; Madeline "Amy" Sweeney of Acton, Flight Attendant of American Airlines Flight 11; Leonard Taylor, an Andover native; Kenneth Waldie of Methuen.

As Americans we can't help but remember. But unlike the families who have experienced this loss first hand, we grieve for a moment, not for a lifetime. These families have suffered the ultimate loss, and we owe them our most heartfelt sympathies and support.

9/11 ANNIVERSARY

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mrs. DAVIS of California. Mr. Speaker, we come together to reflect on the anniversary of

September 11, 2001, a day like none other in our history.

Leading up to this anniversary, I have been thinking much about the tragic events of that day and their significance. At first, I felt I had a grasp on what happened two years ago, but now after going to memorials, visiting the sites, and watching the footage, I am not sure if any of us have fully absorbed the events of that terrible day and realize how they have changed our nation and our lives.

This anniversary is important because it gives us an opportunity to consider the lasting impact of the events that altered the course of our nation.

The shock of September 11 for those who witnessed the horrible events firsthand or lost a loved one remains incomprehensible.

For me, the events of that day were extremely powerful at a personal level because my son, my daughter-in-law, and my grandson live in New York City. All I could do was hope and pray my family was safe. As a mother and a grandmother, there is no feeling worse than such uncertainty.

To all of us, the threat of terrorism is still very real despite the relative normality of our lives.

On this occasion, we should take a moment to ask the questions that still need to be answered.

I ask today, Mr. Speaker: Have we properly prepared if another attack takes place? Have we harnessed the amazing energy and the great spirit that saw us through the days and weeks following that day? Have we mobilized our citizens to take on the other problems we as a nation are facing?

I truly believe, as we look back and remember those who tragically lost their lives two years ago, that we take the time to really think about what those events mean to us.

We also need to consider what the legacy of September 11, 2001 will be 10 years from now and even 100 years from now.

Though it has been two years, I am still amazed at how our nation came together to cope with the crisis and to comfort those who suffered unimaginable losses.

I think about the epic effort of the steelworkers and engineers working around the clock to clear rubble from the World Trade Center, and our brave service members who went to Afghanistan to hold accountable those who planned the attack.

Unfortunately, Mr. Speaker, though the Pentagon has been rebuilt and the steel beams and concrete cleared from the World Trade Center, the unspeakable acts of September 11 continue to impact several areas of our lives.

Though we have made progress over the last two years, I believe we can build upon the energy and spirit we displayed after September 11 to become a stronger and more generous nation than before that day two years ago.

Whether the cause is to create new jobs for Americans, improve education, fight poverty at home and abroad, or increase our understanding of foreign cultures and languages, we have missed some opportunities but it is not too late to build upon our resolve and better ourselves, our families, and our communities.

I would like to conclude today, Mr. Speaker, by remembering those who were tragically killed two years ago. Those who lost their lives were truly the innocent, and because of the cowardly acts of a few, more than 3,000 loved ones were taken from their families. It is crucial that we remember them and continue to offer these brave families our support.

HONORING THE SACRIFICE OF STAFF SERGEANT CAMERON SARNO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor the service and sacrifice of Staff Sergeant Cameron Sarno. Sarno lost his life on Monday, September 1, 2003, while on active duty in Kuwait. Cameron Sarno was serving with the 257th Transportation Company when he was killed while helping transport much needed supplies to US forces in Iraq.

A native of Hawaii, Staff Sergeant Sarno moved to the Las Vegas Valley five years ago where he continued his more than nineteen years of service with the Army and the Army Reserve in the 257th, based at the Nellis Air Force Base Reserve Center. Sarno had been deployed in Kuwait since February of this year, where he operated in support of Operation Enduring Freedom.

A man whose loyalty to family, friends, and comrades was a byword of both his personal and military lives, Cameron Sarno gave the ultimate sacrifice in defense of the values and ideals that he wished for us all. Staff Sergeant Sarno was a patriot and a hero; his dedication to our country will remain a reminder of the struggles that we face in the name of freedom. I urge all Members of this House to join me in honoring his sacrifice and in sending our condolences to his family and friends.

HONORING THE DEDICATION OF THE NEW BARBARA DEER KUSS SCIENCE CENTER AT WITTENBERG UNIVERSITY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. HOBSON. Mr. Speaker, I rise today to draw attention to the upcoming September 19th dedication ceremony at Wittenberg University in Springfield, Ohio of a new and exciting facility that will greatly enhance the educational opportunities at this great institution of higher learning in Ohio's 7th Congressional District.

I've lived in Springfield for most of my adult life and have seen Wittenberg University grow into one of the best liberal arts universities in Ohio. I have greatly enjoyed representing and working with the university.

The Barbara Deer Kuss Center will house the university's departments of biology, chemistry, physics, geology, mathematics and computer science. The building will also house programs in biochemistry, molecular biology, marine biology, health professions and environmental studies.

This $23 million endeavor is Wittenberg's most ambitious capital improvement to date, and marks the most significant improvement to the university's science facilities since the original construction of Science Hall in 1965.

I was proud to have been able to help secure some of the funding to ensure that Wittenberg students and faculty have a safe environment to perform their research.

The design of this new facility reflects the changing view of scientific and academic research in that it includes many glass walls to make ongoing research projects more visible to people as they move through the building. Like the new Hollenbeck Hall on campus, the Kuss Center is designed to optimize interaction between students, faculty and the science disciplines.

One of the primary ways this is done is by the striking atrium, which connects the old and new parts of the building, allows natural light in and also lets visitors see what is happening on other floors.

The facility is also a worthy tribute to my long-time friends Barbara and Richard Kuss, who were instrumental in moving this project forward.

Richard Kuss has played a leadership role in each of Wittenberg's fund-raising efforts since 1952. He has served on the university board of directors and as president of its alumni association. He has received numerous awards and honors, including an honorary degree and the Medal of Honor from Wittenberg.

Barbara Deer Kuss served the Springfield community in many ways throughout her adult life. For 30 years she served as a volunteer at Community Hospital and was a past-president of its Women's Auxiliary. She also was a major donor to Community Hospital and a 12-year member of the board of directors.

Barbara also served on the boards of the Springfield Foundation, the Center for Sensory Motor Development, the Friends of Mercy St. John's Center, Clark Memorial Home Association and the Springfield YWCA and had honorary alumna status at Wittenberg University. This new facility will be a lasting tribute to the many ways that Barbara helped to make Springfield a better community.

As the Member of Congress who represents Springfield and Wittenberg University in the U.S. House of Representatives, I again offer my congratulations on the completion of this important new educational facility. The Barbara Deer Kuss Science Center will be a new focal point of learning for students at Wittenberg University and the advanced facilities of this new structure will greatly assist their quest for scientific knowledge.

RECOGNIZING LAUREN DISANO FOR HER ACHIEVEMENT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate Lauren DiSano, who was selected to participate in the first-ever U.S. Environmental Protection Agency Health Fellows

Environmental Health Fellows class. Ms. DiSano, a resident of Warwick, RI, earned a master's degree in Health Science in Environmental Health from Johns Hopkins University in Baltimore. Ms. DiSano is one of only 10 public health professionals selected nationwide to work at an EPA research facility for a minimum of one year and address emerging public health needs from an environmental perspective. Ms. DiSano's focus will be Homeland Security projects dealing with public health and water utility issues. This opportunity will not only give Ms. DiSano a chance to make our country safer, but also to become a leader in her field. As a member of the Select Committee on Homeland Security, I am particularly interested in the work she will be doing and hope she will keep us updated as her fellowship progresses.

Mr. Speaker, I hope our colleagues will join me in congratulating Lauren DiSano for her achievement.

HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD ACT OF 2003

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. MOORE. Mr. Speaker, in this uncertain time, our nation is looking to the brave men and women of our armed forces. They have never hesitated in answering their nation's call and giving of their time and service. Our nation owes them a debt that we can never repay. That is why it is unconscionable that in the 1960s, our Department of Defense intentionally exposed U.S. military personnel to toxic chemicals as an experiment, without their knowledge or consent. In effect, they made our military personnel unwilling human guinea pigs.

I strongly support H.R. 2433, the Health Care for Veterans of Project 112/Project SHAD Act of 2003, which the House passed today. We cannot change what happened forty years ago. But now we can try to make it right. This legislation is an important first step in requiring our government to make full disclosure about the tests conducted and the chemical agents to which our military personnel were exposed. H.R. 2433 will also make improvements to the retention and recruitment of health care professionals; provide additional pay for Saturday tours of duty for additional health care workers in the veterans' health administration; and increase coverage of employees of veterans' canteen services under additional employment laws. I urge my Senate colleagues to act quickly on this important legislation.

As a veteran myself, it saddens me to see how some of our nation's finest citizens are being treated. I believe our government should come clean, provide the information and provide medical treatment and compensation for the losses our military personnel suffered. We must address this tragedy and work to make sure nothing like this ever happens again.

SEPTEMBER 11TH COMMEMORATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mrs. LOWEY. Mr. Speaker, I rise to honor the memory of the thousands of brave men and women lost on September 11th, the lives of the thousands more who survived, and the strength and love shown by the families, friends, loved ones, and communities left behind on that shocking, terrible day.

It's hard to believe that it was 2 years ago. It feels like yesterday, in some ways, that we sat transfixed before CNN, unable to believe that the World Trade Center was gone, the Pentagon burned, and that somehow a plane of courageous passengers over Pennsylvania had managed to turn the table on their hijackers. The losses still ache. It was only last week that the last firefighting family in New York City laid their son to rest.

In other ways, it feels like forever. Our sense of this world has changed, our duties have increased, and our vulnerabilities remain. As a Member of Congress, I feel a special and urgent responsibility to make sure we have better intelligence, more resources, and effective response plans in place. But I am optimistic. I have faith in America.

In my area, many of us know someone who was lost. But you didn't have to know someone to feel it. America's heart was broken that day, and in some ways we will never be the same. But, in an important way, America will never change.

The terrorists wanted, and still want, to break America's spirit. But that hasn't happened. Our shock has faded, and we've accepted a stark reality: we can never let down our guard in the fight against terrorism. Communities have drawn closer and grown stronger over the past 2 years; neighbors take the time to meet and thank fire fighters and police officers; people wait patiently in long airport screening lines; and parents stock up on bottled water and canned food.

America is the land of the free; it's the home of the brave. We're fighters—just look at our men and women in uniform, who are just outstanding—and we're survivors. Our Nation is united as we continue to strengthen our security, protect our people, and pursue those responsible for the attacks.

We've shown that we won't allow terrorists to destroy the values that make America great—we will protect and defend liberty, tolerance and democracy. There's no better national tribute to those who were lost than that.

SECOND ANNIVERSARY OF THE SEPTEMBER 11 ATTACKS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor the Second Anniversary of the September 11 attacks.

This week we commemorate the Second Anniversary of the September 11 attacks. A day that will forever remain in our memories as we endured the loss of over 3,000 innocent people in New York, Washington, D.C. and Pennsylvania. Despite this tragedy we continue to press on rebuilding our communities and renewing our spirits.

I would like to share with you a poem written by one of my constituents and a dear friend, Ms. Danita Harris, news anchor for Good Morning Cleveland on WEWS News Channel 5 in Cleveland. It reads:

On September 11, 2001 . . .
our hearts were pierced by the loss of our fellow Americans in the terrorist attacks
On September 11, 2001 . . .
we held on to the one thing that stands when all else fails, our faith in God
On September 11, 2001 . . .
there was a rebirth, an awakening, a national acknowledgement of the power and love of Almighty God
On September 11, 2001 . . .
In the midst of mourning the loss of a mother, a father, a sister, a brother, someone found Jesus—a comforter, a friend, a saviour
On September 11, 2001 . . .
knees bowed down and tongues cried out "HELP US GOD!"
On September 11, 2001 . . .
the salt of our tears fell on the earth giving our country a new flavor of freedom and pride
On September 11, 2001 . . .
hatred and ignorance showed its ugly face as terrorism penetrated America's front door
On September 11, 2001 . . .
we put aside our differences, our prejudices, our isms, and our schisms
On September 11, 2001 . . .
the only race was the human race, not connected by blood but united by spirit
On September 11, 2001 . . .
our voices sang God Bless America, but in our spirits we were all singing Amazing Grace
Because if it wasn't for God's grace
it could have been you
in that building
it could have been you
on that airplane
it could have been you.

May we remember those families who lost loved ones during this tragic event during this time and continue to renew our spirits.

NATIONAL PUBLIC LANDS DAY

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Mr. GILCHREST. Mr. Speaker, I rise today to recognize National Public Lands Day on September 20, 2003. On this day, volunteers around the nation will be lending their hands to our public lands—improving the nation's habitats, removing invasive species, building trails, planting trees, and contributing an invaluable service to the nation. This event promotes the stewardship of our publicly held natural and cultural resources.

To provide further information, I attach the enclosed statement.

VOLUNTEERS SPRUCE UP NATIONAL MALL SATURDAY, SEPTEMBER 20, 2003

Volunteers around the nation will be lending their hands to our public lands on the 10th annual National Public Lands Day—Saturday, September 20, 2003. This is the largest nationwide effort to improve and enhance those places where Americans go for recreation and to enjoy the outdoors. It is expected that around 80,000 volunteers will be working at 500 locations and in every state.

This year the focus is on improving and preserving the nation's habitats—the forests, mountains, prairies, plains, rivers, wetlands, and urban streams that are home to a rich diversity of animals, plants and birds. Many of the projects will involve invasives, a growing threat to our public lands. Volunteers will also repair trails, build bridges, plant trees, protect cultural sites, restore aging facilities and much more.

Here in our nation's capital volunteers will be working from one end of The National Mall to the other—the Lincoln Memorial to the Ulysses S. Grant Memorial. Projects include repairing the walkway around Constitution Gardens; trimming cherry trees around the Tidal Basin; painting benches and railings at Hains Point; and weeding, planting and mulching flowerbeds at the George Mason Monument, Department of the Interior and the Benjamin Banneker Park. Kids will build bat houses for a National Park Service research project and help install duck ramps in the lake at Constitution Gardens.

This is a unique opportunity for Members and staffs to join others who are giving up a Saturday to care for our special place, The National Mall.

National Public Lands Day is a project of the National Environmental Education & Training Foundation in partnership with nine federal agencies, numerous state land authorities and private organizations. Toyota Motor Sales USA is the national corporate sponsor.

REMEMBERING THE VICTIMS OF SEPTEMBER 11, 2001

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, today marks the second year since one of the most devastating attacks occurred on United States soil in our history.

Many of us remember exactly where we were when we first received news of the two planes flying into the World Trade Center complex in the borough of Manhattan.

We also remember the unimaginably horrible sight of both towers crashing downward, and the residents of New York running for their very lives through the streets and over bridges leading away from the site.

On this day, we also remember the dedicated workers of the Pentagon who perished, and the brave men and women of United flight 93, who sacrificed their own lives to prevent another horrific incident.

This devastating act of terrorism has affected the lives of every single American living in this country today.

Thousands of Americans lost their lives on September 11. These were ordinary, hard working people, who had no knowledge that they would be on the front lines of a cowardly act that would forever represent a new battle, the "war against terrorism."

Mr. Speaker, America is a special place. Despite differences in race, culture, creed, and faith, we hold certain ideals close. Americans believe the words of the patriots who met at the Second Continental Congress, "that certain truths are selfevident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness."

Americans believe that all people, in the words of Martin Luther King, Jr., "will bow before the altars of God and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land."

Finally, Mr. Speaker, Americans believe that we are one nation, indivisible, with liberty and justice for all.

Mr. Speaker, the war against terrorism continues to this day, but the resolve and spirit of the American people can never be defeated, our thirst for peace and democracy never quenched.

On this day, let us remember the victims, their families, and all who were touched by the tragic events of 2 years ago. God bless them all, and God bless America.

HOUSE OF REPRESENTATIVES—*Monday, September 15, 2003*

The House met at noon and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the living and guardian of the Nation, we commend to Your loving attention the Members of the House of Representatives and all those who serve in government.

Give to all the freedom to embrace the tasks You set before them today. May their standard of work ethic be a model for all citizens.

Grant safety and health to all in their family, their colleagues, and all those they love.

By working together, may the Nation be strengthened and world peace be realized.

In Your Divine Providence we trust, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, September 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 12, 2003 at 12:06 p.m.

That the Senate passed without amendment H.R. 978.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMITTEE RESOLUTION 108–5

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, pursuant to Committee Rule (4)a of the Committee on House Administration rules, I submit for the RECORD Committee Resolution 108–5. This resolution regarding unsolicited mass communication contained in the Members' Congressional Handbook was adopted on September 5, 2003. This language amended the handbook and I have attached the new policy language for submission.

COMMITTEE RESOLUTION 108–5, AMENDMENT TO REGULATION OF UNSOLICITED MASS COMMUNICATIONS

Resolved, that the Committee on House Administration Regulations of Unsolicited Mass Communications as contained in the Members' Congressional Handbook are amended by the language attached hereto and incorporated herein.

ELECTRONIC COMMUNICATIONS

Ordinary and necessary expenses related to electronic communications (Internet, fax machines, etc.) are reimbursable. All official electronic communication content must comply with the Franking Regulations.

SUBSCRIBED E-MAIL UPDATES

A subscribed e-mail update is an e-mail sent to constituents who have individually subscribed to an e-mail list. Members must notify constituents who subscribe to e-mail updates that the constituent is authorizing the Member to send regular e-mail updates from the Member's office to the person's e-mail account. All e-mail updates to subscribers must contain an option that enables the constituent to unsubscribe from the e-mail list. Members may send subscribed e-mail updates without obtaining an advisory opinion.

NON-SUBSCRIBED E-MAIL UPDATES

If each e-mail address used in mass communication was not obtained with consent for subscribed e-mail updates, then the Member must receive a Franking Advisory prior to the distribution of the mass communication.

Please see Unsolicited Mass Communications Restrictions.

UNSOLICITED MASS COMMUNICATION RESTRICTIONS

Unsolicited mass communication is defined consistent with Franking Regulations as any unsolicited communication of substantially identical content to 500 or more persons in a session of Congress.

Except where noted, unsolicited mass communications, regardless of the means of transmittal, must receive an Advisory Opinion from the Franking Commission prior to dissemination. Advisory Opinions may be obtained from the Franking Commission at x59337.

Expenditures from the MRA for unsolicited mass communications, regardless of the means of transmittal, are prohibited if such communication occurs fewer than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member's name will appear on an official ballot for election or reelection to public office.

Examples of unsolicited mass communication are:

1. Radio, TV, Internet, or newspaper advertisements of town hall meetings.
2. Radio or newspaper advertisements announcing a personal appearance of Member.
3. Newspaper inserts.
4. Automated phone calls.
5. Facsimiles.
6. Mass mailings.
7. Posters, leaflets, handouts, etc., that are distributed.
8. Purchase of radio broadcast time.
9. Production and distribution costs for video and audio services.
10. Non-subscriber list e-mails.

This restriction does not apply to the following:

1. Direct response to communications (i.e., solicited communications).
2. Communications to Members of Congress and other government officials.
3. News releases.
4. Web sites and other electronic bulletin boards that post information for voluntary public access.
5. Advertisements for employee position and internship openings, U.S. Military Academy Days, and An Artistic Discovery.
6. Member's television appearance as a media guest, whether by newspaper interview, radio, television or other electronic means.
7. Previously recorded shows and Public Service Announcements aired voluntarily by a media outlet, when no expenses are incurred by the Member.
8. Purchases of research materials, including video or audio-tapes; and Video Teleconferencing.
9. E-mail subscribers list.

Please see Electronic Communications.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NEY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 12, 2003 he presented to the President of the United States, for his approval, the following bill:

H.R. 1668. To designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse."

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, September 16, 2003, for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 16, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4224. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Update of Nursery Stock Regulations [Docket No. 98–062–2] (RIN: 0579–AB23) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4225. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Requirements for Recognizing the Animal Health Status of Foreign Regions [Docket No. 01–036–2] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4226. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards [Docket No. 01–018F] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4227. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Sugar Beet Disaster Program (RIN: 0560–AH04) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4228. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Outside Storage of Extra Long Staple Loan Cotton (RIN: 0560–AH03) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4229. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—2003 Agricultural Assistance Act-Crop Disaster Program and Livestock Assistance Program (RIN: 0560–AG95) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture, Homeland Security, Housing and Urban Development and the Corps of Engineers; (H. Doc. No. 108—125); to the Committee on Appropriations and ordered to be printed.

4231. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting Authority Revisions [DFARS Case 2002–D041] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4232. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions [DFARS Case 2002–D042] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4233. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country—Dominican Republic [DFARS Case 2003–D007] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4234. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Liability for Loss Under Vessel Repair and Alteration Contracts [DFARS Case 2002–D016] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (RIN: 1506–AA34) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4236. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Federal Savings Associations—Operations, Agency Offices; Fiduciary Powers of Savings Associations [No. 2003–44] (RIN: 1550–AB80) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4237. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2003–45] (RIN: 1550–AB54) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4238. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4239. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments (RIN: 3064–AC55) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the General Counsel, National Credit Union Administration, transmitting the Administrator's final rule—Investment and Deposit Activities and Regulatory Flexibility Program—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4242. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule—Indian Education Discretionary Grant Programs (RIN: 1810–AA93) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4243. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule—Indian Education Discretionary Grant Programs (RIN: 1810–AA93) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4244. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards (RIN: 1219–AA87) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4245. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4246. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Oligoesters [Docket No. 98F–0717] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4247. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Export Clearance—

Conformance of Export Administration Regulations with Foreign Trade Statistics Regulations [Docket No. 030728186–3186–01] (RIN: 0694–AC81) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-30, Imposition and Waiverof Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

4249. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4250. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4251. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4252. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4253. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4254. A letter from the Director, Office of Government Affairs, National Endowment for the Arts, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4255. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 082803B] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4256. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 082803D] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Removal of Full Retention and Utilization Requirements for Rock Sole and Yellowfin Sole [Docket No. 030320066–3192–02; I.D. 022103D] (RIN: 0648–AQ78) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Definition of Length Overall of a Vessel; Correction [Docket No. 030414085–3085–01; I.D. 012601B] (RIN: 0648–AR04) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Deputy Assitant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex (Skate) Fisheries; Skate Fishery Management Plan [Docket No. 030519127–3190-02; I.D. 042403A] (RIN: 0648–AO10) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Recreational Fishery from the Queets River to Cape Falcon, Oregon [Docket No. 020430101–2101-01; I.D. 080503B] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Oregon Sport Fisheries [Docket No. 030124019–3040-02; I.D. 073003C] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021122286–3036–02; I.D. 082003D] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286–3036-02; I.D. 082603A] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Harvest Limit Area Fisheries in Areas 542 and 543 [Docket No. 021212307–3037–02; I.D. 081403D] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pollock in the Bering Sea Subarea [Docket No. 021212307–3037–02; I.D. 081503B] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands [Docket No. 021212307–3037–02; I.D. 081403C] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 073003A] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4268. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 073003E] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4269. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program [Docket No. 030417090–3183–02; I.D. 032403C] (RIN: 0648–AQ73) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4270. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Over-The-Counter (OTC) Medications [BOP–1086–F] (RIN: 1120–AA81) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4271. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2003 Update [STB Ex Parte No. 542 (Sub-No. 10)] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4272. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Grant and Cooperative Agreement Handbook—Financial Reporting (RIN: 2700–AC77) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4273. A letter from the Director, Industry Programs, Office of Policy, Import Administration, Department of Commerce, transmitting the Department's final rule—Steel Import Licensing and Surge Monitoring [Docket #: 020711168–2325–02] (RIN: 0625–AA60) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4274. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis [Regulations No. 4 and 16] (RIN: 0960–AF95) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4275. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting modification to the certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1, 1991, and annually thereafter, pursuant to Public Law 101—162 section 609(b); jointly to the Committees on Resources and Appropriations.

4276. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks as pertains to peace in Kosovo during the period January 1 to June 30, 2003, pursuant to Public Law 106—398; jointly to the Committees on Armed Services, International Relations, and Appropriations.

4277. A letter from the Secretaries, Departments of Health and Human Services, Defense and Veterans Affairs, transmitting a report entitled "Report to Congress on Accounting for VA and DoD Expenditures for Medicare Beneficiaries"; jointly to the Committees on Armed Services, Veterans' Affairs, Ways and Means, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; with amendments (Rept. 108–218 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Joint Resolution 63. Resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes; with an amendment (Rept. 108–262, Pt. 2). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. House Joint Resolution 63. Resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; with an amendment (Rept. 108–262, Pt. 3). Referred to the Committee of the Whole House on the State of the Union

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1038 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself, Mr. Boehlert, Mr. Holt, Mr. Hall, Mr. Stark, Mr. Peterson of Pennsylvania, Mr. Markey, Mr. Rangel, Mr. Brown of Ohio, Mr. Rohrabacher, Mr. Filner, Mr. Levin, Mr. McDermott, Mr. Schiff, Mr. Gutknecht, Mr. Oberstar, Mr. Hinchey, Mr. Smith of Michigan, Ms. Slaughter, Mr. Engel, Mr. Berman, Mr. Lantos, Mr. Boucher, Mr. Doggett, Mr. Johnson of Illinois, Mr. Spratt, and Mr. Barton of Texas):

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program; to the Committee on Science.

By Mr. BEREUTER (for himself, Mr. Hyde, Mr. Wexler, and Mr. Walsh):

H. Res. 367. A resolution urging that elections, pursuant to the terms of the Good Friday Agreement, be held in Northern Ireland in 2003 and reaffirming support for the continued implementation of the Good Friday Agreement as the framework for the peaceful settlement of the conflict in Northern Ireland; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Keller and Mr. Taylor of North Carolina.

H.R. 31: Mr. Taylor of Mississippi and Mr. Osborne.

H.R. 339: Mr. Platts.

H.R. 465: Mr. Kline.

H.R. 476: Mr. Delahunt and Mr. Michaud.

H.R. 588: Mr. Ryan of Ohio and Mr. Andrews.

H.R. 1052: Mr. George Miller of California.

H.R. 1105: Mr. Ferguson.

H.R. 1160: Mr. Towns and Mrs. Jones of Ohio.

H.R. 1241: Mr. Stark.

H.R. 1633: Mr. Hill.

H.R. 1692: Ms. Millender-McDonald.

H.R. 1738: Mr. Wu, Mr. Nadler, Mr. Filner, Mr. Sanders, Mr. Honda, Mr. Baird, Mr. Blumenauer, Ms. Berkley, Mr. Capuano, Mr. Neal of Massachusetts, Ms. Kaptur, Mr. Lewis of Georgia, Mr. Becerra, and Mr. Brown of Ohio.

H.R. 1746: Ms. Dunn.

H.R. 1800: Mr. Smith of Washington.

H.R. 2011: Ms. DeLauro, Mr. Andrews, and Mr. Rothman.

H.R. 2020: Mr. Neugebauer.

H.R. 2022: Mr. George Miller of California.

H.R. 2208: Mr. Regula.

H.R. 2283: Mr. Cox.

H.R. 2485: Ms. Schakowsky.

H.R. 2568: Mr. George Miller of California.

H.R. 2571: Mr. Houghton.

H.R. 2681: Ms. DeLauro and Ms. Jackson-Lee of Texas.

H.R. 2720: Ms. Kilpatrick and Mr. Quinn.

H.R. 2808: Mr. Lantos, Mr. Rogers of Kentucky, Mr. Rothman, and Mr. Thompson of California.

H.R. 2809: Mr. Kingston.

H.R. 2810: Mr. Kingston.

H.R. 2890: Mr. Andrews.

H.R. 2891: Ms. DeLauro.

H.R. 2952: Mr. Bishop of New York and Mr. Brown of Ohio.

H.R. 3011: Mrs. Capps, Mr. Snyder, Ms. Watson, Mr. Case, and Mr. McKeon.

H. Con. Res. 50: Mr. Kingston, Mr. Jones of North Carolina, and Mr. Hostettler.

H. Con. Res. 183: Mr. Knollenberg.

H. Con. Res. 268: Mr. Pallone and Mr. Faleomavaega.

H. Res. 313: Mr. Delahunt.

SENATE—*Monday, September 15, 2003*

The Senate met at 1 p.m. and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O gracious God, thank You for the gift of this day, with its many opportunities and challenges. Thank You also for leading our lives. Lord, strengthen us to maximize today's possibilities. Save us from living too many days at one time. Keep us from crossing bridges before we reach them. Guide our Senators today. Hold their hands so that they can walk in confidence. Stay by our sides, and we shall fulfill Your purposes for our lives. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 15, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ROBERTS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, for the information of all Senators, today, following the period of morning business, the Senate will resume debate on the energy and water appropriations bill. The two managers will be here beginning at 2:30 this afternoon, and Senator FEINSTEIN will offer the first amendment. It is hoped that if other Members have amendments to the legislation, they will be available to offer their amendments as well.

As the majority leader stated last week, there will be no rollcall votes during today's session. Any votes ordered will be held over until Tuesday's session of the Senate. Also, under a previous order, the first rollcall vote tomorrow will occur at around 10:30 a.m. That vote will be on the passage of S.J. Res. 17, which is the FCC rule disapproval resolution.

Also, I remind our colleagues that today the Senate will also debate a motion relative to going to conference with the House on the partial-birth abortion ban bill. That agreement calls for up to 8 hours of debate, and it is the understanding that 2 of those hours will be consumed today. Therefore, following the conclusion of any business on the energy and water bill today, the Senate will consider that motion for up to 2 hours.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 2:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECENT EVENTS ON THE NATIONAL MALL

Mr. BINGAMAN. Mr. President, I take a few minutes today to speak about recent events on The National Mall. The Mall, as Judge Buckley of the U.S. Court of Appeals for the District of Columbia, has written, "is an area of particular significance in the life of the Capital and the Nation." It is a 2-mile green area that stretches from the Capitol in the east to the Lincoln Memorial in the west. It is, as another judge noted, "the site of monuments marking great figures and events in our Nation's history." But it is more than home to these enduring symbols of our nationhood. This judge went on to say: "Its grassy expanse provides areas for any number of recreational activities. . . ."

The National Mall has also been used, of course, for large-scale events. It is used for the Fourth of July festivities each year and for the Cherry Blossom Festival. Every 4 years, it is used for our inaugural celebrations. It has been the site of national observances and protests—some of the most famous in our Nation's history. "It is here," as Judge Buckley went on to say, "that the constitutional right of speech and peaceful assembly find their fullest expression."

Mr. President, Congress has entrusted the Department of the Interior, and particularly the National Park Service within the Department of the Interior, with preserving and regulating the use of this important part of our national heritage. It has, according to the statute, charged the National Park Service with regulating the use of The Mall so as to "conform" such use "to the fundamental purpose" of "conserving the scenery and natural and historic objects . . . and providing for the enjoyment of the same in such manner . . . as will leave them unimpaired for their enjoyment by future generations."

The Mall, as I have said, serves many purposes. None of those purposes that have been identified by the Congress or in regulation are commercial purposes. Accordingly, the National Park Service regulations provide that demonstrations and special events on The Mall may be held only pursuant to permit issued by the Park Service. The rules prohibit the commercial use of The Mall and specifically provide that "no sales shall be made . . . and no article may be exposed for sale without a permit. . . ."

Despite the clear prohibitions in its own regulations, the Park Service has now sanctioned a new use for this area.

That use, unfortunately, can only be called commercial exploitation.

Earlier this month, to promote the start of the new football season, the National Football League held what the Department of the Interior described as a music and football festival entitled the "NFL Kickoff Live From The National Mall Presented by Pepsi Vanilla." That was the official title of the event. To allow for the setup and removal of infrastructure associated with this concert, the Park Service gave the NFL a permit to use The Mall for 17 days—the period between August 25 and September 10. The main event occurred on September 4. For many of those days, much of The Mall was fenced off and the public was prevented from using it, although it obviously is one of the most popular spaces in our Nation's Capital.

I have spent a great deal of time on The Mall, as I am sure my colleagues have, and I can tell you that currently, even without this kind of extravaganza, it is difficult to walk the length of The Mall from the Capitol to the Lincoln Memorial. Large areas are closed because of construction of the World War II Memorial and also construction of new security features at the Washington Monument. Portions of The Mall are also closed periodically following events, such as the Fourth of July activities or after large public gatherings, to allow for cleanup and restoration of the grassy areas.

In this case—the case of this NFL extravaganza—a large segment of The Mall was essentially closed to the public to allow for what, in my opinion, can only be characterized as commercial use and as advertising by private corporations.

Let me start with this photograph and show that corporate sponsors of the concert that occurred on September 4 were allowed to put up a large fence covered with advertising. This advertising talks about the kickoff of 2003 NFL, live from Washington, DC; AOL for broadband; Pepsi Vanilla; Coors Light, and Verizon. This is advertising, in my view. This is clearly commercial activity.

Apart from keeping the public off The Mall, the clear message to the public was that The Mall had been turned over to these companies for commercial purposes.

The National Park Service has published guidelines to help organizations that want to hold events on The Mall to know what is required. The guidelines state:

> The theme of a special event must be consistent with the mission of the park—

In this case, we are talking about The Mall. These guidelines apply to all of our national parks in the capital region.

They go on to say:

> and appropriate to the park area in which it is to be held, including consideration for possible damage and/or impairment to park property, facilities, plantings and landscape features . . . and park values.

Our Secretary of the Interior, Gale Norton, whose agency approved the permit for this event, maintains today that this was an appropriate use of The Mall because it was undertaken in partnership with the Department's "Take Pride in America" slogan promoting voluntarism on public lands and because it was an event honoring members of our Armed Forces.

Clearly, nobody objects to an event celebrating public volunteers or honoring military personnel.

However, Secretary Norton's stated rationale for approving the event is simply not consistent with what actually took place on The Mall. It is not consistent, when you look at the banner surrounding The Mall, to say this has anything to do with voluntarism or recognizing the military.

This is a photograph of the event. Let me show another photograph which I think makes the case rather convincingly. This is a photograph of the event which was published in the Washington Post. This, evidently, is Secretary Norton's vision of an appropriate use of The Mall.

It is impossible to miss the advertisements for Pepsi Vanilla or for Verizon, for Coors, and for its other sponsors, and you certainly cannot miss the huge football promoting the National Football League. It is almost impossible, I suggest, to the untrained eye to find references to the supposed reasons for the event. The "Take Pride in America" slogan does appear at the bottom of the advertising banners, and in the other photo it appears at the top of the fence, but I am certain that nobody from any distance—I can barely read it from here—I am sure nobody can read it from any reasonable distance.

This photograph makes the point that the overwhelming image is turning over The Mall for commercial advertising. The event was used as the basis for a commercial television production. Commercials were broadcast to the crowd over large televisions that were located on The Mall itself.

The Secretary of the Interior may view this as business as usual, but, in my view, allowing this type of commercial activity with blatant product advertising is contrary to what the policy is for our national parks, including The Mall. It is also contrary to what responsible public policy should be in this area.

During her confirmation hearing, I expressed concern to Secretary Norton that as Secretary of the Interior she would hold one of the highest positions of public trust in our Nation's Government. The Secretary of the Interior is the principal guardian of our national parks and our most revered historic sites. Certainly, The National Mall is among the most important symbolic spaces in our country.

I was concerned that based on her previous public statements and writings, she had a long record of having championed the interests of corporations in opposition to the Federal Government. At her confirmation hearing, Secretary Norton assured me she would enforce the laws as written, and it is my understanding that in this case the laws and regulations of the Park Service made very clear The National Mall is not to be used as a venue for commercial purposes. It is not to be used as a venue for advertising. I do not see how anyone can look at these photos and believe the Secretary carried out her responsibilities in this instance.

Earlier this year, the Senate passed legislation to authorize construction of an education center near the Vietnam Veterans Memorial, very much along the lines of a similar bill we passed in the Senate during the last Congress. I was involved in negotiating the language for that bill and tried to ensure that the National Park Service retained its ability to approve the site and the design of the center, and at the request of the Park Service we included language stating the center should be built "consistent with the special nature and sanctity of The Mall."

If these photographs reflect Secretary Norton's definition of "the special nature and sanctity of The Mall," I have great concern about what, in fact, we are going to wind up protecting with regard to the Vietnam Veterans Memorial. What can we reasonably tell those who intend to operate the educational center for the Vietnam Veterans Memorial is not permitted if, in fact, all of this is permitted?

The National Park Service regulations generally prohibit commercial advertising on public lands. In addition, the specific permit that was issued related to this event stated no commercial activity was to be conducted. Nevertheless, the Department of the Interior decided the activity we see in this photograph was not commercial activity; that these banners were not advertisements. In the view of the Park Service, these were "sponsor recognition." That is a distinction I was unaware of, between advertising and sponsor recognition. But clearly, the National Park Service believes that distinction needs to be maintained.

Even though the National Football League was the organization that sponsored the concert, it was permitted to solicit other companies to underwrite the event's expenses, and those other companies in turn were permitted to advertise on The Mall or, as the Interior Department put it, to obtain "sponsor recognition."

It is not clear where the authority comes from for this decision by the National Park Service to allow such "sponsor recognition." The agency's regulations clearly prohibit the display of commercial notices or advertisements on National Park Service lands except where the park superintendent determines the notices relate to products at that park area and the superintendent determines the notices are "desirable and necessary for the convenience and guidance of the public." I do not see how these banners, these fence advertisements fit in to that requirement.

It would have been one thing if this event had occurred and following it the Interior Department and the National Park Service had admitted a mistake had been made and they would take appropriate steps to prevent this from occurring in the future. But the leadership of the Interior Department and the Park Service, from Secretary Norton on down, makes no such admission. They continue to insist this was entirely appropriate.

Secretary Norton may not care whether this type of event takes place again on The Mall, but I do, and I think many of my colleagues will when they become better informed about this situation.

To better understand the Secretary's reasoning that this was not, in fact, commercial activity, that there was no commercial advertising taking place, I am sending a letter to the Secretary requesting copies of the correspondence and the e-mails and the planning memos and other documents the Secretary relied on in concluding this was not commercial activity.

The Secretary of the Interior and the National Park Service leadership maintain that commercial activity is not allowed on The Mall; what took place here was not commercial. Since there apparently is a disconnect between what they say and the reality of what, in fact, took place, I think the only solution is to change the law to make it clear, even to the Secretary, that this type of use is not appropriate on The Mall.

When the Interior appropriations bill comes to the floor, I intend to offer an amendment to make it clear that future permits to hold special events on The Mall may not include commercial advertising, whether they couch that as "sponsor recognition" or not. I want to emphasize The Mall clearly should continue to be available for large-scale events.

If the Secretary had approved a large concert to celebrate our troops or to promote her volunteer program, then there would not have been a public outcry such as we have seen as a result of this situation. It was her decision to allow the concert to be used for commercial purposes, to allow the commercial advertising that occurred here that, in my view, crossed the line.

If the Department of the Interior and National Park Service officials had made any effort to advocate the protection of the resource with which they are charged to manage, then this would not have been a problem. Since they have refused to do so, it seems to me we must change the statute.

Last week, Albert Eisele of the Hill newspaper wrote an excellent article entitled "Desecration of The Mall." I ask unanimous consent that a copy of that article be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. BINGAMAN. I ask unanimous consent that the Washington Post editorial entitled "Marketing the Mall," and an article by Tom Shales in the Washington Post entitled "America, Brought To You by . . . " be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. BINGAMAN. Mr. President, The National Mall is more than just an expanse of grass or an undeveloped field. It is a national treasure. By the National Park Service's own account, it is the single most significant public park and open space in our Nation's Capital. It is visited by millions of citizens and visitors from abroad each year.

It provides a formal work of landscape architecture of monumental proportions and provides the unifying element for the carefully placed, diverse architectural symbols, repositories and shrines of the heritage of our democracy on and along its length.

There has been broad public agreement both in Washington and around the country that allowing the type of activity that occurred at these commercial events is a new low point in the storied history of The Mall. Perhaps this will only be remembered as an unfortunate incident, but we need to make sure that this is not the model for future events on The Mall. We need to act to prohibit increased commercialization in our national parks, and a good place to start is acting to protect The Mall.

When we do get to the actual voting on the issue, I hope my colleagues will support the effort to protect The Mall from further commercial exploitation.

EXHIBIT 1

[From the Hill, September 10, 2003]

DESECRATION OF THE MALL

(By Albert Eisele)

An older colleague who wrote a daily column in the St. Paul Pioneer Press when I worked there many years ago once told me his best columns were those generated by a sense of outrage.

If so, this should be one of my best columns, as few things have offended me more than the disgraceful display of mindless patriotism, insatiable commercialism and sheer bad taste perpetrated last week by the National Football League with its $10 million rock concert extravaganza on the Mall.

I wasn't there and didn't watch it on ABC-TV—thank God—but one photograph in Friday's Washington Post convinced me that aside from the Sept. 11 attack on the Pentagon and subsequent anthrax attacks, last fall's sniper shootings or the 1981 assassination attempt on President Reagan, this was the worst thing that's happened here during my nearly 40 years in the nation's capital.

The spectacle of pop singer Britney Spears being stripped to her black bikini bottoms to just above pubic level by a pair of male dancers wearing Washington Redskins jerseys, with the Capitol shining in the background, was so jarring that it made me want to cringe.

Spear's display of erotic gyrations and lip-synched lyrics may have a place in our appalling, vulgarized popular culture but definitely not in the middle of the nation's most hallowed public space.

It was bad enough that this dreadful promotion designed to kick off the 2003 pro football season—and sell Pepsi Vanilla, AOL and Reeboks—took place just a week after the 40th anniversary of Martin Luther King's immortal "I Have a Dream" speech on the steps of the Lincoln Memorial. Or that it took place just before the second anniversary of the awful day when Islamic terrorists crashed a jetliner into the Pentagon and were barely prevented from flying over the Mall to crash another into the White House or the Capitol.

But it was even worse that President Bush and Interior Secretary Gale Norton were persuaded to serve as cheerleaders for a so-called game that celebrates violence—as if we don't have enough already—and that has owners who personify rapacious greed. This was nothing more than the desecration of a sacred space and an insult to the men and women of the U.S. military whom the event's promoters professed to honor.

The president perhaps can be excused from accepting bad advice but not those who persuaded him to lend the dignity of his office to an event that left the rain-soaked Mall trampled and garbage-strewn, both physically and symbolically.

Somebody, ideally the congressman whose committees oversee the Department of Interior and the National Park Service, should demand an explanation of who was responsible for allowing this travesty to happen.

If they don't, what can we expect to see next? An ad for Viagra on the Washington Monument? A pitch for McDonald's at the Lincoln Memorial or Toyota at the Jefferson Memorial? Or maybe even a banner on the Capitol Dome offering low-interest loans from Citibank to ease the federal deficit?

I have nothing against pro football, and I'm glad the Redskins won their opener, even as I despair of Major League Baseball ever returning to Washington. Nor do I disagree that many in the crowd that the NFL generously estimated at 125,000 thought it was wonderful that Britney and her fellow entertainers were invited to do their thing on the Mall.

Nevertheless, I'm outraged and saddened. This was a low point for a special space that stands for so much in America.

EXHIBIT 2

[From the Washington Post, September 3, 2003]

MARKETING THE MALL

Three days of football activities culminating in a concert bash with celebrities ranks right up there with the Friskies Alpo Canine Frisbee Disc World Finals as the kind of event with a commercial flavor that has been allowed to set up shop on the Mall in recent years. The National Park Service, which oversees the Mall, has in the past permitted other activities to take up space with exhibits, programs and corporate sponsors (including The Washington Post, which has been a sponsor of the Smithsonian Folklife Festival). But the "NFL Kickoff Live 2003, Presented by Pepsi Vanilla," the promotional activity underway on the land between the Capitol grounds and the Washington Monument, is, for sheer space and length of occupancy, in a class by itself when it comes to hawking a commercial sporting event. Is it the last of its kind? Or is this commercialization of the Mall, marketing the National Football League and Pepsi's new soft drink, the start of a new and a fundamental debasement of a national shrine?

Nearly $10 million bought the NFL and its sponsors the right to take over the large expanse of federal land for 11 days (including setup time), reports Post staff writer David Montgomery. Pepsi is in the deal for $2.5 million, other co-sponsors include a beer company and the New York Stock Exchange. Pepsi is likely to get its money's worth: At every angle of the nationally televised concert to be aired before tomorrow night's Washington Redskins-New York Jets game, cameras will be able to capture Pepsi Vanilla signs. Ten million dollars not only gets the NFL and other businesses a huge claim on public space: For the first time in Mall history, network television will have the right to beam a professional sporting event, complete with commercial advertisements, on America's core promenade.

What next?

We ask this question knowing full well that the participatory events, sports clinics and autograph sessions with famous former NFL stars are great fun and the kind of buildup certainly fitting for the launch of the 2003 season. As a marketing tool, a four-day spectacle, including a concert paying tribute to the U.S. military, is probably good for professional football and the promoters of Pepsi. It certainly will be a nice celebration for the NFL's 2,000 VIP guests invited to the Thursday night concert. The Park Service has given the NFL permission to serve wine and Coors beer to its special Mall guests—Coors being an event sponsor. Regular concertgoers will be screened and no alcohol will be allowed.

And do onto the Mall—a space that, as the National Park Service observes, is as old as the capital city itself, one commissioned by George Washington and planned by Pierre L'Enfant to be an "ideal stage for national expressions of remembrance, observance and protest—comes now Pepsi Vanilla, the National Football league, and Coors beer. Is this the beginning, or will it be, mercifully, the beginning of the end for a trend out of control?

Exhibit 3

[From the Washington Post, September 5, 2003]

America, Brought To You by . . .

(By Tom Shales)

American bad taste is the most powerful bad taste in the world. That seems to be what was really being celebrated on the Mall last night at an excruciating 55-minute rock concert ostensibly convened to herald the new pro football season and televised live on the struggling ABC network.

The event was deemed so auspicious that George W. Bush took yet more time off from fighting the war on terrorism to appear, via videotape, at the end of the concert and just before the game, in the manner of a TV huckster. He tried to make some connection between football and "the spirit that guides the brave men and women" of the military, much as the concert had done.

He also said pro football "celebrates the values that make our country so strong." Like what, violence and greed?

Then, in intense close-up, the leader of the Free World asked the trademarked rhetorical question, "Are you ready for some football?"

Some bureaucrat whose thinking cap had blown off authorized lending the once-solemn, or at least dignified, Mall to this very raucous and very commercial event. The show was a collaboration between the NFL, apparently trying to lure younger viewers to football, and, as the announcer said, "New Pepsi Vanilla and Diet Pepsi Vanilla, the Not-So Vanilla Vanilla."

The not-so-musical music included a performance by bouncy sex bunny Britney Spears, whose vocalizing was clearly prerecorded and badly lip-synced—but then who knew what the heck she was singing about anyway? Spears depended heavily on elaborate pyrotechnics and on manic aerobic-erotic choreography during her two numbers; dancers hurled themselves, cartwheeled, tumbled and even crawled across the stage.

At one point, she gamboled about amid, literally, great balls of fire—apparently forgetting that Michael Jackson's hair was once set ablaze while he was filming a Pepsi commercial.

There was also, as part of the alleged dancing, what's commonly referred to as "some girl-on-girl action" (Spears and Madonna kissed on the lips on a recent MTV special), as well as writhing onstage costume changes. When they weren't being groped or fondled by her, dancers helped Spears strip her pants off, revealing a bikini-like black bottom for the second number. They even helped straighten out the little pixie's shorty shorts so that they didn't reveal too much. Or maybe so that they did.

Spears just kept singing, singing, singing. Or rather syncing, syncing, syncing. But the feeling some of us at home were having would be better described as sinking, sinking, sinking.

Also appearing was a Waldorf-born rock band called Good Charlotte, rock veterans Aerosmith—who did so many numbers they turned it into an Aerosmith concert—and popular supershrieker Mary J. Blige, who apparently prefers a strange squatting position when she wails and screams.

The only really respectable musical performance, also clearly recorded in advance, was the majestic Aretha Franklin's overblown yet effective rendition of the national anthem. Of course on the line "rockets' red glare," red fireworks were set off at the back of the stage. The show, directed and co-produced by Joel Gallen, was a never-let-well-enough-alone production.

A closed credit, "Paid for by the NFL," suggested the football league bought the time outright from ABC and then sold the commercial minutes. Many of the ads were, of course, for new Pepsi Vanilla and Diet Pepsi Vanilla, the Not-So-Vanilla Vanilla (when will they come out with not-so-chocolate chocolate?), but there was also a super-kinetic blitz of a commercial for Reebok Vector shoes, scored to the opening chorus from Carl Orff's "Carmina Burana," one of the most frequently appropriated pieces of 20th-century classical music.

When Italian filmmaker Pier Paolo Pasolini included a bit of "Carmina Burana" in his borderline-obscene film "Salo," he explained he did so because he considered it "fascist music." We just note that in passing.

Each musical act was introduced by a former NFL star—Joe Theismann and Joe Namath opened the show together—teamed with a member of the armed forces. Theismann said of the concert, "It's a national moment of remembrance," which really seems preposterous in light of what followed. A woman representing the Coast Guard said, "I'm proud to be an American" before introducing Aerosmith.

During a brief cutaway to FedEx Field in Landover, game announcer John Madden and Al Michaels argued briefly over which player seemed more "juiced" for the Redskins-Jets game that was soon—they promised—to follow. Then back to the Mall for more eardrum-shattering rock.

While the sun still shone, the beautiful U.S. Capitol provided an unlikely and, it seemed, reluctant backdrop for the acts. When night came, and the dome was lit up, it appeared to recede a bit into the distance, as if in shame.

Perhaps the Mall will be available now to every American for weddings, birthday parties and bar mitzvahs. No, probably not. You'll have to be a giant corporation to take over this precious public space and, in effect, spill a ton of garbage all over it.

Mr. BINGAMAN. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. BINGAMAN. I am glad to withhold that request.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. Alexander pertaining to the submission of S. Con. Res. 68 are located in today's Record under "Submission of Concurrent and Senate Resolutions.")

Mr. ALEXANDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Alexander). Without objection, it is so ordered.

Mr. ROBERTS. I ask to speak for 5 minutes under the morning business provision under which we are now operating.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator from Tennessee for his very eloquent speech in regard to the life and contributions of Johnny Cash. I suppose some might wonder why people in the Senate would stand up and choose basically to praise an individual who some might think was a simple country western star. Simple is right. But, perhaps, they would ignore the fact that this was a unique star in the horizon of stars that means a lot to Americans.

The Senator from Tennessee called him "the poet for the working poor." I might call him the minstrel for the working poor.

I came across Johnny Cash when I was in Phoenix, AR trying to be the William Allen White of Arizona with a career in journalism. Up to that point, I had not been a country-and-western aficionado, if you will, or even a fan. Then, in a place called South Phoenix, which is certainly history now, the performers would perform in California, stop in Phoenix and go on their way to Texas. I am trying to think of the various performers who came in there, along with Johnny Cash. He was part of that show. I think it was before Waylon Jennings and Willie Nelson. I really can't think of other performers. It doesn't make much difference. But people wanted to come and see Johnny Cash. Other performers finished—and the South Phoenix ballroom was not exactly the Metropolitan Opera in terms of demeanor and what went on there. People used to see the shows and then stay and watch the fights.

But anyway, the lights went off and then the spotlight went on. And here was this tall man in black, who said, "Hello. I am Johnny Cash." And the place erupted. He went through the repertoire of his famous hits at that particular time. He was magnetic in his appeal. He had a special appeal for the people who could really identify with what he was singing in terms of their daily life, their pocketbooks, and the challenges they went through.

The second time I had an opportunity to hear him was when he came to Washington at the Merriweather Post Pavilion. The place was packed. At that time, he was married to June Carter. I think that was probably the top act in show business, at least on the western and country side.

The thing I wanted to mention is we had the Bicentennial ceremonies here on The Mall in 1976. The Senator from New Mexico indicated The Mall is sacred ground—until we had our Bicentennial ceremonies. We went through quite a bit of activity in getting the Capitol spruced up. A lot of artwork was redone at that particular time.

Guess who the master of ceremonies was on The Mall celebrating our Nation's 200th anniversary. Johnny Cash. Guess who performed at a Joint Session of Congress with his rendition of Our Flag. I think I have that right. I may have it wrong. But there is a beautiful rendition—a historic rendition—of the Flag. He sang, I believe, a medley of patriotic songs before the Senate and the House.

I thought to myself: Here is someone who came from the Depression, who had a rough time in show business, and then was a great entertainer. And who else would be more appropriate to head up the Bicentennial ceremonies than Johnny Cash?

The third time I had an opportunity to meet him was at the Kennedy Center Honors where he was being honored along with great performers of our day. His health was none too good. But I stood in line with everybody else shaking his hand. I said to him, "I wanted to see the man in black. I saw you in Phoenix way back in 1962. I was very proud of you in 1976 when you headed up the Bicentennial, and it is a real pleasure and a privilege to make your acquaintance as of today."

He was a very down-home man, very humble, and said it was a privilege. He asked my name. We had a very nice conversation. I can't think of any other entertainer who represents American talent better than Johnny Cash.

I have, by the way, I tell the Presiding Officer, about eight albums—not CDs, albums. If we could just find a turntable, we could go back to Johnny Cash and the Tennessee Trio, and later we could "Walk The Line" together.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT AGENCY RUN AMOK

Mr. DORGAN. Mr. President, I brought with me to the floor a picture of a woman named Joan Slote. Joan, as you can see, is a bicyclist, standing there with a bicycle helmet and a bicycling outfit. She is a senior olympian. She is a 74-year-old grandmother of six and a champion cyclist. She rides about 100 miles a week, and has pedaled her bicycle through 21 countries.

I am showing a picture of Joan Slote on the Senate floor because she is in trouble with the Federal Government. Joan Slote never sought to deceive the U.S. Federal Government. She responded to a Toronto-based adventure catalog for a bicycle trip to Cuba. It intrigued her. It said, incorrectly, in the advertisement that U.S. law does not bar citizens from visiting Cuba as long as they fly there through Canada. So Joan Slote, this grandmother cyclist, joined a cycling trip through Cuba.

When she returned to the United States through Canada, they asked her where she had been. She said she had been in Canada and prior to that had been in Cuba. So she was not attempting to deceive anyone.

Guess what happened to this grandmother? She went from her home on the west coast to Europe on a bicycling trip. While she was gone, she learned her son had a brain tumor. She rushed back, packed some clothes in her place in Oregon, and rushed to her son's side. He died of this brain tumor. She finally got back home and she saw letters from OFAC, the Office of Foreign Assets Control, at the U.S. Department of Treasury. OFAC was upset because Joan Slote had been to Cuba. They told this 74-year-old grandmother the Feds were hot on her trail and that the Feds wanted a $7,600 fine from her. The Feds wanted $7,600 dollars from this grandmother because she violated American laws by travelling to Cuba.

We have people down here at the Department of Treasury looking after Joan Slote and people like her.

They fined her $7,600 because she visited Cuba and spent $38 there. Since that time, OFAC added penalties and interest until the total was almost $10,000. Then a few months ago in July, Joan Slote received a collection letter saying she would pay up in 10 days or they would start attaching her Social Security payments. They say, we are slapping you with a big fine; you are obviously a problem for this country.

Let me remind listeners, this is the Office of Foreign Assets Control. This is the office that is supposed to be tracking terrorism in the Department of Treasury. This is the office that ought to be busy full time tracking the movement of terrorist funds across this world. As a matter of fact that is what most of the employees in the Office of Foreign Assets Control do. But not all of them.

Some of them are taken off those duties to make sure Joan Slote does not undermine this country's interests by visiting Cuba. They are chasing a retired schoolteacher riding a bicycle in Cuba trying to slap her with a fine. They cannot find Osama bin Laden but they can sure find this retired grandmother. They are determined to levy a fine on this grandmother.

I learned about that. They wanted to take it out of her Social Security payments if she did not pay the fine. Her monthly income, by the way, is $1,200, so she is no match for the Feds.

The Feds are a big, strong, bulky group of people going after this lady. Earning $1,200 a month income, she is no match for the Feds. She called OFAC and told them she had not been home to get her mail and she had not responded to their notice because her son had brain cancer and died. She asked if they would give her a hearing. Absolutely not, they said. Wouldn't give her a hearing and would not reduce her fine by one cent.

I met Joan at a conference and I got involved in her case. I called OFAC and said: You ought to be embarrassed.

I know there is law against U.S. citizens traveling in Cuba. It is a foolish law that ought to be repealed. The House of Representatives has now, incidentally, voted to prohibit the enforcement of that law. But the fact is this country long ago decided to try to punish Fidel Castro by limiting the ability of the American people to travel. The nuttiest idea I ever heard of. So we end up saying to Joan Slote that you have to pay a fine.

Well, I got involved and said to the OFAC folks: You ought to be ashamed of yourself and you ought to be embarrassed. They agreed to reduce her fine to $1,900. I don't think she should have paid a cent, but they reduced it to $1,900. So Joan paid $1,900 with two checks. She paid the $1,900. She lives on $1,200 a month.

Then this morning I received this email from her:

> I sent the settlement money in two payments, one in July and paying it all by the end of August. I checked with the bank and the bank said the checks have not been cashed as of a week ago. Two weeks ago I got a letter from a collection agency asking for about $10,000 and a letter from the Social Security system telling me they will start reducing my Social Security payments in November.

Shame on the Federal Government. Do we have completely and totally incompetent Federal agencies? No. 1, they are chasing old ladies riding bicycles when they ought to be chasing terrorists. She may not like me calling her an old lady, but she is a 74-year-old senior bicyclist. She is proud of what she does. She bicycles in the Olympics. And she has the Federal Government after her. They ought to be chasing terrorists, not retired schoolteachers biking in Canada. What are they thinking? Is there no common sense at all at the Office of Foreign Assets Control.

I had the Secretary of the Treasury in front of a committee a year and a half ago. He got in trouble because he answered the question honestly. I liked him. He was a guy who said what was on his mind. I said: Let me ask you a question. Don't you think if you could use your assets the way you want to use your assets in the Office of Foreign Assets Control, you would pull employees off of tracking little old schoolteachers and others from bicycling in Cuba and instead use all of your muscle and all of your energy and all of your resources to track terrorism? Don't you think that is where the priorities ought to be?

Well, he did not answer. I asked again. He didn't answer. I asked again and finally he said: Of course. Of course I prefer that be the case. But he got in mighty big trouble, according to the press, with the White House because there is a political correctness about this issue of travel to Cuba and they want the Office of Foreign Assets Control to clamp down on the folks. Go get them.

Let me tell you who they are getting: Joan Slote. She should not have had to pay a penny. Not a penny.

How about Cevin Allen, Washington State. He traveled to Cuba to bury the ashes of his late father, a Pentecostal minister of prerevolutionary Cuba who wanted his ashes buried on the grounds of the former church he had in Cuba. OFAC tried to slap his son with a $20,000 fine for taking his father's ashes to bury them on the church grounds in Cuba.

He told the hearing that I chaired on this subject that the trip to Cuba let him deal with the pain of losing his parents. But he said the good feelings from giving them the burial he knew they wanted and reuniting with friends from his childhood when his parents were missionaries in Cuba were crumbled when he came home to face hostile officials and the fine for traveling to Cuba illegally.

Then there is Tom Warner who is 77 years old. Tom Warner has not even traveled to Cuba. He is a World War II veteran. He posted on his Web site the schedule for the February 2002 annual meeting of the United States-Cuba Sisters Cities Association in Havana. What happened to him? This 77-year-old World War II veteran heard from OFAC. OFAC accused him of organizing, arranging, promoting, and otherwise facilitating the attendance of persons at a conference in Cuba without a license. Mind you, this World War II veteran never went to Cuba. He simply posted on a Web site the information he had about a Sisters Cities meeting in Cuba. Warner got a letter from OFAC giving him 20 days to tell OFAC everything he knew about the conference and the organizing folks who participated in it. He has since, of course, hired a lawyer.

I just don't understand. We can travel to Communist China. We can travel to Communist Vietnam. We can travel virtually anywhere in the world except for three countries: Cuba, Libya, and, for now, Iraq.

The fact is, other Communist countries, we are told, will move in the right direction through engagement: engage them in trade and travel and that is the way to persuade them to move in the right direction towards greater human rights, towards democracy.

With Cuba, for 40-some years, we have been telling people: Well, you cannot travel there, you cannot trade there, because somehow that would be giving aid and comfort to the Castro government.

Well, the best way to give aid and comfort to the Castro government is to continue this embargo. The best way to undermine the Castro government is through trade and travel. It is what we do in China. It is what we do in Vietnam. It is what we ought to do with respect to Cuba. But the reason I came to the floor today is to say this poor woman ought not to be chased by the Federal Government. She has done nothing wrong. She made a mistake by responding to an advertisement in a magazine that said what she was going to do on this bicycle trip was not illegal. She did it in good faith and now comes home to have the Federal Government chase her.

What is galling to me is the agency in the Federal Government—the Treasury Department and this little organization called OFAC, which we require to track terrorists—is using their resources to chase Joan Slote. Shame on them.

We are going to try to change the law in the Senate. I am going to offer an amendment to the Treasury appropriations bill that is identical, word for word, with every punctuation mark, that was in the House bill. I think it passed the House by 40 votes. My expectation is, if we have a chance to vote on it, it will pass the Senate as well.

It simply says this travel ban makes no sense. We ought not enforce the travel ban. No one ought to be chasing a retired schoolteacher or a bicyclist or someone who takes their father's ashes back to bury in Cuba.

I don't know. Maybe the folks at Treasury can be just embarrassed into doing the right thing. But it is inexplicable to me that we talk about homeland security, we talk about fighting terrorism, and then we have an agency of the Federal Government that is using its resources to do this.

Yes, I know what the law is. But I also know what the priority is: to use scarce enforcement dollars to track terrorists. Common sense would tell you not to divert those dollars to try to take part of the Social Security payments away from this retired woman because she went on a bicycle trip in Cuba.

That is the kind of heavy-handed Federal Government I do not want to be a part of. I believe we ought to do something legislatively to address that situation, and I intend to do that when we have the right appropriations bill on the floor of the Senate.

NUCLEAR WEAPONS

Mr. DORGAN. Mr. President, while I am on the floor, I wish to mention that a couple of my colleagues—I believe, Senator FEINSTEIN and Senator KENNEDY—will be on the floor later today with an amendment dealing with the issue of nuclear weapons. I want to join them in pointing out my special concern about what is happening with respect to nuclear weapons.

We have roughly 30,000 nuclear weapons in the world—30,000 nuclear weapons, the use of any one of which would cause a catastrophe, as all of us know. So we have had what we call a doctrine of mutually assured destruction for a long, long while, with the other nuclear superpower believing no one would be able to use a nuclear weapon in an attack because they would be obliterated by the other side.

That doctrine of mutually assured destruction has lasted for well over a half century. There are many in the world that aspire to achieve nuclear weapons for their own use—terrorists and other countries.

The world depends on us and on our leadership to stop the spread of nuclear weapons. There is no—I repeat, there is no—duty that is more important, in my judgment, than for this country to use its leadership capability to stop the spread of nuclear weapons. For surely, if nuclear weapons proliferate in this world, they will, one day, be used, and when used in anger will persuade others to use them; and this Earth will not be the kind of Earth that we recognize in the future.

The Energy and Water appropriations bill contains certain money to develop new bunker-buster nuclear weapons and to come up with so-called advanced concepts for new more "useable" nuclear weapons, and it has money to make it easier to end the ban on testing so we would begin testing once again.

This is, in my judgment, reckless discussion, reckless talk. It certainly falls under the rubric of free speech and free debate, but I happen to think this country ought to say to the rest of the world: We want to reduce the number of nuclear weapons, No. 1. And we don't need to develop new nuclear weapons. We have far more than anyone needs. And second, the last thing we ought to do is to suggest to anyone there is a green light for anyone to use, at any time, under any circumstances, nuclear weapons.

Here on this chart is what the House of Representatives said in their report recently about the administration's plans for nuclear weapons:

> It appears to the Committee the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons.

As indicated on this other chart, here is the stockpile of nuclear weapons—roughly 30,000. We have about 10,000; the Russians have about 18,000—you can see a few others around—the use of any one of which or the stealing of any one of which or the loss of any one of which to a terrorist group or a rogue nation would be devastating if they were to detonate.

The people who are talking about developing new nuclear weapons are saying: What we ought to do is take a look at earth-penetrating, bunker-buster nuclear weapons. What a wonderful idea that is, they say.

Well, the best scientists tell us you cannot penetrate the earth much more than 45 or 60 feet; you just can't. But they are talking about nuclear weapons up to 1 megaton, 60 to 70 times bigger than the Hiroshima bomb. That is what they talk about here: earth-penetrating, bunker-buster nuclear weapons. That means this country would build a nuclear weapon that we could actually use, not to deter someone else from using it, but a nuclear weapon that would be a useful weapon for designer purposes. If you have a bunker that you can't bust, lob over a nuclear weapon.

Here is a picture of what a 100-kiloton nuclear explosion 635 feet underground does at the surface. These are not tiny, little designer nuclear weapons. These are huge explosions.

The explosion shown on this picture was 635 feet underground. Likely, a bunker-buster weapon would be detonated at 50 to 60 feet underground.

The point is this: We have a responsibility in this country, it seems to me, on these policies to exhibit great restraint. We have countries in the world that do have nuclear weapons, and we worry a great deal about them using them. India and Pakistan each have nuclear weapons. They don't like each other very much. There have been moments when we have been very concerned about the command and control of nuclear weapons in some other countries.

Our job, at this point, is not to be talking about building new nuclear weapons: low-yield nuclear weapons, bunker-buster, earth-penetrator nuclear weapons, to begin testing nuclear weapons. Our job, it seems to me, is to talk about restraint.

We have all the nuclear weapons we will ever need, well over 10,000, both theater and strategic nuclear weapons. We do not need to be building more. We do not need to talk about using nuclear weapons. Those who talk about building specific-use nuclear weapons and saying there is a use for actual employment of nuclear weapons in conflict, that is not, in my judgment, in the long-term interests of this world or this country. I hope we will exhibit much more restraint than that.

I know some will say: Well, we are simply beginning research on some of these issues. I say we do not need to research earth-penetrating, bunker-buster nuclear weapons. That is not in our country's interest, with due respect.

What we ought to do is to exhibit every ounce of energy that we can and that we have to try to stop the spread of nuclear weapons, so that, God forbid, other countries do not acquire nuclear weapons, and then begin to work to reduce the number of nuclear weapons around the rest of the world.

I know the amendment that will be offered by my colleague Senator FEINSTEIN, this afternoon, will be controversial and will be debated. I respect people who do not share my own opinion on this issue, but I feel very strongly that the only conceivable future for nuclear weapons—for my children and grandchildren and yours—is to try to prevent nuclear weapons from ever again being used. That is the only thoughtful and conceivable future that will not address the future of this world in a very negative way.

We must use our leadership capabilities. We are a great country and a mighty country. We must use our capabilities to persuade others that the use of nuclear weapons is not something that is thinkable or conceivable. We must exert every energy to stop the spread of nuclear weapons to so many others who want to obtain them in a way that would be destructive to our long-term interests.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 p.m. having arrived, the Senate will resume consideration of H.R. 2754, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when we called this bill up, we called up the House version. I ask unanimous consent that all after the enacting clause be stricken, the text of Calendar No. 213, S. 1424, the Senate committee-reported bill, be inserted in lieu thereof; the bill, as amended, be considered as original text for the purpose of further amendments; provided that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, as I understand it, the energy and water appropriations bill, as reported out unanimously by the subcommittee and Committee on Appropriations, is pending. One amendment—there may be others—we are awaiting is a Feinstein, et al., amendment to be offered and debated. I don't believe it serves any purpose for the Senator from New Mexico to discuss the issue until the amendment is offered. As a consequence, I am going to yield the floor and put in a quorum call, with the full understanding that Senator FEINSTEIN intends to offer shortly her amendment. And from what I understand, an hour later, at about 3:30, the distinguished Senator from Massachusetts, Mr. KENNEDY, is going to speak in support of the Feinstein amendment. In between those, I will speak, and there may very well—either this afternoon before we recess and go into morning business, or early in the morning—be other Senators on either side who might want to speak to this issue. I am not totally aware of that.

It is not the intention of the Senator from New Mexico that we go on indefinitely. This is a well-known amendment. We voted on something like it already once. But this is different in some respects. It is appropriations. So in that context, it is actual money instead of authorizing.

Having said that, everyone should now know the bill that is pending is the Senate-reported energy and water bill. All of you who had water projects that you asked about, you can have your staff look to see if you were successful. We have attempted to advise most of you. I can say that to the extent we have had to be arbitrary because of a shortage of money, it has principally been when we have somebody asking for a new authorization. We haven't been able to do that in this bill. With respect to the Corps of Engineers, the Bureau of Reclamation, we haven't started any new programs. So if you asked us for that, you may say: Gee, they didn't treat me right. It may be that you have to come and ask, and that is the reason. It is not a new authorization.

We have tried our very best to do what we could with a shortage of money in the Corps, which I have already explained to the Senate. I explain it every year. We could pull the record player out and repeat it because every year Presidents do the same thing. They leave out projects, and they don't put in enough money. And then we come along and we have the most desired projects of all because if you are chairman Senators stuff your pockets with requests. They come in saying: Please help with this. It is a little project in my State. But it seems as though we are the only ones who understand how important these little projects are to Senators. It doesn't seem as though the administration—this one, other ones—thinks it is very important.

They are not all in here. But a few more than the President was able to put in are here in this bill. So please look. And if you have any complaints, bring them to us. We will do our best. We will even explain to you, if we turned you down, that it is a new project. We will explain what that means and why we have no alternative. When we can't pay for the ones we have, we can't be adding any new ones.

I note the presence of the Senator from California. Whether she desires to offer the amendment is up to her. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1655

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the committee. There should be no doubt in anyone's mind that this administration is reopening the nuclear door. They are doing this to develop essentially a new generation of nuclear weapons. They call them low yield. It is contained in words such as "advanced concepts." Essentially, they are battlefield tactical nuclear weapons.

This latest Defense authorization bill reversed the Spratt-Furse amendment which had existed for 10 years and had prohibited the development of low-yield nuclear weapons. So for 10 years there was a prohibition on this reopening of the nuclear door.

With this year's Defense authorization bill, that went down the tubes. Now we see in this Energy appropriations bill money to move along in the development and the research of these weapons.

What is interesting to me is when you ask these questions in committee, as I did of Secretary Rumsfeld—and I will get to that—what we hear is: Oh, it is just a study.

In fact, last year, $14 million was appropriated for the study. It is more than just the study. It is the study and development.

I rise today to send an amendment to the desk on behalf of myself, the Senator from Massachusetts, Mr. KENNEDY; the Senator from Rhode Island, Mr. REED; the Senator from New Jersey, Mr. LAUTENBERG; the Senator from Oregon, Mr. WYDEN; and the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KENNEDY, Mr. REED, Mr. LAUTENBERG, Mr. WYDEN, and Mr. FEINGOLD, proposes an amendment numbered 1655.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction)

After section 503, insert the following:

SEC. 504. (a) REDUCTION IN AMOUNT AVAILABLE FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The amount appropriated by title III of this Act under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" under the heading "NATIONAL NUCLEAR SECURITY ADMINISTRATION" under the heading "WEAPONS ACTIVITIES" is hereby reduced by $21,000,000, with the amount of the reduction to be allocated so that—

(1) no funds shall be available for the Robust Nuclear Earth Penetrator; and

(2) no funds shall be available for Advanced Weapons Concepts.

(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN MODIFICATION OF READINESS POSTURE OF NEVADA TEST SITE.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of modifying the readiness posture of the Nevada Test Site, Nevada, for the resumption by the United States of underground nuclear weapons tests from the current readiness of posture of 24 months to 36 months to a new readiness posture of 18 months or any other readiness posture of less than 24 months.

(c) PROHIBITION ON USE OF FUNDS FOR SITE SELECTION OF MODERN PIT FACILITY.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of site selection of the Modern Pit Facility.

(d) REDUCTION OF PUBLIC DEBT.—Of the amount appropriated by this Act, $21,000,000 shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

Mrs. FEINSTEIN. Mr. President, I am very concerned that through a policy of unilateralism and preemption, combined with the creation of new nuclear weapons, we may very well be encouraging the very nuclear proliferation we seek to prevent. It seems to me that pursuing the development of new tactical battlefield nuclear weapons not only lowers the threshold for possible use but also blurs the distinction between nuclear and nonnuclear weapons.

The amendment I have just sent to the desk essentially in many ways mirrors what the House of Representatives has done. Much to the credit of Chairman HOBSON, the House of Representatives has deleted this funding. I believe very strongly the Senate should follow.

The amendment I proposed would strike $15 million for the study of the development of the robust nuclear earth penetrator and $6 million in funding for advanced nuclear weapons concepts, including the study for development of low-yield weapons—these are battlefield tactical nuclear weapons—and it would prohibit spending—this is where it is a little different in the Senate version than in the House version—in the 2004 year to increase the Nevada Test Site's time to test readiness posture from the current 24 to 36 months to 18 months. The House actually cut the 24 $8 million. We fence it for this year.

Secondly, it would implement site selection for the modern pit facility. The House cut $12 million. We would delay it for 1 year.

The House also redirected the savings from this bill for water projects. We essentially use the money for deficit reduction. By seeking to develop a new generation of 5-kiloton, or below, tactical nuclear weapons, which produce smaller explosions, the administration is suggesting we can make nuclear weapons less deadly. It is suggesting we can make them more acceptable to use. Neither is true.

By seeking to develop a robust nuclear earth penetrator, the administration seems to be moving toward a military posture in which nuclear weapons are considered just like other weapons—like a tank, a fighter aircraft, or a cruise missile. By seeking to speed up the time to test requirement for the Nevada Test Site, the administration is taking us down a road that may well lead to the resumption of underground nuclear testing, overturning a 10-year moratorium. By seeking to move forward with the modern pit facility, the administration appears to be seeking to develop a facility that will, in 1 year, allow the United States to produce a number of plutonium pits that exceeds the entire current arsenal of China.

Given that the United States has a robust pit stockpile and plans for a facility that will be able to produce an adequate number of replacement pits in the coming years, questions must be asked as to why a facility like the modern pit facility is necessary, and why now? What sort of message is the United States sending to the rest of the world, at a time when we are trying to discourage others from developing their own nuclear arsenal, by our taking this action? We say to North Korea, you cannot do this. We say to Iran, you cannot do this. Yet we set a precedent whereby countries such as Pakistan and India—each with their own indigenous nuclear capability, each diehard enemies—may well take the example and say: If they can do it, we can do it. We should start our own advanced concepts program.

I deeply believe the combined impact of studies or development of new nuclear weapons enhancing the posture of our test sites and developing a new plutonium pit facility could well have the result of leading these other nuclear powers and nuclear aspirants to resume or start testing and to seek to enlarge their own nuclear forces—action that would fundamentally alter future nonproliferation efforts and undermine our own security. Instead of increasing it, it will undermine it.

The House of Representatives had the foresight to realize that going down this path was not in the best interest of the United States national security. I truly hope this Senate will respond and do the same. I cannot say enough good things about Chairman HOBSON. I have had the privilege of working with him on MilCon, and I think he has shown dramatic courage, spunk, individualism, good thinking, and solid common sense.

Nearly 60 years ago, our world was introduced to nuclear weapons. I was 12 years old when the Enola Gay left our shores. I saw a 15-kiloton bomb destroy Hiroshima. It killed up to 140,000 people—just that bomb killed 140,000 people. A 21-kiloton bomb then destroyed Nagasaki, killing 80,000 people. Two bombs, 220,000 people dead, and the largest pattern of destruction the world has ever seen—just look at it on this photo.

For the decades that followed, we saw a standoff between the United States and the Soviet Union with armadas of nuclear weapons, many of which remain today. They are targeted at each other's cities even right this very minute. We have seen other nations become nuclear powers—the United Kingdom, France, China, India, Pakistan. And others—like I said, Iran and North Korea clearly have nuclear aspirations. But after decades of steady progress, our efforts against nuclear proliferation have also produced a number of dividends. Nuclear-capable states, like South Africa, Brazil, Argentina, South Korea, Taiwan, Japan, the Ukraine, Belarus, and Kazakhstan have either forgone developing nuclear weapons or, like the States of the former Soviet Union, given up the weapons they possessed. China has recently signaled it might be willing, finally, to sign onto the comprehensive test ban treaty. When U.S. policy can urge others to act responsibly, the world is a far safer place and the United States is safer as well.

As we continue to prosecute the war on terror, it should be a central tenet of the U.S. policy to do everything at our disposal to make nuclear weapons less desirable, less available, and less likely to be used. This does just the opposite.

This administration appears to be looking for new ways to use our nuclear advantage, to restructure our force so nuclear weapons are more "usable." That sends a very troubling message to others who might also aspire to obtain or use nuclear weapons.

Let me just quote a Pentagon spokesperson in saying this:

> This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction. That is why the administration is pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive and nuclear and nonnuclear capabilities is essential to meet the deterrence requirements of the 21st century.

I profoundly disagree. If the most potent conventional military on Earth cannot meet the challenges without new nuclear weapons, it is a tragedy indeed. The administration's own nuclear posture review, released in January of 2002, did not focus solely on the role of nuclear weapons for deterrence. It stressed the importance of actually being prepared to use nuclear weapons. In fact, the review noted we must now plan to possibly use them against a wider range of countries.

To that end, I would like to put into the record a New York Times article by Michael R. Gordon, dated March 9. I ask unanimous consent that it be printed in the RECORD following my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, in addition, the nuclear posture review said we need to develop new types of weapons so we can use them in a wider variety of circumstances and against a wider range of targets, such as hard and deeply buried targets, or to defeat chemical and biological weapons. Even the New York Times suggests we would even consider a first strike against a nonnuclear country if that country possessed biological or chemical weapons.

It seems clear that this administration is no longer focused solely on the role of nuclear weapons for deterrence. Rather, the new triad proposed by the administration has grouped nuclear and conventional weapons together on a continuum, believing each has an equal role on the battlefield.

During the cold war, the nuclear triad consisted of air, land, and sea nuclear forces—bombers, ALBMs, ICBMs and SLBMs. The new triad consists of offensive strike forces, missile defense—which has yet, incidentally, been shown to work—and a responsive infrastructure to support the forces. Strategic nuclear forces are combined dangerously, in my view, with conventional strike capabilities in the offensive leg of the new triad.

This new triad represents a radical departure from the idea that our strategic nuclear forces are primarily intended for deterrence, not for offense as the new triad proposes.

In a few months, after issuing the Nuclear Posture Review, President Bush signed National Security Presidential Directive 17 indicating the United States might use nuclear weapons to respond to a chemical or biological attack. I find the Nuclear Posture Review and NSPD–17 deeply disturbing.

Some have maintained we don't need to concern ourselves too much with these documents because they are merely intellectual exercises. In fact, at a hearing of the Defense Appropriations Subcommittee in May, I asked Secretary Rumsfeld about where the administration was going on these issues. He responded, in essence, that there was nothing to be concerned about because current research to develop nuclear weapons is just a study. But the fact is, the administration has begun to take concrete steps toward developing new classes of nuclear weapons. In fact, the administration's statement of policy for the fiscal year 2004 Defense authorization bill may well have been more honest than intended. This is the statement of administration policy:

> The administration appreciates the Senate Armed Services Committee's continued support of our national defense and support for

> critical research and development for low-yield nuclear weapons.

As Fred Celec, the Deputy Assistant Secretary for Defense for Nuclear Matters, stated: If a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, "it will ultimately get fielded."

That is his statement: If a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, "it will ultimately get fielded."

That is where we are going, Mr. President. I believe it is in this context that we must view the funding requests in this bill.

This is not an esoteric funding request. I don't believe it is just a study. I believe it is the second step in the study and in the development of these so-called advanced nuclear concepts of moving up test readiness, of building a huge modern pit facility. The legislation before us today contains funding to start that process of developing this next generation of nuclear weapons, clear and simple.

I strongly support a robust military, and our safety interests and our security interests should be protected, but I believe we are going to make our Nation and our allies less secure, not more, if the United States opens the door to the development, testing, and deployment of new tactical and low-yield nuclear weapons.

I think there are several things wrong with the logic which suggests that using these weapons is acceptable. First, using nuclear weapons, even small ones, will cross a line that has been in place for 60 years. I don't want to be a Member of the Senate who crosses that line and has to explain to my five grandchildren why I voted to sanction a new generation of nuclear weapons, whether it is a robust earth penetrator or whether it is a tactical battlefield weapon, because you cannot protect from the radiation. What grandmother or mother wants to send their son or daughter on to a battlefield with tactical nuclear weapons? Sixty years of history is in the process of being reversed.

It was the Secretary of State, GEN Colin Powell, who wrote in his autobiography about possibly using tactical nuclear weapons in Europe to thwart a Soviet invasion. Let me read what he said. He wrote:

> No matter how small these nuclear payloads were, we would be crossing a threshold. Using nukes would mark one of the most significant political and military decisions since Hiroshima.

That is what we are doing. I say to my colleagues—one of the most significant decisions since Hiroshima—and his statement in his book is just as true today.

Second, I wish to speak for a moment about the fact that there is no such thing as a clean or usable nuclear bomb. According to Stanford University physicist, Dr. Sidney Drell, the effects of a small bomb would be dramatic. A 1-kiloton weapon detonated 20 to 50 feet underground—1 kiloton detonated 20 to 50 feet underground—would dig a crater the size of Ground Zero and eject a million cubic feet of radioactive debris into the air. This chart shows 1 kiloton at 30 feet and it will eject a million cubic feet of radioactive debris into the air.

A low-yield weapon would have very little utility in trying to destroy a deeply buried underground bunker. Given the insurmountable physics problems associated with burrowing a warhead deep into the earth, destroying a target hidden beneath a thousand feet of rock will require a nuclear weapon of almost 100 kilotons. That is 10 times the size of the bomb dropped on Hiroshima.

As this chart shows, if a bunker buster were able to burrow into the earth to reach its maximum feasible depth—that is about 35 feet—it still would not be deep enough to contain a bomb with an explosive yield of only .2 kilotons, 75 times smaller than the bomb that exploded over Hiroshima, let alone a 100-kiloton bomb.

Let me make the point. To destroy a typical bunker or another underground target, such as a chemical or biological weapons facility, you would need to burrow down at least 800 feet, which is not physically possible, or detonate a 100-kiloton weapon whose fallout and destruction belie the idea that an antiseptic nuclear weapon can be developed. Anything short of that would not contain the fallout.

A fireball would break through the surface, scattering enormous amounts of radioactive debris—1.5 million tons for a 100-kiloton bomb—into the atmosphere. As this map of the Korean peninsula shows, just the path fallout, with travel in typical weather, would place both South Korea and Japan in severe danger while placing millions of innocent people at risk if a nuclear bunker buster were to be used in North Korea. We can see it used at this point. We can see the path of fallout. It is devastating.

Ultimately, the depth of penetration of the robust nuclear earth penetrator is limited by the strength of the missile casing. The deepest our current earth penetrators can burrow is 20 feet of dry earth. Casing made of even the stronger material cannot withstand the physical forces of burrowing through 100 feet of granite, much less 800 feet.

I believe it is deeply flawed to argue, as some robust nuclear earth penetrator proponents do, that because it would penetrate the earth before detonating, it would be a clean weapon. It will not be.

In fact, far more than the added explosive power a nuclear weapon provides, the most important factor in destroying a deeply buried target is knowing exactly where it is. Someone is not going to drop a bomb such as a robust nuclear earth penetrator unless they know exactly where the target is. If they know exactly where the target is, there are other things that can be done. It can be destroyed with conventional weapons. Access to it can be prevented by destroying entrances, cutting off electricity, cutting off air ducts. Cutting off a bunker in this way renders it useless just as effectively as destroying it with a nuclear blast.

The fact is that our intelligence is weak. So I very much doubt we are going to be throwing around bunker busters of 100 kilotons that are nuclear with this fallout spread when we really do not know, among the tens of thousands of holes the North Koreans have in the ground, exactly what is what.

Thirdly, the development of new low-yield nuclear weapons could lead—and this is where we are going—to the resumption of underground nuclear testing in order to test the new weapons. This would overturn the 10-year moratorium on nuclear testing. So we are changing 60 years of history. We are overturning a 10-year moratorium. This could lead other countries to resume or start testing, actions that would fundamentally alter future nonproliferation and counterproliferation efforts.

The March 2003 Arms Control Today points out an interesting thing:

> In 1995, many of the world's nonnuclear states made it clear their continued adherence to the NPT was contingent on the cessation of all nuclear-yield testing. . . . A decision to resume testing to build low-yield nuclear weapons could deal the regime a fatal blow while providing the United States a capability of questionable military value.

This is where we are going with this bill. We are moving up test readiness from 24 to 30 months to 18 months. So inherent in this bill is the beginning of expedited testing, overturning 60 years, going against the nonproliferation treaty, which will then encourage other nations to do the same, and beginning testing once again.

According to the 2003 Report to Congress on Nuclear Test Readiness, 18 months is the minimum time necessary to prepare a test once a problem is identified. Yet even during the cold war when tests were ongoing on a regular basis, the Nuclear National Security Agency found that it required 18 to 24 months to design and field a test with full diagnostics.

As purely a technical matter, 18 months is also an extremely short timeframe for test readiness. So why are we doing it? Why are we doing it now with no pressing need? Why is the administration pushing so hard for the absolute minimum time necessary to conduct a test?

This tells me exactly where this administration is going. Even putting aside the concern I have about the message that the United States moving ahead with test readiness sends to the rest of the world, this short time period may well not be technologically feasible.

In an op-ed in the Washington Post on July 21, Secretary of Energy Spencer Abraham said this:

> We are not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, we are not planning to develop any new nuclear weapons at all.

Then what are we doing this for? Fourteen million dollars last year, $50 million this year, a $4 billion modern pit facility program over 10 years. What are we doing it for? I think what the Secretary did by these comments is really an injustice in terms of casting a web over these moves that is not credible.

I can only deduce that despite all the "this is just a study" rhetoric, there is an intention to test, and this administration is reopening the nuclear door to develop a new generation of tactical battlefield nuclear weapons, and I do not want to be a part of it.

In fact, in a September 3 interview, Fred Celec stated:

> If you say, I've got to go to design a new nuclear weapon . . . you probably will have to have a nuclear test.

Likewise, I have serious concerns about the intentions behind the funds included in this bill for work on the modern pit facility. As I have said, the modern pit facility is the administration's proposed $4 billion plan where new plutonium pits for nuclear weapons will be fabricated. This facility, when completed, would be able to produce 250 to 900 plutonium pits per year.

To put this in perspective, if the proposed modern pit facility operated at half of its capacity, it could equal or exceed China's entire new nuclear arsenal in 1 year. This production would be in excess of our current inventory of 15,000 plutonium pits.

What does this say to other nations? What does this say to China? What does it say to Iraq? What does it say to Iran, Pakistan, India, or any other nation? What does it say to North Korea?

At a time when we should be lessening our reliance on nuclear weapons and lessening the amount of fissile material available which might fall into the hands of terrorists, encouraging other countries in the world to do likewise by following our example, why do we need this new production capability?

The Department of Energy has already begun a separate $2.3 billion pit fabrication and plutonium chemistry complex at Los Alamos, which will begin producing 20 pits per year in 2007 and can be equipped and enlarged to produce as many as 150 pits per year. So what do we need this for? No one has answered that question.

With the current age of our stockpile pits averaging 19 years, and the Department of Energy estimating a pit minimum lifetime to be 45 to 60 years, with no "life-limiting factors" being identified, why put our Nation $4 billion further into debt by creating additional capacity for plutonium pits we don't need? We can't find anything that indicates why we need these additional plutonium pits. As I said, we already have a $2.3 billion program to produce 20 pits that can go up to 150 pits. Are we going into some kind of enormous program that we don't know about?

The House report language in their version of the energy and water bill put it this way:

> It appears to the Committee that the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past 40 years of the cold war, and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of NNSA convinces this Committee that the successful implementation of the Stockpile Stewardship Program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature.

This was just written. This was considered by the House of Representatives, and the House of Representatives had the guts to take it out of the bill. So this amendment would put in place a 1-year stay. It is a little different from the House bill. It would put in place a 1-year stay on site selection for the modern pit facility. If the administration can come forward with a convincing rationale and plans in a year, we can revisit this issue. But until then, we should not be supporting this new initiative.

Today, America's current conventional and nuclear forces vastly overpower those of any other nation. So for me, it is difficult if not impossible to reconcile building a multibillion-dollar nuclear bomb factory, which is what this is, as we preach the importance of limiting proliferation and preventing other nations from developing weapons of mass destruction. And, if I may say so, it is hypocritical. It is hypocritical; we say one thing to others and we do an entirely different thing ourselves. If that is not hypocrisy, I don't know what is.

Under the Nuclear Non-Proliferation Treaty, nuclear weapon states are committed to halting so-called vertical proliferation. That means they are prohibited from increasing their nuclear stockpiles. They are prohibited. The purpose is to encourage other nations to halt horizontal proliferation, whereby more and more nations become nuclear capable. That is what the NPT is trying to do. They are trying to stop it, and we are doing exactly the opposite. If our country goes down the road of developing and bringing the modern pit facility on line, we will effectively undermine the nonproliferation treaty.

I know the Bush administration doesn't like it. I know they don't attend meetings. I know we are now on a big unilateral binge, where we know better than anybody else. But this is for our children and our grandchildren. Perhaps more than any other this represents the country we try to be and the country we are going to be.

I think with this legislation, and by going down this path, we undermine the nonproliferation treaty. Maybe that is what they want to happen. And by our example we create an incentive and we present a challenge to others with nuclear aspirations to develop them.

I don't know whether that is the intention. We know ballistic missile defense does the same thing. I think we are seeing, in Iraq, where unilateralism is not working. We have before us an $87 billion supplemental which will bring the cost of the war to about $166 billion so far. Yet we are starting a whole new nuclear program.

I guess why I don't like it, most of all, is it is all done under the guise of study, of development. The facts are never really put on the table. It just kind of happens. Then some get kind of "suckered" into it, if I can use that word, because of the economics of doing it in this State or that State or competing for it.

We need to begin to think what we are competing for. I don't want us to compete for something that is going to encourage China to begin nuclear weapons production or begin testing. I don't want to encourage something that is going to say to Pakistan and India: We developed tactical battlefield nuclear weapons. Look at our example. That is what we are doing and we don't see it.

Finally, to those who argue that the United States needs new weapons for new missions, I should point out that the United States already has a usable nuclear bunker buster, the B61-11, which has a dial-to-yield feature, allowing its yield to range from less than a kiloton to several hundred kilotons. When configured to have a 10-kiloton yield and detonated 4 feet underground, the B61-11 can produce a shock wave sufficient to crush a bunker buried beneath 350 feet of layered rock.

If, indeed—I don't think there is—but if there is a legitimate military mission for these kinds of weapons, the experts tell us we already have one. We don't need new nuclear weapons. On the other hand, the U.S. military, the strongest and most capable military force the world has ever seen, has plenty of effective conventional options designed to penetrate deeply into the earth and destroy underground bunkers and storage facilities. These range in size from 500 pounds to 5,000 pounds, and most are equipped with either a laser or a GPS guidance system. The 5,000-pound bunker buster, like the guided bomb unit 28/B, is capable of penetrating up to 20 feet of reinforced concrete, or 100 feet of earth.

The GBU-28 was used with much success in Operation Enduring Freedom in Afghanistan.

Other conventional bunker busters were used to take out Saddam Hussein's underground lairs in Operation Iraqi Freedom. In fact, the U.S. military possesses a conventional bunker buster—the GBU-37—which is thought to be capable of taking out a silo-based ICBM.

I only wish that instead of beginning the research and development of a new generation of weapons, this administration would lead efforts to prevent nuclear development and prevent the spread and delegitimize the use and utility of nuclear weapons. Oh, how I wish they would. Instead, with these appropriations a new nuclear arms race will begin. Let there be no doubt. I know it as sure as I am standing here now. I know it from the judgment of past history. I know how difficult it has been. I know just how difficult it was to reach agreements with the Soviet Union to begin to ratchet down the nuclear arsenal of both of our countries. We will be dealing with governments far more difficult to deal with than the Soviet Union, like those typified by North Korea.

If we appropriate these dollars, we can expect that other nations will follow, that a new nuclear race will begin to develop, and the chance that one day, somehow, some way they will be used against us. Those chances are clear. Let there be no doubt.

As the Economist concluded in its May 17 issue:

> In their determination to leave no weapons avenue unexplored [the administration] is proposing to lead America along a dangerous path.

This is why our amendment seeks to strike the funding in this bill for the development of the robust nuclear earth penetrator and the other so-called advanced concepts—I hate calling nuclear weapons "advanced concepts"—including low-yield weapons, and to limit the funding for enhanced test readiness and the modern pit facility.

Right now our country is spending well over $400 billion on defense. Next year we will spend more on our military than all of the other 191 nations on the planet combined. If we can't protect ourselves without thinking about nuclear weapons, who can? Who can? We spend more than 191 nations combined—all of the other nations on Earth. Yet the proposal is that we reopen the nuclear door and begin a new generation of nuclear weapons.

I think once again we will see rogue states basically conclude that they will be safe from the United States only if they develop their own nuclear weapons quickly. I think that is exactly what is happening in North Korea, which has responded to the Bush administration's aggressive posture by claiming that only a "tremendous military deterrent" will protect it from the United States. Now Iran is following suit. Will we encourage India and Pakistan to develop tactical nuclear weapons as well?

Indeed, by seeking to develop new nuclear weapons ourselves, we send a message that nuclear weapons have a future battlefield role and utility. This is the wrong message. It takes us in the wrong direction. In my view, it will cause Americans to be placed in greater jeopardy in the future.

We are telling others not to develop nuclear weapons and not to sell fissile materials, but we continue to study and design new nuclear weapons ourselves. Again, "hypocrisy."

I urge my colleagues to support this amendment. The House has totally eliminated the money. We don't do exactly that. We eliminate some and we fence others. We delay the pit facility for 1 year. We don't use the money for water projects, and we don't use it for deficit reduction.

I urge my colleagues to support this amendment. I urge them to realize that we are at a historic turning point. It may well be that people do not remember the Enola Gay, they don't remember Hiroshima, they don't remember Nagasaki, and they don't remember that 220,000 people were killed instantly in both of those strikes. They don't remember Chernobyl and what radioactive fallout does to people.

I see this as a very historic vote. The way is carved for us by the House of Representatives. They have eliminated funding. They have done what is right. I hope we follow suit.

I yield the floor.

EXHIBIT 1

[From the New York Times, March 10, 2002]

U.S. Nuclear Plan Sees New Targets and New Weapons

(By Michael R. Gordon)

Outlining a broad overhaul of American nuclear policy, a secret Pentagon report calls for developing new nuclear weapons that would be better suited for striking targets in Iraq, Iran, North Korea, Syria and Libya.

The Nuclear Posture Review, as the Pentagon report is known, is a comprehensive blueprint for developing and deploying nuclear weapons. While some of the report is unclassified, key portions are secret.

In campaigning for office President Bush stressed that he wanted to slash the number of nuclear weapons and develop a military that would be suited for the post-cold war world.

The new Pentagon report, in fact, finds that non-nuclear conventional weapons are becoming an increasingly important element of the Pentagon arsenal. But the report also indicates that the Pentagon views nuclear weapons as an important element of military planning.

It stresses a need to develop earth-penetrating nuclear weapons to destroy heavily fortified underground bunkers, including those that may be used to store chemical and biological weapons. It calls for improving the intelligence and targeting systems needed for nuclear strikes and argues that the United States may need to resume nuclear testing.

The New York Times obtained a copy of the 56-page report. Elements of the report were reported today by the Los Angeles Times.

One of the most sensitive portions of the report is a secret discussion of contingencies in which the United States might need to use its "nuclear strike capabilities" against a foe.

During the cold war, the United States used nuclear weapons to deter a Soviet attack on Western Europe.

But now, the Pentagon report says, the nation faces new contingencies in which nuclear weapons might be employed, including "an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan." Another theme in the report is the possible use of nuclear weapons to destroy enemy stocks of biological weapons, chemical arms and other arms of mass destruction.

Pentagon and White House officials turned down repeated requests for interviews on the report. The Pentagon issued a statement this evening noting that the purpose of the review was to analyze nuclear weapons requirements, not to specify targets.

"It does not provide operational guidance on nuclear targeting or planning," the Pentagon statement said. "The Department of Defense continues to plan for a broad range of contingencies and unforeseen threats to the United States and its allies. We do so in order to deter such attacks in the first place."

"This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction," the Pentagon statement continued. "That is why the administration is pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive, and nuclear and non-nuclear capabilities is essential to meet the deterrence requirements of the 21st century."

Critics responded to the report by complaining that the Bush administration was not only pushing for the development of new types of nuclear weapons, but broadening the circumstances in which they might be used.

"Despite their pronouncements of wanting to slash nuclear arms, the Bush administration is reinvigorating the nuclear weapons forces and the vast research and industrial complex that support it," said Robert S. Norris, a senior research associated at the Natural Resources Defense Council and an expert on nuclear weapons programs. "In addition the Bush administration seems to see a new role for nuclear weapons against the 'axis of evil' and other problem states."

Classified versions of the report were provided to Congress in January but the disclosure now could become a public relations problem for vice President Dick Cheney, who is scheduled to leave on Sunday for a 10-day trip to Britain and Middle Eastern countries. The disclosure of the administration's ambitious nuclear plans is likely to spark criticism from European groups that have long supported more traditional approaches to arms control. Middle Eastern leaders may be alarmed to learn that the Pentagon sees Iraq, Iran, Syria and Libya as potential nuclear battlegrounds.

One of the most sensitive portions of the report is its discussion of countries that do not have nuclear arms. Recalling the Cuban missile crisis, the report noted that the United States might be caught by surprise if an adversary suddenly displayed a new ability involving weapons of mass destruction or it a nuclear arsenal changes hands as a result of a coup in a foreign land.

"In setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared," the Pentagon report states. "Contingencies can be categorized as immediate, potential or unexpected."

"North Korea, Iraq, Iran, Syria and Libya are among the countries that could be involved in immediate, potential or unexpected contingencies," it added. "All have long-standing hostility toward the United States and its security partners; North Korea and Iraq in particular have been chronic military concerns."

It said, "All sponsor or harbor terrorists, and all have active" programs to create weapons of mass destruction and missiles.

Among Iraq, Iran, Syria or Libya none has nuclear weapons, though Iraq and Iran are making a serious effort to acquire them, according to American intelligence.

American intelligence officials believe that North Korea may have enough fissile material for one or two nuclear weapons, but there is considerable debate as to whether it has actually produced one.

Significantly, all of those countries have signed the Nuclear Nonproliferation Treaty. Washington has promised that it will not use nuclear weapons against non-nuclear weapon states that have signed the Nuclear Nonproliferation Treaty unless those countries attack the United States or its allies "in alliance with a nuclear weapon state."

The policy was intended to discourage outsider nations from seeking to develop nuclear weapons. But conservatives argue that Washington should be able to threaten the use of nuclear weapons as a way to deter one state from attacking the United States with chemical or biological weapons.

Earlier this month, Richard Boucher, the State Department spokesman, repeated the policy but then added that "if a weapon of mass destruction is used against the United States or its allies, we will not rule out any specific type of response." His qualified statement along with the Pentagon report raises the question of whether the Bush administration still plans to abide by the long-standing policy.

One former senior American official said that the development of new weapons to attack non-nuclear states would not in itself contradict American policy since it would be no more than a contingency. But using them would contradict the policy, he said, unless the nations violated their commitments to the Nuclear Nonproliferation Treaty by developing nuclear weapons.

"I would not say that developing a bunker-busting nuclear weapon for use against these countries would by itself violate that pledge," the former American official said. "But using nuclear against them would unless they violated their assurance by acquiring nuclear weapons."

The Pentagon report discussed other contingencies as well. The report stated that China is also a potential adversary and is modernizing its nuclear and conventional forces. While Russia has the most formidable nuclear force, the report took the view that relations with Moscow have vastly improved.

"As a result, a contingency involving Russia, while plausible, is not expected," the report states. Still, the report said that the United States cannot be sure that relations with Russia will always be smooth and thus must be prepared to "revise its nuclear force levels and posture."

In addition to surveying the potential situations in which nuclear weapons might be employed, the report discussed the sort of force that might be needed. The Bush administration has said that it plans to reduce strategic nuclear weapons to between 1,700 and 2,200 warheads, a big reduction from the 6,000 or so nuclear weapons that the United States has now.

Critics of the Bush administration say the cuts are roughly the same as those foreseen by the Clinton administration, which agreed that future strategic arms treaty should reduce nuclear weapons to between 2,000 and 2,500 warheads. While the reductions projected by the Bush administration seem deeper, the Pentagon has changed the rules for counting nuclear weapons and no longer counts bombers or nuclear missile submarines that are in the process of being overhauled.

Adding new detail to previous briefings, the Pentagon says that its future force structure will have the following components. By 2012, the United States will have 14 Trident submarines with two in overhaul at one time. They will be part of a triad that will include hundreds of Minuteman III land-based missiles and about 100 B-52 H and B-2 bombers.

"This will provide an operationally deployed force of 1,700 to 2,200 strategic nuclear warheads and a wide range of options for a responsive force to meet potential contingencies," the report says.

But the Pentagon report said that nuclear planning is not merely a question of numbers. The Pentagon also wants to improve existing nuclear weapons and possibly develop new ones.

The report cites the need to improve "earth-penetrating weapons" that could be used to destroy underground installations and hardened bunkers. According to a secret portion of the Pentagon study, more than 70 nations now use underground installations. It notes that the only earth-penetrating weapon that exists is that B61 Mod 11 bomb and that it has only a limited "ground-penetration capability."

The report argues that better earth-penetrating nuclear weapons with lower nuclear yields would be useful since they could achieve equal damage with less nuclear fallout. New earth-penetrating warheads with larger yield would be needed to attack targets that are buried deep underground. The report said it is very hard to identify such underground targets but that American Special Operations Forces could be used for the mission.

Another capability which interests the Pentagon are radiological or chemical weapons that would be employed to destroy stockpiles of chemical or biological agents. Such "Agent Defeat Weapons" are being studied. The report also argues that Washington needs to compress the time it takes to identify new targets and attack them with nuclear weapons, a concept it calls "adaptive planning."

In general, the Pentagon report stresses the need for nuclear weapons that would be more easy to use against enemy weapons of mass destruction because they would be of variable or low yield, be highly accurate and could be quickly targeted.

Pentagon officials say this gives the United States another tool to knock out enemy chemical, biological or nuclear weapons. But critics say that the Bush administration is, in effect, lowering the nuclear threshold by calling for the development of nuclear weapons that would be easier to use.

The need to maintain the capability to rapidly expand the American nuclear arsenal in a crisis, such as "reversal of Russia's present course," is also a theme of the report. The Pentagon calls this hedge "the responsive force." The notion that the United States is reserving the right to rapidly increase its nuclear forces has been an important concern for Moscow, which has pressed Washington to agree to binding limits and even destroy some of its warheads.

The Responsive Force, the Pentagon report says, "retains the option for the leadership to increase the number of operationally deployed forces in proportion to the severity of an evolving crisis," the Pentagon report said. As part of this concept, bombs could be brought out of the non-deployed stockpile in days or weeks. Other efforts to augment the force could take as long as a year.

To maintain the nuclear infrastructure a number of steps are planned. The Pentagon says that an "active" stock of warheads should be maintained which would incorporate the latest modifications and have the key parts.

The report says that the United States needs a new capability to produce plutonium "pits," a hollow sphere made out of plutonium around which explosives are fastened. When the explosives go off they squeeze the plutonium together into a critical mass, which allows a nuclear explosion. The Pentagon said the production of Tritium for nuclear warheads will resume during the fiscal 2003 year.

Another sensitive political point involves the report's discussion of the United States moratorium on nuclear testing. The Bush administration has refused to ratify the Comprehensive Test Ban treaty, but says it has no plans yet to resume nuclear testing. But the report suggests that it might be necessary to resume testing to make new nuclear weapons and ensure the reliability of existing ones.

"While the United States is making every effort to maintain the nuclear stockpile without additional nuclear testing, this may not be possible in the indefinite future," it said.

Mr. DOMENICI. Mr. President, can we get the yeas and nays?

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALLARD). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I don't know how much time I will take but obviously some amount of time. There are a number of other Senators on our side who wish to speak but I want to speak to this amendment.

First, fellow Americans and friends here, there are a lot of issues that the wonderful Senator from California talked about that deserve some real clarification. There is an inference that we are not interested in nonproliferation and that we are going in the wrong direction. Everybody should know that the United States of America not too many years ago had 40,000 nuclear weapons. We are moving rapidly toward 5,000—40,000 moving rapidly toward 5,000. In fact, both the United States and the former Soviet Union are having difficulty getting rid of what comes out of these nuclear weapons because they are moving so fast. That which is coming out of them is creating proliferation itself because we are moving so rapidly. We do not know what to do with the plutonium that comes out of them. The Russians don't know where to put it. But in terms of getting rid of nuclear weapons, the United States is on a path from 40,000—and I can't give you the classified number but I can tell you it is 5,000 or less.

That is point No. 1.

Point No. 2: The pit—the plural "pits" is not a very nice sounding word—is an absolutely necessary incremental part of a nuclear weapon. Without a pit, there is no nuclear weapon—none.

The United States is not engaged in producing new weapons but, rather, is seeing to it that we make sure what we have will work. That is called science-based stockpile stewardship, which means about 6 or 8 years ago we voted to have no more nuclear underground testing. There is nothing in this amendment that says we are going to break that. If it was, we would be up here arguing that we are here to break the agreement that the United States has. The Senate voted, then the House followed, and the President signed. It was Mark Hatfield who offered the amendment. It passed here as a consequence.

We are not involved in underground testing. I repeat: We are not involved.

This amendment would strike a provision—let us take them one at a time—that says over there in Nevada there is a great operation wherein we used to do underground testing. It is huge. It is complex in nature. We said in the Senate when we put our blood on the line, no more testing. That is a vote far from unanimous. We said, we will always keep that Nevada desert test site ready for tests.

Did we say that because we planned a new generation of nuclear weapons? Of course not. We said that because there is a huge risk to America in the science-based stockpile stewardship as a method of assuring the validity of our nuclear weapons. There are scientists in America who at their own expense would come and tell us it will not work. In a few years, you will not know whether your weapons will work or not. That is why we said, keep Nevada ready.

All this amendment says—and it is high time; we should have done it 4 or 5 years ago—spend a little bit of money, less than $20 million, and begin to make the Nevada Test Site ready so instead of taking 3 years to get it ready for a test, we get it ready in 18 months. That is all it says.

Incidentally, Senator FEINSTEIN, we are both worried about our grandchildren. We probably cannot decide who loves our grandchildren more. At this time in my life, I have twice as many plus three, so if you are worried about your five, I am worried about my 13. But I am clearly not worried that this amendment, the language you are striking, this funding, has any chance of harming my grandchildren. That is an absolute myth.

Does making the Nevada Test Site capable of conducting an underground test ready in 18 months endanger the children of America? Fellow Senators, there is a valid argument it helps the future of our children and America's future to have it ready on 18 months' notice instead of 3 years. That part does not belong in this amendment and should not be stricken. It should be in this bill. We should make Nevada modern so if we need it, we use it, not 3 years after we decide we need a test because we have some idea there is something amiss in some of our weapons which are 35, 40, and 45 years old. Our nuclear weapons are that old. And we are saying, they will work. We used to test them. But now we have these great scientists and the laboratories—two of them in my State—and they are doing it by assimilation. And they are saying, we think they will work.

Then the Senator talks about the planning or a plant to manufacture pits for the nuclear weapons. Fellow Senators, we need to manufacture pits for the weapons we have, not the weapons someone is dreaming we will build. There is nothing in this law that says we will build one additional nuclear weapon. Does the Senator know that every country which has nuclear weapons has spare pits, extra pits, to make sure they will never run short—except one country. This country. We have no spare pits. I don't want to infer it is the end of the world. It is just a fact. For those who think we could make a new nuclear weapon and break all our agreements, they have to know right now we do not have a spare pit to put in a nuclear weapon. And the world knows it.

Senator DOMENICI is not giving any secrets to anyone. It is a truism. For 8 years we have been fooling around with funding at Los Alamos to see if we can make a pit. I regret to say it has been one terribly tough job. I cannot state today—and I know as much as anyone—whether they have produced one that meets all the test requirements. Frankly, it is the only place in America that if tomorrow we said, Get a pit, we need to replace one, one of our nukes needs a new pit, it is the only place to look to. What in the world is wrong with an administration that says the time has come to build a manufacturing center for pits?

The good Senator from California ties it into the fact that she thinks it is for a new generation of nuclear weapons. Where is the authority to build a nuclear weapon? Read this law we are funding and tell me where there is authority to build a new nuclear weapon. This Senate would have to stand up and vote to build a new nuclear weapon. Believe you me, it would be a bigger day of debate than this particular afternoon in the Senate. It would be a red-letter day when the United States sends to the Senate floor a proposal to build more nuclear weapons. And it is not this day. That is not what we are doing. There is not one single word that says we are going to build a new nuclear weapon.

So two proposals the Senator is talking about in this language, the fear for the future and what we are going to do to the world: In building pits for the future we are going to do nothing to the world. They are already wondering why we have not built them. That is what others are wondering. They are asking, What is the matter with America?

We want to begin a plan. I am not sure when they bring the plans that I am going to agree to as big a plant as they want. Maybe we will build a little plant. But this says, begin the planning and designing. It provides not one penny for construction, nor does it decide where this place to build pits will be. Do they need it now? It could wait. But we have been waiting pretty long—for 9 years, maybe 10. The planners ask what is going on, why can't we build one? We keep asking scientists to build it at Los Alamos, but that is not a production center. They do not have the facilities. They have built the facilities and I have seen them. It is more like a science lab than a manufacturing plant. One could say, let them keep doing it that way. I don't like it and I don't think anyone planning for the future thinks it is a very good idea to plan for our future in terms of replacements at Los Alamos.

That leaves the part of this amendment wherein we agreed with the Senate. We already voted in this Senate on these issues. We voted affirmatively in the Senate on these issues in the armed services authorizing bill. We already voted on every one of these issues. The nuclear posture review suggested the credibility of our nuclear deterrence is dependent upon flexibility and adaptive production complexes, ones that would be able to fix safety or performance problems on aging stockpiles as they arise. The Senate bill does that.

The Nuclear Posture Review suggests we should keep our nuclear scientists engaged and thinking about the nuclear stockpile of the future and what it should look like. Might I repeat, the Nuclear Posture Review suggests we should keep our nuclear scientists—the greatest in the world, excited about their work, living at one of three great laboratories—engaged and thinking about what the nuclear stockpile of the future should look like.

It does not commit us to build any new weapons. And there is no money in this bill to build new weapons. Let me repeat, there is no money in this bill to build new weapons. It suggests that our scientists should remain flexible, that we should not have to have them worried all the time whether thinking about certain aspects of a nuclear weapon of the future is a violation of the law or not.

They should be permitted to think about—based upon what we have learned, what we know about both our friends and our enemies and war so far, and what people are creating in the world—they should be able to think and design and posture, but not build a single new weapon, whether it be one the Senator from California talks about in terms of tactical weapons—I do not even know where that comes into this thinking. There is no authority for tactical weapons in this bill, in this money, as the Senator in the chair knows. There was nothing in the authorizing committee that said that.

There is much more to say, but I believe I have done my best, in a few moments, to dispose of the idea that America is on a path that will cause the world to start rebuilding new nuclear bombs in anyone's stockpile to react to our improving the Nevada weapons site. The idea that any country is going to react by saying, "We are going to go do something now and build more bombs because they are getting Nevada ready," is an absurdity. It has no logic to it.

We should never have let it go to 3 years. That is what it takes to get ready to test one there—not test a new one, to test one we have, to test one if science-based stockpile stewardship fails.

I repeat, the other part of it is we do not want to start planning a design for a manufacturing center for pits in an inventory which would then make America have an inventory of spare parts like other countries do instead of being the only one without them.

Now, if you finish those two, and then you argue the one that wants to give these engineers and scientists authority to think about what weapons might look like in the future, you have the whole substance—the cake, the strawberries. Everything that goes with it in this amendment is encapsulated in those three ideas.

Now, I have argued with many Senators. I have been in the Chamber on many issues. I have respect for some, great respect for others. The Senator from California is among those for whom I have great respect. But in this instance, the conclusions that have been drawn with reference to what is in this bill, and what was proposed by the review people of the United States who review our nuclear posture, are just not so, plain and simple.

I think the Senate should not follow the House. The House, for some reason, decided to spend this money on water projects. That is fine.

I say to the Senator, we would like $40 million more for water projects. But this Senator is not going to prevail and preside over a committee, because we are short of water money, that looks at these projects in the wrong way and then, in the end, says: Well, we will have $21 or $24 million more for you House Members' water projects. Not this Senator. We will put it right here. This is what this money ought to be for.

We are going to vote on this bill. We are going to vote sooner rather than later. Hopefully, Senators will see it like they saw it before. A substantial majority voted yea on the authorizing bill to do this. We came along in an appropriations bill and said: The Senate told us to do this.

We voted for it. So we have done what the Senate asked us to do.

I hope the Senate will say: Having done what we asked you to do, we will leave the money that you put in to do what we asked you to do. We will leave it right there. We won't put it on the debt or put it in water projects. We will put it right where you asked us to put it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. It has not.

Mr. BYRD. How long will it require to do so?

The PRESIDING OFFICER. It will run its course at about 5:30.

Mr. BYRD. Five thirty. Very well.

Mr. DOMENICI. I ask the Senator, what was the question? I am sorry, I did not hear it.

Mr. BYRD. I made a parliamentary inquiry of the Chair. It has nothing to do with what you are saying, your argument or hers.

Mr. DOMENICI. OK.

Mr. BYRD. I want to speak on another subject. That is what I want to do.

Mr. DOMENICI. OK.

Mr. BYRD. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. Yes.

Mr. BYRD. May I inquire of the distinguished Senator from California if she wishes to respond in any way to the Senator from New Mexico?

Mrs. FEINSTEIN. I thank the Senator from West Virginia. I would. But I know Senator KENNEDY has come to speak on this amendment. At an appropriate time—I have made some notes—I would like to respond to him. But I do not want to delay everybody else.

Mr. BYRD. Mr. President, I am going to speak on another subject, and I do not want to interfere with the discussions on this amendment.

Does the Senator from Massachusetts wish to speak on this same subject?

Mr. KENNEDY. Yes, I would like to do so. This is an amendment offered by Senator FEINSTEIN and myself dealing with the development and testing of nuclear weapons.

Mr. BYRD. All right. Does the Senator from Arizona wish to speak on this subject also?

All right.

Mr. President, inasmuch as I have the floor, I would like to propound a unanimous consent request.

The PRESIDING OFFICER. The Senator may proceed with his request.

Mr. BYRD. Mr. President, I ask unanimous consent that when the four Senators on the floor at the moment, other than I, finish their discussions on this amendment, I be recognized. I make that request. Now, what I am saying is, when Senator DOMENICI, when Senator KYL of Arizona, when the Senator from California, Mrs. FEINSTEIN, and the Senator from Massachusetts, Mr. KENNEDY, have finished their colloquies, their discussions, or their statements, that I then be recognized to speak on another subject.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, let me just talk with the Senator for a moment.

That means I have a chance for rebuttal?

Also, I say to the Senator, I wanted to tell you—I am not sure if you knew—the yeas and nays have been ordered on this amendment, and I assume you are going to debate an issue unrelated to this. How long might we expect you to speak?

Mr. BYRD. I would suspect that my speech would require an hour.

Mr. DOMENICI. An hour?

Mr. BYRD. Yes, sir.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and all Senators.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from West Virginia for being typically courteous to the Members offering this amendment and also being courteous to the consideration of this issue which is of central importance not only to this appropriations bill but also in terms of the whole question of security for our country. We don't find too often where our colleagues and friends wait their time here on the Senate floor and are so willingly generous to give up some time.

I don't intend to take an undue period of time, but it is typical of the Senator from West Virginia, his courtesy and his respect for the institution, to permit us to make a presentation on an extremely important matter. I thank him very much.

Mr. BYRD. I thank the Senator.

Mr. KENNEDY. I am not surprised, but I am always impressed with the spirit with which the Senator respects this institution and an individual Member's ability to raise important matters to make the case which Senator FEINSTEIN and I are making this afternoon.

Mr. BYRD. I thank the distinguished Senator.

Mr. KENNEDY. Mr. President, we live in a dangerous world, and the greatest danger of all is still the danger of nuclear war or the use of a nuclear weapon by a terrorist group. We know that terrorists are still plotting each and every day to find new ways to kill Americans.

The United States has a responsibility to do what it can to make this a safer world—not as a lone ranger, not as the world's policeman, but for our national security, and for the principles of freedom and democracy that make our country what it is.

We can't afford to let our own policy help ignite a new nuclear arms race. At the very time when we are urging other nations to halt their own nuclear weapons programs, the administration is rushing forward to develop our own new nuclear weapons.

This bill contains $6 million for the development of the so-called "mini-nukes", and $15 million for the so-called nuclear bunker-buster. They want to speed up the testing of nuclear weapons, and select the site for a new pit facility—a factor for new nuclear warheads.

These provisions demonstrate the dangerous new direction of our nuclear weapons policy. They continue the go-it-alone, damn-the-torpedoes approach to the delicate balance of international arms control in today's world.

By passing this amendment, we can demonstrate that we are not embarking on this reckless new nuclear policy. It makes no sense for us to tell other nations to "Do as we say, not as we do." We must do a better job of leading the way in reducing reliance on nuclear weapons and honoring our commitments to international arms control. The House bill takes this approach, because it prohibits the use of funds for the development of low-yield nuclear weapons and nuclear bunker busters.

There's a reason why arms control has been such a key element of our foreign policy and defense policy over many decades. Last month, an infuriated gathering took place in Hiroshima to honor those who died there in 1945. The world knows the massive devastation that a nuclear weapon can unleash. Since 1945 nuclear weapons have never been used again in war.

Yet, this year on the anniversary of those tragedies, the Bush Administration's Strategic Command held a secret meeting in Nebraska at Offutt Air Force Base to discuss the plan for a new generation of nuclear weapons. They barred congressional staff from the meeting. Their nuclear policy is being discussed in the dark, without telling the American people or our allies what the policy is.

The administration disbanded an advisory committee to the National Nuclear Security Administration with membership that ranged from James Schlesinger to Sidney Drell. Obviously, the administration is not interested in what some of the best minds in our country and the world have to say about nuclear policy in today's world. It's wrong to begin a new nuclear arms race by designing, building, and testing new weapons.

The administration wants to lift the 1993 statutory ban imposed on developing "mini-nukes." But these weapons are far from the type of small, surgical-strike weapons that the name suggests. They will not keep us safer or more secure. Mini-nukes are a dream come true for rogue regimes and terrorists, and a nightmare for every other nation on Earth. Just one of these weapons, carried by a terrorist in a suitcase, can devastate an entire city. A five-kiloton weapon would be half the size of the Hiroshima bomb.

Some claim that these weapons are needed against deeply buried, hardened bunkers. But current technology will allow such a warhead to burrow only fifty feet into the ground or less. Detonating even a one-kiloton weapon at that depth would create a crater larger than the World Trade Center, larger than a football field. It will spew a million cubic feet or radioactive dust into the atmosphere. Imagine what a five-kiloton blast would do.

Not only is the Bush administration developing their new nuclear weapons, it's also rushing to test them. As Deputy Assistant Secretary of Defense, Fred Celec said in 2003, if you, "design a new nuclear weapon . . . you will probably have to have a nuclear test."

In fact, the administration coupled its request to design their nuclear weapons with a request to speed up the time it would take to test them.

No one questions the safety of our nuclear stockpile. This accelerated test readiness is not needed to preserve our existing arsenal. The only reason for rushing to achieve the shortest possible testing time is to test new kinds of nuclear weapons.

Consistent with this goal, the administration has also requested funds to design a large-scale production facility for plutonium pits, which are factories for new nuclear warheads. The administration wants a facility able to produce 500 of these pits a year, a level that far exceeds what is needed to maintain the current stockpile.

The administration claims that it is reducing its current nuclear stockpile from 7,500 tactical warheads to less than 2,200. But while they plan for these reductions, the Department of Energy continues to ask for funding sufficient to support the stockpile levels set by the START I Arms Control Treaty in 1991 a level set before the fall of the Soviet Union. If we build 500 plutonium pits a year, it will far exceed the number needed for the current stockpile, even if we make the reductions planned by the administration. The numbers don't add up. We are escalating the nuclear arms race, not reducing it.

These actions demonstrate the administration's contempt for the Nuclear Non-Proliferation Treaty, the foundation of all current global nuclear arms control. The Non-Proliferation Treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation does not extend beyond the five nations that possessed nuclear weapons at that time—the United States, Great Britain, the Soviet Union, China, and France. It reflected the worldwide consensus that the greater the number of nations with nuclear weapons, the greater the risk of nuclear war.

The Non-Proliferation Treaty has clearly prevented a worldwide nuclear arms race. Since the treaty was signed, only five additional nations acquired nuclear weapons, and out of them South Africa later got rid of them. Israel, India, and Pakistan never signed the treaty. North Korea signed it in 1985, but withdrew from it last year.

The Bush administration's policy jeopardizes the entire structure of nuclear arms control so carefully negotiated by world leaders over the past half century, starting with the Eisenhower administration.

The history of those years is still vivid in our minds. I was 13 years old on that fateful day in August 1945, when a B–29 bomber named "Enola Gay" dropped the first nuclear weapon, "Little Boy," over Hiroshima. More than four square miles of the city were instantly and completely destroyed. More than 90,000 people died instantly. Another 50,000 died by the end of that year. Three days later, another B–29 dropped "Fat Man" over Nagasaki, killing 39,000 people and injuring 25,000 more.

In 1957, when the Soviet Union launched Sputnik, it became clear that two oceans could not protect us from a nuclear attack at home.

The Cuban Missile Crisis of 1962 showed the entire world how close it could come to catastrophe, and gave supreme urgency to nuclear arms control.

In 1968, the Non-Proliferation Treaty was signed in Moscow, London, and Washington, DC, and went into full effect in 1970. For the next 20 years, the United States and the Soviet Union negotiated a series of landmark treaties to keep the world from blowing itself up.

Some say these efforts on arms control have not prevented the spread of nuclear weapons. But look at the past 15 years; South Africa, Belarus, Kazakhstan, and the Ukraine—the world's third largest nuclear power—renounced the use of nuclear weapons and joined the Non-Proliferation Treaty as non-nuclear states.

Britain and France ratified the Comprehensive Test Ban Treaty. Even though the U.S. Senate did not ratify this landmark treaty, every signatory and ratifier has obeyed the spirit of the treaty and not tested nuclear weapons. The United States and Russia have removed thousands of nuclear weapons from alert status, reduced the number of weapons, and coordinated in protecting nuclear materials from theft.

Without this amendment, we turn our backs on five decades of progress in reducing the threat we and the world face from nuclear weapons. Some in the administration argue that in today's world the yield of the nuclear weapons in our current arsenals is so immense that our enemies know that we will never use them. They argue that these massive nuclear weapons have no deterrent value against many of today's adversaries and that we need smaller, more "usable" nuclear weapons to make deterrence more credible.

In fact, if we start treating nuclear weapons as just another weapon in our arsenal, we will increase the likelihood of their use—not only against our adversaries, but also against ourselves. We would be dangerously blurring the line between nuclear and conventional weapons, and tear down the firewall between these weapons that has served us so well in preventing nuclear war in the entire half-century since World War II.

As Secretary of State Powell said last year, "Nuclear weapons in this day and age may serve some deterrent effect, and so be it, but to think of using them as just another weapon in what might start out as a conventional conflict in this day and age seems to me to be something that no side should be contemplating."

It is difficult to believe that these new types of nuclear weapons serve any rational military purpose. As we saw in the first Persian Gulf war and again in the war against Iraq, precision-guided conventional and stand-off weapons serve us incredibly well. How could low-yield nuclear weapons be any more effective than the precision-guided conventional weapons? And their radioactive fall-out would be far more dangerous to our ground troops and to civilian populations.

Our goal is to prevent nuclear wars, not start them. I urge my colleagues to approve the Feinstein-Kennedy amendment, and say "no" to any such fateful step on the road to nuclear war.

I wanted to thank my good friend and colleague from California for her presentation earlier this afternoon and also for her eloquence when we addressed this issue earlier in the session. She has reminded us in this body about how this administration has been evolving its whole nuclear policy with very subtle changes, moving us in a very dramatic and different direction than has been generally embraced over the period of the last 50 years.

What she has commented on, and what troubles me and, I think, increasingly Members of the Senate at these hearings that have been held, by and large under security conditions and not in the broad daylight for public debate and discussions—I think, hopefully, as a result of these discussions and the understanding we have developed here, and has been particularly well developed—I think in the House of Representatives by many of those on both sides of the aisle, I might add, Republican and Democrat alike, who have examined this in considerable detail, they have reviewed this and made a very strong recommendation we not move in this direction.

I don't think anyone can say our House colleagues have been negligent in assuring that we were going to develop the kinds of defense systems and also the defense capability to ensure the protection for our national security.

As shown on this chart, we review very briefly the half century of arms control. Going back over the period of time, in 1963 there was the Partial Test Ban Treaty, and there was the Nonproliferation Treaty in 1970. We also see the SALT and ABM Treaties, and also SALT II. These are all efforts by both Republicans and Democrats to move us away from the real dangers of nuclear confrontation and nuclear war. As we remember, a number of years ago we talked about the "nuclear winter" as well. We have seen enormous progress that has been made and great leadership by both Republicans and Democrats. Many of our colleagues in the recent past, such as Senators Richard Lugar and Sam Nunn, with the development of the Nunn-Lugar provisions, tried to get those countries that have been willing to sign on and move us away from the dangers of nuclear proliferation, to get help and assistance from the United States to help them achieve that goal. Now we have a very different direction.

Finally, we have these statements made by the administration. Fred Celek said:

> If a nuclear bomb could be developed to penetrate rock and concrete and still explode, it will ultimately get fielded.
>
> I have a bias in favor of the lowest usable yield because I have advised the use of that which will cause minimum destruction.

We are basically talking about an effort that recognizes a very important part of our history—Republicans and Democrats—to move us away from nuclear proliferation, and the United States has been a leader. Other countries have been willing. That has been the result of 50 years of work of Republicans and Democrats.

Now, in a world of increased tension, in many respects as a result of terrorism, we are finding ourselves in a situation where the administration wants to alter that policy in terms of development and testing. Mininukes—and there is really no such thing as a small nuke; a nuke is a nuke. It is no different by nature, disposition, and its capability. Those who have served in the military are familiar with a great deal of information regarding nuclear weapons. Our present Secretary of State wrote a book and included the comments I stated. As a former military officer, he understands this. At a time, frankly, when we are unsurpassed in terms of our military capability, why in the world do we want to develop small conventional systems which will trigger other countries to do that. That could compromise what we have today in terms of our military and our Armed Forces.

There is one modern military force in the world, and it happens to be the United States. We have to keep it that way. Why put at risk that advantage with the proliferation by other countries of small useful nukes—I think that is unwise—as well as the dangers it would pose in terms of the growth of terrorism.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURKOWSKI). The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Madam President, I very much thank the distinguished Senator from Massachusetts for his remarks. I appreciate very much his leadership and support on this issue. I want to make some comments in response to the chairman's comments.

The first is, on July 16, the House published their report. I would like to read excerpts from the House Energy and Water Development Appropriations Act into the RECORD because I think it sets some things straight:

> Before any of the existing program goals have been successfully demonstrated, the Administration is now proposing to spend millions on enhanced test readiness while maintaining the moratorium on nuclear testing, aggressively pursue a multi-billion dollar Modern Pit Facility before the first production pit has even been successfully certified for use in the stockpile, develop a robust nuclear earth penetrator weapon and begin additional advanced concepts research on new nuclear weapons. It appears to the Committee the Department is proposing to rebuild, restart and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of the NNSA convinces this Committee that the successful

> implementation of Stockpile Stewardship Program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature. Until the NNSA has demonstrated to the Congress that it can successfully meet its primary mission of maintaining the safety, security, and viability of the existing stockpile by executing the Stockpile Life Extension Program and Science-based Stewardship activities on time and within budget, this Committee will not support redirecting the management resources and attention to a series of new initiatives.

What they are saying is, shouldn't we certify before starting this program? Shouldn't we certify to its safety? There are just a few reasons to do that. I am going to bring up the Rocky Flats plant northwest of Denver.

Fourteen years ago, this plant, which had produced pultonium pits, sank permanently into a multibillion-dollar cesspool of contamination, criminality, and managerial incompetence. I am quoting from an article in the bulletin of Atomic Scientists:

> Not to worry says, the Department of Energy, Rocky Flats II will have all the necessary equipment for suppressing plutonium fires that regrettably cannot be totally eliminated, but whose frequency and severity can be reduced, and even planned for, in the structural and process designs.

This keeps getting mixed up. We already have $2.3 billion appropriated for a pit facility at Los Alamos, and that facility will begin producing 20 pits per year in 2007 and can be equipped to produce as many as 80 pits per year and can be further enlarged to produce 150 pits per year. At what are we throwing this money? How big does this thing have to get? That is what is going on in this. It may be that Los Alamos is having trouble with it. I don't know. But I do know this: Throwing money at it is not the solution.

It might be useful to put the entire report language in the RECORD. I ask unanimous consent to print the report language in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUNDING, HOUSE LANGUAGE ON NEW NUCLEAR WEAPONS AND NUCLEAR TESTING, SEPTEMBER 12, 2003

The Senate is currently considering the Energy & Water Appropriations bill. On Tuesday, Senators Feinstein and Kennedy will offer an amendment to reduce and restrict funding for specific nuclear weapons budget items. Details on what has already transpired are below.

[Dollars in millions]

	Administration request	House action	Senate approps action
Robust Nuclear Earth Penetrator ...	$15	[1] $5	$15
Advanced Weapons Concepts	6	....	6
Enhanced Test Site Readiness	24.8	....	24.8
Modern Pit Facility	22.8	10.8	22.8

[1] The Committee directed that the DOE use the $5 million to work with the DOD "to maximize the dual-use applicability for both conventional and nuclear weapons."

EXCERPTS FROM THE HOUSE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—HOUSE REPORT 108-212

The Committee provides $5,000,000 for RNEP and eliminates funding for additional advanced concepts research in favor of higher priority current mission requirements. The Committee is concerned the NNSA is being tasked to start new activities with significant outyear budget impacts before the Administration has articulated the specific requirements to support the President's announced stockpile modifications. Under current plans, the NNSA is attempting to modernize the industrial infrastructure of the weapons complex and restore production plant capability in order to refurbish the entire START I stockpile, reengineer the Federal management structure of the complex and downsize the workforce by 20 percent by the end of fiscal year 2004, while struggling to successfully demonstrate its core mission of maintaining the existing stockpile through the Stockpile Stewardship Program. Before any of the existing program goals have been successfully demonstrated, the Administration is now proposing to spend millions on enhanced test readiness while maintaining the moratorium on nuclear testing, aggressively pursue a multi-billion dollar Modern Pit Facility before the first production pit has been successfully certified for use in the stockpile, develop a robust nuclear earth penetrator weapon and begin additional advanced concepts research on new nuclear weapons. *It appears to the Committee the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of the NNSA convinces this Committee that the successful implementation of Stockpile Stewardship program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature.* Until the NNSA has demonstrated to the Congress that it can successfully meet its primary mission of maintaining the safety, security, and viability of the existing stockpile by executing the Stockpile Life Extension Program and Science-based Stewardship activities on time and within budget, this Committee will not support redirecting the management resources and attention to a series of new initiatives. (Emphasis added.)

Mrs. FEINSTEIN. I thank the Chair. Madam President, it may be useful to think for a moment—the chairman started me thinking. He asked the question: Why did we need 40,000 nuclear weapons? The answer is we didn't. Now 40 years later, we are left with enormous problems: 40,000 nuclear weapons which this country entered into the study, the research, the design, and the development of. We could blow up this Earth time and time and time again, obliterate it from existence. Does anyone think that makes sense—40,000? No, because what happens is the economic urge, the parochial nature of States—all of this takes over and subliminally, under the radar, huge weapons systems become developed which need to be maintained, secured, activated, and deactivated.

It is a crazy system, and we all pat ourselves on the back and think we are good Americans. Does anybody believe the United States of America needed 40,000 nuclear weapons? But we built them. That is what is happening here again. That is exactly what is happening here again.

We are appropriating money for a $4 billion bomb factory in addition to the $2.3 billion bomb factory we already appropriated. If they can't do it for $2.3 billion—and I am talking about Los Alamos run by the University of California—if they can't do it, let's take a good look at the reasons.

Other nations know what we are doing. The Finnish Foreign Minister, just a week ago, commenting on our failure to ratify the Comprehensive Test Ban Treaty, the move sent completely the wrong message to the international community.

That is exactly what I have been saying. That is exactly what we are doing. We are sending a message we are doing it and, believe me, others will follow suit.

Then he went on and said:

> We should be concerned about the development of weapons of mass destruction even in the case of low-yield weapons, the foreign minister said in an interview to be published in the Austrian daily Die Press on Friday. Muhammad el-Baradei, the head of the International Atomic Energy Agency, accused the United States last week of effectively breaking a ban on the proliferation of weapons of mass destruction through its research on so-called mini-nukes.

The chairman says there is no research going on regarding mininukes. Then why did we repeal the Spratt-Furse language that for 10 years prevented the development of mininukes? Why did we do it if we were not going to build it? This is the deception. This is the covert nature of these programs. I do not doubt that we are building them.

To say this is not happening really bothers me. If my colleagues do not believe it is happening, reread the Nuclear Posture Review. Every Member has access to the classified version of the Nuclear Posture Review which came out in January of 2000. They can read the unclassified version. For these purposes, I am going to quote from the New York Times of March 10. This is about the Nuclear Posture Review.

It stresses a need to develop earth-penetrating nuclear weapons to destroy heavily fortified underground bunkers, including those that may be used to store chemical and biological weapons.

Now I am quoting from parts of the article.

There is a quote again from the Pentagon: This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction. That is why we are pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive and nuclear and nonnuclear capabilities is essential to meet the deterrence requirements of the 21st century.

In my mind, what that means is the smaller nuclear weapons will be built below 5 kiloton. The difference is kind of blurred between conventional and nuclear weapons and it makes it easier to use the nuclear weapon on the battlefield. That is what I believe is going on.

Another place states: Adding new detail to previous briefings, the Pentagon says that its future force structure will have the following components. By 2012: 14 Trident submarines with two in overhead at one time. They will be part of a triad that will include hundreds of Minuteman III land-based missiles, 100 B-52, H and B-2 bombers. That is an operationally deployed force of about 1,700 to 2,200 strategic nuclear warheads.

The Pentagon said that nuclear planning is not merely a question of numbers. The Pentagon also wants to improve existing nuclear weapons and possibly develop new ones. The report cites the need to approve earth-penetrating weapons. In general, the Pentagon report stresses the need for nuclear weapons that would be more easy to use against enemy weapons because they would be of variable or low yield, be highly accurate, could be quickly targeted.

It is going on. No matter how one wants to cloak advanced weapons concept designs, it means new nuclear weapons, and that is what we are doing. We are breaking a 60-year tradition. We are going to move up testing. Testing does not need to be moved up. Why do they want to move up testing to the basic minimum time possible when the experts say it is not possible to do it in 18 months?

Now, you can believe that we can be fairly assured by the fact that we spend $400 billion a year on our defense, more than every other nation on Earth combined; that maybe ought to give us an element of security; but I think to open this door, to walk through a nuclear door, to propose that we are going to begin to develop low-yield nuclear weapons and nuclear bunker busters sets an example for the world. They read the Nuclear Posture Review. They read the Washington Post. They read the French press. They read the speeches. They know what is happening. So we are setting an example for other nations. We say all the time that we do not want to proliferate, and we are encouraging proliferation by our own actions. Forty thousand nuclear weapons, I guess 45 years ago or 40 years later—I bet there is no one in the United States who can say we need 40,000 nuclear weapons, but we develop them. They are there. A lot of them have been disarmed.

We are going to begin now this next generation. It is wrong. It is morally wrong. It is wrong for our children. It is wrong for our soldiers who have to go on the battlefield.

Take another look at Hiroshima. Both Senator KENNEDY and I spelled out the number of deaths. If we add them all up within a year, I think between Hiroshima and Nagasaki it totals 220,000 dead. That is a combination of a 15-kiloton bomb—what was it, a 21-kiloton bomb at Nagasaki—and we are talking about a 100-kiloton nuclear bunker buster.

Look at this devastation. This is one bomb. I will never forget as a 12-year-old what we grew up with. Children today have different fears, but what we grew up with was the fear of an atomic bomb. That is why the daisy spot that was used in the Goldwater campaign had such an impact because there was a whole generation of young children who were impacted by it. I was one of them. Senator KENNEDY is the same generation. He was one of them.

When we were young, we said: We are never going to let this happen again. But in the Senate we are letting it happen again. If this Senate does not do what the House of Representatives does, I think there is a moral degradation spread over this whole body because we will then become the ones who launched the new generation of nuclear weapons.

Mr. KENNEDY. Will the Senator be good enough to yield for one or two questions?

Mrs. FEINSTEIN. Yes.

Mr. KENNEDY. I saw the photograph that the Senator has of Hiroshima. I have a chart that gives us a for instance. If we use a 5-kiloton earth-penetrating nuclear explosion in Damascus—this is just a for instance, obviously—and they had the traditional winds that flow from the east to the west, it gives the general flowline of where the radioactivity and the dust would flow, but we can see roughly it would go from Syria, across northern Israel through southern Lebanon, just north of Haifa. The best estimates would be 230,000 fatalities and 280,000 casualties. This is a 5 kiloton bomb.

I have heard the Senator from California talk about the fact that this is a mini-nuke, but she has just again restated very clearly that there is really no such thing as a mini-nuke. We are talking about weapons that have such a massive, distinctive, unique, and special quality that they have such an extraordinary danger to all of those who are directly affected, and those who would be indirectly affected well into the future.

So we are looking at these casualties the Senator mentioned, Hiroshima and Nagasaki. We can also look at what the casualties would be with the 5-kiloton earth penetrator that went down to 30 feet in depth. We are talking about major devastation that this country, as Senator FEINSTEIN has said so eloquently, has never accepted—through Republican and Democratic control; this has not been a partisan issue over a long period of time.

Let me just ask the Senator a final question that is the question I think all Americans are wondering about: whether we have security of our current nuclear capacity. This is raised in discussion and debate. Why should we ever take a chance, in terms of what we do have, in terms of a current capability?

I have seen and read and heard the directors of the laboratories that have responsibility for this repeatedly indicate their sense of assurance. They are skilled, committed individuals who have dedicated basically their lives to ensure the deterrent capability of our capacity, in terms of nuclear weapons. They give the assurance to us that we can give to the American people that we have the capability and it is current.

I am just interested, as someone who has spent a great deal of time on this, because this is an issue that has been talked about a great deal even during the course of this debate, whether the Senator believes she can give assurances unequivocally to the American people from what we do have—from her knowledge of the lab directors—that we are able to give them the assurance that our nuclear stockpile is current and capable and ready to meet the test if called upon.

Mrs. FEINSTEIN. Through the Chair, respectfully, to the Senator from Massachusetts, I think no one can give an unequivocal statement that our nuclear supplies, plants, et cetera, are unequivocally safe. I think a lot of steps have been taken.

As to whether they are adequate to meet any challenge, I have never heard anyone say they were not.

Mr. KENNEDY. I appreciate the distinction the Senator has made. She gets to the nub of the issue: The question, in other words, is whether we have an adequate stockpile—more than an adequate stockpile, as the Senator has pointed out.

I thank the Senator. This is an issue of enormous importance and consequence. I share the view of the Senator that we have many different, important issues that are before Congress this year: Obviously, the overarching issues, the conflict in Iraq and the war on terror, and how we are going to deal with those, as well as other priorities to which we are committed. But the issue in terms of the security, even as we are thinking about the nature of terrorism, I think she would agree with me, is also related to the whole issue of the battle against terrorism, as well, in terms of what the potential may be in the future with the development of these, what they call mini-nukes, and what that means in terms of the proliferation issue.

I thank the Senator for her comments.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. The Senator was not in the Chamber. But the chart I used was of a predicted radioactive fallout from a B61-11, the 300-kiloton explosion in west Pyongyang, North Korea, using historical weather data for the month of May. It is a similar chart to what the Senator has shown, but it gives the 48-hour dose of radiation contamination. The possible effects of radioactive fallout should a nuclear weapon be used include, possible radiation burns; change in blood chemistry, hemorrhaging, as well as deaths in weeks or months—it is a terrible chart to have to look at. Of course, this is an extraordinarily large device, so we are not talking about a bunker buster. That is 300 kilotons. But that is the chart that we happen to have.

I think the thing that bothers me most about this program is that nobody really knows what is going to be produced with all this money. It always happens kind of under the shelf. Then the economics of it become so important that there needs to be a continuation of it. I really suspect that is why we ended up with 40,000 nuclear bombs—because once you get into it, it just keeps going and keeps rolling; there are constant demands. I think that is indicated by the fact that we have already appropriated $2.3 billion for this plutonium pit facility at Los Alamos and reportedly this pit facility, if it is able to be built correctly, can take care of all of the needs for the foreseeable future.

But this is another $4 billion program—that is over 10 years—of which an amount is authorized in this bill that we are trying to strike because there is no need for it. I think we have tried to lay out the arguments here. This is not an easy issue. I really believe we will probably never have more of an issue of conscience in this session than we do in this vote. I think the House of Representatives have given their consciences a test and measured up by eliminating the funds. They said clearly we are not ready to spend these funds in the report language that I read and put in the RECORD. And the balance really rests with the Senate.

I suspect we may be defeated. It will be a conferenceable item, and all of those who want this new generation of nuclear weapons will end up prevailing. But I can tell you I don't want my fingerprint on it. I don't want to have to say what I have done to my children.

Every bit of information I have ever received indicates that with the most superior conventional weapons forces in the world, and an amount of money spent that is more than that spent by all of the nations put together, a huge nuclear arsenal, and the ability to dial up or down the kilotonnage of our nuclear bombs—my hope is we will continue our commitment to the Nuclear Nonproliferation Treaty; that we will not be hypocritical; that we will live by our words, our statements; if we want other nations not to proliferate; that we will see that we do not develop the mechanisms by which proliferation is incentivized or carried out.

So I think this is a very big vote. I really hope the Members of this esteemed body will vote yes to strike the money from this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, Senator KENNEDY is still in the Chamber, and he asked a question of the distinguished Senator from California about the safety of our nuclear weapons.

Senator KENNEDY, once a year, each of three civilian men—it happens in this case they are men. I don't think there has been a woman in charge of either of the three nuclear laboratories since their inception. But, once a year, three civilians certify to the President of the United States that, to the best of their knowledge, the nuclear stockpile is intact, safe, and reliable.

That has been going on for well over 60 years. But only 8 years ago, or 9, we changed the way those men concluded the weapons were safe and reliable and ready. Properly or improperly, we said no more underground testing. Prior to that, every time a certification was made to the President, it was predicated upon the single best way to determine the validity of a weapon, and that was to test it.

Now we have said let us do it another way. Let us send a signal to the world we don't want to test underground. This amendment is relevant, which I will tell you about in a moment.

We said to the scientists, How much money do you need to get the best equipment, including new equipment, to determine the validity of the weapons without testing? That is called science-based stockpile stewardship. There are many who do not think it will work, that we will have to return someday not for a new stockpile, but to answer that question we might have to return to testing.

I know the Senator from Massachusetts has studied these issues, and he is a very involved Senator. But I spent a huge portion of my life learning this. We are going through the throes of the most incredible kind of research just to determine there is nothing wrong with the innards of a 40-year-old bomb, or 30-year-old bomb as we reduce from 40,000 to 5,000, or less, which is where we are now and heading down.

Yes. The answer is if you follow that sequence, those men not too long ago told the President they are OK. But in this amendment, one portion the Senator from California strikes is a provision that could be freestanding and important. It has nothing whatsoever to do with a new weapons system. It just says bring the test site in Nevada current so it doesn't take 3 years if you make a decision to use it. One portion does that. Instead of letting that system in Nevada degenerate so that if you need it, it will take 3 years to build it up, part of this amendment says move it along so it is only 18 months.

If you want to conclude that is in there because we want to build a whole new system of weapons, you can do that. But the truth is it is in there because the time has come to get it more relevant to the problems we may be confronted with in terms of one of these directors saying we had better test the weapon. Then we have to wait 3 years. Part of this amendment says no, you will only have to wait 1½ years. That part should pass under all circumstances. Why the United States House of Representatives said no, I can't understand. The Senate said yes already, overwhelmingly.

This amendment would take it out and say leave it at 3 years; let the reliability kind of lie in wait in case we need it to test a weapon; let it be 3 years instead of 1½ years.

The second part of this amendment: There is no use today on the floor of the Senate in terms of this amendment to talk about the fact that years ago we had 40,000 nuclear weapons and the Soviet Union had 60,000. Those are true numbers. That happened. I am not sure the last number is right, but it is plenty more than 40,000. We are on the way down substantially while three or four new countries are added that I don't think had anything to do with this amendment. Pakistan had nothing to do with this amendment as they developed their nuclear weapon. I don't believe this amendment has anything to do with the North Koreans. This amendment says get that site ready in case we have to test the weapons we own.

We can get up here and talk all we want about America is already building new nuclear weapons, but it isn't true. If any Senator stands up here and says we are making new nuclear weapons and they are just little nuclear weapons, I submit they ought to ask anybody they want under oath anywhere in the Government, and the answer will be we aren't, we haven't, and we will not build a nuclear weapon until Congress says we can.

Building a nuclear weapon is not in this language. Look at it. Look at every single word. See if it says you are going to build one nuclear weapon with the money in this appropriations bill. It in no way permits the building of a nuclear weapon. It does what I said about the Nevada Test Site. It says to our scientists at these laboratories, In the meantime you can study, you can research weapons of the future. And it names the kinds of things we might be looking at in the future.

I submit that for a great nation to say anything to its scientists but you can do that is absolutely crazy. Do you mean we are going to tell these great scientists we don't know what is going to be here in 15 years, but you better not be studying what kind of weapons we are going to need in 15 years because we are scared of that, we think that means we are going to build new weapons? I don't believe that. I believe they ought to be permitted to study. They ought to be permitted to think. We ought to be wondering about underground chemical plants that might be building things to destroy the world. I see nothing wrong with that. I do not see that as threatening to anyone, for it builds nothing. If anything, it builds brainpower on the part of the great scientists, and that is it.

The last one about a plant to manufacture pits: This request says that for the next 40 years—40 years—we may need pit replacements from time to time for our nuclear weapons. That is a given. It says let us design the complex to do that.

This amendment doesn't say cut it in half, we don't want you to make it so big. We say send us the plans and we will look at them. This says don't do it. Why not do it? Every other country with nuclear weapons has spare pits, I regret to say. But for us, it doesn't mean much. Nobody has to be scared. That doesn't mean next week or next month, but it is something our experts are saying shouldn't exist too long. And we are busy trying to build a couple in a makeshift manner, to which my friend from California alludes. It is not a factory. It will not take care of 30 or 40 years of the future. It is a makeshift assembly in the city of Los Alamos as part of the research laboratory. It has been a devil of a job for them to manufacture consistent with the need for a plutonium pit for a nuclear weapon.

Today we are discussing things which we hardly ever discuss. But I believe at 10 minutes of 5 on the 15th day of September on a Monday, if we were authorizing the building of new nuclear weapons, there would be a block of Senators on this floor. There would be steam heat from those who oppose it.

The truth is that isn't what the amendment does. It is not an amendment that will build any new nuclear bombs.

I repeat: As important as it is, and as magnificent as the Senator from California is in her presentation on September 15, it is not an amendment that has anything to do with building or not building nuclear weapons, for we are not authorizing that. It won't happen because of what we are doing. And she won't stop it from happening with her amendment because it isn't happening to begin with.

Essentially, the Senator indicated it is a moral issue. That is an easy term to throw around—a moral issue. I could probably say it is a moral issue, also. I understand it in stark, objective terms. It does not frighten me a bit.

As a matter of fact, I am more frightened to think of having the scientists who have manned our nuclear laboratories told they cannot think and plan for the future regardless of what their great brains say might be around the corner, over the hill, or in some decade to come, for these United States. That frightens me more and creates more of a moral issue than the issue that is not even an issue, to wit, we are building more nuclear weapons, a new arsenal, and the like.

It cannot be a moral issue for me because a negative can hardly be. If you are not doing it, it does not seem to me to be an issue, moral or otherwise. That is how I see it.

The Senator suspects we will win. I am not sure. If the Senate has any consistency, we should. We already won once. In fact, since then we have learned a lot more. But we have reduced it to dollars and to programs that had been authorized. It is easier to see what we are and are not doing in this amendment, in this appropriations bill, than it was when we voted in favor of the authorization bill. I am not sure how it will come out. I am not sure what will happen in the House. I guarantee if the Senate votes to go to conference with the language we have written in this bill that came out of Appropriations, we will consider it a very important issue for America's future. It will not be easy to give it away to a House that canceled it and spent the money on water projects instead of these issues. That was the outcome.

Mr. KENNEDY. If I could inquire quickly of the Senator, as I remember, we had the support of the Joint Chiefs of Staff at that time in 1998 when we considered the comprehensive test ban treaty. We did not ratify it, but it was supported. I don't know, as a member of the Armed Services Committee, of any request by the Joint Chiefs of Staff that they have made, any representation to the Armed Services Committee that they believe our nuclear capability and capacity is in any way threatened today.

We do have the testing capability. It takes anywhere from 24 to 36 months to move ahead on the tests. I don't know that we know of any requests made by the Joint Chiefs or any chiefs or the Secretary of Defense specifically suggesting our capability regarding our nuclear weapons is anything but robust and capable now. It is very important we know as we debate this issue. I would be interested in the Senator's answer to that.

Second, I understand what has been done with the separate amendment which prohibited the development and testing of mini-nukes, as well as a number of provisions in the Spratt amendment in the authorization committee. When we get a conference report, as a member of that conference, the conferees understand that issue will be resolved. The Spratt amendment will no longer be in effect.

So on the one hand the authorization committee will eliminate the Spratt amendment, which would have actually prohibited the development of anything below the 5 kiloton. Now we are on the second phase of this appropriations process in terms of the Department of Energy, and the Senator is saying the money in here cannot be used for this development. But it is clear, as the Senator from California has pointed out, from the Nuclear Posture Review, the debate on the authorization, and the elimination of the Spratt amendment, the continued effort to put the money in mini-nukes, this is the dangerous direction the administration is moving.

I hear what the Senator has said and the assurances the Senator has given to Members, but I wonder why we cannot have more clarity regarding the legislation.

Finally, I will add with regard to the scientists and what they were able and not able to pursue. As the Senator knows, we had the most extraordinary upgrading of weaponry, particularly in the Iraq situation, particularly on the precise guidance and precision bombs. We will not take the time in this debate to review it, but there has been absolutely extraordinary progress made in the area of conventional forces. The scientists have been working effectively. That has enhanced our capability.

I am interested whether the Senator knows of any Joint Chiefs who believe the nuclear weapon stockpile would require additional testing?

Mr. DOMENICI. Madam President, let me answer this way: I don't believe there is a single member of the Joint Chiefs of Staff, a single expert in the United States of America on its nuclear weapons arsenal, that if asked would they prefer that the Nevada Test Site be ready for tests in 18 months or 3 years, would not answer: 18 months; 3 years is too long.

If you ask me, I will tell you. I believe there is no one who is certain that over time what we are doing is going to work and that we are not going to have to go to testing at some time. Almost everyone says that. Since they say it, I am confident they would rather have the Nevada Test Site ready in a shorter timeframe rather than longer.

I thank the Senator for the question. I yield the floor.

Mr. KENNEDY. If the only question, then, is an issue of timing and upgrading the testing to reduce it from 2 years to 18 months or 2½ years, I don't think we would have an amendment here. We know that alone does not show the thrust of what we believe will be permitted with this policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I appreciate the opportunity to speak on this amendment in support of the Senator from New Mexico and in opposition to the proponents of the amendment.

It seems to me, this amendment seeks to put our head in the sand and ignore circumstances around us in the vain hope that somehow everyone else in the world has as good intentions as the United States and if we just wish hard enough that they will not cause trouble.

The amendment says we ought to at least be thinking about what we would do in the event that we decide our deterrent was no longer credible enough to deter the threats against us.

Everyone supports the idea of a deterrent. That includes a nuclear deterrent. That is, frankly, one of the things that kept the Soviets and the United States from engaging in a hot war during the cold war.

What we are saying is, sometimes when things change, you have to think about what that means in terms of your defense posture. This is one of those times. What the amendment would do is stop us from thinking about it. If you concede we need a nuclear deterrent, you should not propose an amendment that says we cannot think about it.

One thing that has changed, we no longer face an opponent which, like the United States, had these huge multimega tonnage weapons that were basically conceived, developed, and deployed in order to scare the other side into believing if they ever attacked, we would incinerate most of the people in the other country. These were not bunker-busting bombs. These were city-killing bombs, bombs that would be detonated over the opponents' city, killing literally millions of people. That was such a scary thought in the cold war it deterred aggression.

The question is, Would that same deterrent work? I ask in the case of Iraq, if Iraq used chemical or biological weapons against the United States, does anyone believe that a credible United States threat would have been dropping one of our large massive nuclear weapons over Baghdad, killing millions of innocent Iraqis? It is not a credible deterrent.

So in a world where you have terrorist organizations and terrorist-sponsored states, and you no longer have the two great superpowers—the Soviet Union and the United States—facing off against each other, the question is, What kind of a nuclear deterrent should we have?

What this amendment would do is stop us from even thinking about that. It seems to me we ought to be thinking about that. And if smaller, more precise weapons could do the job just as well, wouldn't people of good will, who are concerned about unnecessary death, be interested in at least thinking about weapons that would pose a deterrent to an attack but would not kill as many people, would not kill so indiscriminately?

One of the great lessons from this Iraqi experience is that we now have the capability of delivering weapons very precisely. Wouldn't it be better to do that, even in a nuclear context, than the one we are in now?

The Senator from Massachusetts just alluded to the great progress made in precision conventional weaponry. Even that, however, was not sufficient to destroy at least one, and I believe some, of the bunkers in Iraq. And without getting into a lot of detail, let me just say we are well aware that there are countries in the world that have developed extraordinarily robust underground facilities that we are going to have to take out if we are ever to win a military conflict with them. If we do not have the capability of doing that, they have the upper hand.

Wouldn't it make sense to be able to deliver very precisely the kind of weapon that we are asking just to be able to think about here in order to destroy that kind of facility? The conventional weaponry will not do it, as precise as it is. As the Senator from New Mexico pointed out, we are not asking for money to do it. We are just asking to allow our scientists to think about what would be necessary and what would be possible—perhaps maybe not even necessary but perhaps make recommendations to us so we could then act on those recommendations.

To this matter of the time, I am glad the Senator from Massachusetts perhaps conceded the point that if we need to reduce the time necessary to prepare our Nevada Test Site, we should have the ability to do that. All of the experts—the Senator from New Mexico is correct—agree that we should not have to wait 3 years to even test a weapon. As a matter of fact, one of the problems is that we do not necessarily know whether our nuclear weapons—the existing ones—will work well after all of these years. And our opponents do not necessarily know.

Also, the Stockpile Stewardship Program, which is merely a bunch of computers designed to tell us, as best they can, whether they think these weapons will work, is not a perfect system at all. It is not going to be done for years. It is not at all sure it will provide us what we need to know.

But if we have an inkling that one of our weapons cannot be certified, and we decide to have a test in order to determine whether it can be certified, right now we are in for a very long period of time in which our potential enemies know full well that we do not have full confidence in our stockpile; that we are preparing to conduct tests, and obviously the only reason we are preparing to conduct tests is that we do not have full confidence, and we are going to have to test something in order to see what kind of changes would have to be made. And that process would take 3 years. That process makes no sense at all.

Another argument that makes no sense at all is that it is important for the United States to lead and that it is going to be impossible for us to argue—how little confidence this shows in the United States. Can we have confidence that we are right? The argument is that we cannot lead if we even think about developing new nuclear weapons; we cannot tell others in the world to stop developing nuclear weapons as long as we are developing nuclear weapons.

Now, that is perverse thinking. When the Nuclear Non-Proliferation Treaty was entered into, it recognized that certain countries in the world, including the United States, had nuclear weapons. This was not a bad thing. In fact, the NPT even called for us to share our nuclear peaceful technology with other countries if they would foreswear development of their weaponry.

We have had a self-imposed moratorium now for many years even on the testing of any nuclear weapon. Has it stopped countries from developing nuclear weapons? Has it stopped North Korea? Apparently not. Is it stopping Iran? No. Did it stop China? No. Did it stop India? No. Pakistan? No.

It looks to me as though the self-imposed moratorium is not very effective. And leading the world by saying, "We are not going to test any weapons, would you please not test weapons," has resulted in a whole host of countries, most of which are not our allies, developing or seeking to develop nuclear weapons. That is not a good thing. It shows a failed strategy, not a successful strategy.

If these countries are led to believe that the United States will keep up with them, or at least we will not prevent ourselves from thinking about keeping up with them, maybe they will be a little less likely to develop these weapons.

If North Korea, for example, just speaking hypothetically, believes we are serious about preventing them from acquiring a lot of nuclear weapons and proliferating them around the world, clearly, that must mean we are willing to use our own nuclear weapons. They have to depend upon the United States being confident of our nuclear deterrent and being willing to use it under certain circumstances. If they cannot be confident of that, then what incentive do they have, except their good will, to not develop their nuclear weapons?

So far, the idea that we have to not develop or even think about our nuclear weapons in order to induce other countries not to do the same has proven an utter failure. And there are other countries in the world, whose names I could mention, that we believe are also trying to acquire this nuclear capability. So our self-imposed moratorium of even thinking about these weapons is not doing a very good job of convincing other countries to do the same. Better that we recognize reality, get our head out of the sand, and acknowledge that if we are going to rely upon a nuclear deterrent, we had better be able to think about it and even, at some point in the future, be able to do something about it.

Let me just make a couple of quick other points, Madam President.

We have made the commitment, subject to future development, of course, to reduce the very large arsenal of our nuclear weapons, and not just to reduce the number but to reduce the quantity of the very high megatonnage weapons. One of the reasons—well, there are a couple of reasons that are relevant here, but one of the reasons is that we do not think we would need that kind of weapon in the future because we no longer are facing a superpower potential enemy such as the Soviet Union. They are also expensive to maintain, I might add. And, thirdly, we know that over time these weapons deteriorate, and at some point we are going to want to remove them from our arsenal in any event. So we have made that commitment.

Now, which is better? Which is better? That we follow through with that commitment to remove this large number of extraordinarily powerful nuclear weapons that may or may not be all that safe, and think about substituting, in some cases, much smaller, much more precise, much safer weapons maybe or just keeping those large weapons around, hoping they will be safe, hoping they will not deteriorate, hoping they will work but, if we ever had to use one, understanding that it would result in massive casualties?

It seems to me that the people who really value life would want us to think in 21st-century terms, not middle-of-the-20th-century terms, in that regard.

Another point: There is a very important relationship between research and development, and I do not think we should fall into the trap of attempting to separate research from development.

The Senator from New Mexico made the point that nobody is talking here about producing weapons. And we are not. But I hope we do not get to the point that we are so committed to eliminating U.S. nuclear weapons that we would make a decision that said we will never develop or, at this point, we are going to put a legislative ban on the development of any such weapons.

That would send a very bad signal to countries of the world against which we want to have some kind of nuclear deterrent. It is a little bit like asking what our exit strategy from Iraq is. We would like to leave Iraq. But the point is, you don't start signalling before the time is ready that we want to get out of there as soon as we can or the terrorists will simply wait us out. You want to demonstrate that you are committed to stay as long as it takes.

We want to demonstrate to our potential enemies that we are prepared to do what it will take to defend the United States. Why would you want to signal to them that you are going to put an absolute moratorium on research and an absolute prohibition on development? That makes absolutely no sense.

It also ensures that the great scientific minds that in the past have been willing to work on these projects are no longer going to be willing to come to the National Laboratories of the great prominence we have all been so proud of in the past because there is no future in it. They tell us now that they are not getting the kind of students coming out of the universities they were used to. Their manpower, in terms of the capability in nuclear testing, has dwindled to virtually nothing. If they ever had to go back to a test, let alone develop, a nuclear weapon, they would have to bring people out of retirement who understood how it worked back in the 1960s and 1970s, but they would have a lot of difficulty even working with the new kinds of materials, with the new computer technology and other advancements that we would probably want to incorporate into any new designs.

If we are going to entice the best minds to think about this, to keep up with people in other countries that have no compunction about doing this, we have to send them a signal that we are not forever going to shut off any work in this area. What young scientist would want to commit his life's work to this when there is obviously no future in it?

We have to think about these things and not be a Luddite about it, saying there is no problem; we are not going to think about it; we will just shove it under the rug; we are not for progress; we are for only retaining what we developed back in the 1960s and hoping it will work.

That is very backward thinking. It is very dangerous thinking.

There are a lot of issues involved in this particular amendment. What it boils down to, though, is this: Our first obligation is to ensure the security of the United States.

One of the pillars of our security is our nuclear deterrent. It must be safe and it must be workable. It must be relevant to the new threats we face. If we are precluded by this amendment from even thinking about those things, we have done a great disservice to our constituents. At a time when we are not at peace but at war with terrorists around the globe and at a time when we are not the only nuclear power, but there are all kinds of countries that we are, frankly, quite concerned about developing nuclear weapons, countries such as North Korea and Iran and others that I could mention, that is exactly the wrong time to be sending the signal this amendment would send; that we are going to stick our head in the sand; we are not going to support scientists thinking about these issues and even potentially recommending to us the development of some kind of new 21st century weapons that could better protect our troops, better protect the American homeland, and better defeat our enemies who would do us harm.

I can't think of any reason why Americans would want to support that kind of a policy. Remember, we have not been successful in deterring other nations by this unilateral embargo on our own testing and development. They have gone right ahead with their programs, some of the worst countries in the world. The "axis of evil," North Korea and Iran, has gone right ahead with their programs. So what makes us think that by the United States continuing this see-no-evil unilateral moratorium that the great moral situation of the United States will prevent these countries from moving right along with their projects? History does not support that view.

Better that we have peace through strength. And strength is the strength of the United States in terms of its commitment, in terms of its scientific capability, and in terms of its willpower to think about what we are going to need to defend America in the future.

I hope my colleagues will defeat this amendment as they have before.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, by prior unanimous consent agreement, it is now the opportunity for Senator BYRD to address the body for 1 hour. I know Senator LINCOLN had one brief statement she wanted to make. If there is no objection, I ask unanimous consent that Senator LINCOLN be permitted to make her remarks at this time, and perhaps the clerk could notify Senator BYRD that his time has arrived.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

FCC VOTE ON MEDIA OWNERSHIP RULES

Mr. BYRD. Madam President, in recent weeks, there has been a great deal of discussion about a June 2 vote by the Federal Communications Commission to lift the lid on media ownership rules. Under the new regulations, a broadcast network can own and operate local television stations that reach as much as 45 percent of the Nation.

What does that mean? According to the Consumer Federation of America, television and newspaper mergers will be allowed in about 200 markets where approximately 98 percent of the American people live. TV duopolies, where one owner owns two television stations in the same market, and perhaps even triopolies, where one owner controls three stations in one market, will be allowed in more than 160 markets, covering better than 95 percent of the population.

This is a dangerous vote by the FCC. I fear that it will strangle voices that disagree with corporate interests at virtually every level of news and commentary.

Local news media represent a community's window on the school board, the city council, the county commission. The local media, more than any other resource, educates people about the issues that directly affect their lives. But these new rules, as approved by the FCC, threaten that role by allowing one person or one corporate interest to control such a significant level of discourse and debate. News and information may be forced to fit into a corporate plan or personal agenda.

I have been in Congress for more than 50 years. If there is one lesson that I have learned, it is that the media and politicians share at least one common bond: both rely on public trust for credibility. To earn that trust, the public must know that it can rely on the honesty and integrity of the people in critical decisionmaking positions. Credibility is jeopardized when questions about the veracity of reports are raised or when a news organization is seen more as a biased promoter of opinion rather than as a fair arbiter of fact.

In October 1958, a pioneer of the broadcast industry took the podium at the Mayfair Hotel in Chicago to address his colleagues at the annual convention of the Radio-Television News Directors Association. On that night, when reporters, news directors, sponsors, and network executives gathered together to honor excellence in their industry, Edward R. Murrow called it his duty to speak about what was happening in the radio and television industry.

Mr. Murrow, one of the most honored and respected journalists in our Nation's history, criticized his colleagues for failing in their obligation to the people of this country.

"Our history will be what we make it," Murrow said. "If there are any historians about fifty or a hundred years from now, and there should be preserved the kinescopes for one week of all three networks, they will find there evidence of decadence, escapism, and insulation from the realities of the world in which we live."

He continued: "One of the basic troubles with radio and television news is that both instruments have grown up as an incompatible combination of show business, advertising, and news. . . . The top management of the networks, with a few notable exceptions, has been trained in advertising, research, or show business. By the nature of the corporate structure, they also make the final and crucial decisions having to do with news and public affairs. Frequently, they have neither the time nor the competence to do this."

Here we are, almost 45 years later. What would Mr. Murrow think of today's media? Would he consider the FCC vote a threat to a strong, independent media? The news and broadcast industry has had time to mature, to evolve into what Mr. Murrow hoped would be a responsible venture that exalts the importance of ideas, and not simply panders to the lowest virtues in the human race. Alas, I believe Mr. Murrow would be disappointed in what he would see today.

Instead of exalting ideas, mass media today seem more often than not to worship at the altar of sex, blood, and scandal. Instead of pursuing a higher cause and taking the time to educate the public about the issues and events affecting our everyday lives, we read and hear about things that serve to titillate or divide us.

There are a few voices in the media that attempt to educate, to inform, rather than to incite. But too often these men and women are sent packing because their corporate bosses fear low ratings and a commercial backlash.

This spring, for example, the General Electric-owned cable network MSNBC, fired Phil Donahue from his evening talk show. Mr. Donahue was one of the few voices in the news-talk genre that did not worship at the altar of the salacious story. He did not titillate. He spoke frankly, sharing his beliefs and welcoming those who saw otherwise. And when confronted with a person offering differing opinion, Phil Donahue did not insult or bully that person. Instead, he debated calmly and fairly, and treated his guests with courtesy and respect.

Mr. Donahue was opposed to war in Iraq. He made his views known. He debated, he argued, and he persuaded. But at least one insider at the MSNBC network said that Phil Donahue was fired because the corporate heads at the network worried about having a critic of President Bush in its programming schedule.

They worried: What would sponsors think? How would they react? Instead of defending constitutional freedom of the press, MSNBC, it appears, caved in to the business bottom line. Instead of a critical voice, the network has filled the time with yet another carbon copy of the typical current day talk show hosts: slanted, biased, and arrogant.

Is that what the future holds for news outlets? MSNBC seems to be following the examples set by News Corporation, the corporate umbrella of Fox News channel. Rupert Murdoch, the chairman and CEO of News Corporation, has used his influence and his money to buy significant influence over the country's politics and priorities. Coincidence? Not likely. In fact, one former News Corporation executive stated in a profile on Mr. Murdoch earlier this year that:

> He hungered for the kind of influence in the United States that he had in England and Australia. Part of our political strategy here was the New York Post and the creation of Fox News and The Weekly Standard.

Political strategy? What happened to journalistic strategy? Are we doomed to more politics than journalism as a result of the June 2 FCC vote? In fact, the complete list of holdings of News Corporation gives one pause.

News Corporation is quickly growing into a media empire. Its main holdings are the Fox broadcast networks and the cable networks Fox News Channel, Fox Sports, FX, and others, 20th Century Fox studios, 35 local American television stations, the New York Post, plus the Times and the Sun of London, the conservative magazine the Weekly Standard, the publishing house HarperCollins, the Sky satellite system in England, and the Star satellite system in Asia, and various publications in Mr. Murdoch's native Australia.

In addition, News Corporation is seeking Federal approval to buy a one-third share in DirecTV, the leading satellite broadcast system in North America. Should that purchase be approved, News Corporation would then control a worldwide satellite system beyond any other company's reach.

Yet the Federal Communications Commission, the people's watchdog on broadcast fairness and responsibility, would rubberstamp such mergers and monopolies rather than examine them with a skeptical eye. The FCC is supposed to be a watchdog, not a lap dog.

The media enjoy a rare position in our society. Reporters and editors are supposed to responsibly detail events and activities, explain ideas and innovations to a public who might not, on first hearing, completely understand the issue. But complex ideas, such as peace in the Middle East or even the doctrine of preemptive strikes on which the war in Iraq was based, are pared down into short broadcast packages lasting 2 minutes, perhaps.

The focus is on sound bites rather than on sound information. Instead of an intelligent discussion, we hear a constant barrage of commentary that is supposed to pass for news judgment. We listen to television show hosts call Members of Congress the "lie choir" because they question administration policy. Without foundation, in fact, allegations of dishonesty by Senators are tossed around and, although baseless, they have the air of fact because they are repeated time and time again by pseudo news hosts. This so-called unbiased media is nothing more than partisan opinion covered in a thin veneer of news and information.

I do not question the media's right to report on stories and to have talk shows which express opinion. That right is clearly laid out in the first amendment of the Bill of Rights:

> Congress shall make no law . . . abridging the freedom of speech, or of the press.

This amendment, ratified in December 1791, gives broad power to the press. Our constitutional Framers understood that the Republic would not function properly if the press were not allowed to operate freely and without intervention from Government.

However, the media industry also must recognize the responsibility that it has to the public which relies so heavily on the information provided in daily reports. The free press must be a fair press.

Through the first amendment, our Framers guaranteed a free press. We, the people, demand a fair press, one that meets its responsibilities and our expectations. A free press cannot exist without the trust of the public it serves. To win and maintain that trust, the press must be unbiased in its work.

Unfortunately, expectations may be too high. News organizations often rely solely on the word of those speaking from podiums of power. They take information as gospel truth without, many times, checking the facts or verifying the information.

At a time when standards should be strong, the news industry seems very happy to follow the day's latest scandal. It does not hesitate to bring to bear the full light of public scorn when there is the slightest suggestion of a misstep by a person in the public light. However, when that same light is turned squarely on the media, there is little enthusiasm for the intensity.

Edward R. Murrow experienced this firsthand. While those in attendance at the dinner in Chicago in 1958 applauded Mr. Murrow after he finished his speech, the response away from the podium, away from Mr. Murrow, was quite different. He was castigated by network executives who accused him of biting the hand that fed him.

No less than William Paley, the president of CBS and a good friend of Murrow's, was said to be furious after Murrow criticized the broadcast industry. He saw it as a breach of loyalty. But Edward Murrow believed he carried a greater burden of loyalty to his audience. He saw his Chicago remarks as his faithful duty to the people who listened to him every night, who relied on him to give them the information they needed to know.

I think Edward Murrow would be ashamed of much of the news programming on television today. Like so much of the American public, he would not believe that the media, on the whole, are fulfilling the responsibility to educate and inform.

According to a USA Today/CNN/Gallup poll from this past May, only 36 percent of the American people believe that news organizations get the facts straight.

What can improve the public confidence in the media?

Perhaps the media in Minnesota have a good start. In 1970, University of Minnesota Professor Ed Gerald helped to set up the Minnesota News Council, believing then that:

> To the common man, it seems that journalists, at will, can make heroes or scoundrels out of any of us.

Professor Gerald recognized the sheer power and influence of the media. He also knew that, as much as a free press is crucial to the Republic, a fair press is needed to ensure the public trust.

The Minnesota News Council provides an avenue for the public to hold media outlets accountable for the reports they air or print. Outside of a courtroom and free of charge to either party, the News Council, made up of reasonable, qualified people from within the media and outside of it, comes together to decide whether a report or story is fairly produced or whether it is distorted, untrue, or dishonest. The State of Washington has a similar news council. Many nations, including the United Kingdom, Australia, and Canada, have news councils.

At least one noted journalist has long supported the concept of a news council, if not on a national level then on State or regional levels. For many years, Mike Wallace, CBS News Correspondent and co-editor of 60 Minutes, has believed that the concept of a news council could be an important tool in building the public trust in the media. Mr. Wallace, in a 1996 lecture at the Freedom Forum's Media Studies Center, said, he is "convinced that more state news councils, regional news councils, and/or a renewed national news council could strike a blow for a better public understanding in a time of skepticism about us, of who we are and what it is we do." Since those remarks, Mr. Wallace has continued to urge his colleagues to support the news council idea, but the resistance, especially from national media organizations, is profound.

What is wrong with this approach? A news council is not a court of law; rather it is a forum where the public and the news media can engage each other in examining standards of fairness. It is not a radical idea, but a commonsense approach. As the Minnesota News Council describes the concept, in their various forms, news councils are designed to promote fairness in the news media by giving members of the public who feel damaged by a news story an opportunity to hold the news organization accountable. What is wrong with allowing the public, which has such a poor view of the media, to take part in such an endeavor? This type of public dialogue can lead to a better understanding of the media industry and its role in society by that society, as well as a stronger foundation for more accurate, more responsible dissemination of news.

Solid journalism is also a way to improve the public's view of the media. It restores that sense of credibility that is threatened when we read about reporters who have published stories without any factual background. It would help to reaffirm independent voices, even if those voices run counter to the opinions of the corporate management.

On television and in print, large media conglomerates already control the vast majority of what Americans see, read, and hear. A grand total of five—five—media companies today control 75 percent of prime time programming. Outlets such as cable and the Internet, which could have served to check corporate media conglomeration power, have instead followed the old adage, "if you can't beat 'em, join 'em." Thus, today these same 5 companies control 90 percent of the top 50 channels on cable. Similarly on the Internet, existing newspapers and TV networks dominate the most popular sites for news and information. Technology may have increased the number of media outlets, but it has not stopped big media from further extending its reach.

Former Washington Post assistant managing editor Ben Bagdikian has sketched out the growing concentration of media ownership. In 1983, when his book, "The Media Monopoly," was first published, Mr. Bagdikian reported that "50 corporations dominated most of every mass medium." But, with each new edition of the book, that number shrinks and shrinks and shrinks: 29 media corporations in 1987, 23 in 1990, 14 in 1992, and 10 in 1997. The sixth edition, published in 2000, documented that just six—six—corporations supply most of America's media content. Bagdikian wrote:

> It is the overwhelming collective power of these firms, with their corporate interlocks and unified cultural and political values, that raises troubling questions about the individual's role in the American democracy.

The June 2 vote by the Federal Communications Commission threatens to expand the influence of these few corporations even further, stretching their hands around a larger number of local television and radio stations, scarfing up newspapers and Internet news outlets.

This is an opinion shared by consumer advocates, media watchdog groups, and various organizations representing the spectrum of political and societal views in the United States, from the National Rifle Association to the National Organization for Women, from the Catholic Conference of Bishops to the Leadership Conference on Civil Rights. The Parents Television Council, Common Cause, the National Association of Black-Owned Broadcasters, the National Association of Hispanic Journalists, the Writers Guild, and the Association of Christian Schools, all of these groups questioned the wisdom of even greater media consolidation.

Tens of thousands of Americans have expressed their opposition to the FCC rule. In fact, three-quarters of a million people contacted the FCC about this new consolidation, and, according to FCC Commissioner Jonathan Adelstein, 99.9 percent of them opposed further media consolidation.

In testimony before the Senate Committee on Commerce, Science, and Transportation, Commissioner Adelstein was blunt.

> [T]he FCC approved the most sweeping and destructive rollback of consumer protection rules in the history of American broadcasting. I'm afraid democracy was not well served by Monday's decision. Allowing fewer media outlets to control what Americans see, hear and read can only give Americans less information to use in making up their own minds about the key issues they face.
>
> The decision will diminish the diversity of voices heard over the public airwaves, which can only diminish the civil discourse and the quality of our society's intellectual, cultural and political life. It will diminish the coverage of local voices and local issues as media giants gobble up local outlets and nationalize the stories they broadcast.

In the end, our new rules will simply make it easier for existing media giants to acquire more outlets and fortify their already massive market power. As media conglomerates go on buying sprees, they will accumulate enormous debt that will force them to chase the bottom dollar ahead of all else. This is likely to result in more sensationalism, more crassness, more violence, and even less serious coverage of the news and local events.

Recently, there have been obstacles thrown in the way of the FCC's Mack truck of a rule. The Senate Appropriations Committee has blocked the implementation of the new policy. The unanimous committee approval of the fiscal year 2004 Commerce, Justice, State, and Judiciary Appropriations bill was a strong endorsement of media diversity. The committee's action follows the House of Representatives vote on July 23, 400-21, to pass the fiscal year 2004 Commerce-Justice-State Appropriations bill. As part of that legislation, the House also would prohibit the Federal Communications Commission from implementing this policy allowing for media consolidation.

But the Congress is not the only branch of Government involved in this issue. The United States Court of Appeals for the Third Circuit issued a surprise order on September 3, blocking the Federal Communications Commission from imposing its new rules just one day before those rules were slated to take effect.

> Given the magnitude of this matter and the public's interest in reaching the proper resolution, a stay is warranted pending thorough and efficient judicial review,

The court concluded in the case.

Indeed, it is my hope that, with such growing opposition, the administration and the Federal Communications Commission will abandon such an ill-advised policy.

I have often said that as long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one's feet will allow one to stand, the liberties of the American people will be secure. That forum is this Senate. But the same can be said of the news media—the newspapers, radio stations, television stations, and other outlets that provide information that is important to the lives of all Americans. That freedom, that unbiased coverage, is a key, a foundation stone of this Republic. For, without it, the American people can be led to disaster without so much as a whisper. Their freedoms can be trampled; their rights can be subverted.

In his speech in Chicago in 1958, Mr. Murrow offered a challenge to his colleagues.

> Just once in a while, let us exalt the importance of ideas. Let us dream to the extent of saying that, on a given Sunday night, the time . . . occupied by Ed Sullivan is given over to a . . . survey of the state of American education [or] the time normally used by Steve Allen is devoted to a thoroughgoing study of American policy in the Middle East.

While Ed Sullivan and Steve Allen are not with us anymore, the need for responsibility that Mr. Murrow called for among his colleagues in the news industry clearly still remains with us today.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. McCONNELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved*, That the House insist upon its amendment to the bill (S. 3) entitled "An Act to prohibit the procedure commonly known as partial-birth abortion", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.
>
> *Ordered*, That the following Members be the managers of the conference on the part of the House.
>
> From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. Sensenbrenner, Mr. Hyde, and Mr. Nadler.

Mr. McCONNELL. Mr. President, it is my understanding that 2 hours of debate on this proposal are to commence. I ask unanimous consent that those 2 hours begin to run upon the arrival and speaking of the Senator from California, Mrs. BOXER, who I understand is on the way to the floor at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask what the pending business is.

The PRESIDING OFFICER. The pending business is the message from the House on S. 3.

Mrs. BOXER. Mr. President, as I understand it, I will have up to 60 minutes to discuss this tonight; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I ask my friend from South Carolina what issue he is here to discuss tonight and what his time parameters are.

Mr. HOLLINGS. I would like to discuss an issue to be voted on in the morning, a resolution of disapproval of the FCC, increasing 35 to 45 percent ownership, and, more than that, the cross-ownership at the local level.

Also, I would like to start paying for the war. I take it the Senator wants to pay for the war.

We have the poor GI down in Baghdad. We hope each day he does not get killed, and the reason is we want him to hurry back so we can give him the bill. We ain't going to pay for it, but we need a tax cut so we can get reelected next year. That is what is going on in this town.

Every time I go home, I am again embarrassed. I want to talk to that point.

Mrs. BOXER. If I could ask my friend, is the Senator able to wait 30 minutes?

Mr. HOLLINGS. Yes, ma'am.

THE RIGHT TO CHOOSE

Mrs. BOXER. Senator HOLLINGS raises several issues that are so important to the Nation. This issue of media ownership getting out of control and the need to reverse what the FCC did and also the issue of the war, how badly it is going, how much it is costing, the danger our troops are in, the fact it is not internationalized and there is virtually no burden sharing going on—these are all issues that I hear about at home when I go to the grocery store or take a walk. People are anxious and concerned. These are the issues of the day.

Therefore, it is rather stunning to me that given all this and the fact that the deficit has gone off the charts—we have seen the picture of what has happened to the deficit since Bill Clinton left office; it is a straight line up. I never saw anything like it in my life. We are getting to the point where we are bankrupting this country and laying all that bankruptcy on the backs of our kids, as Senator HOLLINGS has said.

With all of these issues pending, why am I here tonight speaking about an issue that was resolved in 1973, the right of a woman to choose—the fact that this Senate went on record supporting that right quite recently as part of S. 3, that very simple language that simply said Roe v. Wade has saved lives, stating it is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right and such decisions should not be overturned.

That was language in S. 3 which also for the first time banned a medically recognized procedure. Senator HARKIN and I and a majority of the Senate added this language.

What happens with all of the problems we are facing and with our brave men and women in such jeopardy abroad, our taxpayers just getting squeezed, our education bill underfunded, the country going broke, the environment getting worse because every other day, and usually on Fridays, we see more rollbacks of environmental laws, the media getting bigger. We have to overturn that.

With all of those issues, one would think the House of Representatives and the Republican leadership would have said: We want to get this bill to the President's desk. We want to ban this procedure. So let's just take this language. The decision of the Supreme Court in Roe was appropriate and secures an important right, and such decisions should not be overturned.

Friends, that was not to be the case. Instead of sending this bill off to the President for his signature, which my colleagues have been wanting to do for a very long time, they say we need to strip out this very simple Roe language. In fact, that is what the House did.

So before this bill can go to conference—and it is a technical matter, but in order for a bill to become law, when the bills are different, you have to have a conference to resolve the differences. When the bills are the same, the bill can go straight over to the President's desk.

No, the House leaders, Republican leaders, I believe quite radically on this point of a woman's right to choose that was resolved in 1973, they strip this out. Now in order to go to conference, we will have a vote to disagree with what the House did. I hope we will disagree with what they did and take another stand for Roe. That is why we are here tonight.

The reason the House will not go along with this, and many in our own Senate will not, the real agenda in all of these bills that attack a woman's right to choose—and there have been many, and I will go through them, including bills that hurt family planning—the real agenda is to overturn Roe. I believe that is what we are talking about. It may show up in a different form, such as banning one medical procedure, which is a horrible precedent, as we are going to do.

It may show up by saying to a woman in the military: You will have to fly back to the United States on an "as available" basis and spend your own money—nothing to do with your own military pay—to get an abortion. We have said to Federal employees: You cannot use the health insurance that you pay a good part of to get a legal abortion, legal, not illegal, a legal abortion. Abortion is legal.

My friends, some of them here do not like that. So there has been this huge attempt to narrow this right. So every time we get a chance, when we see these bills come forward that would narrow this right, that would potentially harm women, we offer the Harkin-Boxer amendment in favor of Roe. Even though we did not get as many votes as we would like, we got a majority, and that is what we are continuing to discuss.

Now, what does Roe guarantee to women?

In the decision of the Supreme Court, the Court found that a woman's reproductive decisions are a privacy right guaranteed by the Constitution. But I have to say that even though this right was granted to women, it was not an unbalanced decision. It was a very moderate decision. That is why, in my opinion, the majority of Americans support it.

In the early stages of a pregnancy, the Government cannot intervene with a woman's right to choose. That is it, plain and simple. Guess what. We are not going to be big brother or sister, as the case may be. We are going to allow a woman, her doctor, and her God to make that decision.

But in the later stages of pregnancy, Roe found that the Government can intervene, that it can regulate, that it can restrict abortion. We all support that. All of us support that. But there is one caveat—always, always, always. Any law that a State may pass to restrict abortion rights has to have an exception to protect the life of the woman or to protect her health.

This is important because, I have to tell you, before Roe, before 1973—and I remember those years—life for women was very different. Before Roe, up to 1.2 million women each year resorted to dangerous illegal abortions. According to one estimate, at least 5,000 women a year died as a result of botched illegal abortions. Thousands of others nearly died, became infertile, or suffered other health complications.

I have a few stories—I want to tell a couple of them—of life before Roe.

Polly Bergen—we know her—an actress, went public with her story. She became pregnant when she was in her late teens and it was a disaster for her. As a result of an unsafe abortion, she had several miscarriages. At the age of 33, her doctor said, because of that botched abortion, she had to have a hysterectomy. She desperately wanted children. She had a hysterectomy.

Lynn Kahn was 24. She was divorced with two young children when, in 1964, she was raped by a stranger on her way home from work. Because she was so ashamed, she did not report the rape. But she soon found out she was pregnant. She scraped together $300 for an illegal abortion. She nearly died. She was hospitalized with a serious infection caused by a botched abortion.

During her multiday hospital stay, she was absolutely terrified that the police would come and arrest her because the treating physician had told her he was going to inform them about the abortion. The police did not arrive, but the whole experience was so traumatic that Lynn was unable to talk about it for over 20 years.

Mary Roper, a 19-year-old sophomore in college, was in an abusive relationship. She got pregnant, and the man she was dating encouraged her to get an abortion. She had been raised a Catholic and felt she could not be single mother in her community. She endured three attempts to end her pregnancy—one person used a coat hanger, and one a hose. During the time she was seeking an abortion, she was questioned by the police about her intention. She finally found a doctor in Chicago, 3 hours away, to perform an abortion. She continued to have problems and a couple of months later needed her parents' written permission to receive a medically necessary abortion. She continues to have nightmares today.

Elizabeth Furse, a former Representative from Oregon, was 25 in 1961, married and pregnant with her third child. During the first trimester of her pregnancy, she developed the measles. She was subsequently tested, and the tests confirmed what she and her husband, and obstetrician, had feared: if she carried her pregnancy to term, the baby would likely be blind, deaf, and severely brain damaged. They were anxious to have more children but did not want their child to suffer and be in pain, and so they sought an abortion. Her physician was sympathetic but would not perform an illegal abortion. At that time both the doctor and Elizabeth could be prosecuted and jailed for terminating the pregnancy. She did not want an illegal abortion and could only have one legally if her life was threatened. Since she had one kidney, her doctor thought that they might be able to persuade a panel of doctors that her life would be in danger if she carried the baby to term. They agreed, but required her to have a total hysterectomy at the same time.

Rollyn Carlson of Austin, TX, was 20 years old in the summer of 1971 and pregnant. She decided to have an abortion and found an office in Mexico on the other side of the Texas border. After the abortion, she bled heavily and ran a high fever for 3 days. She was one of the lucky ones. She married and had two children. She now has a teenage daughter and is concerned about her. What if she got pregnant? What if she needed an abortion? Rollyn worries that if abortion is illegal, her daughter would have to have an illegal abortion and could die.

Sherry of Peoria, IL, was married with two children when in the mid-1950s, she was brutally raped and left for dead. She did not die, but as a result of the rape, she became pregnant. She went to her doctor—he would not perform an abortion. She went to another—he would not perform an abortion either. She then resorted to "home remedies" such as pounding on her abdomen with a meat mallet and throwing herself down the stairs. It did not work, so she went to the local abortionist. He was drinking during the procedure and offered to give her back some money if she would perform oral sex on him. She subsequently started to hemorrhage and was hospitalized. Decades later, she still has nightmares about the procedure.

Romanita of Pittsburgh, PA, married and had three children, one—her daughter, Norma—with spina bifida. Her husband was a heroin addict and had left the home. One day he showed up and raped her. He then disappeared, and she found out she was pregnant. She did not want to take the chance of having another baby with deformities. She sought out an illegal abortion and experienced bleeding for 2 weeks.

So the point is that when the Court made this historic decision called Roe v. Wade, women were dying, maybe 5,000 a year. And you ask me, why would people, lawmakers, want to see us go back to those days? I will tell you right now, I don't understand it. It isn't right. It isn't right for the women of this country. It isn't right for the families of this country. Roe v. Wade was a balanced decision.

Then you have a situation where we wish we had more family planning funds because then we would be in a situation where we would not have these unwanted pregnancies. The same people who want to outlaw abortion are not interested in family planning funds. And interestingly, the same people who want to go back to the days when abortion was illegal, who will fight for the right of the fetus over the right of a woman, where are they, sometimes, on preschool programs, afterschool programs, caring for our children, helping our children? A lot of times they do not vote for it. As a friend of mine once said, he sometimes thinks that some of our colleagues who take this position, and then don't help the kids, are all for the kids between conception and birth; and then where are they?

So the reason we are here tonight is because the House is so radical on the point that they will not accept our language, that simply says: The decision of the Supreme Court in Roe was appropriate and secures an important right, and such decision should not be overturned.

Imagine, they say they want S. 3 so badly, they want to outlaw this medical procedure, which is the first time an accepted medical procedure is outlawed by politicians, but yet they cannot accept this language, which has no force of law. That is the incredible thing. It is a sense of the Senate. It does not even have the force of law, but it shows you that the goal here is not simply outlawing this one procedure; it is overturning Roe. I cannot say that enough because that is absolutely true, even when 80 percent of the people said that whether to have an abortion is a decision to be made between a woman and her doctor.

This debate is very serious. It is very serious because the underlying bill, S. 3, which bans this procedure, makes no exception for the health of the woman, and we tried every which way to do that. We said: Roe is the law of the land. Under Roe, the life and the health of a woman must always be protected. So in order to be constitutional, we are willing to walk hand in hand with you, and we will ban this procedure, even though some of us believe we should not get into playing doctor—that is not our role. There is no OB/GYN in this body. People don't come to us when they are sick. They come to us when they are sick and tired of politics, but they don't come to us when they are physically ill.

We were willing—those of us who are very pro-choice—to say: We will accept this if you will have an exception for the life and the health of a woman. Oh, no. They would not do it. That is why our language on Roe, that we attached to this bill, is so important. Because, folks, this bill, when it becomes law—and it will become law—is going straight to the Court.

We want the Court to understand we stood firmly for Roe. When they take a look at the outlawing of this procedure, and when they see there is no exception for the health of a woman, they will realize maybe some people voted for it who would have preferred a health exception. By showing them we have the votes to sustain a sense of the Senate in favor of Roe, we will be sending a strong signal on behalf of the women of this Nation to the courts.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. I thank the Senator for coming to the floor and talking about this controversial issue because the Senate will have to face it. I am trying to recall, was there not a State statute in Kansas or——

Mrs. BOXER. Nebraska.

Mr. DURBIN. Nebraska relative to this so-called partial-birth abortion procedure? Is it not true that the same Supreme Court that is going to consider our bill ruled that you had to include, in the protection for the woman involved, if her health was at risk, she could go forward with the procedure? Is my memory correct that this Court, within the last year or two, made that decision?

Mrs. BOXER. It was in 2000. It was a case of a Nebraska law. And, yes, the Court found it unconstitutional.

What the authors of S. 3 will tell you is they have met the test. But what constitutional lawyers tell us is that the test isn't met at all. There is no exception for health. My colleague actually carried the health exception.

Now, this is what the Supreme Court said—and I am glad my colleague asked this question—in Stenberg v. Carhart. They basically said: If you are outlawing a medical procedure, you have to have a health exception.

> The governing standard requires an exception "where it is necessary, in appropriate medical judgment for the preservation of the life or health of the mother."
>
> Our cases have repeatedly invalidated statutes that in the process of regulating the methods of abortion impose significant health risks.

My friend is right on target. This is the Supreme Court.

Mr. DURBIN. I ask my friend from California, who has followed this issue more closely than any other Member, for those who are trying to follow this debate, when the Supreme Court says if you are going to write a law banning an abortion procedure, you have to acknowledge that if the mother is about to die, that procedure will be allowed. Then the Court went on to say in this case, if there is a significant health risk involved as far as the woman is concerned, you have to allow the procedure. Would the Senator from California give us indications of what that means when we talk about health risk and significant health risk? What are we saying? A complication late in pregnancy that is so significant as to give to that mother the right to terminate the pregnancy, could the Senator give us some illustrations of what kind of health risk we are talking about?

Mrs. BOXER. Working with physicians across the country, I want to tell you what they have told us in writing. I ask unanimous consent to print those letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL
WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the "Partial-Birth Abortion Ban Act of 2003." While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decisions regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of heath and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703-838-0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, March 31, 2003.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA) the largest and oldest organization of public health professionals in the nation, representing more than 50,000 members from over 50 public health occupations, I write to urge your opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

APHA has long-standing policy regarding the sanctity of the provider-patient relationship and has long advocated for a women's right to choose from a full range of reproductive health options. We believe that a physician in consultation with the patient should make the decision regarding what method should be used to terminate a pregnancy.

We are opposed to H.R. 760 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. APHA also opposes the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. We urge members of the House of Representatives to oppose this legislation.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely,

GEORGE C. BENJAMIN, MD, FACP,
Executive Director.

MARCH 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: if Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-directed the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDs, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider "deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus. . . ." The criminal ban being considered is flawed in a number of respects: it fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as "intact d&e), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy "option" that the bill leaves open: "Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy." Cunningham and McDonald, et al. Williams Obstetrics, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods); infertility; paralysis; coma; stroke; hemorrhage; brain damage; infection; liver damage; and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

PHYSICIANS FOR
REPRODUCTIVE CHOICE AND HEALTH,
New York, NY, March 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called "partial birth" abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called "partial birth" abortion does not exist.

There is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial birth" abortion and therefore are unable to medically define the procedure.

What is described in this legislation, however, could ban all abortions. "What this bill describes, albeit in non-medical terms, can be interpreted as any abortion," stated one of our physician members. "Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient." The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible. Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine. To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 ob-gyns, agrees: "The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous."

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it "represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients."

THE SCIENCE

We know that there is no such technique as "partial birth" abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is the cervix must be further dilated. Morbidity and mortality studies indicate that this surgical method is preferable to labor induction methods (instillation), hysterotomy and hysterectomy.

From the years 1972–76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000); the corresponding rate for D&E was 10.4. From 1977–82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983–87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1980s, the use of D&E had already quickly outpaced induction, thus altering the size of the sample.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures, and for women with certain medical conditions, e.g., coronary artery disease or asthma, labor induction can pose serious risks. Rates of major complications from labor induction were more than twice as high as those from D&E. There are instances of women who, after having failed inductions, acquired infections necessitating emergency D&Es, which ultimately saved her fertility and, in some instances, her life. Hysterotomy and hysterectomy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction; undergoing difficult, expensive and painful labor for up to two days is extremely emotionally and psychologically draining, much more so than a surgical procedure that can be done in a few hours under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). D&X is merely a variant of D&E. There is a dearth of data on D&X as it is an uncommon procedure. However, it is sometimes a physician's preferred method of termination for a number of reasons: it offers a woman the chance to see the intact outcome of a desired pregnancy, thus speeding up the grieving process; if provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages. Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of S. 3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called "partial birth" abortion.

Sincerely,

NATALIE E. ROCHE, MD.
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.
GERSON WEISS, MD.

Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

Mrs. BOXER. What the physicians have told us is there are serious health consequences of banning safe procedures such as the one that will be banned in this bill. One is hemorrhage. People can die, they can lose blood, or be ill for a very long time. They can rupture their uterus and therefore never be able to carry a baby. They could get blood clots and have serious brain damage, an embolism, a stroke. There could be damage to nearby organs. There could even be paralysis. These are the terrible incidents that could happen to a woman if a doctor is in a situation of an emergency late-term procedure and is not able to use everything he has been able to use up until S. 3.

Mr. DURBIN. So for clarity, I ask the Senator, the bill we are going to be asked to vote on has an exception. This procedure is allowed if the life of the mother is at stake. But all of the significant health risks which you have just read, does this bill allow a doctor, in the midst of a medical emergency, to terminate a pregnancy if there is a significant health risk to the mother?

Mrs. BOXER. The answer is absolutely not. That is why it is so shocking to me. My friend knows because he worked hard on this. He tried to get a health exception. As a matter of fact, it was very strong language. Will my friend remind me what he said in making that health exception?

Mr. DURBIN. I offered an alternative to the bill that will be before us. I said, if late in a pregnancy a woman who is carrying a fetus is in danger of a grievous physical health risk, verified by two doctors—not just a doctor performing the procedure but another doctor, for a second opinion, has to verify it—then it would be allowed. That was defeated on the floor. What I tried to do was to narrow the exception, even probably more narrow than the Supreme Court said so my colleagues would give a doctor, in an extraordinary emergency situation, not life or death but one equally serious, at least in terms of the woman's future health. As the Senator from California probably will recall, that was defeated on the floor.

I ask the Senator from California this: If the Supreme Court has already said, don't send us a statute, don't send us a proposal that doesn't protect the health of the mother when there is a significant health risk late in the pregnancy because that violates what we found to be the right of privacy under Roe v. Wade, why are we now considering S. 3, this bill, which defies the Supreme Court and says to them, we know better, we are going to change your mind, we are going to send you something that doesn't meet the test in light of the Nebraska statute? Can the Senator from California explain why we are going through this?

Mrs. BOXER. Well, I would say politics is part of it, but I would also say there is an agenda in this Senate and in the House. That agenda is to overturn Roe, to keep on pushing through bills that challenge Roe directly. And Roe, as I said, is very clear on the health exception.

Let's go back to the first chart. The bottom line is, Roe is very clear:

> In 1973, for the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe—

which is a fancy word for ban—

> abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

This is the heart of Roe.

Mr. DURBIN. The Senator is saying this proposal we are receiving, banning a specific abortion procedure, does not allow an exception for the health of the mother.

Mrs. BOXER. That is right.

Mr. DURBIN. Even though the Supreme Court ruled 2 or 3 years ago on a State statute that tried to do the same thing that it clearly was unconstitutional or at least violative of Roe v. Wade, they have already thrown that out. Yet the Senate is going to be asked to vote again to eliminate an abortion procedure which a doctor may decide is in the best interest of a woman who, late in her pregnancy, facing an emergency, has a significant health risk; that is what we are being asked to vote on?

Mrs. BOXER. That is right. But it is even worse because the language TOM HARKIN had written into the bill, the sense-of-the-Senate language, is now being stripped out of the bill by the House. The reason we are here talking about this is, I want the Senate to disagree with what the House did. It is bad enough to do what we have done here without my vote—and I believe without yours, although I am not sure in the end how you voted.

The bottom line is, it is bad enough to ban a procedure and make no exception for the health of a woman. It is so violative of her rights and her dignity and of the respect that is due her. But in addition, they stripped out the language we added that said, maybe people, for whatever reason, are going to vote for this, but we also want to go on record in support of Roe. The reason we are here now is that the House, rather than take that language and send it off to the President, would have gotten their ban with a little sense-of-the-Senate language that supported Roe. No, the House had to prolong this, strip this out. And now to get to conference, we have to have a motion to disagree with what the House did, which I hope we will disagree with what they did.

So what I was trying to do and what Harkin was trying to do—and we all were trying to do—is say: S. 3 has problems, but you should know we still support Roe.

Mr. DURBIN. I ask the Senator, is it your impression the House conferees and those who agreed in the Senate are really going after the heart of the issue in Roe v. Wade? It is their intention to overturn Roe v. Wade by reason of the fact they have stripped the language Senator HARKIN offered affirming Roe v. Wade?

Mrs. BOXER. That is right.

Mr. DURBIN. And if we eliminated Roe v. Wade—and there are some in your State and in my State, too, who would say, do that, because of our personal, religious and philosophical beliefs—what protection would there be that an abortion procedure under any circumstances would be safe and legal in the United States?

Mrs. BOXER. It would be a disaster for women. I have noted that before Roe, 5,000 women a year died because there were very harsh laws. If Roe v. Wade was eliminated, women would not have the right to privacy in this matter. Early-stage abortion would not be between her and her doctor and her God and family, but it would be a matter for Senators to determine—and State Senators and assembly members and Governors all over this country. And a woman would risk her freedom if she had an abortion, just like we had before 1973.

So affirming Roe v. Wade is the right thing to do. It has made a difference in women's lives. More than anything, I think as our country matures, we recognize that women deserve to be treated with respect and dignity. It has been a long, hard road for women in this country, I say to my friend who is such a supporter of equality across the board. Women didn't even get to vote until 1920. We had to struggle. In 1973, I remember it very well. I remember women risking their lives to get an illegal abortion. I had read a case of a woman who was raped and she was so fearful and embarrassed and ashamed, she got an illegal, botched abortion. She was sick and the doctor even threatened to call the police on her.

Mr. DURBIN. I ask the Senator this question. I can recall in the time I have been in public service that the vocal supporters of Roe v. Wade and keeping abortion safe and legal used to contain in their ranks many women who remembered vividly from a personal experience or a family experience what it was like before Roe v. Wade, when women in desperate circumstances sought an abortion in an unhealthy, unsanitary, unclean surrounding, endangering their lives. I ask the Senator, does she believe the national debate is different today because we have had 25 or 30 years of legal opportunities to terminate a pregnancy and, thank goodness, there are fewer of those women whose lives were lost or damaged because of these illegal and unsafe abortions that preceded them?

Mrs. BOXER. I think the Senator is right. The further we get away from those years, there is less memory. I think there is something else. I think most people—young people and middle-aged people—who don't have that many memories of it think Roe v. Wade will not be overturned; it is just a slogan.

Let me say what my friend knows so well. Roe v. Wade is hanging by a 5-to-4 vote in the Supreme Court. That is why I think my colleagues keep coming back with this approach of banning this medical procedure, which many doctors have used because it was the safest one to save the life and health of a woman. They keep coming and they keep thinking someday the Court will reverse it and go 5-to-4 the other way. I think at that point women will rise up. But it is our job. That is why I am so grateful to the Senator for coming over here. It is our job because we are lawmakers to look ahead and not wait for that crisis, and to make the point and to discuss what could happen to a woman. She could have a stroke if this procedure is outlawed. She could have a hemorrhage or a blood clot. She could become paralyzed. She could be infertile. These are horrible things that can happen to our daughters, our granddaughters, and it could even be worse. We can have some States, if Roe were overturned, that could put a woman in jail, could put a doctor in jail for trying to assert a privacy right.

Mr. DURBIN. I will ask one last question of the Senator from California. First, let me say, though I personally oppose abortion, and I would counsel a woman in my family to look for an alternative, or adoption, and help in any way I could, I believe we have to really make a special effort to protect the legality of the decision that a woman ultimately makes in this situation, when her life and her health are at stake—a decision that should be made by her, her doctor, her conscience, and her family, as the Senator said.

What I found 21 years ago, when I came to Congress with that belief, was the startling discovery that so many people who opposed abortion also opposed family planning. That, to me, seems totally inconsistent—that you would not give to a woman options so that she could avoid an unplanned pregnancy.

I want to ask the Senator from California this: Based on what she has seen, and what I have seen in almost 21 years on Capitol Hill, if those people are successful in the Senate and House and eventually overturn Roe v. Wade, can the Senator give me some indication of what she thinks is next when it comes to issues of family planning—issues that women value as much as their Roe v. Wade rights, but those issues as well? Have we not seen repeatedly in the Congress the same voices who are calling for the overturning of Roe v. Wade also limiting options for women to plan the size of their family—the frequency of children in their family?

Mrs. BOXER. There is no question about it. With this administration, the very first thing the President did was put in place the international gag rule, which stopped nonprofits all over the world from getting Federal funds to use to help these women to plan their families.

Let me tell you what has happened. We have seen already an assault on a woman's right to choose. I think my colleague is absolutely right to point out that Roe is just one of their goals; it is their major goal, however. I will tell you what is happening. Federal regulations were issued by this administration that make embryos and fetuses, but not pregnant women, eligible for health benefits. What you will see is this is all leading up to the place where a woman eventually will not have a right to choose, or any rights at all when she is pregnant. In other words, pregnant women now cannot get the prenatal care; it is the fetus. We have never done that before. We have always recognized that it is the woman who is nurturing that child; that the woman gets the help and the child gets the nourishment.

There is legislation being pushed here to recognize an embryo as a person with rights separate and apart from the woman. That is another move to set up a situation where abortion, even in the first minute, would be seen as murder. So this is what is happening today. There is moving legislation forcing some young women to make reproductive health choices alone and criminalizing caring adults who help them. There are attempts to block women's access to RU486, a drug that is proven safe and effective and would be an alternative to surgical abortion. There are attempts to block access to emergency contraception. There is a denial of Roe v. Wade protections to Federal employees and low-income women who rely on the Federal Government, who live in the District of Columbia, and to U.S. servicewomen living overseas, and women in Federal prison. These women cannot get the health care if they want to exercise their right to choose, whereas a wealthy woman can do that.

Here is your point: They are starving funding for family planning programs, both here and abroad. And there is also the cancellation of international family planning funding. We voted in Congress for $34 million for international family planning money. The Bush administration will not spend a penny. When you ask them why, they say these agencies are using it for abortion. That is plain untrue. It is untrue. They don't because they are audited and monitored, and they cannot.

In winding down this debate—and we have several hours left—I want to say why I think it is so important that we stand in favor of Roe v. Wade. We are going to go back to what the debate is really about. It is about standing up for the Senate language that was brought to us by the Senator from Iowa, Tom Harkin, with over 50 of us signing on and voting for it, that simply says it is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right, and such decision should not be overturned. It is a very straightforward and simple statement—elegant, if I may say so; it is an elegant amendment by the Senator from Iowa that says to the women of this country that we respect you and, as my friend said, he is personally opposed to abortion. You know what. That is so much that is right in this country of ours. That is what being pro-choice is—that each of us in our own hearts, with our own family, with our God, can decide this issue for ourselves, without Senators peering into our private decisions. What a horrible thought is that. Really, life is complicated enough without having a bunch of Senators deciding what we should do in the privacy of our own homes in the early stage of a pregnancy.

That is what Roe was—a very balanced decision. It says: If you want to go through with this pregnancy, absolutely that is your right, but if you do not, in the early stages it says to women: We respect you enough, we give you that dignity; we trust you enough to make that decision.

Senator HARKIN said it right. This Senate stood up with him and we voted in favor and appended that language to the banning of this medical procedure. Our colleagues in the House looked at this—and they are so radical, I say to my friend—and rather than moving that bill right through to the President's desk with sense-of-the-Senate language that has no force of law, they chose to strip out this language from the bill, and now we have to take this bill to conference.

The reason I am here and the reason the Senator from Illinois is here tonight is to say we are going to take another stand in favor of Roe. We are going to vote to disagree with what the House did. We hope that vote will be large, and we hope that the conferees will, therefore, go into that conference and push hard to have this language added.

If this language is not added, this Senate is going on record with S. 3, minus this language, of saying: Women's health is just not important. I hope every woman in this country, whether they agree with Roe or they disagree with Roe, whether they themselves would make one decision or another, will come together and say: Pro-choice means that the Government respects the individual, and isn't that really what our country is all about?

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I admire my distinguished colleague from California. She is a fighter. She has a conscience, and she is dedicated. I am delighted to listen to her. I agree with her absolutely.

TAXES

Mr. HOLLINGS. Mr. President, I wish to speak about a no-no subject—taxes. I get really worn out when I go home and hear the local folks are against taxes. I came to public service over 50 years ago when there was a conscience of paying the bill for the Government we provided. I will never forget, one of the first measures we had come before us was a veterans' bonus for the World War II veterans. I can see Julian Dusenberry, a Member from Florence, whose legs had been shot out from under him. He was a Distinguished Service Cross recipient. He raised himself up on those brass bars we had at the back of the Chamber for him, and he said: Mr. Speaker, we all are veterans, but we are all South Carolinians. South Carolina doesn't have the money, and I move to table the bill. And we killed the veterans' bonus.

It was shortly thereafter that I could see we were not providing public education in a general sense for all of our constituency. More particularly, there were just absolutely no schools for African Americans. I went to one shortly after I was elected. It was a one-square building, one floor. It was a cold November day. They had a potbellied stove in the middle, a class in one corner, a class in another corner, a class in the third corner, and a class in the fourth corner. This African American school had one teacher for the four classes. So I introduced the sales tax to pay for education. It was a 3 percent sales tax, and we finally enacted it in 1951. It was quite a struggle, but nobody has really contested that measure, nor has anyone put in a bill to repeal it.

We have to pay for the public schools. Under Governor Riley—he was Secretary of Education—we increased that from 3 to 5 percent.

When I came in as Governor of South Carolina, some 40 years ago, we had to attract industry. Everybody was looking for jobs. I am sort of an expert at looking for jobs. I traveled the highways and byways, but before I did that, I prepared myself to sell the point. I knew they were not going to invest in South Carolina, unless we had a pay-as-you-go operation. So I moved to increase taxes and got the AAA credit rating for the State of South Carolina back in 1959, before any Southern State, including the State of Virginia, had a AAA credit rating.

I address the distinguished Chair because he gave real leadership to his State of Virginia when he was Governor. He knows exactly what we are talking about. In fact, the gentleman we had in South Carolina went back up to Richmond, VA, to help in industrial expansion. So we worked together trying to develop public education, strong communities, and fiscal responsibility at the State level. But you can come up here to Washington and you can forget about it.

I saw one article the other day that was put in the RECORD relative to President Lyndon Baines Johnson. It said he didn't care. Oh, no, he did. He didn't give us guns and butter. He paid in 1968 and 1969 for the Vietnam War. The last time your U.S. Government balanced the budget was under President Lyndon Baines Johnson in 1968–1969. We ended up in the black with a surplus. Thereafter, as chairman of the Budget Committee under President Carter I can tell you, we still had a conscience.

I will never forget that 1980 election. They cleaned out Democrats. I went to the ones who were cleaned out and said: Look, you have to give me a vote. We can't leave this year with a deficit bigger than the one we inherited from President Ford. I went to Senator Magnuson, I went to Senator Church, I went to Senator Culver, I went to Senator McGovern, I went to Senator Bayh, I went to Senator Gaylord Nelson—all defeated in 1980. I said: You have to give me one vote. They did, and we reduced that deficit.

Then, of course, when President Reagan came in with voodoo, which Vice President Bush called it, the idea is to cut your taxes and that will increase your revenue. That is absolute nonsense. We know now from voodoo 1, 2, 3, and 4 that we are in the worst trouble we have ever been. That is why I take the floor today to speak generally with respect to taxes.

All politicians are against taxes. In fact, some are so adamant against them, they run against the Government, they run against the job they are running for. But taxes are what we pay for a civilized society, said Oliver Wendell Holmes.

Let's try, Mr. President, a nation without taxes, just momentarily. Let's agree, for example, to not touch Social Security and Medicare—they are both in surplus. In fact, everybody wants to save Social Security. If you just left it alone and quit spending the Social Security revenues on any and everything but Social Security, you would have a $1.5 trillion surplus in the Social Security trust fund, which the Greenspan Commission called for and which we passed in law, section 13-301 of the Budget Act, that we totally ignore now. So let's leave Social Security, Medicare, and Defense alone.

But let's take all the other things government does with taxpayer dollars and get rid of them so we can get rid of taxes. The Departments of State, Justice, Commerce, and Education would immediately be abolished. We would eliminate the FBI.

We would stop building roads or fixing the ones we have. We would do away with the hospitals receiving Federal support, eliminate the National Institutes of Health, and close all the Veterans Hospitals.

We would close the monuments and the parks, decertify the food certified by the Food and Drug Administration, decertify the drugs for the same reason, eliminate all the farm programs. When one mentions farm programs, they can get some attention in this body. That is the crowd that does not want to pay for anything, but they wiggle their way in and walk away with billions every time, every session. They always get billions, but let's do away with the farm programs, eliminate the development programs, forget about clean air, clean water, just close the Environmental Protection Administration; cancel NOAA, cancel NASA, cancel the housing programs, close the airports because they are supported by Federal taxes.

In fact, just close the prisons. Tell all the prisoners, sooey, pig, just get out. Just shoo, get out. Get rid of the President, get rid of the Congress, the Cabinet, the courts. Just get rid of the government.

I talked to a group in South Carolina and finally got their attention that we are lucky to be born in America where there is a government supported by the taxes that helps provide our opportunities. For example, someone born in Zambia can expect to live to only 37 years of age; born in Swaziland, 38 years; born in Rwanda, 39 years; Mozambique, 40 years; Niger, where someone found yellow cake, he lives to be 41 years of age. If I had been born in Niger, I would have been dead already for 40 years. I do not want to give that idea out to a lot of people listening to what I am talking about.

Eighty percent of those born today in rural India have worms. Eighty-five percent will go hungry and 95 percent in rural India will drink dirty water all of their lives. One born today in Botswana has a one in three chance of getting AIDS, and someone born in Mali instead of the United States has only a 10-percent chance of completing the first grade. One born in Brazil has a 40-percent chance of dropping out of school by the sixth grade. A girl born in Pakistan has less than a 10-percent chance of attending high school. In Senegal one has only a 50-percent chance of finding a job.

In Sri Lanka, one can expect to earn only 40 cents an hour; Haiti, 30 cents an hour; Bangladesh, 20 cents an hour. So one born in many countries instead of the good old USA, they cannot vote, they have no labor rights, they cannot even assemble.

We all like to think, wait a minute now, we all came up by our own bootstraps; that we did it on our own. No. If one is born in America, the government has furnished the boot. The government in America has furnished the law and order, educational opportunity, a market economy, clean air, clean water, civil rights, labor rights, a free society. Born in America, as Thomas Wolfe wrote, each has his own shining golden opportunity.

Because of this land of opportunity, supported by taxes, Asians come hidden in containers on ships, and Mexican immigrants risk their lives every day to get here.

Some will say we do not need the taxes. What we need is spending cuts. I say to my dear colleagues, spending cuts will not do it. I think that is the thrust of the point that I hope sobers this crowd up. It worries them, as it worries me. Even if Congress eliminated every nondefense Government program, it would not get us out of the deficit hole.

Every American should refer to page 8 of the Congressional Budget Office Budget and Economic Outlook Update. I ask unanimous consent that page 8 and page 10 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1–3.—CBO'S PROJECTIONS OF DISCRETIONARY SPENDING AND HOMELAND SECURITY SPENDING

[In billions of dollars]

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total, 2004–2008	Total, 2004–2013
TOTAL DISCRETIONARY SPENDING IN CBO'S BASELINE[1]													
Budget Authority:													
Defense	455	465	476	488	500	514	527	541	556	571	587	2,442	5,226
Nondefense	391	407	416	427	437	449	462	474	487	500	514	2,136	4,573
Total	846	872	892	914	938	963	989	1,015	1,044	1,071	1,101	4,579	9,799
Outlays:													
Defense	407	452	472	481	489	506	519	533	552	558	578	2,400	5,140
Nondefense	419	448	460	467	479	491	502	515	528	542	556	2,345	4,988
Total	826	900	931	948	969	996	1,022	1,048	1,080	1,100	1,134	4,745	10,128
DISCRETIONARY SPENDING CLASSIFIED AS HOMELAND SECURITY SPENDING[2]													
Budget Authority:													
Defense	12	12	12	13	13	13	14	14	14	15	15	63	135
Nondefense	26	27	28	29	29	30	31	32	33	34	35	143	309
Total	38	39	40	41	42	44	45	46	47	49	50	206	444
Outlays:													
Defense	11	12	12	12	13	13	13	14	14	15	15	62	133
Nondefense	22	26	27	28	29	30	31	32	33	34	35	141	305
Total	32	38	40	41	42	43	44	46	47	48	50	203	438

[1] CBO's baseline assumes that discretionary spending grows at the rate of inflation after 2003. Inflation is projected using the inflators specified in the Balanced Budget and Emergency Deficit Control Act of 1985 (the GDP deflator and the employment cost index for wages and salaries).

[2] This classification includes much of the funding associated with the Department of Homeland Security, as well as funding for homeland security activities performed by other federal agencies, such as the Departments of Justice, Health and Human Services, and Energy. Funding for certain activities of the Department of Homeland Security, such as maritime safety and immigration services, is not included because those activities are not part of the Administration's definition of homeland security. For a complete discussion of the Administration's definition of homeland security, see Office of Management and Budget, Annual Report to Congress on Combating Terrorism (June 2002), available at www.whitehouse.gov/omb/legislative/combating terrorism06-2002.pdf. In addition, the Administration's definition includes roughly $1 billion of mandatory spending each year.

Source: Congressional Budget Office.

Note: Discretionary outlays are usually higher than budget authority because of spending from the Highway Trust Fund and the Airport and Airway Trust Fund, which is subject to obligation limitations set in appropriation acts. The budget authority for such programs is provided in authorizing legislation and is not considered discretionary.

TABLE 1–5.—CBO'S BASELINE PROJECTIONS OF FEDERAL INTEREST AND DEBT

[In billions of dollars]

	Actual 2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total, 2004–2008	Total, 2004–2013
NET INTEREST OUTLAYS														
Interest on the Public Debt (Gross interest)[1]	333	322	318	356	409	463	510	549	583	611	633	647	2,057	5,080
Interest Received by Trust Funds:														
Social Security	−77	−84	−87	−93	−102	−114	−128	−142	−157	−173	−190	−208	−524	−1,395
Other trust funds[2]	−76	−73	−66	−69	−74	−78	−82	−87	−91	−96	−101	−106	−369	−848
Subtotal	−153	−157	−153	−162	−176	−192	−210	−229	−248	−269	−291	−314	−893	−2,244
Other Interest[3]	−8	−8	−10	−11	−13	−15	−17	−19	−21	−23	−25	−28	−65	−182
Other Investment Income[4]	0	(*)	(*)	−1	−1	−1	1	−1	−1	−1	1	−1	3	−7
Total (Net interest)	171	157	155	184	220	255	282	301	312	318	316	305	1,096	2,648
FEDERAL DEBT (AT END OF YEAR)														
Debt Held by the Public	3,540	3,986	4,443	4,790	5,027	5,242	5,450	5,631	5,784	5,800	5,645	5,438	n.a.	n.a.
Debt Held by Government Accounts:														
Social Security	1,329	1,486	1,650	1,828	2,025	2,241	2,475	2,727	2,996	3,281	3,580	3,891	n.a.	n.a.
Other government accounts[2]	1,329	1,367	1,436	1,523	1,627	1,739	1,856	1,978	2,104	2,235	2,373	2,513	n.a.	n.a.
Total	2,658	2,852	3,085	3,352	3,653	3,980	4,331	4,705	5,100	5,516	5,953	6,404	n.a.	n.a.
Gross Federal Debt	6,198	6,838	7,528	8,142	8,679	9,222	9,782	10,335	19,774	11,316	11,598	11,842	n.a.	n.a.
Debt Subject to Limit[5]	6,161	6,801	7,491	8,105	8,642	9,185	9,744	10,297	10,845	11,277	11,599	11,803	n.a.	n.a.
FEDERAL DEBT AS A PERCENTAGE OF GDP														
Debt Held by the Public	34.2	37.1	39.5	40.4	40.1	39.7	39.2	38.5	37.6	36.0	33.4	30.7	n.a.	n.a.

[1] Excludes interest costs of debt issued by agencies other than the Treasury (primarily the Tennessee Valley Authority).

[2] Principally Civil Service Retirement, Military Retirement, Medicare, and Unemployment Insurance.

[3] Primarily interest on loans to the public.

[4] Earnings on private investments by the Railroad Retirement Board.

[5] Differs from gross federal debt primarily because most debt issued by agencies other than the Treasury is excluded from the debt limit. The current debt limit is $7,384 billion.

Source: Congressional Budget Office.

Note: * = between −$500 million and zero; n.a. = not applicable.

Mr. HOLLINGS. If we turn to page 8, we will see that nondefense outlays for this particular fiscal year that we are in is 419 billion bucks. But if we turn to page 10, we will see that the deficit for this fiscal year is $640 billion. So do not just cut. Eliminate all nondefense programs, eliminate all those departments, prisons, the FBI, the Congress, the courts, the President. Just eliminate everything. Get rid of it. And we still have a $200 billion dollar or more deficit.

So do not come around in these debates and give these nice, pleasant, Chamber of Commerce, Rotary Club talks that what we really need in Washington is to cut down the spending, cut down the size of Government, Government is just too big.

Well, by gosh, come on up here and just cut it out, and there is still a deficit. So we have over a $200 billion deficit right there and then, and now comes President Bush who says he needs $87 billion—like we have some money. We are just nothing but wallowing around in the red using credit cards, and so he asks that the Congress provide $87 billion more for Iraq. Of course, that is all on the credit card further, a bigger deficit. It is really a sin and a shame.

What we are saying is, me and my generation and most of the generations of the Members that I see and who can speak this evening say we ain't going to pay the bill. We do not want that GI in downtown Baghdad to get killed. We want him to rush back to pay the bill because we ain't going to pay for it. We need a tax cut so next year we can get reelected. That is the message of everybody running around with flags on their lapels showing how they support the troops.

Well, come on. Support the troops? When are they going to cosponsor my value-added tax? I tried it with the value-added tax after we failed with Gramm-Rudman-Hollings. We worked with President Reagan in a bipartisan fashion and we did a good job momentarily for 2 or 3 years, but then instead of using Gramm-Rudman-Hollings to cut back some $35 billion in spending each and every year, we were using it as a cover to increase spending $35 billion each and every year.

So I said give me a divorce from that. I don't want my name connected with it. I got hold of Dick Darman, when President George Herbert Walker Bush, the senior Bush, took office. Darman was the OMB Director.

I said: Dick, we ought to have a value-added tax.

They discussed it. I got a little note from Papa Bush to the effect that he might consider that but not right now, his first year in office.

We tried and tried until we got to President Clinton. Then we had a showdown on how to act responsibly. Without a single Republican vote in the House, without a single Republican vote in the Senate, President Clinton and this Democratic Congress passed an increase in taxes as well as spending cuts. We cut some $350 billion to $400 billion in spending, but we increased taxes on the high and wealthy. We increased the income taxes. We increased gasoline taxes. We increased Social Security taxes.

I will never forget the distinguished Senator from Texas, Mr. Phil Gramm, saying they were going to be hunting down the Democrats in the streets and shooting us like dogs when they found out we were, by gosh, going to increase taxes on Social Security.

But you see now that rich crowd comes in, and what they want and all they ask for is: Give me an income tax cut. Give me a retroactive one, nunc pro tunc. They sneaked in all kinds of things for Kenny Boy Lay. It came to $250 million. I have never seen such things.

Then they wanted to get rid of the taxes on dividends. I want the party of Lincoln to remember that Abraham Lincoln put a tax on dividends to pay for the Civil War. He was willing to pay for the war. We have paid for every war, until now.

Let me be brief here because I can see the hour is getting late. Rather than going into this very interesting article by the former Secretary of Labor, Dr. Robert B. Reich, printed in USA Today entitled "Tax wealthy to pay for Iraq war," I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 15, 2003]

TAX WEALTHY TO PAY FOR IRAQ WAR

TEST PATRIOTISM'S DEEPER MEANING

(By Robert B. Reich)

President Bush says he will ask Congress for $87 billion in emergency spending for military and intelligence operations in Iran and Afghanistan. That's on top of the $79 billion Congress already has approved to pay for the war and its immediate aftermath. Neither of these figures includes an estimated $50 billion more that will be needed to rebuild Iraq, or any additional expenditures we may need for homeland security.

How can we afford all that?

The coming fiscal year's federal budget deficit already is approaching $600 billion. Add in the extra spending, and it's close to $600 billion. And that's just one year's tab. The total over all the years it will take to stabilize both Iraq and Afghanistan and win the war against terrorism is likely to be far higher.

Bush and the Republican Congress have no real plan to pay for these extra costs. At one time they mentioned Iraq oil, but the oil won't be flowing in substantial volume until wells and pipelines are rebuilt, which could take years. America's major allies haven't offered to foot the bill. Given that France and Germany are still grumpy about the Iraqi war, and Britain's Prime Minister Tony Blair is taking a great deal of heat about it at home, there's no reason to suppose that they will be offering a lot of financial help.

One thing is certain. Neither the White House nor Congress is considering the best solution: a year tax on wealthy. Raising taxes is politically unpopular. Bush has wanted only to cut taxes, especially on America's wealth. Yet there's a strong history of conservatives and Republicans who have embraced war taxes as the fairest and best way to finance the costs.

Traditionally during wartime, taxes have been raised on top incomes to pay the extra costs of war. The estate tax—overwhelmingly paid by wealthy families—was imposed by wartime Republican presidents Abraham Lincoln and William McKinley. It was maintained through World War I, World War II, the Korean War, Vietnam and the Cold War. Now, the estate tax is being phased out, at least until 2011, as part of the tax cut of 2001.

The top income tax rate rose during World War I to 70 percent. In World War II, it reached more than 90 percent. In 1953, with the Cold War raging, Republican President Dwight Eisenhower refused to support a Republican move to reduce it. By 1980, it was still way up there, at 70 percent. Then Ronald Reagan slashed it to 28 percent, giving us the lowest top tax rate of all modern industrialized nations. Because Reagan kept spending record sums on the military, the federal deficit ballooned. A few years after that, the Berlin Wall came down, ending the Cold War. We congratulated ourselves and then faced the largest budget deficit since World War II.

It seems only fair that the rich should pay proportionately more, especially now that the cost of the war against terrorism is rising. They're the only ones with money to spare. Look at the numbers: In 1979, the top 5 percent of earners took home 16.4 percent of total family income, but by 2001, their share had increased to 22.4 percent. In contrast, in 1979 the bottom 60 percent of earners took home 31.4 percent of total income; by 2001 their share had declined to 26.8 percent.

Besides, the very richest Americans benefit disproportionately from a stable federal government that protects their property and maintains public tranquility.

President Teddy Roosevelt made that case in 1906, arguing that the wartime inheritance tax should continue during peacetime: "The man of great wealth owes a particular obligation to the state because he derives special advantages from the mere existence of government."

It is the least the wealthy can do when so many others are sacrificing for the nation. Most wealthy kids never come near a front line. During the first Gulf War, enlistment rates for children of the richest 15 percent were one-fifth of the national average. Charles Moskos, a sociology professor at Northwestern University and expert on military affairs, notes that in his 1956 Princeton class, 450 of 750 men served in the military. In those days, America still had a draft. Last year, only three of Princeton's 1,000 graduates served.

The Bush administration doesn't seem interested in a war tax on the wealthy. To the contrary, the White House has been busily shifting the tax burden away from the rich—phasing out the estate tax, cutting taxes on dividends and parceling out other tax breaks to them. The president says this is the way to stimulate a sluggish economy. But the rich aren't going to spend the extra cash. They already spend as much as they want. They're more likely to invest it around the world, wherever they can get the highest return. Repealing a year's tax cut for the top 1 percent would generate almost enough to cover the entire $87 billion of additional spending on Iraq.

A war tax, properly structured, also would prevent the rich from squirreling away their income in foreign tax shelters. An acquaintance from law school, now a partner in one of Washington's biggest firms, with offices in many countries, recently explained to me one such dodge as we lunched in a swanky restaurant. He and his partners use tax rules to create offsetting taxable gains and losses, then allocate the gains to the firm's foreign partners, who don't pay taxes in the United States. That way, they keep the losses in the United States and shelter their income abroad. A war tax, properly structured, would close such foreign loopholes.

I noted he had an American flag lapel pin. "You're supporting our troops," I said, referring to it. "Yup," he replied, entirely missing my point. "And I can't stand all those naysayers who are knocking America. I mean, we stand or fall together, right?"

Exactly. Suggesting that the wealthy should pay more to support the nation in time of war isn't inviting class warfare. It's exploring a deeper meaning of patriotism. The basic question is what we own one another as citizens. The question seems especially pertinent in a newly dangerous world, in which we stand or fall together.

Mr. HOLLINGS. Secretary Reich, he wants to tax the 1 percent most wealthy. He says that will get us $87 billion.

I am for doing away with all of President Bush's tax cuts so we can get jobs and the economy going, as we did under President Clinton. When we passed that, back in 1993, we had 8 years of the finest economic growth that you have ever seen. We put the Government back in the black, and we did it by increasing taxes. Now they say to put it back in the black, give the rich a tax cut.

FCC MEDIA OWNERSHIP

Mr. HOLLINGS. Mr. President, let me address the particular resolution for disapproval of the Federal Communication Commission's order relative to not only increasing media ownership from 35 percent to 45 percent but, more particularly, also eliminating cross-ownership rules so you can own everything. You can own the cable, you can own the television, you can own the newspaper, you can own the satellite and many stations and what have you, and, in the main, the networks own them.

I hasten to add that I hold no brief for or difference with any of the 10 particular Federal Communications Commission Chairmen with whom I have served. I have served, it will be almost 37 years, beginning with Rosel Hyde back in 1966, to Dean Burch, to Richard Wiley, to Charles Ferris, to Mark Fowler, to Dennis Patrick, to Alfred Sikes, to James Quello, to Reed Hundt, to William Kennard. Ask any one of them.

I got on the Commerce Committee and on the Subcommittee on Communications, when John Pastore of Rhode Island was the chairman of the subcommittee. For over 20-some years I have served as either chairman of that subcommittee or ranking member.

Right to the point, I want to try to agree with our distinguished FCC chairman, Michael Powell. I tried my best to sit down and talk with him. I realized from the get-go that he was off on a toot because he was asked, just as he was coming into office, about the public interest. He was asked, at his maiden news conference, for his definition of the public interest.

Powell joked:

> I have no idea. The term can mean whatever people want it to mean. It's an empty vessel in which people pour in whatever their preconceived views or biases are.

I could see we would have trouble because here is a regulatory body to carry out the rules and regulations and the intent of the Congress to regulate, and here he is coming in and saying: No, no—market forces. The public interest is just something fanciful. It is an "empty vessel," to use his characterization.

Free market analysis does not apply to the broadcasting industry because of spectrum scarcity; that is, the primary local broadcast is the primary source for local news, weather, public affairs programming, and emergency information.

When we had the 1996 act, it actually was a bill that I had worked on 2 years as chairman of the Commerce Committee. I can see George Mitchell, the majority leader, trying to get it up because we passed it out of the committee unanimously. We worked in a bipartisan fashion. He could not get it up. In desperation and frustration, he said: The first thing I am going to do when we convene next year is call up the Telecommunications Act.

Of course we Democrats were beat. The Republicans took over. Senator Larry Pressler, the distinguished Senator, took over as chairman of the Commerce Committee and he put in the Republican version. But in conference—you can ask Tom Bliley, who was the Republican chairman in the House and I was working on the Senate side—that we more or less reconciled it to a bill that we had worked on literally for 4 years to promote competition.

We realized we were into a dynamic environment, changing each day. We worded the language in there so it would not only deregulate but reregulate.

Of course the distinguished Chairman Powell went along with every gimmick in the book, such as it didn't refer to data, and various other things that my colleague over on the House side, BILLY TAUZIN, put in, but we held up.

Finally, the other day they put out an order relative to the ownership cap and the cross-ownership. Let's take 1 second with respect to the ownership cap.

What happens is that we were really trying to hold it to the 25 percent. There were some in violation, in excess of that. They wanted to be able to reconcile themselves and come into conformance with the law itself and the rule. We got down to the base wire and everything else of that kind. There was not any question in our own minds that the 25 percent was enough ownership, because we could see how the radio was going at the particular time.

We all know how radio has gone, where they can own 1,200 stations. When you get that kind of ownership, they can't just give numbers, you have to get control.

I can't get any kind of local thing. It is all foreign. In fact, you are liable to get the weather out of India at your local hometown station. They are reading from some kind of report.

We had a system that was actually checks and balances at the Federal Government level. In other words, in broadcasting, the content was provided by producers. The networks served as wholesalers and the local affiliates as distributors. Now the networks have come in and gotten their own programming. They have done away with the financial syndication rule. They have gotten into their own programming in vertical integration.

The networks have been allowed to buy up stations, and they are buying them up like gangbusters. What we are going to have here is almost one branch of government trying to preserve localism in the public interest. It is not going to happen if this continues. It just threw everyone into turmoil.

There isn't any question. On the House side, even though Chairman TAUZIN opposed it vigorously, a bipartisan group put in the State, Justice, Commerce appropriations bill that the 45-percent rule of the Federal Communications Commission be reversed and go back to 35 percent. We considered the same thing over at the markup of the State, Justice, Commerce appropriations bill, and we included that same provision word for word.

I ask unanimous consent that an article entitled "How Michael Powell Could Have the Last Laugh," in this week's BusinessWeek, which goes right to the cross-ownership, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From BusinessWeek, Sept. 22, 2003]

HOW MICHAEL POWELL COULD HAVE THE LAST LAUGH

(By Catherine Yang)

Federal Communications Commission Chairman Michael K. Powell looks like a man on the run. Since he passed sweeping rules in June enabling greater media consolidation, an angry public has ignited a fast-burning backlash against his deregulatory agenda. On Sept. 3, at the urging of public interest groups, the U.S. Court of Appeals in Philadelphia stayed the rules until it could finish reviewing them. The next day, the Senate Appropriations Committee voted to bar the FCC from implementing a new rule allowing TV networks to own stations covering up to 45% of the U.S. audience.

But while the opponents of media consolidation seem to be gaining ground fast, they shouldn't be too quick to declare victory. In fact, Capitol Hill's expected repudiation of the networks' 45 percent limit risks letting the steam out of the debate—and leaving Powell's laissez-faire legacy intact. Until now, lawmakers and the anti-Big Media insurgents have focused on gutting this one rule. The 45 percent cap has become a rallying symbol, but the regulations that would truly reorder America's media landscape and affect local communities have flown under the radar. These would allow companies to snap up not only two to three local TV stations in a market but also a newspaper and up to eight radio stations. If the courts and Congress are worried about the dangers of media consolidation, they'll have to resist calling it a day after dispensing with the network cap and go after the rule with real bite.

As it stands now, TV's Big Four networks will be losers among media outlets—thanks mostly to vociferous lobbying by independent TV affiliates. With strong ties to lawmakers who depend on them for campaign coverage, the affiliates have succeeded in getting a House vote against the 45 percent rule and will likely see a rerun of that episode when the Senate votes by October. But with Fox and CBS already each owning stations that cover about 40 percent of the nation's audience, "going up another 5 percent isn't going to make a dramatic difference," says Scott A. Stawski, a media consultant at Inforte in Chicago.

In contrast, opening the floodgates to allow local behemoths to combine newspapers, TV, and radio stations under one roof would change media ownership in towns and cities, concentrating it in the hands of a few. Even in midsize cities, such as San Antonio, for instance, one company might own the leading newspaper, two TV stations, eight radio stations, and several cable channels. Powell argues the explosion of cable networks and the Internet brings a wide choice of media to communities, even if there's a spate of mergers. And—no surprise here—most media companies agree.

Yet there's little doubt that, once given the go-ahead, these rules would spur local consolidation. Owning a second or third station in a market is irresistible for TV station owners, which can splash expenses by a third by ditching duplicate cameramen, studio technicians, and reporters. The economies of newspaper-broadcast crossownership may be dicier, but publishers such as Tribune Co., Gannett, and Media General want stations where they publish—if for nothing more than to cut costs in back-office operations.

True, the new media giants could conceivably plow their savings back into improving local news coverage. But public companies are more likely to use them to boost returns to shareholders. "If they can downsize the operational budget through having fewer people cover the news, they'll do it," says Jill Geisler, head of the leadership program at the Poynter Institute, which promotes journalism standards.

But even asking whether TV duopolicies and newspaper TV combos can produce better news may be beside the point. "The test is how many different voices we have," says James F. Goodmon, CEO of Capitol Broadcasting Co., a Raleigh (NC)-based TV station group that is opposed to the FCC's rules. "What's good news to you is bad news to me. I'm really worried about someone deciding what good news is." The courts and Congress, too, should guard against a Powell doctrine that could end up muffling more voices than it adds.

Mr. HOLLINGS. Mr. President, we had the support of the National Association of Broadcasters with respect to the overall check of the 45 percent being turned back to the 35 percent and not go up to 45 percent. However, the station owners realized that money could control and they could be in a position where cross-ownership would be done away with. There is a lot of big money with these oligopolies coming in and buying up their stations, which would position them monetarily and enhance the value of their station.

We don't have the support of the National Association of Broadcasters on that cross-ownership. But the Senator from North Dakota, Mr. DORGAN, has it in as a resolution of disapproval. I am a cosponsor. Senator LOTT and many of our Republican colleagues are also cosponsors. We discharged that one out from the Commerce Committee.

The Stevens-Hollings authorization bill on the return of 45 percent from the 35 percent has been reported and is pending at the desk for consideration. I think the appropriations process is the only way that we can proceed.

I ask unanimous consent to have printed in the RECORD an article from USA Today from this morning entitled "FCC's Powell keeps chin up as regulation storm rages."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 15, 2003]

FCC'S POWELL KEEPS CHIN UP AS REGULATION STORM RAGES

(By Paul Davidson)

WASHINGTON.—Federal Communications Commission Chairman Michael Powell is unbowed by a string of rebukes from Congress, the courts and the public to his agency's ruling allowing media giants to get bigger.

"In hindsight, maybe I would have done a little more of this, a little less of that," Powell, a Republican, said last week in an interview in his corner office. "But I don't believe what we did in the mainstream was incorrect."

Powell has endured an unusually punishing year for an FCC chairman. He lost his bid early this year to deregulate the regional Bells' phone service when fellow Republican Kevin Martin sided with the agency's two Democrats. He has come to personify a much-maligned push by the Bush administration to give "big media" too much influence. And each move against his media plan by Congress or the courts is portrayed as a personal defeat that further erodes Powell's status as the USA's top communications regulator.

In an interview, Powell was calmly defiant, exuding little sense that he is at the epicenter of a national firestorm. "It does not faze me one bit that you're going to talk about me, because I don't think I'm the story," says Powell. "The story should be (what is the best) policy for the American people."

The newest and potentially most far-reaching setback could come Tuesday, when the Senate considers a rare resolution to reverse all the FCC's new media ownership rules. Backers of the measure expect it to pass, though it faces a battle in the House from Republican leaders and a veto threat from President Bush.

The FCC rules, approved by the commission in a party-line 3–2 vote in June, would let TV networks own local stations reaching, in total, 45% of the national audience, up from 35%. The rules also would allow ownership of a newspaper and a TV or radio station in the same market and up to three TV stations in the largest cities.

A diverse coalition, from the National Rifle Association to Common Cause, argues the overhaul would give a handful of conglomerates too much control over what people see, hear and read.

Powell downplays concerns as "melodramatic." Noting that a 1996 law and a federal appeals court ordered the FCC to justify its old rules or scrap them, he said the resolution to be voted on Tuesday would spawn "chaos."

"Why is it better for this country to reinstate rules that have been overturned by a court? Under the terms of the (resolution), we're not even allowed to replace them."

But Sen. Byron Dorgan, D–N.D., who launched the resolution push, disagrees. "The court did not overturn the rules. The court told the FCC that they must justify the rules. Instead, the FCC decided to take a high dive on behalf of the biggest corporate interests."

Dorgan says his measure would simply reinstate the old media limits, adding nothing would stop the FCC from issuing revised rules that make more tempered changes.

The resolution is the latest blow to Powell's media deregulation plan. The House in July voted to reinstate the 35% cap, and the Senate is expected to follow suit. That more limited measure stands the best chance of withstanding a White House veto because it's attached to a spending bill.

Powell says the tighter rules are outmoded as cable threatens free broadcast TV, but, "(Congress) makes the rules, and we implement them. I think that's completely fine." Yet he ripped the legislative proposals as hollow because they don't offer guidance on ownership regulation. "It is, in some ways, an anti-vote," he says.

And when critics rail against big media, "I'm not sure what problem people are trying to solve. I don't have the sense I don't hear every viewpoint from the left to the right on Fox, MSNBC and CNBC."

Powell says he can "absolutely see the argument" that easing media limits further could give too much influence to a handful of behemoths, but insists his changes are moderate. "It's an amazingly gradual, modest package. The difference between 35 and 45 (percent) is the network might own five more stations in the United States. So no, I do not think that's the end of democracy."

But Andrew Schwartzman of the Media Access Project notes the national cap was 25% before Congress raised it in 1996. "This is a very substantial increase. Chairman Powell persistently trivializes the heartfelt concerns of the public."

Schwartzman, some say dealt Powell his most stinging defeat when he persuaded a U.S. appeals court this month to block all the FCC's new regulations from talking effect until it rules on a broader challenge to them. Washington media lawyer Christy Kunin says the stay indicates the court believes the challenge has at least "some merit."

But Powell contends: "The court's decision has been radically exaggerated. It has merely said, 'Let's chill out,' and gives us a fair change to consider" the case.

> He also dismisses complaints that he could have handled the media ruling with more sensitivity, perhaps heeding calls to delay the vote another 30 days to give the public a chance to comment.
>
> "The commissioners who asked for the 30 days weren't going to change their vote in any way."
>
> Powell concedes the drumbeat of protest against his media plan "is intense. I'm a human being." But, "I don't personalize policy."
>
> The son of Secretary of State Colin Powell, Michael Powell is a former Army officer, Justice Department official and antitrust lawyer who is deemed a rigorous intellectual analyst but short on the political skills required of an FCC chairman. He admits discomfort with the swirl of politics. "I like to think of the agency as more judicial than legislative. And when it gets infected with whose constituency is going to win, I don't like that. It's very unsatisfying when you realize somebody's voting a certain way for political reasons."
>
> Powell cites deregulation of the wireless industry and promotion of high-definition TV among his biggest successes. He denies rumors he's poised to step down. There's nothing imminent. The criticism, he adds, "is not fun. But it's what you're forced to endure to be successful in this job."

Mr. HOLLINGS. Mr. President, you can see, as they say in this article, that Chairman Powell is defiant. He says that it would spawn chaos. It wasn't chaos. We had some competition. In fact, Senator McCain and I are trying to reregulate the radio stations, bring them back and do away with the ownership and make them divest to a certain number. But he says the commissioners now ought to have the views of the public. That is very interesting.

Mr. President, now Michael Powell is going to have a task force designed to prevent any media company from having excess power over competition or viewpoints.

He does that after two of the commissioners begged for public hearings. They literally begged. They were told they did not have money enough, and they could only hold one hearing. That hearing was held in Richmond.

From their own particular little budget, they had 13 hearings. Now a firestorm has erupted. You not only have the National Rifle Association and consumer groups, but you have the people of authority and respect such as Walter Cronkite and Barry Diller. You can go right on down the list all saying this is the worst thing that could possibly happen.

The interesting thing is that Commissioner Powell says they have "produced a balanced structural rule faithful to the directors of Congress." Total, total applesauce—applesauce and baloney. I can tell you that we begged and we coached. I thought maybe it was a personality difference.

I get along with his father, Secretary Powell. In fact, he and I received honorary degrees at Tuskeegee together. He calls me Dr. Hollings. I call him Dr. Powell. I have provided him every red cent he has ever wanted for State Department appropriations as Secretary of State. I have that particular appropriations.

But Michael Powell is a different character entirely. He is very competent, very smart, and very intelligent, but not a regulator. He just believes that the public interest is an empty vessel and the market forces should control. When he says "faithful to the directors of Congress," that is exactly what he has not been. He has been totally unfaithful. We begged him to hold up the order.

This particular reference in the order itself shows that he thinks they need big hearings on localism. Why didn't he hold up the order before he had the task force, before he had the hearings? The task force will make legislative recommendations to Congress to strengthen localism. We fought like tigers to try to get him to listen, and he just absolutely would not listen.

Mr. President, quoting from this morning's Wall Street Journal:

> Entertainment giants such as Viacom, NBC parent General Electric Co. and Walt Disney Co., which owns ABC, now reach more than 50 percent of the prime-time television audience through their combined broadcast and cable outlets. The total rises to 80 percent, if you include the parents of newer networks—such as News Corp.'s FOX and AOL, Time-Warner, Inc.'s WB—and NBC's pending acquisition of Vivendi Universal SA's cable assets, estimates Tom Wolzien, an analyst at Sanford C. Bernstein & Co.
>
> The big media companies are quietly recreating the "old programming oligopoly" of the pre-cable era, notes Mr. Wolzien, a former executive of NBC. Of the top 25 cable channels, 20 are now owned by 1 of the big 5 media companies.

They own each other. You talk to Chairman Powell, and he says, Look, cable is going to be taken over and there won't be any free broadcast. The free broadcaster is the one who owns the cable. He is totally off base. He just will not regulate. An order for localism is a sham and a farce. The American people ought to understand it and they ought to understand why we do not have the support of the National Association of Broadcasters. They want to enhance the value of their individual stations. They see if you can get the cross-ownership, the value of their station locally. One of the big oligarchies will give an inordinate price and they can go to Virginia Beach, the sun, take it easy, and will not have to worry.

I appreciate the indulgence of the Senate at this late hour. I only ask that you give close attention to the bipartisan Dorgan-Lott resolution, that we disapprove it, and put us back to where we were before they started a feeding frenzy, according to all the stockbrokers in the market in New York, ready to buy up all the rest of the stations as soon as it becomes effective. It has been stayed by the court. Rather than causing chaos, it will bring us back and maybe we can find out from the task force of localism, of Chairman Powell, what really needs to be done, what the public interest is.

I yield the floor.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS ON 50 YEARS OF SERVICE

Mr. DASCHLE. Mr. President, today I would like to congratulate Chapter 0336 of the National Association of Retired Federal Employees, NARFE, on the occasion of its 50th anniversary.

Fifty years ago, Chapter 0336 was formed by 17 NARFE members in Rapid City, SD. Today, the chapter's membership has grown to include over 200 persons. As many of my colleagues know, NARFE has been instrumental in protecting the rights of retired Federal and civilian employees.

The importance of Federal employees is well illustrated by the overwhelming majority of those in the Chamber today. Federal and civilian employment is an essential component of governmental efficiency. These employees are the backbone of our great country, and those who devote their lives to public service deserve to know that they will retire with dignity.

By acting as an advocate for these retirees, NARFE not only ensures that retirees receive the benefits that were promised to them but also aims to improve future conditions for current Federal and civilian employees. The years of experience on Capitol Hill and in Federal agencies have made NARFE a name respected by Members of Congress and a key player in the Federal community.

Throughout my congressional career, NARFE offices across my State have contacted me on numerous occasions urging me to support legislation beneficial to those who helped strengthen our country over the past decades. Its members have always been forthright in suggesting legislative remedies for their problems—I appreciate that.

Again, I wish to extend my congratulations to all involved in making this momentous occasion possible, and I look forward to working closely with Chapter 0336 and other NARFE offices well into the future.

THE AL NEUHARTH MEDIA CENTER

Mr. DASCHLE. Mr. President, today I would like to salute a great American and South Dakotan, Mr. Al Neuharth. As the founder of USA Today, former chief executive officer of Gannett New Service, and founder of the Freedom Forum, he has made immeasurable contributions to our understanding of the world.

Mr. Neuharth's commitment to free speech and the press began with a paper route in Eureka, SD, when he was 11 years old. Al continued to work in local media throughout his youth, later in the composing room at the weekly Alpena Journal in neighboring Alpena. Following his service in World War II, Al returned home to South Dakota, graduating from the University of South Dakota in 1950 with a degree in journalism.

Upon graduation, Al Neuharth began what would be a historic career in print media. He began working for the Associated Press in Sioux Falls, SD, as a reporter and soon launched his first publication, a statewide weekly tabloid called SoDak Sports. While SoDak Sports would not prove to be his most successful venture, Mr. Neuharth pressed forward as a journalist. In 1954, he became a reporter at the Miami Herald, quickly ascending the ranks, and in 1960 he was named assistant executive editor of the Detroit Free Press. This remarkable success demonstrates that Al's talent for straight truth and love of communication was visible to all who worked with him. In 1963, Neuharth began his career with Gannett News Service as the general manager of its two Rochester, NY, newspapers. Only 7 years later he was named president and chief executive officer of Gannett News Service, a position he held until his retirement in 1989. Under Al's leadership, the company launched USA Today in 1980—the first national daily newspaper—and their reputation for quality journalism has grown each year since.

Upon retiring from Gannett News Service, Al Neuharth founded the Freedom Forum in 1991 and has since dedicated his work to the pursuit of "free press, free speech, and free spirit for all people." I have had the pleasure of working with Al on many occasions and have seen his genuine commitment to preserving free expression for all Americans.

In addition to his ongoing efforts to preserve free speech, Al Neuharth has also dedicated both time and treasure to his hometown of Eureka, SD, and has never forgotten his South Dakota roots. Most notably, he contributed greatly to the Eureka Information Center. This center houses community nonprofits and civic organizations, providing a space for the involvement and dialogue that strengthens small towns.

On September 25, 2003, Mr. Neuharth's alma mater, the University of South Dakota, will dedicate its Al Neuharth Media Center. This center, funded by the Freedom Foundation and the University Foundation, will house the Freedom Foundation's regional offices, South Dakota Public Broadcasting, the University's Department of Contemporary Media and Journalism, the Native American Journalists Association, the University's publication The Volante, campus radio station KAOR and television station KYOT.

Freedom of the press is an essential component of America's experiment in democracy and one of the principal reasons the experiment has succeeded. By training future journalists and defenders of the first amendment, the Neuharth Media Center will convey Al's passion for free speech and help ensure that this great experiment in democracy will be preserved for generations to come.

I am proud to honor Al Neuharth and the University of South Dakota Neuharth Media Center and proud to know Al Neuharth.

TRIBUTE TO GOVERNOR O'BANNON

Mr. LUGAR. Mr. President, it is my sad duty today to inform the Senate that the State of Indiana has lost its beloved Governor, Frank O'Bannon. He passed away on Saturday at Northwestern Memorial Hospital in Chicago, where he was being treated for a massive stroke suffered five days earlier. He was 73 years old.

All of us in Indiana mourn the loss of this fine man, whose kind and gentle nature had won the hearts of so many Hoosiers over the years. Frank O'Bannon will always be remembered for the warmth and friendliness that were essential elements of his character. He was a true Hoosier.

He and his wife, Judy, had been married 46 years and were part of a close-knit family that includes their three children and five grandchildren. Judy was at his side at the hospital when he passed away. I extend my deepest condolences to Judy, and I know she will draw strength and support from her family and many dear friends.

I consider it a privilege to have known Frank O'Bannon. He grew up in Southern Indiana in the town of Corydon during the 1940s, where he experienced first-hand the special charm of that era captured so wonderfully in the movie Hoosiers. After graduating from Indiana University in 1952, he served in the Air Force, went to law school and then came home to settle down and work as a lawyer and publisher of weekly newspapers.

He was first elected to the Indiana State Senate in 1970 and went on to serve 18 years there—much of it as the Democratic floor leader. He was Lieutenant Governor for 8 years before being elected Governor in 1996 and then re-elected by a wide margin in 2000. He was an optimist by nature, a consensus builder and a man of absolute integrity. I always looked forward to my visits with him. I will miss him greatly.

On Saturday, our Lieutenant Governor, Joe Kernan, was sworn in as Indiana's 48th Governor. He will serve the remainder of Governor O'Bannon's term, until January 2005.

Frank O'Bannon's remains will be buried near other family members in a small cemetery in Corydon. He touched many people in his life. May he rest in peace.

WITHDRAWAL OF THE ESTRADA NOMINATION

Mr. LEAHY. Mr. President, earlier this month the President withdrew the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Colombia Circuit. This was a nomination for a lifetime appointment to the second highest court in the land. The Constitution accords the Senate the duty to make informed judgments for these lifetime appointments to our Federal courts. Senators cannot make informed judgments if the White House stonewalls the Senate.

This withdrawn nomination is another example of the White House's insistence on dividing instead of uniting the American people over the President's decisions for the Federal courts. Ultimately, the nomination was a casualty of that divisive policy. For more than a year, the White House has consistently spurned many private and public bipartisan appeals to resolve this matter by working with the Senate to provide access to requested information. Mr. Estrada's work at the Justice Department was at the core of the administration's claims for his qualification to serve on this court. Despite the questions raised about his work at the Justice Department and the ample precedents from similar document requests involving earlier nominations, this administration decided to stonewall the Senate. This stonewalling, combined with Mr. Estrada's reluctance to answer substantively Senators' questions, prompted this impasse. The White House always had the key to unlock this stalemate.

In the absence of cooperation from the White House, and with the persistence of the White House's stonewalling, Mr. Estrada has concluded that this impasse will continue. He is probably right, and he and his family can now move on with their lives.

In the aftermath of the announcement on September 4, some Republican Members of the Senate have come to the Senate floor and sought out the airwaves to renew their offensive and untrue rhetoric about this nomination. I must take a few moments to set the historical record straight.

First, some Republicans have repeated their false assertion that Democrats opposed Mr. Estrada's nomination because of his ethnicity. That is absurd. In the last Congress, Senate Democrats swiftly acted to confirm six Latino judicial nominees—Christina Armijo, NM; Judge Phillip Martinez, TX; Randy Crane, TX; Judge Jose Martinez, FL; Magistrate Judge Alia Ludlum, TX; and Jose Linares, NJ. During this Congress, Democrats have unanimously supported the confirmation of six other Latino judicial nominees—Edward Prado, Fifth Circuit; Consuelo Callahan, Ninth Circuit; S. James Otero, CA; Cecilia Altonaga, FL; Xavier Rodriguez, TX; and Frank Rodriguez Montalvo, TX. All of these nominees received the unanimous support of the Senators in the Democratic caucus.

Moreover, it was Democrats who worked to clear the nominations of Judge Prado and Judge Callahan to the circuit courts over delays and initial objections from the Republican side of the aisle. Yet some Republican Senators assert that those who opposed Mr. Estrada's confirmation to the circuit court did so "because he's Hispanic." That is obviously false, demeaning and divisive.

These partisans may need to be reminded that, in addition to supporting the confirmation of two other Latinos nominated to the appellate courts by President Bush, Democrats supported the appointment of 11 Latinos nominated by President Clinton to the appellate courts. It was Republicans who blocked three of those Latino circuit court nominees of President Clinton. Those qualified and distinguished Latino nominees were never given hearings by the Republican majority and never allowed to come before the full Senate. They were not opposed through debate and votes in the light of day; instead, their nominations were filibustered and killed by delay, in the dark of night, without any meaningful explanation of any substantive concerns about their nominations. This all begs the rhetorical question: Do the current Republican charges mean that Republicans are anti-Hispanic for having blocked three Hispanic nominees to the circuit courts and for having opposed, delayed and voted against numerous others nominated by President Clinton? The facts are clear and the facts are indisputable, and the facts belie the false charges that we have heard from some on the other side of the aisle.

Republicans blocked three Latino nominees of President Clinton to the appellate courts from ever receiving a vote: Enrique Moreno, who was nominated to the 5th Circuit; Jorge Rangel, who was nominated to the 5th Circuit; and Christine Arguello, who President Clinton nominated to the 10th Circuit. In addition, Republicans refused to allow votes on three of President Clinton's Hispanic district court nominees, Ricardo Morado, R. Samuel Paz, and Anabelle Rodriguez. Republicans did not allow a hearing or a vote in the Judiciary Committee or on the floor in a cloture vote or confirmation vote on any of these six Latino nominees. I will include for the RECORD a letter from Judge Rangel, a well-regarded nominee of President Clinton, who never received a confirmation vote from the Republican majority at that time.

Republicans did not just block those six Latino judicial nominees of President Clinton from receiving votes, they also dragged their feet on the confirmation of others who were left pending for a long time, often without any public statements identifying the concerns that were delaying those nominees, in contrast to Mr. Estrada's nomination which has been debated in the light of day. When they unsuccessfully filibustered Judge Rosemary Barkett and Judge Richard Paez, were they doing so because the nominees were Hispanic? When they delayed and opposed the confirmation of Judge Sonia Sotomayor, do recent Republican statements mean that they did so because she is Hispanic?

Overall, during President Clinton's tenure, 10 of his more than 30 Hispanic nominees were delayed or blocked from receiving hearings or votes by Republican leaders. The Hispanic judicial nominees denied a vote by Republicans are Moreno, Rangel, Arguello, Morado, Paz, and Rodriguez. The four Hispanic judicial nominees delayed but ultimately confirmed over Republican opposition are Judges Richard Paez, a Mexican-American nominated to the Ninth Circuit; Judge Hilda Tagle, a Mexican-American nominated to the Texas district court; Judge Rosemary Barkett, an immigrant from Mexico nominated to the Eleventh Circuit; and Judge Sonia Sotomayor, whose family hails from Puerto Rico. Of these 10, three waited more than 2 years to receive a vote or were never accorded one. Republicans delayed consideration of the nomination of Judge Richard Paez for more than 1,500 days yes, that is correct, more than 1,500 days and then when he finally did get a vote, 39 Republicans voted against his confirmation to the Ninth Circuit. He was unsuccessfully filibustered by Republicans. Senator SESSIONS moved to indefinitely postpone the vote after we overcame the Republican filibuster, after Judge Paez had been waiting for more than 4 years, and 31 Republicans voted with Senator SESSIONS on that motion after their filibuster failed. Of course, now Republicans have the temerity to assert that it is unprecedented to filibuster a circuit court nomination. What short memories they must believe the American people have. I discussed this in more detail in the CONGRESSIONAL RECORD of February 10, 2003.

The nomination of Judge Hilda Tagle to a District Court seat in Texas was pending before the Senate for 943 days, before Republicans finally allowed her a vote on the floor of the Senate. After failing to defeat her nomination through anonymous delay, not a single Republican explained the delay. Republican delays such as these on Clinton nominees are discussed in more detail in my statements published in the CONGRESSIONAL RECORD on May 1, 2003, as well as in statements about Mr. Estrada's nomination by Senator REID, Senator KENNEDY, Senator SCHUMER and others.

I hope these facts will finally put to rest the untruths that have been manufactured and perpetrated to attack those who opposed the confirmation of Miguel Estrada. For Republicans to claim that those who opposed the Estrada nomination were motivated by anti-Hispanic sentiment is wrong. It is offensive, base and baseless. Indeed, I have spoken about the extensive opposition to the Estrada nomination from Hispanic leaders and organizations. That opposition of Latino leaders from around the country who opposed the Estrada nomination included our colleagues in the Congressional Hispanic Caucus, CHC. According to the CHC scorecard, Mr. Estrada failed most of the factors for their evaluation of judicial nominees. Furthermore, Mr. Estrada told members of the Caucus:

> [H]e has never provided any pro bono legal expertise to the Latino community or organizations. Nor has he ever joined, supported, volunteered for or participated in events of any organizations. Nor has he ever joined, supported, volunteered for or participated in events of any organization dedicated to serving and advancing the Latino community. As an attorney working in government and the private sector, he has never made efforts to open doors of opportunity to Latino law students or junior lawyers . . . [and] he never appealed to his superiors about the importance of making such efforts on behalf of Latinos.

These are just a few of the concerns raised by the Members of the CHC, which are detailed in several statements I have made, including my statements in the CONGRESSIONAL RECORD on February 5, 2003; February 10, 2003; February 24, 2003; February 25, 2003; as well as on July 30, 2003.

Mr. Estrada was also opposed by the Puerto Rican Legal Defense and Education Fund, PRLDEF, a national civil rights organization concerned with advancing the civil and human rights of the Latino community. After interviewing Mr. Estrada, like the CHC, and also reviewing his public record and his reputation, PRLDEF concluded that Mr. Estrada was not sufficiently qualified for a lifetime seat on the nation's second highest court and that, among other concerns about his poor temperament for the job, "he has not had a demonstrated interest in or any involvement with the organized Hispanic community or Hispanic activities of any kind." Their letter was included in the CONGRESSIONAL RECORD and discussed on the dates I just noted. I also included for the CONGRESSIONAL RECORD, the serious concerns raised by the Mexican American Legal Defense and Education Fund, MALDEF, and California La Raza Lawyers, CLRL, which also opposed Mr. Estrada's confirmation. They wrote:

> [I]t is unclear whether he would be fair to Latino plaintiffs as well as others . . . we found evidence that suggests he may not serve as a fair and impartial jurist on allegations brought before him in the areas of racial profiling, immigration, and abusive or improper police practices where those practices are adopted under a 'broken window theory' of law enforcement . . . We have concerns about whether he would fairly review standing issues for organizations representing minority interests, affirmative action programs or claims by low-income consumers. We are also unsure, after a careful view of his record, whether he would fairly protect labor rights of immigrant workers or the rights of minority voters under the Voting Rights Act.

In the CONGRESSIONAL RECORD of February 24, 2003, I also included the announcements of the opposition to this nomination by most of the past Presidents of the Hispanic National Bar Association. In the face of the facts about our confirmation of a dozen Hispanic candidates nominated by President Bush to the circuit or district courts and the breadth and depth of the opposition of most of the Latino civil rights groups, it is astonishing that Republicans continue to assert that those who oppose Mr. Estrada's confirmation are anti-Hispanic. That is such an outright and obvious untruth. Yet we see some of these untruths recycled again and again in news reports and commentaries, despite the facts. These baseless allegations for purposes of wedge politics and partisan advantage are wrong and dangerous.

The facts are that of the 12 Latino appellate judges currently seated on the Federal courts, eight were appointed by President Clinton and two, Judges Prado and Callahan, were nominated by President Bush and confirmed with unanimous Democratic support. I discussed the problems with the Estrada nomination in contrast to the nominations of Judge Prado and Judge Callahan in the CONGRESSIONAL RECORD of April 28, 2003 and May 22, 2003, respectively, as well as in contrast to less controversial district court nominees on March 27, 2003, March 31, 2003, and May 6, 2003.

I have included in the record almost seven dozen editorials or commentaries in opposition to the Estrada nomination or in support of the Democratic filibuster. Those editorials were mentioned in the CONGRESSIONAL RECORD on March 6, 2003, and April 2, 2003. At the end of my remarks today, I will include excerpts from additional editorials and op-ed columns in opposition to the Estrada nomination or in support of the Democratic filibuster of this nomination. In particular, I note the editorial of The New York Times this week entitled, "Straight Talk on Judicial Nominees."

On the issue of the history of the use of filibusters in connection with nominations, some Republicans would now have the public believe that a filibuster of a nominee is, in their words, "unprecedented." This is another deception. As some of these same Republicans well know, they filibustered the nominations of Judge Paez and Judge Berzon on the floor of the Senate in 1999 and 2000, as they conceded at that time. By way of example, I note that several Republicans currently serving voted against cloture, the motion to close debate, after the Paez nomination had been pending before the Senate for more than four years. I have already noted that even after losing the cloture vote, Republicans led by Senator SESSIONS moved to indefinitely postpone a vote on Judge Paez's nomination, and a number of Republican Senators currently serving voted to continue to block action on the Paez nomination in 2000. Yet some Republican Senators now claim that it is unprecedented to filibuster or deny a circuit court nominee an up or down confirmation vote on the Senate floor.

Their filibuster of Judge Paez's nomination is just one example of Republican filibusters of Democratic nominees. Others include Dr. David Satcher to be Surgeon General in 1998; Dr. Henry Foster to be Surgeon General in 1995; Judge H. Lee Sarokin to the Third Circuit in 1994; Ricki Tigert to the Federal Deposit Insurance Corporation in 1994; Derek Shearer to be an Ambassador in 1994; Sam Brown to an ambassador-level position in 1994; Rosemary Barkett, born in Mexico, nominated to the Eleventh Circuit, 1994; Larry Lawrence, to be ambassador in 1994; Janet Napolitano at the Justice Department in 1993; and Walter Dellinger to be Assistant Attorney General for the Office of Legal Counsel at the Justice Department in 1993.

The nominations of Dr. Foster and Mr. Brown were successfully filibustered on the Senate floor by Republicans. Similarly, the nomination of Abe Fortas by President Lyndon B. Johnson to the Supreme Court of the United States was successfully filibustered by Republicans with help from some southern Democrats.

In addition, to the short-term and life-time appointees of Democrats whose nominations were subject to sometimes fatal delay on the floor, Republicans made an art form of killing nominations in Committee so that they would never have a vote on the floor. According to the public record, more than 60 of President Clinton's judicial nominees were defeated by willful refusal to allow them a vote and more than 200 executive branch nominees of President Clinton met the same fate, including several Latinos, with their nominations nixed in the dark of night without any accountability. They were filibustered and never allowed a vote on the Senate floor. I discussed this history in more detail on February 26, 2003, in the CONGRESSIONAL RECORD.

In addition, in the CONGRESSIONAL RECORD on March 5, 2003, March 11, 2003, and March 13, 2003, I summarized the history of filibusters of nominees. I also spoke on May 19, 2003, about the history of Senate debate and the constitutionality of Rule XXII of the Senate rules. The fact of the matter is that many nominees have been blocked from receiving votes throughout the Senate's history. For example, 25 Supreme Court nominees were not confirmed in the history of our Nation. Eleven of those nominations were defeated by delay, not by confirmation votes on the Senate floor, including the nomination of Justice Fortas. Since the early 19th Century, nominees for the highest court and to the lowest short-term post have been defeated by delay, while others were voted down. Not even all of President Washington's nominees were confirmed or those of other presidents, often for political or ideological reasons. Filibusters and other parliamentary tactics to delay matters were known to the Framers. There was even a filibuster in the first Congress over locating the capital.

The plain truth is that Democrats opposed the nomination of Mr. Estrada to the DC Circuit based on serious and legitimate concerns regarding the stonewalling of the Senate by this White House and this nominee. The DC Circuit is the nation's second most important court, because it has exclusive or special jurisdiction over a broad array of far-reaching federal regulations, such as the rights to safe workplaces, fair employment practices, clean air and water, and other important laws—areas with which Mr. Estrada had very little experience.

Republicans lean heavily on the rating of the ABA, a group that Republicans helped oust from the pre-nomination process and a group which ever since then has sometimes seemed overly eager to get back into their good graces. Yet, as Senator REID noted in the CONGRESSIONAL RECORD in February and March of this year, there were certainly irregularities in the rating given to this nominee by the American Bar Association, with the person who recommended a well qualified rating working closely with the Bush administration on high-level appointments and co-founding the Committee for Justice to run attack ads against Democrats, while still serving on the ABA rating committee. Other nominees with similar records did not receive the high rating Mr. Estrada did, in this or past administrations. In fact, people with similar records received partial not qualified ratings, when the process was conducted more fairly and with more candor, and when the candidate did not already have the imprimatur of the President through his nomination.

I would also note that before the hearing on the Estrada nomination, Federalist Society insiders gave a special seminar on how to get through the confirmation process and urged President Bush's judicial nominees to say as little as possible. Mr. Estrada appears to have followed those marching orders to a "T" and to his own detriment. During the hearing on his nomination he often refused to answer questions or provided evasive answers. He declined to share his views on important Supreme Court cases and his judicial philosophy. For example, Senator SCHUMER asked Mr. Estrada to name a single case from the entire history of Supreme Court law that he disagreed with, Mr. Estrada refused. He claimed he could not comment on any case if he had not read the briefs, listened to oral argument, done independent research and conferred with colleagues.

Most who knew Mr. Estrada personally seemed to agree that he was actually a very opinionated person. He admitted in his testimony that he could be "ruthless" in his criticism of legal and political opinions. Yet, before the Senate Judiciary Committee, he would not describe those views and claimed to have no views he could or would share with the only people entrusted with reviewing his record and recommending his nomination for a lifetime job on the Federal bench.

Then Republicans even tried to assert that it would be unethical for Mr. Estrada to answer questions by Senators. However, the Supreme Court held in 2001 that it does not violate judicial ethics for judicial candidates to comment on legal issues, as long as they do not promise how they will rule. Ironically it was the Republican Party that had sued the State of Minnesota to ensure that their candidates for judicial office could give their views on legal issues without violating judicial ethics, the State counterpart to the ABA model rule. Republicans took the case all the way to the Supreme Court and won. In an opinion by Justice Scalia, the Supreme Court ruled that the ethics code did not prevent candidates for judicial office from expressing their views on cases or legal issues. Justice Scalia said that anyone coming to a judgeship is bound to have opinions about legal issues and the law, and there is nothing improper about expressing them. Specifically, in *Republican Party of Minnesota* v. *White*, 122 S. Ct. 2528 (2002), the Supreme Court overruled ABA modeled restrictions against candidates for judicial office from expressing their views on legal issues while seeking judicial office. Justice Scalia explained in that majority opinion:

> Even if it were possible to select judges who do not have preconceived views on legal issues, it would hardly be desirable to do so. "Proof that a Justice's mind at the time he joined the Court was complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias." . . . And since avoiding judicial preconceptions on legal issues is neither possible nor desirable, pretending otherwise by attempting to preserve the "appearance" of that type of impartiality can hardly be a compelling state interest either.

Id. at 2536 (quoting Justice Rehnquist's opinion in *Laird* v. *Tatum*, 409 U.S. 824 (1972)).

Judicial ethical rules do not prevent Senators from learning about a judicial candidate's views. Senators are trying to evaluate whether a nominee should be given a lifetime position, and the Senate hearing room should not be the only place where a judicial candidate cannot or will not discuss his views of the law and his opinions.

Especially problematic was the stand taken by the administration on the Senate's request to examine the memoranda written by Mr. Estrada at the Justice Department. Because Mr. Estrada has no record and because his impartiality was called into question by one of his direct supervisors at the Justice Department, these memoranda would have provided important insights into Mr. Estrada's approach to issues involving individual rights and the weight of precedent. I discussed the precedent for this request in my remarks reprinted in the CONGRESSIONAL RECORD of February 5, 2003; February 12, 2003; February 13, 2003; March 5, 2003; March 18, 2003; and May 8, 2003. Senator DURBIN and Senator KENNEDY also addressed this issue at length in their remarks. History makes clear that internal legal memos were requested and provided to the Senate in connection with, among others, the nominations of Robert Bork to the Supreme Court, Brad Reynolds to be Associate Attorney General, William Rehnquist to the Supreme Court, Stephen Trott to the Ninth Circuit, and Ben Civiletti to be Attorney General. In each of these appointments, internal legal memos to or from the nominees were requested and provided to the Senate.

Basically, the Bush administration's response to our request has been contemptuous from the beginning. The initial response of the Justice Department was that the request was unprecedented. That is abundantly inaccurate. This administration has itself shared White House Counsel records in connection with a nomination. There is simply no legal or historical basis for denying the Senate access to the memoranda requested here. The historical precedent for the Senate's request actually supports it. Scores of legal memos to and from Robert Bork when he was Solicitor General were provided to the Senate during his judicial nomination. Walter Dellinger himself advised the Senate during Justice Rehnquist's judicial nomination when he reviewed memos provided to the Senate by the Justice Department which were written by and to Rehnquist when he was the head of the Office of Legal Counsel. Indeed, the long-standing policy of the Justice Department, prior to this administration, regarding Congressional requests for memos and other non-public information was a "policy of accommodation." Former administrations cooperated with countless requests for internal documents sought by Members of Congress as well as more recently by Kenneth Starr, who sought and obtained documents containing the advice of the President's attorneys and closest advisors.

The administration also objected that some other Justice Department attorneys who have been nominated to other positions were not the subject of memo requests. However, they fail to acknowledge that those nominees were not the subject of allegations by their supervisor of many years that they could not keep their ideological views out of their memos and their work for the Department, unlike Miguel Estrada. The fact that the Senate does not always request such memos does not diminish its power to do so and the precedent to request such documents when Senators believe it is important to examine them. Indeed, the Senate would be abdicating its responsibilities to serve as a check on nominations if it had ignored the serious concerns raised about Mr. Estrada's writings before giving him a lifetime appointment as a judge with immense power over the lives of all Americans. Mr. Estrada told the Senate that he was proud of his writings and that he did not object to their being shared with the Senate but the administration refused every attempt at compromise. Additionally, as Republicans readily admitted when a Democrat was in the White House, it has been the long-standing practice of the Senate not to recognize attorney-client, work-product, or deliberative process privilege claims.

As for the generic claim that people working for the federal government in the Solicitor General's office would be chilled from candidly expressing their views, it seems unlikely that Mr. Estrada was chilled by the revelation of legal memoranda during the Bork, Rehnquist, Trott and Reynolds nominations in the few years before he joined the Solicitor General's office. Indeed, as the Supreme Court noted in the Nixon tapes case, it is quite unlikely "that advisors will be moved to temper the candor of their remarks by the infrequent occasions of disclosure." *U.S.* v. *Nixon*, 418 U.S. 683 at 712, 1974. Thus, while the desire for candor in the Executive Branch may be strong, it is not an absolute right against disclosure in response to requests from a coequal branch pursuant to its express powers under the Constitution.

In my previous statements on the floor of the Senate about the document request, I have put into the record numerous examples of legal memos provided to the Senate by other administrations, so I will not list them again. I will only say that it is clear to me and other Senators who have examined the record or remember the history that past requests of the Senate for legal memos from the Justice Department were honored, that many of these memos involved decisions about appealing cases or other significant legal or policy issues, that these memos were written by line attorneys to the Solicitor General as well as by the Solicitor General or Assistant Attorney General, that some memos were provided on a confidential basis while others were made public and placed in hearing records and other congressional documents, and that all these claims about this request being unprecedented are just so much false rhetoric. Congress was not required to stumble in the dark in connection with other nominations where memos were sought, and I am glad that the Senate did not cave in here, despite all of the attacks, intimidation and false claims the Bush administration and its allies have made.

In sum, this administration treated the concerns of members of this coequal branch with contempt at nearly every turn. As I stated at the outset of this debate, I would have welcomed a record on which I could have had strong confidence about the type of judge Mr. Estrada would be. Senators were denied adequate information to make an informed judgment about whether to entrust this nominee with the powerful position to which he was nominated. As I mentioned in the CONGRESSIONAL RECORD of July 30, 2003, it is regrettable that this Administration did not choose to cooperate and act in good faith in this nomination and instead sought to use this nominee as a pawn in its high stakes game of wedge politics. I am certain that this process must have been a difficult one for Mr. Estrada and his family. It is too bad that White House and Justice Department advisors did not follow the approach they took with another Bush nominee, Jeffrey Holmstead who was nominated to the EPA, and whose White House Counsel's Office memos this very administration shared with the Senate in order to accommodate the concerns of Senators. Instead, the Administration ignored precedent and common sense in stonewalling the Senate, ignored the suggestions of compromise by Republican and Democratic Senators, and chose the path and the tactics of unilateralism.

As I mentioned, earlier this year, on March 6, and April 2, 2003, I placed into the record excerpts from 45 editorials and 34 op-eds in support of the position of Democratic Senators on the nomination of Mr. Miguel Estrada's nomination to the Court of the Appeals for D.C. Circuit, because Republicans had been asserting that there were only a few editorials or op-eds in support of our concerns. Here are some excerpts from 14 additional editorials or op-eds expressing concerns about Mr. Estrada's nomination, bringing the total to nearly 100. This controversial nomination clearly divided, rather than united, the American people. I ask unanimous consent to print in the RECORD excerpts of 11 recent editorials and 3 op-eds, as well as the New York Times piece entitled "Straight Talk on Judicial Nominees."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Straight Talk on Judicial Nominees, The New York Times, September 10, 2003: "When Miguel Estrada withdrew his nomination for a federal judgeship last week, his backers blamed anti-Hispanic bias. Republicans are regularly tossing around such charges over judicial nomination setbacks, calling them anti-Hispanic, anti-Catholic, anti-woman. But these battles have been over ideology, and the scope of the Senate's questioning of nominees. The name-calling is puerile and divisive . . . [S]ome of the stiffest opposition to Mr. Estrada . . . came from Hispanic leaders, including the Congressional Hispanic Caucus. And while many Democratic senators opposed Mr. Estrada, they have voted to confirm 12 of President Bush's other Hispanic judicial nominees. The Republicans' record is worse. In the Clinton era, they denied confirmation votes to six Hispanic judicial nominees, and delayed others for years. Jorge Rangel, who went 15 months without a hearing on his federal appeals court nomination, wrote to Senate Democrats last week to ask where Republican senators' "cry for diversity on the bench" was when he was forced to withdraw in 1998. . . . Diversity is not the only issue on which Republicans are not talking straight. During the Clinton administration, prominent Republicans argued that there were too many judges on the District of Columbia Circuit, and opposed Clinton nominees on the grounds that confirming them would be a waste of tax dollars. But now that a Republican president is nominating people like Mr. Estrada to the court, these objections to its size have withered."

No Tears Needed Over Estrada's Withdrawal, The Post-Standard (Syracuse, NY), September 7, 2003: "Conservatives engaged in over-the-top condemnation of Estrada's opposition after he resigned. Bush called Estrada's treatment disgraceful. Senate Majority Leader Bill Frist, R-Tenn., called it a shameful moment in the history of this great institution. Hardly. Never mind that conservatives have done the same thing to liberal nominees. Estrada, however, was secretive about his views, refusing to answer many questions the Senate needed to evaluate him. The Senate wisely declined to rubber-stamp him for such a key post. Also troubling was the GOP claim that Democrats were anti-Hispanic for rejecting Estrada. Fact is that most Hispanic leaders also rejected Estrada, believing his views were too conservative and detrimental to Hispanics, as well."

Estrada Was a Bad Pick, Capital Times (Madison, WI), September 5, 2003: "When the president nominates responsible conservatives to fill judicial vacancies, they are approved with little trouble. When he nominates judicial activists who put their politics above the law, however, they run into trouble. That's what happened with Estrada. America has been well served by the senators who blocked this bad nomination."

Estrada is Out: Perhaps Future Federal Judicial Nominees Will Be More Cooperative, Omaha World Herald (Nebraska), September 5, 2003: "His refusal to discuss such basics as his views of federalism vs. states' prerogatives, for instance, was disturbing because it was virtually impossible to assess his fitness for the job. It's unfortunate that his legal practice and his family life were disrupted in such a manner. . . . But senators concerned about the federal judiciary could hardly do less when they knew so little about him."

Miguel Estrada Bows Out, The New York Times, (September 5, 2003: "The Constitution requires not only the Senate's consent but also its advice, and it is on this score that the Bush administration has been most recalcitrant. The White House has resisted Senate Democrats' requests to be brought into the process earlier. If the administration insists on having conservative ideologues choose its judicial nominees in secret, it should not be surprised when Mr. Estrada, and others like him, fail to be confirmed."

Estrada Case Shows How Not to Nominate a Judge, Newsday (New York), September 11, 2003: "Bush should have advised Estrada not to stonewall legitimate Senate inquiries. And he should have allowed senators a look at Estrada's legal writings from his time in the solicitor general's office. Lacking any real sense of what Estrada thinks about the legal issues of the day, senators were right to block his appointment to the powerful U.S. Circuit Court of Appeals for the District of Columbia. Stealth nominees shouldn't be rewarded with lifetime jobs on the federal bench. Neither should nominees with ideologies outside the broad mainstream of political thought, like the handful currently being blocked, as Estrada was, by Democratic filibusters."

A Shame, But Nothing New, Columbus Ledger-Enquirer, September 9, 2003: "In fact, Congress has both the right and the duty to advise and consent—not merely to obstruct, and not merely to rubber-stamp. And maybe it shouldn't be enough that a nominee is 'qualified' in a nominal sense, if his or her ideology or interpretation of the Constitution should strike a lawmaker as outrageous or unconscionable."

Bush Team Should Look In The Mirror, The Berkshire Eagle, September 8, 2003: "The White House can fume all it wants at the Democrats whose Senate filibuster blocked the nomination of Miguel Estrada to the powerful U.S. Court of Appeals for Washington, D.C. but if it truly wants to find the source of the blame for the failed nomination it should look in the mirror. The Bush administration's penchant for secrecy, contempt for the legislative branch of government and determination to force radical justices onto the courts, doomed the nomination from the start.

Some Judicial Picks Aren't Lightning Rods, San Antonio Express-News, September 6, 2003: "When presidents insist on nominating strongly ideological candidates to the judiciary, they provoke this kind of frustrating action. Republicans bottled up a full 60 percent of President Clinton's nominees. The Senate Judiciary Committee never voted on two of his choices for the D.C. appeals court."

Democrats Mustn't Allow Bush to Pack Courts With Extremists, Charleston Gazette (West Virginia), August 10, 2003: "As for the others, Democrats would be remiss in exercising their "advice and consent" responsibility if they did not block Pryor, Owen and Kuhl. All have records of ideological extremism inconsistent with respect for tolerance and diversity. . . . Republicans and Democrats share blame for the rancorous standoff—one that the president has shown no inclination to ameliorate despite suggestions that he confer with the minority party, as other presidents have done, to seek their advice on his candidates. The Democrats' filibuster is our only hope that this administration won't pack the courts with judges eager to reverse precedents that reflect the American mainstream."

When All Else Fails, Throw Mud, It Might Stick, Roanoke Times & World News, August 6, 2003: "When far-right appellate candidate Miguel Estrada failed to get through, it was a case of anti-Hispanic bias, they claimed. . . . The charges might be humorous if not for their potential harm to the public sphere. Most immediately, the threat is that they would actually succeed in their purpose, mislead Americans into an uproar and pressure Democrats to abandon opposition for which they had valid reason: Each of the candidates had either an extremist record or, in Estrada's case, little record at all and no inclination to enlighten the Senate on his views. Over the longer term, the danger is that repeated false accusations such as these, however ludicrous, will provoke ethnic and sectarian divisions as well as increase cynicism among the many Americans already estranged from the political process."

Estrada's Dream Lost Out to King's, Mary Sanchez, Kansas City Star, September 9, 2003: "The cries from Senate Republicans came quickly and were not so thinly veiled. Appalled, several accused their filibustering colleagues of bias against Hispanics. It is not that some members of the Senate don't want Hispanic nominees. They just didn't want this Hispanic nominee. The facts do not support the accusation of bias."

Bush's 'Good Hispanic' Has Telling Record, Cindy Rodriguez, Denver Post, September 5, 2003: "Bush hoped the 38 million Latinos across the country would cheer his pick. Bush's people depicted Estrada as a humble immigrant from Honduras who struggled, learned English, then made his way into Columbia University, then Harvard Law School. That's what we call una gran mentira. A big lie."

Dem's Judicial Objections Valid, Richard J. Condon, Seattle Post-Intelligencer, August 7, 2003: "Miguel Estrada refused to answer pertinent questions about his judicial philosophy and the Bush administration refused to provide significant background on Estrada's judicial work; Estrada has never served as an appellate judge. Democrats rightly view that the Senate cannot "advise and consent" to a nomination without substantive information to support the nominees' qualifications for the bench. Although Bush seems willing to wait until after Estrada is confirmed to a lifetime appointment to the federal appellate bench to measure his qualifications, I agree with Senate Democrats that it is prudent to get that issue resolved beforehand."

In addition, there have been many dozen letters to the editor submitted and published in opposition to editorials or reports supporting the Republican position on this nomination. Here is just a few recent examples of many letters from across the country:

Scrutiny In Order, Amanda S. Mattingly, Argus Leader (Sioux Falls, SD), May 29, 2003: "In South Dakota, we would never hire anyone for a job without an interview or an application. That simply makes no sense. Yet, that is exactly what people want done with Miguel Estrada. Estrada has failed to provide the Senate with even the most basic information. A federal judgeship is a lifetime appointment. That means they can't ever be fired. It seems incredibly irresponsible to hire someone for a lifetime job without knowing everything about them."

A Perfectly Appropriate Filibuster, George Immerwahr, Christian Science Monitor (Boston, MA), September 9, 2003: "What was so bad about the Senate Democrats' filibuster to deny Estrada's confirmation? Over the course of a four-year term, a president will submit a great number of nominees to the Senate. Most of them are readily confirmed by large majorities, some even with the unanimous vote of each party. So when a nominee refuses, as this one did, to answer key questions, the opposition party's use of legitimate ways to reject him is far from improper."

A Judicial Nominee, Derailed, Shirley Zempel, The New York Times, September 6, 2003: "Should our senators blindly vote to approve a nomination without knowing all that they need to know about him? I hope not. All information should be available for scrutiny."

A Judicial Nominee, Derailed, Harold House, The New York Times, September 6, 2003: "A more cynical view may be that the Bush administration simply put Miguel Estrada forth knowing that the combination of his views and the stonewalling for information would cause the delay and resultant fight. Could this have been nothing more than a talking point in a Republican effort to fractionalize Hispanic voters?"

Checks, Balances Fulfilled Objective, D.B. Decot, The Arizona Republic, September 7, 2003: "Our system was deliberately designed to enable the minority to thwart the tryanny of the majority as it deemed necessary. The Senate gave its 'advice' on Estrada; a sufficient number did not 'consent' to his lifetime appointment to the federal bench. So the Bush administration has to go back to the drawing board and nominate someone who is able to gain the "consent" of at least 60 senators. Big deal. There are plenty of qualified prospects who are not extremists, as Estrada is."

Schumer Made His Case, Carol Jigarjian, The Journal News (Westchester County, NY), July 31, 2003: "The Bush people are still whining about delayed approval for federal judges and promoting the canard that Estrada is being opposed because he is Hispanic. Estrada is being opposed because, during his hearings, he refused to answer questions about whether his ideology would get in the way of the objectivity required of a federal judge. Bush compounded the problem by refusing to release information he has regarding Miguel Estrada's judicial positions. Estrada's silence and Bush's refusal to release pertinent and critical information on Estrada's views raise justifiable suspicion that this is just one more attempt by Bush to get a committed radical appointed to a powerful lifetime position, under the radar."

Uncover His Record, Evelyn J. Griesse, Argus Leader (Sioux Falls, SD), June 11, 2003: "Our justice system needs to be filled with qualified judges who are at least comfortable with having the public informed of their philosophy and interpretation of the Constitution. To Estrada, I say, let the light shine on his record."

Supreme Struggle: Advise and Consent Require Elucidation, Josh Hayes, The Seattle Times, September 4, 2003: "And sure, the Republican-controlled Senate did not use the filibuster to block Bill Clinton's nominees, because they were in the majority and could deep-six them without resort to a filibuster and of course, they did. . . . [Estrada] declines to answer any questions about his legal philosophy. How can a senator claim, in good conscience, to "advise and consent" on an appointment when the candidate is a complete blank? His ethnic background is, of course, irrelevant, or is Korrell suggesting we need a quota system on the federal bench? (And if you want to make it an issue, it's worth pointing out that the Mexican-American Legal Defense Fund (MALDEF) opposes Estrada's appointment.)"

A Judicial Nominee, Derailed, Richard Cho, The New York Times, September 6, 2003: "It seems clear that survival for the Democrats will have to come from outside the game of party politics. They must hope that Hispanic-Americans can see through the Republicans' shallow use of racial politics to overshadow their utter lack of commitment to real issues, like job creation, health care and immigration issues."

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 10, 2003]

STRAIGHT TALK ON JUDICIAL NOMINEES

When Miguel Estrada withdrew his nomination for a federal judgeship last week, his backers blamed anti-Hispanic bias. Republicans are regularly tossing around such charges over judicial nomination setbacks, calling them anti-Hispanic, anti-Catholic, anti-woman. But these battles have been over ideology, and the scope of the Senate's questioning of nominees. The name-calling is puerile and divisive. The administration and its supporters should argue for their nominees on the merits.

The House majority leader, Tom DeLay, called the effort to defeat Mr. Estrada a "political hate crime." Yet some of the stiffest opposition to Mr. Estrada, who was nominated to the United States Court of Appeals for the District of Columbia Circuit, came from Hispanic leaders, including the Congressional Hispanic Caucus. And while many Democratic senators opposed Mr. Estrada, they have voted to confirm 12 of President Bush's other Hispanic judicial nominees.

The Republicans' record is worse. In the Clinton era, they denied confirmation votes to six Hispanic judicial nominees, and delayed others for years. Jorge Rangel, who went 15 months without a hearing on his federal appeals court nomination, wrote to Senate Democrats last week to ask where Republican Senators' "cry for diversity on the bench" was when he was forced to withdraw in 1998.

Hispanic leaders did not oppose Mr. Estrada because he is Hispanic. Catholic senators like Richard Durbin and Patrick Leahy do not oppose William Pryor, a nominee to the United States Court of Appeals for the 11th Circuit, because he is Catholic. Senators Dianne Feinstein and Barbara Boxer do not oppose Priscilla Owen, a nominee to the United States Court of Appeals for the 5th Circuit, because she is a woman. Mr. Estrada would not answer Senators' questions. Mr. Pryor and Ms. Owens have met resistance for their archconservative views.

Diversity is not the only issue on which Republicans are not talking straight. During the Clinton administration, prominent Republicans argued that there were too many judges on the District of Columbia Circuit, and opposed Clinton nominees on the grounds that confirming them would be a waste of tax dollars. But now that a Republican president is nominating people like Mr. Estrada to the court, these objections to its size have withered.

Charing discrimination may score political points, but the confirmation of federal judges is too important to be treated so cynically. Republican and Democratic senators know what they are fighting over: legitimate disagreements over how to interpret the Constitution and define the role of a federal judge. They owe it to the American people to be honest about their differences.

Mr. LEAHY. I ask unanimous consent to print the following correspondence from Jorge C. Rangel which I earlier referenced.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RANGEL LAW FIRM, P.C.,
Corpus Christi, TX, September 5, 2003.

Hon. PATRICK LEAHY,
Russell Senate Office Building,
Washington, DC.
Hon. CHARLES SCHUMER,
Hart Senate Office Building,
Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SCHUMER: Where was the outrage from your Republican colleagues when Enrique Moreno and I were denied the courtesy of a hearing on our nominations? Where was their disappointment and cry for diversity on the bench when I was compelled to submit the enclosed letter withdrawing my nomination to the Fifth Circuit? The American people deserve better.

Your truly,
JORGE C. RANGEL.

JORGE C. RANGEL,
October 22, 1998.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Fifteen months ago, you nominated me to the United States Court of Appeals for the Fifth Circuit. I enthusiastically welcomed the nomination and eagerly awaited a hearing before the Judiciary Committee of the United States Senate to have my qualifications reviewed. I patiently waited for months, but I never received a hearing. My nomination died when the Senate adjourned yesterday.

Our judicial system depends on men and women of good will who agree to serve when asked to do so. But, public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits.

Many friends and colleagues have urged me to stay in the process by requesting that my name be resubmitted to the Senate next year. Even if you were to decide to renominate me, I have no reason to believe that the Senate would act promptly on the nomination. I am not willing to prolong the continued uncertainty and state of limbo in which I find myself. As a professional, I can no longer postpone important decisions attendant to my law practice.

Therefore, I would ask that you *not* resubmit my nomination next year. There is a season for everything, and the time has come for my family to get on with our lives and for me to get on with my work.

Thank you for your trust and confidence in nominating me to the Fifth Circuit. I pray that you will continue to recognize and honor the diversity that is America, so that, one day, our great country can realize its full potential.

Yours truly,
JORGE C. RANGEL.

THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, in 1994, I supported legislation that President Clinton signed into law banning the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. The 1994 law banned a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. Pre-existing military-style semiautomatic weapons were not banned. This law is scheduled to sunset on September 13, 2004.

Last week the Educational Fund to Stop Gun Violence released a report entitled "Killing Machines: The Case for Banning Assault Weapons." This report explains why assault weapons are the guns of choice for criminals, and makes the case for renewing and strengthening the federal assault weapons ban. Also last week, the Consumer Federation of America announced its support for the reauthorization of the assault weapons ban. Former Senator Howard Metzenbaum and Sonia Wills, mother of bus driver Conrad Johnson, the last victim of the Washington, DC-area sniper attacks, were joined by CFA and 25 state consumer, gun safety, and public health advocates to announce the beginning of a year-long effort to renew and strengthen the federal assault weapons ban. I commend all of these individuals for their commitment to gun safety, and I look forward to working with them and other gun safety groups to reauthorize the assault weapons ban.

Earlier this year, Senator FEINSTEIN introduced the Assault Weapons Ban Reauthorization Act, which would reauthorize this important piece of gun safety legislation. I am a cosponsor of this bill because I believe it is critical that we keep these weapons off the streets and out of our communities. If the law is not reauthorized, the production of assault weapons in the U.S. can legally resume. Restarting production of these weapons will increase their number and availability, and I believe lead to a rise in gun crimes committed with assault weapons.

Although President Bush has indicated his support for renewing the ban, he has not yet taken action on its behalf. A spokesperson for House Majority Leader TOM DELAY recently said, "We have no intentions of bringing it up." I hope the President will take steps to urge the Congress to take up and reauthorize the bill.

AN AGROTERRORIST ATTACK—ARE WE PREPARED?

Mr. AKAKA. Mr. President, I rise today to discuss the need for greater preparation to protect our agriculture from a terrorist attack.

After September 11, the President placed agriculture on the list of critical infrastructure that deserved to be protected from an agroterrorist attack. Since then, the U.S. Department of Agriculture, USDA, has moved to improve our preparedness to prevent and respond to an attack upon our agriculture. The President's February 2003 "National Strategy for the Physical Protection of Critical Infrastructures and Key Assets" also outlines a strategy for increasing our ability to react to an agroterrorist attack. Yet, we still have a long way to go in protecting our agriculture industry.

There has been a steady drumbeat of warnings about the vulnerability of our agriculture. Two major studies were recently released that concluded we should do more to guard our agriculture. The Council on Foreign Relations, CFR, published a report on our emergency response capability that said we lacked an effective response to an attack on our national food supply. The report recommended spending an additional $2.1 billion over the next 5 years to improve our "animal/agricultural" emergency response.

On the heels of the CFR report, the Partnership for Public Service issued a study that examined whether the Federal Government has the necessary expertise to defend against a bioterrorist attack. In regards to agricultural security, it said that federal agencies responsible for safeguarding our agriculture and food supply from bioweapons would face "crushing burdens" if our food and water supplies were contaminated.

These are just the most recent reports that recommend we need to do more to increase our guard. Last fall, the National Academy of Sciences published a major study on vulnerability of U.S. agriculture. The General Accounting Office, GAO, has issued three reports in the last year that looked at food processing security, foot and mouth disease, and mad cow disease. All suggested that we still have a way to go to prevent or prepare for an attack on our agriculture.

An attack on our agriculture could have serious consequences. Agricultural activity accounts for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment. The United States is a top producer and exporter of agricultural goods, including beef, pork, poultry, wheat, corn and soybeans. Major agricultural States could be severely affected depending on the nature of the attack.

States with large cattle herds could be devastated by a deliberately set outbreak of foot and mouth disease. There were over 96 million cattle and calves in the United States valued at some $70 billion in 2003. Texas has the largest number by far, 14 million animals, and could be particularly hard hit. In 2001, the cattle industry generated $6.8 billion in income for Texas. The breeding herd of beef cows is particularly concentrated in Kansas, Kentucky, Missouri, Montana, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas, with each State having have more than a million head of beef cows.

Dairy States could also suffer. The United States has over nine million milk cows that produce almost $25 billion in income. California and Wisconsin are the largest producers. Both have more than a million milk cows that yield close to $8 billion in income. But a number of States—Idaho, Iowa, Michigan, Minnesota, New Mexico, New York, Ohio, Pennsylvania, Texas, and Washington each have more than 200,000 cows, contributing substantially to their economies.

Hog-raising States also could be vulnerable to the spread of foot-and-mouth disease, or to an outbreak of African swine fever. The United States had almost 60 million hogs and pigs valued at over $4 billion dollars in 2002. Iowa has the largest industry with more than 15 million animals valued at over a billion dollars. North Carolina is next with some 9.6 million animals valued at a half a billion dollars. Ten additional States have substantial industries with more than a million animals: Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, and South Dakota.

States with large poultry industries are vulnerable to Exotic Newcastle Disease or avian influenza. In 2002, 14 States had flocks of over 15 million birds each: Alabama, Arkansas, California, Florida, Georgia, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Pennsylvania, and Texas. Iowa alone has over 40 million birds valued at over $64 million.

Crops, such as wheat, could also be a target. A purposeful spread of the Karnal bunt wheat fungus could have a strong adverse impact on U.S. exports. The United States is the world's leading exporter of wheat, accounting for almost one-third of world wheat exports valued at over $3.5 billion in 2002. Since almost 80 countries do not allow Karnal infected wheat to be imported, a ban on U.S. exports could have a substantial effect on the U.S. economy. The Economic Research Service of the USDA estimated that the total cost of a reduction of exports from 2003 to 2007 could be over $7 billion if there was such a ban. The top wheat-producing States—Kansas, Montana, North Dakota, Oklahoma, South Dakota, Texas, and Washington—would be particularly hard hit.

I have been concerned about the vulnerability of our agriculture for quite some time. When I was a member of the House Agriculture Appropriations Subcommittee, I was a supporter of the USDA's Animal and Plant Health Inspection Service, APHIS. APHIS plays a critical role in guarding our borders and farms from agricultural pests and diseases, something that is of prime importance to Hawaii. As a Senator, I continue to be concerned about this problem. In the 107th Congress I introduced a bill to enhance agricultural biosecurity in the United States.

In this Congress, I have introduced two bills that will help address our shortcomings in agricultural security preparedness. The Agriculture Security Assistance Act, S. 427, and Agriculture Security Preparedness Act, S. 430, are designed to address the need for increasing coordination in confronting the threat to America's agriculture industry. The two bills provide for better funding and better-coordinated response to an incident of agroterrorism. The bills will also serve to increase our defenses against debilitating agroterrorism attacks.

The Agriculture Security Assistance Act is primarily aimed at assisting States and communities in responding to threats to the agriculture industry. The legislation will provide funds for communities and States to increase their ability to handle a crisis. It also will help animal health professionals to participate in community emergency planning activities to assist agriculturists in strengthening their defenses against a terrorist threat.

The Agriculture Security Preparedness Act will enable better interagency coordination thereby enhancing agriculture security. The legislation will establish senior level liaisons in Departments of Homeland Security, DHS, and Health and Human Services, HHS, to coordinate with USDA on agricultural disease emergency management and response. The bill requires DHS and USDA to work with the Department of Transportation to address the risks associated with transporting animals, plants, and people between and around farms.

Recently Mother Nature has provided warnings of the costs and dangers of a possible agroterrorist attack. In May, Canadians discovered that an 8-year-old cow that had been killed in January was infected with mad cow disease. The same disease affected cattle in Britain in the 1980s and 1990s leading to a slaughter of over 3.7 million animals.

Canada faced an enormous adverse economic impact due to the discovery of the mad cow disease. Canada's cattle industry generates $7 billion in cattle sales and the industry remained paralyzed during the period immediately following the discovery of the disease. Major importers of Canada's beef, like the United States, Mexico, Japan and Australia, temporarily halted their imports causing almost $8 million a day loss to the cattle industry. The news also affected companies like McDonald's, Wendy's, and Tyson Foods.

Canada acted to control the spread of the disease by quarantining herds of suspected cattle and slaughtering them to test for the presence of the disease. All the herds believed to have come in contact with the infected cow were quarantined and killed for medical examination. More than 2,700 Canadian cattle were slaughtered and eighteen farms were quarantined in the process of determining the disease's source and to control the spread of the disease.

In the United States, the southwest poultry industry has been beset by a costly outbreak of Exotic Newcastle Disease, END, since last fall. The outbreak was first detected in a backyard chicken flock in Los Angeles County in early October 2002. It then spread to Nevada, Arizona and Texas. Over the past months, some 25 countries including the European Union have put embargoes on chicken from affected areas. In Texas, where the poultry industry employs about 15,000 people and is ranked sixth in the Nation, the industry said it could lose about $100 million as a result of the embargoes. In California, State officials ordered the destruction of more than 3 million birds, enforcing a quarantine over a wide area. The outbreak in 2002 and 2003 cost the state almost $100 million to control the spread of the disease.

We all know an ounce of prevention is worth a pound of cure. The Nation's capability to counter agroterrorism is increasing. But agriculture's central importance to our country suggests greater efforts are needed. As the recent cases of Mad Cow and Exotic Newcastle disease dramatically demonstrate, the consequences of a lack of preparedness could be quite high. Containing these naturally occurring diseases was costly and it involved extensive coordination. It could be much more difficult to counter a deliberate attack. The two bills I have introduced will help us to act now so that a future agroterrorist attack can be avoided, or dealt with rapidly before it can get out of hand. I urge my colleagues to support this legislation.

ADDITIONAL STATEMENTS

THE HARNEY LITTLE LEAGUE SOFTBALL TEAM

• Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the Rapid City Harney All-Star Little League softball team. The Rapid City

Harney All-Stars, under coaches Rich Larsen and Rick Johnson, made it to the Central Regional Championship Game August 1, in Joplin, MO.

The Rapid City Harney All-Stars went through the Central Regional Tournament with wins over such teams as, Illinois with a final score of 10–5, and Kansas with a winning score of 18–0. They advanced to the championship game by defeating the Tallmadge Little League team from Tallmadge, OH with a winning score of 9–5.

These young people represented Rapid City and South Dakota in an extraordinary fashion. Their hard work is representative of South Dakota and has resulted in a great outcome. I would like to give credit to the coaches, parents, supporters and organizers and especially the hard work and dedication of these young players. I would like the community of Rapid City to recognize the hard work, dedication, and sportsmanship this team has shown on their way through the tournament. This is a well deserved victory and the team deserves to be acknowledged for their extraordinary achievement.

I want to recognize Manager Dave Johnson, Coach Rich Larsen, and Coach Rick Johnson for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Hailey Rae Brown, Nicole Tresch, Andrea Johnson, Kaitlyn Ringo, Camie Johson, Stevie Wessel, Devin Jacob, Ashley Kiewel, Dawn Henderson, Allysa Nelson, Alysa Sack, and Ali Larson for their hard work, dedication and commitment this thriving season.

Again, congratulations to the Rapid City Harney All-Stars on fighting their way to within one game of the World Series in Portland, OR.•

HONORING ROBERT DUXBURY

• Mr. JOHNSON. Mr. President, I rise today to publicly command Robert Duxbury of Wessington, SD, on his selection as one of South Dakota State University's Eminent Farmers for 2003.

The Eminent Farmer and Homemaker Program, which was honored nominees since 1927, seeks farmers who have not only made significant contributions to their community, State and Nation, but have also given unselfishly of their talent, time and leadership to public programs, educational institutions, and church.

Bob has earned the respect and admiration of all those who have had the opportunity to work with him. His love for South Dakota and passion for agriculture set him apart from other outstanding farmers in the State. Bob's friendly demeanor and wealth of knowledge have helped him develop close relationships in various agriculture groups, including the South Dakota 4–H Leaders Association and the State Fair Board. Bob has also served South Dakota in additional capacities: as a member in the South Dakota Legislature in both the Senate and House of Representatives; as a senior member of the Appropriations Committee for nearly 20 years; and as South Dakota secretary of agriculture from 1975 to 1978. Furthermore, after earning a degree from South Dakota State College, Bob used his extensive agriculture know-how to teach animal science and coach livestock-judging teams from 1956 to 1959.

Americans are the envy of the world because we enjoy the most affordable and the safest food, spending only 10 percent of our household income on groceries. Agricultural producers in the U.S. must cope with the unpredictability of the weather, markets, and government policy, yet time and time again they are the most productive and efficient in the entire world. Farming and ranching families provide immeasurable contributions to quality of life, economic development, and the culture of rural America. Farmers and ranchers are the backbone of South Dakota's economy and should be commended for what they do.

This prestigious honor is a reflection of Bob's extraordinary success as a farmer, as well as his commitment to conservation, and contributions to the community. I am proud to claim Bob as a good personal friend and former colleague in the South Dakota legislature. I am pleased that his agricultural leadership is being publicly recognized, and that his achievements will serve as a model for outstanding agricultural producers throughout the state to emulate. It is with great honor that I share his impressive achievements with my colleagues.•

VOLUNTEERS OF AMERICA, DAKOTAS CELEBRATES 80 YEARS

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the Volunteers of America, Dakotas in South Dakota, which celebrated its 80th anniversary celebration in August, 2003.

Volunteers of America, Dakotas is one of over forty affiliates making up a national network of nonprofit, spiritually based organizations providing local human service programs and creating opportunities for individual and community involvement. Nationally, Volunteers of America employs more than 11,000 people and each year more than 1.5 million people feel the helping hand of this organization.

Began in the early 1920s, Volunteers of America, Sioux Falls was started as a prison ministry by Frank and Emma Tremont. However, the concerns of the couple were expanded when, during World War I, men went to war and women went to work, and childcare became a pressing need. In response, the organization opened a childcare center and soup kitchen. Over the years, the soup kitchen and prison ministry faded away, but quality childcare remained a service priority. It was the recent merger of this organization with another group, Turning Point, that formed Volunteers of America, Dakotas. Started as Project Threshold on September 16, 1972, Turning Point's original vision was a home for delinquent and runaway girls. Over its next 20 years, Project Threshold became a widely recognized leader in adolescent issues, treatment, and prevention services. Together, these two associations are now assisting more than 290 children each day.

I want to take this opportunity to acknowledge all of the Volunteers of America-Dakotas Centers in South Dakota, including the Bollinger Center, Joe Foss School, Whittier Middle School, Thrift Store, and other Centers in Sioux Falls, SD; the Native Hope Center in Sisseton, SD; and the Volunteers of Americas, Dakotas Center in Aberdeen, SD. Headquartered in Sioux Falls, Volunteers of America, Dakotas serves over 12,000 individuals of all ages each year. Their mission, which is to assist people of all ages in stepping toward a brighter future, is one that all South Dakotans should strive to live by.

I am proud to have this opportunity to honor the Volunteers of America-Dakotas for its 80 years of outstanding service. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. I strongly commend the hard work and dedication of these Centers, and I am very pleased that their efforts are being publicly honored and celebrated. It is with great honor that I share their impressive accomplishments with my colleagues.•

IN TRIBUTE TO JOHN McKISSICK'S 500TH FOOTBALL WIN

• Mr. HOLLINGS. Mr. President, on Friday night, John McKissick, of Summerville, SC, won his 500th victory as the head coach of the Summerville Green Wave high school football team, and this Senator rises to congratulate this towering giant of coaches.

I want to put this in perspective. That is almost 100 more victories than Eddie Robinson, the winningest coach ever in college football, had at Grambling and Leland. That is 170 more victories than Don Shula, the winningest coach ever in the NFL had with the Miami Dolphins and Baltimore Colts. This is a record that not Bear Bryant, not Woody Hayes, not Tom Landry, not Vince Lombardi, not any coach—pro, college, or high school has ever come close to ever seeing.

He started coaching in 1952, 2 years before Strom Thurmond entered the

Senate, 14 years before I came, and now he'll outlast us both. In 5 decades at Summerville High School, he has 10 State championships and 26 regional titles under his belt; and many of the 3,000 teenagers he has coached went on to win scholarships at colleges across the country. In this time, he has had only two losing seasons, and he has never missed a game. Most of all, he has kept his priorities straight: education first, football second.

In my part of the country, John McKissick is a legend. I know all my football-fanatic colleagues join me in saying to John: you're a national legend, too. You have done more for the sport of high school football than any person in the country.

I ask that an article from the September 11 USA Today be printed in the RECORD.

The article follows.

[From USA Today, Sept. 11, 2003]

FOOTBALL COACH ALL ALONE AT BRINK OF 500 WINS

(By Jill Lieber)

He's the winningest football coach at any level, going for his 500th victory Friday night. He has 10 state championships and 26 regional titles. And in 52 years at the helm of the mighty Green Wave of Summerville High School, John McKissick is known for something else in this quaint, historic burg, population 27,752: as a leader of the community, the glue that holds the town together.

"John McKissick has been a vital part of forming connections around this town," says David Pugh, Summerville High's principal. "What makes a community successful is the quality of life, and John has shown great leadership in that. He has been able to connect people. He has taught them how to share."

McKissick, two weeks shy of his 77th birthday, has molded 3,014 teenage boys into players over the years. He has instilled pride in tens of thousands of Summerville High students, cheerleaders, band members, teachers and parents. And he has provided excitement for countless more football fans, who have turned out 10,000 strong, in their green and gold, every Friday night in the fall for the past six decades.

Grandfathers, fathers, uncles, brothers, sons, the next-door neighbor's kid, even the piccolo player down the street: Everybody here is tied to the Green Wave in some way.

Why, McKissick now is coaching the third generation of some Summerville families. His own grandson, Joe Call, a former Green Wave quarterback, is an assistant coach.

Truth be told, the folks in this town, nestled on a piney ridge 25 miles northwest of Charleston, would be lost without McKissick.

"So many leaders have come through the John McKissick system," says Bo Blanton, chairman of the school board and former Green Wave quarterback.

"Police officers. Teachers. Lawyers. Doctors. Dentists. Legislators. Coaches. The bond has been formed over the years, the winning tradition of the football program has permeated through the community, all because of the excellence of John McKissick. So many people have felt a part of it. So many people have been inspired by it."

At 8 p.m. Friday, at McKissick Field, on John McKissick Way, the legendary coach will try to give Summerville yet another treat: The Green Wave (2–0) play local rival Mount Pleasant Wando High (1–1) in what could be McKissick's 500th victory.

Coincidentally, McKissick beat Wando in October 1993 for his 406th victory, which set the national high school football record.

Berlin G. Myers Sr., Summerville mayor the past 33 years and owner of the local lumber company, has declared this John McKissick Week. (Several years ago, Myers actually rescheduled Halloween because it fell on a game night.)

Joan McKissick—who wed her husband in June 1952, just two weeks before he took the job at Summerville—has spruced up the press box with photos of past and present Green Wave players for the media rolling into town for the big game. She's expecting hundreds of family and friends.

Troy Knight, the town's attorney, a former Green Wave ball boy, manager and trainer, is a major player with the 500th Committee. That's a group of local business people who have brainstormed ways to commemorate McKissick's milestone.

They're throwing a party on the field after the game for McKissick's 82 varsity players and their families, if the team wins.

The city will come together Nov. 8 for a fundraiser: Summerville will be establishing a John and Joan McKissick Scholarship.

"Coach McKissick is an educator, first and foremost," Knight says. "His vehicle just happens to be coaching. This is a way for his legacy to live on forever."

WINNING ADMIRATION OF PEERS

McKissick, a quiet, unassuming man, has not missed a game in 52 years—631 games. Not health, not weather, not an act of God has stopped him. He has had only two losing seasons (1957 and 2001).

His wife has missed just three games. She's the Green Wave's official historian and her husband's trusted biographer, thanks to the piles of scrapbooks she has religiously kept throughout his career. She's also the curator of the largest collection of Green Wave artifacts, most engulfing the playroom of their ranch house, which the McKissicks affectionately call The Green Wave Room.

South Carolina Gamecocks coach and friend Lou Holtz is keeping his fingers crossed that McKissick will reach 500 Friday.

"I don't know of any individual who has done more for high school football or for the state of South Carolina than John McKissick," Holtz said through his sports information director. "He not only has taught winning football, he has developed winning young men. He has been so unselfish with his time. His loyalty to Summerville and the state of South Carolina really impresses me."

Florida State coach Bobby Bowden (334 victories), second to Penn State's Joe Paterno as the winningest Division I-A football coach, also is sending good vibes to his good buddy McKissick.

"The victories bring pride to the state of South Carolina, especially since he is one of their own," Bowden said through his school's sports information director. "It also brings great attention to what you can do if you just persevere. I don't know if it can ever be broken.

"I think Coach McKissick's longevity is due to the fact that he has his priorities in order and that football is not his No. 1 priority. A man must have persistence and love of the game and love of life to coach so long."

EVERYTHING HE WANTS RIGHT HERE

McKissick's persistence and perseverance were forged from a tough childhood.

Born in Greenwood, S.C., McKissick was the second of Harry and Ethel's three sons. Harry owned the Pepsi and Nehi Bottling Co.

A few months after the 1929 stock market crash, the McKissicks returned home one night to find their house destroyed by a fire. Within months, the bottling plant went bankrupt. The family moved to Lake City, S.C., where McKissick's dad opened a corner grocery that went belly up within two years.

Life got better after his mom got a job as lunchroom supervisor for the public schools in Williamsburg County—she worked there 40 years—and his dad became a guard standing shotgun on the county chain gang. But the tough times didn't stop.

McKissick grew up in homes without toilets and running water. He didn't wear shoes to school until the eighth grade. And the family could afford to eat meat—fried chicken—only on Sundays.

He was drawn to coaching because he recalled how happy his Kingstree High school coach, Jimmy Welch, always looked. "I figured it must be a good profession."

In the fall of '51, he landed a job in Clarkton, N.C.—over the phone, sight unseen. Little did he know he'd be coaching six-man football; it paid $2,700 a year. He called Lonnie MacMillian, his coach at Presbyterian College and a pioneer of the Split-T offense, for advice.

"He gave me four plays to run—told me to run them to the right and left, so it would seem like I had eight," says McKissick, whose team went 7–0. (None of those victories are included in his 499 wins.)

In the spring of 1952, McKissick applied for the job at Summerville. "The superintendent, Frank Kirk, later told me I got the job because I was the only applicant who didn't ask how much it paid."

McKissick coached boys and girls basketball, baseball and track. He taught two South Carolina history classes and three U.S. history classes. And he mowed and lined the football field, shined the football cleats, washed the game uniforms and taped the players' ankles, all for $3,000 a year.

"Growing up poor gave me drive," he says. "I put pressure on myself to try to achieve something in life. I had empathy for kids who had a tough time, especially if they were trying, and compassion for those who lacked confidence."

McKissick has been approached about college head coaching jobs (The Citadel, Newberry, Presbyterian), but he has never come close to leaving. His wife was a postal carrier for 30 years until she retired in 1986. They raised two daughters here: Debbie and Cindy, a former Green Wave cheerleader.

"People always ask me why I didn't take another job," McKissick says. "I grew up hard, not having everything I wanted. People have different wants and needs. A lot of people want more than what they really need.

"Working with kids has kept me young; it has allowed me to grow and evolve. And I get so much self-satisfaction seeing former players around town, at the filling station, the barbershop. . . . Even as football coaches at area high schools.

"Why would I ever want to leave Summerville? It's a wonderful community, with wonderful fans and great support. It's my family. I have everything I've always wanted right here."●

HONORING LAIRD LARSON

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Laird Larson, a farmer near Clark, SD, on his selection as one of South Dakota State University's Eminent Farmers for 2003.

The Eminent Farmer and Homemaker Program, which has honored nominees since 1927, seeks farmers who have not only made significant contributions to their community, State and Nation, but have also given unselfishly of their talent, time and leadership to public programs, educational institutions, and church.

Laird has earned the respect and admiration of all those who have had the opportunity to work with him. His love for South Dakota and passion for agriculture set him apart from other outstanding farmers in the state. Laird's friendly demeanor and wealth of knowledge have helped him develop close relationships in various agriculture groups, including the South Dakota Crop Improvement Association, Northeast Research Farm Advisory Board, and South Dakota FFE Foundation Board. Laird has also worked to raise funds for renovation South Dakota State University greenhouses and is currently working to develop a seed science center at South Dakota State University.

Americans are the envy of the world because we enjoy the most affordable and the safest food, spending only 10 percent of our household income on groceries. Agricultural producers in the United States must cope with the unpredictability of the weather, markets, and government policy, yet time and time again they are the most productive and efficient in the entire world. Farming and ranching families provide immeasurable contributions to quality of life, economic development, and the culture of rural America. Farmers and ranchers are the backbone of South Dakota's economy and should be commended for what they do.

This prestigious honor is a reflection of Laird's extraordinary success as a farmer, as well as his commitment to conservation, and contributions to the community. I am pleased that his agricultural leadership is being publicly recognized, and that his achievements will serve as a model for outstanding agricultural producers throughout the State to emulate. It is with great honor that I share his impressive achievements with my colleagues.●

TRIBUTE TO JAMES D. BENNETT, JR.

● Mr. REED. Mr. President, I rise today to pay tribute to James D. Bennett, Jr., an outstanding public servant who is retiring after a distinguished career spanning more than 34 years as a firefighter in the capital city of Providence, RI.

James Bennett began his career as a Providence firefighter in August of 1968, quickly rising through the ranks becoming lieutenant in December of 1977, captain in February of 1984, and ultimately he was promoted to the coveted rank of battalion chief in April of 1986.

Chief Bennett's illustrious career has been marked with a special dedication to his brethren firefighters, and to seeking out leadership opportunities and specialized training for himself and the department. He completed numerous Federal, State, municipal and professional association training programs, courses and workshops on fire and safety issues. A member of the Fire Department Safety Officers Association and International Association of Fire Chiefs, he served from 1977 to 1982 as president Providence Local 99 of the International Brotherhood of Firefighters.

As a community and as a Nation, it is most fitting that we pause to reflect upon the contribution of those in our society from whom we ask so much. With selflessness, dedication and great personal sacrifice firefighters answer the call each and every day, putting themselves in harm's way to protect and defend lives and property of our citizens. With courage, compassion and devotion to duty they epitomize the phrase "public servant." Indeed, I am honored to humbly recognize this noble profession and this outstanding individual, Chief James Bennett, on the occasion of his retirement.

I ask that you join me in paying tribute to Chief Bennett on this milestone and ask that you also recognize his devoted wife Kaiji who this June retired from her own career as an elementary school secretary after many years of loyal service. As a grateful community we recognize the immense contributions made by people like James and Kaija Bennett to the cherished quality of life in this great Nation. Please join me and the Bennett's wonderful daughters, Kerrie and Stacie, their many friends and colleagues in this much deserved retirement celebration.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED—on September 11, 2003

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 911. An act to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; to the Committee on Energy and Natural Resources.

H.R. 1538. An act to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2433. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

H.R. 2595. An act to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002; to the Committee on Veterans' Affairs.

H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 68. Concurrent resolution honoring the life of Johnny Cash.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–258. A joint resolution adopted by the Legislature of the State of California relative to antiterrorism funding; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 31

Whereas, The heinous terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, have deeply impacted the fabric of American life, provided a wakeup call to every American's awareness of the nation's vulnerability to terrorists attacks, and changed Americans' lives forever; and

Whereas, Californians are gravely concerned about the continued threat of violence and their own personal safety; and

Whereas, The takeover of airplane flights by unconscionable terrorists has increased the need for security by state and local governments at all airports and public facilities, including water systems, hospitals, bridges, and dams; and

Whereas, Recent horrific incidents of sending anthrax through the mail, other threats of bioterrorism, and hoaxes have increased demands upon public services, including public health departments and laboratories, public safety and fire protection agencies, hospitals, and emergency rooms, and state and local emergency response agencies; and

Whereas, City and county governments have experienced an increased awareness and demand from the general public for more public services in the area of public health and safety; and

Whereas, Cities and counties have appropriated millions of dollars for increased response and preparedness for potential terrorist threats and anticipate the need for additional funds to continue these efforts; and

Whereas, In this period of economic uncertainty and unprecedented need for enhanced local public safety and health services, cities and counties cannot afford these increased costs of security without additional funding; and

Whereas, There may be continued terrorism activities in California. For example, in San Diego County investigations revealed that some of the hijackers of September 11, 2001, were training in San Diego training facilities in preparation for the attacks; and

Whereas, Public safety officials require specialized training at all levels and local governments have seen an increased demand for additional personnel to effectively protect and serve citizens in the event of a major local incident; and

Whereas, Hazardous material teams lack the specialized equipment and protective gear to deal with bioterrorism and new public health threats; and

Whereas, Due to the continued bioterrorism threats and hoaxes, public health departments need additional staff to increase their surveillance activities for the identification of biological and chemical threats at the earliest possible stage; and

Whereas, Local health departments are the early warning system in the defense against bioterrorism; local health departments rely on strong linkages with other county agencies including emergency medical services, hospitals, county outpatient services, laboratories, mental health departments, and environmental health agencies in preparing for and responding to disasters; and

Whereas, The budgets of many public health departments have been neglected for several years, and in order to assure an adequate response, if necessary, to any potential bioterrorism threat, public health infrastructure needs significant investment of state and federal resources. For example, Orange County has identified the need for $2.1 million for public health infrastructure and training in order for their public health system to respond to a public health crisis; and

Whereas, Local governments have already encountered budget overruns of 13 percent in public safety, with the City of Los Angeles alone incurring security costs in excess of $11 million in the first two and one-half months following September 11, 2001; and

Whereas, Santa Clara County alone has already appropriated $5 million for additional public safety services since September 11, 2001, and expects to spend an additional $7 million by June 30, 2002; and

Whereas, Cities and counties estimate over $1 billion in additional one-time and ongoing funding needs and the State of California anticipates expenditures of at least $500 million in 2002; and

Whereas, Local governments and the state are financially suffering from an economic recession and lack the funds to provide the required additional services and equipment; and

Whereas, Congress has approved a total of $8.3 billion for homeland defense in the emergency supplemental allocation sent to the President for his signature; and

Whereas, Senator Dianne Feinstein of California and Senator Hillary Rodham Clinton of New York have together proposed supplemental federal funding to assist state and local governments in security, prevention, and preparedness; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to provide funds to states and local governments to provide the necessary security and relief measures to protect local citizens from terrorism; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

POM-259. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to increasing the minimum allotment for the Food Stamp Program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 25

Whereas, The minimum monthly allotment for one-person and two-person households under the federal Food Stamp Program is currently $10, which is the same amount as was established by the "Food Stamp Act of 1977"; and

Whereas, The amount of food that could be purchased in 1977 for $10 costs $29.19 in 2001; the amount of food that can be purchased in 2001 for $10 only cost $3.43 in 1977; and

Whereas, The "Mickey Leland Memorial Domestic Hunger Relief Act," which was enacted in 1990, amended the Food Stamp Act to annually adjust the minimum monthly allotment, with the result rounded to the nearest $5, in accordance with annual adjustments to other elements of the Food Stamp Program; and

Whereas, The "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" amended the Food Stamp Act to remove the provision for annual adjustments to the minimum monthly allotment; and

Whereas, Annual cost-of-living adjustments are currently made to maximum monthly allotments and income eligibility standards for the Food Stamp Program; and

Whereas, The maximum monthly income, minus deductions allowable within the program, for eligibility for the Food Stamp Program is $696 for one-person households and $938 for two-person households; one-person households with a monthly income between $400 and $696 and two-person households with a monthly income between $760 and $938 are eligible for no more than the $10 minimum monthly allotment; now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the Congress of the United States to increase the minimum monthly allotment for one-person and two-person households under the federal Food Stamp Program from $10 to $25 and require that the minimum be adjusted annually in accordance with changes in the federal cost-of-living.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the Secretary of Agriculture, the presiding officers of the Congress of the United States and each member of New Jersey's Congressional delegation.

POM-260. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to stronger protections for Lake St. Clair, the Heart of the Great Lakes; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 131

Whereas, By any measure, Lake St. Clair is a critical component of the Great Lakes system. It is the source of drinking water for millions of Americans and Canadians and a vital element of the region's commercial, recreational, and transportation resources; and

Whereas, Even within the Great Lakes network, Lake St. Clair is unique in its value through its wetlands, its great variety of fish and plant species, and the range of habitats it holds. It is an unsurpassed treasure for boaters and anglers; and

Whereas, In spite of its clear importance to the health of millions of people and the quality of the water system that is the most valuable in the world, Lake St. Clair has been harmed by several environmental problems, including spills, beach closings, and invasive species. Resources to address all of these needs are badly needed; and

Whereas, Congress is considering a measure, House Resolution 121, which calls for increased efforts to protect Lake St. Clair and affirms the central role that it plays as the Heart of the Great Lakes. Clearly, this is a designation that is appropriate not only because of Lake St. Clair's shape and location, but also because of its commercial, environmental, and recreational significance to our nation; now, therefore, be it

Resolved by the State, That we memorialize Congress to adopt House Resolution 121 to endorse stronger protections for Lake St. Clair, the Heart of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-261. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Protect Children from E-Mail Smut Act of 2001; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, A 2000 sample survey of 1,501 of the nearly 24 million school-aged children regularly using the Internet in the United States found that approximately one out of every four children in that sample had experienced unwanted exposure to sexual images while on-line; and

Whereas, The development of the Internet is widely regarded as the most profound change in the way people communicate since the invention of the printing press, but as remarkable as it may be, there are risks to children that are unique to such a pervasive and accessible medium; with the development of newer and increasingly invasive technologies that can deliver or disguise unwanted material through direct marketing e-mails, or "spam" mailings, the risks are even more pronounced and difficult to detect; and

Whereas, Compounding the challenge of protecting minors from inappropriate material on-line is the fact that children often understand more about the Internet than their parents, teachers, and other caregivers; in addition, common sense measures used to secure a child's environment and the "physical world" are not feasible in cyberspace; and

Whereas, In a bipartisan effort to address these concerns, congress passed the Communications Decency Act of 1996 (CDA) and the Child Online Protection Act (COPA) and, in doing so, criminalized Internet transmission of indecent materials to minors; however, the Supreme Court ruled in 1997 that certain provisions of the CDA were unconstitutional and in 2002 upheld a district court's temporary injunction against enforcement of COPA on the same grounds; and

Whereas, Recognizing the need to make children's on-line experiences safe, educational, and entertaining while honoring constitutional safeguards, the 107th Congress is considering legislation that would address specific questions posed by the Supreme Court without discouraging the evolution of the Internet or violating the First Amendment; and

Whereas, Modeled after existing law that regulates the identification of sexually explicit advertisements sent via U.S. mail, House Resolution 2472 requires the National Institute of Standards and Technology to prescribe an electronic tag that would identify sexually oriented messages and allow parents to use the filtering tools already available on e-mail programs to block messages bearing the tag; the legislation is a balanced and realistic solution to the complexities of protecting free speech and children on-line; now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Protect Children From E-Mail Smut Act of 2001; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the Senate of the United States Congress, and all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–262. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to the Telemarketing Sales Rule and the Know Your Caller Act of 2001; to the Committee on Commerce, Science, and Transportation.

House Concurrent Resolution 21

Whereas, telephone subscribes in New Hampshire and throughout the country receive innumerable telephone calls from various telemarketers operating in this country and in other countries; and

Whereas, many telephone subscribers are annoyed by the relentless calling at the most inconvenient times during the day, and other such subscribers have received calls from unscrupulous telemarketers and have been victims of their fraudulent practices; and

Whereas, the Telemarketing Sales Rule and Know Your Caller Act of 2001 are intended to protect subscribers from unscrupulous telemarketers and to maintain the privacy and harmonious nature of American homes; and

Whereas, the Telemarketing Sales Rule requires telemarketers to maintain a list of telephone subscribers who do not wish to receive any further calls from a particular seller; provides for penalties in amounts as high as $10,000 per violation; and allows the Federal Trade Commission, states, and private persons to enforce such provisions; and

Whereas, the Telephone Consumer Protection Act of 1991 also requires that telemarketers abide by "do-not-call" requests from consumers as well as restricts telemarketing calling hours, mandates identification of the telephone solicitor, and includes both a private right of action and a right of action by states; and

Whereas, the Know Your Caller Act of 2001 strengthens the consumer protections of the Telephone Consumer Protection Act by preventing telemarketers from blocking caller identification information, by requiring telemarketers to provide such information when they have the capability of doing so, and by prohibiting telemarketers from using information on "do-not-call" lists for any other marketing purpose; and

Whereas, since telemarketers can evade state laws restricting telephone solicitation through interstate operation, federal regulation and enforcement actions are needed to control residential telemarketing practices; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the general court urges the state attorneys general and the Federal Trade Commission to vigorously enforce the provisions of the Telemarketing Sales Rule that require telemarketers to cease from calling telephone subscribers who have previously requested to be placed on a list of subscribers who do not wish to receive any further calls from that telemarketer and to assess the appropriate penalties for violation of such provisions; and

That the general court urges the United States Congress to pass the Know Your Caller Act of 2001, which will provide telephone subscribers with additional protection from telemarketing abuses and annoyances; and

That a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the New Hampshire congressional delegation, to the chairman of the Federal Trade Commission, to the chairman of the Federal Communications Commission, and to the president of the National Association of Attorneys General.

POM–263. A concurrent resolution adopted by the Legislature of the State of Texas relative to reopening La Linda Bridge as a border crossing; to the Committee on Commerce, Science, and Transportation.

House Concurrent Resolution No. 186

Whereas, In 1962, Pub. L. No. 87–525 authorized the construction of an international bridge across the Rio Grande to join Heath Canyon in Texas with the village of La Linda, Coahuila, Mexico, for the purpose of transporting refined ore into the United States from nearby mills in Mexico and to one day facilitate the movement of tourists interested in visiting the Sierra del Carmen mountain areas across from Big Bend National Park; and

Whereas, Since the bridge was constructed, the Texas Department of Transportation has, without interruption, maintained Farm-to-Market Road 2627 as a paved two-lane highway for a 28-mile stretch connecting the bridge to United States Highway 385, which leads from that junction southward to Big Bend National Park and northward 40 miles to Marathon and United States Highway 90; and

Whereas, La Linda Bridge, also known as the Hallie Stillwell Memorial Bridge, is still in place and is in good repair but cannot be crossed by vehicles or pedestrians because of barriers and the placement of "no trespassing" signs at the bridge since 1997 pursuant to orders issued by the governments of the United States of America and the Republic of Mexico; and

Whereas, The La Linda international crossing is the only bridge structure in place and the only point of entry authorized by public law between the United States ports of entry at Presidio and Del Rio, a distance of 385 miles; and

Whereas, The principal owner of the United States section of the international bridge at La Linda, the National Parks Conservation Association, is prepared to donate its interest in the bridge and associated properties to the State of Texas through the General Land Office so that the bridge may be reopened and operated as a legal border crossing; and

Whereas, The tourism industries serving scenic and recreational areas joined by this bridge, including the Big Bend mountains of Texas and the Sierra del Carmen mountains of Northwest Coahuila, wish to promote, accommodate, and economically benefit from cross-border tourism but are unable to implement those objectives if the La Linda crossing is not functioning; and

Whereas, The safety of tourists wishing to enjoy the area, the binational scientific cooperation called for under existing international agreements, and the security and public safety of communities and citizens on both sides of the international border would be enhanced by a functioning border crossing at La Linda; and

Whereas, The State of Coahuila and the commissioners court of Brewster County, respectively represented by the Instituto de Turismo and the Big Bend Border Council and joined by a coalition of local residents and the Big Bend National Park Superintendent, have twice requested that the Binational Bridges and Border Crossings working group, which is convened semiannually by the United States Department of State and the Mexican Secretaria de Relaciones Exteriores, take the necessary actions to have the bridge and border crossing at La Linda reopened by the United States and Mexican federal governments; and

Whereas, The working group, composed of United States and Mexican federal authorities responsible for authorizing international ports of entry and required inspections along the international boundary, will convene again in the coming months to consider action on either reopening the bridge at La Linda or ordering its removal; and

Whereas, It is in the economic, cultural, and security interest of the State of Texas and the homeland security interest of the United States of America to have a functioning border crossing station under the management and control of trained and equipped law enforcement and public safety officials in the extensive area known as the Big Bend; now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby express its support and encouragement for the reopening of the bridge and border crossing at La Linda to accommodate trade and tourism between Texas and Coahuila, Mexico, and to better protect residents of both countries and secure the protection of our nation from threats that might be associated with the illegal crossing of individuals or materials with a lethal intent; and, be it further

Resolved, That the legislature hereby urge the General Land Office to proceed expeditiously with the due diligence needed to make a determination regarding acceptance of an ownership interest in La Linda Bridge by the State of Texas; and, be it further

Resolved, That the legislature hereby urge that the governor, the Texas Department of Transportation, the secretary of state, the Department of Public Safety of the State of Texas, the Parks and Wildlife Department, the Texas Department of Economic Development, the Texas Historical Commission, and other appropriate state agencies render encouragement and assistance to the General Land Office as it proceeds in this matter and render encouragement and assistance as well to Brewster County and to private and public advocates for tourism in the Big Bend in their efforts to develop a regional tourism economy in conjunction with a reopened bridge at La Linda; and, be it further

Resolved, That the legislature hereby call upon the United States Department of State to communicate the interest of the State of Texas in this matter to the government of the Republic of Mexico and to all other parties participating in decisions relating to either reopening or removing the bridge at La Linda; and, be it further

Resolved, That the legislature hereby respectfully memorialize the Congress of the United States to initiate whatever actions are needed to reopen La Linda Bridge as a border crossing; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–264. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the history of a slave quarters located on the site of the planned Liberty Bell Pavilion; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 490

Whereas, A portion of the proposed location of the planned Liberty Bell Pavilion in Philadelphia is located on the historic site of the residence of United States Presidents George Washington and John Adams prior to the construction of the White House in Washington, D.C.; and

Whereas, This property, referred to as the President's House, included other complexes such as slave quarters and icehouses; and

Whereas, The land previously occupied by the slave quarters will be partially covered by the newly built facility; and

Whereas, The Liberty Bell is recognized as a symbol of the American Revolution; and

Whereas, The Liberty Bell became famous when abolitionists fighting to rid the nation of slavery adopted it as their symbol; and

Whereas, The inscription on the Liberty Bell became the rally cry for opponents of slavery; and

Whereas, It is important to maintain a permanent acknowledgment of the rich history of the affected area, especially the history associated with the slave quarters; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the National Park Service to facilitate the placement of a permanent commemorative plaque recognizing the site of the slave quarters and to work for continuing recognition of this history site; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the National Park Service, the United States Senate, the presiding officers of each house of Congress, each member of Congress from Pennsylvania and the Mayor of the City of Philadelphia.

POM–265. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to legislation that would ban bear baiting on federal lands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 82

Whereas, Michigan, along with other states throughout the country, has been very successful in its wildlife management strategies. While there is always more progress to be made, the increasing numbers of game animals and effective control of wildlife populations in Michigan and other states reflect the wisdom of local management of wildlife and hunting matters; and

Whereas, Congress is considering legislation, H.R. 1472, that would require the adoption and enforcement of regulations that would prohibit the intentional feeding of bears on federal lands in order to end what is known as "bear baiting"; and

Whereas, Of the states that allow bear hunting, Michigan is one of several that permit bear baiting. The experience in Michigan and the other states that permit bear baiting is that this technique is a valuable and highly effective wildlife management tool. The voters of Michigan overwhelmingly rejected a 1996 ballot proposal that included a ban of bear baiting. Bear baiting is part of an overall strategy that effectively controls the bear population and does so more humanely than hunting techniques that may result in higher rates of injuries for the animals. This mechanism has clearly allowed Michigan to keep the bear population at appropriate levels; and

Whereas, Michigan is a state that includes extensive federal lands. The citizens of our state have used these lands respectfully, and our state's hunting and fishing management efforts have enhanced these lands over the years. Michigan's proven effectiveness in dealing with wildlife management challenges should not be negated by federal control of the matter of bear hunting; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States not to enact any legislation that would ban bear baiting on federal lands; and be if further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–266. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to nuclear power; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 211

Whereas, Pennsylvania's nine nuclear power reactors have proven to be reliable sources of electricity to Pennsylvania citizens and businesses, producing 36% of the electricity generated in the Commonwealth of Pennsylvania; and

Whereas, Congress enacted the Nuclear Waste Policy Act of 1982 and directed the Department of Energy to establish a program for the management of the nation's high-level waste, including used nuclear fuel, and for its permanent disposal in a deep geologic repository; and

Whereas, More than $7 billion has been spent on scientific testing and studies of Yucca Mountain, Nevada, showing that the proposed site is an ideal repository to safely contain the nation's used nuclear fuel, with a capacity sufficient to meet all foreseeable storage needs; and

Whereas, Studies of Yucca Mountain have yielded the scientific information necessary for a decision by the United States Secretary of Energy that there are no technical or scientific issues to prevent Yucca Mountain from serving as a permanent repository and clearly support the recommendation by the Secretary to the President of the United States to proceed on licensing a permanent repository at Yucca Mountain; and

Whereas, Since 1983, consumers of electricity from the Commonwealth of Pennsylvania have committed nearly $1.5 billion to the Federal Nuclear Waste Fund to finance site assessment and nuclear waste management; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to sustain the President's affirmative decision on Yucca Mountain's suitability as a permanent Federal repository for used nuclear fuel; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to the United States Secretary of Energy, to the Speaker of the United States House of Representatives and to each member of Congress from Pennsylvania.

POM–267. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to Pennsylvania's veterans; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 229

Whereas, Pennsylvania's veterans have faithfully and honorably served this nation and this Commonwealth in times of peace and times of war; and

Whereas, There are approximately 1.2 million veterans of the United States armed services living in the Commonwealth of Pennsylvania today; and

Whereas, More than 500,000 of these veterans are 65 years of age or older; and

Whereas, By virtue of the honorable service they have provided, veterans are entitled to certain benefits; and

Whereas, Medical, surgical and rehabilitative services, such as the Veterans Health Administration's cancer program, diabetes program, kidney diseases program and the pharmacy benefits management program, are of particular importance to this Commonwealth's aging veteran population; and

Whereas, These benefits are provided by the United States Department of Veterans Affairs through a network of Veterans Health Administration centers, outpatient clinics, community-based outpatient clinics and veterans centers; and

Whereas, Even though Federal funding for medical services and administration for veterans in Pennsylvania has increased, many of the facilities located throughout this Commonwealth still lack the necessary resources to provide for the veterans who need and richly deserve these services; and

Whereas, There are 12 to 24 month waiting lists at many Veterans Health Administration facilities in Pennsylvania; and

Whereas, These waiting lists will only lengthen and the level of service will only lessen unless funding for these services in Pennsylvania increase to a level that matches needs; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to reexamine the level of funding for veterans medical services in order to provide timely, high-quality service to veterans of United States military services; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–268. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Second Regiment United States Sharpshooters, Company C, during the Civil War; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 534

Whereas, At the suggestion of Hiram Berdan, a New York inventor and eventual Colonel of Volunteers, that the best marksmen in the North be organized into two distinct units, the United States Sharpshooters were raised and mustered into action by President Abraham Lincoln in 1861; and

Whereas, These men were to be armed with the most reliable rifles and employed as scouts and skirmishers, with each applicant having to pass a shooting test to prove his worth; and

Whereas, At Orange Court House, the Sharpshooters engaged some Confederate Cavalry, easily pushing them off the field, but the advancing Confederate Infantry forced the Sharpshooters off the field and into the camp of their reserves, the Second Wisconsin; and

Whereas, The Sharpshooters fell in on General Gibbon's left and engaged the Confederates, pushing them off the field for good; and

Whereas, The exploits of this decorated group were rivaled by few as they fought Confederates across the Rappahannock River to the plains of Manassas, through Antietam and Chancellorsville and eventually to the fields of Gettysburg; and

Whereas, At Gettysburg the men of Company C were chosen to be the color company of the entire Second Regiment; and

Whereas, They fought valiantly and courageously, helping to defeat the Confederates at the Battles of Big and Little Round Top; and

Whereas, The men of Company C and all who served with them in the Second Regiment United States Sharpshooters served this nation with honor; and

Whereas, There is no monument recognizing the efforts of the men of Company C at Gettysburg National Military Park; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the National Park Service to erect a monument befitting their sacrifices; and be it further

Resolved, That copies of this resolution be transmitted to each member of Congress from Pennsylvania; to Fran P. Mainella, Director, National Park Service, 1849 C Street NW, Washington DC 20240; and to John A. Latschar, Superintendent, Gettysburg . . .

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 189. A bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes (Rept. No. 108–147).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 1614. A bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Mr. DURBIN):

S. 1615. A bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003; to the Committee on Armed Services.

By Ms. LANDRIEU:

S. 1616. A bill to amend the Employee Retirement Income Security Act of 1974 to prevent the preemption of State community property law as it relates to nonforfeitable accrued retirement benefits; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Ms. SNOWE):

S. 1617. A bill to amend the employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN):

S. Res. 225. A resolution commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself, Mr. FRIST, Mrs. LINCOLN, and Mr. PRYOR):

S. Con. Res. 68. A concurrent resolution honoring the life of Johnny Cash; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 480

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the names of the Senator from Arkansas

(Mr. PRYOR), the Senator from Iowa (Mr. HARKIN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1470

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1470, a bill to establish the Financial Literacy and Education Coordinating Committee within the Department of the Treasury to improve the state of financial literacy and education among American consumers.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1507

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1507, a bill to protect privacy by limiting the access of the government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes.

S. 1524

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1524, a bill to amend the Internal Revenue Code of 1986 to allow a 7-year applicable recovery period for depreciation of motorsports entertainment complexes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1587

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. 1594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1594, a bill to require a report on reconstruction efforts in Iraq.

S. 1606

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1606, a bill to strengthen and enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Washington (Mrs. MURRAY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 222, a resolution designating October 17, 2003 as "National Mammography Day".

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL:

S. 1614. A bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1614

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper White Salmon Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Columbia River Gorge National Scenic Area Act (16 U.S.C. 544 et seq.) directed the Secretary of Agriculture to study the Upper White Salmon River for possible designation as a component of the National Wild and Scenic Rivers System.

(2) The study, conducted by the Forest Service, included extensive public involvement by a broadly inclusive task force.

(3) The study determined that the Upper White Salmon River and its tributary, Cascade Creek, are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstandingly remarkable scenic, hydrologic, geologic, and wildlife values.

SEC. 3 UPPER WHITE SALMON WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) WHITE SALMON RIVER, WASHINGTON.—

"(A) DESIGNATION.—Segments of the main stem and Cascade Creek, totaling 20 miles, to be administered by the Secretary of Agriculture as follows:

"(i) 1.6-MILE SEGMENT.—The 1.6-mile segment of the main stem of the White Salmon River from the headwaters on Mount Adams in Sec. 17, T. 8 N., R. 10 E., downstream to the Mount Adams wilderness boundary shall be administered as a wild river.

"(ii) 5.1-MILE SEGMENT.—The 5.1-mile segment of Cascade Creek from its headwaters on Mount Adams in Sec. 10, T. 8 N., R. 10 E. downstream to the Mount Adams Wilderness boundary shall be administered as a wild river.

"(iii) 1.5-MILE SEGMENT.—The 1.5 mile segment of Cascade Creek from the Mount Adams Wilderness boundary downstream to its confluence with the White Salmon River shall be administered as a scenic river.

"(iv) 11.8-MILE SEGMENT.—The 11.8-mile segment of the main stem of the White Salmon River from the Mount Adams Wilderness boundary downstream to the Gifford Pinchot National Forest boundary shall be administered as a scenic river.".

SEC. 4. ADDITIONAL SECTIONS.

Nothing in this Act, or any amendment made by this Act, shall limit the suitability of the 18.4-mile segment from the Gifford Pinchot National Forest boundary to the confluence with Gilmer Creek for designation as a wild and scenic river under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)).

SEC. 5. MANAGEMENT.

The Secretary of Agriculture shall develop and administer the comprehensive management plan required by section 3(d)(1) of the

Wild and Scenic Rivers Act (16 U.S.C. 1274(d)(1)) for the designated sections of the Upper White Salmon River in general accordance with that portion of the preferred alternative of the Forest Service Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement for the Upper White Salmon River dated July 7, 1997, addressing only the designated sections.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. DASCHLE (for himself and Mr. Durbin):

S. 1615. A bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003; to the Committee on Armed Services.

Mr. DASCHLE. Mr. President, today, I rise to introduce a bill that is as simple as it is significant. It promises our soldiers that while they fight to protect us, we will do what we can do protect them and their families by not allowing their pay to be cut.

Each day brings a fresh reminder of the debt we owe our men and women in uniform. Today, well over 200,000 Americans are stationed abroad, many facing hostile fire in difficult conditions, thousands of miles from home. In spite of enormous difficulties, they have served magnificently, bringing honor to their families and their country.

In light of all that we read in our daily newspapers about our soldiers' heroic performance, it should be unthinkable that anyone would consider cutting their pay. But this isn't a rumor or some errant bureaucratic proposal. Unless the President and the Congress act soon, many of our soldiers will see their monthly pay reduced by as much as $225 at the end of the current fiscal year. My legislation would help us honor the debt we owe to our soldiers by making permanent the rates of pay currently provided to our soldiers.

Unfortunately, we have received very mixed messages from the administration about their position on this issue. In July, the Defense Department issued a position paper to the Congress expressing its views on military pay and a series of other legislative proposals. According to the official Pentagon document, the Defense Department urged Congress to reduce our troops' pay. Last month, the San Francisco Chronicle, in an article entitled "Troops In Iraq Face Pay Cut," reported, "The Pentagon wants to cut the pay of its 148,000 U.S. troops in Iraq, who are already contending with guerrilla-style attacks, homesickness, and 120-degree plus heat. . . . The Defense Department supports the cuts, saying its budget can't sustain the higher payments and a host of other priorities."

Not surprisingly, these reports triggered a fire storm. The administration quickly backpedaled. Its latest position is that pay will be kept at current levels for our troops in Iraq and Afghanistan, but pay for troops deployed abroad in other countries should be cut. This does a disservice to the men and women who have chosen to risk their lives for their country and have been deployed far from their homes and their families.

At a time when we are asking so much of these troops and their families, it is inconceivable to me that this Nation can't sustain current pay levels for all troops deployed abroad and that the administration would not fully support this proposition.

The legislation would send a clear signal to all of our troops, both those deployed abroad and those facing the possibility of deployment in the coming weeks and months. This Nation recognizes and appreciates the risks they take on our behalf and we honor our commitment to them. I urge the administration and my colleagues to join with me in this effort. Our troops and their families deserve no less.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAINTENANCE OF INCREASED RATE OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) Rate.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 2. MAINTENANCE OF INCREASED RATE OF FAMILY SEPARATION ALLOWANCE.

(a) Rate.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

Mr. DURBIN. Mr. President, I have joined Senator Daschle in introducing a bill today that would make permanent the increases in Imminent Danger Pay and Family Separation Allowance passed by Congress in the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act.

Last spring, when the Senate considered the Budget Resolution, it passed, by a vote of 100 to 0, an amendment I offered with Senator Landrieu that would have allowed for $1 billion to cover the increase in these special pay categories.

Then when the Senate considered the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act, it unanimously accepted an amendment I offered with Senator Stevens and Senator Inouye, increasing these pay categories for the remainder of the fiscal year.

The amendment we offered to the supplemental, sunset these pay increases, not because we wished to end them, but simply to allow the Armed Services Committee—the Committee of Jurisdiction—to increase these pay levels in the Fiscal Year 2004 Defense Authorization bill, which it did.

Now, when soldiers are dying in Iraq and military families have been separated for many months, we hear that the administration wishes to cut these pay increases in the conference committee.

The Statement of Administration Policy on the House version of the bill objects to the provision increasing both pay categories, saying it would "divert resources unnecessarily." The statement on the Senate bill only objects to the increase in Family Separation Allowance.

When confronted with questions about why the administration wanted to reduce these pay categories, Defense Department spokesman, Under Secretary David Chu, came up with the classic Washington non-denial denial. On August 14, Chu said:

> I'd just like very quickly to put to rest what I understand has been a burgeoning rumor that somehow we are going to reduce compensation for those serving in Iraq and Afghanistan. That is not true . . .
>
> What I think you're pointing to is one piece of a very thick technical appeal document that speaks to the question, do we want to extend the language Congress used in the Family Separation Allowance and Imminent Danger Pay statutes. And no, we don't think we need to extend that language. That's a different statement from, are we going to reduce compensation for those in Iraq and Afghanistan . . .

What do these statements mean?

Evidently the administration wants to claim that it will keep compensation the same for those serving in Iraq and Afghanistan, through other pay categories, but does indeed intend to roll back the increases to Imminent Danger Pay and Family Separation Allowance.

This means that a soldier getting shot at fighting the war on terrorism in Yemen or the Philippines would receive less money than one who is similarly risking his or her life in Iraq. This means that a family bearing huge costs because of burdensome, long-term deployments would only be helped if the service member is deployed to Iraq or Afghanistan, but not if that same service member is deployed anywhere else in the world.

It is unfair to cut funding intended to help military families that are bearing the costs of far-flung U.S. deployments. It is unacceptable that imminent danger would be worth less in one combat zone than in another.

The bill we introduce today makes a clear statement that these pay categories should be increased permanently and should not be cut in conference.

Until these pay levels were increased in the supplemental, an American soldier, sailor, airman, or Marine who put his or her life on the line in imminent danger only received an extra $150 per month. My amendment increased that amount to $225 per month—still only an acknowledgment of their courage, but an increase nonetheless.

Prior to the increase in the Supplemental Appropriations bill, Family Separation had been only $100 per month. We succeeded in raising it to $250 per month.

These increases are only part of a normal progression of increases—for example, in 1965, Imminent Danger Pay was $55; $100 in 1985, and raised to $150 in 1991. Family Separation Allowance was $30 in 1970, $60 in 1985, $75 in 1991, and $100 in 1997.

Family Separation Allowance was originally intended to pay for things that the deployed service member would have done, like cut the grass, that the spouse may then have had to hire someone to do. That may well have been appropriate in the past, but now most families have two working spouses—sometimes two working military spouses—and the absence of one or both parents may add huge child care costs that even the increased rate is unlikely to cover.

Military spouses sometimes find that they must give up their jobs or curtail their working hours in order to take up the family responsibilities that otherwise would have been shared by the missing spouse.

Examples of increased costs that families may incur when military personnel are deployed, in addition to increased child care costs, include: health care costs not covered by TRICARE; for example, the cost of counseling for children having a difficult time with their parents' deployment; costs for the family of an activated Reservist or National Guard member to travel to mobilization briefings, which may be in another state; various communication and information-gathering costs.

I would like to quote for the RECORD from an article that appeared in The Washington Post on April 11, 2003, entitled "Military Familes Turn to Aid Groups," that outlines how military families have had to rely on private aid organizations to help them when their spouses are deployed. The article highlights the case of one mother, Michele Mignosa and says:

> The last 18 months have brought one mishap or another to Michelle Mignosa. Her husband, Kevin, is an Air Force reservist who since the Sept. 11, 2001, terrorist attacks has been away from their Lancaster, Calif., home almost as much as he's been there. First, there were the out-of-state trips to provide airport security. Then he was deployed to Turkey for 2½ months last spring. Now he's in Greece with an air-refueling unit. . . . And while he has been gone, the problems have piled up at home. . . . Strapped for cash since giving up her part-time job because of Kevin's frequent far-off postings, she didn't know where the money would come from to resolve yet another problem.

I applaud the efforts of private aid groups to help military families, but I believe that it is the duty of the U.S. Government to cover more of the costs incurred because of military deployments. If should not matter to which country the service member is deployed. Cuts must not be made to funds helping military families that are bearing the costs of war, homeland security, and U.S. military commitments abroad.

To say that pay will not decrease to those serving in Iraq or Afghanistan is ignoring the truth—rolling back Family Separation Allowance from $250 per month to $100 per month will cost our military families and could be especially painful for those living on the edge.

I urge my colleagues to support the bill that Senator DASCHLE and I introduce today and make a strong statement to the Defense Department that Congress will not stand for cutting Imminent Danger Pay and Family Separation Allowance.

By Ms. LANDRIEU:

S. 1616. A bill to amend the Employee Retirement Income Security Act of 1974 to prevent the preemption of State community property law as it relates to nonforfeitable accrued retirement benefits; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, the Senate is expected to consider important legislation that will affect the pensions of millions of Americans and their families during the 108th Congress. In the last Congress we provided greater security to pensions by correcting the accounting abuses that lay at the heart of the Enron and WorldCom bankruptcies—bankruptcies that caused the employees of these companies to lose their life savings and hurt the investment portfolios of thousands of individual investors.

Today, I am introducing legislation to correct a unique problem under ERISA for States with community property laws. The issue came to light in the 1997 Supreme Court decision in the case of Boggs v. Boggs. The Court held that ERISA preempted the application of Louisiana's community property law in the disposition of pension benefits. While the case originated in Louisiana, the holding tears a hole in the fabric of community property laws of seven other States, Texas, New Mexico, California, Arizona, Nevada, Washington, and Idaho.

Long before the women's movement, community property laws stood for the basic premise that a marriage is an economic, as well as social, child rearing partnership in which the ownership of property acquired during the marriage is shared equally. The Boggs case involved a husband and wife. The husband began accumulating benefits in a pension plan after they got married. The wife did not have a pension plan, but under the community property law of Louisiana, half of her husband's benefits were hers. The wife died before her husband retired, and before the plan's benefits were subject to distribution. In her will she left her interest in the pension benefits to her husband for the rest of his life, with the remaining interest to her sons for after her husband died. The husband subsequently remarried, retired, and ultimately died, leaving property to his second wife and an interest in his remaining assets to his sons. The sons attempted to enforce their State-law interest in the pension benefits bequeathed to them by their mother against the second wife. The Supreme Court held against the sons, saying that they were not beneficiaries of, nor participants in, the pension plan under ERISA.

This holding goes against the fundamental principles of community property. What the Court is saying is that although a husband's 401K plan may contain a million dollars of deferred earnings accumulated during the course of his marriage, if his wife dies before he retires, her interest terminates; she co-owned none of it. The fundamental principle of marriage as an equal partnership under community property is rendered meaningless by this decision.

The Boggs ruling will also lead to conflicting results in the disposition of assets at death in community property States. If, instead, the money had been put in an ordinary savings account that is not covered by ERISA, half of it would have been owned by the wife as community property in recognition of her contribution to the marriage. At her death, she would have been free to dispose of the assets as she saw fit. Furthermore, after Boggs, if a couple has both a 401K plan and a savings account, upon the death of the wife the husband gets all of the 401K plan plus half of the savings account; the wife's estate gets only half of the savings account. That is not the equal outcome community property laws seek.

The legislation that I am proposing will create a narrow exception within the ERISA preemption provisions to address the circumstances under Boggs. Instead of losing the community property interest in any non-forfeitable accrued pension benefits at death, a spouse will retain that interest and will be able to pass that interest on to his or her heirs. This is not an exceptional change to ERISA. What I am proposing does not affect the joint and survivor annuity required by ERISA nor does it prevent the participant from having the use and enjoyment of the entire retirement asset until his death. It does not place any new burden on the retirement plan administrators. It envisions that upon the death of the participant, the State probate court will apply normal community property principles, taking into account the value of the retirement assets at the time of the participant's death, in distributing the participant's property between the heirs of the participant and the heirs of the predeceased spouse. Furthermore, each community property State will have the freedom to implement the amendment by whatever means the State deems best, including the option not to implement the amendment at all.

ERISA already contains exceptions to its preemption provisions. One applies to divorce or other Qualified Domestic Relations Orders. This exception, added to ERISA by the Retirement Equity Act of 1984, allows States to apply their community property laws or equitable division laws to retirement assets when a couple gets divorced. A divorced spouse can retain an interest in the undistributed pension assets of their ex-husband or wife. As it now stands, therefore, ERISA is more favorable to a spouse who divorced the participant before dying, than a spouse who remained married to the participant until death.

The Senate should act to reaffirm the principles of community property. My legislation upholds the basic ideal of community property law: that marriage is a partnership that values as equal the contributions of both the husband and the wife. This notion of equality holds true whether one spouse worked and the other stayed at home. I urge my colleagues to pass this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE COMMUNITY PROPERTY LAW RIGHT TO RETIREMENT BENEFITS NOT PREEMPTED BY ERISA.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended—

(1) by redesignating paragraphs (8) and (9) as (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following:

"(8)(A) Except as provided in subparagraph (B), if—

"(i) under the community property laws of any State the spouse of a participant of a pension plan is entitled to any portion of the participant's nonforfeitable accrued benefit; and

"(ii) the spouse's interest in such benefit under such laws passed to an individual other than the participant by reason of the death of the spouse;

then subsection (a) shall not apply to an order issued by a court of such State disposing of such interest.

"(B) Nothing in subparagraph (A) shall be construed to allow a claim—

"(i) for a benefit directly from a pension plan;

"(ii) against a qualified joint and survivor annuity or qualified pre-retirement survivor annuity of a surviving spouse of the participant; or

"(iii) against the participant during his or her lifetime.".

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to orders regarding the estates of decedents dying after the date of enactment of this Act.

By Mr. KENNEDY (for himself and Ms. SNOWE):

S. 1617. A bill to amend the employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SNOWE in introducing the Women's Pension Protection Act of 2003, and I commend her for her commitment.

Retirement security is essential for all Americans, but too often we have failed to meet the needs of women on this basic issue. Women live longer than men, but they continue to earn far less in wages over their lifetimes. Women are much less likely to benefit from the private pension system. Just as women receive less pay and less recognition of their contributions in the workplace, they also receive fewer retirement benefits.

Women's lack of retirement security is based in the unfair treatment they face in the workplace. Women still earn only 76 percent of the wages of men, and this gap in pay leads to hundreds of thousands of dollars in lower pay over their careers. Women are twice as likely as men to work in part-time jobs without benefits. They are much more likely to spend time out of the workforce to meet their family responsibilities. All of these factors translate into seriously inadequate retirement income for vast numbers of women.

The realities of this injustice are grim. According to the most recent Census data, fewer than 20 percent of women age 65 and over are receiving private pension income—and these women are receiving an average of only $4,200 a year in such income, compared with $7,800 for men. Minority women are in even more desperate straits—only 15 percent of African-American women and 8 percent of Hispanic women receive pension income.

As a result of these lower wages, longer lifespans and unfair pensions, nearly one in five older single women are living in poverty.

Almost twenty years ago, we modified federal pension laws to provide greater protections for women in their retirements. The Retirement Equity Act of 1984 required defined benefit pension plans to pay survivor benefits, unless the spouse waived this protection. The time has come to extend and expand these protections. In many cases, the amount a spouse receives as a survivor benefit is often far too little to provide adequate support. The existing protections do not cover 401(k) and other defined contribution plans—which are now the only retirement assistance for over half of the American who have private pensions.

Under the legislation we are introducing today, women will have greater retirement security. They will have greater say in the management of their husband's 401(k) funds. Widows will have more generous survivor benefits. Divorced women will have a greater ability to receive a share of their former husband's pension after a divorce. Our legislation offer long overdue improvements in the private system, so that retirement savings programs are more responsive to the realities of women's lives and careers. Congress must do all it can to strengthen women's retirement security and end the many inequities that affect women in our current pension laws. I urge my colleagues to support the Women's Pension Protection Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 225—COMMEMORATING THE 100TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 225

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and the steadfast perseverance of the Bulgarian people in building a society based on democratic values, the rule of law, respect for human rights, and a free market economy;

Whereas the Bulgarian people, including Bulgarian civil and religious leaders, bravely protected 50,000 Bulgarian Jews from deportation and extermination during the Holocaust;

Whereas Bulgaria has supported stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the North Atlantic Treaty Organization (NATO), and by providing peacekeeping troops to the Stabilisation Force in Bosnia and Herzegovina and to the Kosovo Force in Kosovo;

Whereas Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001;

Whereas Bulgaria provided overflight and basing rights at the town of Burgas for Operation Enduring Freedom and Bulgaria deployed a military unit to Afghanistan as part of the International Security Assistance Force;

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council;

Whereas Bulgaria met each request of the United States relating to overflight and basing rights as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion as part of a stabilization force in Iraq;

Whereas in November 2003, Bulgaria was invited to join NATO and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria strongly supports the strengthening of trans-Atlantic relations and considers the relations to be a basis for NATO unity and cooperation in countering new threats to global security; and

Whereas in May 2003, the Senate gave its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and 6 other aspirant countries from Central and Eastern Europe to NATO, thereby welcoming their contribution to common trans-Atlantic security: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100 years of diplomatic relations between the United States and Bulgaria;

(2) commends the Republic of Bulgaria for developing increasingly friendly and broadly based relations with the United States, which are now the most favorable in the history of United States-Bulgaria relations;

(3) recognizes Bulgaria's continued contributions towards bringing peace, stability, and prosperity to the region of southeastern Europe, including the contributions of Bulgaria to regional security and democratic stability;

(4) salutes Bulgaria's willing cooperation and increasingly vital role as a valuable ally in the war against international terrorism;

(5) highlights the importance of Bulgaria's active participation in regional initiatives such as the Stability Pact for Southeast Europe, the Southeast Europe Cooperative Initiative, and the Southeast Europe Cooperation Process, and the various projects of those initiatives, which are focused on fighting crime and corruption, increasing trade, improving the investment climate, and generally preparing Bulgaria and Southeast Europe as a whole for eventual membership in the European Union; and

(6) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

SENATE CONCURRENT RESOLUTION 68—HONORING THE LIFE OF JOHNNY CASH

Mr. ALEXANDER (for himself, Mr. FRIST, Mrs. LINCOLN, and Mr. PRYOR) submitted the following concurrent resolution; which was ordered held at the desk.

S. CON. RES. 68

Whereas Johnny Cash was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres;

Whereas Johnny Cash was born on February 26, 1932, in Kingsland, Arkansas, and moved with his family at the age of 3 to Dyess, Arkansas, where the family farmed 20 acres of cotton and other seasonal crops;

Whereas those early years in the life of Johnny Cash inspired songs such as "Look at Them Beans" and "Five Feet High and Rising";

Whereas Johnny Cash eventually released more than 70 albums of original material in his lifetime, beginning with his first recording in 1955 with the Tennessee Two;

Whereas Johnny Cash was a devoted husband to June Carter Cash, a father of 5 children, and a grandfather;

Whereas Johnny Cash received extensive recognition for his contributions to the musical heritage of the Nation, including membership in the Grand Old Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and his receipt of numerous awards, including Kennedy Center Honors, 11 Grammy awards, and the 2001 National Medal of Arts;

Whereas Johnny Cash embodied the creativity, innovation, and social conscience that define American music;

Whereas Johnny Cash was a vocal champion of the downtrodden, the working man, and Native Americans; and

Whereas the Nation has lost one of its most prolific and influential musicians with the death of Johnny Cash on September 12, 2003, in Nashville, Tennessee: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the life and accomplishments of Johnny Cash;

(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

(3) extends its condolences to the Cash family on the death of a remarkable man.

Mr. ALEXANDER. Mr. President, today I am submitting a concurrent resolution honoring Johnny Cash.

Johnny Cash died on Friday in Nashville. The man whose singing voice sounded like a big freight train coming, is gone. The concurrent resolution I submit today is on behalf of my colleague, the majority leader, Senator BILL FRIST of Tennessee, the Senators from Arkansas, Mrs. LINCOLN and Mr. PRYOR, and the distinguished Senator ROBERTS, who probably knows the words to "I Walk the Line," as do most of us all over the world.

Johnny Cash lived a little bit outside of Nashville. I was in his home one time and I asked him: Johnny, how many nights do you perform on the road?

He looked at me with some surprise. He said: Oh, about 300 a year.

Why do you do that, I asked him in amazement?

He looked back at me equally amazed. He said: That is what I do.

All weekend the radio stations have been playing the songs of the man who performed 300 times a year for all of us, the "man in black." Stores all over Nashville and all over the world were stocking up on Johnny Cash memorabilia this weekend.

So much has been said in newspapers and on TV that one wonders what else we Senators might say about Johnny Cash. I mean, what could I say better, for example, than what Steven Greenhouse wrote on Johnny on page 1 of the New York Times on Saturday:

> Beginning in the mid-1950s, when he made his first record for the Sun label, Mr. Cash forged a lean, hard-bitten country-folk music that at its most powerful seemed to erase the lines between singing, storytelling and grueling life experience. Born in poverty in Arkansas at the height of the Depression, he was country music's foremost poet of the working poor. His stripped-down songs described the lives of coal miners and sharecroppers, convicts and cowboys, railroad workers and laborers.

"Foremost poet of the working poor." Mr. Greenhouse was not the only one who wrote beautifully about the foremost poet of the working poor. So did Louie Estrada and David Segal in the Washington Post. So did Craig Havighurst and several other writers in the Tennessean in Nashville, as well as John Sparks in the Memphis Commercial Appeal.

I have no doubt that in Wichita, Topeka, and important cities all over the country and world there were writers who were writing as best they could about the music and the sound of Johnny Cash.

Why do we wait until Johnny Cash dies to write of his poetry? John R. Cash is not the only such poet who ever lived in Nashville, TN. Bob Dylan, Johnny's friend, once said that Hank Williams was America's greatest poet. At last count, there are several thousand songwriters living in Nashville struggling to write poetry, some of which will be known and remembered everywhere in the world one day.

Alice Randall, a Nashville songwriter, a writer of songs and books, once observed that it is odd that there is so little serious literary criticism of the poetry of Johnny Cash, Hank Williams, and other country music songwriters. The outpouring of articles that accompanied Johnny's death this weekend suggest that most of the serious criticism of the poetry found in country music is done by pop music critics in our major newspapers.

But why is there not a department or a chair or at least a conference occasionally dedicated to criticism of the poetry or at least the literature of country music? Literary criticism is a fundamental part of the departments of English in universities all across America. Some of the most famous of these were among the "Fugitives" who met during the 1920s at Vanderbilt University. Cleanth Brooks, Robert Penn Warren, Allen Tate, Donald Davidson, and Andrew Lytle were some of those literary critics who began their careers then.

If Vanderbilt University, my alma mater, is such a center of literary criticism, then why has Vanderbilt University not done more about the literature that is country music? Or why does Belmont University in Nashville or the University of Tennessee or the University of Memphis not do it?

These Nashville and Memphis songwriters are certainly among the most famous poets in the world. But why do we wait for the New York Times and Bob Dylan to tell us that Johnny Cash and Hank Williams are also among the best poets when Vanderbilt University, among others, lives right there among them?

There are hundreds of good English professors in dozens of northeastern universities writing thousands of pages of criticism about average poets, while our Tennessee universities are doing almost nothing to write about poets who others say are among the best in the world. We have had a habit in Tennessee of not being willing to look right in front of our own noses to celebrate what is special about us. We sometimes worry about producing only average Chopin when right down the block lives the best harmonica player in the world.

I am all for Chopin, Beethoven, Mozart, and Bach. I have played their music on the piano with symphonies all across Tennessee, but I have also performed with those symphonies some of the most beautiful of the unique American music we call country music.

The death of our friend Johnny Cash, the poet of the working poor, is a good time for our Tennessee universities to consider whether they might want to celebrate our excellence by encouraging literary criticism of some of the best known poets in the world: Our songwriters. Our universities might discover what others have suggested, that some of our songwriters are also among the best in the world.

Mrs. LINCOLN. Madam President, I rise to join Senators ALEXANDER, FRIST, and PRYOR to introduce a resolution in honor of a great American, and one of our greatest Arkansans—Johnny Cash, who passed away on Friday, September 12, at the age of 71.

John R. Cash was born in Kingsland, AR on February 26, 1932. When he was just 3 years old, his father moved the family to Dyess Colony, a New Deal program that set up new farming communities on uncleared land near the Mississippi River. The family had 20 acres upon which they farmed cotton and other seasonal crops and from the beginning, John was taught to work for a living. It was this time spent farming and living in Northeast Arkansas, that inspired songs such as "Look at Them Beans" and "Five Feet High and Rising." At the age of six, he was hauling water for a road crew. At twelve he was chopping cotton. When he reached high school he was singing on the radio in Blytheville. Still, John didn't pick up a guitar until he was stationed in West Germany as a soldier in the Army. The instrument was so cheap, he said, that "it didn't even have a brand name."

When he returned from Germany, John moved to Memphis, determined to make it in the music industry. He sold appliances door-to-door and went to broadcasting school on the GI bill, playing music whenever he could. Finally, he managed to get an audition before Sam Phillips, the owner of the legendary Sun Records studio. The first time Phillips heard Cash sing, he turned him down, saying that he sounded "too country." John returned with a more rockabilly sound and Phillips began to send his group out with another artist on the Sun Records label, Elvis Presley. Phillips also began to refer to John as Johnny, a name Cash disliked because he thought it made him sound too young. Johnny would go on to record some of his most cherished songs for the label, including such classics as "Cry, Cry, Cry" and "I Walk the Line".

Over the next 5 decades, Johnny Cash recorded over 400 albums, with 48 hits on the Billboard Hot 100 and over 130 hits on the Billboard country music charts. In the process, the boy from Dyess Colony managed to sell over 50 million records. He is part of a distinguished group of musicians from Arkansas including: Conway Twitty, Sonny Boy Williamson, Glen Campbell, and Charlie Rich. Even though Johnny Cash and these other distinguished artists found fame outside of Arkansas, the experience of growing up in Arkansas gave them a unique perspective on the feelings of the common man and woman, working hard to just get by, a perspective which came through in their music.

The number of artists he has influenced is immeasurable. He has been inducted into the Country & Western Hall of Fame, the Nashville Songwriter's Hall of Fame, and the Rock & Roll Hall of Fame. He received 11 Grammy Awards including the Lifetime Achievement Award, and has been honored by both the Kennedy Center for his contribution to American Culture and the United Nations, receiving the Humanitarian Award. The last two awards illustrate how Johnny Cash became so much more than a musician.

His songs shined a light on aspects of American culture that are integral to our Nation's history but too often overlooked. He never forgot where he came from and the people he met along the way. He told stories about people who worked hard just to survive, people so poor they couldn't afford a car so they snuck out the parts to build one from the plant where they worked, "One Piece At A Time". And he told it all with a voice that once was described as "the perfect voice for a man of his spirit. It's unmistakable. It doesn't sound like anybody else. And it sounds like the real thing, which is what he is."

I ask that all my colleagues in the Senate join me in honoring a true American original, a prodigiously talented musician, with a conscience that matched those gifts. Our deepest condolences go out to his family and friends.

AMENDMENTS SUBMITTED & PROPOSED

SA 1654. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1655. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. REED, Mr. LAUTENBERG, Mr. WYDEN, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1656. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1657. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1658. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1654. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this or any other Act, previously or hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising or sponsor recognition in any form. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations; and the term "structure" shall have the meaning given to it by section 7.96(g)(5)(x)(A)(4) of title 36, Code of Federal Regulations. This section shall not apply to hand-held signs or to the Festival of American Folklife.

SA 1655. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. REED, Mr. LAUTENBERG, Mr. WYDEN, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 503, insert the following:

Sec. 504. (a) Reduction in Amount Available for National Nuclear Security Administration.—The amount appropriated by title III of this Act under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" under the heading "National Nuclear Security Administration" under the heading "Weapons Activities" is hereby reduced by $21,000,000, with the amount of the reduction to be allocated so that—

(1) no funds shall be available for the Robust Nuclear Earth Penetrator; and

(2) no funds shall be available for Advanced Weapons Concepts.

(b) Prohibition on Use of Funds for Certain Modification of Readiness Posture of Nevada Test Site.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of modifying the readiness posture of the Nevada Test Site, Nevada, for the resumption by the United States of underground nuclear weapons tests from the current readiness of posture of 24 months to 36 months to a new readiness posture of 18 months or any other readiness posture of less than 24 months.

(c) Prohibition on Use of Funds for Site Selection of Modern Pit Facility.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of site selection of the Modern Pit Facility.

(d) Reduction of Public Debt.—Of the amount appropriated by this Act, $21,000,000 shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

SA 1656. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

Sec. 117. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 335) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public law 106-554; 114 Stat. 2763A-220), is further amended by adding at the end the following:

"(71) Coronado, California.—$10,000,000 for wastewater infrastructure, Coronado, California.".

SA 1657. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 20, after "expended" insert the following: ", of which $5,000,000 shall be available to pay 100 percent of the costs of a research and development project to demonstrate advanced spent nuclear fuel storage and management technologies, to be carried out through a cooperative agreement between the Secretary of Energy and the Dairyland Power Cooperative at the La Crosse Boiling Water Reactor in the State of Wisconsin".

SA 1658. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 20, strike the period at the end and insert ", of which $5,000,000 shall be available for the Navajo electrification demonstration program under section 602 of Public Law 106-511 (114 Stat. 2376)."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION AND COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I wish to announce that there will be a joint meeting of the Committee on Rules and Administration and the Committee on the Judiciary at 9:30 a.m., on Tuesday, September 16, 2003, in SR-325, Russell Senate Office Building, to conduct a joint hearing on Ensuring the Continuity of the United States Government: The Presidency.

For further information concerning this meeting, please contact Susan Wells at 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS' SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Monday, September 15, at 2:30 p.m., for a hearing titled, "Safeguarding America's Retirement Security: An Examination of Defined Benefit Pension Plans and the Pension Benefits Guaranty Corporation."

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

On Wednesday, September 10, 2003, the Senate passed H.R. 2660, as follows:

H.R. 2660

Resolved, That the bill from the House of Representatives (H.R. 2660) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,652,588,000 plus reimbursements, of which $1,631,407,000 is available for obligation for the period July 1, 2004 through June 30, 2005; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which $20,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $276,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $9,039,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That, notwithstanding any other provision of law or related regulation, $77,330,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $72,213,000 for formula grants, $4,610,000 for migrant and seasonal housing, and $507,000 for other discretionary purposes: Provided further, That $4,609,840 appropriated under this heading in Public Law 108–7 for migrant and seasonal housing under section 167 of the Workforce Investment Act of 1998 and available for obligation for the period July 1, 2003 through June 30, 2004 is hereby rescinded: Provided further, That $4,609,840 is available for obligation for the period July 1, 2003 through June 30, 2004, for farmworker housing organizations with grants expiring June 30, 2003 to carry out migrant and seasonal housing activities, including permanent housing at the option of grantees, under section 167 of the Workforce Investment Act of 1998: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998,

$25,000,000 may be used to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $442,306,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $142,520,000, together with not to exceed $3,478,032,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $63,137,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $121,316,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2004 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $390,045,000, together with $2,016,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2003, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,201,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $300,000,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payment to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the first quarter of fiscal year 2005, $88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $55,074,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; $23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; $338,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $463,324,000, including not to exceed $93,263,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $270,711,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $445,113,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, and $48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $351,295,000; together with not to exceed $314,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): Provided further, That of this amount, sufficient funds shall be available for the Secretary of Labor, not later than 60 days after the last day of the fiscal year, may submit to Congress a report on the amount of acquisitions made by the Department of Labor during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the

Department of Labor that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Labor shall make the report publicly available by posting the report on an Internet website.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4012, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2004, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $59,291,000, together with not to exceed $5,561,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $9,700,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. Of the funds appropriated for fiscal year 1999 under section 403(a)(5)(H)(i)(II) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(i)(II)) that were allotted as welfare to work formula grants to the States under section 403(a)(5)(A) of such Act (42 U.S.C. 603(a)(5)(A)), $210,833,000 is hereby rescinded. In order to carry out this section, the Secretary of Labor shall recapture unexpended funds from the States that have received such allotments based on the relative amount of funds from such allotments that remain unexpended in each State as compared to the total amount of funds from such allotments that remain unexpended in all States as of September 30, 2003. The Secretary of Labor is authorized to establish such procedures as the Secretary determines are appropriate to carry out this section.

SEC. 106. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (29 U.S.C. 213) that were in effect as of September 3, 2003.

SEC. 107. The Department of Labor may cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004.

SEC. 108. (a) FINDINGS.—Congress finds that—

(1) it is projected that the Department of Labor, in conjunction with labor, industry, and the National Institute for Occupational Safety and Health, will be undertaking several months of testing on Personal Dust Monitor production prototypes; and

(2) the testing of Personal Dust Monitor prototypes is set to begin (by late May or early June of 2004) following the scheduled delivery of the Personal Dust Monitors in May 2004.

(b) RE-PROPOSAL OF RULE.—Following the successful demonstration of Personal Dust Monitor technology, and if the Secretary of Labor makes a determination that Personal Dust Monitors can be effectively applied in a regulatory scheme, the Secretary of Labor shall re-propose a rule on respirable coal dust which incorporates the use of Personal Dust Monitors, and, if such rule is re-proposed, the Secretary shall comply with the regular procedures applicable to Federal rulemaking.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,881,322,000, of which $39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, that no more than $10,000,000 is available for carrying out the provisions of U.S.C. Title 42 Section 233(o) including associated administrative expenses: Provided further, That $10,000,000 is to establish a National Cord Blood Stem Cell Bank Program: Provided further, That no more than $45,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $283,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $739,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,381,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That $73,044,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations.(including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount: Provided further, That up to $1,000,000 may be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c–15).

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,972,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $4,432,496,000, of which $260,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $232,569,000 for international HIV/AIDS shall remain available until September 30, 2005, including up to $90,000,000, to remain available until expended for the "International Mother and Child HIV Prevention Initiative." In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, $14,000,000 shall be available from amoints available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: Provided further, That in addition to amounts provided herein, $127,634,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: Provided further, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,770,519,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,897,595,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $386,396,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,683,007,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,510,926,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,335,255,000: Provided, That $150,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,917,033,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,251,185,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $657,199,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $637,074,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,031,411,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $505,000,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $384,577,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $135,579,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $431,521,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $997,614,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,391,114,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $482,372,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $289,300,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,186,483,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $119,220,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $117,902,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $192,824,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $65,900,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $311,835,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $323,483,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of *the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $497,000 shall be available to carry out section 499 of the Public Health Service Act.*

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $89,500,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,157,540,000: Provided, That in addition to amounts provided herein, $79,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out subpart II of title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of title XIX: Provided further, That in addition to the amounts provided herein, $21,850,000 shall be available from amounts available under Section 241 of the Public Health Service Act to carry out subpart I of Part B of title XIX of the Public Health Service Act to fund section 1920(b) technical assistance, data collection and program evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of Title XIX: Provided further, That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $124,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, $58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,707,603,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $30,000,000, to remain available until September 30, 2005, is for contract costs for CMS's Systems Revitalization Plan: Provided further, That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, that to the extent Medicare claims processing unit costs are projected by the Centers for Medicare & Medicaid Services to exceed $0.87 for Part A claims and/or $0.65 for Part B claims, up to an additional $18,000,000 may be available for obligation for every $0.04 increase in Medicare claims processing unit costs from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds. The calculation of projected unit costs shall be derived in the same manner in which the estimated unit costs were calculated for the Federal budget estimate for the fiscal year

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $3,292,270,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,000,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $383,894,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006: Provided further, That up to $9,935,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $9,935,000. For carrying out section 462 of the Homeland Security Act of 2002, (Public Law 107–296), $34,227,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,729,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall *be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.*

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,780,002,000, of which $42,720,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2004; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $717,620,000 shall be for making payments under the Community Services Block Grant Act: Provided, That not less than $7,203,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $89,978,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $40,505,000 is for the transitional living program: Provided further, That $34,772,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $15,000,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote disabled voter access, and of which $5,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $99,350,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,360,193,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $342,808,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $15,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects, and $5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That of this amount, $3,000,000 shall be made available to carry out section 340G of the Public Health Service Act (42 U.S.C. 256g) (in addition to other amounts appropriated under this title for such purpose): Provided further, That of this amount, sufficient funds shall be available for the Secretary of Health and Human Services, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Health and Human Services during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Health and Human Services that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Health and Human Services shall make the report publicly available by posting the report on an Internet website.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: Provided, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,936,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $23,499,000, which shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or *length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.*

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,856,040,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,116,156,000; Office of the Secretary, $61,820,000; Health Resources and Services Administration, $578,064,000; and $100,000,000 shall be available until expended for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable production technologies: Provided further, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.2 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004"; and

(B) in subsection (e), by striking "October 1, 2003" each place it appears and inserting "October 1, 2004";

(C) in subsection (b)(1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic or Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion."; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30 2003" and inserting "September 30, 2004".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and

Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 218. None of the funds appropriated in this or any other Act may be used to carry out or administer the Department of Health and Human Services Human Resources Consolidation plan.

SEC. 219. GAO STUDY AND REPORT ON THE PROPAGATION OF CONCIERGE CARE. (a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on concierge care (as defined in paragraph (2)) to determine the extent to which such care—

(A) is used by medicare beneficiaries (as defined in section 1802(b)(5)(A) of the Social Security Act (42 U.S.C. 1395a(b)(5)(A))); and

(B) has impacted upon the access of medicare beneficiaries (as so defined) to items and services for which reimbursement is provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) CONCIERGE CARE.—In this section, the term "concierge care" means an arrangement under which, as a prerequisite for the provision of a health care item or service to an individual, a physician, practitioner (as described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or other individual—

(A) charges a membership fee or another incidental fee to an individual desiring to receive the health care item or service from such physician, practitioner, or other individual; or

(B) requires the individual desiring to receive the health care item or service from such physician, practitioner, or other individual to purchase an item or service.

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a)(1) together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SEC. 220. To demonstrate the appreciation that the Senate has for, and to further encourage, the efforts of the Director of the National Institutes of Health in implementing the Pediatric Research Initiative under section 409D of the Public Health Service Act, it is the sense of the Senate that—

(1) the Director should continue the Initiative and emphasize the importance of pediatric research, particularly translational research; and

(2) not later than January of 2004, the Director should continue to report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Senate Committee on Appropriations and the House Committee on Appropriations on the status of the Pediatric Research Initiative, including—

(A) the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated by the Office of the Director through the Initiative;

(B) the activities of the cross-institute committee on pediatric research in assisting the Director in considering requests for new or expanded pediatric research to be funded through the Initiative;

(C) how the Director plans to budget dollars toward the Initiative for fiscal year 2004;

(D) the amount the Director has expended to implement the Initiative since the enactment of the Initiative;

(E) the status of any research conducted as a result of the Initiative;

(F) whether that research is translational research or clinical research;

(G) how the Initiative interfaces with the Off-Patent research fund of the National Institutes of Health; and

(H) any recommended modifications that Congress should consider in the authority or structure of the Initiative within the National Institutes of Health for the optimal operation and success of the Initiative.

SEC. 221. To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $23,854,000, including amounts otherwise made available in this Act for such centers.

SEC. 222. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: Provided, That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

SEC. 223. In addition to any amounts otherwise appropriated under this Act for programs and activities under the Nurse Reinvestment Act (Public Law 107-205) and for other nursing workforce development programs under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), there are appropriated an additional $50,000,000 for such programs and activities.

SEC. 224. Not later than 90 days after the date of enactment of this Act, the Director of the National Institutes of Health shall submit to the appropriate committees of Congress a report that shall —

(1) contain the recommendations of the Director concerning the role of the National Institutes of Health in promoting the affordability of inventions and products developed with Federal funds; and

(2) specify whether any circumstances exist to prevent the Director from promoting the affordability of inventions and products developed with Federal funds.

SEC. 225. STUDIES CONCERNING MAMMOGRAPHY STANDARDS. (a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the "MQSA") to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) Funding.—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

Sec. 226. (a) Findings.—The Senate finds that—

(1) Native American populations have seen an alarming increase in sexually transmitted disease prevalence in recent years; and

(2) a screening, treatment, and education program, administered by tribal health organizations or local health care providers, on Native American reservations with high rates of sexually transmitted diseases will help prevent a corresponding increase in the prevalence of HIV.

(b) Grant Program.—From amounts appropriated under this title for the Centers for Disease Control and Prevention, there may be made available up to $1,000,000 to enable the Director of the Centers for Disease Control and Prevention to carry out competitive grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases and to educate local populations about such diseases, the consequences thereof, and how the transmission of such diseases can be prevented.

Sec. 227. In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b–8), there may be appropriated up to an additional $2,000,000 to carry out such program.

Sec. 228. Summer Health Career Introductory Programs. (a) Findings.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) Grants.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) Eligibility.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) Duration.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

Sec. 229. Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the Global AIDS Program.

Sec. 230. Not later than May 1, 2004, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services expends Federal funds for research, patient care, and other activities relating to Hansen's Disease. The report shall include—

(1) the amounts provided for each research project;

(2) the amounts provided to each of the 12 treatment centers for each of research, patient care, and other activities;

(3) the per patient expenditure of patient care funds at each of the 12 treatment centers; and

(4) the mortality rates at each of the 12 treatment centers.

Sec. 231. In addition to any amounts otherwise appropriated under this Act to carry out activities under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), there are appropriated—

(1) up to an additional $143,000 may be used to carry out activities under title I of such Act (child abuse State grants);

(2) up to an additional $212,000 may be used to carry out activities under title II of such Act (community-based resource centers); and

(3) up to an additional $2,100,000 may be used for child abuse discretionary grants under such Act.

Sec. 232. (a) Findings.—The Senate finds that—

(1) a recent Aberdeen Area Indian Health Service infant mortality study identified protective and risk factors associated with Sudden Infant Death Syndrome (referred to in this section as "SIDS");

(2) several conclusions from the study suggest courses of action to reduce the incidence of SIDS among Native American and other high-incidence populations;

(3) the study noted that alcohol consumption by women of childbearing age (especially during pregnancy), maternal and environmental tobacco exposure during pregnancy, and pregnancy by women under the age of 20 increase the risk for SIDS;

(4) in 2000, for infants of African American mothers, the SIDS death rate was 2.4 times that for non-Hispanic white mothers;

(5) nationwide, SIDS rates for infants of Native American mothers were 2.6 times those of non-Hispanic white mothers; and

(6) the Office of Minority Health of the Department of Health and Human Services has the expertise to coordinate SIDS disparity reduction efforts across the Department of Health and Human Services.

(b) Increase in Funding.—In addition to any amounts otherwise appropriate in this Act to carry out activities to reduce Sudden Infant Death Syndrome disparity rates, there may be appropriated up to an additional $2,000,000 to enable the Director of the Office of Minority Health of the Department of Health and Human Services to carry out a demonstration project, in coordination with the Administrator of the Health Resources and Services Administration, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, and the heads of other agencies within the Department of Health and Human Services (as appropriate), to reduce Sudden Infant Death Syndrome disparity rates, and to provide risk reduction education to African American and Native American populations in the United States, including efforts to reduce alcohol use by pregnant women, support for smoking cessation (maternal and secondhand) programs, and education of teenagers on the risk factors for Sudden Infant Death Syndrome associated with teenage pregnancy within African American and Native American communities.

(c) Sense of the Senate.—It is the sense of the Senate that in carrying out the demonstration project under subsection (b), the Director of the Office of Minority Health is encouraged to—

(1) expand upon the similar pilot program for Native Americans that was funded by the Office of Minority Health; and

(2) coordinate with the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, and the heads of other agencies within the Department of Health and Human Services (as appropriate) to support activities to reduce alcohol use by pregnant women, support smoking cessation (maternal and secondhand), and educate teenagers on the risk factors for SIDS associated with teenage pregnancy within the African American and Native American communities.

Sec. 233. There may be appropriated, up to $2,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

Sec. 234. From the amounts appropriated under the heading "Office of the Secretary, General Departmental Management" there may be made available an additional $2,000,000 to the Health Resources and Services Administration for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas.

Sec. 235. Notwithstanding any other provisions of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

Sec. 236. Designation of Senator Paul D. Wellstone NIH MDCRC Program. (a) Findings.—Congress finds the following:

(1) On December 18, 2001, Public Law 107–84, otherwise known as the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001, or the MD CARE Act, was signed into law to provide for research and education with respect to various forms of muscular dystrophy, including Dechenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and EmeryDreifuss muscular dystrophies.

(2) In response to the MD CARE Act of 2001, in September 2002, the National Institutes of Health (NIH) announced its intention to direct $22,500,000 over five years to its newly created Muscular Dystrophy Cooperative Research Centers (MDCRC) program.

(3) Senator Paul D. Wellstone was a driving force behind enactment of the MD CARE Act, which led to the establishment of the MDCRC program.

(b) Designation.—The NIH Muscular Dystrophy Cooperative Research Centers (MDCRC) program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers", in honor of Senator Paul D. Wellstone who was deceased on October 25, 2002.

(c) References.—Any reference in a law, regulation, document, paper, or other record of the United States to the NIH program of Muscular Dystrophy Cooperative Research Centers shall be deemed to be a reference to the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers.

Sec. 237. (a) Mother-to-Child HIV Transmission Prevention.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional $60,000,000 to carry out such activities and $1,000,000 for Non-Mother-to-Child activities.

(b) Reduction in Amounts.—Amounts made available under this Act for the administrative

and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by $61,000,000.

SEC. 238. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap Initiative of the Director.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 281a(a)(3)(A), 289a, and 289c).

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2004".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,103,356,000, of which $6,582,294,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: Provided, That $7,107,282,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,670,239,000 shall be available for targeted grants under section 1125: Provided further, That $2,207,448,000 shall be available for education finance incentive grants under section 1125A: Provided further, That, notwithstanding any other provision of law, the Secretary shall use data described in sections 1124(a)(1)(B) and 1124(c)(1) of the ESEA that are available on July 1, 2003, to calculate grants for fiscal year 2004 under part A of title I of that Act: Provided further, That from the $8,812,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,193,226,000, of which $1,030,292,000 shall be for basic support payments under section 8003(b), $50,668,000 shall be for payments for children with disabilities under section 8003(d), $44,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $59,610,000 shall be for Federal property payments under section 8002, and $7,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, part A and subparts 6 and 9 of part D of title V, subpart 1 of part A and part B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $5,731,453,000, of which $4,173,944,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That $390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of Title I, subpart 5 of part A and parts C and D of title II, and Parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $774,133,000: Provided, That $9,935,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That $165,877,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $818,547,000, of which $447,017,000 shall become available on July 1, 2004 and remain available through September 30, 2005: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That $422,017,000 shall be available for subpart 1 of part A of title IV and $213,880,000 shall be available for subpart 2 of part A of title IV: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $11,922,000 may be used to carry out section 2345 and $2,980,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That $25,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to enactment of Public Law 105–220.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $665,000,000, of which $541,259,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out parts B, C, and D of the Individuals with Disabilities Education Act, $11,027,464,000, of which $5,337,533,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,402,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: Provided, That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,004,360,000, of which $1,000,000 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2003.

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.) including the acquisition of equipment, $16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,800,000, of which $367,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $100,800,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965, and the Adult Education and Family Literacy Act, $2,093,990,000, of which $1,274,943,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: Provided, That of the amount provided for Adult Education State Grants, $69,545,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,223,000 shall be for national leadership activities under section 243 and $6,732,000 shall be for the National Institute for Literacy under section 242: Provided further, That $160,047,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: Provided further, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,174,115,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under Section 458), to carry out part D of title I; subparts 1, 3, and 4 of part A; and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $104,703,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,974,247,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: Provided, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005-2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $238,440,000, of which not less than $3,573,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $355,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $452,956,000: Provided, That, of the amount appropriated, $144,090,000 shall be available for obligation through September 30, 2005: Provided further, That of the amount provided to carry out title I, parts B and D of Public Law 107–279, $24,362,000 shall be for the national research and development centers authorized under section 133(c): Provided further, That $4,968,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $409,863,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.: Provided, That of this amount, sufficient funds shall be available for the Secretary of Education, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Education during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Education that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Education shall make the report publicly available by posting the report on an Internet website.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,275,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $44,137,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) The matter under the heading "Title III—Department of Education, Education for the Disadvantaged", in Public Law 108–7 (117 Stat. 326) is amended—

(1) by striking "$4,651,199,000" and inserting "$6,895,199,000"; and

(2) by striking "$9,027,301,000" and inserting "$6,783,301,000".

(b) The additional fiscal year 2003 budget authority provided under subsection (a) shall not be subject to the rescission required by Division N, section 601, of Public Law 108–7.

(c) Subsections (a) and (b) shall become effective immediately upon enactment of this Act.

SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of *the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: Provided, That of the funds appropriated in this Act for the National Institutes of Health, $200,000,000 shall not be available for obligation until September 30, 2004.*

SEC. 307. (a) ADDITIONAL FUNDING.—In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants.

(b) CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "September 30, 2003" and inserting "September 30, 2004".

SEC. 308. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,000,000 to carry out the Excellence in Economic Education Act of 2001.

SEC. 309. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $2,235,000.

SEC. 310. There are appropriated, out of any money in the Treasury not otherwise appropriated, to carry out section 208 of the Education Sciences Reform Act of 2002, $80,000,000. All amounts in this Act for,management and administration at the Department of Education are reduced on a pro rata basis by an amount required to offset the $80,000,000 appropriation made by this section.

SEC. 311. For activities authorized by part H of title I of the Elementary and Secondary Education Act, there are hereby appropriated up to $5,000,000, which may be used to carry out such activities.

DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE

SEC. 312. (a) DEFINITIONS.—In this section:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York, for the purpose of generating income for the support of the School and other purposes as described in subsection (d).

(2) SCHOOL.—The term "School" means the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(4) UNIVERSITY.—The term "University" means the Syracuse University in Syracuse, New York.

(b) DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE.—

(1) REDESIGNATION.—To be eligible for a grant under subsection (c), the University shall designate the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University as the "Daniel Patrick Moynihan Global Affairs Institute".

(2) REFERENCES.—Any reference in a law, map, regulation, paper, or other record to the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University, shall be deemed to be a reference to the Daniel Patrick Moynihan Global Affairs Institute.

(c) GRANT FOR ENDOWMENT FUND.—From amounts appropriated under subsection (f), the Secretary may award a grant to the University for the establishment of an endowment fund to support the Daniel Patrick Moynihan Global Affairs Institute.

(d) DUTIES.—Amounts received under a grant under subsection (c), shall be used to—

(1) carry on the public and intellectual tradition of Senator Daniel Patrick Moynihan;

(2) sustain all of the core activities of the School;

(3) fund the residencies of visiting scholars and international leaders;

(4) support scholarship, training, and practice in countries that are often the most impoverished economically, institutionally, and civically;

(5) support partnerships with governments and other relevant entities around the world to train government officials both at the School and in their home countries; and

(6) expand the facilities of the School.

(e) MISCELLANEOUS PROVISIONS RELATING TO THE ENDOWMENT FUND.—

(1) MANAGEMENT.—The endowment fund established under subsection (c) shall be managed in accordance with the standard endowment policies established by the University.

(2) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned from the endowment fund may be used to carry out the duties under subsection (d).

(3) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds derived from the interest and other investment income earned from the endowment fund shall be available for expenditure by the University for purposes consistent with subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 to remain available until expended.

SEC. 313. In addition to any amounts otherwise appropriated under this Act, there may be appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional $4,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) up to $1,000,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) up to $500,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) up to an additional $3,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) up to an additional $500,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP); and

(6) up to an additional $1,000,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers).

This title may be cited as the "Department of Education Appropriations Act, 2004".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,279,000, of which $1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $350,187,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of Part C of Title I and Part E of Title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, $400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2004, in addition to the amounts provided above, $55,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2004, in addition to the amounts provided above, $10,000,000 shall be for the costs associated with implementing the first phase of the next generation interconnection system.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

Institute of Museum and Library Services

For carrying out the Museum and Library Services Act of 1996, $243,889,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,339,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $246,073,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,421,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,610,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $119,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $99,350,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,322,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare program.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,290,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: Provided further, That $107,000,000 shall not be available for obligation until September 30, 2004.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2003 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $20,863,000, together with not to exceed $61,597,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

United States Institute of Peace

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

TITLE V—GENERAL PROVISIONS

Sec. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $52,190,000.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 516. In addition to any amounts otherwise appropriated under this Act for the Special Volunteers for Homeland Security program, there may be appropriated an additional $5,000,000 for such program.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of Andrew J. Imperato, of Maryland, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Christine M. Griffin, of Massachusetts.

ORDERS FOR TUESDAY, SEPTEMBER 16, 2003

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, September 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of calendar 269, S.J. Res. 17, the FCC resolution, with the time until 10:45 equally divided between the two leaders or their designees; provided that at 10:45 a.m. the Senate proceed to the vote on passage of the joint resolution, and that upon its disposition the Senate resume consideration of H.R. 2754, the energy and water appropriations bill.

I further ask consent that when the Senate resumes consideration of the House message on S. 3, the partial-birth abortion ban, there be 6 hours of debate equally divided remaining under the guidelines of the previous order.

In addition, I ask consent that the Senate recess from 12:30 p.m. until 2:15

p.m. tomorrow for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. MURKOWSKI. Mr. President, for the information of Senators, tomorrow the Senate will resume debate on S.J. Res. 17, the FCC rule resolution. Under the previous order, there will be approximately one hour of debate and the Senate will vote on passage at 10:45 a.m. The vote on passage will be the first vote of the day. Following the disposition of S.J. Res. 17, the Senate will resume consideration of H.R. 2754, the energy and water appropriations bill. For the remainder of the day, the Senate will continue to work through amendments of the water and energy appropriations bill. It is the majority leader's expectation that we complete action on this bill prior to the end of the week. Therefore, Senators should expect votes throughout the day tomorrow in relation to amendments in the appropriations bill.

In addition, during tomorrow's session, the Senate will return to the consideration of the motion relating to the appointment of conferees to S. 3, the partial-birth abortion ban.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:34 p.m. adjourned until Tuesday, September 16, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2003:

DEPARTMENT OF STATE

H. DOUGLAS BARCLAY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

W. ROBERT PEARSON, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE RUTH A. DAVIS.

RANDALL L. TOBIAS, OF INDIANA, TO BE COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY, WITH THE RANK OF AMBASSADOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DAVID EISNER, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE LESLIE LENKOWSKY, RESIGNED.

NATIONAL MEDIATION BOARD

READ VAN DE WATER, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2006, VICE FRANCIS J. DUGGAN, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

DAVID WAYNE ANDERSON, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE NEAL A. MCCALEB, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. WILLIAM L. SHELTON, 0678

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM E. WARD, 9000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANKLIN L. HAGENBECK, 3956

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY J. KEATING, 8508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ADAM M. ROBINSON JR., 9660

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT F. BURT, 9653

EXTENSIONS OF REMARKS

HONORING MAY W. NEWBURGER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of May Newburger, who is serving her fifth term as North Hempstead Town Supervisor. May is an asset to our community, and an excellent role model for our younger generations. Put simply, May is my role model.

Many Long Islanders know May Newburger as the first female chief executive of a Nassau County town. but she is much, much more than that. A graduate of Hunter College and Columbia University, May is an intelligent woman who has worked on local, state and national issues.

Before becoming Supervisor, May spent two years as a Town Councilwoman and eight years as a New York State Assemblywoman. She has worked extensively on behalf of women and children by serving as a New York State delegate to the National White House Conference on Families, chairing the American Jewish Congress' National Commission on Women's Equality, among other committees and commissions.

May's efforts are endless. Under May's responsible and practical supervision, North Hempstead has transformed a $7 million budget deficit to a $7.7 million surplus. In fact, the town was the first on Long Island to adopt a debt reduction plan that emphasized the need for long-term strategies. May has built a reputation around her dedication to the environment, securing $200,000 from the Environmental Protection Agency to designate New Cassel as a Brownfields Pilot Community. She is continually working to protect and preserve our local lands and waterways.

Today, as May Newburger nears her retirement, I honor her for her numerous contributions to our community. May is the reason that I, along with many other women, had the courage to enter politics and government service. Not a day goes by without me reflecting on or using something May has taught me, and I am proud to call her my friend and mentor.

Mr. Speaker, I thank May Newburger on behalf of each and every person whose life she has improved over her years of service.

RECOGNIZING THE CARES PROGRAM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. FORBES. Mr. Speaker, I rise today to recognize the Department of Veterans' Affairs' Capital Asset Realignment for Enhanced Services program.

I was pleased to hear the news from the Department of Veterans' Affairs concerning their Capital Asset Realignment for Enhanced Services, the CARES program. As a representative of all veterans living in the 4th District of Virginia, access to affordable health care to those who have given so much for our nation is an important goal of mine.

Health care for our nation's veterans should be easily accessible and this realignment plan will help ease the hardship on those folks by lessening commuter time and truncating the waiting period now a common part of health care access.

I strongly support the option for an outpatient clinic offering primary care services to be located in Emporia. The savings incurred by the utilization of these clinics will be passed on to those using the Department of Veterans' Affairs' many services.

In Virginia, 142,000 veterans are enrolled in the Department of Veterans' Affairs health care system. A great amount of the veterans from my district must travel a long distance to see their primary care provider. I believe those who cave so much for their country should not have to drive for miles to see a doctor for basic medical needs. Keeping our commitment to our veterans requires us to give them the option of visiting with a doctor within a reasonable distance.

Through my work in the House and with Secretary of Veterans' Affairs Anthony Principi, I will work to offer all veterans a better quality of life. I look forward to the next few months as the CARES Commission weighs the option of establishing a clinic facility in Emporia, Virginia and a final decision is made by Secretary Principi.

RECOGNIZING THE SIGNIFICANCE OF THE ANNIVERSARY OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWSHIP PROGRAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. EHLERS. Mr. Speaker, today I am pleased to introduce a resolution recognizing the 30th anniversary of the Congressional Science and Engineering Fellowship Program coordinated by the American Association for the Advancement of Science (AAAS). This is a truly valuable educational program from the perspective of both Members of Congress and the fellows that serve in it. It gives Ph.D.-level scientists a wonderful opportunity to step out of the lab and into the political process. They get a behind the scenes look at how our laws are made by working as legislative assistants in Congressional offices—writing speeches, developing legislation, and serving as liaisons to Committees on which a Member serves. At the same time, Members of Congress and other policy makers gain a valuable new resource to help them better understand the scientific and technical issues underpinning complex policy debates. Six different fellows have served on my staff and each one used their unique talents and understanding to help shape my legislative agenda.

After 30 years this program is still going strong. Over 800 scientists have now served Republican, Democratic and Independent Members of Congress, and many are currently working for Congress and the Administration. These individuals have contributed not only their scientific expertise but also a fresh perspective to policymaking.

Congratulations to AAAS for organizing this program, and, also to all the sponsoring scientific, engineering, and mathematical societies that provide financial support.

HONORING REVEREND REGINALD TUGGLE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Reverend Reginald Tuggle, Pastor of the thriving Memorial Presbyterian Church in Roosevelt, Long Island. The Memorial Presbyterian Church will honor Reverend Tuggle on September 17, 2003.

Reverend Tuggle has spent the past 30 years as a religious and community leader. A well educated and intelligent man, Reverend Tuggle has devoted his adult life to community service and improvement. Reverend Tuggle's work as Pastor of Memorial Presbyterian Church is evidence of his dedication to the people of Roosevelt. Under his leadership, Memorial Presbyterian has grown from less than 50 members to now over 1,000; from an uninvolved to one of the most community service oriented churches in Nassau County.

Most notable is Reverend Tuggle's instrumental role in establishing various youth outreach programs. The Memorial Scholarship Program annually awards scholarships to every graduating high school senior church member pursuing higher education. This has translated into awards in excess of $200,000 over the past five years! Reverend Tuggle was also behind the Memorial Youth Outreach Council, a non-profit organization that matches at-risk students from the Roosevelt community with positive mentors, and provides students with scholarship awards upon completion of the mentorship program.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Reverend Tuggle also started the Memorial Economic Development Corporation to strengthen the economic environment within Roosevelt. The Corporation's past efforts have included the purchase and renovation of houses in Roosevelt, and its current project is the construction of a much-needed state-of-the-art health clinic.

Reverend Tuggle's reach extends beyond Roosevelt and Long Island. An extensive traveler, he has studied at Central Philippine University and the University of Ghana. He has participated in policy conferences and church missions to Russia, Israel, Jordan, Cuba, and Haiti.

Above and beyond all else, Reverend Tuggle is a strong family man. He is married to Evette Beckett-Tuggle, and together they have three daughters.

Mr. Speaker, I thank Reverend Tuggle on behalf of every man, woman and child who has been touched by Reverend Tuggle's preaching and endless and selfless community efforts.

IN OBSERVANCE OF THE SECOND ANNIVERSARY OF THE ATTACKS OF SEPTEMBER 11, 2001

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. FORBES. Mr. Speaker, it is hard to believe that two short years ago this day, our Nation was plagued by horrendous and vicious terrorist attacks against innocent Americans in New York, Pennsylvania, and our very own Commonwealth.

September 11, 2001 was not the beginning of terrorism against the United States. Defense officials tell us that terrorism has posed a risk to our national security for decades, but too often was not considered a large enough threat to heed those warnings. September 11 awoke us to the threat of terrorism. It was forever bookmarked in our history as the day when life as Americans knew it, changed forever.

The attacks on September 11, 2001 made us feel horrified, scared and angry. But as a result of the senseless attacks, Americans found a renewed sense of patriotism. American flags began to fly not just from flagpoles, but they appeared in windows, on doors and vehicles. Just hours after the attacks, men, women and children all across the country held vigils and waved flags showing support for those who lost their lives. The terrorists took many lives and caused our Nation to grieve, but through that grief Americans rose up and refused to let those terrorists take away their spirit and love of America.

I visited the Pentagon a few days after September 11, and I still remember so vividly the smell of terror surrounding the entire building and complex. I was angry that such a brutal act of violence was committed against innocent people.

Since the tragedies, the Department of Homeland Security was established to prevent terrorist attacks within the United States, reduce U.S. vulnerability to terrorism, and most importantly, to share intelligence information among government agencies and departments.

Comprehensive anti-terrorism legislation provides new tools for law enforcement and for improved information sharing among Federal agencies to address terrorist threats. A "clearinghouse" was created to serve as the central location where all foreign- and domestically-generated terrorist threat and intelligence information is collected and reviewed. It is imperative that we harness that knowledge and use it to protect all Americans and help stop terrorist networks.

New laws are now in place to help prevent acts of bioterrorism. Enhanced controls on deadly biological agents have been implemented, as well as protections to ensure the safety of the food we eat and the water we drink. Just last week, Health and Human Services Secretary Tommy Thompson announced that Virginia will receive over $31 million in Federal funding to help bolster public health preparedness, and make improvements to hospitals to handle mass-casualty incidents.

Great strides have been made in securing our country and helping to fix some of the longstanding problems that we have had with the Immigration and Naturalization Service. While there is still much left to do, we are moving closer to a system that keeps terrorists out of our country, yet provides a fair and efficient service to those who justly migrate into the United States.

We are continuing to strengthen security in our airports, and have also taken steps to keep Americans safe while flying. Commercial airline pilots are now trained and equipped with firearms in the event of a terrorist attack on-board the plane. In addition, the number of Federal air marshals has been increased by 5,000 to respond to potential terrorist threats or attacks on commercial flights.

I also introduced legislation that makes it easier to prosecute terrorists who try to use chemical weapons or other weapons of mass destruction within the United States. I am hopeful that the Judiciary Committee will take action on this important legislation soon.

We grieved with each other two years ago for the loss of our loved ones, friends, neighbors, coworkers and so many others who perished. Nothing will ever repair the losses we suffered as a nation. But today, their memories live on in our hearts and minds. As Americans, we have always had a strong willingness to stand hand-in-hand when times are tough. We must continue to show our patriotism for our great Nation, and show the world that America will not stand for terrorism.

May God bless you and your family on this solemn day.

RECOGNIZING THE PRINCE WILLIAM SENIOR CENTER AT WOODBRIDGE ON ITS 20TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to honor the Prince William Senior Center at Woodbridge as it reaches its 20th anniversary on September 14, 2003.

The Senior Center was first built in 1983 by Prince William County and renovated in 2002 to provide 10,000 square feet of space for its many classes and services. Throughout its existence the center has provided a gathering place for seniors from the tri-jurisdictional area of Prince William County, the City of Manassas, and the City of Manassas Park.

The center is operated by the Prince William Area Agency on Aging, a part of the Prince William County Government, and is one of the over 670 agencies in a national network of Area Agencies on Aging. The center provides many wonderful chances for seniors to connect with one another and their community, and helps them continue to lead active and entertaining lives. One such program is the Bluebird Bus tours the center sponsors. These trips include both educational and recreational destinations such as Washington area museums, Niagara Falls, and surprise locations on their "mystery tours."

The center also provides local residents with opportunities to volunteer and brighten the day of a senior citizen through programs that include Meals on Wheels, which provides nutritious, hot meals to homebound seniors, and Friendly Visitors Volunteers who visit once a week with seniors that may otherwise be socially isolated. The Loan Closet and Support Services for seniors are two undertakings of the center which provide home care aids and match seniors and family members to the applicable resources available to them.

Mr. Speaker, in closing, I would like to thank the Prince William Senior Center at Woodbridge for being a comprehensive resource for the seniors and the community at large. The services provided to maintain the health and quality of life of seniors, the volunteer opportunities, and the educational and recreational programs sponsored by the center truly are an integral part of the life of the area's seniors. I ask my colleagues to join me in applauding this exceptional and notable institution.

SEPTEMBER SCHOOL OF THE MONTH—NEW YORK'S 4TH CONGRESSIONAL DISTRICT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mrs. McCARTHY of New York. Mr. Speaker, it is with great pride that I announce West Hempstead High School in the West Hempstead Union Free School District as School of the Month in the Fourth Congressional District for September 2003.

The principal of West Hempstead High School is Catherine Kalina, Roseanne Scully is the Assistant Principal and the Superintendent of Schools is Carol Eisenberg. This is Catherine's first year as Principal and I am confident she is going to do a wonderful job for the students, faculty, and community. West Hempstead High School has over 900 students in grades 9–12.

I chose West Hempstead High School because of the importance they place, not just on the core curriculum, but on music and art as well. Under the guidance of Steven Siracusa and Gail Sachs-McCurdy, the school's music and art directors, respectively, West Hempstead High School has developed an extremely strong program in each area. To receive a diploma, students are required to earn one credit in music or art. Studies have shown students who participate in music and the arts are more creative, imaginative, and receive a more comprehensive education that will benefit them in their future endeavors.

West Hempstead High School offers a comprehensive music program including Music Theory, Band, Marching Band, Orchestra, Chorus and Jazz Band. The arts program offers an equally varies array of classes, ranging from creative crafts to advertising design to studio in cartooning.

The school has reemphasized its commitment to offering a fully comprehensive educational experience that will prepare each student for meaningful post-high school pursuits. A full regents program is offered ensuring the high standards and expectations West Hempstead has for its' students will be met. Students are offered a wide-ranging variety of courses, including advance placement and college credit opportunities.

Mr. Speaker, the faculty and students, along with the community, have created a wonderful learning environment. I am proud to name West Hempstead High School the school of the month for September 2003.

HONORING EDWARD BANAS, COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. SIMMONS. Mr. Speaker, I rise to recognize and honor my constituent and fellow Vietnam veteran, Edward S. Banas, Sr. of Voluntown, Connecticut on his election as National Commander-in-Chief of the Veterans of Foreign Wars.

Edward S. Banas, Sr. served as a Military Policeman in the United States Army during the Vietnam War. By his honorable service from 1965 to 1968 he was awarded the Vietnam Campaign Medal, Vietnam Service Medal, National Defense Medal and the Army Good Conduct Medal. After Vietnam, Ed Banas joined the Norwich Police Department in 1968, and served with the department for more than 10 years. Whether protecting our Nation and our freedom abroad or protecting and serving the members of his community, Ed Banas has dedicated himself to making life better for our people.

In Vietnam, Ed Banas formed a solid bond with his comrades-in-arms that inspired his volunteer service as a veterans' advocate for more than 30 years. We honor that service here today. His tour of duty in South Vietnam made him eligible for the Veterans of Foreign Wars, and he joined VFW Post 1004 in Jewett City, Connecticut in 1967 where he is a Life Member. Since joining the VFW, Ed Banas has served in a variety of Post-level positions, including Post Commander. At the district level, he earned the honor of All-American District Commander. He served as Department Commander of Connecticut in 1993–94.

Ed Banas never forgot his comrades who fell in battle in Vietnam. In February, while serving as Junior Vice Commander-In-Chief, Ed and a delegation from the VFW took part in a 10–day visit to Thailand and Vietnam to gather information on Americans missing from the war in Southeast Asia and to press the issue of POW/MIAs to the government of Vietnam. Through the efforts of Ed Banas and the VFW, we are working to bring those soldiers home. They are not remains; they are heroes and we will never forget them. Today our men and women in uniform are defending our Nation and our interests in dangerous and distant places. We will honor the sacrifices they and their families are making and we will never forget the sacrifices that have been made by those who went before.

Now more than ever we need strong leadership from our veterans' service organizations to help us keep the promise to our veterans and their families. From ensuring our veterans have continued access to timely, quality healthcare to supporting our soldiers currently serving overseas, the VFW is working hard on many battlefronts.

In his message to the VFW National Convention in San Antonio last month, Ed Banas reminded us, "We are the veterans' voice on Capitol Hill and while our battlefields may have shifted from the sands of Iwo Jima to the Halls of Congress that does not mean that we are any less resolved to accomplish our mission today than we were then."

From the moment he first wore the uniform of our great Nation to this very day, Ed Banas has been a courageous, tireless and honorable servant of our Nation and our people. He has more missions to accomplish and I will be proud to help him. As a Vietnam veteran, I am keenly aware of the important role that the VFW plays in the lives of America's veterans. Through its vast network of posts, the VFW helps veterans build strong communities, and serves as a vital resource to its members, from World War II era veterans up to our newly returning soldiers from Iraq. I know that Ed Banas has all the energy and enthusiasm necessary to make his year as Commander-in-Chief of the VFW a successful one.

Ed and his wife Sandra, a nurse at the Westerly Hospital, are the proud parents of five children, and live in Voluntown, Connecticut.

Mr. Speaker, I am honored to recognize my friend and constituent, Edward Banas, Sr. and to extend to him my heartiest congratulations for his years of wonderful service. I wish him and his family all the best as he begins his new tour of duty as the Veterans of Foreign Wars National Commander-in-Chief for 2003–2004.

TRIBUTE TO ALICE ERRINGTON

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mrs. MILLER of Michigan. Mr. Speaker, in the hustle and bustle of doing the people's work here in the Nation's capital, we sometimes neglect to recognize the people who make America the great nation that she is. America's greatness can be found in everyday people who work hard, raise their children as best they can, and sacrifice for their country. In short, America's greatness can be found in people like Alice Errington of Harrison Township, MI.

Alice was born and raised on Staten Island, New York, and attended Hunter College in Manhattan. In 1951, she married Bill Errington just after he completed pilot training in the United States Air Force. The couple lived in Texas, Arizona, Florida, Bermuda, California, and New Mexico before moving, to Michigan in 1966. Their first two children, Glenn and Claire, were born in Arizona, son Daniel in Bermuda, and daughter Joan in California. After Bill retired from the Air Force, the family moved to Harrison Township, MI.

Alice started her career in public affairs in 1973 as a GS–03 clerk-typist at the Selfridge Air National Guard Base. As the organization of the Guard units at Selfridge evolved, Alice remained in public affairs and became a public affairs specialist. In 1992, she became the public affairs officer.

In addition to being a busy Air Force wife and mother to four children, Alice worked as a substitute teacher in the public schools, and was active in chapel and garden club activities. Since 1972, she has been a member of Knox Church, where she is a Sunday School teacher and treasurer of the adult Sunday School class. Alice is also a board member of the Michigan Air Guard Historical Association, a volunteer at the Selfridge Air Museum, and a member of the Mount Clemens Chapter of the Air Force Association, where she serves as military liaison.

Alice will soon be retiring, and she looks forward to spending more time with her family, which now includes eight grandchildren. She will combine that with the pursuit of studies and hobbies that she has placed on the back-burner for awhile.

Mr. Speaker, I hope my colleagues will join me in recognizing the greatness of America as found in Alice Errington and people like her. I yield back the remainder of my time.

RECOGNIZING THE OUTSTANDING EFFORTS OF SABRINA MONN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to commend and highlight the heroic acts of one of my constituents who has taken a leading role in the rebuilding of Afghanistan.

Sabrina Monn, a 1998 graduate of James Buchanan High School in the Mercersburg area, was among the reserves called up to serve with the U.S. Army's 109th Mobile Public Affairs Detachment in Afghanistan.

Sabrina made the most of her tour. Through e-mails to Mrs. Mary Stoner, a former teacher of hers at James Buchanan, Sabrina has brought to life what an amazing job our troops are doing in Afghanistan. Sabrina has also eloquently outlined to current students the hardships of what the citizens of Afghanistan endured while under the oppression of the Taliban.

Equally as important, Sabrina has highlighted the amazing work she and other members of our reserves are doing in Afghanistan to rebuild their country and to return freedom to the people.

In her correspondence, Sabrina rightly notes that the effort we are making in Afghanistan goes a long way in helping the country rebuild, not only with concrete and pavement, but with compassion and support.

The students at Sabrina's old high school have responded remarkably. Recently, they took up Sabrina's call to action and collected well over $1,000 to send to the village where Sabrina was stationed. They did not stop there, they also have sent more than 50 boxes of school supplies, clothing and toys. The efforts of Sabrina and the community have truly made a difference.

This is America at its best. The attacks of September 11th have shown to the world that the United States will act swiftly to rid the world of terrorism. But the attacks also rallied the American people to display compassion for others.

Whether displayed through the incredible heroism exhibited by the firefighters and rescue workers in New York City, the Pentagon or a field in Somerset County, or the outpouring of donations from around the country for the impoverished people in Afghanistan, Americans have met the challenge.

Mr. Speaker, Sabrina Monn is a classic example of America at its best. She embodies the spirit that will allow us to overcome the challenges represented by September 11th and propel us to a brighter future. I commend her for all of her efforts and encourage others to take her and James Buchanan High School's example in making America and the world a better place to live.

FREEDOM SERVICE DOGS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2003

Mr. BEAUPREZ. Mr. Speaker, it is an honor to rise today and deliver this Proclamation honoring Freedom Service Dogs, Inc. on the Occasion of its 16th Anniversary.

Whereas, Freedom Service Dogs is celebrating its 16th year of exemplary service to people with mobility impairments by providing them with service dogs and,

Whereas, Freedom Service Dogs was founded by Mike Roche, who served the people of Colorado as a paramedic, and P.J. Roche, a dog trainer, and

Whereas, Freedom Service Dogs provides enhanced independence of Colorado citizens with mobility impairments by training dogs to open doors, turn on lights, pull wheelchairs, pick up dropped items, tug on and off clothing, and alert for help when needed and,

Whereas, Freedom Service Dogs saves the lives of dozens of good dogs abandoned in animal shelters by training them for service to those with mobility impairments, and,

Whereas, Freedom Service Dogs provides people with mobility impairments to more fully participate in their community, and enjoy increased confidence, self-esteem and social acceptance, and,

Whereas, Freedom Service Dogs is a charitable organization that charges no fees for its service and relies on the support of our community to perform its good work, and,

Whereas, Freedom Service Dogs serves as a model for improving our community by helping those who live in it.

The Congressman of the 7th District of the State of Colorado, The Honorable BOB BEAUPREZ issues this proclamation of congratulations and recognition to Freedom Service Dogs celebrating 16 years of service and commends this extraordinary organization to our fellow citizens.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 16, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 17

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine digital right management and privacy issues.

SR–253

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Finance

Business meeting to consider S. 1548, to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, Extension of Highway Trust Fund Provisions, and National Employee Savings and Trust Equity Guarantee Act.

SD–215

Governmental Affairs

To hold hearings to examine what can be done to ensure the future viability of the U.S. Postal Service.

SD–342

Indian Affairs

To hold hearings to examine S. 420, to provide for the acknowledgement of the Lumbee Tribe of North Carolina.

SR–485

Judiciary

To hold hearings to examine the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, Roger W. Titus, to be United States District Judge for the District of Maryland, George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

SD–226

1:30 p.m.

Conferees

Meeting of conferees on H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004.

S–128, Capitol

2 p.m.

Judiciary

To hold hearings to examine effective federal, state and local law enforcement strategies to combat gang violence in America.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, Karen K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine West Africa and Latin America in relation to U.S. Energy Security.

SD–419

SEPTEMBER 18

9 a.m.

Environment and Public Works

Business meeting to consider a bill to extend the authority of TEA–21 (Transportation Equity Act for the 21st Century) for five months, to be immediately followed by a hearing to consider the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD–406

9:30 a.m.

Foreign Relations

To hold hearings to examine how to internationalize Iraq reconstruction and organize the U.S. government to administer reconstruction efforts.

TBD

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine financial abuse of the elderly.
SD–430

Banking, Housing, and Urban Affairs
Business meeting to markup the National Consumer Credit Reporting System Improvement Act of 2003 and the Defense Production Reauthorization Act of 2003.
SD–538

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine railroad shipper issues and S. 919, to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates.
SR–253

10:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine state and local law enforcement of immigration laws in relation to stopping terrorism.
SD–226

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 213, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, S. 1236, to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the western States, S. 1516, to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive, H.R. 856, to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and H.R. 961, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

SEPTEMBER 23

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the implementation of the Sarbanes-Oxley Act and restoring investor confidence.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine health technology.
SD–430

SEPTEMBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Indian Affairs
To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.
SR–485

SEPTEMBER 25

9:30 a.m.
Armed Services
To hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine intellectual diversity.
SD–430

Indian Affairs
To hold hearings to examine proposed legislation to reauthorize the Head Start program.
Room to be announced

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, and James Casey Kenny, of Illinois, to be Ambassador to Ireland.
SD–419

SEPTEMBER 30

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the securities industry.
SD–538

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine underage drinking.
SD–430

OCTOBER 2

2 p.m.
Indian Affairs
To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

POSTPONEMENTS

SEPTEMBER 17

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the report of the Mental Health Commission.
SD–430

SENATE—*Tuesday, September 16, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and Almighty God, You are the alpha and omega, the beginning and the ending. Keep us alert to the needs of our time. Give us enough humility to respect the opinions of others and enough wisdom to acknowledge our common humanity. Give this Senate a unity of mind and purpose and the realization that all things work together for good to those who love You. Bless our military men and women who stand as guardians of our freedoms. Lord, from the cradle to the grave, we need You. Guide and sustain us until the journey ends. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on S.J. Res. 17, relating to the disapproval of an FCC rule. Under the order, the vote will occur on passage of that resolution at 10:45 this morning.

Following that vote, the Senate will resume consideration of the energy and water appropriations bill. Pending is the Feinstein amendment relating to the robust nuclear earth penetrator. I encourage Members who would like to speak to that amendment to remain following the vote on the FCC resolution. It is hoped we can dispose of that amendment and continue with additional amendments to the energy and water appropriations bill.

Rollcall votes will occur throughout the day as we attempt to finish our work on this bill, which will be the sixth appropriations bill to be completed.

In addition, we will resume consideration of the House message to accompany S. 3, the partial-birth abortion ban, for the remaining 6 hours. Last night, the Senate used 2 of the 8 hours that were provided under the previous unanimous consent agreement. We will return to the debate following today's action on the energy and water bill.

Also, today, we will recess from 12:30 to 2:15 for the weekly party luncheons to meet.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. REID. Mr. President, I think we might be in a position to set a time for a vote on the Feinstein amendment. If we do that, I think it would be to everyone's best interests. Maybe it could be right after the caucuses or something such as that.

Mr. FRIST. Mr. President, at this juncture, until I talk to our manager of the bill, I do not want to establish a fixed time. I do want to proceed to that vote earlier rather than later. We will continue that discussion and understand that they are ready fairly early in the day.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISAPPROVING FEDERAL COMMUNICATIONS COMMISSION BROADCAST MEDIA OWNERSHIP RULE

The PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of S.J. Res. 17, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 17) disapproving the rules submitted by the Federal Communications Commission with respect to broadcast media ownership.

The PRESIDENT pro tempore. The time until 10:45 is equally divided between the two leaders or their designees.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Texas.

Before yielding, let me just briefly say, this resolution of disapproval dealing with the rules on broadcast ownership by the Federal Communications Commission is a rarely used——

Mr. McCAIN. Mr. President, is the Senator from North Dakota granting himself time?

Mr. DORGAN. Mr. President, there is 30 minutes granted to each side, as I understand it.

The PRESIDENT pro tempore. The time until 10:45 is equally divided.

Mr. DORGAN. Mr. President, let me grant myself such time as I may consume. Then I will yield 10 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. DORGAN. I was simply making the point that this is a resolution of disapproval. It is rarely used in the Senate. I think this is only the second time it has been used. But this is a critically important issue. We will have a number of speakers describing why this resolution of disapproval has been brought to the floor of the Senate.

I yield 10 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak for the resolution that would disapprove the FCC ruling of June 2. In 1996, we passed the Telecommunications Act which said Congress should work toward deregulating the media. We charged the FCC with ensuring the protection of competition, diversity, and localism.

I think the rule that came out does the opposite. It does not protect the localism and the diversity, particularly in the newspaper and television markets. We must turn back the entire rule, even if we agree with part of it, in order to tell the FCC to go back and start again.

I think the FCC could come up with another rule which would have some of the components of its June 2 rule, along with taking out parts that many of us believe actually will hurt localism.

There are 100 Senators in this body. Probably each one has a different view of what would be best in the media. Overall, I think it is important for us to be more cautious rather than less cautious, because what can happen if you lower the number of voices in the media, and companies make investments based on the rules at the time, is later, down the road, if you determine that, in fact, we have lowered the number of voices in the media—and it is to the detriment of the consuming public—then I don't think you should penalize the companies that made decisions based on the rules at the time.

I think stability in regulations is a good business principle. I think if you look at the particular part of the rule that deals with newspaper/television cross-ownership, you have the worst part of the decision and the one that concerns me the most. And we have examples because three companies were

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

grandfathered when the rules were made on cross-ownership. So we have seen what can happen in a local market when a company is allowed to own the only newspaper in town plus the major television station in town, and then perhaps even radio.

I believe radio is pretty diversified. I do not think we have a problem with the number of voices in radio. My concern is ownership of the only newspaper in a market plus a major television station in the market. And we have examples of that.

In Dallas, we have one company that owns the only newspaper in town plus the largest ABC television affiliate, which has the largest market share of viewers for all editions of the news.

In Atlanta, we have one company that has the only newspaper in town that is a regular newspaper. It also owns the major television station in town, one of the Nation's top performing ABC affiliates, and it also happens to own 25 percent of the radio market. So I think that is a pretty alarming amount of concentration.

Maybe they do a good job. But what we are talking about is not Atlanta. We are not talking about Dallas. They do good jobs in many respects. What we are talking about is other cities and allowing this kind of concentration to pop up all over the country—the only newspaper in town plus the major television station.

In the FCC's own poll, it showed that 74 percent of the people in a community get their local news from a combination of television and newspaper—74 percent. If you have one company owning the newspaper and the major television station, you have a concentration that could be unhealthy. If it is unhealthy, it will be too late to go back and retrofit because these companies will make these investments based on the rules of the time.

We should proceed with caution. I think we should overturn this rule, ask the FCC to go back to the drawing board and take more testimony. They had one hearing—one hearing—before they came out with this rule. Two of the members of the Commission were so concerned that they went out across the country and had hearings of their own. But even though there was a lot of testimony, it does not appear that the FCC took that testimony into account when they made this rule of June 2. In fact, those two members voted the other way.

They had heard the people speak, and they were concerned about this kind of concentration.

So whether you agree in part with the FCC or not at all, I hope you will support the turning back of the rule so that we will give the FCC a chance to go back to the drawing board, hear what Congress says, hopefully hear more from the public, and come out with rules particularly in the area of newspaper/television cross-ownership that I think should continue the ban.

Congress passed the law in 1996, giving the responsibility to the FCC. Some people say: Well, why is Congress getting involved? Well, it is Congress's responsibility to get involved with regulators when the regulators do not implement the law that Congress passed when they were given the responsibility to do just that. It would be an abdication of our responsibility if a majority of Congress disagreed with part of the ruling that we would not take control of the decision. We are the elected representatives. The FCC is an appointed body to which we have delegated responsibility to make rules. If we do not agree with the entire rule, it is our responsibility to act, and that is why the Congressional Review Act was passed.

I want to talk for a minute about what this is not. I was amazed, because I think very highly of the Wall Street Journal in most respects—in almost every respect—but they had an editorial last Friday that said if we turn back the rule on cross-ownership of newspapers and television, somehow this is going to bring back a review of the fairness doctrine.

I do not support the fairness doctrine. I think radio is quite diversified. I think the voices that are coming into radio are very healthy. I think talk radio has given voice to the silent majority. The last thing this has anything to do with is the fairness doctrine, and yet my friend Rush Limbaugh and the Wall Street Journal somehow tied the fairness doctrine to a newspaper/television cross-ownership issue.

Letting one entity own the only newspaper in town and the major television station in town is lowering the number of voices in the media, not increasing the number. So while some people are more concerned about the 35 to 45 percent, I am focused on the newspaper/television ownership that I think affects our country.

The PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HUTCHISON. I ask unanimous consent for 1 additional minute.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I will close by saying that when we are talking about lowering the number of voices in the media, we should proceed with caution. Voting for this resolution of review says to the FCC: You went too far in some respects—not every respect. We may disagree on the areas, but you need to listen more to Congress and to the people who have spoken.

I hope people will vote yes, and I hope the FCC will be responsive.

I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. McCAIN. Is the Senator speaking for or against?

Mr. FEINGOLD. Mr. President, I am speaking for.

Mr. DORGAN. Mr. President, I think appropriately at this point, Senator McCAIN in opposition will yield time and then I will be happy to yield time to the Senator from Wisconsin at an appropriate time.

Mr. McCAIN. How much time does the Senator from Louisiana wish?

Mr. BREAUX. A couple minutes—3 minutes.

Mr. McCAIN. I yield 5 minutes to the Senator from Louisiana.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. BREAUX. I thank the distinguished chairman of the committee.

Mr. President, I will just make a couple of comments in opposition to the resolution because I think the resolution is sort of a broad-brush approach that takes down everything the FCC has recommended, things that make sense that are good and also things about which some people may have questions. It really is a resolution that assumes, in my opinion, that if things are small, they are necessarily good; if things are big, they are necessarily bad.

I think particularly as this is clearly spelled out with regard to part of the FCC's rule that deals with the question of television ownership, the rule from the FCC basically allowed the television stations to move up to a 45-percent-of-viewer cap before they would be prohibited from owning additional television stations.

It seems to me that if you look at media concentration now, you have 1,721 television stations in the United States and the networks only own a very small percentage of those stations. If you consider the people who watch the stations, you will find also that the viewership of these network-owned stations, indeed, is very small.

It is not as if a couple of networks have all the viewers and are therefore monopolizing what people see and there is no diversity. That is simply not the fact at all. If you look at Viacom, which owns CBS, in prime time viewing, they have about 3.4 percent—3.4 percent of the total TV households. News Corp, which owns Fox, has about 3.1 percent. General Electric, which owns NBC, has 2.8 percent. And Disney, which has ABC stations, has about 1.5 percent of the total TV households watching their network programming in prime time.

The problem with the argument that the cap is somehow going to change things and make a concentration of ownership of what people see makes no sense whatsoever, because the way it is currently measured, stations that are in large television markets are assumed to have everybody in the market watching their stations.

A station that is owned by the network that happens to have a station in

Los Angeles, Houston, Miami, New York, or Chicago probably exceeds a cap of 35 percent of the potential viewing audience, but in reality they may have only a very small number of people in those cities actually watching them.

So the standard of measurement that we use is totally illogical. It would be like saying an automobile dealer in New York has 6 percent of the total sales in the United States because New York is about 6 percent of the market. That would be fine if the automobile dealer sold every car that is bought in New York, but that is not the case. There are probably literally thousands of other competitors in that market.

The same thing is true in the television market. As an example, an ABC station in Los Angeles does not have everybody in the Los Angeles market watching their station. There are probably 200 to 300 additional stations that a viewer can watch in the evenings and look at a diverse range of programs that happen to be available.

So the argument that because a station happens to have a tower in a large city it has all the viewers in that city is illogical at best and misleading in fact.

Another point is when we look at the amount of diversity that networks give, obviously the studies have shown they, in fact, offer far more local programming than nonnetwork-owned stations. Those facts are clear. They are indisputable.

I think what we do in saying we are going to throw out what the FCC has done makes no sense. The network-owned stations, in fact, show about 37 percent more local news than locally owned stations do. So I argue that this resolution be voted down.

I yield the remainder of my time.

The PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mr. DORGAN. Mr. President, I yield 4 minutes to the Senator from Wisconsin.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I will vote in favor of S.J. Res. 17, the bipartisan resolution of disapproval which would overturn the Federal Communications Commission's new rules on broadcast media ownership. I am very proud to be an original cosponsor of this measure because I believe the FCC has acted in gross disregard of its mandate, of good public policy, and of the will of the American people.

When the public became aware that the Federal Communications Commission was considering new rules on media consolidation earlier this year, the explosion of concern was immediate, heartfelt, and unprecedented. Close to three-quarters of a million people registered their views with the FCC before it issued its decision, more than for any proceeding in its history. Public opinion was almost unanimous in opposition to further relaxation of media ownership restrictions.

So how did the FCC respond to this clear statement of the will of the people? With the back of its hand. Only one official public hearing was held. This was more than carelessness or bureaucratic inertia. This was simple disdain for the public in whose interest the FCC by statute is required to act.

Among the many letters I have received on this issue was one from Nicholas Dzubay, a Republican alderman on the city council of Barron, WI. Alderman Dzubay said his area's radio stations were suffocating under the control of a single corporation. He hopes we will not allow television and other broadcast media in his area to be monopolized in the same way.

I was also particularly struck by a letter from the Reverend Robert Stiefvater, the Vocations Director for the Archdiocese of Milwaukee. He wrote:

> I find it very difficult to get news into our local market here in Southeastern Wisconsin. The FCC's June 2 decision to radically weaken the remaining ownership rules will unacceptably harm my ability, the Archdiocese's and its community's ability to receive and distribute local independent programming.

If any of us doubts the dangers of the road down which the FCC wants to send us, the story of American radio stands as a powerful warning. Unprecedented consolidation followed the Telecommunications Act of 1996, but the real story is told over the airwaves. Radio does not sound like it used to. Like most of us in the Senate, I travel a lot, and wherever I go, radio stations sound more and more alike. Why? Because they are no longer programmed by local DJs but by executives at corporate headquarters hundreds of miles away.

As we begin to examine the issue of file-sharing, and look for ways to protect copyright owners and artists from infringement of the copyrights on works they struggled to create, we should keep in mind that there used to be a time when American young people heard new music on the radio, when they explored the variety of musical styles and genres by flipping channels. DJs used to make a name for themselves by playing new artists, or taking changes on records other DJs had overlooked. New local programmers do not have the freedom to deviate from the corporate playlist, and young people are turning off their radios and booting up file-sharing programs like Kazaa.

The homogenization of American radio is a grim predictor of the consequences of deregulation. If allowed to stand, the FCC rules will ravage the independence and character of other forms of media, from television to newspapers, the way radio has already been ravaged. This resolution is our chance to say no.

If this resolution of disapproval passes, I hope the FCC will finally understand how seriously we in Congress feel about this issue. I hope the FCC gets the message. They did not just make an honest mistake. They did not just misinterpret a complicated or ambiguous statute. They headed off in entirely the wrong direction. They ignored the will of the American people. That is why I will support this resolution, and I urge my colleagues to do so as well.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

The PRESIDENT pro tempore. The Senator from Nevada is recognized for 10 minutes.

Mr. ENSIGN. Mr. President, I rise to speak against the resolution that we have before us today. I will make a few points that are being overlooked in this debate. First, when the original ideas for this cap on percentage of media ownership were put into place, they were put into place because of the principle that we did not want a small group of people owning our airwaves to the point where they would be able to control thought, whether it is political thought or any other kinds of thought, in the United States. So when these were put into place, we had basically three networks.

When I was growing up, there virtually was no cable and everybody had over-the-air broadcast television. We had the three stations, and whatever were on those three stations is what one watched. We were lucky to have one or two, maybe three, radio stations, especially if we were not in a major media market.

The reality of today is that we not only have the over-the-air broadcast with the three networks, we also have Fox, UPN, and others, but we have systems whereby the vast majority of the homes in America can either get cable or some kind of a direct satellite TV system that has hundreds of stations which provide news, which provide entertainment, which provide all kinds of information.

In media markets, for instance, where I live in Las Vegas, NV, someone cannot turn the dial without getting a new radio station, both AM and FM. The choices are incredible. Other types of information we have coming into our household today include the Internet. Anybody can set up Web sites or news information-sharing sources. That is becoming a larger part of how people get their information.

Other than the major media outlets, there is the Drudge Report and other places on the Internet where people are getting information. The point is that there are so many more places for information to be had today than when these rules at 25-percent caps were initially put into place.

The other major point I make is that what we are talking about is potential viewership. Right now, the cap is set at 35 percent. It wants to be raised to 45 percent. I believe the FCC tinkered a little bit around the edges. This is not the tidal wave of change that people are talking about. This is a minor change in that it is potential viewership, it is how many homes can be reached. It is not how many people are watching a station at any one time. It is how much potential reach can one have into the home?

So we are not only saying it does not matter how many choices one has, it only matters how many homes can somebody potentially reach. It does not matter if somebody reaches 100 percent of the homes, as long as they have plenty of other choices. We should be making sure there are plenty of choices. When people choose which station they watch, they should be free to choose whatever stations they want.

We have also heard mention in this debate about cross-ownership with newspapers. One of the big complaints I hear about localism is that a lot of the TV stations today do not cover local politics. We know when there is cross-ownership there are more resources, especially in smaller media markets where necessarily TV stations or the newspapers do not have the kind of resources to put good reporters on the beat and they do not cover as much local politics. When there is cross-ownership, we see 50 percent more local news and public affairs programming, and an important thing is that local politics is covered. This is one of the big gripes I had in my last few campaigns, that the local TV stations—whether they are owned inside the State or outside the State, it was the same thing—didn't cover local politics enough.

I happen to be a Republican. In Las Vegas, NV, these two entities I am going to talk about lean more to the left. There is a TV station in cross-ownership with one of the newspapers in Las Vegas and, since they have been in existence, the coverage of local politics, not only by them but also by their competitors, has increased dramatically. I think that is good. That is more localism. There is cross-ownership there, but that is localism.

I think the precautions the FCC has put into place on cross-ownership, where you have to have a certain number of TV stations within a market if there is only one major newspaper, are the right kind of precautions to put in.

The point is, are we giving people choice? Where they choose to view is up to them. We should not be in the business of regulating what they watch, what they read, and who owns those, if we have enough choices in an area. I actually believe the FCC could have gone farther than they went. This is a very conservative move they have made today. If we are starting to be in the business of regulating how many people you can attract to your television stations, then we are starting to regulate whether you are getting too popular. That seems to be wrong-headed, in my opinion.

It seems to be right that if you have a couple of gas stations in an area, as long as you have choice among the gas stations, that is the important aspect. You don't want a monopoly saying this is the only gas station to which you can go. If we have 200 different gas stations, it doesn't matter whether Exxon reaches 100 percent of the cities in the United States. If there are 200 different gas stations in each one of the markets around the country, who cares? Because there would be competition to make sure Exxon is keeping its gas at the right price; otherwise, they would not be able to compete.

That is the same thing we have here. It really doesn't matter, in my opinion, whether ABC or NBC covers the entire United States. If there are 200 active choices just on television to be able to choose from, then let people choose where they are going to watch based on their remote control or based on how they flip channels. That seems to be the right kind of choices America should be all about.

We are in this fear. There are some on the right and there are some on the left who are afraid that either liberals or the conservatives are going to control too much of the media and control too much thought in one regard. Whichever side of the political spectrum people may have had a bad personal experience because in their area maybe the liberals controlled it or in another area maybe the conservatives controlled it. People complain about Fox News today; people complain about talk radio; you hear conservatives complaining about the major TV networks and all that. But as long as people have the choices of where they view, the market will determine where they get their information based on people choosing which stations they choose to watch.

That seems to me to be the American way. Let there be plenty of choices out there. Let freedom ring, basically, and then Americans will choose what the percentage of viewership is based on the choices they make.

In this Senator's opinion, this resolution before us today would go the exact opposite way of that we should be going. We should be liberalizing these rules so broadcast stations have a chance to compete. We are watching daily the quality of programming in our broadcast television go down because it is incredibly expensive to produce those shows today. So we are seeing more shows like "Survivor," with these people on reality television shows that frankly don't cost a lot of money to produce because you don't have to pay the big actors. We want to reverse that trend, go the other way, and the way to do that is to liberalize the ownership rules.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Washington, Senator MURRAY.

The PRESIDENT pro tempore. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, like many Americans, I was disappointed by the Federal Communications Commission's recent order on media ownership. As my colleagues know, on June 2 the FCC voted to relax the rules on media ownership. That order could reduce local news coverage and could hinder the diversity of views presented in the news media.

I rise in support of the bipartisan resolution offered by Senators DORGAN and LOTT to invalidate the FCC's media ownership order. Passage of this resolution will help ensure that the marketplace of ideas is not dominated by a few corporate conglomerates at the expense of our citizens and our democracy.

Since its founding, our Nation has always recognized the importance of a free press in helping citizens make informed decisions on critical public issues. Over the past few years, we have seen massive mergers take place in many industries, but Americans recognize that the news media are different. They don't just produce a product to make a profit. They also provide a vital public service that could be undermined if just a few mega-corporations control what we can read, see and hear. That is why the FCC's order has provoked such a large public backlash.

By a 3–2 vote, the FCC made two major changes. First, it lifted a restriction that prevents mergers between newspaper and television stations in the same market. This is known as the cross-ownership rule. Until now, that restriction has ensured that one company does not control both newspaper and television coverage in an area. That helps ensure that consumers have access to diverse sources of information.

By eliminating this cross-ownership rule, however, consumers could end up with fewer voices and perspectives on the public airwaves and in the newspaper. The number one television station in a market could be owned by the dominant newspaper or even the only newspaper in that same market. We are not talking about something that could happen in just one or two cities. This could happen all over the country. Down the road, the order could encourage just a handful of powerful corporations to own nearly every media outlet. That could hinder diverse and alternative viewpoints. It could also mean fewer reporters and resources for covering local and community events.

The newspaper market is already much less diverse than it was 25 years ago. Since 1975, two-thirds of independent newspaper owners have disappeared. The FCC's first order sets the stage for a further reduction in independent newspaper ownership.

The FCC's second order would allow broadcast networks to own more stations across the country. Currently, one broadcast network cannot own stations that reach more than 35 percent of the public. The FCC just raised that limit to 45 percent. This order threatens to reduce the amount of local news coverage available to citizens. Just look at what has happened in the radio industry. National radio networks have gobbled up local stations. Many have consolidated their news operations to the detriment of local consumers. Getting rid of local news coverage is not good for our local communities and their residents. This change could be especially troubling in rural areas.

I have been working on this issue for several months, and I believe we have reached a critical juncture that calls for Senate action.

On April 9, nearly 2 months before the ruling, I sent a letter to FCC Chairman Michael Powell along with 14 other U.S. Senators from both political parties. We asked the FCC to let the Congress and the public review and comment on the proposed changes before they were enacted.

When the order came out in June, I expressed my concerns.

A couple of weeks ago in the Appropriations Committee, I echoed the comments of Senators DORGAN and HUTCHISON on the need to either fix or eliminate this order through action on the Senate floor, and that is why I'm here today in support of this resolution.

The rule was scheduled to take effect on September 4, but was postponed when the Third Circuit Court of Appeals issued a temporary stay. This stay could be lifted if the FCC meets the court's requirements, so the Senate needs to act quickly.

One option before the Senate is to pass a law invalidating the FCC's order. Unfortunately, that approach would still leave the door open for the FCC to simply rewrite the rule and do an "end run" around Congress. A better way to invalidate the rule is to use the Congressional Review Act, CRA. It would stop the rule and would also prevent the FCC from re-imposing it later under a different name.

In the Appropriations Committee, we included a provision that would lower the media cap back to 35 percent. That mirrored a similar provision in the House's Commerce, Justice, State, and Judiciary Appropriations bill. We must finish the job today by using the CRA to invalidate the whole rule.

Mr. President, 80 percent of Americans get their news from local TV and newspapers. We cannot allow a handful of corporations to dictate what all Americans can see, hear, and read as they make decisions on critical public issues. I urge my colleagues to vote for diverse media ownership by supporting this resolution.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. McCAIN. Mr. President, I yield the Senator from Alaska such time as he may consume.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I oppose this resolution which would disapprove all of the FCC's recent rulings on media ownership. I oppose it for several reasons.

In the first place, the court of appeals has stayed this resolution, and it is reviewing its contents. I do not think it is appropriate for the Senate to pass such a resolution when there already exists legislation that addresses the most contentious media ownership issues.

As one of the original sponsors of the legislation that is on the calendar already, I urge the Senate to take up that bill and not approve this resolution. My legislation, S. 1046, has the support of a majority of the Members of the Senate Commerce Committee.

I do not support this attempt to unravel everything that the FCC did regarding the media ownership rules. For the most part, I think the Commission did a good job on the media ownership issues, absent one issue regarding 35 percent.

My main concern all along was to keep the national ownership cap at the 35 percent level, and that was the primary focus of the bill that I introduced. In fact, that bill already passed out of the Commerce Committee.

My bill prohibits ownership of TV broadcast stations if the ownership exceeds 35 percent of the national TV audience. It maintains the status quo for the cap and closely tracks what Congress originally intended in the Telecom Act.

There were several amendments that were added to my bill in the Commerce Committee which addressed other parts of the rules. One was offered by my colleague from North Dakota. That amendment undid the Commission's decision to lift the cross-ownership ban.

I didn't agree with his original amendment because I thought that the FCC's decision to lift the cross-ownership ban was prudent. I was concerned that the amendment of the Senator from North Dakota didn't contemplate situations in small markets where cross-ownership between newspapers and TV stations is necessary. Therefore, in committee I added language to his amendment which allows for a waiver procedure in small markets.

This pending resolution, however, does not contemplate the small markets at all in the context of cross-ownership. This concerns me and should certainly concern others as well, especially those who represent small markets.

Last week the Third Circuit issued an order staying the FCC media ownership rules, pending resolution of the consolidated proceeding before that court. Therefore, this Third Circuit stay has creates status quo allowing the stake holders to fully brief and argue their sides.

Finally, the issue that has received the most support and attention from my colleagues and from diverse interest groups is the 35 percent cap issue. That issue has been addressed by both the House in the CJS appropriations bill and by the Senate Appropriations Committee in the CJS bill.

Therefore, with all of these various tracks already in play, I don't think it is wise to open another can of worms on the same issues. It is not productive.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to make a statement on the matter before us.

Mr. President, the Senate faces a critical decision today—whether new media ownership rules proposed by the FCC truly serve the public interest. They do not, and we should pass this resolution of disapproval and force the FCC to rework them.

On June 2, 2003, the Federal Communications Commission adopted new broadcast media ownership rules that would allow greater concentration of ownership of U.S. broadcast television stations, both at the national and local levels. At the national level, a single owner could own stations capable of reaching up to 45 percent of the national audience—up from 35 percent—under the new rules. A single entity could reach up to twice that percentage of the national audience if he or she owned UHF stations. In most markets, duopolies ownership of two stations in the same market would be allowed, and triopolies would be allowed in the largest markets.

The new rules would also allow cross-ownership of broadcast television stations and major newspapers in all but the smallest of media markets as well as greater cross-ownership of television and radio stations. The rules would theoretically allow one owner to reach 90 percent of national TV audience and, in a large market, own three television stations, eight radio stations, the only daily newspaper, and the cable company.

The public overwhelmingly opposes these new rules. In fact, a recent CNN poll found that 96 percent of Americans believe there is already too much media concentration—that ownership of too many media outlets is already under the control of too few corporations.

Why should Congress care? For several reasons.

Congress has repeatedly mandated, most recently in the Telecommunications Act of 1996, that the FCC serve the public interest by promoting competition, diversity of viewpoints, and localism. These rules fail on all counts.

First, competition. Remember that there are a limited number of broadcast licenses available. Ted Turner, who bought one station and turned it into a media giant, addressed the rules' potential effect on competition. Turner wrote in an op-ed that if he had been faced with the FCC's new rules, he never could have started his own media company: "If a young media entrepreneur were trying to get started today under these proposed rules, he or she wouldn't be able to buy a UHF station, as I did. They're all bought up," he wrote.

Turner added that even if that young entrepreneur could buy a UHF station, he or she wouldn't have access to the programming and distribution needed, as both are largely controlled by the major media companies. "Today both (programming and distribution) are owned by conglomerates that keep the best for themselves and leave the worst for you if they sell anything to you at all. It's hard to compete when your suppliers are owned by your competitors," he said.

Second, independence and diversity of viewpoints. Many argue there are an infinite number of media outlets today, especially given the huge growth in cable channels and internet addresses. But the vast majority of Americans get their news and information from television news and/or their local newspaper. And realize that none of the cable news channels have anywhere near the viewership of the broadcast media, and that most of the major cable and internet news outlets are affiliated with the print and broadcast media that are already controlled in large part by just a handful of companies. Diversity of viewpoints is already in jeopardy, and the new rules would only exacerbate the situation.

Third, localism. If many of those so-called diverse viewpoints are actually controlled by a handful of companies, then one can see that localism, too, is in trouble. The loss of localism in radio is well known, sometimes with dangerous consequences like the famous Minot, ND case that Senator DORGAN has talked about. In fact, the lack of localism in radio is so undeniable that even the FCC has agreed to address it in the one aspect of the proposed rules that makes sense.

But localism in television is also at risk local entertainment choices as well as news. James Goodman of Capital Broadcasting in North Carolina explained it well in his testimony before the Commerce Committee. He owns Fox and CBS stations in Raleigh. Out of respect for his local audience's sensibilities, he has refused to carry either network's "reality TV" shows, including "Temptation Island," "Cupid," "Who Wants to Marry a Millionaire," and "Married by America." His actions have met with intense resistance from the networks, and he has expressed his grave concern that if the networks' ability to own more and more of the broadcast outlets goes unchecked, local stations and communities won't have any ability to choose their own programming. They will be forced to air the network fare, even when it is offensive to local viewers.

Finally, and most important, there is an even more basic threat posed by these new rules: It is a threat to democracy itself. The integrity of our democracy depends on an informed electorate. Again, the vast majority of Americans get their news and information from television and/or their local newspaper. If we allow the limited broadcast spectrum to be controlled by a handful of companies, how can we maintain the free marketplace of ideas?

Those in the print media rightfully chafe at the prospect of government restrictions. Anyone in America has the right to print their ideas. But when we talk of broadcast media, we are talking about public airwaves, and that is a different matter altogether. Again, space on the spectrum is limited, and so are broadcast licenses. And the FCC was created to regulate them in the public interest—not to rubber-stamp the industry's wish list.

Not only are the new rules a threat to democracy, but the process by which they were approved is a threat to democracy.

In response to pressure from the Democratic appointees to the Commission, FCC Chairman Michael Powell called only one official field hearing. Field hearings are intended to solicit input from the general public from across the country to overcome the "inside the Beltway" virus that often infects policies born in Washington, DC. Chairman Powell's "field" hearing was held 90 miles from Washington, and much of his invited testimony came from industry representatives, many of whom, in fact, live and work inside the Beltway.

It appears the Chairman thought a pro-industry decision would sail through with minimal attention. After all, other than paid lobbyists, how many people have the time to follow the details of an FCC decision-making process? But a funny thing happened on the way to the vote. As soon as people outside the Beltway did learn what the FCC was planning to do, they protested, and they protested in large numbers.

Of the 2 million individuals who commented on the FCC's proposed rules, 99 percent opposed them. Ninety-nine percent. Of the first 10,000 comments that were sampled separately, there were only 57 comments in favor of the rules, and only 11 of those 57 were from people with no vested interest in the rules changes.

Those margins are essentially unheard of in American politics. Near unanimity. But in the halls of the FCC, that overwhelmingly negative input was essentially ignored. The votes of the American people didn't count. Only three votes counted—the votes of three commissioners who decided that they knew better than 99 percent of the people who commented on the rules.

The FCC's hasty process also effectively blocked public comment on many issues. Allowing for public comment isn't just the right thing to do. It generally leads to a better product. The FCC has an expert staff. But mistakes can and do happen. And an agency as determined to act quickly as the FCC was on this matter is more likely to make mistakes.

One such apparent mistake affects my state of South Dakota and would classify Sioux Falls as having more television stations than Detroit. It does so by counting five public broadcast stations as separate stations even though they broadcast the same signal. As a result, Sioux Falls is considered to have 11 stations instead of 7. And Sioux Falls, the 112th-largest market by population, is counted as having more stations than Detroit, the 10th-largest market.

Some commercial broadcasters own multiple stations that broadcast identical signals. FCC rules appropriately treat them as one station. But the exemption applies only to commercial stations, not public television stations. FCC Commissioner Jonathan Adelstein, a South Dakota native, identified the error and encouraged his colleagues to correct it, but the Commission has not done so.

The consequences of such an error are real. Because the new rules consider Sioux Falls to have 11 stations instead of 7, the city is placed in a category without any cross-ownership restrictions. That would allow the newspaper to acquire two television stations instead of one, and own twice as many radio stations as would be permitted if Sioux Falls were properly classified. Fortunately, I don't see any rush for that to happen. But who knows what a future owner of the Sioux Falls Argus Leader or one of the Sioux Falls television stations might wish to do? This is just the kind of mistake that could have been avoided if the FCC had employed the more deliberative, inclusive process that so many of us advocated.

Let's review the mission of the Federal Communications Commission, as stated repeatedly by the Commission and by acts of Congress: to serve the public interest by promoting competition, diversity of viewpoints, and localism. The public interest—that phrase should be italicized in this debate.

As we define the public interest, the public—the people who receive the radio and TV news and programming that beams across the airwaves their taxes paid for—has a right to be heard. Public comment, input, and involvement in our democratic processes is not a box to be checked before the petitions, calls, e-mails, and letters are thrown in the trash and disregarded. It is a basic tenet of our social contract and the principle that underlies our form of government. Of the people, by the people, for the people.

I am all for ensuring the rights of the minority. Indeed, I feel strongly about our civic responsibility to ensure that a reactionary or powerful majority does not trample on the rights of those in our society whose voices are not as easily heard or fully represented. In fact, that's one key reason I oppose the substance of these rules—I fear the voices of those who may have quite valuable things to say, but lack the means to gobble up TV and radio stations, will not be heard.

But in this case we don't have a powerful majority trampling on the rights of the vulnerable. We have three people—with an obvious push from the current administration—trampling on the rights of the majority. To add insult to injury, they are telling the majority—the American people—that they are doing this in their interest. Of course, the interests being served are those of the handful of large media companies that already control a huge percentage of America's major media outlets.

Let me be clear: I don't blame the media companies for advocating for their own interests. They have every right to fight for their interests. I do blame the Chairman of the FCC and the other commissioners who voted for these rules for failing to give the rest of the country the consideration they deserved in this debate.

The Congressional Review Act was intended for exactly this kind of situation. A Federal agency has turned a deaf ear to the very public it was intended to serve. It is appropriate to send them back to the drawing board, especially if that is the only option available to us.

The Commerce Committee actually reported a bill that deals with the issues individually, and I would be happy to debate that bill. But it has been made clear to us that the majority has no intention of bringing the Commerce Committee bill to the floor, and we have no ability to force it to the floor before these rules take effect.

Mr. President, I want to make one final point. This isn't a partisan issue. The Republican supporters of this resolution of disapproval include Republican Party stalwarts like TRENT LOTT and KAY BAILEY HUTCHISON. It is not a liberal versus conservative issue, either.

The list of well-recognized people and organizations who oppose all or part of the FCC's media ownership rules is one of the strangest list of strange bedfellows you will ever hear. Opponents include Walter Cronkite, William Safire, the National Rifle Association, the U.S. Conference of Catholic Bishops, the National Organization for Women, Senator Jesse Helms, the National Council of Churches, MoveOn, the Parents Television Council, former Universal Studios Chairman and CEO Barry Diller, Mort Zuckerman, and many, many more. That sampling of the list gives you a sense of how broad and deep the opposition to these FCC rules is.

We should respect that overwhelming opposition and vote accordingly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, parliamentary inquiry: How much time is remaining on both sides, and at what time will the vote take place?

The PRESIDING OFFICER. There are 18 minutes 39 seconds on your side and 15 minutes 45 seconds on the other side. The vote will occur around 11 o'clock.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Maine, Ms. SNOWE.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. SNOWE. Thank you, Mr. President. I thank Senator DORGAN for his remarkable leadership on this most important matter.

Drastic times require drastic measures. That is why I stand with my colleagues today in support of this resolution which will help and safeguard one of our most precious possessions—the right of free and diverse exchange of opinions.

The decision that has been made by the FCC will no doubt pave the way for even greater concentration of media ownership in the hands of a select few and deprive the public of the diversity of viewpoints that I happen to believe is so essential to democracy and objective reporting in America.

The FCC's June vote on media ownership ultimately, as I said in the committee, is truly the "deregulatory" express out of the station. Now we are on track toward even greater ownership concentration and unfettered consolidation.

Some have said that with exponentially more media outlets than ever before, we should have nothing to fear. While more mouths speaking is good, having more mouthpieces guarantees neither diversity of opinion nor information. The point is the amalgamation of control in media outlets. We cannot ignore the fact that diversity of discourse in America is an essential underpinning.

When it comes to changes allowing media mergers in over 150 markets representing 98 percent of the American population, and when reports show that 5 companies or fewer control about 60 percent of television households in just the next few years, we should all be very concerned.

I know some have said the process and the outcome of the FCC media ownership, as we heard from the FCC Commissioners before the Senate Commerce Committee, were preordained by the statutes and by the courts. The courts did not prescribe what the limits should be. Neither did they set a date certain. Rather, what they said was that whatever the limits are, there needs to be a solid factual record demonstrating that they are in the public interest.

How does one determine what is in the public interest? It is aggressively seeking the input of all stakeholders—not just simply notifying the public, notifying the Congress, and that simple disclosure is, in and of itself, sufficient. Absolutely not—not in this unprecedented realm of issues.

When we look at the record, what we find is that the FCC only held one public hearing. The committee urged them to conduct a series of public hearings across the country. But they only held one public hearing. Even with one public hearing, the FCC received an unprecedented amount of input from the public when it came to this issue. Even though they did not have the opportunity to participate in public hearings, they sent more than 700,000 e-mails, letters, and calls from across the country.

This is unprecedented in the history of the FCC.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

I rise to speak in opposition to S.J. Res. 17. I had the opportunity to make a full statement last week. In my time as chairman of the Senate Commerce Committee, no issue has erupted so rapidly and evoked such passion from the public as media consolidation. These are critically important decisions.

If we could have a little straight talk this morning, if the Senate passes this resolution, there is no objective observer that believes the House will act accordingly. Now, the Senator from North Dakota may think it is important to have this Senate on record, and I don't disagree with that at all. Any prospects of it becoming a reality is minimal, at best. We should all recognize that.

Second, all kinds of allegations have crept in about various motivations on both sides of this issue. Some have been accused of wanting to return to the fairness doctrine. Some are saying it is because of ideological bias, dislike of talk radio, or dislike of the New York Times acquiring more cable companies and media. I don't accept any of those arguments from both the right and left. There is legitimate basis for concern about continued consolidation of the media. This is not the appropriate vehicle for addressing that in 4 hours of debate and a blanket repudiation of regulations, some of which have been good, in my view, because they have reined in, at least to some degree, the continued consolidation in the most egregious and most incredible media consolidation, and that is radio in America today.

We have legislation passed through the Commerce Committee, S. 1046, which after being composed, marked up, amended, and debated in the Commerce Committee is on the calendar and ready for floor consideration. If we are serious about addressing this issue, we should do it by calling up from the calendar for debate and amendment S. 1046 and we can explore the myriad and complex aspects of this issue.

For example, the Appropriations Committee has now added, I am told, to their bill the 45-percent cap being rolled back to 35 percent. According to BusinessWeek magazine, the 45-percent cap has become a rallying symbol, but the regulations that would truly reorder America's media landscape and affect local communities have flown under the radar. These allow companies to snap up not only two to three local TV stations in a market but also a newspaper and up to eight radio stations.

If the courts and Congress are worried about the dangers of media consolidation, they will have to resist calling it a day after dispensing with the network cap and go after the rules with real bite. As it now stands, TV's big networks will be losers among media outlets, thanks mostly to vociferous lobbying by independent TV affiliates. With strong ties to lawmakers who depend on them for campaign coverage, the affiliates have succeeded in getting a House vote against the 45 percent and will likely see a rerun of that episode when the Senate votes by October.

With Fox and CBS already each owning stations that cover about 40 percent of the Nation's audience, going up another 5 percent is not going to make a dramatic difference. In contrast, opening the floodgates to allow local behemoths to combine newspapers, TV, and radio stations under one roof would change media ownership in towns and cities, concentrating it in the hands of a few. Even in midsized cities such as San Antonio, for instance, one company might own the leading newspaper, two TV stations, eight radio stations, and several cable channels.

What we are doing is interesting but if we are going to address this issue in a serious fashion, and there is reason for concern, we ought to do it in a fashion far different from this.

I point out that the CRA precludes an agency adopting similar rules without substantive congressional legislation. In other words, the FCC would be prevented, if this is passed, from acting on any rules regarding media consolidation. Almost all Members of this body have some degree of concern at least about some aspect of it.

I hope all of our colleagues had the opportunity to see the Wall Street Journal article on September 15 entitled: Show of Strength: How Media Giants Are Reassembling The Old Oligopoly: Mix of Broadcast and Cable Proves Lucrative in Making Deals.

Viacom and its big media peers have been snapping up cable channels because they are one of the few entertainment outlets generating strong revenue growth these days. More broadly, the media giants have discovered that owning both broadcast and cable outlets provides powerful new leverage over advertisers and cable- and satellite-TV operators. The goliaths are using this advantage to wring better fees out of the operators that carry their channels and are pressuring those operators into carrying new and untried channels. They're also finding ways to coordinate promotions across their different holdings.

Entertainment giants such as Viacom, NBC parent General Electric Co. and Walt Disney Co., which owns ABC, now reach more than 50 percent of the prime-time TV audience through their combined broadcast and cable outlets. The total rises to 80 percent if you include the parents of newer networks—such as New Corp.'s Fox and AOL Time Warner Inc.'s WB—and NBC's pending acquisition of Vivendi Universal SA's cable assets, estimates Tom Wolzein, an analyst at Sanford C. Bernstein & Co.

The big media companies are quietly re-creating the "old programming oligopoly" of the pre-cable era, notes Mr. Wolzein, a former executive at NBC. Of the top 25 cable channels, 20 are now owned by one of the big five media companies.

The idea of owning broadcast networks as well as cable channels is "comfortable for people like ourselves," says Bob Wright, chairman of NBC, which two weeks ago signed a preliminary agreement to acquire Vivendi Universal's USA and Sci-Fi cable channels, along with the Universal film studio, bolstering a stable of cable channels that includes Bravo, MSNBC and CNBC. "There has been so much consolidation" among the distributors that "unless you are equally big . . . you risk a situation where you can be marginalized," says Viacom President Karmazin.

Viacom president Karmazin is a man, who, by the way, I happen to admire enormously.

I am not blaming any of these people, executives or organizations, for seeking to gain as much market share as they can. But the reason I refer to this Wall Street Journal article is this is a complex set of issues. When we are talking about cable consolidation, cable rates, all of the other.

Since 1990, almost half of the top 50 cable channels have changed hands. Among the big deals: Disney's $19 billion acquisition of ESPN's parent, Capital Cities/ABC, and Time Warner's $6.7 billion purchase of CNN parent Turner Broadcasting, both negotiated in the summer of 1995. In 2001, Disney bought the Family Channel from News Corp. for $5.2 billion.

Last year, NBC bought Bravo for $1.3 billion. CBS, owner of The Nashville Network—now Spike TV—and Country Music Television, itself was gobbled up in 2000 by MTV's longtime parent, Viacom. Viacom has since added channels such as BET and Comedy Central.

Mr. Karmazin recently boasted to investors that the company's broadcast and cable outlets reach 26 percent of the Nation's viewers in prime time, a significantly bigger share than any other company. Having such a big market share is "real important for lots of reasons, in terms of dealing with advertisers and our cable partners," he told investors.

There is something going on here that deserves investigation, not just a simple CRA vote and then move on. At the hearing before the Commerce Committee, all five FCC Commissioners agreed—all five, for one of the first times I have ever heard the FCC Commissioners agree to anything—the consolidation of radio that occurred in local markets has been excessive. While it received little credit amid the outcry against the regulations, the FCC attempted to address this problem by describing new market definitions designed to tighten the limits on logical radio ownership.

The resolution would have the perverse consequences of eliminating these efforts and prohibiting the FCC from adopting similar measures in the future, a move that surely will be applauded in the corporate offices of large radio station groups that hope to perpetuate their ability to benefit from existing loopholes.

Likewise, this resolution could have grave unintended consequences for other media ownership rules the Commission decided to leave unchanged.

For example, the FCC retained its limit on the number of local radio stations one entity may own and retained its rule prohibiting one entity from owning two of the four largest television networks. The decision to retain these rules will also be rejected if the resolution is enacted. If the FCC were to read this statute, as many have, as limiting its permissible actions in biennial review proceeding to exclusively deregulatory changes to its rules, the FCC may have no choice but to raise the number of stations that one entity is permitted to own in a local market or eliminate the dual rhetoric network rule. This cannot be the outcome intended by the sponsors of this resolution, though it is one that could conceivably result.

Finally, the use of the CRA in the present case will create a regulatory void likely to be filled only by uncertainty about the status of the FCC's media ownership rules. As a result, all of the rules, even those that the proponents of the resolution favor, may be vulnerable to court action. The absence of an affirmative congressional directive will cast considerable doubt on the FCC's ability to enforce its previous rules given that one of the FCC's previous attempts to retain the rules was found by the DC Circuit to be arbitrary and capricious. Another was found not to have justified that the rules are necessary in the public interest. In both cases, the DC Circuit remanded the rules to the FCC and directed the agency to either articulate a justification for retaining the rules or modify them. The lack of an enforceable FCC order will leave these court orders unanswered, risking additional court action that relaxes the rules even further or even invalidates them entirely.

My point is that we have a very complex set of issues to address. I believe there is reason for concern about media consolidation, as the Senator from North Dakota has fairly overused the comment that there are many voices and one ventriloquist. At the same time this action would invalidate both good and bad, this action would make many believe that we have resolved the issue and moved on.

On the calendar is S. 1046, a bill that was properly considered and reported out by the Commerce Committee. That is the way we should be addressing this issue so that this issue can be fully ventilated and fully understood.

I reserve the remainder of my time.

Mr. BOND. Mr. President, I oppose the Dorgan Resolution, S. 17, which would block the entire Federal Communications Commission's ruling revising the rules on media ownership.

Since the FCC issued this ruling on June 2, 2003, a multitude of interest groups have proclaimed that this decision represents a serious blow to democracy in America as we know it. To say that this claim is a gross exaggeration is a huge understatement.

While I do not agree with every element of the FCC ruling, I must admit that I believe it would be short sighted to block the ruling entirely. I also think that every stakeholder who is concerned about this ruling should look at the facts that prompted the FCC to make this ruling. Furthermore, I believe it is imperative that one examine the actual facts in the ruling in order to dispel some of the myths that have surfaced with regard to it.

In its ruling, the FCC incrementally increased the national TV ownership limit from 35 percent to 45 percent. What this says is that one company can own TV stations reaching no more than 45 percent of U.S. TV households. It does not mean that one company can own up to 45 percent of all TV stations across the country. In addition, the ruling does not even say that a company can own stations whose programs reach 45 percent of the viewing public or market share.

For example, Newscorps, Fox, the second largest owner of stations currently owns 37 or 2.8 percent of the 1,340 commercial stations across the country. Under the new 45 percent cap set forth in the FCC ruling, Newscorps would be able to acquire, at best, another five stations nationwide. In light of this information and in light of the court mandates, the FCC action on this issue hardly represents a massive increase.

The FCC promulgated this increase in response to several court decisions striking down specific limits on the number of broadcast entities that one company may own. Since 1998, the FCC has lost five out of five cases that challenged its previous media ownership rules. According to the U.S. Court of Appeals for the District of Columbia, the Telecommunications Act of 1996 "carries with it a presumption in favor of repealing or modifying the ownership rules (Fox v. FCC)."

In the Fox v. FCC decision, which was handed down in February 2002, the court ruled that the FCC's action—on broadcast ownership limits—was "arbitrary and capricious and contrary to law" because "it failed to give an adequate reason for its decision" to keep the 35 percent cap. In the same case, the court ruled that the commission "provided no analysis on the state of competition in the television industry to justify its decision to retain the national cap." The court in its remanding decision ordered the FCC to rethink its rules on media ownership.

Another aspect of the FCC ruling involved the modification of the FCC's rules relating to newspaper/broadcast cross ownership and radio-television cross ownership. In its ruling, the FCC replaced these rules with a new set of cross media limits. It is important to understand that the FCC did not totally repeal the 28-year-old newspaper/broadcast ownership ban in all markets; it simply modified its rule with newer broadcast/cross ownership regulations to reflect the changing circumstances of today's diverse media marketplace.

Under the new FCC rules, in small markets with three or fewer TV stations the ban will continue to be enforced. In mid-sized markets, with 4 to 8 TV stations, limited cross ownership is allowed. In diverse and competitive markets with 9 or more TV stations, the ban is lifted entirely.

This is the major decision in the FCC ruling that I support, and it is the main reason that I cannot support the Dorgan resolution. Simply put, the previous rule supporting the cross ownership ban is outdated given the current diversity and multiple sources of news information in today's media marketplace.

When the broadcast/newspaper cross ownership provisions were adopted in 1975, the three television networks of the time held more than 90 percent of the viewing audience and only 17 percent of households subscribed to cable TV. However, due to the technological revolution of the past two decades, there has been a significant increase in the number of news and information sources with the widespread availability of cable TV, satellite and the internet as well as substantial increase in the number of radio and TV stations, magazines, and free weekly newspapers.

Yet, despite the availability of these new media sources, many groups are still objecting to this modest change in media cross ownership. They feel that this modification will drastically reduce the quality news and diversity of voices in the media. I believe there is strong evidence to refute this claim.

Unlike other ownership rules, the FCC has actual historical data on what the effect of relaxing this ban will have on the media market. That is because there are already 49 media cross ownership entities that were grandfathered prior to the implementation of this ban in 1975. Some of these cross ownership entities are in major markets such as New York, Chicago, Dallas, Atlanta, Phoenix, Tampa, and Milwaukee.

All of these existing cross ownership entities have had practically no adverse impact on competition. In the past 23 years, there has been no major court case, FCC, FTC, or Department of Justice, DOJ, action objecting to any of these grandfathered cross ownership media entities. Furthermore, the FCC informs me that no entity has ever challenged a license renewal of a TV station owned by a newspaper in the last 25 years. Two recent studies, one by the FCC and one by the Project for Excellence in Journalism, also found that co-owned newspaper/broadcast combinations provide higher quality and more news and informational programming than other broadcast stations.

In light of this evidence, I feel that the FCC's ruling on newspaper/broadcast cross ownership needs to be preserved, and therefore, I oppose the Dorgan resolution.

As stated previously, I do not agree with every aspect of the FCC ruling. I do not support the new method by which the FCC will utilize to define a local radio market. This new definition has resulted in many companies that own multiple radio stations exceeding the new station caps. While the FCC did grandfather all existing combinations to ensure that these radio companies would not be forced to divest stations that they legally acquired, it imposed harsh restrictions on the transferability or resale of these newly noncompliant radio station clusters.

Under the new market definition, those radio clusters that no longer comply with local radio market limits may only be sold intact to small businesses. If a "small business buyer" cannot be found, a cluster owner must break up his or her cluster and sell the stations individually. I believe that this strict resale provision unfairly penalizes certain radio broadcasters, who acquired their stations in good faith under the previous ownership framework.

By narrowing the eligible market of buyers, this resale provision would prevent a radio cluster seller from receiving fair-market value on his or her investment. If most companies are prohibited from bidding on a cluster, the prices offered in these transactions will be considerably smaller than otherwise.

I also believe this resale provision will only make bigger radio conglomerates stronger because it will result in the immediate breakup of clusters that directly compete with these conglomerates.

I intend to petition the FCC for reconsideration of these new local radio rules set forth in the FCC order. However, I do not believe that the entire FCC order should be disapproved, and that is why I oppose the Dorgan resolution.

Ms. SNOWE. Mr. President, drastic times require drastic measures and that's why I stand with my colleagues today in support of S.J. Res. 17, disapproving the FCC's June 2 vote to relax, and in some cases eliminate, the rules that safeguard one of our Nation's most precious possessions, the right of free and diverse exchange of opinion. This decision will pave the way for even greater concentration of media ownership in the hands of a select few and deprive the public to the diversity of viewpoints that are so important to democracy and objective reporting in this country.

In response to the FCC's action, Senator DORGAN and I along with seven other colleagues sponsored S.J. Res. 17. This resolution would simply declare the FCC's June 2 rules on media ownership without force or effect and would leave in place the media ownership rules that existed prior to the Commission's decision.

With the FCC's June vote on media ownership, the "deregulatory express" is out of the station—and we are now on track toward even greater ownership concentration and unfettered consolidation. Now, some have said that, with exponentially more media outlets than ever before, we should have nothing to fear. But while more mouths speaking is good, having more mouthpieces guarantees neither diversity of information nor opinion. The point is the amalgamation of control in media outlets and its impact on content—especially with the overwhelming majority of Americans receiving their news from television and newspapers.

We cannot ignore that diversity of discourse in America is an essential underpinning of our society and our democracy. So when it comes to changes allowing media mergers in over 150 markets representing 98 percent of the American population—and when reports show that five companies or fewer could control about 60 percent of television households in just the next few years—we should all be very concerned.

I know that some have said, well, the process and the outcome of the FCC's media ownership review were essentially preordained by statute and the courts. But the courts never proscribed what the limits should be. Neither did they set a date certain by which the FCC must have concluded its process. What the court did say is that, whatever the limits are, there needs to be a solid factual record demonstrating they are in the public interest.

And what is the best way to determine public interest? It's to go above and beyond in notifying and providing full disclosure to the public and Congress, and aggressively soliciting input from all stakeholders—so the public can be confident the best possible decision has been reached. The FCC failed to do this. With more than 700,000 individuals and groups weighing in against the FCC's rule change, the Commission held only one public hearing on the subject of media ownership. I can't help but think there must be a better way.

Let me speak to the FCC's modification of the cross ownership ban, one of the more devastating changes made by the Commission on June 2. Many of us represent States that have communities with only one newspaper, under the new rules the FCC would allow that single remaining paper to be purchased by the dominant television broadcaster in the area. In the context of other FCC rules, the agency recognized that it is bad for local competition to allow 2 of the top 4 broadcast outlets to be consolidated, but in this context, the FCC is allowing the top TV station to buy the top newspaper in almost every media market in the country. Newspapers are one of the most important sources of independent reporting. When the leading TV station gobbles up the paper, what happens to the other TV broadcasters in the market? They simply can't compete at the same level. It seems apparent that the remaining TV stations do less news, or they move to softer news formats. This isn't good for news, this isn't good for democracy.

If the FCC had acted to create more voices—perhaps by requiring those broadcasters who want a television-newspaper combination to start a new newspaper rather than just buying one—I could see the wisdom in their decision. Instead, the FCC has acted to reduce the total number of voices in communities all across the country. Some say that the FCC's decision will allow these newspaper/broadcast combinations in over 190 media markets, covering 98 percent of America's population. Since the newspaper/broadcast rule was put in place in 1975, we have already lost two-thirds of our independent newspaper owners. Let me reiterate that: two-thirds of our independent newspaper owners have disappeared since 1975. And somehow we're going to make democracy better by further reducing the number of independent newspaper owners by allowing broadcaster television owners to buy them—it just doesn't make sense.

The issue of media ownership goes to the heart of our democracy and the crux of the way in which we form our opinions on other issues of critical importance. We need to be extremely careful that in deregulation we don't undermine diversity in the marketplace of ideas and information. I look forward to continuing my work in this area and urge the public to keep the pressure on Congress to undo the damage unleashed by the FCC on June 2. I ask that my colleagues support S.J. Res. 17.

Mr. HATCH. Mr. President, I rise to outline my concerns about Senator DORGAN's resolution to disapprove the Federal Communications Commission's June 2, 2003 decision to relax the broadcast media ownership rules.

The FCC's decision to increase the proportion of market share broadcasters may own in any given market from 35 percent to 45 percent and to give newspaper owners the ability to own radio stations and vice versa has raised significant questions relating to the proper scope of regulation and protection of our fundamental First Amendment values.

As a procedural matter, I am concerned about the Senate acting on the Dorgan resolution given the pending court proceedings reviewing the FCC's rule modifications. On September 3, 2003, in Prometheus Radio Project v. Federal Communications Commission, the Third Circuit Court of Appeals stayed the effective date of the FCC's new rules, pending resolution of the appeal on the merits. No. 03-3388, 2003

U.S. App. LEXIS 18390. Given the procedural status of the FCC's rules, it is premature for the Senate to act on the Dorgan resolution. A more prudent course for the Senate is to await the Court of Appeals decision, review it carefully, and then determine what action, if any, is warranted.

With respect to the substance of the FCC's rule modifications, I want to reiterate my strong support of the bedrock principles underlying the FCC's regulation of our Nation's media: diversity of viewpoints; localism; and competition. I have been—and remain—committed to these principles, particularly with respect to examining critical regulatory and enforcement issues surrounding increased concentration of our Nation's media outlets. We must preserve our fundamental First Amendment values by protecting our marketplace of ideas—that is, freedom of expression and diversity of viewpoints.

When it comes to ensuring competition and diversity in our media markets, I have not—and will not—analyze the issue by blindly condemning all merger consolidations. To me, "big" is not necessarily bad. Rather, the issue of media consolidation requires a careful weighing of our Nation's interest in promoting competition and diversity.

In my view, such an analysis requires careful examination of the potential for anti-competitive conduct, rather than adherence to inflexible regulatory restrictions or hard and fast enforcement rules. Market forces—not Federal across-the-board regulations—will ensure that consumers benefit from a merger or consolidation in the media industry.

Like many of my Senate colleagues, I am concerned about the health and well-being of the small and mid-sized media companies in our nation. In the State of Utah, we have many excellent small and mid-sized media companies who provide a great service to all Utahns. To this end, traditional antitrust enforcement can more effectively and efficiently protect competition and enhance diversity than regulatory one-size-fits-all approaches. I believe appropriate enforcement of our nation's antitrust laws will provide greater protection to small and mid-sized media owners than any arbitrary FCC rules.

In light of all of these considerations, I urge my colleagues to vote against the Dorgan resolution. Given the significant interest in the issue here in the Senate, we should monitor the court proceedings reviewing the FCC rule. Once the Court has acted, we should then determine what appropriate steps, if any, are needed to preserve and protect our bedrock First Amendment principles of media ownership: diversity, local programming and competition.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Dorgan resolution, and in the hope that the FCC will take a careful, second look at the changes it made to media ownership rules.

Not everything the FCC did was something I would oppose. For instance, I support what the FCC did in terms of allowing companies to own a combination of television, radio, and newspapers in the largest of media markets, like Los Angeles, Chicago, New York or San Francisco.

But on the whole, the new FCC rules raise some very real concerns that one or two national companies may begin to dominate too much of the news and other content delivered to American homes.

The American experiment has been one of free press, diversity of voices, fair competition, and the ability to hear, and to be heard. That experiment, in my opinion, has been a resounding success.

Of course, the world has changed, and will continue to do so. As a result, it is sensible for our regulatory agencies to revisit outdated rules and modify them to better suit changing technologies and the changing realities of a more crowded, more advanced nation.

Nevertheless, it is possible to go too far in trying to address these changing realities, and I believe that the FCC has gone too far in crafting some of these new media ownership rules. For instance, in allowing a broadcast network to own and operate local broadcast stations that reach, in total, up to forty-five percent of U.S. television households, instead of thirty-five percent under the old rules, the FCC has opened the door to vast conglomerates of news stations all feeding the same content to almost half the people in the country.

We don't know how or even whether this would happen, but the potential for eliminating local content and reducing the diversity of opinions presented on television is simply too great.

Likewise, the cross-ownership rules—the rules that determine whether a company can own both television and newspapers in the same market, or television and radio, and so on—raise some concerns for markets with just four of five television stations.

In those small- to medium-sized markets, with between four and eight television stations, combinations are limited to one of the following:

One daily newspaper, one television station, and up to half of the radio station limit under the local radio ownership rule for that market; one daily newspaper, and up to the radio station limit under the local radio ownership rule for that market, but no television stations; or two television stations, if permissible under the local television ownership rule, and up to the radio station limit under the local radio ownership rule for that market, but no daily newspapers.

The old rule prohibited common ownership of a full-service broadcast station and a daily newspaper within the same city. In fact, according to the Congressional Research Service, when it adopted the rule in 1975, the commission not only prohibited future combinations between newspapers and broadcast stations, but also required existing combinations in highly concentrated markets to divest holdings to come into compliance within 5 years. But under this new rule, one company could own the largest television station in town, the only newspaper, and half the radio stations. It is easy to see how, in these mid-sized markets, the amount of diverse content would rapidly diminish.

On the other hand, I am not as concerned with the new rules pertaining to larger markets like Los Angeles. In a market with more than two dozen television stations and countless radio stations and newspapers, it is far less likely that one or two companies could come to control enough of the media market to truly stifle diversity of opinion or competition among content sources.

So it is my hope that the FCC will go back and reexamine these new rules, keeping in mind the concerns of Congress and the American people, who have spoken out loud and clear about this issue. Fix what needs to be fixed, keep what is not broken. But come up with a new set of rules that makes sense for all Americans.

Mr. LEVIN. Mr. President, I have long been concerned about the implications of too much media concentration. During the Senate consideration of the 1996 Telecommunications Act, I voted for an amendment authored by Senator DORGAN to keep the Television National Broadcast Cap at 25 percent of television households that a broadcast company could reach through its local broadcast stations. I opposed increasing the cap to 35 percent as the 1996 bill allowed.

In June the Federal Communications Commission, FCC, voted to adopt an order to relax current media ownership rules. I am a cosponsor of S.J. Res. 17, authored by Senator DORGAN, being considered by the Senate today to disapprove of the FCC ruling to lift media ownership restrictions. Loosening current media concentration restrictions would allow the media to become less responsive to local concerns and less likely to represent broad and diverse viewpoints. This is not in the public interest and should not be allowed.

Today Members of the Senate can oppose these detrimental rule changes that will result in greater media concentration and less consumer choice by voting to disapprove them under the Congressional Review Act.

I have supported the congressional review of rules dating back even before I came to the Senate. And I am proud and pleased that we have the opportunity to use it to stop this FCC rule today. This is exactly the situation in which the legislative review process is not only useful but necessary.

When I first ran for the Senate in 1978, legislative review was actually a part of my platform. With all of the power executive agencies have we need to have a mechanism by where the politically accountable—that is the elected officials—can have a direct say in the rules and regulations issued by Executive Branch agencies. These agencies are supposed to be carrying out the will of Congress, and we have not only the right, but the responsibility to oversee their actions.

I joined forces in the late 1970's and early 1980's with then Congressman Elliott Levitas in the House. In fact, along with Senator David Boren of Oklahoma, we got the legislative veto passed. But that law was held unconstitutional by the courts in the Chadha case because it allowed for a one house veto. The court ruled that legislation subject to the President's veto power is necessary to avoid violating the principle of separation of powers.

We then fought to establish a congressional review process. It was with the bipartisan effort of Senators HARRY REID and DON NICKLES almost 10 years ago, that we finally got legislative review enacted into law and I was proud to be part of that effort.

And I'm glad to see that what many of us argued decades ago in support of this review process has proven to be true. This congressional review process is a two-edged sword. Some opponents argued it would be used only to limit valuable social programs, but we proponents argued that it was neutral politically—that it could be just as useful to protect against an agency that is regulating too little as it could be to rein in an agency that is regulating too much, or as with the case of the FCC, regulating unwisely.

Ms. CANTWELL. Mr. President, earlier this year, the Federal Communications Commission, FCC, issued rules making changes to long-standing limits on the types and amounts of media outlets that can be owned and controlled by a single company. These rule changes drastically increase the ability of a few companies to control access to information in this country. The rule changes undermine the public interest and do nothing to ensure diversity of viewpoints, "localism," coverage of events in local communities by people who are a part of that community, or to ensure that healthy competition exists amongst media outlets.

The American people know these changes are not in the public interest, and that is why I have heard directly from more than 1,650 of my constituents urging Congress to overturn the FCC's actions.

Specifically, the rule changes adopted by the FCC earlier this year would allow a single company to control television stations with access to almost half of the American broadcast audience. How that can be billed as increasing competition or diversity of viewpoint is a mystery. Given that these rules were written with only one public hearing and without opportunity for public comment, it is not surprising that they fail to reflect the public interest.

It is important to recognize that overturning these rules is not just about preventing additional domination of the airwaves. It is about ensuring the survival of local newspapers that genuinely know and are a part of the community.

The rule changes would allow the sole or dominant newspaper in a city to merge with the top broadcaster in 200 of the 210 media markets in the country! That would mean 98 percent of the American public could effectively lose an independent voice in their community. Already, since 1975, two thirds of independent newspaper owners have ceased to exist, leaving only 290 independent newspapers in a country of 292 million people.

If these rules are allowed to take effect, it will mean fewer reporters on the ground chasing stories in our local communities, and less local investigative journalism. It would make it possible for individual markets to be dominated by a single newspaper/TV conglomerate which could control well over half the news audience and two-thirds of the reporters in a given local market.

Inevitably, the merging of broadcasters and newspapers reduces the number of voices in individual markets and threatens to place too much control over local news and information in the hands of too few companies. Repackaging and repeating stories produced in other venues is not the same as real reporting of local news.

One of the most common refrains that we hear to justify this tremendous change is that new outlets for news and information are now available. While I firmly believe that we are only at the cusp of an information age that will drastically change how we receive information, it makes no difference if the new access points are controlled by fewer people.

The reaction to these rules has been quick and sure. I have heard from over 1,650 of my constituents directly, an additional 10,000 through the Move On petition. The House and the Senate Appropriations Committee have taken action to reverse the increase in the cap on broadcast audience in the appropriations process, and the Third Circuit Court of Appeals has temporarily halted implementation of these rules. But the clearest way to send a message to the FCC that these rules cannot stand is to pass this resolution disapproving the rule changes. We expect the FCC to be a watchdog not a lapdog.

I urge my colleagues to vote for this resolution as a first step in reinvigorating competition and preserving local control in mass media.

Mrs. BOXER. Mr. President, I rise to support the Senate resolution to overturn the Federal Communications Commission's, FCC, decision to relax our Nation's media concentration rules. That decision threatens our democracy by placing more power over what we see and hear in the hands of fewer big interests.

The voices of those who oppose the FCC decision range from Bill Clinton to Bill Safire, from the National Rifle Association to the National Organization for Women. I am particularly disappointed with the manner in which the agency has ignored these voices. The FCC held only one public hearing on these rules. But commissioners and their staff met with just one firm lobbying on behalf of big media more than 30 times.

The agency received more than 700,000 letters opposing the relaxation of the rules and only a handful supporting that decision but failed to take that overwhelming public sentiment into consideration. I reject the FCC rule because the FCC ignored the people's concerns.

Congress must send the agency a clear bipartisan message—the airwaves belong to the American people, not to you and not to a small group of media elites. The FCC must be forced to address the concerns of the American people. The people know that the FCC decision to relax our media ownership threatens democratic discourse and participation. It will allow massive media giants to grow—media giants that already use multiple media outlets to promote their views and overwhelmingly dominate public debate.

The courts told the FCC to explain why the rules were justified. With the more than 700,000 public comments opposing relaxation of the rules, the agency had that justification. The American people understand that it cannot be in the public interest to further relax the rules that protect the public's access to multiple sources to information and media. My office alone has received 4600 letters and e-mails on the issue.

The FCC is charged with protecting the public interest. In this case, I believe the commission has failed and Congress must act.

Mr. BUNNING. Mr. President, in June, the Federal Communications Commission, FCC, issued an order that modified its media ownership rules in accordance with the 1996 Telecommunications Act. The modified rules increased from 35 percent to 45 percent of households the cap governing broadcast network ownership. The new rules also make easier newspaper-broadcast cross ownership by largely lifting the ban prohibiting a newspaper from buying a TV or radio station in the same market.

S.J. Res. 17 would overturn all aspects of the FCC ruling. I do not believe the FCC ruling is without flaw, but a blanket negation of the rulemaking is not an appropriate response. Though I am not in favor of the increased cap governing broadcast network ownership, I do support the modified newspaper-broadcast cross ownership rule. I believe the relaxed cross ownership ruling encourages a concordant relationship between newspapers and television stations that will offer a higher standard of quality in news content and reporting. This, in turn, reaps innumerable benefits for communities across America. As I believe the value of the modified cross ownership ruling usurps the potential dangers of the increased cap governing broadcast network ownership, I cannot support S.J. Res. 17.

To unequivocally vacate all aspects of the FCC ruling is to do a disservice to incalculable citizens across this country who will benefit from the modified newspaper-broadcast cross ownership rule. For the aforementioned reasons, I am voting "no" on S.J. Res. 17.

Mr. KENNEDY. Mr. President. In a strong democracy, a variety of views must be available to citizens. Protections are essential so that minority views can be heard. That was the vision of America's founders when they drafted the First Amendment to the Constitution, and it has served the Nation well. Its principles are especially important today. Neither the broadcast industry nor anyone else is entitled to a monopoly over the dissemination of information in our society.

The presence of a diversity of voices, each contributing to our national discourse, is essential for the functioning of our democratic society. And the best way to foster that diversity is through competition.

Today, however, an increasingly serious problem is being caused by the buyouts of local broadcast stations by national media conglomerates. Competition suffers, and local issues of great importance to individual communities often go unheard.

Many of us in Congress are deeply concerned that the remaining diversity of our media will be further be reduced by the Federal Communications Commission's recent decision to weaken media ownership rules. The new rules allow even greater media concentration, in spite of its adverse effect on competition, the diversity of views, and major national, State, and local priorities.

I support Senator DORGAN's proposal to reject these rules, because they are not in the public interest, and would seriously weaken the protections in current law that prevent excessive concentration in the broadcast industry. The public has little to gain and a great deal to lose if we allow the FCC to slash the protections that serve them so well.

Each weakening of restrictions on media ownership in recent years has been followed by a burst of new corporate consolidation. Mergers have sharply reduced the number of media companies and threaten to erode the diversity and competition that are so important to our Nation. The new rules will greatly increase this problem, by allowing fewer firms to control the flow of information—locally or nationally. It makes no sense for Congress to allow restrictions on the flow of information that is so important to our democracy in this information age.

As a trustee of the Nation's public airwaves, the FCC has a responsibility to include the American public in its decision-making process. Yet the commission has largely ignored public comment and debate before it these sweeping changes in the nation's broadcasting rules.

The commission agreed to one public hearing on the overall issue, and it refused to publicly disclose the rules before they were voted on. Such secrecy is unacceptable. What possible harm can come from public disclosure? The commission's "notice and comment" procedure is intended to allow an informed debate about these important issues of public policy, but in this case the agency used its procedures to keep the public in the dark.

Even with incomplete information, the public reaction against the proposed changes has been unique in the history of the FCC. The commission received nearly three quarters of a million comments, and over 99.9 percent of them opposed the increase in media consolidation.

As a result, a wide variety of organizations—including civil rights groups, churches, family values groups, and labor unions—have called on the FCC to reconsider the proposal. The National Rifle Association, the National Organization for Women, and many others expressed grave doubt about the wisdom of allowing greater consolidation. Nevertheless, the FCC approved the new rules.

I urge my colleagues to send a clear message today to the commission and the public by nullifying these rules and reversing this misguided decision the commission to support the interest of media conglomerates and ignore the public interest.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today the Senate will vote on a joint resolution, of which I am a proud cosponsor, to disapprove the Federal Communications Commission's June 2, 2003, rules designed to loosen restrictions on broadcast media ownership. It is the Commission's responsibility to ensure that media ownership rules serve our national goals of diversity, competition and localism. Unfortunately, the Commission's June 2, 2003, ruling fails to meet this standard.

The resolution before us today would reverse the FCC's decision to change the national television ownership cap from 35 percent to 45 percent, a decision that threatens local and independent voices in television. The television industry is undergoing rapid consolidation as a handful of national networks have acquired local stations across the country. I am concerned that when local stations are purchased by a national network, independent voices are lost in the media marketplace. Locally owned and operated stations are more likely to be responsive to local needs, interests and values than those stations owned and operated by national networks. Indeed many local stations are small businesses that drive innovative competition. A system of concentrated station ownership will trend toward nationalized programming aimed primarily at maximizing revenue with less concern for local interests and less room for competition.

The resolution before us today will also reverse the FCC's decision to significantly loosen restrictions on cross-ownership of broadcast stations and newspapers within single markets. The cross-ownership rule is intended to increase or at least maintain the number of independent editorial voices in a community. This is especially important in smaller communities where citizens have fewer media operations covering local matters. While there is scant evidence that weakening this rule will result in significant economic benefit, leading academics and media experts have argued that doing so will dangerously reduce the venues for independent public discourse.

I am also concerned with the process by which the FCC conducted these proceedings. This media ownership rulemaking is among the most important the FCC has undertaken, and it has garnered unprecedented public interest. Despite this, the Commission moved forward with dramatic rule changes without first taking public comment on a specific proposal. The Commission's outreach was simply insufficient. All parties concerned would have been better served if the Commission published a specific proposal and then allowed for a period of public comment before promulgating any rule changes.

The Commission's first responsibility is to ensure diversity, competition and localism. The Commission has no responsibility to facilitate the business plans of the major networks or any other narrow economic interest. I strongly support the disapproval resolution before us today.•

Mr. LEAHY. Mr. President, the Federal Communications Commission's rules pertaining to media ownership have long served a vital function, helping to ensure a diversity of viewpoints in the media marketplace. The FCC's attempt to undo these important rules that have served us so well is misguided and harmful. The FCC's 35 percent cap on national audience reach has not only served to promote diversity, it also protects local programming, allowing it to reflect local values and preferences. If the cap is increased to 45 percent we can be sure that major networks will meet or exceed the new threshold, as some companies have done under the current standards, allowing for the acquisition of local stations while eliminating the unique choices that local programming can provide.

I am also concerned about the FCC's effort to remove the newspaper/broadcast cross-ownership limitations in 80 percent of all media markets. Currently, cross-ownership rules prevent a single corporation from becoming too powerful a voice in a given community. Lifting the cross-ownership ban will leave many communities reliant on one company to decide what they are able to see and hear.

There are those who argue that the increase in the number of media outlets has obviated the. need for such rules. The reality, of course, debunks this notion. While the number of media outlets has increased, ownership has become more concentrated. What's more, many of the largest new media outlets appear to be owned and controlled by the same conglomerates that control traditional media.

In light of these facts, it seems illogical that the FCC would exacerbate a disturbing trend that is transforming the marketplace of ideas into little more than a corporate superstore. A recent, troubling tendency of the large media companies was highlighted in The Wall Street Journal this week in an article noting these companies' rapid acquisitions of cable channels to "re-create the old programming oligopoly" of the pre-cable era. The numbers tell the story. Of the top 25 cable channels, 20 are now owned by one of the big five media companies, according to The Wall Street Journal article of September 15, 2003.

The unsettling statistics extend to other communications branches as well. According to the Economic Policy Institute, the number of owners of commercial radio stations has declined by approximately 25 percent since 1996. Even more alarming is the fact that since 1995, "the number of entities owning commercial TV stations has dropped by 40 percent."

I welcome and strongly encourage the emergence and proliferation of new and different platforms for news and information. We can expect that more and more Americans will gain access to and will use these resources. In our democratic society, there still are good and sound reasons for encouraging and protecting the diversity of viewpoints available in more traditional media. The FCC—to which the American people have entrusted some of this responsibility—should be working to diversify, not homogenize, the news and information media available to the American public.

I ask the Wall Street Journal article of September 15, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 15, 2003]

HOW MEDIA GIANTS ARE REASSEMBLING THE OLD OLIGOPOLY

(By Martin Peers)

Two years ago, Mattel Inc. gave CBS a choice. The network had refused to broadcast the toymaker's movie "Barbie in the Nutcracker" in prime time. So Mattel threatened to pull millions of dollars of advertising from the Nickelodeon cable channel—owned by CBS parent Viacom Inc.

Viacom, which had spent a decade bulking up .with acquisitions, now wielded its new clout, according to people familiar with the situation. If Mattel made good on its threat, Viacom said, it would be blacklisted from advertising on any Viacom property—a wide swath of media turf that also includes MTV, VH-1, BET, a radio broadcasting empire and even billboards. Mattel backed down, and the Barbie movie ended up running during a less-desirable daytime period.

Neither company will comment on the scrape, but Viacom says Mattel remains a "valued advertising partner." More generally, President Mel Karmazin in an interview is blunt about his company's strategy: "You find it very difficult to go to war with one piece of Viacom without going to war with all of Viacom."

Viacom and its big media peers have been snapping up cable channels because they're one of the few entertainment outlets generating strong revenue growth these days. More broadly, the media giants have discovered that owning both broadcast and cable outlets provides powerful new leverage over advertisers and cable and satellite-TV operators. The goliaths are using this advantage to wring better fees out of the operators that carry their channels and are pressuring those operators into carrying new and untried channels. They're also finding ways to coordinate promotions across their different holdings.

Entertainment giants such as Viacom, NBC parent General Electric Co. and Walt Disney Co., which owns ABC, now reach more than 50% of the prime-time TV audience through their combined broadcast and cable outlets. The total rises to 80% if you include the parents of newer networks—such as News Corp.'s Fox and AOL Time Warner Inc.'s WB—and NBC's pending acquisition of Vivendi Universal SA's cable assets, estimates Tom Wolzien, an analyst at Sanford C. Bernstein & Co.

The big media companies are quietly recreating the "old programming oligopoly" of the pre-cable era, notes Mr. Wolzien, a former executive at NBC. Of the top 25 cable channels, 20 are now owned by one of the big five media companies.

The idea of owning broadcast networks as well as cable channels is "comfortable for people like ourselves," says Bob Wright, chairman of NBC, which two weeks ago signed a preliminary agreement to acquire Vivendi Universal's USA and Sci Fi cable channels, along with the Universal film studio, bolstering a stable of cable channels that includes Bravo, MSNBC and CNBC.

For the past several years, Viacom and other media companies have pressed the Federal Communications Commission to relax restriction on owning local TV stations. One of their main arguments: Their audience is shrinking as cable booms and the TV audience fragments. The original three broadcast networks now capture only 33.7% of the prime-time television audience, down from 69.3% in 1985–86. Cable now boasts a 49.3% share, compared with 7.5% in the mid-'80s, according to a Cabletelevision Advertising Bureau analysis of data from Nielsen Media Research.

But with the wave of consolidation and the increased reach of the media giants, some cable systems are fighting to keep restrictions on TV-station ownership in place. Cox Enterprises, parent of the fourth-biggest cable operator, Cox Communications, has argued that the big broadcasters are abusing protections granted them under federal law. The broadcasters, Cox argues, are using those protections to charge cable systems more for their cable channels. Cox and others have complained to the FCC that media companies make them accept less-popular cable channels in exchange for carrying their broadcast networks.

Media companies counter that their consolidation only puts them on a level playing field with cable operators, who are themselves merging into giants. Comcast Corp.'s acquisition of AT&T Corp.'s cable division last year gave it a reach of more than 21 million homes, for instance, almost 30% of homes served by cable. Comcast has already begun to tell cable channels it wants to save money on what it pays for programming, setting the scene for increasingly contentious negotiations with big media companies.

"There has been so much consolidation" among the distributors that "unless you are equally big . . . you risk a situation where you can be marginalized," says Viacom President Karmazin.

FOLLOWING THE MONEY

In buying up cable channels, the media conglomerates are simply following the money. The music business is shrinking rapidly as piracy eats into sales. Universal Music Group, the world's biggest, is now thought to be valued at $5 billion to $6 billion, less than half what it was a few years ago. The film business is volatile, with a quarter's performance dependent on whether movies bomb or not. The publishing business is steady but grows at a slow pace. Broadcast television's audience is shrinking, and its business model is entirely dependent on advertising revenue, a cyclical business.

Cable channels are gushing cash because they generate revenue from two sources—subscriptions and advertising. The subscriptions don't come directly from customers, but through cable-TV services, which operate the vast array of wires and pipelines connected to homes, and through satellite-TV services that beam the signal. For the right to carry the programming on their systems, these cable-operating companies pay a range of monthly fees, from 26 cents a subscriber for VH-1 to more than $2 for ESPN. These fees, for the most part, increase every year, providing a steadily rising annuity for the channel owners.

As cable viewership has increased, so has advertising. Since 1980, cable-channel ad revenue has risen from practically nothing to $10.8 billion in 2002, according to the Cabletelevision Advertising Bureau. Some channels, meanwhile, are cashing in on strong brand names. Nickelodeon, for one, is a merchandising powerhouse, with products including Dora the Explorer backpacks and SpongeBob SquarePants videogames.

The result has been an explosion in profits. MTV earned just $54 million in 1989, estimates Kagan World Media, but is expected to make more than 10 times that much this year. QVC, the home shopping channel, generates so much money that Liberty Media recently agreed to buy full ownership of the channel at a value of about $14 billion—the same value put on all of Vivendi Universal's film and TV assets.

Cable channels' surging profits have transformed the bottom lines of their parent companies. E.W. Scripps Co., the 125-year-old Cincinnati newspaper publisher and TV-station owner, now relies on its cable division for much of its profit growth. In 1994, Scripps launched the Home and Garden channel on the initiative of a TV executive, Ken Lowe, amid widespread skepticism. One Scripps newspaper publisher approached Mr. Lowe at the time to complain "a lot of the cash that I'm making here is being shipped to you . . . You better know what you're doing," Mr. Lowe recalls.

Nine years later, HGTV has become one of the most popular cable channels with shows such as "Design on a Dime" and "House Hunters." Scripps added a controlling stake to the Food Network in 1997. In the second quarter of this year, the impact of cable channels, including the Home and Garden channel and the Food Network, was clear; Newspaper and broadcast-TV profits both fell, while cable-channel profit jumped 70%, helping Scripps's net profit more than double. Scripps stock is trading near its 52-week high of $90.65, up almost 30% for the past 12 months.

The publisher who had complained about the cable-channel investment recently thanked Mr. Lowe, now Scripps's CEO, noting that the rise in Scripps's stock price would put his three children through college, Mr. Lowe says.

Since 1990, almost half of the top 50 cable channels have changed hands. Among the big deals: Disney's $19 billion acquisition of ESPN's parent, Capital Cities/ABC, and Time Warner's $6.7 billion purchase of CNN parent Turner Broadcasting, both negotiated in the summer of 1995. In 2001, Disney bought the Family channel from News Corp. for $5.2 billion.

Last year, NBC bought Bravo for $1.3 billion. CBS, owner of the Nashville Network (now Spike TV) and Country Music Television, itself was gobbled up in 2000 by MTV's longtime parent, Viacom. Viacom has since added channels such as BET and Comedy Central.

Mr. Karmazin recently boasted to investors that the company's broadcast and cable outlets reach 26% of the nation's viewers in prime time, a significantly bigger share than any other company. Having such a big market share is "real important for lots of reasons, in terms of dealing with advertisers and our cable partners," he told investors.

Ad sales and marketing executives from the CBS and MTV Networks divisions meet regularly to share information and plot cross-promotional opportunities. In January 2001, MTV staged the halftime show for the Super Bowl, which was broadcast on CBS, featuring performances from Aerosmith and Britney Spears.

Last fall, CBS helped stem a slide in young women viewers of its reality blockbuster series "Survivor" with a documentary on the series that ran repeatedly on MTV before the new season of Survivor premiered. The premiere episode of "Survivor" on CBS saw a 25% jump in its young female audience, says George Schweitzer, executive vice president of marketing for CBS. CBS promoted its sitcom "King of Queens" through a special last Friday on Viacom's Comedy Central cable channel.

PROTECTING ONE ANOTHER

The broadcast and cable sides of Viacom generally don't try to sell ads jointly, but the common ownership allows them to protect each other's flanks. At a presentation to advertisers last spring, MTV executives compared the audience reach for most of MTV Networks with ABC, NBC, Fox and WB—but CBS's figures weren't included in the breakdown, so that MTV didn't siphon ads from its corporate cousin.

Meanwhile, Disney's ownership of both ABC and ESPN allows it to spread out the cost of expensive sports packages such as its deals with the National Football League and the National Basketball Association. ABC Sports is, in fact, overseen by the same executive who runs ESPN, George Bodenheimer, and the two operations regularly promote each other's programming and share talent.

Joint ownership of cable and broadcast is particularly valuable in negotiations with cable operators. A 1992 law allows broadcasters to regularly renegotiate the price for carrying TV stations' signal on cable. While broadcasters could charge a cash fee, they usually offer the broadcast stations free in exchange for carrying a new cable channel they've launched. Few viewers would subscribe to cable if ABC, CBS or NBC weren't on the channel line-up, so the cable operators have little leverage.

The strategy lets broadcasters add more cable channels, including many narrowly focused networks. Since 1993, big media companies have launched at least 35 new cable channels by bartering the right to carry their broadcast stations, estimates George Callard, an attorney with Cinnamon Mueller, a law firm that is counsel to the American Cable Association.

Using such a strategy, cable operators say, Disney has shoehorned its Soapnet cable channel, which features reruns of soaps such as "General Hospital," into services reaching 33 million homes. Disney argues that fewer than half of those homes have the channel as a result of a barter arrangement.

Cox Enterprises complained in a filing with the FCC in January that Cox Communications has to agree to carry Soapnet nationally in exchange for the right to offer ABC stations in just a few of its markets. A Disney spokesman says Cox is a "savvy negotiator" that "wouldn't have signed the deal unless they found value in it."

Catalina Cable, a cable-TV operator on Catalina Island off the California coast, has only 1,449 customers. Ralph Morrow, Catalina's owner, says he was asked to carry Soapnet when he tried to renew his right to carry a Disney ABC affiliate for the beginning of 2000. He says he suggested paying cash for ABC instead. Disney's response was that the cash fee for ABC would be "really high," he says. "They made it clear to me" that he didn't have that option "at a reasonable price." A Disney spokesman says Mr. Morrow mischaracterized its offer, noting that Disney offers operators "multiple options, including a stand-alone cash offer which we believe to be a fair offer and fair value."

Mr. Morrow, who says he doesn't see the need for a soap-opera channel, now pays Disney 11 cents a subscriber for Soapnet. Disney responds that surveys of viewers have shown Soapnet to be popular. The channel drew 97,000 viewers in July and August, according to Nielsen. In the same period, HGTV—which is available in about two and a half times as many homes—averaged 457,000 viewers.

Mr. BURNS. Mr. President, I rise today in opposition to the resolution. I say this as someone who is unhappy with the core aspects of the FCC's ruling. I disagree with the move to lift the 35 percent national television viewership cap. I believe the 35 percent ceiling has served us well in preserving the goals of competition, localism, and diversity.

However, the decision was extremely comprehensive and complicated and included some changes which I do favor. For example, I strongly support the Commission's approach to ease the ill-advised restrictions on newspaper-broadcast cross-ownership. The empirical data from the newspaper/broadcast station combinations that were grandfathered in shows that this has allowed for a greater diversity of voices.

Miles City in my home State of Montana provides a vivid example. KATL-AM and the Miles City Star are one such operation. Each operates autonomously and KATL provides valuable local news coverage to the area. Through the pooling of resources, smaller stations which might not be viable are able to maintain their economic health and continue to serve the local community.

Again, I reiterate my strong opposition to the FCC's decision to lift the national broadcast ownership cap to 45 percent from 35 percent. If the major networks are allowed to own even more of their affiliate stations, local concerns will have less of a role in shaping what programming makes it on the air.

Affiliate stations that are independently owned may choose, from time to time, to preempt network programming that they believe does not conform to the mores of their local communities. That is localism. I guarantee that the local views of the citizens of Butte, MT differ from those of the citizens in New York City. Independently owned stations are answerable only to local demands. So, if the station owners feel certain programming doesn't reflect their local community values, they keep it off the air.

Not only will lifting the cap mean that stations are less likely to preempt programming, but it also means that there will be less local input into the composition of network schedules. As the networks own more and more of their affiliates, the independently owned affiliates will lose negotiating leverage. In short, you'll see programming decisions made more and more in

Los Angeles and New York, instead of in local markets.

We already raised the national television cap in 1996 from 25 percent to 35 percent. It would be premature to raise it again so soon.

I fully understand the sentiment that lead to this resolution. I agree with the concerns of many of my colleagues, particularly on the television cap. However, this is not the way to go about it.

The Commerce Committee upon which I serve—has moved to protect the national broadcast cap. I also serve on the Appropriations Committee and the Commerce, Justice, State bill for this year includes a measure to protect the 35 percent cap. I support these moves, which target individual rule changes, rather than the resolution being considered today, which rolls back the entire decision.

Again, I emphasize I am not happy with the FCC ruling. But I don't think the answer is to wipe out every aspect of the FCC ruling with one single vote. If we are going to get it right, we need to look at each regulation and each issue individually. Let's not throw out the baby with the bathwater.

I urge my colleagues to oppose the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. McCAIN. Mr. President, I control the time.

Mr. NICKLES. Mr. President, will the Senator from Arizona yield to me?

Mr. McCAIN. We have been going back and forth, and I will yield to the other side and then yield to the Senator from Oklahoma.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, I am proud to be a cosponsor of S.J. Res. 17, the joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

I reviewed the press release the FCC issued on June 2 to announce its changes to the ownership rules. The press release was entitled, "FCC Sets Limits on Media Concentration." The problem with that press release was that the FCC did not set limits; it virtually abolished them. A majority of the FCC commissioners capitulated to an industry they no longer hold at arms' length.

I say capitulated because I read that FCC commissioners and other agency officials have taken more than 2,500 trips valued at $2.8 million since 1995, paid for by the industry the FCC is supposed to regulate. How "arm's length" is that?

As an aside, I am heartened that the FCC reauthorization bill the Commerce Committee report puts an end to industry-sponsored travel for FCC Commissioners and staff.

With respect to the ownership rules, it was regrettable that FCC Chairman Michael Powell saw fit to hold one and only one public hearing on the subject.

And it was regrettable that Chairman Powell appeared to be willing to talk with industry officials and the press about the proposed rule changes, but not with the Commerce Committee, until the rule was issued.

It was regrettable that the FCC officials went to great lengths to point out that the agency received nearly one million comments and constituent post cards on the rule changes, and then chose to disregard the vast majority of them.

It is regrettable that the so-called "diversity index" cited as justification for further deregulation cannot be used in a petition to determine if companies are violating ownership limits.

It is particularly regrettable that three of the five Commissioners apparently feel that news is just another commodity, like shoes or cars.

News is not just another commodity, except to the media barons who stand to benefit most from the FCC rule changes.

Here is what Lowry Mays, the founder and CEO of Clear Channel, had to say in Fortune magazine recently:

> We're not in the business of providing news and information . . . We're simply in the business of selling our customers products.

Remember, this is the man whose company owns over 1,200 radio stations with some 110 million listeners spread across all 50 States and the District of Columbia.

So much for the public interest.

Over the years, Congress established media ownership rules to ensure that the public would have access to a wide range of news, information, programming, and political perspectives. Over the years, the courts have repeatedly recognized the public interest goals of diversity, competition, and localism.

Consolidating media ownership means that a few large corporations can exercise considerable control over the news.

Is it really in the public interest to make it easier for a few companies to dominate the airwaves and determine what news the American people will, or will not hear?

As the distinguished jurist Learned Hand remarked in 1942, "The hand that rules the press, the radio, the screen, and the far-spread magazine rules the country."

I am the only member of the Commerce Committee from the New York metropolitan area. In my back yard, News Corp. already owns two VHF broadcast stations, a daily newspaper, a broadcast network, a movie studio, a satellite service, and four cable networks. Under the new rules the FCC issued, News Corp. will be able to add another TV station and own a total of eight radio stations. And do not forget: News Corp. is gobbling up DirecTV.

That is not diversity. That is not "fair and balanced."

At a Commerce Committee hearing on media ownership, Mel Karmazin of Viacom argued that "Americans are bombarded with media choices via technology never dreamed of even a decade ago, much less 60 years ago."

That is true, but misleading. Who owns these media? Viacom owns CBS and UPN; 35 television stations that reach 40 percent of the national viewing audience; Paramount Studios; and cable channels such as VH1, MTV, BET, Nickelodeon, Comedy Central, and Showtime.

Viacom, through Infinity Broadcasting, also owns 185 radio stations and has substantial ownership interests in several Internet properties, including CBS.com and CBSMarketwatch.com. Viacom even owns Blockbuster, so it has a significant stake in video and DVD rentals.

It should be self-evident that consolidating media ownership would make it possible for a few large corporations to exercise considerable control over the news.

Media giants also exert enormous control over advertisers. I received a letter last month from Neil Faber, president of NexGen Media, a company that specializes in national and spot broadcasting, print, and outdoor media buys. He wrote:

> For decades I have been deeply concerned with this direction of increasing concentration of ownership. This concentration limits consumer choice and results in higher advertising rates that, in all probability, have been passed on to the consumer in the form of higher prices for products or services and tends to constrain diversity of viewpoints.

New York Times columnist William Safire summed up the problem and what is at stake in a May 22 column. He wrote:

> The overwhelming amount of news and entertainment comes via broadcast and print. Putting those outlets in fewer and bigger hands profits the few at the cost of the many. . . The concentration of power—political, corporate, media, cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

In the 1996 Telecommunications Act, Congress directed the FCC to conduct a biennial review of the rule changes the Act contained. Given the complexity of the issue, a biennial review was overly ambitious.

Be that as it may, Chairman Powell said during the biennial review that led up to the rule changes proposed in June, "Getting it right is more important than just getting it done." He said that, but then he did the opposite. The FCC got it done, but did not get it right.

Getting it right means serving the public interest, not increasing ownership concentration and boosting profitability for a few companies' share-holders.

I hope the Senate will pass this joint resolution to send a strong, unequivocal message to the FCC that it got it wrong on June 2.

I ask Unanimous Consent that the letter I received from Neil Faber and the May 22 op-ed by William Safire that appeared in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEXGEN MEDIA WORLDWIDE,
INCORPORATED,
August 8, 2003.

Senator FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am the founder, President, and Chief Executive Officer of NexGen Media Worldwide Inc., a media company that specializes in the planning and execution of media buys across virtually every medium, including national and spot broadcasting, print, and outdoor. We have been in business almost twenty-five years.

As both a media and advertising professional, as an Adjunct Professor of Marketing at NYU for fifteen years, and as a concerned citizen of the U.S. and the State of New Jersey, I am responding to the recent article in The New York Times by Michael K. Powell, Chairman of the Federal Communications Commission on the subject of the FCC's decision that would allow one company to own broadcast stations reaching up to 45% of the national market, an increase from the current cap of 35%.

For decades, I have been deeply concerned with this direction of increasing concentration of ownership. This concentration limits consumer choice and results in higher advertising rates that, in all probability, have been passed on to the consumer in the form of higher prices for products or services and tends to constrain diversity of viewpoints.

It is certainly true that the U.S. has a diverse media marketplace. It is in the spirit of maintaining this diversity that we should avoid concentration of media in the hands of the few. In the past, each local radio station in most markets, as an example, was primarily run by separate entities. While the number of stations is greater, the ownership is by fewer companies. So, this results in fewer independent sources of information (i.e., news, weather, traffic), entertainment, and fewer diverse editorial viewpoints. When one looks at television, the Television Bureau of Advertising shows that from 1980 to the present, the number of television stations available per home grew 8 fold. Yet, the average number of television stations that viewers watch weekly increased by only 2½ times. So, while station options have grown dramatically over this period, relatively speaking, why did the number of stations viewed increase at a dramatically disproportionately lower rate? These facts strongly suggest that there should be more independent outlets, more diversity, with greater freedom of programming choices.

It is logical that even if each station in a corporate structure were totally independently run, at some place in this corporate hierarchy the general manager of each station still reports to one or more top level corporate executives whose major responsibilities include providing "guidance" to maximize the corporation's profits. This reality further supports the contention that concentration of ownership also tends to inflate advertising prices and limit editorial viewpoints.

Mr. Powell writes that the major networks own a small percentage of all television stations. The fact is, however, that the stations owned by the networks include those in the major markets that represent the lion's share of the audience in both the local markets and nationally. Here, too, concentration of ownership presents a potential risk to independent and diverse editorials and creates the framework for higher advertising rates. This is analogous to what occurred in this year's Network Television "upfront" marketplace in which advertising prices skyrocketed in the area of approximately 15% to 20% despite an arguably weak economy. It is interesting to note that the advertising dollars deployed for the upfront were concentrated with just a few mega-media buying services accounting for more than 75% of the advertising spent with the networks.

As another example of how concentration of ownership can adversely affect the capacity to effectively negotiate, look at sports programming. It is true, as Mr. Powell states, that many top sports programs have moved to cable and satellite. But, the large media giants also own these outlets, i.e., more concentration. So when negotiating with these cable companies, e.g., advertisers are, in reality, negotiating with the same few media giants who control them.

We live in a free society. Limiting ownership and concentrating media power cuts against the grain of free society choice that is indigenous to our democracy. Competition allows for choice and the ability to have greater choice benefits both consumers and the advertising community. This country needs to move towards more independent stations in the future rather than continuing to concentrate media ownership in the hands of the few. It is not whether we should specifically increase the cap from 25% to 45%, it is the direction to more concentration that needs to be reversed.

Sincerely,

NEIL FABER,
President.

[From the New York Times, May 22, 2003]

THE GREAT MEDIA GULP

(By William Safire)

The future formation of American public opinion has fallen into the lap of an ambitious 36-year-old lawyer whose name you never heard. On June 2, after deliberations conducted behind closed doors, he will decide the fate of media large and small, print and broadcast. No other decision made in Washington will more directly affect how you will be informed, persuaded and entertained.

His name is Kevin Martin. He and his wife, Catherine, now Vice President Dick Cheney's public affairs adviser, are the most puissant young "power couple" in the capital. He is one of three Republican members of the five-person Federal Communications Commission, and because he recently broke ranks with his chairman, Michael Powell (Colin's son), on a telecom controversy, this engaging North Carolinian has become the swing vote on the power play that has media moguls salivating.

The F.C.C. proposal remains officially secret to avoid public comment but has forced into the open by the two commission Democrats. It would end the ban in most cities on cross-ownership of television stations and newspapers, allowing such companies as The New York Times, The Washington Post and The Chicago Tribune to gobble up ever more electronic outlets. It would permit Viacom, Disney and AOL Time Warner to control TV stations with nearly half the national audience. In the largest cities, it would allow owners of "only" two TV stations to buy a third.

We've already seen what happened when the F.C.C. allowed the monopolization of local radio: today three companies own half the stations in America, delivering a homogenized product that neglects local news coverage and dictates music sales.

And the F.C.C. has abdicated enforcement of the "public interest" requirement in issuing licenses. Time was, broadcasters had to regularly reapply and show public-interest programming to earn continuance; now they mail the F.C.C. a postcard every eight years that nobody reads.

Ah, but aren't viewers and readers now blessed with a whole new world of hot competition through cable and the Internet? That's the shucks-we're-no-monopolists line that Rupert Murdoch will take today in testimony before the pussycats of John McCain's Senate Commerce Committee.

The answer is no. Many artists, consumers, musicians and journalists know that such protestations of cable and internet competition by the huge dominators of content and communication are malarkey. The overwhelming amount of news and entertainment comes via broadcast and print. Putting those outlets in fewer and bigger hands profits the few at the cost of the many.

Does that sound un-conservative? Not to me. The concentration of power—political corporation, media, cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

Why do we have more channels but fewer real choices today? Because the ownership of our means of communication is shrinking. Moguls glory in amalgamation, but more individuals than they realize resent the loss of local control and community identity.

We opponents of megamergers and cross-ownership are afflicted with what sociologists call "pluralistic ignorance." Libertarians pop off from what we assume to be the fringes of the left and right wings, but not yet realize that we outnumber the exponents of the new collective efficiency.

That's why I march uncomfortably alongside CodePink Women for Peach and the National Rifle Association, between liberal Olympia Snowe and conservative Ted Stevens under the banner of "localism, competition and diversity of views." That's why, too, we resent the conflicted refusal of most networks, stations and their putative purchasers to report fully and in prime time on their owners's power grab scheduled for June 2.

Most broadcasters of news act only on behalf of the powerful broadcast lobby? Are they not obligated, in the long-forgotten, "public interest," to call to the attention of viewers and readers the arrogance of a regulatory commission that will not hold extended public hearings on the most controversial decision in its history?

So much of our lives should not be in the hands of one swing-vote commissioner. Let's debate this out in the open, take polls, get the president on the record and turn up the heat.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this resolution. By using the Congressional Review Act, which I worked on and helped pass with my colleague and friend Senator REID from Nevada, we would totally throw out the entire FCC regulation. Some people disagree with parts of the regulation, but we would be throwing out the entire regulation.

The Senator from Arizona said let's do this the old-fashioned way. Let's have hearings and mark up a bill so there is a bill that is going through the authorizing committee and there is also some language going through the Appropriations Committee. Maybe those are better and more appropriate vehicles than the Congressional Review Act, which rejects the entire regulation.

What about the cross ownership rules? Cross-ownership rules say if one has a newspaper, they cannot own a TV station, or vice versa. Well, unless they were grandfathered years ago, they could, but if they are new in the business, they cannot own both. The ban on cross ownership was modified on sound reasoning and solid evidence. The antiquated ban should not be reinstated.

My colleague from Nevada, who is now presiding, said things have changed. We now have thousands of radio stations. We have lots of opportunities. We have new vehicles. We have the internet. We have cable. We have lots of opportunities for people to get their news from a variety of sources. If we throw out these rules, we are almost saying we want to live by and maintain those old rules, which really are archaic and do not work.

This is too Draconian of a measure, to throw out the regs in their entirety. I urge our colleagues to vote no on the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time is remaining on both sides?

The PRESIDING OFFICER. On the Republican side, 3 minutes 44 seconds. On the Democratic side, there are 10 minutes 13 seconds.

Mr. McCAIN. Mr. President, I will take 1 more minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, again, I do not view this issue as one that is driven by ideological bias, but it is one which I think deserves a great deal more consideration.

Again, I urge my colleagues, as busy and as crowded as our calendar is, to bring up S. 1046 which has been reported out and is on the calendar. That would give us time to fully debate and amend these very complex and difficult issues. Therefore, I oppose the passage of CRA.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself the remaining time.

I have great respect for those who disagree with the position that I, Senator LOTT, and many others have taken on this issue, but the resolution of disapproval, which is part of the Congressional Review Act, is, in effect, a legislative veto. It is perfectly appropriate to use it in this circumstance.

I will talk a little bit about why this bipartisan resolution is important. First, it is acknowledged by everyone that we have had galloping concentration in the broadcast industry in recent years. One company now owns well over 1,200 radio stations. The same is happening in television. I do not happen to think big is always bad but I think the FCC's new rules will just hasten the day when we have fewer and fewer companies owning virtually all of the broadcast properties in this country.

So if one thinks that what the American people see, read, and hear should be controlled by fewer and fewer people, then they would like the FCC rules and they would want to oppose this resolution of disapproval. But if they believe in localism, diversity, and competition, which are the hallmarks of the reason we provide free licenses and the free use of the airwaves to companies by which they profit, in which we say to them they have responsibilities attached to this license, localism, diversity, competition, if you believe those enhance this country, enhance local areas or communities or counties or States, then you are going to want to support this resolution of disapproval.

A lot of our folks think the FCC has written rules that fundamentally weaken our democracy. Our democracy is nourished by the free flow of information, by localism, by competition. The fact is, three-quarters of a million people sent their comments to the FCC saying: Don't do this. It ranges from the National Rifle Association, National Organization for Women, Walter Cronkite, Jesse Helms. This is a broad-based group of American people who believe very strongly that what the FCC has done is wrong.

The most dramatic rule changes in the history of broadcasting have been embarked upon by the FCC with one hearing in Richmond, VA. They concocted this rule that said: Oh, by the way, here is what we think should happen. We believe it is all right, in the largest city in this country, for one company to own the dominant newspaper, three television stations, eight radio stations, and the cable company. And the same company can do that in the largest city, the next largest city, the next largest city, the next largest city.

It is not all right. We know better than that. Let me describe a little of what is happening with this concentration. Perhaps you are driving down the street in Salt Lake City listening to your car radio, tuning the dial until you find a radio station you happen to enjoy, one with good music, someone with a sonorous voice saying: Good morning in Salt Lake City. It's sunny here. What a beautiful day outside. The sky is blue.

And you think what a great announcer they have in Salt Lake City when, in fact, that person may be broadcasting from a basement broadcast booth in Baltimore, MD. It is called voice track. It is called let's pretend. Let's pretend someone is broadcasting locally, but instead that person is using the Internet information to say it is sunny here in Salt Lake City, trying to make folks in Salt Lake City believe they are broadcasting in Salt Lake City. "Voice tracking"—remember that term.

Central casting—it is the same approach in television. You like that? You just take localism, take local interest out of broadcasting and pretend it is local. If localism is unimportant, why do they even have to pretend?

What about turning on your television set seeing people eating maggots? Yes, you can see that on television. Maybe you don't like seeing people eating maggots. Maybe you think seeing people eat a cupful of maggots shoved in front of them—maybe you think that ought not be shown in our community.

So you call the broadcaster, and you say I am going to complain about this programming. How did you do this? Why would you show a program in which people eat maggots?

And the broadcaster writes back—this happens to be a July 25 letter. I won't use names:

> We received your letter dated June 30, 2003, regarding the content of the . . . show. . . .
>
> We forwarded your letter to the . . . Network. The Network, not [us], decides what shows go on the air here for the . . . Owned and Operated Television Stations.

The network likes maggots. It comes to your hometown and you don't have a choice, nor would a local broadcaster, and certainly not affiliates, stations owned by the broadcaster. They are going to broadcast it.

What has happened to localism? Dead? Wounded? Bleeding? If the FCC has its way with this rule, it will be gone, just plain gone.

Is there a reason for us to be concerned? I think so. There is a broad, bipartisan group of interests in the Senate using the legislative veto to say let's say to the FCC: What you have done is wrong.

Let me read a letter from our distinguished former colleague, Jesse Helms, because, as always, he puts it very succinctly.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 13 seconds.

Mr. DORGAN. Jesse Helms wrote a letter to my colleague, TRENT LOTT.

> Dear Trent:
>
> Thank you for your leadership in trying to undo the disaster created by the Federal Communications Commission's new media ownership rules. These rules will benefit huge conglomerates and no one else.

Let me point out, Senator Helms is one of the few people who served in this Senate who came from a broadcast background.

> Sometimes I think people in Washington, particularly at the Commission, have forgotten that the FCC role is to preserve localism, diversity, and competition. In no way are those criteria supported by the recent FCC ruling. If the commission fails, as it has, then Congress must step in. You and Senator DORGAN have done that. I can think of no reason to allow fewer companies to own more and more of the media. Media ownership is a bipartisan issue that commands a close review by Democrats and Republicans.
>
> When your resolution comes to the Senate floor, I'll be cheering for 51 votes.

It is signed by Jesse Helms, former U.S. Senator.

In this morning's newspaper, the FCC chairman, Mr. Powell, makes comments about what we are doing here today. I happen to like Chairman Powell. Personally, I think he is a good person. We have had a good relationship. I think he has made a horrible mistake. His leadership on this issue at the Federal Communications Commission, as I have said previously, has led the Commission to cave in as quickly and as completely to the special interests as anything I have ever seen.

Mr. Powell says "the move in the Senate today" referring to this move "is bordering on the absurd."

I am sorry. There is nothing at all absurd about the Senate taking direct aim at a rule by a Federal regulatory agency that is wrongheaded, and saying we are going to veto this rule. There is nothing absurd about that at all.

This Congress has the right under this legislation to do it. This has been rarely used. It is the second occasion in which the Senate has used this. We would only do it when a regulatory agency, issuing regulations, has so starkly decided to misrepresent what is the public interest.

The FCC is a regulatory body. One would expect them to wear striped shirts and have a whistle and blow the whistle when it is needed on behalf of the public interest, to stand up for the public interest. But when regulatory agencies refuse to stand for the public interest, then we must take action.

My colleague, Senator MCCAIN, talks about S. 1046. I am a cosponsor of that legislation. I support it very strongly. I hope the Senate will pass that as well. I will only observe that this resolution of disapproval will run into some whitewater rapids when it comes to the House. I understand that. So, too, would S. 1046 if it gets to the House of Representatives.

The fact is, we ought to in every conceivable way avoid the problems that will come from these rules. My colleagues and others have talked about the problem of growing concentration in the media. It is getting worse, not better. The worst possible result, in my judgment, would be to say let's just let the FCC rules go into effect.

A Federal circuit court has already issued a stay. They understand that the American people were not given the opportunity in the hearing, the one hearing that existed in Richmond, VA. The case has not been made for this FCC rule. So we have a stay at the Federal court.

A reasonable step and a thoughtful step on behalf of this Senate is to stand up this morning for the public interest and say to the FCC: You had a responsibility and you failed. We have every right under the Congressional Review Act to enact, this morning, a resolution of disapproval. I hope sufficient numbers of my colleagues will join me, will join Senator LOTT, and others, in a strong bipartisan resolution to say we don't like what the FCC has done. We think it is not at all in support of the public interest. We believe it undermines this democracy which rests on the free flow of information. We believe we ought to disapprove of this rule.

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, at the request of the leadership, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—55

Akaka
Alexander
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Stabenow
Voinovich
Wyden

NAYS—40

Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Domenici
Ensign
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Santorum
Sessions
Specter
Stevens
Sununu
Talent
Thomas
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Leahy
Smith

The joint resolution (S.J. Res. 17) was passed, as follows:

S. J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to broadcast media ownership (Report and Order FCC 03-127, received by Congress on July 10, 2003), and such rule shall have no force or effect.

Mr. DORGAN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE—H.R. 2754

Mr. DOMENICI. Mr. President, we are currently on the energy and water bill. There is pending a Feinstein amendment. We have talked about it.

I ask unanimous consent, and this is acceptable to the other side and the proponents, that a vote occur on or in relation to the Feinstein amendment at 2:30 p.m. this afternoon.

Mr. REID. Reserving the right to object, I ask there be no amendments in order prior to that vote and that the time between 2:15 and 2:30 be equally divided.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to the Senate, we are on an energy and water bill. There is no long list of amendments we are aware of. We are aware of two, maybe three amendments. We ask that Members help us finish this evening. It seems now it is the will of both the majority and the minority we finish tonight.

The next subject matter will be an appropriations bill, from what I understand. The majority leader has so committed the next bill will be an appropriations bill. There should be no reason why we cannot finish this bill tonight. There may be two amendments. There may be three. On the other hand, there could be just one. We would like Senators to help by getting those amendments as soon as possible so right after the 2:30 vote we can move right ahead with the next amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, through you to my distinguished Chair of the subcommittee, Senator JACK REED of Rhode Island is ready to offer his amendment immediately following the vote on the Feinstein amendment. We understand there may be an amendment offered by Senator CANTWELL. There may be some procedural problems with that. We are still working on that. I am confident she will be ready to offer that as soon as we finish the Reed amendment. There may be another amendment Senator DOMENICI and I have been working on, working with the chairman of the full committee to see if that can be resolved in some other way.

I have not spoken to either of the leaders about this, but I have had many questions about the storm that is coming. People are very concerned about that for very personal reasons. The storm, we believe they have indicated, now will strike about noon on Thursday. If it keeps going the way it is, it will be a very devastating storm. We know some people have obligations this weekend. As I said, I have not spoken to the two leaders, but as the storm develops I am sure they will talk to us.

I agree with the chairman of the subcommittee, Senator DOMENICI. We will move forward and have all the amendments offered tonight and finish this bill tonight. If there is some reason we cannot do the votes tonight, we will have the votes set for tomorrow morning. We will move to expeditiously finish this bill as soon as possible.

The PRESIDING OFFICER. The Senator from Wyoming.

GRAMPA ENZI

Mr. ENZI. Mr. President, this last weekend I got a new name. Fifty-nine years ago when I was born I was named Michael Bradley Enzi. The middle name comes from my Grampa and Gramma Bradley on my mother's side. They were homesteaders in Montana. My grandfather on my dad's side homesteaded in North Dakota and named his son Elmer, but he died shortly after I was born and before I could know him. My dad's favorite song was "Elmer's Tune" but he thought there were enough Elmers already and named me Michael. I grew up being Mickey and then Mike. As I mentioned, this last weekend I got a new name and I am truly delighted.

I am now Grampa—and that is spelled with an M, not an N, and there is no D in it. I will explain that in just a moment.

My son and his wife had a son. My son, also like me, had the good fortune to overmarry, to Danielle, a delightful young lady from Kentucky whom he met in Washington, DC. She is one of the most organized, focused, and thoughtful people I know. My son Brad and daughter-in-law Danielle had a son. I cannot begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands.

When my son was born, we named him Michael Bradley Enzi, as well, and instead of giving him the title junior we just used his middle name Brad to avoid confusion. Now we have a third Michael Bradley Enzi, but we do not believe in titles so we call him Trey to avoid confusion. Now Danielle and Trey had extremely fortunate timing for Diana and me. Trey was supposed to be born the end of this month, but he and his mother moved that up to when Diana and I were in the neighborhood. Diana and I met Brad and Danielle on Friday so I could get the transportation system. We used to call that strollers and car seats; now it is transportation systems. My dad started a tradition of buying the wheels for my kids. That means the wagons, the skateboards, the rollerblades, the bikes, et cetera. When I heard I was going to be a grampa, I staked the "wheels" out, too.

So we picked out the transportation system. Danielle thought she started having contractions. We knew she had walked a lot. So Brad checked her into the hospital at midnight. At 8 a.m. the water broke, and at 4:21 p.m., Saturday, September 13, we all got new names. Trey weighed 6 pounds 14 ounces and was 20½ inches long, with huge hands and long feet, of course—his 6 foot 8 inch dad, who played basketball for Wyoming, has size 16 feet and easily palms a basketball.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for that special aura of being a mother, that she had just given birth. The rest of us were emotional wrecks. The best way I can tell you of the thrill is to tell you that we canceled the events of the weekend and extended an extra day, and I spent as much of that time as I could just holding that baby, watching him breathe and move ever so slightly, and listened to every little sound he made. Of course, I had to let Diana hold him a little, too. And his mom and dad even wanted turns.

If you would have told me I would spend hours just gazing at this miracle of life, and having only that thought for hours, I probably wouldn't have believed you. But I have some instant replay memories of that little face and those moving hands and those blankets and that cap, to hold the body heat in, locked in my mind.

I am constantly doing little instant replay memories for myself and thanking God for the opportunities he has given me—from finding Diana and learning about prayer with our first child, the daughter who was born premature, who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, who just got married, to helping me through open heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the Prayer of Jabez in Chronicles, where he says: "Lord, please continue to bless me, indeed." And to that I add my thanks for this and all the blessings noticed and unnoticed.

So I am a grampa. That is not grandfather—too stilted. Years ago my daughter gave me a hand-stitched wall hanging that says: "Any man can be a Father, but it takes someone special to be a Dad."

The name is also not grandpa. That is a little too elevated. My grampa—spelled with an M and no D—my Grampa Bradley took me on some wonderful adventures. He taught me a lot—fishing, hunting, and work. He "let" me help him plant and water trees when I was 4. He showed me how to chop sagebrush and make flagstone walks. He covered up holes he encouraged me to dig. He covered them so people wouldn't drive a car into them. He taught me how to spade a garden, mow a lawn, and trim it properly.

He later showed me the point in life when you are supposed to start carrying the heavy end of the log. Later in life, he had heart trouble and couldn't go fishing by himself, so he took me along. After a few minutes, he would place himself at the picnic area and visit with the tourists who stopped. He would tell them about his grandson who would be arriving shortly with fish and have quite a group waiting for my return.

He liked to be called Grampa. And I am now delighted to have the opportunity to earn that name. I wish I could adequately share with you the joy in my heart.

Trey, grandson, welcome to this world of promise and hope and love.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I congratulate the Senator from Wyoming, who just entered another phase of his life. He is a grampa, but he can also get very silly. I am a grandpa, and I know the silliness that comes along with it. It is a wonderful kind of silliness, and it is a dimension in life of which I hope all men have the opportunity to be a part.

So my neighbor in the West and my neighbor here on Capitol Hill, to you and your bride, who is now a grandma, congratulations.

Mr. SESSIONS. Mr. President, will the Senator yield 1 minute, please?

Mr. CRAIG. I yield.

Mr. SESSIONS. Mr. President, I add my congratulations to Grampa ENZI and Diana. There is no Member of this body who exemplifies family values more than those two. There is no Senator who has greater affection in this body. Trey has a great family to join.

My wife Mary and I are so excited for you. She called me early this morning to report the news. We express our congratulations to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Idaho.

THE HEALTH OF OUR FORESTS

Mr. CRAIG. Mr. President, I thought I would spend a few moments this morning talking about an impending crisis that is offshore of the east coast at this moment that may well be headed our way.

Hurricane Isabel could well make its way into this region and do great devastation. That devastation could well be to the forests and the timberlands of North Carolina and Virginia. And it could well be in some areas of Maryland, where it could come ashore.

The reason I stand before the Senate this morning to talk about it is that we in the West are experiencing another kind of catastrophic event in our forests. They are called wildfires. Yet somehow we in the Senate, in the shaping of public policy, do not look at hurricane crises in our forests and our public lands the way we look at wildfires. In August of 1910, a wildfire started in Idaho and Montana, and 3 days later 3 million acres of land were gone.

Our forest health problems are not isolated to the problems of the rural West. In 1989, Hurricane Hugo slammed ashore near Charleston, SC, and cut a path northwest through North Carolina and into Virginia. On the Francis Marion National Forest, 70 percent of the trees were killed. We, the Government, immediately expedited the process of cleanup, salvage, and replanting, funneling millions of dollars into that effort. This is a similar expected path of Hurricane Isabel, and the Governor of Virginia has already declared a state of emergency.

In January of 1998, over 17 million acres of forests were heavily damaged in an ice storm that stretched across New York State, New Hampshire, Vermont, and into Maine. We responded appropriately with $48 million to help in the cleanup.

In the spring of 1999, when a blowdown, followed by a southern bark beetle epidemic, hit the Texas National Forests, we provided emergency exemptions that allowed managers to enter into wilderness areas—believe it or not—to sanitize the stands to slow down the insect infestation.

Just last year, in the supplemental Defense appropriations bill, we helped Senator DASCHLE and Senator JOHNSON deal with forest health emergencies in their State of South Dakota by suggesting that, by law, NEPA appeals not be able to be litigated.

Each time, a commonsense approach was supported by this body when a crisis hit our public forests. Each time, we reached out to our neighbors and said: We will help clean up the forests to ensure the health of the forests and to ensure the vitality of those forests for wildlife and for human life.

As the Healthy Forest legislation comes up for debate, the Senator from New Mexico—who is in the Chamber now to handle the energy and water appropriations bill—and I, the other Senator from Idaho, MIKE CRAPO, and the Senator from Mississippi have been working with our colleagues from California and Oregon to assure that we can begin a process on the public lands of the West to attempt to clean them up, to reassure healthy forests. Yet somehow—by some groups, and by some Senators—it is looked at as an entirely different process from what Hurricane Isabel could well do to the forests of the Carolinas and to the forests of Virginia.

Out West and across other forests of our country, this year we have lost nearly 4 million acres to wildfire and yet we struggle to get the money, we struggle to get the right to allow the process to clean up, to rehabilitate and reestablish the environment of these forests. It is time we wake up. What is happening to the forests of the West today is natural. It is a result of bug kill, it is a result of drought, and it is a result of us taking fire out of the ecosystems a good number of years ago. Somehow now we are not being allowed to treat it the very way we have allowed hurricane damage and other natural damages to be treated.

So I plead with the Congress, I plead with this Senate, to realize this, to work with us to build a healthy forest bill. I thought it was appropriate to come to the Senate floor to say this at a time when Isabel is about ready to hit land and begin to damage the forests of the East Coast.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senate will resume consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Feinstein amendment No. 1655, to prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased today that we have set a time and we are going to vote on the so-called Feinstein amendment. I am also pleased we will hear from a very distinguished Senator whose thoughts and reputation in the Senate, from this Senator's standpoint, are becoming more valid, more looked upon, and listened to.

The issue before us is a straightforward issue that is trying to be made complex. It is not the issue of building new nuclear weapons. Senator CHAMBLISS and I can start off by saying there is nothing in this bill that permits us to build a single, solitary, new nuclear weapon. That requires an act of Congress that is not before us.

Secondly, the Senator knows it provides for the testing ground in Nevada, which we had said since we put it in mothballs, it should be ready for testing at any time. Any time today means 3 years. Under this legislation, at the request of the administration, it will be modernized so it will only take 1½ years to get ready for a test, if a test is necessary.

So far, those things I have said, it would seem to me, should pass this Senate 100 to 0. There are two other issues I am sure my friend from Georgia will explain, but none of them do anything to build a new line of nuclear weapons for this great Nation. That is not the issue, and I hope the Senator from Georgia will join me in convincing a few more Senators this is an issue to be defeated. Small funding, big ideas; little, tiny funding with great repercussions if we fail to do what we ought to do.

I yield the floor and welcome the Senator's comments.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from New Mexico for his kind comments, but most importantly I thank him for his strong leadership on the issue of energy and any number of other issues. In my years in the House I had the privilege of working with the Senator when he was chairman of the Budget Committee. What great leadership he provided, and he is carrying that forward as chairman of the Appropriations Subcommittee on Energy now. It is indeed a privilege and a pleasure to work very closely with him to make sure a strong energy policy is developed in the United States of America, something that is sorely lacking. Under the Senator's leadership we are going to make sure that happens.

Before I make my comments relative to this amendment, though, I cannot help but take a minute to say to the Presiding Officer that as a grandfather twice over, I am very happy for the Chair and Diana. I will say if he thinks he is having fun today, every day gets more and more fun.

Being the obnoxious grandparent I am, I would like to compare pictures with the Presiding Officer as he moves down the road. My pictures of little John and little Parker are something special that I hold very near and dear. I see the Chair already has his. So we will compare them early on.

I rise today to speak in opposition to the amendment offered by my distinguished colleague, Senator FEINSTEIN. I do not support this amendment for several reasons and I would like to take a few minutes to outline my concerns. The amendment offered contains four provisions, all of which will negatively affect our Nation's security and our ability to maintain a modern and safe nuclear weapons capability.

This amendment prohibits our Nation's scientists from researching one of the foremost military challenges our Nation faces, which is an enemy using a hardened, deeply buried facility to protect weapons of mass destruction or carry out command and control operations. Our Nation has just begun exploring whether modified existing warheads might be effective in countering such targets. The underlying bill provides funds to conduct the second year of a 3-year feasibility study to see if existing weapons can be modified to address this critical threat. The bill allows the United States to simply explore—and I emphasize the word—the full range of weapons concepts that could offer a credible deterrent and response to new and emerging threats. It is imperative that our Nation continue to perform this research. It absolutely has to be done.

The funding for advanced concepts that this amendment strikes will also prohibit our scientists from exploring and incorporating changes to our existing nuclear-related programs, including upgrades to safety and security measures that make our nuclear arsenal more reliable and safer. Advanced concepts are the "idea machines" for scientists and engineers at our national laboratories that allow them to take advantage of advancement in technology. Essentially, this amendment would restrict our scientists from doing their job, which is to improve the reliability and sustainability of our programs.

The amendment also restricts funding for the improvement of our country's timeline to prepare for an underground nuclear test. Our goal is to reduce the timeline from the current threshold of 36 months to 18 months. The President could decide that a test is necessary to confirm a problem or test a fix to a problem involving the safety, security or reliability of a nuclear weapon in the stockpile. This administration has determined that, should such a test become necessary, the United States should not have to wait 3 years to address the problem in the stockpile. As our nuclear systems age, the necessity to conduct a test becomes more likely, should the President determine that it is in the national interest to do so. This amendment would make our Nation and our nuclear arsenal less, not more, secure.

The last provision in this amendment would have the most drastic effect, I believe, to our Nation's security. For the first time in more than a decade, the United States will now be able to design and implement a program to manufacture a plutonium pit, an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. In fact, the Department of Energy, in 2002, indicated that the U.S. is the only nuclear power that lacks the ability to manufacture "pits." All pits currently in the U.S. nuclear stockpile were made at the Rocky Flats Plant near Denver, CO, which opened in 1952. The Department of Energy halted pit manufacturing operations there in 1989. The administration has proposed a multi-year planning and design process that would result in a final decision on constructing a modern pit facility in 2011. If construction is approved, the proposed facility would begin full operation in 2020. The modern pit facility allows us to incorporate this capability into our nuclear weapons program and modernize our systems accordingly.

Should this amendment pass, the United States' capabilities for ensuring a safe, reliable nuclear arsenal will continue to regress for several years. This amendment will prohibit the U.S. from taking advantage of the latest technology.

Let me reiterate, the U.S. is not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, the U.S. is not planning to develop any new nuclear weapons at all. Our goal is to maintain a safe, secure, reliable, and effective nuclear weapons program, and for this reason I oppose the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to oppose the amendment. I thought I would comment in three areas.

First of all, I have had an opportunity to visit our laboratories in the United States. I will talk a little bit about that. Then I would like to review where we are in the overall aspect as far as our nuclear weapons are concerned. Finally, I will talk a little bit about what is in the authorization bill we passed in the Senate earlier on in the year, and talk a little bit about the fact that we have considered most of these amendments already. I don't understand why we are bringing them up for reconsideration, because the Senate has spoken.

I had an opportunity earlier this year to go around and visit the laboratories. I began to understand how important it is—that we need to study our nuclear weapons and we need to understand where we are in regard to the strategic nuclear stockpile.

Not long ago, several years back, the hope for the strategic nuclear stockpile was that it would work, but there was skepticism in the scientific community. But going around the laboratories earlier this year, those scientists, very capable scientists, very dedicated employees we have in our laboratories—and they want to see world peace and they don't necessarily want to see the proliferation of nuclear weapons—understand the need for us to know what is happening as far as our own strategic stockpile is concerned; that we need to continue to evaluate the threats from our enemies or potential enemies and where we stand in relation to that threat.

I was convinced that we need to do studies; we need to do some design thought; we need to bring it up for discussion. Nobody is out here saying we need to go into a nuclear arms race. I think that is overstated. But I think there is a lot of science that needs to be known, still, as far as nuclear weapons. We are going through a period of time where our stockpile is aging. Because it is aging, there are some phenomena that we perhaps do not understand. We want to make sure we understand. We want to make sure we have a safe environment and, from a safety aspect, that we understand what happens with aging.

The administration's budget request for fiscal year 2004 included several initiatives to advance their agenda as spelled out in the 2001 Nuclear Posture Review. The Nuclear Posture Review laid out a plan to reduce the nuclear threshold by making advances in conventional munitions and missile defense capabilities, and in revitalizing our nuclear weapons infrastructure, while at the same time reducing the number of nuclear weapons—reducing the number of nuclear weapons in our stockpile from around 6,000 to between around 1,700 and 2,200 operationally deployed nuclear warheads.

One focus of the Nuclear Posture Review is to make advances in our nuclear weapons capabilities to deter future threats instead of maintaining a nuclear weapons stockpile which was designed to deter past threats.

This bill includes funding to support the administration's initiatives. Specifically, the Senate bill provides $6 million for advanced concepts, $15 million to continue a 3-year feasibility study on the robust nuclear earth penetrator, which is commonly referred to as RNEP, and $25 million to enhance our test readiness capabilities at the Nevada Test Site. That was mentioned in previous comments on the Senate floor, how important it is in order to meet our 18-month response requirement that this needs to be met. There needs to be money to meet that requirement. And there is $23 million to continue conceptual design efforts for a modern pit facility. Each of these individual facilities will enhance our Nation's readiness and capabilities in support of the Nuclear Posture Review.

I think the Members of the Senate need to know the Nuclear Posture Review was analyzed by those people in the know, those people who understand what is happening in other countries, people who understand the science and understand where we are in this country.

The advanced concepts initiative will support preconceptual and concept definition studies and feasibility and cost studies approved by the Nuclear Weapons Council. With advanced concepts, we are beginning to challenge our scientists, designers, and engineers to consider what is within the art of the possible. They will be challenged to think, discover, create, and innovate. By supporting the administration's request for the advanced concepts initiative, we will ensure there is an active advanced development program to assess the capabilities of our adversaries, conceptualizing innovative methods for countering those threats, developing weapon system requirements in response to our adversaries, and prototyping and evaluating the concepts.

The advanced concepts initiative will also help our experts to design enhanced safety and security aspects for our nuclear weapons, particularly the aging nuclear weapons that we possess.

The Feinstein amendment would strike this funding for advanced concepts.

The RNEP study is not a new issue for the Congress to consider. Last year, Congress authorized and appropriated $15 million for the first of the 3-year feasibility studies on the robust nuclear earth penetrator. This bill provides funding for the continuation of the feasibility study. It does not authorize the production or deployment of such a capability. The RNEP feasibility study will determine if one of two existing nuclear weapons can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets.

The Department of Energy has modified nuclear weapons in the past to modernize their safety, security, and reliability aspects. We also modify existing nuclear weapons to meet new military requirements. The B61–11, one of the weapons being considered for the RNEP feasibility study, was already modified once before to serve as an earth penetrator to hold specific targets at risk. At that time, the modification was to assure the B61 could penetrate frozen soils. The RNEP feasibility study is an attempt to determine whether the same B61 or another weapon, the B83, could be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attacking such targets is a responsible step for our country to take.

Admiral James Ellis, Commander of U.S. Strategic Command, confirmed in testimony before the Strategic Forces Subcommittee on April 8, 2003, that not all hardened and deeply buried targets can be destroyed by conventional weapons. Many nations are increasingly developing hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. It is prudent to support the study of potential capabilities to address this growing category of threat.

What the Senate bill provides funding for is simply the second year of the 3-year feasibility study, nothing more. Should the National Nuclear Security Administration determine through this study that the robust nuclear earth penetrator can meet the requirements to hold a hardened and deeply buried target at risk, NNSA still could not proceed to full-scale weapon production development or deployment without an authorization and appropriation from Congress.

We should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets and to assess what would be the collateral damage associated with such capability. Then Congress would have the information it needs to decide whether development of such weapons is appropriate and necessary to maintain our Nation's security.

The Feinstein amendment would strike funding to continue the ANEP feasibility study.

The enhanced test readiness initiative has also been closely considered by the Congress and the administration. The House and the Senate Armed Services Committees required the Department of Energy, in consultation with the Department of Defense, to do a study to determine the optimum readiness posture for the Nevada Test Site. After a thorough review, the optimal test readiness posture chosen by the Department of Energy was 18 months.

Against the thoughtful consideration of both the Congress and the administration, the Feinstein amendment would strike the funding to allow our Nation's readiness to be enhanced at the Nevada Test Site.

Another important initiative is the continuing efforts to design and construct a modern pit facility to ensure the United States can, once again, manufacture plutonium pits for our existing nuclear weapons stockpile and for future weapons design, if necessary. The United States is the only nuclear power which does not have the current ability to mass produce plutonium pits.

Let me restate that. The United States is the only nuclear power that does not have the current ability to mass produce plutonium pits.

Although we have limited capabilities to produce a few pits at the Los Alamos National Laboratory since the shutdown of Rocky Flats in my home State of Colorado, the United States has not produced plutonium pits. That is a problem for our aging nuclear weapons stockpile since the pits and those weapons are aging beyond their design life, and as a radioactive material, plutonium continues to deteriorate until the pits can no longer be usable. The Feinstein amendment would strike funding for the modern pit facility.

All of the administration's nuclear weapons initiatives are designed to make sure the United States has the best and the brightest scientists and engineers prepared to innovate, create, test, and even manufacture, if necessary, to make sure any adversary is deterred from conducting harmful actions against the United States or its allies.

There are protections in the National Defense Authorization Act which provide that, at a minimum, no engineering design work can occur on the robust nuclear penetrator without specific authorization from Congress. We maintain our ability to control any mass production of those nuclear weapons.

We already had that debate. We should allow these initiatives to continue. Therefore, I am urging my colleagues to join me in voting against the Feinstein amendment.

There are a couple more issues I would like to cover. First, I ask unanimous consent that an op-ed by the Secretary of Energy, Spencer Abraham, from the Washington Post on Monday, July 21, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 2003]

FACING A NEW NUCLEAR REALITY

(By Spencer Abraham)

The United States took another step toward eliminating the last vestiges of Cold War nuclear weapons production in May when the Department of Energy awarded contracts for construction of fossil fuel power plants to replace three Russian nuclear reactors. These reactors produce not only heat and electricity but also weapons-grade plutonium, enough to build 1½ nuclear weapons a day. When the new U.S.-financed power plants are constructed and the nuclear reactors shut down, weapons-grade plutonium will no longer be produced in Russia.

President Bush is deeply committed to reducing the number of our nation's strategic nuclear warheads by two-thirds, and to preventing nuclear and radiological materials from falling into the hand of terrorists. This $466 million project is the latest advancement in an aggressive nonproliferation effort that has expanded from $800 million to $1.3 billion per year since the president took office. That's why I was perplexed, during congressional debate on the defense budget by the hysterics over the $21 million that would allow our scientists to contemplate advanced weapons concepts that could be used to protect against 21st-century threats. (In all, some $6.4 billion in the budget is for Department of Energy nuclear weapons programs.)

This funding should not have surprised anyone. It is the logical result of early Bush administration initiatives, endorsed by Congress, to conduct a thorough review of the nation's nuclear weapons policy. That review determined that the 21st-century national security environment differs greatly from that of the past half-century.

Deterrence during the Cold War led to a predictable—if chilling—balance of terror that has now largely vanished. Henceforth threats will likely evolve more quickly and less predictably. It is a situation that demands the restoration of our capacity to meet new challenges.

Recently the United States has begun making great strides to rebuild those capabilities. Now, for the first time in more than a decade, we are able to manufacture a plutonium pit—also known as a trigger—an essential nuclear warhead component. The lack of this proficiency has seriously constrained our ability to maintain our nuclear stockpile. We have also launched a much-needed facility modernization program. But maintaining our capability to address 21st-century challenges requires more.

Should our scientists decide we cannot certify the reliability of our nuclear stockpile, we must be capable of conducting a nuclear test in a much shorter time frame than the current three years. The capacity to test within 18 months is a critical capability every president must have. We must also give our weapons scientists the resources and authority to explore advanced weapons concepts, including research related to low-yield weapons. Funding constraints and confusing legal prohibitions have stifled most new thinking on these issues. This has, in turn, made us less capable of devising the best responses to emerging threats.

The challenges posed by rogue nations or terrorists possessing weapons of mass destruction are strikingly different from that posed by the Soviet Union. Yet our best thinkers aren't being allowed to fully shift their focus from winning the Cold War to meeting new challenges.

Finally, we must move ahead to address one of the foremost military challenges identified in our recent review—an enemy using hardened, deeply buried facilities, to protect its weapons and other assets. We have just begun to explore whether modified existing warheads might be effective in attacking such targets. Similar analyses of the applicability of conventional weapons to addressing this threat are also being done.

We are not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, we are not planning to develop any new nuclear weapons at all. Our goal is designed to explore the full range of weapons concepts that could offer a credible deterrence and response to new and emerging threats as well as allow us to continue to assess the reliability of our stockpile without testing.

This is a sensible course that meets our national security requirements by restoring our capabilities and ensuring that we have the flexibility to respond quickly to any potential problems in the current stockpile, or to new threats that require immediate attention. Our policies are designed to strengthen the deterrent value of our nuclear weapons so that they don't ever have to be used.

Mr. ALLARD. Mr. President, I would like to briefly point out some of the things we had in the Defense authorization bill as it applied to a number of areas affecting nuclear weapons. The section that dealt with the developing low-yield nuclear weapon—section 3131 of the Defense authorization bill—repeals the ban on research and development of low-yield nuclear weapons. But that same section also includes a provision which states that nothing in this repeal should be "construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon."

Also included in that same provision is a section that limits DOE from beginning phase 3. Phase 3 is the full-scale engineering development or any subsequent phase of a low-yield nuclear weapon "unless specifically authorized by the Congress."

Finally, also in that same section 3131, a report is to be submitted to determine if the repeal of the ban on research and development of low-yield nuclear weapons will affect the ability of the United States to achieve its nonproliferation objectives.

On that section of the Defense Authorization Act, we had a number of amendments that we considered on the floor which we have already voted on. Again, one was the Feinstein amendment. Senator FEINSTEIN offered an amendment to strike the repeal of the ban on low-yield nuclear weapons research. The motion to table was agreed to by a vote of 51 to 43. That was the Senate's position supporting the language of the Senate authorization bill on Armed Services.

The Reed-Levin amendment was also brought up in that section. They offered an amendment which retains the ban on low-yield nuclear weapon research. This amendment would retain the ban on phase 3 and subsequent phases but allow research on phases 1, 2, and 2A. This amendment was very similar to a House-Senate Armed Services Committee provision.

Chairman WARNER offered an amendment in the form of a substitute which struck the Reed-Levin amendment and added a limitation which required a specific authorization from the Congress before the Secretary of Energy can proceed with phase 3—which again is engineering development—or any subsequent phases of low-yield nuclear weapons. The Warner substitute passed by a vote of 59 to 38. The Reed-Levin amendment, as amended by the Warner substitute, passed by a vote of 96 to 0.

In another section in the Senate Armed Services Committee authorization bill dealing with the robust nuclear earth-penetrator—commonly referred to as RNEP—there was an authorization for $15 million for RNEP, which was the amount of the request we had in the budget proposal. That was section 1050.

Section 3135 also requires DOE to receive a specific authorization from Congress before commencing with phase 3 or any subsequent phase of the RNEP.

Time and time again, the Senate has spoken—that there will not be any further procedure on nuclear weapons development and advanced engineering unless there is specific authorization from the Senate.

Under the RNEP, there were a couple of Senate floor amendments that we considered. For example, Senator DORGAN offered an amendment to prohibit the use of funds for the nuclear earth-penetrator weapon, and the motion to table was agreed to by a vote of 56 to 41.

There was a Nelson amendment on RNEP. That amendment limited the DOE from beginning phase 3—full-scale development—or any subsequent phase of the robust nuclear earth-penetrator without a specific authorization from Congress.

Chairman WARNER prepared a very similar amendment, and the Nelson amendment was agreed to by a voice vote.

We have debated this issue thoroughly. The Senate has spoken on these amendments and on these provisions. The appropriators have language supporting what we have already voted on and what has been passed by this body. I think it is time to move forward.

I think it is important that we move forward with the appropriations bill in light of our energy needs in this country. We shouldn't delay.

I rise in support of the bill, and I rise in opposition to the Feinstein amendment and ask my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Colorado for his comments and overall summary of this situation. It has been extremely helpful. I am very grateful that he found time to do it today.

I understand that Senator BAYH desires to speak as if in morning business shortly with reference to the death of the Governor of his State. He is on his way. When he arrives, I will yield to him. He said he wanted 7 minutes.

Mr. BINGAMAN. Mr. President, I rise today to explain my reasons for supporting the Feinstein amendment. This amendment first and foremost seeks to reduce the funding for the robust nuclear earth penetrator, or RNEP. While on the Armed Services Committee, I took the lead on numerous occasions in opposing this program. I believe that it sends the wrong signal to other nations when we are proposing to expand our nuclear arsenal at the very same time we are trying to control the spread of weapons of mass destruction worldwide.

Further, this country clearly has superiority in advanced conventional weapons, as evidenced by the recent conflict in Iraq. Very few, if any, nations can compete with the U.S. in conventional weapons. We should be relying on this advantage in conventional weapons rather than forcing other nations to compete with us on nuclear weapons as we did before the end of the cold war.

There is also a pragmatic reason why I believe the RNEP is not needed. In my opinion, our existing arsenal, particularly the B-83 tactical nuclear bomb, is more than adequate to serve as a deterrent against the hardest underground targets that confront us today. The administration envisions the RNEP as a weapon that will destroy deep underground targets. Yet proponents of this argument seem not to have considered the loss of function to an underground target that a B-83, whose yield is in excess of 1 megaton, will cause. I am sure that after such a devastating explosion, very little, if any, of the deepest underground targets will pose much of a threat to the U.S.

Further, the amendment seeks to strike funding for the advanced concepts initiative. The administration claims that such funds are needed to keep our weapons scientists on the cutting edge of warhead design but they have not explained to us what avenues of research they wish to pursue. In my opinion, we barely know enough about modeling how our existing warheads function under the stockpile stewardship program. Our modern strategic warheads, such as the W-76 and W-88, are very complicated; modeling them challenges even the most advanced calculations on our laboratory supercomputers. There is no need at this time to embark on the new avenue of research in the advanced concepts initiative when we don't understand the science underlying the stockpile stewardship of our deployed arsenal. The advanced concepts initiative will be a dangerous distraction from the stockpile stewardship program.

The third provision of this amendment is somewhat more complicated. Let me begin by stating that I strongly support the construction of a modern pit facility as an integral component of the stockpile stewardship program. An earlier version of this amendment struck the funding for conceptual design work on this facility, which, in my opinion, was a mistake. I expressed my concerns to Senator FEINSTEIN, and I am pleased that this version of the amendment retains these conceptual designs funds.

There is a fundamental reason why I think the modern pit facility is important. Our pits are approaching ages in some cases of up to 35 years old. Our best scientists do not fully understand the way aging affects on these plutonium pits. At Los Alamos National Laboratory, we are just now at the stage where we can produce our first prototype test pit, 15 years after the Rocky Flats plant stopped production of these pits. But the Los Alamos facility cannot expand to handle the production that our stockpile may require 15 years from now.

With regard to siting the facility, I do not believe that we will have all the information we will need to do so by 2004. I have not seen any statements by the administration on what size the stockpile will be in 2012, when the Strategic Offensive Reduction Treaty reduces the stockpile down to 1200 to 1700 strategic weapons. I note that this treaty does not account for the deployed warheads found in gravity bombs. As a result of this lack of precision in future stockpile size, the DOE's Environmental Impact Statement gives production rates that range by a factor of four from 100 to 450 pits per year. Given that the stockpile size has not been decided at this time, and that the modern pit facility will not start operations until 2018, I cannot see how the Department of Energy can configure, much less site, their pit production facility in fiscal year 2004. I concur with Senator FEINSTEIN that the DOE can hold off siting the facility for a year, while continuing its design to match the stockpile requirements from the Department of Defense.

I would like to note that I have advocated that if and when DOE justifies the facility's size, then Carlsbad, NM is the best location for it. Carlsbad's close proximity to Los Alamos National Laboratory means that the scientists who are researching the best ways to re-manufacture pits will be able to easily travel and impart that knowledge to the production plant. Carlsbad has a top-notch workforce at the Waste Isolation Pilot Plant well-trained for handling radioactive materials that will be essential to the pit facility. The Carlsbad community has shown strong support for the facility as well.

I support this amendment, but I also want to make clear that I also support the goal of constructing a modern pit facility, provided that they have a clear mandate from the Department of Defense on the facility's size based upon the stockpile, and we expect in 2018, when it begins operation.

Mr. LIEBERMAN. Mr. President, I stand today in support of my colleague Senator FEINSTEIN, and her amendment to strip the funding from the robust nuclear earth-penetrator and the advanced weapons concepts program, and to stop the enhancement of the time-to-test readiness at the Nevada Nuclear Test Site and the site selection of the modern pit facility. I fully support Senator FEINSTEIN's efforts to attempt to put an end to nuclear proposals that have not yet been justified by hard arguments but would likely result in adverse consequences.

Almost a decade ago, the United States, our allies, and the freedom-loving nations around the world rejoiced as the cold war ended peacefully and the threat of total nuclear annihilation was lifted. We dreamed then and we hope now that we will never again enter into a global struggle with thermonuclear consequences.

Yet there are those in this world who would still do us harm, and they are armed with weapons of mass destruction. To pretend otherwise would be to pander to a most dangerous delusion. There is a real danger that they seek to secure those weapons in hardened or deeply buried bunkers. We must put our best scientists to work to learn how to neutralize this threat.

At the same time, we must be careful that in seeking to neutralize this threat, we do not aggravate it by pursuing dangerously destabilizing policies and weapons programs.

As a member of the Senate Armed Services Committee, I have been briefed on our military's conventional and nuclear capabilities. Like most Americans, I have also watched with pride as our armed forces prove in Iraq and around the world that they are second to none. Based on these observations, I am convinced that we can and will meet the threat posed by our enemies without having to resort to developing nuclear weapons to destroy deeply buried or hardened targets at this time. To do so would be premature at best and dangerous and misguided at worst.

I am further convinced by the testimony and writings of experts, both those who have worn our Nation's uniform and those who did not, that not only is the utility of these nuclear weapons questionable, but so is the very fact of whether or not they will work as hoped.

Developing low-yield nuclear weapons at this time would also severely undermine our global nonproliferation efforts. I believe that at a time when the United States is seeking to convince the North Korean leadership that they do not need to engage in a brazen drive for a robust nuclear capability; at a time when our diplomats are trying to deescalate nuclear tensions along the Indian and Pakistani border; at a time when the International Atomic Energy Agency is presently engaged in negotiations with Iran over denuclearization and inspections, that we would be naive to think that we can coax these nations to drop their nuclear plans while we invest in pursuing our own new nuclear capabilities.

In addition to undermining our international nonproliferation efforts, a new generation of nuclear weapons, especially the low-yield variety envisioned by the administration, will blur the bright lines between conventional and nuclear capabilities, and raise the likelihood of resorting to the latter. I am not alone in this concern. Former Chairman of the Joint Chiefs of Staff General John Shalikashvili stated this concern clearly and persuasively: "[a]ny activities that erode the firebreak between nuclear and conventional weapons or that encourage the use of nuclear weapons for purposes that are not strategic and deterrent in nature would undermine the advantage that we derive from overwhelming conventional superiority."

The world we live in is indeed a dangerous place. In response to these dangers, however, we must guard against rash actions that undermine our ultimate security. The new nuclear weapons the administration advocates will not substantially increase our sense of security and may in fact detract from it.

Mr. LAUTENBERG. Mr. President, I rise today to support Senator FEINSTEIN's amendment to remove funding for the development of new nuclear weapons. The administration is seeking $15 million to fund more research on the robust nuclear earth penetrator a nuclear bunker buster and $6 million for research on new nuclear weapons.

I must register my shock that the administration has requested this funding, reversing almost 60 years of U.S. nuclear policy. Funding such a request is the first step on a "slippery slope" that could irreversibly lead us to testing and maybe even deploying these new nuclear weapons.

It is imperative that we nip this mischief in the bud by supporting Senator FEINSTEIN's amendment.

Let me remind my colleagues that the administration has consistently identified one distinct threat to U.S. security and reiterated this threat innumerable times in the past year: The proliferation of weapons of mass destruction and their transfer to terrorists.

In the President's speech to the United Nations on Sept. 12, 2002, in his address to Congress in October, 2002, in his State of the Union speech this past January, he repeatedly expressed his concern about the proliferation of biological, chemical, and especially nuclear weapons.

Many Members of Congress voted to send our young men and women to Iraq to eliminate the threat of Saddam Hussein's supposed nuclear arsenal. We were told that while Saddam had not yet developed nuclear weapons, he was actively intent on doing so and the consequences would be horrific.

Meanwhile, during this same year, the administration is looking to create new nuclear weapons.

Our diplomats have just returned from six-way talks in Beijing aimed at resolving the North Korean nuclear crisis instigated last fall when Kim Jong IL announced his defiance of the 1994 Agreed Framework. How can our negotiators in good faith reassure the North Koreans and the other participants at these talks of peaceful United States intentions in the region, while at home, in our labs, nuclear scientists are experimenting with new nuclear weapons that will eventually have a yield 70 times that of the bomb dropped at Hiroshima?

It is abundantly clear that there is a copycat effect of U.S. military planning. According to former Undersecretary of Energy, Rose Gottemoeller:

> Other countries watch us like a hawk. They are very, very attentive to what we do in the nuclear arena. I think people abroad will interpret this as an enthusiastic effort by the Bush administration to re-nuclearize. And I think definitely this nuclear funding is going to be an impetus to the development of nuclear weapons around the world.

I clearly remember the devastation that the atom bombs wrought not only on Hiroshima and Nagasaki, but on all society. As Adlai Stevenson put it, "Man wrested from nature the power to make the world a desert."

Since those two unforgettable days in 1945, administration after administration, Republicans and Democrats, have made it clear that nuclear weapons have held a special status within the U.S. arsenal. U.S. policymakers have committed to the international nuclear arms control regime.

The research funding in this bill for the nuclear earth penetrator departs from 60 years of nuclear policy. If these weapons are researched, they will be inevitably be tested, which will undermine a 10-year U.S. commitment to a nuclear testing moratorium.

I am deeply concerned about the standing of the United States in the international community.

As a result of the unilateral approach the Bush administration has taken in Iraq, we have lost friends, trust, respect and admiration in the global community. This new nuclear policy departure will only further erode U.S. leadership and esteem in the world.

I urge my colleagues to support this vital amendment.

Mr. BIDEN. Mr. President, I rise to support Senator FEINSTEIN's amendment to strike funding allocations for certain nuclear weapons research and development activities contained in H.R. 2754 the energy and water appropriations bill. Before I discuss the particulars of this amendment, let me explain why it matters so very much in the context of the international environment in coming decades.

Today, the United States is the preeminent conventional superpower in the world. We spend more on our Nation's military than the rest of the world combined. As the dazzling display of firepower exhibited by our troops in Afghanistan and Iraq demonstrates, our Nation boasts the mightiest military machine in world history.

But none of that means our Nation is secure or can afford to rest on its laurels. As September 11 graphically exhibited, the world is a very dangerous place, if only because our adversaries and rivals are turning to asymmetric warfare to nullify our military advantages and exploit our weaknesses. One key asymmetry lies in the use of weapons of mass destruction. The spread of technology around the world allows a greater number of states and non-state actors to access the knowledge, technology, and infrastructure required to develop and produce nuclear, chemical, and biological weapons.

Nuclear weapons, in particular, can nullify the overwhelming conventional military strength of the United States. Today no weapons system can defend against the detonation of a nuclear weapon in an American city. National missile defense holds out the prospect one day of preventing the delivery of nuclear weapons via intercontinental ballistic missiles, but the technology is so premature that any effective system is years, if not decades, away. Indeed, a terrorist is unlikely to use an ICBM with a return address. And there is absolutely no system that can prevent a barge from sailing into New York City's harbor and detonating a nuclear explosive on board.

So nuclear proliferation represents the gravest threat today to our national security, a threat from which our overwhelming conventional military strength provides little protection. How do we best respond to this threat? One school calls for the development of new nuclear weapons for possible use in an otherwise nonnuclear conflict. In order to ensure that a North Korea or an Iran cannot secure its chemical and biological weapons or hide its leaders in underground bunkers, some people call for new nuclear weapons capable of penetrating layers of earth and destroying deeply buried targets.

Advocates of new nuclear weapons go off the deep end, however, when they suggest that low-yield weapons could ever destroy deeply buried targets, or that a "bunker-busting" weapons would not cause horrific civilian casualties. The laws of physics dictate that a warhead cannot penetrate more than 50 feet of dry rock before gravitational forces cause the warhead to break up. That means that a nuclear weapon big enough to destroy a deeply buried target—even a target 100 feet below ground—cannot be "low-yield". Any low-yield weapon would simply lack the explosive power necessary to destroy a target buried at that depth or lower. So the nuclear weapons designers tell us explicitly: A Robust Nuclear Earth Penetrator will never be a low-yield weapon.

But what would happen if a low-yield weapon were used against a buried target? According to the physicist Sidney Drell, a one-kiloton nuclear weapon, well below the 5-kiloton threshold below which nuclear weapons are called "low-yield", detonating at a depth of 40 feet below the surface would still create a crater larger than the entire World Trade Center impact zone and churn up about 1 million cubic feet of radioactive material into the air. This very small one-kiloton nuclear weapon would wreak tremendous damage, contaminating the surrounding area for miles on end with dangerous gamma rays and other radiation. This reality is vastly different from the image of a surgical weapon promoted so often by its advocates.

Advocates of low-yield nuclear weapons are trying to have it both ways. They want a weapon powerful enough to take out bunkers, neutralizing any stored chemical and biological agents, that are buried deeply below the Earth's surface. At the same time, these weapons must be small enough to minimize civilian casualties and destruction on the surface. Unfortunately, scientists and weapons designers say it just can't be done.

Weapons designers will tell you that the real purpose for low-yield nuclear weapons is not to strike underground targets when all other options have failed. Rather, these weapons could strike regular surface targets like leadership compounds—while reducing the damage that a more regular-sized nuclear weapons would cause. But that resurrects the misguided strategic concept that nuclear weapons are just handy tools, like any other weapon—a bizarre notion that should have expired along with Dr. Strangelove decades ago. Besides, low-yield weapons are nothing new. Every time we developed them, however, the military concluded that they weren't worth the effort.

Any deterrence benefits that new low-yield nuclear weapons would provide are far outweighed by both the risk that they will actually be used and the dangerous signal that they send to other countries—intentionally or not—that we intend to fight nuclear wars. Low-yield weapons, in particular, blur the traditional firewall between nuclear and conventional war. The sidestep the fact that a nuclear weapon is a weapon of a wholly different order and magnitude from any other weapon in existence today—something that any sane and rational society would only use as a truly last resort. As Hiroshima and Nagasaki demonstrated in 1945, even crude nuclear weapons are city-killers.

Let me point out one final challenge to the possible use of low-yield nuclear weapons to strike deeply buried targets. Any decision to order such a strike must rely upon unimpeachable intelligence, because no rational President will order even a low-yield nuclear weapons like without great confidence in the success of the mission. It is precisely that type of intelligence which is so difficult to obtain when it comes to acquiring information on the location of WMD stockpiles and leadership compounds in rogue states. Just look at what happened during the war on Iraq this spring. Twice, we thought we had Saddam in our sights. Our intelligence folks told the President they had good information that Saddam was in a particular location at a given time—but in both cases they were wrong. Saddam either was never there or had left before the bombs arrived. And as for taking out Saddam's chemical or biological weapons, "all the king's horses and all the king's men" will get back to us later.

I'm not casting blame on our intelligence community—it is an incredible challenge to gain real-time tactical information in the heat of battle. But imagine the international outcry had the United States used a low-yield nuclear weapons to go after Saddam. Not only would we have failed to kill him because he was not in the bunker, we would have caused incalculable civilian casualties, razed a large part of Baghdad, and breached the nuclear threshold.

Is this a price any future Commander in Chief would or should be willing to pay? Our enemies are not stupid—they will increasingly locate valuable targets near or next to civilian sites, such as mosques and hospitals. They may will bury deeply hidden bunkers under these sites. Again, should any President give the OK to use a low-yield nuclear weapon under such circumstances? If not, why incur the fiscal expense, diplomatic costs, and strategic risks of developing these new weapons in the first place? Why give other countries the sense that nuclear weapons are a vital element in our warfighting plans, when there would still be no rational reason for us to use them except in retaliation?

So what's the right response to the world we live in today, where nuclear proliferation poses the greatest security threat we face? I wish I could offer you one simple solution that will effectively answer this challenge. Unfortunately, no such magic bullet exists. Instead, we need to rely on a shrewd combination of accurate intelligence, diplomacy, multilateral cooperation, arms control, export controls, interdiction, sanctions, and when appropriate, the threat or use of military force, to deter and prevent the spread of nuclear weapons.

In those situations where we must target deeply buried targets, conventional weapons offer a promising alternative to introducing nuclear weapons into the conflict. After all, chemical or biological weapons stored in an underground site can do no harm as long as they remain within that bunker. And an earth-penetrating nuclear weapon could spread far more chemical or biological agents than it burned up, unless it landed very precisely on the target. So our military could employ large conventional bombs to seal or destroy the entrance and exit tunnels to underground sites, so that any weapons stockpiles stored in such sites will not be going anywhere for a while.

Other scientists have discussed the feasibility of targeting a series of conventional missiles, one following the other, in order to burrow a "pilot hole" toward a deeply buried target. So let's be clear—nuclear weapons are not the only possible solution for attacking an underground target.

The neoconservative school argues that diplomacy, arms control, and international "norms' have failed to deter rogue states like Iran and North Korea from developing nuclear weapons programs. There may be some truth to that, but diplomacy has been instrumental in slowing down the progress of these programs and restraining their scope. In addition, nonproliferation regimes and international norms have provided tremendous value in convincing more established states in the international system to remain non-nuclear. For example, it was their desire for international legitimacy which, in part, persuaded Argentina and Brazil to give up their nascent nuclear weapons programs in the 1980's. The same can be said for Japan, Taiwan, the Ukraine, and South Africa, which have all foregone, halted, or voluntarily given up their own nuclear weapons programs.

How does the Feinstein amendment fit into this broader discussion over U.S. nuclear weapons strategy and the battle to combat nuclear proliferation? The energy and water appropriations bill includes the administration's original requests for funding of a series of controversial nuclear weapons activities, including research into advanced nuclear concepts, such as low-yield weapons, and reduction of the time period between when a President makes the decision to resume nuclear testing and when our nuclear weapons complex would be able to carry out a test.

This new funding to enhance our readiness to resume nuclear weapons testing and conduct research on new weapons concepts and designs will lead us to a world where the further proliferation of nuclear weapons is more widely tolerated. While the senior officials in the current administration have disavowed any intent to resume nuclear testing or produce new nuclear weapons, their actions tell a different story.

The Nuclear Posture Review of December 2001 identified not only Russia and China as potential targets in a future nuclear war, but also North Korea, Iran, Syria, and Libya. The latter countries were cited as seeking weapons of mass destruction, but not necessarily nuclear weapons.

More recently, civilian Pentagon leaders ordered a task force to consider possible requirements for new low-yield nuclear weapons, even while assuring the Senate that no formal requirement has yet been established.

A presidential strategy document reportedly stated that the United States might use nuclear weapons against a non-nuclear state possessing chemical or biological weapons.

Senior officials publicly discuss the possible need to resume underground nuclear testing, either to ensure that existing weapons are safe and reliable or to test new weapons, all the while scorning the Comprehensive Test Ban Treaty.

The Feinstein amendment would strike out the $15 million allocation for the Robust Nuclear Earth Penetrator, eliminate the $6 million allocation for Advanced Weapons Concepts Initiative and prohibit the use of any appropriated funds to shorten the time period required to prepare for an underground nuclear test from the current 24 to 36 months to less than 24 months.

It would also prohibit the use of funds for site selection or conceptual design of a Modern Pit Facility, which would produce replacement plutonium triggers for the existing nuclear stockpile. The amendment reallocates the eliminated funding to the paramount goal of deficit reduction.

Let me remind my colleagues that this amendment only proposes to do what the Republican-controlled House largely already did in July, when it adopted its version of the Energy and Water appropriations bill. According to press reports, Representative DAVID HOBSON, the Republican chairman of the relevant House Appropriations subcommittee, defended his panel's decision to strike this funding by asserting the U.S. Government should first address the rising costs of managing its existing nuclear stockpile and disposing of its nuclear waste before moving ahead with new nuclear programs. Neither the full House Appropriations Committee nor the House as a whole challenged the subcommittee's mark.

We should all remember the House's actions when our opponents charge that this amendment will jeopardize U.S. national security or represents some extremist, antinuclear weapons agenda. In fact, the opposite is true.

So what's the bottom line here? Today, the United States deploys 6,000 strategic nuclear warheads and possesses in total more than 10,000 deployed or reserve nuclear weapons. As we are the overwhelming conventional military power in the world, it is decidedly against our interest to see others obtain and/or use nuclear weapons. Why on earth, then, are we considering the acquisition of additional and more advanced nuclear weapons?

If we continue on these steps to develop these new weapons, our friends and enemies alike can easily dismiss our future admonitions on why nuclear weapons fail to provide true security. Indeed, our adversaries will take to heart one overriding lesson: Develop your own nuclear weapons to deter a preemptive U.S. strike.

Let me close with a statement by Secretary of State Colin Powell, a man who spent the majority of his career in the uniformed military. In May 2002, Secretary Powell discussed the potential for an India-Pakistan conflict to evolve into a nuclear clash. But his larger point holds true for our debate today:

> Nuclear weapons in this day and age may serve some deterrent effect, and so be it, but to think of using them as just another weapon in what might start out as a conventional conflict in this day and age seems to be something that no side should be contemplating.

The Feinstein amendment enhances U.S. national security by preventing our Nation from sleepwalking into an era when nuclear weapons are considered just another weapon. The United States is the leader of the world. Other nations watch us and they follow our lead. Let's not lead them astray.

Mr. AKAKA. Mr. President, I rise today to comment on the debate over funding for the administration's request for studying new nuclear weapons in the Energy and Water Development Appropriations bill.

The administration proposes that Congress fund the study of two new nuclear weapons: a robust nuclear earth penetrator, RNEP, and a low yield nuclear weapon.

Why does the United States need these new nuclear weapons?

The administration's case for these new nuclear weapons presumes that deterrence may not be working well in the post-cold war security environment. Leaders of rogue states may conclude that the United States cannot attack their deep bunkers or weapons of mass destruction, WMD, and so act or use their WMD with impunity. These new nuclear weapons supposedly will bolster the U.S. deterrent.

But does our nuclear arsenal no longer deter?

Deterrence involves credibly threatening an enemy to deter them from taking unwanted actions. It involves having the forces to fulfill the threat and the resolve to carry out the threat. We have enough nuclear weapons to accomplish this goal. Over a decade after the end of the cold war we possess an arsenal that could still end life on earth as we know it. This massive destructive power should give pause to any nation or dictator that wants to attack the United States with nuclear weapons.

While the Congress was on recess, the annual remembrance of the bombings of Hiroshima and Nagasaki and the end of World War II passed. On August 6, 1945, the United States dropped the first atomic bomb on Hiroshima. Three days later another was dropped on Nagasaki. Shortly thereafter Japan surrendered, ending World War II.

The Hiroshima bomb had an explosive power of 15 kilotons of TNT and killed almost 70,000 people immediately and injured as many more. The Nagasaki bomb was 22 kilotons and killed 40,000 people and injured another 25,000. There had been devastating conventional bombing attacks during World War II. The fire bombings of Dresden and Tokyo also caused widespread damage and loss of life. But the realization that one plane with one bomb could destroy a city was a new and fearsome development.

After the end of World War II and the onset of the cold war, the U.S. arsenal expanded rapidly. By 1960, more than ten thousand nuclear weapons were in the U.S. arsenal. Weapons had expanded from kiloton to megaton size. The U.S. arsenal grew to have 20,500 megatons of TNT explosive power.

A megaton is an enormous amount of destructive power. A kiloton is a thousand tons. A megaton is a million tons.

In 1960, the U.S. arsenal had almost seven tons of TNT of explosive power for every one of the three billion men, women and children on the planet.

The massive overkill of the U.S. arsenal, like its Soviet counterpart, has declined since the 1960s. The United States still keeps thousands of nuclear weapons. But the average explosive power of a U.S. nuclear weapons has decreased. As a result the U.S. arsenal today contains only some 1,200 megatons of explosive power. Still enough, however, for 400 lbs. for every person on Earth.

Some advocates of small nuclear weapons claim massive firepower is a poor deterrent. They argue that the United States would not use a large nuclear weapon for a limited strike. They further argue that smaller, more usable nuclear weapons will be a more credible deterrent because rogue state leaders will believe the United States could use them. The administration proposes to investigate the possibilities of a new nuclear weapon with a yield of less than five kilotons to meet this goal.

Five kilotons is one third the size of the Hiroshima bomb. It is not a low-yield weapon. It is equivalent to 5,000 tons or ten million pounds of TNT. Yet, the use of such new lower yield nuclear weapons is incredible because it is impractical and there are conventional weapons that can or will be able to do the job. We are told there are dozens if not hundreds of buried hardened targets. Without excellent intelligence on where WMD or rogue leaders may be hidden, the United States would need to drop dozens or hundreds of nuclear weapons. The radioactive fallout from such a strike would be large. The international political fallout would be massive and so would be the international environmental effects.

The U.S. nuclear arsenal is currently diverse and flexible. the United States in fact already possesses such low-yield nuclear weapons. I asked Secretary of Energy Spencer Abraham for the record when he was before the Senate Armed Services Committee this spring if the United States had operational nuclear weapons that could have yields of less than five kilotons. Secretary Abraham's unclassified written response was that, "The U.S. has two existing nuclear weapons that have certified yields of less than five kilotons."

As for the robust nuclear earth penetrator, we already have one of these as well. As has been well publicized, in the mid-1990's, the United States deployed the B61–11 bomb for an earth penetrating mission.

The administration claims the B61–11 is no longer adequate for the job. Energy Department officials informed congressional staff in an unclassified briefing that the B61–11 was designed not to penetrate rock but to attack only certain targets in hard or frozen soil in Russia. It is not able to counter targets deeply buried under granite rock. Moreover, it has a high yield, in the hundreds of kilotons. If used in North Korea, the radioactive fall out could drift over nearby countries such as Japan.

Is the solution to a seeming limitation to the B61–11 exploring yet more and more nuclear weapon designs? This search for a perfect nuclear deterrent reminds me of the mad logic of the cold war where the United States and Soviet Union pursued more and more nuclear weapons of more and more sophisticated designs to try to cover more and more contingencies. These endless improvements are unnecessary, expensive and dangerous.

For example, some argue using new small penetrator nuclear weapons is preferable to using conventional weapons for attacking buried chemical or biological weapons. They hope that a nuclear weapon would incinerate hidden weapons. However, calculations by Princeton physicist Robert Nelson indicate that, unless the strike is extraordinarily precise, the blast from a nuclear weapon has as good a chance of dispersing buried agents as destroying them. Our conventional forces can also attack or disable deeply buried targets. They will continue to improve in effectiveness and lethality. We should focus on improving their capability, not chasing some nuclear will o' the wisp.

The $21 million for the RNEP and advanced weapons concepts, including the low-yield nuclear weapons, in the fiscal year 2003 budget could be better spent elsewhere to guard us against real nuclear threats. There is widespread agreement that al Qaeda or other terrorist groups would make use of a dirty bomb if they could get hold of radioactive materials. I have released three General Accounting Office reports this year that show the United States and international controls over radioactive sealed sources that could be used in a dirty bomb are severely lacking. The Energy Department could better spend the funds being proposed for new nuclear weapons on improving the tracking and security of dangerous radioactive sources here and abroad.

Pursuing new nuclear weapons will undermine our non-proliferation goals. The example we set for the rest of the world does matter. Getting the world's approval for the indefinite extension of the Nuclear Non Proliferation Treaty in 1995 was dependent on the United States and the other nuclear powers signaling they would rapidly negotiate a comprehensive Nuclear Test Ban Treaty, CTBT.

The United States and Russian decision to stop nuclear testing in the lead up to the CTBT talks put pressure on France and China to end their nuclear test programs in the 1990's. Had the United States and the other nuclear powers not stopped nuclear testing it would have been even more difficult to pressure Pakistan and India to put a quick end to their nuclear tests. It would be even harder to put pressure on North Korea today.

Getting the world to continue to help us to pressure North Korea and Iran will be more complicated if the United States weakens its commitments to non-proliferation. In early September, Russia complained that several states' failure to ratify the CTBT is delaying its entry into force at an international conference convened to look at this question. This controversy over the U.S. non-proliferation policy is not welcome news when the administration is now seeking support to condemn Iran's nuclear program at an upcoming IAEA meeting. News reports indicate that the United States will have a hard time doing this as Iran has more allies on the IAEA's board than does the United States.

The non-proliferation regime, laboriously constructed by the United States and the international community over 30 years, has been a success. Rather than having dozens of countries with nuclear weapons, we confront a few, final, hard cases that have been a problem for many years but whose time is running out. New nuclear weapons are not the way to address the challenges these nations pose.

Rather, a diplomacy of engagement, building the support of the international community, and maintaining our strong alliance commitments and conventional forces is the way forward.

The administration is learning that force and confrontation are not a solution to the non-proliferation problem. Saddam Hussein's weapon of mass destruction program was not an imminent threat. Continued inspections and indefinite monitoring which were envisioned under the U.N. resolutions would have contained his program. Confrontation with North Korea has led to an acceleration of the North Korean nuclear program not its demise. Now the administration must negotiate seriously with North Korea to bring and end to the crisis and create a new security regime in the Northeast Pacific.

The administration should understand more and more types of nuclear weapons will not guarantee deterrence, prevent the proliferation of WMD, prevent war or conflict. In fact, during the cold war we found our ever increasing nuclear arsenal could not achieve these goals. Paranoid, pygmy or pariah states, as Professor Richard Betts once characterized them, sought nuclear weapons for their defense due to their imagined or justified fears, their perceived conventional weaknesses, or because of their outcast status. Nuclear weapons did not prevent the Korean war, the Vietnam war, the Arab-Israeli wars, or the Soviet invasion of Afghanistan.

Deterrence has many components: nuclear forces, conventional forces, strong alliances, a strong economy, and a strong resolve among them. At this moment in history we need an intelligent diplomacy, strengthened alliances and capable conventional forces more than we need more and new types of nuclear weapons.

We have enough nuclear weapons to maintain nuclear deterrence. If anything, we should be seeking ways to further reduce ours and other countries' nuclear arsenals, not add to them. Talk to the contrary by promoters of new nuclear weapons misrepresents the strength of our existing forces and our resolve. We are sending the wrong message about our military strength.

I urge my colleagues to reject funding for these new nuclear weapon designs.

I urge my colleagues to vote for Senator FEINSTEIN's amendment.

Mr. DOMENICI. Mr. President, if I might have the attention of Senator REID, it has come to my attention, for a reason involving an individual Senator, that it would be more accommodating if we started our vote at 2:45. Does the Senator have any objection to that?

Mr. REID. I modify the request that the time between 2:15 and 2:45 be equally divided between both sides, Senator DOMENICI controlling 15 minutes and Senator FEINSTEIN controlling 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I indicate to the Senate that we will have a few minutes before the vote. I will summarize again and we will have handouts if anyone needs to know what this Senator thinks the issues we will vote on are.

In summary, No. 1, there is no authorization to build any new nuclear weapons. We are building none now. We have not built any for a long period of time.

No. 2, a portion of this bill says the Nevada Test Site will be made ready so it can be used in 18 months rather than 3 years. Almost everyone knowledgeable in the field thinks it is high time that happened.

No. 3, there is a small amount of money to begin planning, designing and feasibility, for a pit manufacturing facility. We are the only nation with nuclear weapons which has no spare pits, plutonium pits, the essential ingredient. We have tried to make them in Los Alamos. It is makeshift and it has been very expensive.

It is clearly indicated for the next 40 or 50 years we need to build a facility. This bill provides a start on that long-term effort.

Not yet have I said anything about new weapons or America engaging in a new course of conduct with respect to nuclear energy. That is not happening.

Next, the bill says, do not tie the hands of our great scientists with reference to the future. Let them study, let them think, let them design, but do not let anyone build any new weapons. Let them think about the future and what might be needed in light of the changed circumstances in the world. It is very prudent to do that.

In all three regards, there are clear cases the Feinstein amendment should fail. I hope it does so we can proceed ahead with these things that are necessary.

I yield whatever time the distinguished Senator from Indiana needs. I share my grave concern and condolences over the death of his esteemed Governor.

I yield the floor.

* * *

HONORING INDIANA GOVERNOR FRANK O'BANNON

Mr. BAYH. It is with a sense of melancholy but also gratitude that I rise today to celebrate the life of Frank O'Bannon. He died as he lived, in service to the people of the State of Indiana.

Frank O'Bannon was my friend and spent the best years of his life in public service: Eighteen years following in the footsteps of his father in the Indiana State Senate where he served as the leader of the Democratic Party; 8 years as lieutenant governor where we enjoyed a seamless partnership working on behalf of the people of our State, always a source of wise counsel, support, and encouragement; in these last 7 years, working on behalf of the people as Governor of the State of Indiana. His accomplishments were many and will be everlasting in memory.

His devotion to education was second to none. He fought for higher academic standards, a system of assessments to determine how children are doing toward meeting those standards, and taking aggressive steps to ensure that every child across our State would have access to the skills necessary to make the most of their God-given abilities. He worked tirelessly first as lieutenant governor and then as Governor on behalf of a better economy, more job opportunities for the people of Indiana. Particularly during these recent difficult years he doubled his efforts to ensure that our State would be competitive with not only our neighboring States but also with those whom we compete from abroad. Frank O'Bannon cared about a better quality of life for all Hoosiers.

He worked tirelessly for better health care for the citizens of our State, particularly for the young. I am so very proud the State of Indiana ranks at the top in the country in terms of how we have used the new CHIP Program to extend health care benefits to disadvantaged children across our State. I was privileged to work with him in my capacity here in the U.S. Senate to ensure our State continued to receive full funding for our efforts.

Frank O'Bannon had many other important contributions in his legacy. Most recently I had a chance to visit the new White River State Park in Indianapolis and the magnificent Historical Society Center in Indianapolis where he hosted, along with our First Lady, Judy O'Bannon, the other governors from across the country to showcase the magnificent place that Indianapolis has become. The Historical Society was a wonderful setting for the governors, we had a chance to display the finest of Hoosier heritage for the entire country to see. The White River State Park will be a magnificent urban park attracting not only tourists from across the State but also business and industry as leaders of finance seek a better quality of life for their employees. His contributions to that effort were substantial, as well.

I believe Frank O'Bannon was a special man not for his material accomplishments but instead for the kind of man he was. There is an old saying that "character is destiny." I believe that is true and therefore, it is no wonder that Frank O'Bannon accomplished so much because he was a man of true and outstanding character, indeed. In all my years of association with him I never once saw him do something that was mean or petty. He understood very well that it is far better to be loved than feared. Even more, I always saw him place self-interest behind the public good, truly remarkable during an age of cynicism and skepticism about those in public life.

There is an old proverb that says the definition of a statesman is someone who plants a tree in whose shade he will never rest. Seedlings have been planted across our State that will grow into strong oaks under which future generations will rest with ease, more secure because of the work and the legacy of Governor O'Bannon. He was a statesman.

A calling characterized all too frequently by ego and hubris, Frank O'Bannon was always humble and gentle, giving credit to others, even when he deserved the lion's share. One of his favorite pastimes was to go to his cabin in Harrison County in southern Indiana to commune with nature and watch the wildlife. That is where Frank and Judy O'Bannon were most at home. That speaks volumes about his character, as well.

Let me say a word or two about Judy. She was an exemplary First Lady, leading our State in the celebration of the recent millennium, always concerned that our history and culture never be lost, always reaching out to those in need. She is generous of spirit. I hope her contributions to our State will continue for many, many years to come. Judy O'Bannon has done the people of our State proud.

So today, my colleagues and Mr. President, we mourn but we can take comfort in the knowledge that our loss has been Heaven's gain. That the life and legacy of Frank O'Bannon will not end with our grieving or with my few inadequate words but will remain everlasting in the hearts of Hoosiers everywhere as long as we can still recall what makes our State such a special place.

I thank my friends and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I think a recess is coming; is that correct?

The PRESIDING OFFICER. That is correct.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent, despite the recess, to be able to speak 3 minutes in opposition to Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, I rise in opposition to Senator FEINSTEIN's amendment, certainly not in opposition to her. She is one of my closest friends in the Senate, and I admire her greatly. We just simply disagree on this particular amendment.

Of all the debates we are going to have in the coming months, I think this is one of the most important. The amendment would prohibit the Department of Defense and the Department of Energy from pursuing an advanced concept and research design to transform some current inventories of nuclear weapons, to be able to do something they cannot do today; that is, to penetrate hardened sites to counter the war on terrorism.

The war on terrorism is like every other war in many ways. The people we are fighting have the same hopes and aspirations as the people who fought in World War II. In Hitler's world, if you were not of a certain ethnic makeup, you could lose your life. And in Hitler's world, there was total obedience to the state. And the Japanese empire had a very intolerant view of the people who were different and disagreed.

The idea that one particular group wants to shape the world in a very harsh fashion has been with us as long as time itself. And in the terrorist world, young girls don't go to school. In their world, there is one way to worship God. It is their way. If you choose to do it some other way, you could lose your life.

So the basic concepts of the war on terrorism are very old. But the way we fight this war is going to take some adapting. The group that wins the war on terrorism will be the group that was able to adapt the best.

Here is what I see coming down the road for the American military, for American policymakers. The terrorist organizations that perpetrated 9/11 and that we are pursuing all over the world today do not have navies and armies, and they do not have a nuclear force as we faced in the former Soviet Union. But they have a desire, unequaled by anybody, to build a nuclear weapon, to acquire chemical and biological weapons. Their desire is great. Their commitment to use it is unquestioned.

Let it be said, without any doubt, if they could get a nuclear weapon, they would use it. If they could get chemical or biological weapons that would hurt millions of Americans or people who believe in freedom, they would use it.

The only way they are not going to use it is to make sure they don't get it. And the best way to make sure they don't get it is to bring them to justice, and to end their ability to finance terrorist activities, to organize, and to project force.

I can foresee in the near future, not the distant future, that terrorist cells will reorganize. They will use some remote part of the world to form their plans, to plot and scheme, and maybe to actually manufacture—some remote part of the world that is very well guarded and not subject to conventional attacks, in a part of the world where it would be hard to get conventional forces to neutralize the terrorist threat. I see that as a very real possibility in the coming decades, in the coming years, maybe even the coming months.

The legislation we have before us would take off the table our ability to adapt our nuclear deterrent force to meet that threat. Look how much money we spent during the cold war to neutralize the Soviet threat—the Star Wars programs and other ideas that made it very difficult for our enemy at the time to keep pace. It is one of the reasons the world is safer today, because we were able to adapt.

We took our nuclear programs, not to use the weapons, but to prevent those weapons from being used against us. We adapted our nuclear force in a way that eventually won the cold war.

I think that same scenario exists today. We should have on the table the ability of the great minds in this country to adapt, if necessary. And there is nothing in this proposal by the administration to build a weapon. It is to look at our current inventory and see if it can be adapted to a real threat.

I admire Senator FEINSTEIN, but I think her amendment would do a great injustice to the future policymakers and the military men and women of the future when it comes to fighting the war on terrorism because this war has just started. It is not anywhere near over. The major players are still alive, but they are trying to get people to follow in their footsteps. So we are going to be in this war for a long time.

The question before the Senate and before the country is, If we knew that bin Laden, or someone like him, was in some mountain fortress in Afghanistan or some other country, on the verge, within that fortress, of developing a nuclear, chemical, or biological weapon, what would we do to stop it?

I think we should do everything we can to stop it. And the idea of being able to use a redesigned nuclear weapon to keep a terrorist from hitting us with a nuclear weapon is something that we have to come to grips with because it is part of the war on terrorism.

So I hope the Senate will reject Senator FEINSTEIN's efforts to stop this inquiry because this is an inquiry that needs to be made sooner rather than later. I think the Bush administration is on the right course and the right path in taking the great minds of our time and letting them adapt our nuclear force to the coming threats because the coming threats are not from the Soviet bloc countries; they are going to be our allies. The coming threats are from people who hide in faraway places, deep in the bowels of the earth, with great hatred in their hearts.

We need to meet that threat. So I ask each Member of the Senate to dig within their heart and to make sure their vote does not take an option off the table that may well save this country from something we never experienced: a major nuclear, chemical, or biological attack.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. REID. Mr. President, I expected Senator DOMENICI to be in the Chamber. We have a couple of amendments we wanted to clear before the vote began, but he is not present. So Senator FEINSTEIN should go ahead and start her debate if she cares to.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask the minority whip how much time I have.

Mr. REID. Before I respond, Senator DOMENICI is present and we will be happy to extend the time of the Senator if we need to.

AMENDMENTS NOS. 1665, 1666, 1667, AND 1668 EN BLOC

Mr. REID. Senator DOMENICI and I have been working on a number of issues. I send a series of four amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1665, 1666, 1667, and 1668 en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1665

At the appropriate place insert the following:

WORKING CAPITAL FUND

(RESCISSION)

From unobligated balances under this heading $4,525,000 are rescinded.

AMENDMENT NO. 1666

On page 32, line 10 strike "853,517,000" and insert in lieu thereof "859,517,000".

AMENDMENT NO. 1667

At the appropriate place insert the following:

SEC. . That of the funds provided, an additional $3,000,000 shall be available for the Middle Rio Grande, NM project and an additional $3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

AMENDMENT NO. 1668

On page 33, at the end of line 12 insert the following:

"BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund."

Mr. REID. Mr. President, our staff has worked on these amendments during the last several days. I ask they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1665 through 1668) en bloc were agreed to.

Mr. REID. I ask that the Senator from California be given an extra minute from the time we just took.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 1655

Mrs. FEINSTEIN. Mr. President, I ask the Chair to let me know when 7 minutes have expired so I can defer to my cosponsor, Senator KENNEDY.

The PRESIDING OFFICER. The Chair will inform the Senator.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent that the names of Senators JOHNSON, MURRAY, CLINTON, and ROCKEFELLER be added to our amendment as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, yesterday Senator KENNEDY and I came to the floor and we spent some time arguing on behalf of an amendment to this bill which contained language similar to what was recently past by a large majority in the House of Representatives. The bill passed by the House of Representatives struck the language that appropriates funds to begin a new generation of nuclear weapons.

Now, there are some on the other side who say, and continue to say, this is just a study; there is no development. I believe that is not the case. Let me connect the dots for you.

In January of 2002, the administration put forward a Nuclear Posture Review which advocates the development of new types of nuclear weapons. Later that year, the President signed National Security Directive 17, indicating that the United States might use nuclear weapons first to respond to a chemical or biological attack.

Earlier this year, a decade-old prohibition on the development of low-yield nuclear weapons was rescinded in the Defense authorization bill. For 10 years, this kind of thing was prohibited. That prohibition, known as the Spratt-Furse amendment, was repealed earlier this year.

This spring a statement of administration policy for the Defense authorization bill clearly included support for the research and development of low-yield nuclear weapons.

In this bill the Senate is being asked to provide the dollars to begin this effort—$15 million for the study of a robust nuclear earth penetrator. We are talking in excess of 100 kilotons; $6 million for advanced concepts research, including low-yield weapons; funding for enhanced test site readiness; and a huge new $4 billion plutonium pit facility—all of this when we are already spending $2.3 billion for a Los Alamos facility that can provide replacement for the U.S. nuclear stockpile.

We are strongly opposed to America beginning a new generation of nuclear weapons. We are opposed to it for two reasons: No. 1, the low-yield nuclear weapon—under 5 kilotons—essentially begins to blur the use between conventional and nuclear weapons, therefore making it easier to use. And, No. 2, because the world will watch this and the world will respond. The way in which they will respond is with a new nuclear arms race.

If the United States begins to develop tactical, battlefield nuclear weapons, how long will it take for two indigenous nuclear powers, namely India and Pakistan, arch enemies, to say we should do the same thing. How long will it take for North Korea or Iran or any other nation that so seeks to begin such a similar program?

As many internationally have said: America preaches nonproliferation, and then it goes ahead and develops new nuclear weapons.

I think that is hypocritical. I do not think this country should be in that position.

So we strike these items; we fence two, we place the rest of the money in deficit reduction.

I want to say a few words about the nuclear pits because I think there is some misunderstanding. Although current production capacity may be limited, it is simply not true, as some have asserted, that the United States lacks the capacity to manufacture replacement pits. According to the Department of Energy's own Web site:

> The first pit that could be certified for use in the stockpile was manufactured in April 2003 as a first step to establish an interim—10 to 20 pits per year—production capability at Los Alamos in 2007.

And the Los Alamos facility can be modified to produce 150 pits a year.

Although the exact number is classified, reputable open sources estimate that there are between 5,000 and 12,000 extra pits in reserve at Pantex, beyond the 10,600 current intact warheads.

The average age of the plutonium pits in the U.S. stockpile is 19 years, and the Department of Energy estimates a pit minimum life to be between 45 and 60 years, with no life-limiting factors.

This is the beginning. This money will go to field a new generation of nuclear weapons. We should not do this. The House had the good sense to eliminate this language. The Senate should follow.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mrs. FEINSTEIN. I yield 4 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Five minutes ten seconds.

Mr. KENNEDY. And how much on the other side?

The PRESIDING OFFICER. They have 13 minutes.

Mr. KENNEDY. Four minutes?

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I am recognized for how long?

The PRESIDING OFFICER. The Senator from California has yielded 4 minutes.

Mrs. FEINSTEIN. Mr. President, I am happy to yield the remainder of my time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Then, would the Chair let me know when I have a minute and a half left, please?

First of all, I welcome the opportunity to be here with my friend and colleague from California in what I consider to be one of the most important votes that we will have this year. It is an issue involving our security. It is an issue, I believe, also, in the battle on terrorism.

It was just 40 years September 24, 40 years ago on September 24, that we had the signing of the first partial test ban treaty.

This chart reflects in a very abbreviated way, but an enormously important way what has happened over the last 40 years as leaders of the Democrats and Republicans alike moved us away from the real possibility of nuclear confrontation, and we have seen enormous success. We have seen the willingness of countries around the world to give up their capability of developing nuclear weapons because they wanted to be a part of the worldwide effort on nuclear proliferation. They also recognized it would be a more secure world if we didn't have further nuclear expansion.

We listened to the debate yesterday and the points that were well-made by my very good friend from New Mexico about how this legislation is really not about developing a new nuclear weapon. But the Senator from California pointed out three different references, all which have been included as a part of the RECORD. The most obvious is the administration's own statement of administration policy this past spring asking for the continued need for "flexibility in the cooperative threat reduction program and support for critical research and the development"—I will say this again—"and the development for low-yield nuclear weapons." That is what this issue is about.

Are we going to reverse the last 40 years? Do we possibly think there will be a safer America if we begin to move back towards the testing and the developing of what they call mini-nukes?

I don't believe so, because I believe a nuke is a nuke is a nuke. It is an entirely different weapons system than those in our conventional forces. We understand that. We have to take what the administration has stated: they intend to move ahead in the development of a new nuclear capability.

Those with responsibility within the administration have made it very clear. In February of 2003, Fred Celec, Deputy Assistant Secretary of Defense for Nuclear Affairs, said:

> If a nuclear bomb could be developed to penetrate rock and concrete and still explode, it will ultimately get fielded.

In April of 2003, Linton Brooks, Chief of Nuclear Weapons at the Department of Energy, stated before the Senate Armed Services Committee:

> I have a bias in favor of the lowest usable yield because . . . I have a bias in favor of things that might be usable.

We have been warned. We have the capability that exists to make sure we have the deterrence on into the future. But this is a radical departure of 40 years of Republicans and Democrats alike moving us away from the dangers of nuclear confrontations and the dangers of nuclear proliferation to the development of small nuclear weapons. And we will find this an invitation for the terrorists around the world to come and seek out that weapon. If we develop a small nuclear weapon, what are we going to find? The corresponding action by countries around the world—the Iranians and the North Koreans continuing their progress in developing their own nuclear weapons system.

That doesn't make sense in terms of the country that is the number one military force in the world today. It doesn't make sense, and it doesn't make sense for our battle against the war on terrorism.

It is very clear why this amendment is needed. The administration pretends it is not really planning to produce these new kinds of nuclear weapons—the mini-nukes and the bunker busters. They just want to find out if they are feasible.

We all know what is at stake. The administration wants us to take the first steps down a new path. But going down that path could easily make nuclear war more likely. Just a little step—they say. But it is still a first step. And a step down that path now could make the next step easier, and the next and the next. It is a path that makes nuclear war more likely, and the time to call a halt is now—before we take the first step.

We ask for and implore the support of our colleagues to move us away from the real dangers of nuclear proliferation and the development of these dangerous mini-nukes that can pose a danger to the world population.

I withhold whatever time is left.

Mrs. FEINSTEIN. Mr. President, before the chairman of the committee speaks, I ask unanimous consent that Senator STABENOW be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, first of all, it should be understood by everyone that this language which is being stricken does not permit the United States of America to build any new nuclear weapons—large, small, medium-sized, or otherwise. There is no authority in this bill to build new nuclear weapons.

No. 2, this bill says that in Nevada we used to test nuclear weapons for decades. Whenever our nuclear laboratory experts used to certify to our Presidents that the weapons were in good shape, ready, reliable, available, and safe, they did it principally because we had a testing ground in Nevada, and we tested bombs to know precisely their efficacy, reliability, et cetera.

When we decided to no longer test, we essentially closed down or put that test facility in mothballs. But we knew we must always keep it in case we needed it. We left it there, saying if we ever need it, we can use it in 3 years.

All this amendment does—it could be a totally freestanding amendment, if one wanted, but it is part of the amendment that the Senator from California strikes—is say let us upgrade that Nevada Test Site so if we need it, we can use it in 1½ years. There are few American nuclear experts who do not think 1½ years is the correct amount—not 3 but 1½. That has nothing to do with us setting about to build a brand new small nuclear weapon. It has nothing to do with us building a stockpile of new weapons. It has to do with just what I explained and nothing else.

Third, regardless of what has gone on in Los Alamos for the last 7 years in an effort to produce for America plutonium pits—the ingredient for a nuclear weapon that must be there or you don't have a nuclear weapon—we have no American manufacturing center for the production of pits. The Los Alamos facility has been a facility that we just pushed. We pushed it and pushed it, and finally it has almost produced a pit. But it has not produced a certifiable pit yet in 7 years of effort. It has produced a pit or two, but they are not certifiable, which means they are not complete.

All this bill says is the time has come to build a plant to manufacture pits for the next 40 years—not for a new weapons system but so we can have them in storage for the next 40 years. We are the only nuclear weapons power without spare pits for nuclear weapons. Yes, the only one. Why would we say we should not do that? The only reason we would do it is if we believed what the Senator from California alleges; that is, we are doing it because we are going to build a new set of nuclear weapons.

If we were authorizing a series or a set of new nuclear weapons, this amendment would be the biggest amendment in the country. It would have been written about, talked about, harked about, and we would have been all over and upside down and inside out. But there is nothing in the bill that produces a single new nuclear weapon.

That comes to the final part. It is very simple, if you will just listen and know what we are trying to do.

Those who manage our nuclear, those who are our nuclear experts, who use their minds to dream up ideas about where we are going to be, what troubles we might have in the future, and what new might occur in the world that might require changes, are the men and women of great talent. This bill does what the executive branch and the experts on nuclear management say: Let those people think, let those people design, let those people postulate, and don't put blinders on their brains and say you can't even think about these things because it might someday yield an idea that might cause us to do something different with a nuclear weapon.

Frankly, I believe the men and women who already put that fantastic brainpower to work in this area deserve to have their brains used, not tied in knots by rules about what you cannot think about and what you cannot plan for.

The third part, this amendment says you cannot plan, think about, design for the future, even when you know you cannot build them, which is what the rule is going to be.

We have argued this about as long as we can. I have argued it about as hard as I can. I am getting close to being tired of arguing this, but it is so important we not make a mistake. It would be a tragic mistake to vote for the Feinstein amendment. There is nothing we are doing that the Feinstein amendment should stop. If, in fact, we were going to build nuclear weapons, you ought to be concerned and perhaps vote with her, if she is saying do not do it. But we do not plan to. It is not in here. And she cannot stop it because we are not going to do it. In that regard, the amendment is useless.

But it is not useless when it comes to the three things that it does: It will stop us from planning the manufacturing plant of the future for pits. It will do that. And we should not do that. Second, it will stop the money and the planning and the work to bring the Nevada Test Site up to par and ready for a new test in 18 months rather than 3 years. It will do that. And third, it will put blinders on the scientists with reference to them being able to speak about the future and future needs, which change.

How much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes remaining. The Senator from California has 9 seconds.

Mr. DOMENICI. I reserve my time.

AMENDMENTS NOS. 1676, 1677, 1678, EN BLOC

Mr. REID. Mr. President, I send three amendments of Senator DOMENICI to the desk. They have been reviewed. I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DOMENICI, proposes amendments Nos. 1676, 1677, and 1678, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1676

At the appropriate place, insert the following:

SEC. . LOWER COLORADO RIVER BASIN DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1534(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury may not be expended until further Act of Congress.

AMENDMENT NO. 1677

(Purpose: To set aside additional funds for the Mni Wiconi project, South Dakota)

On page 33, line 12, before the period at the end, insert the following: ": *Provided further*, That of the funds provided under this heading, an additional $5,000,000 may be available for the Mni Wiconi project, South Dakota".

AMENDMENT NO. 1678

(Purpose: To set aside funds for certain projects and activities at the Alabama-Coosa River, Alabama)

On page 15, line 16, after the colon, insert the following: "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not less than $5,461,000 of the funds made available under this heading for the Alabama-Coosa River, Alabama (including for routine operations and maintenance work at Swift Creek Park), of which not less than $2,500,000 may be used for annual maintenance dredging of navigational channels of the Alabama-Coosa River:".

Mr. REID. These have been cleared by Senator DOMENICI, this Senator, and our respective staffs.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1676, 1677, and 1678) were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1655

Mrs. FEINSTEIN. I yield the remaining time.

Mr. DOMENICI. I yield my remaining time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time having expired, is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID of North Carolina. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY) the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—53

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—6

Edwards
Fitzgerald
Graham (FL)
Kerry
Lieberman
Smith

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator JACK REED has an amendment that is acceptable, if he is ready. Is the Senator ready?

Mr. REED. I have my amendment.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I send amendment No. 1659 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Rhode Island [Mr. REED], for himself, Mr. LEVIN, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. NELSON of Florida, proposes an amendment numbered 1569.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit the use of fund for certain activities relating to advanced nuclear weapons concepts, including the robust nuclear earth penetrator)
>
> At the end of title III, add the following:
>
> SEC. 313. No funds appropriated or otherwise made available to the Department of Energy by this Act may be available for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the robust nuclear earth penetrator.

Mr. REED. Mr. President, I ask unanimous consent that Senator NELSON of Florida be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I am disappointed the Feinstein-Kennedy amendment did not pass because I believe that amendment really responded to the issues of the moment. We are in a dangerous time because we see around the globe where there are nations aspiring to become nuclear powers, where proliferation is one of the most dangerous threats this Nation faces, particularly proliferation that would provide fissile material to terrorists, which is the great fear of all of us.

In order to resist the growth of nuclear powers around the globe, we have to be faithful to our commitment to arms control and our sense that further development of nuclear weapons—and, I would argue, weapons without military requirements—is really not so much an exercise in protecting the United States but it is an exercise that will lead us down a path that could see our country exposed to even more dangers. So I am very much concerned that the Feinstein-Kennedy amendment failed.

Therefore, I am proposing an amendment that I hope will essentially put restraints upon the use of these dollars in the development of nuclear weapons, and I will explain it in more detail later. It would constrain the expenditure of funds to the the research phase. It would preclude monies to be used to engineer a weapon, to test a weapon, and to deploy a weapon. It is language that is consistent with the language included in the Defense Authorization Act which we passed several months ago.

We are at a difficult moment in our history, as I mentioned.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. REED. I would be happy to yield for a question to my cosponsor, Senator NELSON.

Mr. NELSON of Florida. I appreciate the Senator offering this amendment and I just want to underscore with a question that the Senator's amendment will allow the research to go on as we intended in the Defense authorization bill but would not allow the development and the engineering where these weapons would be actually designed until such time as the executive branch would come back to the Congress to get approval to do that. Is that correct?

Mr. REED. That is absolutely correct. It reflects the value of the contribution the Senator from Florida made in the Defense authorization debate.

Mr. NELSON of Florida. I thank the Senator.

Mr. REED. There are some who have criticized any attempts at arms control as futile, as failures. That, I think, is a dangerous idea. I hope arms controls work because history seems to show that, without controlling arms, eventually they wind up being used, and when it comes to the issue of nuclear weapons, that is a great nightmare that has haunted all mankind since 1945.

Since that date, we have been successful in containing the use of nuclear weapons. It is because we took prudent steps to try to control the proliferation of nuclear weapons, the development of nuclear weapons. And at this juncture in history, to stand up and say arms control does not work not only misreads history but misses the point entirely. We have to make it work. Indeed, arms control has provided us at least some respite, some bit of breathing space, from the horrors of Hiroshima. That in itself is a success.

Today, particularly when we look at North Korea, I think we had all better hope fervently that arms control can work because without some type of arms control there, we will be in an extraordinarily precarious situation.

If we look at the situation in Iran, where the international arms control agency is trying to work with the Iranians, trying to get them to cooperate with the world community, that is an example of arms control in action. I hope—and I am sure I speak for everyone else—that that effort succeeds.

Time and again, when we have had serious situations, we have been able to use the norms established by international arms control agreements as leverage in a particular crisis. Arms control is not perfect, but without it we would be in a much more dangerous and much more devastating world environment.

This administration, however, has effectively turned its back on so many different initiatives: The repeal of the ABM Treaty, the failure to follow up the Comprehensive Test-Ban Treaty by sending it again to the Senate for a vote. This and so many other examples suggest that the administration has not effectively read the lessons of history. I believe they have the mistaken view that arms control will never work rather than trying to make it work, understanding it is not perfect but it is essential to our national security strategy.

My colleague and friend John Spratt stated it very well in an article in the March 2003 edition of Arms Control Today. In his words:

> My greatest concern is that some in the administration and in the Congress seem to think that the United States can move the world in one direction while Washington moves in another, that we can continue to prevail on other countries not to develop nuclear weapons while we develop new tactical applications for such weapons and possibly resume nuclear testing.

Congressman SPRATT was very clear. In life, one really cannot have it both ways. I think this is an example of that. At one time, you cannot be trying to persuade, convince, and cajole other nations to abandon the development of nuclear weapons while you are blatantly going ahead and developing them yourself. The approach of the administration has been to attempt to get it both ways. It will be doomed to failure.

I would argue that rather than declaring the arms control movement dead, we have to give it renewed life. Indeed, we can point to successes in the past that should give us some comfort to know that if we work hard, if we work in a disciplined and dedicated way, we can use arms control to enhance our security—not exclusively depend, certainly, on arms control, but it has to be an important part of our repertoire.

In the early 1960s, when there were a few nuclear powers—the United States, Soviet Union, Britain, France, and China—there was a fear that within a decade or more, as President Kennedy expressed it, there would be at least 25 countries that developed nuclear weapons. What was feared did not come to pass because of effective, meaningful arms control exemplified in many respects by the nonproliferation treaty and other initiatives.

Deputy Secretary of State Richard Armitage has cited this record, indicating his support for continued efforts at arms control. In his words:

> [I]nstead of the 25 or so countries that President Kennedy once predicted, only a handful of nations possess nuclear weapons. Of course we suspect many more countries have chemical or biological weapons, but still short of the scores that had been predicted in the past. We have reached this state of affairs in no small part through the concerted effort of many nations. Agreements, such as the nuclear nonproliferation treaty and the Chemical Weapons Convention, organizations such as the IAEA and the Nuclear Suppliers Group—these constitute a global security architecture that has served us satisfactorily and kept us safe.

But critics of arms control fail to acknowledge that Argentina and Brazil and South Korea and Taiwan ceased their suspected nuclear programs in part because of the international norms represented by the nonproliferation treaty. Without these norms and without the United States exemplifying these norms, I don't think we would have the success we have had in these cases that I have cited.

Similarly, when the Soviet Union dissolved and the Newly Independent States of Belarus, Kazakhstan, and Ukraine found themselves with nuclear weapons, they voluntarily turned them in as a result of the norms established by the international arms control regimes. South Africa has also given up their nuclear weapons.

This is an example, not of perfect success but of success. If we begin to abide by our commitment to the nonproliferation treaty, to our commitments to reducing nuclear weapons rather than building new ones, we might be able to provide more leverage on countries such as India and Pakistan so that they would join the nonproliferation treaty and the Comprehensive Test-Ban Treaty. That is the kind of leadership we need at the moment. I hope we can get it.

As I mentioned before, we also are facing very serious problems with North Korea and Iran. I hope they can be resolved peacefully. But that peaceful resolution implies extending arms control agreements to these countries. So disparaging arms control is doing a great disservice to our national security and to our strategy.

The Bush administration has seemed bound since their first days in office to reverse 50 years of arms control activities, both by Republican and Democratic administrations. In December 2001, they published their Nuclear Posture Review.

This review was troubling in many respects. For the first time in history, this review suggested that we would use weapons, nuclear weapons, not simply to deter another nuclear power but to engage a nonnuclear power. The report essentially said that we would consider for the first time and be prepared to use nuclear weapons against nonnuclear nations that were nonaligned with a nuclear power—a tremendous reversal in our strategic outlook, blurring the distinction between conventional weapons and nuclear weapons, a distinction that since Hiroshima we on both sides of the aisle have endeavored mightily to maintain crystal clear. This blurring, this suggestion that we would use nuclear weapons in a first strike against nonnuclear powers, set the tone for other administration pronouncements.

Last November, a memo from then-Under Secretary of Defense for Acquisition, Technology and Logistics, Pete Aldridge, became public. The memo directed nuclear weapons laboratories to:

> . . . assess the technical risks associated with maintaining the U.S. arsenal without nuclear testing . . . [and suggested the] U.S. take another look at conducting small nuclear tests.

Following up to this memo, the President's budget for fiscal year 2004 included $24 million to reduce the time needed to prepare to conduct a nuclear weapons test from 2–3 years at present to 18 months—once again, a very sobering and ominous suggestion that we would begin to test nuclear weapons again; that we would abandon our efforts to assure the quality of our stockpile through nontesting means and that we would conduct tests.

If the United States of America begins again to conduct nuclear tests, I think that would be an open invitation to other countries, such as India and Pakistan, and perhaps powers undeclared as yet, to begin a nuclear testing program. It certainly would be good cover internationally.

The President's budget in 2004 also went on to request $22.8 million to accelerate the design and select a site for a new modern pit facility.

Plutonium pits are necessary components of nuclear weapons. We have not had the ability to build such pits since 1988. We do need a pit facility. But the proposal of the administration goes far beyond any conceivable needs, given the current situation. They want to create a facility that is capable of producing up to 500 pits per year. That would be 500 nuclear weapons per year. That is a rate that rivals anything in the cold war, and according to the administration, the cold war is over—except, I guess, when it comes to nuclear policy or at least nuclear design and production policy.

Then in addition to this development, the administration has been vigorously pressing for the design of a robust nuclear earth-penetrator to be used against hard and deeply buried targets. The RNEP would be a modification of an existing nuclear device, necessarily a very large nuclear device. It has been deemed a bunker buster. But, frankly, the kilotonnage or the tonnage of this RNEP is so large it would be a city buster, not a bunker buster. The kilotons of the weapons dropped on Hiroshima and Nagasaki were 14 and 21 kilotons, respectively, and this RNEP could be 71 times larger than the bomb dropped on Hiroshima. That is not a bunker buster. That is not a discrete weapon that could take the place of precision conventional weapons. Yet the administration is pressing forward.

Then this year the administration requested the repeal of the 1993 statutory ban on the research, development, and production of low-yield nuclear weapons and $6 million for funding for advanced nuclear weapons concepts.

Current law prohibits work, design, research with respect to weapons below 5 kilotons. The administration seeks to repeal this ban—strike it out—even though there is no military requirement for these small sized nuclear weapons.

When asked about this proposal, Ambassador Linton Brooks, the Acting Director of the National Nuclear Security Administration, stated before the Armed Services Committee:

> I have a bias in favor of something that is the minimum destruction. . . .that means I have a bias in favor of things that might be usable.

Here we have it. A history of 5 decades of trying to create a nuclear policy that dissuades the world from using nuclear weapons and we are trying to develop small nuclear weapons, which the scientists at this time say—the lab leaders say—are designed to be used. We have crossed a huge space between our policy of 5 decades and this newly emerging policy. We have moved from being the leader in arms control to being someone who treats arms control casually, if not flippantly. The irony, of course, is we stand to suffer the most. I hope we could reverse this trend.

I had hoped very much that the Feinstein-Kennedy amendment would be agreed to because I think that would have sent a strong signal and be a practical and pragmatic step. But now we have the opportunity to constrain the funds that are being expended for those preliminary research aspects of nuclear weapons development. As my colleague, Senator NELSON, said, it will give Congress a chance to decide, after more information, more debate, and more justification, whether it is in our national interest to proceed with the development, engineering, and deployment of a new class of nuclear weapons.

The amendment I offer today will allow the Department of Energy to use $22 million in funding that the President requested for advanced nuclear weapons concepts for research alone. The amendment would not allow money to be used for developing, testing, or deploying new nuclear weapons, or RNEP, which is a modification of an existing weapon.

This amendment would assure that the appropriations bill is consistent with the language that is included in the fiscal year 2004 Defense authorization bill. During that debate, an amendment that would require the Department of Energy to seek specific authorization and appropriations before proceeding with phases beyond research passed this body by a vote of 96 to 0. The Senate has clearly spoken on this issue. The amendment I offer today will ensure that the Department of Energy will comply with the wishes of Congress by returning to the Congress before beginning development, testing, production, and deployment of a new nuclear weapon or the RNEP.

I believe we should retain the prohibition on any research or development of low-yield nuclear weapons. But if that must change—if we must eliminate the threat-first amendment—I believe the research is all that is necessary at this time and that there should be a full and complete debate on any development funding for a system of nuclear weapons or the RNEP based upon research first.

The primary reason that the administration says it needs this money for advanced nuclear concepts is to, in their terms, "train the next generation of nuclear weapons scientists and engineers."

Ambassador Brooks, Director of the National Nuclear Security Administration, stated that research must be funded to "remove the chilling effect on scientific inquiry that could hamper our ability to maintain and exercise our intellectual capabilities to respond to needs that one day might be articulated by the President."

In July, Energy Secretary Abraham said: "We are not planning any nuclear weapons at all." If research is the reason, if research is the justification, if we are planning no nuclear weapons, then this amendment provides the funding and the authority for the research.

This amendment is very clear about what is allowed. There are very distinct phases in the development of nuclear weapons. Since 1953, the Department of Defense and the Department of Energy have worked in a very formalized weapons development process. Indeed, the Atomic Energy Commission was one of the predecessors of the effort. And the Atomic Energy Commission was also involved in the formulation of the process.

My amendment would prohibit "development engineering," which is the third phase. This is for new weapons development.

All of these phases would be authorized, and the funds could be expended for concept definition, feasibility study, design definition, and cost study. But you could not go into phase 3, development definition. It is clear and precise—allowing the research and allowing all that is necessary, according to both the rationale to train our scientists and also the affirmation by the Secretary of Energy that we were not planning to develop new nuclear weapons.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield.

Mr. REED. I am happy to yield.

Mr. DOMENICI. Did the Senator conclude amendment No. 1659 regarding the Energy Department's research on nuclear weapons?

Mr. REED. I did not. In the next few minutes I will complete my comments on the amendment.

Mr. DOMENICI. I wonder if the Senator might offer that amendment so I could give him my concurrence.

Mr. REED. The amendment has been offered. I think Senator LEVIN wants to speak. But the Senator's concurrence will be invited as soon as I conclude.

Mr. DOMENICI. Mr. President, on this side of the aisle, we accept the Reed-Levin-Kennedy-Feinstein amendment because it is current policy. It just repeats current policy unequivocably. This is what the policy of the country is. We did not change that in our bill. The Senator is most welcome to try to make it eminently clear what that current policy is. For that reason, we will accept it whenever it is ready to be accepted by the Senate.

Mr. REED. Mr. President, reclaiming my time, I thank the chairman for his kindness in accepting the amendment. The policy is included in the Defense authorization bill. But there is a debate ongoing about what the precise policy is. We want to at least set this limit with respect to the policy.

The chairman suggesting that it will be accepted will prompt me to quickly conclude my comments.

I note that my colleague from Michigan is here also seeking recognition.

We brought this measure to the Defense authorization debate. As was indicated in my discussion with Chairman DOMENICI, the Senate passed this provision overwhelmingly. This is now included in this appropriations bill. It is going to be an interesting conference because our colleagues in the House have stricken the money; that is the preference that I would suggest is the best approach. But short of that, this at least constrains the spending of the funds to the first three phases of research, which apparently, at least in my view, directly responds to the professed need for the funds, and it will also again support the statement of the Secretary of Energy that there is no plan to develop nuclear weapons.

In a letter to the Armed Services Committee, Admiral Ellis, the Commander of the Strategic Command, which command is responsible for all nuclear weapons, stated that:

> U.S. Strategic Command is interested in conducting rigorous studies of all new technologies examining the merits of precision, increased penetration, and reduced yields for our nuclear weapons.

Once again, this proposal corresponds to the request from our military leaders in what they are looking for today.

I hope that not only this amendment will be incorporated into this pending appropriations bill but that in conference we at least maintain this.

I again urge my colleagues to think hard again about the Kennedy-Feinstein proposal and the proposal that is already included in the House provisions. But today is an opportunity at least to slow down a rush to develop nuclear weapons which have no, or very limited, military requirements, and it would give us an opportunity as a Congress to debate the wisdom of our course of action.

Let me conclude by saying we have changed course dramatically. After 50 years of being the leading nation in the world arguing for arms control, arguing for sensible constraints in the development of nuclear weapons and limits on nuclear weapons, we have become a nation that is casual about our commitment to arms control, that denigrates it too often, and that course has left us with the only other option which is I think less appropriate. As I said initially, if there are no arms control, then there is a higher probability of arms usage. With nuclear weapons, that is a thought that no one wants to contemplate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend my friend from Rhode Island for his leadership in this area. It is critically important that we show some constraint—at least in funding of new nuclear weapons and modifications of existing nuclear weapons in order to make them more usable.

Appropriating funds, as this bill does, for research on a new nuclear weapon and research on a modification of existing weapons in order to make them more useful moves us in a dangerous new direction which marks a major shift in American policy. It is inconsistent with our longstanding commitment under the Nuclear Non-Proliferation Treaty to end the nuclear arms race. It undermines our argument to other countries around the world that they should not develop or test nuclear weapons. Unfortunately, the bill before us supports this dangerous new direction by putting funds into research of both the new weapon and modification of existing weapons to make them more usable.

At least the pending amendment of the Senator from Rhode Island puts an explicit constraint on the expenditure of that money. Why it is so important this language be included is that it makes explicit, before we can move to the developmental stage of these new weapons, there must be an explicit congressional vote. It cannot happen—this next stage, which we hope will never come—if the Reed language is adopted and maintained in conference, and if we were able to maintain similar language in conference in the authorization bill that development of these new weapons and modified weapons, to make them more usable, could not happen without an explicit action on the part of Congress.

That is not the current policy that there be an explicit authorization. It is not inconsistent with current policy that there be an explicit authorization before we approve development, but it is not the existing policy.

It is critically important that at least if we cannot stop this country from moving in a direction which is so totally inconsistent with what we are urging the rest of the world to do, at a minimum, we go as far as we can in expressing the determination of at least many of us that we move not at all, if possible, before we move that there be a formal vote on the part of Congress.

I do not understand how we can argue to other countries, with our heads high, that they should not move in a nuclear direction at the same time we are doing research on new nuclear weapons. We are telling others, do not go down that road. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are going to move recklessly down that same road. We are following a policy that we do not tolerate in others.

The adoption of the Reed amendment would at least put some brake on the speed at which we are going down that road, and hopefully, before development is reached, before taking the next milestone on that road.

Appropriating funds for research in new nuclear weapons begins to take the United States in a dangerous new direction that marks a major shift in American policy, is inconsistent with our longstanding commitment under the Nuclear Nonproliferation Treaty to end the nuclear arms race, and undermines our argument to other countries around the world that they should not develop or test nuclear weapons. Unfortunately the bill now on the Senate floor would also support this dangerous new direction. But the pending amendment puts an explicit constraint on it.

Current U.S. law bans research and development of new nuclear weapons that could lead to their production. The specific weapons covered by the ban are so called low-yield nuclear weapons which have a nuclear explosive yield of 5 kilotons or less. Five kilotons is roughly a third the size of the nuclear bomb that was used at Hiroshima, which immediately killed an estimated 140,000 people and left many more injured.

The Bush administration asked that this ban be repealed. If the ban is repealed, the purpose is to make nuclear weapons more usable. As stated by Linton Brooks, the Administrator of the National Nuclear Security Administration in testimony before the Subcommittee on Strategic Forces of the Senate Armed Services Committee on April 8, 2003, "I have a bias in favor of the lowest usable yield because I have the bias in favor of something that is the minimum destruction . . . I have a bias in favor of things that might be usable."

The language approved by a majority of the Armed Services Committee and included in the Senate passed version of the Defense authorization bill would repeal this ban. Without this ban there is no impediment in law to research, development, testing, production, or deployment of new, low-yield nuclear weapons. The bill before us would also support the repeal of this ban by appropriating $6 million to begin the research on new low-yield nuclear weapons, or for any other advanced new nuclear weapons concept.

The Defense authorization bill authorizes the National Nuclear Security Administration to continue work on a robust nuclear earth penetrator (RNEP). The Energy and Water bill would appropriate these funds.

This effort would modify one of two existing high-yield nuclear weapons to create a nuclear weapon that will penetrate rock. Both weapons being looked at for possible modification are high-yield nuclear weapons with yields that are approximately 30 and 70 times the explosive power of the Hiroshima bomb. Without a requirement that the earth penetrator weapon be authorized by Congress, there is no legal impediment to its development, testing, production, or deployment.

At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development, when we strongly oppose North Korea's pulling out of the Nuclear Nonproliferation Treaty, when we are trying to prevent Iran from establishing a nuclear weapons program and when we are spending over a billion dollars to prevent the spread of nuclear weapons material and technology, these actions would send a terrible message. We are telling others not to go down the road to nuclear weapons. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road. In short, the United States is following a policy that we do not tolerate in others.

President Bush on June 18 stated that the United States will not tolerate a nuclear Iran. Similarly in May President Bush, in a joint statement with the President of South Korea, said he would not tolerate a North Korean nuclear weapon.

The leaked version of the Nuclear Posture Review identifies both North Korea and Iran as countries against which the United States should be prepared to use nuclear weapons. Clearly North Korea is the focus of the concern about hard and deeply buried targets and the desire to pursue the development of an RNEP.

At the same time that the United States is actively engaging in talks with North Korea to persuade them to give up their nuclear weapons program and urging the IAEA to ensure that Iran does not pursue a nuclear weapons program, we are beginning the process to develop new nuclear weapons. The Bush administration is taking action to ensure that there is a robust complex to build new nuclear weapons and an accelerated test readiness program to test them.

Where is the consistency in our actions? Having undertaken a preemptive war against an alleged imminent threat in the name of counter proliferation, can the United States effectively unite the world against Iran and North Korea's pursuance of nuclear weapons programs when the Bush administration appears to be on the verge of reversing a decades old nuclear policy and pursuing new tactical nuclear weapons? Weapons that, in the words of Linton Brooks, the Administrator of the National Security Administration, "might be usable."

The inconsistency of U.S. action was noted in a May 17 editorial in the Economist Magazine:

> . . . America would dangerously blur the line against nuclear use by anyone. That would make it more likely, not less, that America's own forces would eventually have nuclear weapons used against them too. Mr. Bush has said repeatedly, with reason, that he wants America to rely less on nuclear weapons for its future security, not more. In their determination to leave no weapons avenue unexplored, his advisors are proposing to lead America along a dangerous path. Time the president called a halt.

On July 17 of this year the New York Times also commented on the inconsistency between urging others to forego nuclear weapons development at a time when the United States is beginning to put in place all the elements of a new nuclear weapons program. Particularly a program whose goal appears to be to produce nuclear weapons that "might be usable."

The July 17 editorial cautioned:

> Nuclear bombs should not be casually reengineered for ordinary battlefield use at a time when countries like North Korea, Pakistan and India have added nuclear weapons to their arsenals and a chief objective of U.S. policy is to make sure these weapons are never used.

I urge the Bush administration to continue to work to persuade both North Korea and Iran to disavow nuclear weapons programs. Arms control still has a vital role to play. As Deputy Secretary of State Armitage said, in defense of the Nonproliferation Treaty, "Agreements such as the Nonproliferation Treaty and the Chemical Weapons Convention, organizations such as the

IAEA and the Nuclear Suppliers Group—these constitute a global security architecture that has served us satisfactorily and kept us sage."

As Rose Gottemoeller, a former Assistant Secretary of Energy said:

> Other countries watch us like a hawk. They are very attentive to what we do in the nuclear arena. This is going to be considered another step in the tectonic shift. I think people abroad will interpret this as part of a really enthusiastic effort by the Bush administration to renuclearize. And I think definitely there's going to be an impetus to the development of nuclear weapons around the world.

Let us slow down and think about the road on which we are about to travel.

Senator REED, Senator KENNEDY, and I offer an amendment today to once again preserve Congress's role in any decision to move toward the design, engineering, testing, or deploying of any new nuclear weapon. And equally important, this amendment will require us to stop and think seriously before going down the road toward new nuclear weapons.

The amendment would require the Department of Energy to obtain a specific authorization from Congress before the Department could move to phase 3 or beyond in the nuclear weapons development process. Phase 3 is the engineering development phase, the point at which a concept would begin to be a new weapon.

The amendment would also apply to this same phase, the engineering development phase, in the process of modifying an existing weapon for a new military requirement. When the Department modifies an existing weapon the engineering development phase is the 6.3 phase. This amendment would apply to the 6.3 phase as well.

Language similar to this amendment passed the Senate 95–0 during the consideration of the Defense Authorization Act. There was no disagreement then, and should not be now, that Congress retain a central role in any decision to seek new nuclear weapons.

In 1994, Congress determined that the United States did not need to embark on a new nuclear weapons program, which would require nuclear weapons testing prior to being deployed, and banned research that could lead to production of new, low-yield, nuclear weapons. The current law is found at section 3136 of the Fiscal Year 1994 National Defense Authorization Act. It is commonly known as the Spratt-Furse provision.

The Senate passed version of the Fiscal Year 2004 National Defense Authorization Act repeals the current Spratt-Furse law, while the House-passed version of the Fiscal Year 2004 National Defense Authorization Act, modifies the current law. The House modification would allow the Department of Energy to conduct research on low yield nuclear weapons but not to begin the engineering design phase of the nuclear weapons process.

The conferees have been working for several months to resolve the many differences in the two versions of the Defense Authorization Act. One of the issues that the conferees have yet to resolve is the issue of the Spratt-Furse provision.

The conferees are discussing whether Spratt-Furse should be modified, as in the House-passed bill, or repealed, as in the Senate-passed bill, or whether both provisions could be dropped and the current law preserved. It is important to note that the Reed amendment is consistent with any of the possible outcomes in the defense authorization conference.

Whatever the outcome, the Reed amendment will ensure that Congress plays a role in future nuclear weapons decisions.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have nothing further to say about the amendment. We are ready to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1659) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I address Senators—and I am sure if Senator REID were here, he would concur—there is a real chance that we could finish this bill this evening. We have two windows. We have this window that lasts until 4:30 and then Senators have to be elsewhere. We understand that. Then there is a window from 6 to 7 when Senators could be here.

I am asking Senators, if you have amendments, bring them down and let's get them considered. We will move ahead as soon as Senator REID gets here with amendments that are getting checked and cleared to which there is no objection. We have quite a few of those. We would be very pleased if we heard from Senators, if your staff could tell us there were no more amendments. Then we could say we could finish from 6 to 7 p.m. this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator DOMENICI and I have worked during the lunch hour and up to now to clear some amendments.

AMENDMENTS NOS. 1646, AS MODIFIED; 1656, AS MODIFIED; 1681 THROUGH 1683, EN BLOC

Mr. President, I send five amendments to the desk, two of which—amendments Nos. 1646 and 1656—will be offered as modified, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes amendments numbered 1646, as modified, 1656, as modified, and 1681 through 1683, en bloc.

The amendments are as follows:

AMENDMENT NO. 1646, AS MODIFIED

(Purpose: To modify the provision relating to the Waikiki Beach project, Oahu, Hawaii)

On page 3, beginning on line 2, strike "the continuation" and all that follows through line 8 and insert "preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized."

AMENDMENT NO. 1656, AS MODIFIED

(Purpose: To authorize a wastewater infrastructure project for Coronado, California)

On page 31, between lines 7 and 8, insert the following:

SEC. 117. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 335) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

"(71) CORONADO, CALIFORNIA.—$10,000,000 may be authorized for wastewater infrastructure, Coronado, California.".

AMENDMENT NO. 1681

On page 67, strike line 7 through line 11 and insert in lieu thereof:

"SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT.

"Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

"(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C)."

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

AMENDMENT NO. 1682

At the appropriate place, insert the following:

SEC. . Section 560(f) of Public Law 106-53 is amended by striking "$5,000,000" and inserting in lieu thereof "7,500,000".

AMENDMENT NO. 1683

(Purpose: To direct the Secretary of the Interior to conduct a water supply feasibility study for Tualatin River Basin, Oregon)

On page 42, between lines 5 and 6, insert the following:

SEC. 2 . TUALATIN RIVER BASIN, OREGON.

(a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) FEDERAL SHARE.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) ACTIVITIES.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

Mr. REID. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

The amendments No. 1646, as modified; No. 1656, as modified; Nos. 1681 through 1683 en bloc were agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1687, 1688, 1689, 1690, 1691, AND 1692 EN BLOC

Mr. DOMENICI. Mr. President, we have a package of amendments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. REID, proposes amendments numbered 1687 through 1692, en bloc.

Mr. DOMENICI. Mr. President, we have cleared these amendments. We have worked on them on both sides. They are acceptable. I understand the distinguished minority leader is willing to accept them; is that correct?

Mr. REID. Mr. President, that is true.

Mr. DOMENICI. Mr. President, we have nothing further.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT 1687

(Purpose: To authorize the Secretary of the Interior to extend, on an annual basis, the repayment schedule of certain debt to facilitate Indian water rights settlements in the State of Arizona, with an offset)

On page 34, line 6, strike "$56,525,000" and insert "$54,425,000".

On page 42, between lines 5 and 6, insert the following:

SEC. 2 . FACILITATION OF INDIAN WATER RIGHTS.

The Secretary of the Interior may extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to facilitate Indian water rights settlements in the State of Arizona.

AMENDMENT NO. 1688

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further*, That within funds provided herein, $500,000 may be used for completion of design and initiation of construction of the McCarran Ranch, NV, environmental restoration project

AMENDMENT NO. 1689

(Purpose: To set aside funding in connection with the harbor of Morehead City, North Carolina, for a project to disperse sand along Bogue Banks)

On page 16, line 12, before the period at the end, insert the following: ": *Provided further*, That the Secretary of the Army may use $3,000,000 of the funds provided under this heading to undertake, in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks".

AMENDMENT NO. 1690

(Purpose: To provide for a transfer of funds to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah)

On page 2, line 18, after "expended" insert the following: ", of which $500,000, along with $500,000 of the unobligated balance of funds made available under this heading in the Energy and Water Appropriations Act, 2003, may be transferred to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah".

AMENDMENT NO. 1691

(Purpose: To set aside funding for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon)

On page 15, line 8, strike "facilities:" and insert "facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon:".

AMENDMENT NO. 1692

(Purpose: To provide funds for use in carrying out Great Lakes remedial action plans and sediment remediation programs under the Water Resources Development Act of 1990)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading "GENERAL INVESTIGATIONS", not less than $1,500,000 may be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101-640).

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if I could have the attention of the distinguished chairman of the subcommittee, I think he would agree that we have spent all day working on this bill. It is an important bill with $27.3 billion in funding for some of the most important aspects this Government does.

We are now at a point where we are about to wrap this up. If there are Members who have amendments to offer, they should get over here within the next 40 minutes. If they are not here by then, we will assume there are no other amendments to be offered. We have other work that we need to do. There are negotiations going on on some amendments. Other than that, we are arriving at a point where we will move forward.

I have several amendments that I would like to send to the desk en bloc. I note that there are a number of amendments—in fact, two—in order, Nos. 1652 and 1660, which will be as modified.

We are so efficient that we are trying to agree to them twice. I don't think that is necessary. These have already been cleared.

I withdraw my request.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under "Morning Business.")

Mr. LAUTENBERG. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1650, AS MODIFIED; 1653, AS MODIFIED; 1658, AS MODIFIED; 1669, AS MODIFIED; 1675, AS MODIFIED; 1679; 1685; AND 1696 THROUGH 1721, EN BLOC

Mr. REID. Mr. President, I send a series of amendments to the desk that have been cleared on both sides and ask for their consideration.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DOMENICI, proposes amendments numbered 1650, as modified; 1653, as modified; 1658, as modified; 1669, as modified; 1675, as modified; 1679; 1685; and 1696 through 1721, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the amendments be agreed to, en bloc. They have been cleared with my distinguished chairman.

Mr. DOMENICI. Mr. President, we have reviewed these one by one over the afternoon and they are all acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendments are agreed to, en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To direct the Secretary of the Army to implement the project for ecosystem restoration, Gwynns Falls, Maryland)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.

The Secretary of the Army may implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the city of Baltimore, Maryland.

AMENDMENT NO. 1653, AS MODIFIED

(Purpose: To set aside funding for dredging and other operation and maintenance of the Umpqua River, Oregon)

On page 15, line 8, strike "facilities:" and insert "facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Umpqua River, Oregon:".

AMENDMENT NO. 1658, AS MODIFIED

(Purpose: To set aside funds for the Navajo electrification demonstration program)

On page 42, line 20, strike the period at the end and insert ", of which $3,000,000 may be available for the Navajo electrification demonstration program under section 602 of Public Law 106–511 (114 Stat. 2376)."

AMENDMENT NO. 1669, AS MODIFIED

(Purpose: To authorize the Secretary of the Army to carry out a joint project with Asotin County, Washington to construct a Snake River Confluence Interpretative Center near Clarkston, Washington)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the "Secretary") is authorized and may carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

AMENDMENT NO. 1675, AS MODIFIED

(Purpose: To authorize the Secretary to remove oil bollards in Burlington Harbor, VT)

After section 104, insert the following:

"The Secretary is authorized and may design, remove and dispose of oil bollards and associated debris in Burlington Harbor, VT, at full Federal expense."

AMENDMENT NO. 1679

(Purpose: To provide for a report on administrative expenditures of the Secretary of Energy for the Energy Employees Occupational Illness Compensation Act)

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

AMENDMENT NO. 1685

(Purpose: To direct the Secretary of the Army to complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio.

AMENDMENT NO. 1696

(Purpose: To increase the authorization of appropriations for the provision of environmental assistance for the State of Mississippi)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 .

Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking "$25,000,000 for the period beginning with fiscal year 2000" and inserting "$100,000,000".

AMENDMENT NO. 1697

(Purpose: To provide that the funds made available for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable)

On page 54, line 19, before the period at the end, insert the following: ": PROVIDED FURTHER, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable".

AMENDMENT NO. 1698

At the appropriate place, insert the following:

SEC. . Of the funds made available under Operation and Maintenance, General, an additional $500,000 may be made available to the Recreation Management Support Program to work with the International Mountain Bicycling Association to design, build, and maintain trails at Corps of Engineers projects.

AMENDMENT NO. 1699

(Purpose: To modify the project for flood control, Park River, Grafton, North Dakota)

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . PARK RIVER, GRAFTON, NORTH DAKOTA.

Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking "$18,265,000" and inserting "$21,075,000"; and

(2) by striking "$9,835,000" and inserting "$7,025,000".

AMENDMENT NO. 1700

(Purpose: To direct the Western Area Power Administration to provide electrical power supply and delivery assistance to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit)

On page 54, line 19, before the period, insert the following: ": *Provided further*, That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit".

AMENDMENT NO. 1701

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further*, That within funds provided therein, $100,000 may be used for initiation of feasibility studies to address erosion along Bayou Teche, LA within the Chitimacha Reservation

AMENDMENT NO. 1702

(Purpose: To provide a definition of rural Utah for the purposes of the environmental assistance program)

On page 28, strike lines 13 through 25 and insert the following:

SEC. 115. Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through "means—" and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) RURAL NEVADA.—The term 'rural Nevada' means"; and

(C) by adding at the end 'the following:

"(2) RURAL UTAH.—The term 'rural Utah' means—

"(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

"(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.";

(3) in subsections (b) and (c), by striking "Nevada, Montana, and Idaho" and inserting "Idaho, Montana, rural Nevada, New Mexico, and rural Utah"; and

(4) in subsection (h), by striking "2001—" and all that follows and inserting "2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.".

At the appropriate place, insert the following:

SEC. . Of the funds made available under Construction, General, $1,500,000 may be made available for work to be carried out under Section 560 of the Water Resources Development Act of 1999 (Public Law 106-53).

AMENDMENT NO. 1704

(Purpose: To set aside funding for a defense and security research center)

On page 44, line 14, before the period at the end, insert ", of which $3,000,000 may be available for a defense and security research center".

AMENDMENT NO. 1705

(Purpose: To require the Secretary of the Interior and the Secretary of Energy to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States)

On page 34, line 10, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

On page 47, line 12, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.".

AMENDMENT NO. 1706

On page 41, line 5, strike "655" and insert in lieu thereof "566".

AMENDMENT NO. 1707

On page 28, line 1 strike "105-227" and insert in lieu thereof "105-277".

AMENDMENT NO. 1708

(Purpose: To provide funding to preserve Department of Energy historical sites and other aspects of the history of its programs)

On page 48, line 8, after the word "expended:" insert the following:

"*Provided*, That the Secretary of Energy may use $1,000,000 of available funds to preserve historical sites associated with, and other aspects of the history of, the Manhattan Project"

AMENDMENT NO. 1709

(Purpose: To set aside funding for the Administration's Clean Energy Technology Exports Initiative)

On page 42, line 20, before the period at the end, insert ", of which $400,000 may be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative".

AMENDMENT NO. 1710

(Purpose: To limit the availability of funds for the Advanced Concepts Initiative of the National Nuclear Security Administration pending a report on activities under the initiative)

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1711

(Purpose: To set aside funding for the Great Lakes fishery and ecosystem restoration program)

On page 13, line 21, before the period at the end, insert the following: ": *Provided further*, That the Secretary of the Army may use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program".

AMENDMENT NO. 1712

At the appropriate place on page 42, after section 211, insert the following:

"SEC. XX. RESTORATION OF FISH AND WILDLIFE HABITAT AND PROVISION OF BOTTLED WATER FOR FALLON SCHOOLCHILDREN.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 101-171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) notwithstanding sec. 2507(b) of P.L. 101-171, provide $2.5 million to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture.

(2) provide $100,000 to Families in Search of Truth, Fallon, NV for the purchase of bottled water for schoolchildren in Fallon-area schools.

(b) LIMITATION.—The funds specified to be provided in (a)(1) shall only be provided by the Bureau of Reclamation when the title to Carson Lake and Pasture is conveyed to the State of Nevada; the waiver of sec. 2507(b) of P.L. 101-171 shall only apply to water purchases for Carson Lake and Pasture.

(c) ADMINISTRATION.—The Secretary of Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and sec. 2507 of P.L. 101-171.

AMENDMENT NO. 1713

(Purpose: To direct the Secretary of the Army to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania)

At the appropriate place, insert the following:

SEC. . SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA.

The Secretary of the Army may provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3785), as contained in the May 2000 report of the Philadelphia District based on regional economic development benefits, at a

Federal share of 50 percent and a non-Federal share of 50 percent.

AMENDMENT NO. 1714

(Purpose: To direct the Secretary of the Interior to lease certain public lands in Wyoming)

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . MARTIN'S COVE LEASE.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term "Bureau of Land Management", hereafter referred to as the "BLM", means an agency of the Department of the Interior.

(2) CORPORATION.—The term "Corporation" means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term "Martin's Cove" means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC–001.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary may enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC-001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environment and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridegment, modification, termination, or other taking in the event any surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Cove.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the leasehold, provided that the leased lands shall be withdrawn from all forms of entry, appropriations, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

AMENDMENT NO. 1715

(Purpose: To appropriate funds to develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay)

: *Provided*, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. During preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement. Notwithstanding the cost sharing provisions of Section 510(d) of the Water Resources Development Act of 1996, 110 Stat. 3760, the preparation of the environmental impact statement shall be cost shared 50% Federal and 50% non-Federal, for an estimated cost of $2,000,000. The non-Federal sponsors' may meet their 50% matching cost share through in-kind services, provided that the Secretary determines that work performed by the non-Federal sponsors is reasonable, allowable, allocable, and integral to the development of the environmental impact statement.

AMENDMENT NO. 1716

On page 14, line 26, strike "$1,949,000,000" and insert in lieu thereof "2,014,000,000".

AMENDMENT NO. 1717

On page 42, at the end of line 20 insert:

: *Provided*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office may require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

AMENDMENT NO. 1718

(Purpose: To provide additional funding for the project for Passaic River Steambank Restoration, Minish Park, New Jersey, with an offset)

On page 10, line 9, strike "That" and all that follows through line 12 and insert the following: "That the Secretary of the Army, acting through the Chief of Engineers, may use $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further*, That the Secretary of the Army,"

AMENDMENT NO. 1719

(Purpose: To require the Secretary of Labor to provide technical and managerial assistance to the Secretary of Energy to carry out claims-related activities under the Energy Employees Occupational Illness Compensation Program Act 2000)

At the appropriate place, insert the following:

SEC. . (a) MEMORANDUM OF AGREEMENT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the "MOA") under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) REQUIREMENT.—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

(c) PROCUREMENT OF SERVICES.—The Secretary of Labor may procure temporary services in carrying out the duties of the Secretary under the MOA.

(d) DUTIES OF SECRETARY OF ENERGY.—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

(2) subject to the availability of appropriations, transfer funds pursuant to requests by the Secretary of Labor.

(e) SUBMISSION TO CONGRESS.—The MOA entered into under subsection (a) shall be submitted to the appropriate committees of Congress and made available to the general public in both printed and electronic forms.

AMENDMENT NO. 1720

(Purpose: To prohibit the use of funds for the Great Lakes Sediment Transport Models)

On page 15, line 16, after "2004" insert the following: ": *Provided further*, That none of the funds appropriated under this heading may be used for the Great Lakes Sediment Transport Models".

AMENDMENT NO. 1721

(Purpose: To reinstate and transfer a hydroelectric license to permit redevelopment of a hydroelectric project in the State of New York, and for other purposes)

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696.

(a) DEFINITIONS.—

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) TOWN.—The term "town" means the town of Stuyvesant, New York, the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

Mr. REID. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1650, AS MODIFIED

Mr. SARBANES. Mr. President, the purpose of this amendment is to ensure that the Army Corps of Engineers meets its responsibilities to the restoration of the Baltimore metropolitan area ecosystem restoration project. The amendment authorizes and directs the Corps to implement the project in accordance with the Baltimore Metropolitan Water Resources—Gwynns Falls Feasibility Report, prepared by the Army Corps of Engineers and the city of Baltimore.

For 10 years, the U.S. Army Corps of Engineers has been studying water resource problems in the Baltimore metropolitan area. In 1994, the Baltimore District completed a reconnaissance report which concluded that there has been extensive degradation to the marine, aquatic, wetland, riparian and terrestrial habitats in the Baltimore metropolitan area. Over the years, rapid growth of the area, filling of wetlands, and previous construction of Federal works to meet flood control and navigation needs, among other things, have contributed to the degradation of the streams that drain the Baltimore basin. The report identified a Federal interest in restoring the ecosystem of six watersheds, with the Gwynns Falls watershed selected first for further study.

The city of Baltimore agreed to share with the Corps in the cost of the next phase of the study process—a $1.6 million feasibility study. During the course of that more detailed study, the Corps found that there was a significant loss of stream water and groundwater into sewers located in the stream channels and, in order to restore the Gwynns Falls ecosystem and more than 2 million gallons of water per day to the watershed, the cracks in these sewers must be repaired. In December 2001, Corps Headquarters agreed that the sewer line rehabilitation work was integral to—and should be included in—the ecosystem restoration project and was within the Corps' environmental restoration authority. In fact, the Corps found that it was far less expensive to line the sewers and seal the manholes than undertake other alternatives such as channel lining and artificial watering. The draft Baltimore Metropolitan Water Resources Gwynns Falls Watershed Feasibility Report, completed in January 2002, recommended sewer system rehabilitation as a key part of the environmental restoration projects for Gwynns Falls. It was anticipated at that time, that the feasibility report would be completed by May 2002 and the project would be authorized for construction in the Water Resources Development Act of 2002.

In 2001, the city of Baltimore and EPA began the process of negotiating a consent decree to address the city's collection system overflow problem which was polluting area streams and waterways in violation of the Clean Water Act. Baltimore signed the consent decree with EPA in April 2002 making the city legally responsible for approximately $900 million in sewer infrastructure improvements throughout the city, including fixing the sewer system in the Gwynns Falls watershed by the year 2007. The city did so with the understanding that the Corps would share in the approximately $13 million cost of sewer rehabilitation in this area.

Months went by and no action was taken on the feasibility report until April 2003, when the Office of the Assistant Secretary of the Army effectively reneged on the agreement to participate in this project. Although the office, once again, concurred that the sewer work was integral to the ecosystem restoration project, it claimed that the sewer rehabilitation portion of the recommended project was now the legal responsibility of the city—because it signed the consent decree—and therefore it was inappropriate for the Federal Government to cost-share in this part of the project. Despite having acted in good faith to comply with Federal law and participating for years in studies with the Army Corps of Engineers with the intended purpose of improving the urban ecosystem in this area, the city of Baltimore is now being penalized for signing this consent decree. Throughout this process, the city was never appraised by the Corps that, if it signed the consent degree, the Corps would not be able to share in the cost of this project. Now Baltimore is left with the prospect of either attempting to remove the Gwynns Falls project from the consent decree—an uncertain prospect at best—or somehow overcoming a Corps planning guidance document. That is what we are seeking to do with this amendment.

It is important to point out that there is no other instance that we have been able to identify in Federal law or regulation, that prohibits a municipality from using Federal funds or programs to help achieve compliance with a consent decree. Indeed, a number of cities have used the Clean Water State Revolving Fund or EPA State and Tribal Assistance Grants for this purpose. There is no logical reason that the Corps of Engineers' program should not follow suit.

Why offer the amendment to this measure? First of all, it does not appear that the Senate will consider a Water Resources Development Act this year. Second, time is running out for the city of Baltimore. In order to meet the 2007 consent decree deadline and to avoid future penalties for sewage discharges, the city must begin design and construction of the Gwynns Falls project shortly.

This amendment simply directs the Secretary to implement the project in accordance with the original plans in the Gwynns Falls Feasibility Study.

AMENDMENT NO. 1709

Mr. BYRD. Mr. President, I have strongly supported efforts to advance opportunities to open markets abroad to an array of clean energy technologies. At my urging, the Bush administration, in October 2002, released the Clean Energy Technology Exports, CETE, strategy. This action plan outlined a 5-year, nine-agency initiative that is intended to "increase U.S. clean energy technology exports to international markets through increased coordination among Federal agency programs and between these programs and the private sector." The CETE directive is geared at helping to address three major challenges in global energy policy: increased U.S. competition in developing country markets; environmental sustainability, including climate change; and energy security.

Even though the participating Federal agency partners released this strategic plan last year, no funding has been identified by any of the agencies to implement the CETE strategy. All too often, this is the case with multi-agency initiatives that do not have the explicit support of the administration, and I fear that, once again, this is the case. At this point, little, if anything new, is being done by this administration to promote clean energy technologies overseas.

My amendment is a small step that is intended to get the ball rolling by establishing an administrative center. A truly effective program of this magnitude deserves significantly more attention and funding, and the U.S. is missing a huge opportunity to capture a greater share of global clean energy technology markets. However, we must start somewhere, and my amendment is a practical one. If the CETE strategic plan is going to be successful, then such an initiative requires a focal point—a one-stop-shop, so to speak—to allow industries and organizations with interests to more effectively access the services of the Federal Government.

Thus, my amendment provides $400,000 in funding for the Office of International Market Development within the Department of Energy to help carry out the task. While this center is to be physically housed at the Department of Energy, DOE, the center's mission is to help carry out the multi-agency CETE strategy. I also strongly urge all participating agencies such as the Department of Commerce, U.S. Agency for International Development, and others to contribute staff and other appropriate resources to get this center up and running.

This is just a start on a long overdue Federal initiative. But, if we are serious about addressing the immense global energy and environmental challenges that we commonly share with other nations, this initiative must get much greater attention and far more support from this administration.

AMENDMENT NO. 1715

Mr. SARBANES. Mr. President, I am pleased to join with Senator WARNER in offering this amendment directing the Secretary of the Army to develop an environmental impact statement, EIS, to evaluate the risks and benefits of introducing non-native oysters in Chesapeake Bay.

The Chesapeake Bay was once the largest producer of oysters in the world, providing some 20 million bushels annually at the turn of the century. The once abundant oyster populations not only sustained an important part of our economy, providing jobs for thousands of oystermen and others in the seafood and maritime industries, but served as filters, cleaning the entire volume of the Bay's waters every three to six days and provided habitat and sustenance for many of the Bay's living resources. Today, the Bay's oyster population is only one percent of what it was a century ago—the victim of the deadly diseases MSX and Dermo as well as over-harvesting and the loss of habitat. Maryland's watermen and the oyster industry are being threatened with economic extinction and scientists estimate that it now takes the current population of oysters nearly a year to filter the Bay's waters.

In 1999, scientific experts from Maryland and Virginia reached a consensus on how to restore oysters which contained two essential components—the construction of three-dimensional oyster reefs and the establishment of permanent reef sanctuaries—to create habitat and provide for the growth and increased fecundity of oyster populations. This approach was embraced in the Chesapeake 2000 Bay Agreement which set an ambitious goal of increasing oyster abundance by tenfold by the year 2010. Over the past three years, our Chesapeake Bay area Congressional Delegation has worked closely together to secure the necessary authorizations and appropriations of approximately $5 million a year through the U.S. Army Corps of Engineers and NOAA to help the States of Maryland and Virginia implement this strategy. Indeed, we are delighted that the Senate energy and water appropriations bill, which we are considering today, provides $4.5 million an increase of $1.5 million over the fiscal 2003 level and President's budget request to continue this effort. By restoring the physical oyster habitat, creating new oyster reefs and planting disease-free oysters on these reefs, it is our hope that this project will increase native oyster populations and ultimately help to ensure the economic and environmental revival of the Bay.

In order to expedite the process of repopulating oysters in Chesapeake Bay, officials in Maryland and Virginia have recently proposed introducing a non-native Asian oyster, *Crassostrea ariakensis*, which is quick growing and more disease resistant into the Bay. However, because of differing opinions about the risks and benefits involved, the Chesapeake Bay Commission a tri-state legislative commission—requested that the National Academies of Science National Research Council, NRC, undertake a study of the pros and cons of introducing this non-native species. On August 14, 2003, the National Research Council released this report entitled "Non-native Oysters in Chesapeake Bay" which concluded that introducing a reproductive population of the Asian oyster, *Crassostrea ariakensis*, in Chesapeake Bay should be delayed until more is known about the potential environmental risks.

The NRC report found that "[I]t is not possible to predict if a controlled introduction of reproductive *C. ariakensis* will improve, further degrade, or have no impact on either the oyster fishery or the ecology of the Chesapeake Bay." The report recommended contained aquaculture of sterile *C. ariakensis* as an " interim action that provides an opportunity for researchers to obtain critical biological and ecological information on the non-native oyster required for risk assessment." It included detailed recommendations for biological, ecological, and socio-economic research that should be conducted to better inform public decisionmaking about the Asian oyster.

In a letter dated July 22, 2003, to the U.S. Army Corps of Engineers the Secretaries of the Virginia and Maryland Departments of Natural Resources requested that the Corps coordinate development of an environmental impact statement to evaluate the States' proposal to introduce reproductively capable Asian oysters in the waters of Chesapeake Bay. The Corps responded that it cannot initiate an EIS unless specifically authorized and funded by Congress to do so. This is what our amendment seeks to accomplish. The amendment provides $200,000 in Federal funds to initiate the study, which must be matched by the States. It further directs the Secretary to establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, it directs the Secretary to consider the findings and recommendations of the National Academy of Sciences in the preparation of the environmental impact statement.

I urge adoption of the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to our fellow Senators, we are finished with the exception of a colloquy or two, which are going to be ready shortly. However, we have been informed that Senator JOHN MCCAIN of Arizona desires to offer an amendment relative to a provision in the bill. We are trying to contact him to let him know we are finished but for his amendment. If we can get him here—and we are going to try our best—we will ask him to offer his amendment. We will vote on it and then vote on final passage and we will be finished, which means that, on the request of our leader that we be finished by 7 o'clock tonight, we should do that easily, if we can find the Senator and start that process.

Mr. REID. Mr. President, will the distinguished chairman allow me to speak?

Mr. DOMENICI. I would be pleased to.

Mr. REID. Mr. President, I ask unanimous consent that there be no other amendments in order except those cleared by the two managers of the bill; and the Senator from Arizona is going to offer an amendment. I ask unanimous consent that those be the only amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object—and I will not—I just want to say I agree because we have been telling the Senate that for a number of hours today, and now the time has come. We want to finish tonight, and there should not be any other amendments. They should have brought them here, if they have them. So I think the consent request is well taken. It should be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent to speak as in morning business for the time I shall need. If any other pending business comes up, I will gladly step aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BURNS are printed in today's RECORD under "Morning Business.")

LOS ANGELES RIVER REVITALIZATION

Mrs. BOXER. Mr. President, I would like to engage in a colloquy with the distinguished Senator from Nevada, Senator REID, the ranking member of the Energy and Water Appropriations Subcommittee.

I want to thank Senators DOMENICI and REID for their hard work in developing this legislation. In particular, I appreciate the attention that they have given to the infrastructure needs of California, as well as to the overall importance of this bill for those of us representing western States.

Los Angeles, the largest metropolitan area in the western United States, faces many challenges. Local community leaders are working hard to revitalize the areas surrounding the Los Angeles River. The river, reinforced with concrete to provide flood control benefits, runs 51 miles through much of urban Los Angeles.

Both the Senate and House of Representatives include funding in the Energy and Water Appropriations bills for operation and maintenance of the Los Angeles County Drainage Area project. However, the House Appropriations Committee also included language directing $2 million of additional funding to be used to "support Corps of Engineers assistance in local activities to revitalize the project areas for public safety, environmental restoration, recreation, aesthetics, community improvement, and related purposes."

This additional funding would provide essential support for local leaders and community stakeholders, working in conjunction with the Army Corps of Engineers, to move forward with this critical project. I urge the Senate conferees to agree with the House funding level for this project.

I know how much the Senator from Nevada cares about improving our communities and protecting our precious natural resources. This project works toward achieving both of these important goals.

Mr. REID. I agree with the Senator from California that our communities need the tools and resources to develop infrastructure projects that revitalize the environment, as well as the economy. I also agree that the project described by Senator BOXER has the potential to offer many benefits to the Los Angeles area and I will work to support this in conference.

Mrs. BOXER. I thank the Senator for his support.

DWORSHAK RESERVOIR

Mr. CRAPO. Mr. President, I want to express my appreciation for your efforts, and those of the subcommittee ranking member, Senator REID, in working with Senator CRAIG and me to support the important work of the U.S. Corps of Engineers in the Clearwater River Valley to mitigate damages caused by fluctuating levels in the Dworshak Reservoir.

As my colleagues know, the challenges of responding to the riverine needs of endangered salmon have been an enormous strain on the communities of the Pacific Northwest. We all share the commitment to restore Pacific Northwest salmon. This is a national interest. However, the efforts to restore the runs have a disproportionate and direct impact in communities in Idaho and the Pacific Northwest.

The town of Orofino in the Clearwater River Valley of Idaho is just such a community. The town sits at the base of the Dworshak Reservoir, which is capped by a Corps-managed dam. The Corps periodically uses water from Dworshak Reservoir to help adjust temperatures in the downstream rivers when salmon are making their runs to and from the ocean.

When spills are required, the levels of Dworshak Reservoir fall. Sometimes, this can amount to drops of approximately 90 feet. A 90-foot drop is catastrophic to recreational opportunities provided by the reservoir. Boat docks and trailer ramps no longer reach the water, beaches dangle precariously above the waterline, and muddy banks are exposed for as far as the eye can see.

The Corps has offered its help in mitigating the economic hardships caused by its actions in periodic reductions in reservoir water levels. I applaud that offer. I also commend Senator DOMENICI and Senator REID for providing the extra resources in the operations and maintenance account for the Dworshak Reservoir in this legislation to accommodate those mitigation efforts. I yield to the distinguished chairman to elaborate on that point.

Mr. DOMENICI. I want to echo the comments of the Senator about the importance of these resources. We have provided an additional $1 million above the President's request for the O&M function for this specific economic mitigation commitment for the community. It is the committee's intent that the Corps should use these resources to help address the recreational needs of the Clearwater River Valley community resulting from the alterations of the water level in the reservoir.

I believe the senior senator from Idaho, and a member of the subcommittee, also would like to be heard on this point.

Mr. CRAIG. I echo the words of my colleague from Idaho on the importance of this enhanced funding. Few areas in the Pacific Northwest suffer more directly or as clearly by the changing needs of migrating salmon.

I have been to Orofino and surrounding communities several times and have noted the rise and fall in fortunes of the nearby towns in accordance with the levels of water in the reservoir. As the Nation continues to press on this and other Pacific Northwest communities to take steps to revive protected salmon species, the Nation should also assist towns disproportionately affected by that national call to action. I appreciate the committee chairman securing these resources to recognize that commitment.

It is my understanding that it is the committee's intention that these resources are provided to the Corps to be spent in the community in a manner that helps restore the economic base of the surrounding towns. These activities would include environmental measures and the establishment of a functional large boat moorage. Is this correct?

Mr. DOMENICI. That is the committee's intention, and I appreciate your commitment to this important provision. I also appreciate Senator CRAPO's desire in helping to clarify these issues so that the needs of the Clearwater River Valley communities can be effectively addressed. I yield back to Senator CRAPO.

Mr. CRAPO. I thank the chairman, and I yield back the floor.

SECTION 104

Mr. JEFFORDS. I have some concerns with the language in section 104. These are, I believe, technical concerns. My understanding is that the Corps of Engineers, in order to more effectively manage their resources, is interested in having continuing contract authority for congressionally authorized water resource studies. I have no problem with that, but I am not sure that the language is correct in 104.

Mr. REID. That is my understanding as well, and I believe that we need to work together and with the Corps to draft language that is exactly correct. I will work with the Senator from Vermont to make the necessary changes in conference.

Mr. DOMENICI. I will also work with my colleagues to make the necessary changes, as I do not believe there is a substantive disagreement.

Mr. JEFFORDS. I thank my colleagues for their cooperation, and I look forward to working on this language in conference.

HIGH-LEVEL WASTE CLEANUP

Mr. COCHRAN. Mr. President, Chairman DOMENICI knows I have been concerned about DOE's high-level waste cleanup program from its inception. Shortly after our committee concluded action on the bill, the GAO issued a report, entitled, "Challenges to Achieving Potential Savings in DOE's High-Level Waste Cleanup Program." In light of the language in our committee report on the program, the GAO provides a valuable and timely perspective on the nuclear waste clean-up program and confirms many of my concerns, as well as those expressed by our committee during our hearings.

Mr. President, as stated in our committee's report:

> The Committee notes with concern the recent notification by the Department that the Hanford Waste Treatment Plant, Richland, Washington, construction project baseline would increase from $4,350,000,000 to $5,781,000,000, an increase of over $1,400,000,000. The relative lack of outrage over a baseline change of that magnitude speaks volumes about what the Congress and public have come to expect from the Department's clean-up program. The tank waste treatment project has a long and sordid history that indicates both the magnitude of the task before the Department, as well as the Department's historic combination of overly optimistic cost estimates coupled with consistent project mismanagement. The Committee notes its concern in the demonstrated pattern of Departmental officials announcing reform of some aspect of the clean-up program, only to depart and be replaced by a new set of officials coming before the Committee to describe dramatic cost overruns on the project baselines promised by their predecessors, and claiming no responsibility for the assumptions underlying those previous commitments.
>
> The Department is now into the second year of entering into new acceleration and reform agreements consistent with the policy conclusions of the Secretary's 2001 top-to-bottom review of the environmental clean-up program. The effort is commendable in its success in focusing the Department and its stakeholders on the importance of completing clean-up activities decades earlier than planned. The acceleration agreements entered into at the various clean-up sites have allowed the Department to book huge paper out-year savings and acceleration of completion dates. For example, the Department is claiming savings of $12,000,000,000 and 20 years at the Savannah River Site, South Carolina; $30,000,000,000 and 35 years at Hanford, Washington; $2,000,000,000 and 6 years at Oak Ridge, Tennessee; and $19,000,000,000 and 35 years at Idaho. In many cases the savings are based on assumed changes in law, yet-to-be reformed regulatory environments, contractor savings, and other highly optimistic assumptions. The Department has had its successes, most notably Rocky Flats, Colorado, and should be commended. But even with such highlights, the weight of the historical record leaves the Committee to question who will be around in the future (other than the taxpayers) when these estimated cost savings will inevitably be revised.

Mr. President, I respect Secretary Roberson's efforts to encourage innovation in the program. Last February, she proposed a new initiative aimed at accelerating cleanup at DOE's sites and focusing on more rapid reduction of the considerable environmental risks. She projects this will cut years off the program and produce $63 billion in savings.

Now that GAO has issued its first report on the acceleration initiative, I hope the chairman will join me in examining their findings and recommendations and identifying actions that we may recommend to the conference.

Mr. DOMENICI. The Senator has my assurance that GAO's report and recommendations will be carefully analyzed and that I will work with him to ensure that they are considered as we work toward conference.

Mr. COCHRAN. I thank the chairman and urge that he give special attention to the following GAO recommendation:

> DOE's accelerated cleanup initiative should mark the beginning, not the end, of DOE's efforts to identify other opportunities to improve the program by accomplishing the work more quickly, more effectively, or at less cost. As DOE continues to pursue other management improvements, it should reassess certain aspects of its current management approach, including the quality of the analysis underlying key decisions, the adequacy of its approach to incorporating new technologies into projects, and the merits of a fast-track approach to designing and building complex nuclear facilities. Although the challenges are great, the opportunities for program improvements are even greater. Therefore, DOE must continue its efforts to clean up its high-level waste while demonstrating tangible, measurable program improvements.

This recommendation underscores my view that DOE should continue to develop and test new technologies, which may have the potential to provide price and schedule savings. Since 1996, our committee has recommended that DOE investigate alternative melting technologies, including the advanced vitrification system, to back-up the baseline system. These recommendations came from the National Academy of Sciences and from DOE's own sponsored studies.

Pursuing backup systems has always made sense. As GAO points out, the risks inherent in the chemical composition of the tanks require a backup approach as insurance. As our committee report explains, "the weight of the historical record" often requires us to ask "who will be around in the future (other than the taxpayers) when these estimated cost savings will inevitably be revised."

Mr. DOMENICI. I share the Senator's concerns and will inquire about GAO findings and will join you in urging the Department to give priority to developing technologies that are different from the baseline system and could provide an insurance policy.

Mr. COCHRAN. Mr. President, I appreciate the Senator's response and request his efforts in conference to encourage DOE to evaluate and demonstrate backup technologies that have shown potential to provide cost and schedule savings in the program.

Mr. DOMENICI. I appreciate the Senator raising these issues, and I urge the Department to carefully consider his thoughtful comments and recommendations.

Mr. COCHRAN. I thank the chairman and appreciate his leadership.

U.S. ARMY CORPS OF ENGINEERS' OPERATION AND MAINTENANCE FUNDING FOR NOXIOUS WEED CONTROL AT LAKE SAKAKAWEA, GARRISON DAM, ND

Mr. CONRAD. Mr. President, I commend the leadership of the Appropriation Committee, and particularly subcommittee Chairman DOMENICI and Senator REID for their work on this bill. I bring to the chairman's attention a troubling problem we have in North Dakota around Lake Sakakawea, a reservoir controlled by the U.S. Army Corps of Engineers. As water levels drop, more of the land around the lake owned by the Corps becomes exposed, which is a perfect habitat for noxious weeds. In fact, an additional 140,000 acres have become exposed due to low water levels causing explosive growth.

The spread of noxious weeds is directly impacting farmers, ranchers, and other landowners in the vicinity of Lake Sakakawea. These landowners are responsible for controlling noxious weeds on their land; however, their efforts are futile when their land can be easily contaminated from weeds on Corps land. Unless the Corps has more resources to fight the noxious weeds, landowners will continue to face an uphill battle.

Mr. REID. I, too, am concerned about the situation around Lake Sakakawea and appreciate my colleague from North Dakota for bringing this to our attention. I agree that the Corps of Engineers has an obligation to address it, and I would be happy to work with my colleagues to identify additional funds to tackle the noxious weeds around Lake Sakakawea.

Mr. DORGAN. Mr. President, I thank my colleague from Nevada for his support, and I would like to work with him and the chairman of our subcommittee to find additional funding to combat this growing problem in the energy and water conference. Right now, the Corps is stretched thin financially and, as a result, it cannot keep pace with this expansive and growing problem. The Corps has a clear responsibility to address this problem and it cannot be ignored. It is my hope that the Corps will dedicate funds to controlling this weed problem from the money that would be provided from the amendment offered by Chairman DOMENICI and Senator REID that would add $65 million to the Corps operations and maintenance budget. The low lake level is due to the persistent drought plaguing much of the West, and I believe that the Corps has a responsibility to address problems on its lands resulting from weather-related conditions.

Mr. DOMENICI. I recognize the situation faced by those around Lake Sakakawea, and I will work with you to address this problem as we move this bill to the Energy and Water Appropriations conference.

SECTION 310

Mr. BINGAMAN. Mr. President, will the chairman yield for a question?

Mr. DOMENICI. I will be happy to yield.

Mr. BINGAMAN. Mr. President, section 310 of the current legislation directs the Secretary of Energy to file a permit modification to the Waste Isolation Pilot Plant's, WIPP, Waste Analysis Plan, WAP. Section 310(a) requires that for determining compliance with the Solid Waste Disposal Act, 42 U.S.C. 6901 et. seq., and any other applicable laws, all waste received for storage and disposal shall be limited in confirmation that it contains no ignitable, corrosive or reactive waste through the use of radiography or visual examination of a statistically representative population of waste; and to review of the waste stream profile form to verify that the waste contains no ignitable, corrosive or reactive waste. Section 310(b) requires that compliance shall be monitored exclusively in the WIPP underground rooms through airborne monitoring of volatile inorganic compounds.

Mr. DOMENICI. Mr. President, the Senator is correct.

Mr. BINGAMAN. Mr. President, is the chairman aware of an ongoing study, due December 2003, by the National Academy's Board on Radioactive Waste Management regarding waste characterization requirements for contact handled transuranic waste to be disposed of at the WIPP facility?

Mr. DOMENICI. Mr. President, yes I am aware that there has been ongoing scientific studies in this area.

Mr. BINGAMAN. Mr. President, will the chairman agree that as section 310 undergoes conference with the House and the language is considered that it is consistent with the ongoing study by the National Academy?

Mr. DOMENICI. Yes, I believe the provision has been developed based upon sound science and will be glad to compare the National Academy report with section 310.

Mr. BINGAMAN. Mr. President, I thank the chairman for taking the time to discuss this matter with me.

Mr. JEFFORDS. Mr. President, I have agreed not to offer my amendment which would have required the submission to the Committee on Environment and Public Works of a log of documents relating to New Source Review at the Department of Energy by a time certain. My agreement is based on a promise from the Department made to my staff today. The Department has committed that this log will be delivered to me and the committee within the next few days. I ask unanimous consent that a September 25, 2002, letter from the Department to me, as then chairman of the committee, be printed in the RECORD following my remarks. This letter promised delivery of the document log by October 24, 2002, yet the Department failed to provide that log.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, September 25, 2002.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in further response to your December 19, 2001, letter to Secretary Abraham requesting certain documents in the possession of the Department of Energy (DOE) and related to Environmental Protection Agency's (EPA) review of its New Source Review (NSR) program. This supplements our earlier acknowledgment of your request on March 1, 2002, as well as a letter earlier today that transmitted certain documents that are arguably responsive to your request.

Based on conversations with Committee staff following our letter from earlier this afternoon, we understand that the Committee staff is interested in what additional responsive documents DOE has located and what our intentions are with respect to those documents. Other than Congressional testimony and the like, which we understand not to be covered by the Committee's request, the additional arguably responsive documents DOE has located consist of internal Administration communications regarding the ongoing development of proposed and final rules.

We understand that EPA has previously indicated to you its concerns providing internal executive branch deliberative communications of this nature but has also indicated that it wants to continue to work with the Committee on a cooperative basis. We further understand that you have reached agreement with EPA regarding how these interests may be accommodated. We share EPA's wish to work out a reasonable accommodation of these interests, and stand ready to provide you these materials on the same basis as that set out in EPA's letter to you of today.

Specifically, on or before October 24, 2002, we will provide the Committee the 1996 NSR rulemaking documents responsive to Items I through V of your December 19, 2002 request. With respect to documents responsive to Items II and IV of your request, we will continue discussions with the Committee to reach a mutually acceptable accommodation for the delivery and protection of information that is attorney work product or otherwise protected by law. With respect to documents responsive to your request that related to the upcoming proposed rule, we agree to continue to discuss our respective positions on Congressional access to those documents. In the meantime, and not later than October 24, 2002, we will produce a log of documents responsive to your request that relate to the upcoming rules on new source review. Finally, with respect to any responsive documents we locate that are not addressed above, including responsive documents related to the NSR "90 day review," we will provide these to the Committee by October 24, 2002, on the same basis as EPA.

If you have any questions regarding this matter, please call me or have a member of your staff call me.

Sincerely,

DAN R. BROUILLETTE,
Assistant Secretary for Congressional and Intergovernmental Affairs.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2754, the fiscal year 2004 Energy and Water Appropriations bill, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $27.3 billion in discretionary budget authority and $27.3 billion in discretionary outlays in fiscal year 2004 for the Department of Energy, the Bureau of Reclamation, and the Corps of Engineers.

The bill is $1 million below the subcommittee's 302(b) allocation for budget authority and $47 million in outlays below the 302(b) allocation. The bill provides $511 million more in budget authority and $483 million more in outlays than the President's budget request, and $1.2 billion in budget authority and $1.8 billion in outlays more than the 2003 enacted level.

I am concerned that there may be an amendment to add $125 million in emergency funding for the Corps of Engineers. This amendment, if offered, will have a Budget Act violation and I will not be able to support it.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD at the conclusion of my remarks. I urge the adoption of the bill as it was reported from committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1424, ENERGY AND WATER APPROPRIATIONS, 2004: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	27,312	....	27,312
Outlays	27,312	....	27,312
Senate Committee allocation:			
Budget authority	27,313	....	27,313
Outlays	27,359	....	27,359
2003 level:			
Budget authority	26,156	....	26,156
Outlays	25,555	....	25,555
President's request:			
Budget authority	26,801	....	26,801
Outlays	26,829	....	26,829
House-passed bill:			
Budget authority	27,080	....	27,080
Outlays	27,173	....	27,173
SENATE-REPORTED BILL COMPARED TO—			
Senate 302(b) allocation:			
Budget authority	(1)	....	(1)
Outlays	(47)	....	(47)
2003 level:			
Budget authority	1,156	....	1,156
Outlays	1,757	....	1,757
President's request:			
Budget authority	511	....	511
Outlays	483	....	483
House-passed bill:			
Budget authority	232	....	232
Outlays	139	....	139

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, July 21, 2003.

Mrs. MURRAY. Mr. President, I wish to address two parts of the Senate energy and water bill that are extremely important to Washington State: the environmental cleanup program, which impacts the Hanford Nuclear Reservation, and the Army Corps of Engineers.

First, let me express my deep appreciation to Chairman DOMENICI and Senator REID for their work on this bill. As always, they have taken limited resources and produced a well-balanced bill. That's a big challenge given the great needs our country faces in infrastructure, water, and energy. They have worked hard to understand the needs of my State and every State, and I thank them. I also thank the subcommittee staff. Clay, who is now at the White House, Drew, Tammy, Roger and Nancy do a remarkable job dealing with the thousands of requests from Members, and I thank them as well.

I want to begin by talking about the environmental cleanup program at the Department of Energy. That program is charged with cleaning up nuclear sites across the country, including the Hanford Nuclear Reservation in Washington State. For many years, I have had to fight the efforts of this and other administrations to under-fund this critical responsibility.

This year, I am pleased that we don't have to fight for increased funding. I think that success is due to several factors. First, we have a bipartisan group of Senators who are committed to cleaning up sites in their States, and our group has pushed hard for this increased funding. In addition, we are fortunate to have the subcommittee chairman and Senator REID as allies in this effort. The Department of Energy also deserves credit for putting forward a good budget request that puts these funding issues behind us this year.

But despite the agreement on funding levels, there is another problem that is brewing which I believe threatens the effective cleanup of these sites.

Like the people of the Tri-Cities, WA, I want to make sure that dangerous waste is cleaned up. I am concerned that this administration may try to change the ground rules so it could declare victory and walk away from the site, without doing all the clean up work that's required. That could happen if the administration changes the definition of high-level nuclear waste.

To prevent that type of game-playing, the Natural Resources Defense Council, NRDC, brought a lawsuit against the Department of Energy. That suit sought to block new DOE rules on the reclassification of nuclear waste. Before that case went to trial, the NRDC and the States offered to settle the issues. Unfortunately, the Department of Justice and the Department of Energy rejected that cooperative approach.

The case went to court, and the Department of Energy lost. One would expect the DOE to go back to the plaintiff and the states to settle the issues, but that's not what happened. Instead the DOE came running to Congress, asking for legislation to do what it could not do in court.

Unfortunately, this tactic of fighting the states and trying to do an "end run" around the other partners in the cleanup is not new for this administration. The truth is that the fastest, most effective way to clean up these sites is for the DOE to work in partnership with the States and Federal regulators. Time and time again, however, this administration has tried to go it alone to the detriment of the residents who live near these contaminated sites.

To make the best use of the funding provided in this bill, the Department of Energy needs to get back to working in partnership with the States and Federal regulators. A unilateral approach will simply cost more money and will only create further delays. I understand the Department and contractors want to get on with their work, but they must recognize that State and Federal regulators also have a job to do. And most importantly, the people who live near these sites deserve to know, understand, and have input on the activities taking place near their homes.

In a letter to Speaker HASTERT, the Department claims the loss in court will greatly impede the cleanup of waste in Idaho, South Carolina, and Washington State. That simply is not true, according to the NRDC, the attorneys general of those three States, and the environmental directors of each State. I strongly urge my colleagues to reject the Department's request for a change in law.

I also strongly urge the Department of Energy to get back to its job of cleaning up the waste, rather than wasting valuable time seeking help from Congress over a court case that it lost.

I would also like to applaud the report language in the Senate bill that directs the Office of Management and Budget to review the Department of Energy's cleanup agreements, contracting, and cost estimates. I believe we should press the Department and contractors to cleanup these sites faster and more cheaply. Everyone supports this goal. However, we should not reduce the cleanup standards or threaten the safety of workers and surrounding communities. We must examine agreements and contracts to make sure they are realistic and that they don't rely on regulatory agreements and technologies that do not exist today. I do not want to stand here in two, three or ten years and have to explain that the reason some agreement or contract did not meet success was because it was never achievable in the first place.

Let me close this topic by making clear that we are making progress on cleanup around the country. This is a very challenging program that deals with the most dangerous materials in the world. That often requires new solutions and technologies, but our scientists, engineers, and workers have risen to the occasion. At Hanford, we are nearly done removing the spent fuel from the K-basins. This work is likely to be complete before the required timeline. Early success is also being achieved on the cocooning of reactors and cleanup of the plutonium finishing plant.

In short, we are starting to make real and substantive progress in this effort. In this bill, we are providing the necessary funding. Now, we need the Department of Energy to take this money and work hand-in-hand with regulators and communities to make the cleanup a success.

The second issue I would like to address is the budget for the Army Corps of Engineers.

As Chairman DOMENICI and Senator REID often say, we face the challenge of an inadequate budget for the Corps with every administration. In that simple sense, this year is nothing new. However, I think we are facing a compounding crisis this year when you consider: the scale of this year's cutback of the Corps' budget, the cumulative effect of years of inadequate funding, and the President's failure to fund low-use/shallow draft ports.

First, the President's budget for the Corps is $445 million less than our current fiscal year budget. I commend the chairman and Senator REID for restoring $233 million of this funding. In the end, however, it creates a downward trend at a time when we cannot afford to ignore our infrastructure. This funding shortfall means we are not keeping up on our time-lines to construct projects that are already underway. It also means we are not moving ahead on new projects that are critical for expanding our infrastructure capability and expanding our ability to export American products.

Even more troubling is the growing backlog in our operation and maintenance funding. Our infrastructure is falling apart around us—threatening our economy, and in some cases the lives of our sailors and boaters.

In Washington and Oregon, we have many examples of Corps infrastructure that is falling apart. John Day Lock and Dam has a crack running the entire length of one monolith. That threatens the entire operation of the lock. This will require more than $8 million, which is twice what is included in the President's budget. I thank the Subcommittee for providing an increase for the John Day Lock in the Senate bill.

Here's another example. Thousands of feet of the north and south jetties at the Mouth of the Columbia River have been lost to storms. The loss of these jetties creates greater dredging issues and threatens the safety of ships and boats that are navigating one of the most treacherous bars in the country.

If left unchanged, the amount of funding provided in the budget for Bonneville Lock and Dam would result in a $4 million penalty against the United States. Again, thankfully, the Senate subcommittee increased funding and will avoid that penalty.

These are just a few of the threats facing our existing, major water infrastructure. Clearly, the budget for the Corps is grossly inadequate.

We also need to remember that the budget does not provide sufficient funds for low-use and shallow draft ports. In fact, in some cases there is no funding to meet these needs. The President's budget seems to take pride in under-funding or zeroing out funds for these ports and channels. There is an apparent belief in the administration that because of the low volume use of these harbors it would constitute an unwise use of Federal funds to keep them open. This narrow view of the situation abandons some of our most economically-challenged rural communities in Washington, in Oregon, and across the country.

Look at the port of Chinook in Washington State where a failure to perform maintenance dredging on the Chinook channel has nearly closed the Port. It was only because the subcommittee intervened and the Corps responded quickly that the port will not be closed this fall and winter to fishing fleets. I express my sincere appreciation to the work of this subcommittee for protecting the jobs relying on this port.

When the port of Chinook is properly maintained, the annualized cost of dredging the channel is about $400,000. That small investment produces major economic benefits. The commercial and recreational use of the Port's marina alone bring in more than $3 million. Add to that number the value of the Buoy Crab Company, which employs 40 year-round workers and 100 seasonal employees. It's the second largest crab processor in Washington State. And we cannot forget that the port is located in a rural county that is facing some of the highest unemployment rates in the State.

Near Chinook is the port of Ilwaco, which generates almost $9 million in commercial seafood sales. Charter boat fishing generates an additional $2.8 million. Again, a consistent dredging program can maintain an economy that brings millions of dollars into a rural economy and keeps our people employed.

In Oregon, they have 7 or more low-use, shallow draft ports. All of them are located in rural, coastal communities, and none of them received funding in the President's budget. The only bright note once again is that the subcommittee has chosen to fund these ports and to protect the jobs they support.

It appears that there are more than 25 ports and channels that receive funding not included in the President's budget. These are ports and channels that will remain open only because this subcommittee decided to value jobs and economies in rural America.

We must find a way to get this administration and future administrations to provide adequate budgets for the Corps. We cannot continue to underfund our existing infrastructure and fail to invest in building our economies.

I thank Chairman DOMENICI and Senator REID for their support of water infrastructure and for their efforts on this bill.

Mr. BYRD. Mr. President, I have often spoken of the grandeur of West Virginia's mountains and the abundance of tranquil mountain streams that gurgle quietly throughout the State. However, these same majestic mountains and streams are also conduits for disaster and devastation. When the heavy rains hit, waters from the mountaintops surge to the valleys and turn once peaceful meandering mountain streams into angry, raging, muddy torrents of horror, rising up over their banks and destroying anything in the way.

In West Virginia, such torrential flooding seems to be an annual event—since 1993, the State has had eleven federally declared disasters. In this year alone, the State has had two federally declared disasters. In the latest round of devastating flooding in the state earlier this summer, twenty counties were declared Federal disaster areas. Homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of the State—from roads, bridges, water and sewer, to power sources—brought a normal way of life to a screeching halt once again.

I know that West Virginia is not alone in attempting to recoup from such disasters. This year, many States have been impacted by floods, tornados, ice storms, and other severe conditions of nature that have crippled individuals and communities alike. That is why I am co-sponsoring an amendment with Senator REID in the amount of $65 million that would provide funding assistance through the Army Corps of Engineers to aid impacted States in recovering and rebuilding from recent natural disasters.

This funding, coupled with the $983 million Federal Emergency Management Agency recently received through the FY 2003 Supplemental, should go a long way in helping States get back on their feet.

This amendment provides $65 million for the Corps under the operations and maintenance account to help repair damages to public facilities, such as obstructive deposits in flood control streams, bank erosion threatening public facilities, damages to other public infrastructure such as water and sewer facilities. Additionally, funds provided will allow the Army Corps to repair weather related damages that have occurred to Federal infrastructure.

Weather-related damages have occurred to public infrastructure across the country that is beyond the ability of local governments to repair. As I mentioned, West Virginia has recently suffered devastating floods. Numerous other States such as Michigan, Louisiana, Missouri and Illinois are still suffering from damages that occurred in previous storm events. In May of this year, unusually heavy rainfall occurred in four counties of the Upper Peninsula of Michigan causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending an estimated eight billion gallons of water cascading downstream through the city of Marquette toward Lake Superior. The floodwaters destroyed or damaged numerous public and private structures and caused unprecedented environmental and ecological damage within the Dead River Basin and into Lake Superior in Marquette County. Two power generation facilities were damaged. One of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days. Without power, two iron ore mines, which produce about 20 percent of our nation's annual iron ore output, were shut down, idling 1,200 workers. Dozens of other area businesses, institutions and private homeowners were also seriously impacted. Three of the four counties affected are impoverished, with a majority of the population over 65 years of age. Local governments simply do not have the capital to pay for the public damages. Without an infusion of Federal aid, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster.

This amendment fills a significant funding void to provide States expedited recovery from natural disasters that have occurred throughout the United States. These funds are vitally needed, as any flood, tornado, or storm victim can tell you, and I urge the Senate to approve their inclusion in this bill.

I thank my colleagues for their consideration of this important amendment.

Mr. JEFFORDS. Mr. President, I rise to express my concern regarding section 205 of H.R. 2754, the fiscal year 2004 energy and water appropriations legislation. The provision affects the protection of the Rio Grande silvery minnow. As ranking member of the Senate Environment and Public Works Committee, the committee of jurisdiction over the Endangered Species Act, I am concerned about the impact this provision will have on the future survival of this species.

In New Mexico, Federal, State and environmental stakeholders were in the midst of negotiations that would yield long-term solutions to the water crisis in the Rio Grande. These negotiations began in response to a 10th Circuit Court of Appeals ruling that both San Juan-Charm water and native Rio Grande water could be taken by Federal officials to meet environmental conditions for the silvery minnow. The discussions were recently suspended due to the time pressures placed on the parties by the provision in this bill.

The parties, convened by Governor Richardson, are seeking locally driven resolutions that would both fulfill the intent behind this provision and also address the conditions that precipitated the need for the court's opinion.

These negotiations have moved very close to agreement on the sustainable and equitable management of water resources in the Middle Rio Grande. The negotiations were a great step toward collaboration and made progress under the Governor's leadership. That they have been called off, due largely to this provision, puts at risk a precedent for collaboration that could be a model for endangered species and river management throughout the West.

I am concerned that section 205 would prevent the Bureau of Reclamation from releasing water from its reservoirs to maintain silvery minnow habitat and that without access to this water, it will be more difficult to acquire the water needed to meet the target flows in the U.S. Fish and Wildlife Service biological opinion endorsed in this provision. Any action that takes water out of the Bureau's hands increases the pressure on remaining water supplies and on the silvery minnow. Negotiated water management reforms, not exemptions to the Endangered Species Act, will best meet the needs of all who are dependent on the Rio Grande.

This rider also would seek to sanction a biological opinion from the Fish and Wildlife Service. The Endangered Species Act is a flexible tool that allows for biological opinions to adapt to changing circumstances and increased knowledge. If this biological opinion is endorsed by this provision, it is likely that it would not be reopened, even if the Service learns of more effective methods for protecting the silvery minnow.

The Rio Grande silvery minnow occurs only in the middle Rio Grande. This species was historically one of the most abundant and widespread fishes in the Rio Grande basin, occurring from New Mexico, to the Gulf of Mexico. It was also found in the Pecos River, a major tributary of the Rio Grande, from Santa Rosa, NM, downstream to its confluence with the Rio Grande in south Texas. It is now completely extinct in the Pecos River and its numbers have severely declined within the Rio Grande. Currently, the species occupies only about five percent of its known historic range.

The parties to the mediation, the Governor's office; environmental groups; the conservancy district; the Bureau of Reclamation; several Indian Pueblos; the State water engineer; and the city of Albuquerque should be able to continue their negotiations to find a mutually agreeable solution to this problem, without jeopardizing the underlying species protections provided by the Endangered Species Act.

Mr. LEVIN. In May of this year, unusually heavy rainfall occurred in four counties of the Upper Peninsula of my home State of Michigan—Baraga, Gogebic, Marquette and Ontonagon Counties—causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. These four counties are not able to absorb this disaster as they have overall unemployment and poverty rates higher than the state average.

The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending an estimated 8 billion gallons of water cascading downstream through central Marquette County and the city of Marquette toward Lake Superior. Rapidly moving water and massive amounts of trees, logs and other debris has severely undercut many sections of the riverbank, making them unstable and creating serious public safety and environmental concerns.

Damages to one of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days. Without power, two iron ore mines, which produce about 20 percent of our Nation's annual iron ore output, were shut down, idling 1,200 workers. These mines contribute nearly $115 million in personal income annually and are two of the largest employers in Marquette County. Even this temporary shutdown has had a significant negative impact on the local, regional, State and national economies. Dozens of other area businesses, institutions and private homeowners were also seriously impacted.

Current estimates of economic damages alone to these counties, mostly to Marquette County, are calculated at over $100 million. There have been severe impacts to roads, bridges, culverts, water control structures, utility infrastructure and environmental and ecological damage to the waterways resulting from this flooding. When the public damage figures, currently estimated at $18-20 million, are combined with those high economic impacts caused by the loss of electrical power generation capabilities and the environmental degradation to the area, it paints a devastating picture for this area in Michigan. Further, this area is still recovering from the flooding that occurred last year. The fact that these counties have suffered two major disasters in two years is extremely significant.

Without our assistance, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster. And the health, safety, economic vitality, and quality of life of the communities and their citizens will certainly suffer for years to come.

I urge my colleagues to support this request for $125 million in emergency funding for flood damage remediation assistance.

Mr. DOMENICI. Mr. President, I heretofore indicated there would be a vote on a McCain amendment preceding final passage. The Senator has sent word that he no longer desires to offer his amendment. He withdraws it. That means there are no amendments pending. We are ready to go to final passage.

I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the passage of the bill, the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—92

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Allard
Breaux
Edwards
Graham (FL)
Kerry
Lieberman
Miller
Smith

The bill (H.R. 2754), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1722

Mr. SANTORUM. I ask unanimous consent notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider the Bingaman amendment which is at the desk; that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1722) was agreed to, as follows:

(Purpose: To improve administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA))

On page 51, line 13, insert before the period: ": *Provided*, That from the funds made available under this heading for transfer to the National Institute for Occupational Safety and Health for epidemiological research, $7.5 million shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia;".

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses and appoints the following as conferees on the part of the Senate.

The Presiding Officer (Mr. ALEXANDER) appointed Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. INOUYE conferees on the part of the Senate.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Resumed

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask that the Chair lay before the Senate the message from the House accompanying S. 3, as under the previous agreement.

The legislative clerk read as follows:

A message from the House to accompany S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

Mr. SANTORUM. Mr. President, we have before the Senate right now what is usually a procedural motion. When the House passes a bill and the Senate passes a bill and they are different, we procedurally just move to disagree with the House and their provision and go to conference, just as we did prior to the calling up of this bill, S. 3.

The Presiding Officer, who is sitting here for the Vice President, said we were appointing conferees.

The Senator from California has sought to have a debate about whether we are going to disagree with the House and therefore go to conference. I don't understand quite why this is necessary since it is purely a procedural motion. I have been in the Senate not that many years. I have been here about 9 years and have never had a debate on a motion to disagree with the

House and to have this kind of time spent when everybody agrees that is what we need to do.

I will support the motion to disagree with the House so we can go to conference and come up with a bill on partial-birth abortion that will be in a conference report that will then come to the Senate that will not be amendable.

If we did not disagree with the House, and the bill came here to the floor, we would have the House bill here. It would be subject to amendments. We would go on again for a long time and have debates and discussions on other amendments. We would have to send it back to the House, and we would be going through this game again.

So this is just a way to bring finality to this process of trying to get a bill which has now been hanging out here in the Senate. We passed this several months go. The House did also. We have sort of been on hold here because of this procedural motion.

Now that we have agreed to allow 8 hours of debate—2 of which were last night—we will debate a couple hours tonight, and tomorrow morning we will have run a couple more hours, and then, hopefully, finish it sometime, maybe tomorrow evening. But the idea is to get this bill to conference where I am confident we will get a bill that will be to the liking of the vast majority of the Senate as well as the House and the President.

With that, we will have this bill signed and for the first time have a Federal piece of legislation to ban a procedure which the late Senator from New York, standing at that desk right over there, referred to as "infanticide."

It is a gruesome procedure which is very difficult to talk about because it is so gruesome and graphic, this description of what this procedure is all about.

It is used almost always on babies who would otherwise be born alive, who are post 20, 21 weeks in gestation, which is halfway through a pregnancy, or later.

These babies are, as I said before, in most cases, healthy. The mothers are healthy. This procedure is used because late in pregnancy a mother decides, for some reason, that she no longer wants the child within her—which is a tragic situation to have a child that is unwanted. I think we all recognize the tragedy of that.

But I think what most Members of the Senate have said is that this procedure—not that she shouldn't have the right to do it. Roe v. Wade, as interpreted by many subsequent Supreme Court cases, gives a woman the absolute right to an abortion at any time during pregnancy.

Now, for those of you who have not listened to debates on abortion before in the Senate or who have not read the case law with respect to abortion, that may come as a surprise to you, that Roe v. Wade, and its subsequent line of cases, has developed to the point where there is no restriction—no restriction—on the right to an abortion up until the moment the baby separates from the mother completely. Up until that time, the Supreme Court now has decided that a woman has a right to kill the child within her. Or even, as in the case of partial-birth abortion, the Supreme Court ruled that the woman has a right to kill the child who is but an inch, 2, or 3 inches completely from being separated from the mother in the process of being delivered. That is how extreme the Roe v. Wade decision is.

Now, I would say that for most Americans who are listening, that is further than they had thought Roe v. Wade had taken this country, and that it is not where the vast majority of Americans are. That is why 70 percent of the people in this country oppose partial-birth abortion and would like to see it banned. That is why the vast majority of people in this country are for some limitation on abortion.

Depending on the poll you see, anywhere from 15 to 23 percent of the American public want abortions available at any time during pregnancy. Most Americans—the overwhelming majority of Americans—want some restrictions.

Now, in the Senate we did something I would argue was unfortunate. A couple months ago we adopted an amendment offered by the Senator from Iowa which was truly an extreme amendment.

We hear so much talk about people who are pro-life, who are against abortion, as being extremists. The definition of "extreme" is someone who is outside the norm. Well, when you have 15, 16, 17 percent holding this position, and 85 percent holding the other position, it is very difficult for the 16 percent to say the 85 percent is extreme.

But that is what we hear on the floor of the Senate, that those who believe in the absolute right given under Roe v. Wade—the absolute right—to have an abortion at any point in time in a pregnancy, for any reason—because you don't like the color of your child's eyes or because your child may have a cleft palate or because something happened in your personal life that has upset you and you no longer wish to carry this child, even though you may be 37 or 38 weeks along—it doesn't matter.

Under Roe v. Wade, and under the amendment offered by the Senator from Iowa, we have said in the Senate—I believe wrongly and unjustly—that should be the law of the land, that a woman's right, domain over a child, is absolute until complete separation. There are some who even argued after separation. But, thankfully, the Senate voted last year that a child who was born and completely separated has a constitutional right. That is how far we have come. We actually passed a bill last year which said that once a child is born it has constitutional protection. That is the biggest step we have been able to take to protect the life of innocent children in America.

But what this Roe v. Wade language—this language which I anticipate being dropped in conference—says is that we believe in the absolute right—absolute right—of a woman to terminate a pregnancy, to kill the child within her, at any point in time, for any reason. That is what the law of the land says.

Now, I would make the argument that Roe v. Wade, because of this twisting of the Constitution—it really is tortuous—has done something that we have not seen done in this country, that we have not seen done in this country since the Dred Scott decision.

If we think back to the Dred Scott decision—well over 100 years ago, 150 years ago—the Dred Scott decision was based on a misunderstanding of ordered liberty, of ordered rights that we laid out in our founding documents. In the Declaration of Independence, the document on which this country was founded, we made a statement as a country that we hold dear. The Declaration of Independence—of maybe all the documents, of all the great works of craftsmanship of words that we have seen put forth in this country—there are very few that match the eloquence of the Declaration of Independence.

What the Declaration of Independence said is: We hold these truths to be self-evident, that all men are created equal and endowed by our Creator with certain inalienable rights. And then what—this is very important.

The Presiding Officer is a great student of history and maybe the greatest advocate for the understanding of history and the knowledge of who we are as Americans. I would argue the Declaration of Independence tells us more about who we are as Americans than maybe any other single document. But what this document says is: We are endowed by—not a Congress or not the courts or not some king—our Creator, the God that you worship, Allah, Jesus, God of Abraham, Isaac and Jacob, a God who may be a God of the Hindu religion, whatever that creator is, the creator God, he has given us rights by the fact that we are human.

What these rights consist of the Constitution laid out. They laid them out very particularly because there is an order to the rights that God has given us. There has to be. We have the right to life, liberty, and the pursuit of happiness. They didn't say the pursuit of happiness, liberty, life. They didn't say liberty, life, happiness. They said them in a specific order because without that ordering of liberty, without that ordering of rights, they make no sense. For you cannot have happiness, true happiness, you cannot pursue true happiness, which the Founders really sought as truth—the ability to find what is true and what is right and what is just, and that would in a sense make you happy—you cannot pursue happiness without the freedom to do so, without the liberty, the right of liberty to think and to pursue your beliefs freely.

But you cannot have liberty, obviously, if you are not alive. If you don't have life, then what good is liberty? And if you are not alive, if you have no right to your own life, you can't pursue happiness. So life, liberty, and the pursuit of happiness are not just words that were thrown out there because they sounded lofty or because they were rolled off the tongue in a way that makes a nice impression. They are there because they are foundational in understanding how free people treat each other, how a free society must conduct itself in order for it to prosper.

What did Dred Scott do? The Dred Scott decision put the liberty rights of the slaveholder over the life rights of the slave. It said that I, as a slaveholder, could own and control you, could kill you, could sell you as a piece of property—liberty rights over life rights. The U.S. Supreme Court in the 1850s said that was constitutional. As a result, many people believed that, because it was constitutional, it was therefore right. It was legal. It was just. It was moral. Why? Because our laws are a reflection of a collective morality. Our laws are a reflection of what we as a society believe is right.

At first there were a few. As Henry the Fifth in Shakespeare said: We few, we band of brothers. In this country there were few who stood and said: No. It may be legal, it may be seen as just by the courts, but it is wrong. It is immoral; it is unjust; and it is a fundamental misunderstanding of the basis upon which this country was founded.

As Abraham Lincoln said, a house divided against itself cannot stand. The separation began to grow. And more and more people began to understand the injustice of taking the liberty rights of one to trump the life rights of another. There were many in this country and many in this very Chamber who believed we could sustain that, as unjust as maybe they even thought it was.

Many would have said: Well, I am personally opposed to slavery. I would never own a slave. I would never do something like that. But who am I to tell someone else they can't own a slave? Is that my responsibility? I may think it is immoral, but how can I impose my morality on a slaveholder who has his own economic interests? He has a family to raise. He has complications in getting his crops in.

There are exigencies out there that those who promoted slaveholding said: We need this. We don't like it.

I am sure there were many people on both sides of the aisle who said: We support slavery. We don't like it. We don't encourage it. Yes, we think it is probably immoral. But we need to have this option available for people if that is what they choose. We need to give people the right to choose.

Eventually there were enough people in this country who decided they could not let that stand. Unfortunately, we had to fight a war to change it.

After that war, I am sure there were many in this Chamber who thought this great scourge, this black mark, this pox upon the American existence had been wiped away, never to be seen again; that we would learn from history never to repeat this horrendous injustice, this immoral behavior as a society. We would never, ever again misorder our liberties. But they were wrong. For today in this country, as a result of Dred Scott 2, the Roe v. Wade decision, we have seen the same thing come about.

We now have the life rights, the most important right given to us as children of the Creator, crushed and hidden away behind the concept of liberty. It repulses us now to think that people used liberty to defend slavery. They used the right of free people to live their life freely to defend slavery.

I hope that 100 years from now—hopefully soon—people will be on the floor looking back at this time and saying: I can't believe they did it again. I can't believe they didn't learn their lesson. I can't believe they didn't see that a House divided against itself cannot stand.

The Senator from Tennessee, the Presiding Officer, is honest. It has been said many times that those who do not learn from history are doomed to repeat the mistakes of history. And so we are, and so we will continue, I suspect. But it is important that the few, we merry band of brothers, stand up, in spite of what may be majorities against us—and certainly the media and the popular culture is speaking against us—and speak the truth that our Founders laid out.

They did not say we believe or we think we were endowed by our Creator. They did not say it is our opinion that these rights exist. They claimed truth. They claimed truth, and they devoted their lives, their fortunes, and their sacred honor to fight for that truth during the Revolutionary War.

People who came from little hamlets all over the north and the border States did the same. Today, in their own quiet way, millions of Americans do the same. They fight the battle. They fight it with prayer chains. They fight it at home at night and through their prayers, through the counsel of those who are going through troubled times. They do it through the love they feel toward those who are going through difficult times in their lives, but they understand that the truth claim that our Founders chiseled into the Declaration of Independence will not be forgotten in our society.

We will lose many more battles. There is no doubt we will lose many more battles, but ultimately, I have to believe, because I do believe in America, we will win the war and reestablish truth, justice, and righteousness—righteousness as defined by our Founders, as understood in the nature of humans. We will win that war one day.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the time be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I wish to take a few minutes to join with my colleague from California and talk about this important measure pending before the Senate.

First, I applaud the Senator from California, Mrs. BOXER, for insisting on a vote on this motion to disagree with the House. She has been a long-time leader in the Senate and the House in protecting a woman's constitutional right to privacy and her right to choose.

The motion before us is a motion to disagree with the House version of the late-term abortion bill. What is the reason we would want to disagree with the House bill? The House bill is exactly the same as the Senate bill except for one key difference: It failed to include the resolution which I offered on the Senate floor, adopted in the Senate regarding the Supreme Court decision on Roe v. Wade.

This is the exact language that is in the Senate bill that the House disagrees with:

> It is the sense of the Senate that—
>
> (1) the decision of the Supreme Court in Roe v. Wade 410 (U.S.C. 113) (1973) was appropriate and secures an important right; and (2) such decisions should not be overturned.

That is all it says. That is what the Senate adopted. That was my amendment that I offered to the bill, and the Senate adopted it. This is what the Senator from Pennsylvania said was extreme. It is just a sense-of-the-Senate that Roe v. Wade was appropriate and secures an important right and should not be overturned. The Senator from Pennsylvania says that is extreme.

The Senator from Pennsylvania may think that. From listening just a little bit to him—and I have heard him talk at length on this issue on the Senate floor in the past—I am sure the Senator from Pennsylvania believes Roe v. Wade was an extreme decision. It is his right to think that. I do not say he cannot think that if he wants to, but that is not what the majority of people in this country believe. It certainly is not the way the vast majority of women in our society feel.

Again, this passed the Senate 52 to 47. It passed the Senate before in the same version. About 4 or 5 years ago, we passed the same thing, a sense of the Senate that Roe v. Wade should not be overturned. So, again, the only difference between the House and the Senate bills is simply this: The House does not have this language in it, so, again, to go to conference with the House we have a vote to disagree with what the House did.

If we agreed with what the House did, we would have no need for the conference. We would send the bill to the President. For example, if the House had included this language in their bill, we would not be here tonight talking about this. It would already have gone to the President and he would have signed it into law. So that is what we are talking about. We are going to have a record vote on a motion to disagree with the House version. It is my belief that if one votes to disagree with the House version, then they are disagreeing with the fact that they did not put this language in their bill. That is the only difference.

Therefore, if my colleagues vote to disagree with the House, then they are voting to agree with the Senate. If they vote to agree with the Senate, they agree that this language should stay.

The Senator from Pennsylvania may try to explain it one way or another, a procedural vote, blah, blah, blah—all that kind of stuff—but the truth is, if my colleagues vote to disagree, the only thing on which they disagree is this language supporting Roe v. Wade. That is why I think it is important to have this vote.

The Senator from Pennsylvania says he is going to vote to disagree with the House, and then try to explain it some way. I mean, a vote is a vote. One can try to explain it any way they want, but the fact is this is the only difference.

I believe most people in this country believe that Roe v. Wade is a mainstream, moderate decision by the Supreme Court. It is one that American women have come to rely on, and I believe we owe it to them to insist that it remains in this bill.

The Senator from Pennsylvania has already said they will drop it in conference. Well, that is kind of interesting, is it not? The Senator from Pennsylvania has already preordained that no matter what we vote on in the Senate, they are going to drop it in conference.

I think every woman in America ought to know this. Every woman in America ought to know that the Republican leadership—and the Senator from Pennsylvania is in the Republican leadership—has said: We do not care what the Senate said, we are going to drop this language.

Can there be any doubt in any American woman's mind that their right to privacy, their right to choose, hangs by a thin thread?

The vote in the Senate was 52 to 47. Someone was missing. But a few votes here, a few votes there in the coming election, and I can guarantee that the right to choose for every young woman in America will be taken away. This Congress and this President will see to it that Roe v. Wade is overturned. They will see to it.

Every woman ought to know that whether they think abortion may be right or not, that is not the point. The point is whether a woman should have control over her own reproductive system or should some man have control over it? Or should a Supreme Court have control over it? Or should a legislative body such as a Senate or a House—comprised mostly of men, I might say—tell a woman what her reproductive rights are?

I have often wondered, if we could have randomly picked a Senate of 100 women or randomly picked a House of 435 women—I am sure there would be some women who would probably vote to do away with Roe v. Wade—but I would wager that the vast majority of any vote held in a Chamber of 100 women would be overwhelmingly: Keep your hands and keep your laws off my body. Keep your hands and your laws away from my right of privacy and my right to choose.

Does anybody have any doubt that a Senate of 100 women or a House of 435 women would vote differently than that? We would only be fooling ourselves if we thought they would vote the same as the men in the Senate and the men in the House. And I say pick them randomly.

On January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade. Again, for the record, it was a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. That is what some in this Chamber want us to go back to.

Siding with Jane Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time that a constitutional right to privacy is "broad enough to encompass a woman's decision whether or not to terminate a pregnancy."

It also set some rules. The Court recognized that the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life.

A State's interest in potential life is not compelling until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside the womb. A State may, but is not required to, prohibit abortion after viability. Let me repeat that. A State may—it is not required—prohibit abortion after viability, except when it is necessary to protect a woman's life or health, and that is the difference.

This is what the Supreme Court said:

> The stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe—

Prohibit—

> abortion except where it is necessary in appropriate medical judgment—

Interesting, the Court said medical judgment; they did not say legislative judgment—

> for the preservation of the life or health of the mother.

Very important words.

Some people, when they get all "rhetoricked" about this issue, say that a woman can choose at any point, even up to minutes before the child is born, to terminate her pregnancy. That is not what the Supreme Court said. The Supreme Court said the State may even proscribe—prohibit—after viability "except where it is necessary, in appropriate medical judgment, for the preservation of the life or the health of the mother."

So we see what the Senator from Pennsylvania and those who want to do away with Roe v. Wade are saying. They are saying: Look, we do not trust medical judgment, we do not trust a woman, and we do not believe that the health of the mother should be in here. "Life," maybe, but not "health of the mother." That is the difference. That is the key. Again, is that really extreme?

Oh, I hear the arguments. They say, "Health of the mother? Why, the woman can say anything. Why, a woman can say, 'I may break out in a hot sweat if I don't end this pregnancy. Maybe my big toe hurts; therefore, I have to have an abortion.'"

Again, what this gets back to is a mistrust of women, that somehow a woman cannot make that decision as to how it affects her health; that somehow a man, a legislator, a legislative body, has to then intervene because, you see, you can't trust women to make that decision.

I trust women to make that decision. I have never in all my years ever talked to a woman who has had an abortion who took it lightly, willy-nilly, just a little procedure and move on. This is one of the most profound, traumatic, life-changing decisions a woman will ever have to make. It is not made lightly. It is made under great anguish, with great thought and contemplation.

So I guess when it comes down to that, I say I put my trust in women to make that decision. Not me. It is not going to happen to me. I will trust the woman, with her husband, her family, her doctor, her priest, rabbi, minister—whatever religious faith she may be—but ultimately it is up to the woman to make that decision.

That is what this is all about, isn't it? When you cut down through all of it, get rid of all the rhetoric, it gets down to whether women can be trusted to make these decisions. That is what my resolution said. It said Roe v. Wade was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of Roe v. Wade, it was estimated that each year about 1.2 million women resorted to illegal abortion, despite the known hazards of frightening trips to dangerous locations in strange parts of the city, of whiskey used as an anesthetic, of "doctors" who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes sexually abusive, under unsanitary conditions, with incompetent treatment. Many times there were infections, hemorrhages, disfigurement, and death.

By invalidating the laws that forced women to resort to back-alley abortions, Roe was directly responsible for saving women's lives. It is estimated at least 5,000 women died yearly from illegal abortions before Roe v Wade.

Who were these women? They were not the well-to-do. We all know from our youth that the well-to-do, the people who were well situated, had access. They always had a friend, they had a doctor who would perform it and not say anything. They would pay him and that would be the end of it. To say otherwise, to say that never happened, stretches credulity. We know that. And we all know cases of it happening.

No, it was not the well-to-do. They had their own special doctors who could keep things quiet. It was poor women, women without connections, women who lived in small towns in rural Tennessee and rural Iowa who didn't have that kind of access, poor women who lived in cities and urban areas who resorted to these back-alley abortions because they didn't have the "connections."

Sometimes I feel there are many who want to overturn Roe v. Wade because, you know, deep down inside they know if it ever came to them or their families and they were confronted with a situation where their loved one—a wife, a spouse, a mother, a daughter, a sister—for health reasons had to terminate a pregnancy, for health reasons wanted to terminate a pregnancy, they could get it done because they have connections. Don't you see? We all kind of have these kinds of connections, if you are well connected like a Senator or a Congressman, people with financial resources.

We can do away with Roe v. Wade, but if it ever happened to my sister, my daughter, and it was health, and I knew it was going to affect her health for the rest of her life—well, we would find somebody to take care of it, don't you know.

Again, it is back to poor women. Unfortunately, what is lost in this rhetoric is the real significance of the Roe decisions. Here is what the Supreme Court said, again, just 3 years ago in Stenberg v. Carhart. This was the Nebraska law. Nebraska had passed a law banning abortions except to save the life of the mother.

Here is what the Supreme Court said 3 years ago. The governing standard requires an exception:

> . . . where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother.

That is what the Court said 23 years prior to that in Roe v. Wade. That is exactly what it said. So the Supreme Court in 2000, in the Nebraska case, said here is the governing standard.

Then they said:

> Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, imposed significant health risks.

Once again the Supreme Court has said:

> Our cases have repeatedly invalidated statutes that, in the process of regulating the methods of abortion, impose significant health risks.

That is why this late-term abortion bill before us I am sure will go to the Supreme Court and it is going to strike it down. Why? Because there is no exception for the health of the mother: Zero, no exception.

The whole concept of late-term abortions obviously is not something anyone relishes. I do not. It is not something that conjures up pretty thoughts. But neither does conjuring up the thought of a woman for whom, in the judgment of medical experts, this is the safest procedure to protect her health, and the woman can't have this procedure done and may lose her ability to ever have a child again.

A few years ago I met from my neighboring State of Illinois a woman who came to Iowa to speak to me when this issue came on the floor. She went public. In other words, she came out in the public. She is happily married. She had this late-term abortion procedure, this D-and-X procedure it is called, performed because she had a serious health problem.

Whether or not it is true, the doctor told her this was the safest procedure for her; that if, in fact, she did not have this procedure, the other two procedures that were left—one of them being a hysterectomy, and I don't remember what the other one was—would obviously leave her incapable of every having children again. She told me what a painful decision this was for her to give up this fetus that she had carried for several months. She spoke to me in heart- wrenching detail about how painful this was for her. But they made that decision. She made that decision with her husband, with her religious counsel, and she had this late-term abortion procedure done by a qualified doctor in a hospital in sanitary conditions with good medical personnel around her. And her and her husband went on to have more children—beautiful children.

Who am I as a Senator to have gone to that woman and said: You can't do that. I don't care what your doctor says. It makes no difference. It makes no difference how your health is going to be affected. It makes no difference whether you can ever have a child again. You cannot have that procedure done.

That is what we are saying here, folks. That is what we are saying to this woman. We don't care what the doctor says. We don't care what the medical judgment is. We don't care how badly your health may be affected. You can't have that done.

As a Senator, I am going to tell a woman that? Some people around here may want to play God. Some people around here may want to play dictator and dictate to women what they can and cannot do. That is not my role. That is why the longer we look at Roe v. Wade, and the decision that was made by the Supreme Court—and when we read the Nebraska case—it becomes clearer and clearer that the Supreme Court made a very wise decision in 1973. They set up a trimester system. When they set up the viability, the State does not have an interest. But after viability, States may even prohibit an abortion except to save the life or the health of the mother. The longer that we have to look at what has happened with Roe v. Wade the more clear it becomes to this Senator that that really was a very wise decision.

This decision is profoundly private. As I said, it is life altering. As the Court understood, without the right to make autonomous decisions about a pregnancy, a woman cannot participate freely and equally in society because Roe v. Wade not only establishes a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since Roe v. Wade, the variety and level of women's achievements have reached higher levels. Now the Supreme Court in 1992 observed this. They said:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

That is why I believe the freedom to choose is no more negotiable or should be no more subject to the whims of the Senate or the House than the freedom to speak or the freedom to worship. It is a matter of trusting women to make the right decision.

I strongly urge my colleagues to vote to disagree with the House version of the bill but not to do it in some phony sense; that somehow we are going to vote but that is not what I mean. I think votes around here have consequences. They have meaning. That is the language. The sense of the Senate that the decision of the Supreme Court in Roe v. Wade is appropriate and secures an important right, and such decisions should not be overturned. That is all it says. The House would not adopt that. The House wouldn't adopt that.

It is my hope that the conferees will preserve the Roe v. Wade resolution. But again, it is the Republican leadership that runs the Senate and runs the House. It is the Republican leadership that repeatedly wanted to restrict a woman's right to choose. It is the Republican leadership that says the language of Roe v. Wade is extreme, and that every woman in America ought to understand that—especially young women whose lives are ahead of them, who have grown up with more freedom, more avenues open to them to fulfill their choices in life as to who they want to be and what they want to do than was ever available to women in my generation.

I think many young women in America today just take it for granted that if they should ever find themselves in a situation where they might seek an abortion, they will be able to do so.

I talk with young women. I recently came off a political campaign last year. I had many young women talk about this time after time after time—college-age women, young women who say to me: There is no way that they are ever going to take away my right to choose; it just won't happen.

They don't believe it could happen. I hate to disappoint these young women.

The vote here was 52 to 47. It was that close. It could be overturned. This Senate, this House, and this President could overturn that and take it away and turn the clock back. And that is what some want to do.

I have no doubt that the Senator from Pennsylvania is sincere in his beliefs. I don't doubt that for a minute. And he is certainly entitled to his beliefs. He is not entitled to force the women of America to believe as he does. The women of America ought to make their own choices and not have us make them for them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the issue of banning partial-birth abortion in the United States.

We have a unique opportunity to end this grisly practice of partial-birth abortion in this country. Sadly, some in this Chamber have delayed a vote to send this bill to conference and then to the President. That is what needs to take place. This has passed the body repeatedly. The President is ready to sign it. It is time to move forward on this issue.

This is an important milestone. This will be the first time since the Supreme Court decision of Roe v. Wade that the Congress will have curtailed in any way the practice that results in the death of an innocent human being and the emotional wounding of the mother. In this process, both are victims—the child and the mother.

The partial-birth abortion procedure, which former Senator Moynihan called the closest thing that he had seen to infanticide, is something that needs to be banned once and for all. This comes from both sides of the aisle. This comes from the American public. The vast majority of the American public, over 77 percent, support banning this procedure of partial-birth abortion. They see this as it is, as clearly the late-term killing of a child. And it ought to be stopped. It should have no place in a civilized country. It should have no place in a country such as the United States which stands for human rights and the dignity of the individual.

I believe the true mark of a civilized society is not the level of human dignity that it confers on the strong and wealthy. Its true mark is on how much it confers on the vulnerable and on the oppressed. Clearly, an abortion procedure that dismembers and kills a partially born human being has no place in a civilized society.

Aside from partial-birth abortion, it is becoming increasingly clear that the impact abortion has on this society, on the people, and particularly on the women who have had abortions, is itself profound.

I will talk briefly about the impact of having an abortion on a woman. There are an increasing number of studies coming forward about the woundedness that takes place to a woman.

I mention to my colleagues and to those watching a particular Web site titled "Women Deserve Better." I have met with the leadership from this group. A number of the women have had abortions—some of them have not—and deeply regret it, going through years of suffering, emotional suffering, personal suffering, physical suffering, as a result. They have now said: We were not told the story at that time. We were not told the truth of the amount of suffering we would go through. We were told this would take place and it would be quick and easy and it would be over with and that would be it. And it is far from the truth.

I cite one study from their Web site "Women Deserve Better," talking about psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling, finding they experienced a range of problems. These are the women who have had abortions, including increased use of drugs and/or alcohol to deaden their pain, recurring insomnia and nightmares, eating disorders that began after they had the abortion, suicidal feelings, and many even attempted suicide. This is a report they have cited.

They went on to also cite who is at high risk for developing serious emotional and psychological problems following an abortion. They list a number of groups. One was women who had abortions after 12-weeks' gestation. That is certainly the case in partial-birth abortions where you have a gestation that would be over 12 weeks.

People should look at this. I ask unanimous consent to have this printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. BROWNBACK. We have two victims here: the child and the woman.

I am also particularly concerned that the widespread acceptance of this brutal practice of partial-birth abortion has already significantly coarsened public attitudes toward human life in general, particularly toward the most vulnerable in our society, whether they are the unborn or old and infirm. This coarsening of public attitude over the past several years has made other assaults against the dignity of human life possible, assaults such as partial-birth abortion, euthanasia, assisted suicide, destructive embryo research, and now even human cloning where we would research on humans, we would patent a person and then research on them.

Furthermore, new studies in groups are coming forward addressing the horrible impact, as I noted earlier, on women who have had abortions and what this abortion's impact is on the woman.

We all have a duty, an obligation, as citizens of the United States to stand up against the moral outrage of abortion. Human life is sacred. It is a precious gift. Human life is not something to be disposed of by those with more power. Yet one of the most extreme assaults against human dignity is made against some of the most innocent among us. Whether from the first moments of life, to the moments just before birth, a child is a precious and unique gift, a gift never to be given or to be created again.

It seems, therefore, that in some measure this debate is about whether or not that child prior to birth is a child at all. That really is the central question. Is that child, before birth, a child at all? Is this young human a person or is it a piece of property? That is the real debate. One has to conclude this child is a child; it is not property. This harkens back to the slavery debate.

I also point out there is new evidence on this, as well. We try to debate: Is the child in the womb a child or property?

I note a news article that came out Sunday in this country in the Chicago Sun Times—and also in Australia in Sunday's Herald Sun—which reported that Dr. Stuart Campbell, professor and chair of the Department of Obstetrics and Gynecology in the Fetal Medicine Unit at St. George's Hospital in London, a man who pioneered 3-D ultrasound technology in 2001, said he has seen fetuses moving their fingers as early as 15 weeks' gestation, yawning at 18 weeks, and smiling and crying at 26 weeks. We are seeing this done at 3½ months.

Doctors currently believe fetuses cannot feel pain until at least 12 weeks' gestation when the fetus's nervous system is formed, but we are finding more and more, earlier and earlier, that what this child is feeling, seeing, and knowing, moving their fingers at 15 weeks—is that a child that moves those fingers or is it a piece of property? Is it a robot? Is it a blob of tissue or is it a child?

What impact does it have on the mother if that child's life is terminated? At any point in time from that point forward, what impact does it have on the mother when that child's life is terminated? Imagine yourself, what impact does it have on you when your child's life is ended? What impact does that have when you back it up in time? It has a profound impact on the individuals involved. It has a profound impact on society. That is why this process must be ended. That is why we must stop partial-birth abortion. It is hurting everyone. It is hurting the society. It is hurting the people involved. It is hurting the child who is killed in this process. And it is hurting everyone.

Elizabeth Cady Stanton, one of the women depicted in the Portrait Monument, foresaw this awful view of human life in a letter she wrote in October to Julia Ward Howe in October of 1873. She said:

> When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

That was in 1873. That quote is applicable today. The Congress must speak against this degradation of human life. These are life issues of enormous consequence and they are issues by which history and eternity will judge us.

Finally, I would like to close with a quote from Mother Teresa, one of my personal heroes. Her concern for the poorest of the poor and her service to them was above reproach. Her work is being carried on today in India and saround the world. I am sure it is going to be carried on for years to come.

She once said this:

> Many are concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions being killed by the deliberate decision of their own mothers. And this is the greatest destroyer of peace today—abortion which brings people to such blindness.

And that is why this practice must be ended.

Mr. President, I say to my colleagues, this practice is going to be ended. It is going to end this year. When this body passes this bill, when the conference finally meets, when the conference report comes back and the conference report is passed, when the President signs this into law, this practice is going to stop.

It is going to be the point in time when we as a country start waking up and looking at the huge cost of taking these young lives, of what it has done to us, what it has done to the children, what it has done to the mothers involved, and what it has done to us as a society.

But, thankfully, this procedure is going to end this year. I think then we as a country—and we are now—will start waking up, saying: It just isn't right to take this child's life. You end up with two victims, one dead and one wounded, in the process.

Mr. President, I yield the floor.

EXHIBIT 1

ABORTION HURTS WOMEN—MEDICAL AND PSYCHOLOGICAL TALKING POINTS

1. 43% of American women will have at least one abortion by age 45.

2. In the U.S., over 140,000 women a year have immediate medical complications from abortion.

3. This includes problems such as: infection, uterine perforation, hemorrhaging, cervical trauma, and failed abortion/ongoing pregnancy.

4. Abortion increases a woman's risk of breast cancer by 30%.

5. Childbirth actually protects against cancer of the reproductive system.

6. After an abortion there is a higher risk of developing cervical, and ovarian cancer.

7. Abortion can lead to infertility, a serious long-term complication that often goes undetected for many years.

8. Abortion can lead to complications in future pregnancies including: premature birth, placenta previa, and ectopic pregnancy.

9. In the 2 years following an abortion women have a death rate twice as high as women who continue with their pregnancies.

10. A woman who undergoes an abortion has a suicide risk six times higher than women who have given birth to a child.

11. It is minorities who suffer from the greatest number of serious complications and death after abortion.

12. Psychological and emotional complications reported in a 1994 survey of women who had abortions and sought counseling found that they experienced a range of problems including: increased use of drugs and/or alcohol to deaden their pain, reoccurring insomnia and nightmares, eating disorders `that began after the abortion, suicidal feelings, and many even attempted suicide.

13. Who is at high risk for developing serious emotional and psychological problems following and abortion? Teenagers; Women who already have children; Women who have abortions after 12 weeks gestation; Women who feel pressured into the abortion; Women struggling with value conflicts.

This information is important for every woman to know, but it is especially relevant for parents of teens because of the impact abortion can have on a minor's emotional health, physical health, fertility, and future pregnancies.

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13. The Post Abortion Review, 2, (3): 4–8, Fall 1994, published by the Elliott Institute, Springfield, IL. See also Forbidden Grief: The Unspoken Pain of Abortion by Theresa Burke, Ph.D, Acorn Books, Springfield, IL, © 2002 for more information on the emotional and physical pain women go through after an abortion.

Statistics and citations taken from a compilation of studies in: Women's Health after Abortion: the Medical and Psychological Evidence by Elizabeth Ring-Cassidy and Ian Gentles. Published by the Toronto based de Veber Institute for Bioethics and Social Research 2002. Page 52 makes a very important note on this highly politicized issue: "There is a marked tendency in the North-American literature on abortion for researchers to minimize their own findings. Those interested in the subject are well advised to read the numerical data and compare them carefully with the abstract or conclusions, rather than relying on either the abstract or conclusions alone. Comparisons are also recommended with literature from European countries, particularly Great Britain and the Scandinavian countries, where population size and sophisticated medical linkage data bases make data collection more accurate and comprehensive."

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENT CHENEY'S TIES TO HALLIBURTON

Mr. LAUTENBERG. Mr. President, I rise to discuss a disturbing development that has just come to light. This development questions Vice President CHENEY's continuing financial ties to Halliburton, the oil services company he once headed.

This past Sunday, the Vice President made the following statement to Tim Russert on "Meet the Press." I quote from that statement. The Vice President said:

> Since I left Halliburton to become George Bush's Vice President, I've severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

After he made that statement, my curiosity led me to take a look at the Vice President's financial disclosure records. What I saw in those reports was completely at odds with what he said on television Sunday morning. Vice President CHENEY's official financial disclosure filings with the Office of Government Ethics reveals that not only does the Vice President continue to have financial ties to Halliburton but also that Halliburton is continuing to provide personal financial benefits to the Vice President.

In the years 2001 and 2002, the Vice President received large "deferred salary" payments from Halliburton. In 2001, Halliburton paid Vice President CHENEY $205,298 in salary, and in 2002 Halliburton paid Vice President CHENEY $162,392 in salary. He is scheduled to receive similar payments this year, 2003, and in 2004 and 2005. That is a pretty strong "financial tie," in my view. If you ask every-day Americans if someone has a financial interest in a company that pays them annual compensation, I am certain the answer would be universally "yes."

Deferred salary is not a retirement benefit or a payment from a third-party escrow account but, rather, an ongoing corporate obligation that is paid from company funds. If a company were to go under, the beneficiary could lose the deferred salary.

In an attempt to mitigate the Vice President's continuing financial interest in Halliburton, his financial statement disclosure form says he "acquired" an insurance policy "to ensure that he will receive the equivalence of his remaining deferred compensation account with Halliburton." The terms of this insurance policy, its costs, and who paid for it are still unclear.

In addition, Vice President CHENEY continues to hold 433,333 unexercised Halliburton stock options. At the end of 2002, Vice President CHENEY's financial disclosure form stated he continued to hold these options, although the exercise prices are above the company's current stock market price. Even though these exercise prices are above current values, these options could in the future bring a substantial windfall, if Halliburton's earnings in stock value continue to grow as it benefits from large government contracts.

This morning, I looked at a chart that showed Halliburton's stock value and its growth from October of last year until the current time. It has grown by about 75 percent while the rest of the industry has remained flat over the years.

These options could bring, as I said, a substantial windfall if earnings in stock values continue to grow—I repeat—because of the value I find people have placed on Halliburton stock resulting in some pretty good contracts they have gotten in dealing with issues in Iraq.

The Vice President has signed an agreement, he said, to donate any profits from these stock options to charity, and has pledged not to take any tax deduction for the donation. Alternatively, he doesn't have to pay taxes on the value growth he would have otherwise paid. But should Halliburton stock prices increase over the next few years, the Vice President could exercise the stock options for substantial profits benefiting not only his designated charity but also providing Halliburton with a substantial tax deduction.

The issue is simple. Vice President CHENEY claims he has no financial ties to Halliburton, but his own financial disclosure report says otherwise. The American people deserve to know about this relationship with Halliburton. He may argue he has structured deals to minimize his financial windfall from his Halliburton arrangements, but he clearly still has "financial ties" to the company.

The fact that Halliburton received an enormous contract without a competitive bid or public disclosure—it was the subject of debate which we had on this floor—it was then agreed that all contracts dealing with Iraq and its reconstruction would be part of the public record.

Back in May, I wrote to the chairman of the Governmental Affairs Committee requesting hearings on the no-bid contracts awarded to Halliburton in Iraq. I believe these developments now make it even more important for the Senate to hold hearings. I renew my plea to the Governmental Affairs Committee to hold hearings on the administration's initial contracts with Halliburton.

Just this week, we learned that Halliburton's no-bid contract with the Army Corps has increased from $700 million to nearly $1 billion. It is a lot of money.

The American people deserve answers to these serious questions concerning government ethics and accountability.

I also believe it is in the interest of the administration to cooperate so the air can be cleared and the record set straight so we know once and for all whether the Vice President admits publicly that he has a financial tie with Halliburton or continues to deny it, despite the written record filed with the Senate Ethics Committee.

FUNDING FOR WILDFIRES

Mr. BURNS. Mr. President, as we are rolling along, trying to complete our work on appropriations, it won't be long that we will have the appropriations for the Interior Department on the Senate floor. I would just like to bring my colleagues up to date on some of the challenges we will be facing and how we probably have to come up with some imagination to take care of some of the problems.

We watched the weather reports from my State of Montana. Montana has had an unusually hot, dry summer. We have also been plagued with wildfires this year. In fact, the lion's share of the fires has been in my State. I want to speak for a moment on something I think has great importance—the need to provide additional funds to the Forest Service and the Department of the Interior to pay for the cost of fighting this year's wildfires.

Nationwide, the numbers are staggering. Once again, we have suffered a terrible fire season. Little does America know, 27 firefighters lost their lives this year in the line of duty. Over 789 homes and other structures have been destroyed, and 2.8 million acres have burned. During the recent Labor Day weekend, 25,000 firefighters were working on fires in every State in the West.

As in 2000, my home State of Montana has been hit by the largest share of the damage. In fact, for much of the summer, half of the total acres burning in the whole Nation were burning in Montana. So far we have lost 600,000 acres, and the fire continues today. Weather conditions, with cooler temperatures and 2.5 inches of rain this week reported in Big Fork, MT, have helped. But there are still 20 fires that have the potential of blowing up unless the moisture continues.

During the August break, I saw the devastating impact of these fires on our parks, forests, and communities firsthand. The fires were so bad that portions of Glacier National Park and Yellowstone Park were closed to the public for many days, as were many national forest lands and, this time, wildlife refuge lands. The impact of these fires is catastrophic, not only on the land but also on the people.

During July and August, hundreds of residents were evacuated as 80 fires burned out of control throughout Montana. Roughly 125 structures were destroyed, and that included 23 homes.

Fighting these fires is expensive. The Forest Service has been spending as much as $20 million a day on firefighting alone. Total expenditures this fiscal year will approach $1 billion. That is taxpayer money. In order to pay for these extraordinary costs, the Forest Service has been forced to borrow $595 million from other nonfire accounts. The Department of the Interior has borrowed $100 million already and is expected to borrow at least $50 million more before the fire season is over. Putting it in a conservative manner, the two agencies together will borrow $850 million from other accounts to fight fires this fiscal year.

Prior to the August recess, the President and the administration submitted a supplemental request for $289 million for fire suppression. My colleagues may recall, I was angry when the House ultimately sent us a supplemental that did not include these funds. In my view, it was highly irresponsible since the fire season was well under way and we knew those funds would be needed.

At this stage, it may be just as well that the House omitted these funds. The pending supplemental request is now totally inadequate in light of what has transpired over the last month. If we were to approve only the pending administration request, we would leave the Forest Service and the Department of the Interior with a combined shortfall in other programs of between $550 and $600 million.

What would be the impact of this? In a word—substantial. The issue is not whether fires will or won't be fought when necessary. Both agencies will continue to protect life, property, and the important natural resources wherever possible. The issue is what won't get done if we fail to repay the accounts that have been raided.

Last year, we were in a similar situation. Both the Forest Service and the Interior borrowed heavily from nonfire accounts. This caused both agencies to stop work on certain things until those amounts were repaid and that account replenished. In the end, we only repaid about 60 cents on every dollar borrowed, which was the amount proposed by the administration in its supplemental request.

The impacts of this shortfall were very real, but the agencies managed to keep most programs above water by managing carryover, canceling defunct projects, and reducing the scope of projects. But as a result of last year's shortfall, this low-hanging fruit is gone.

If we do not act soon to repay in full—and that is my intent, to repay in full the amounts borrowed during the fiscal year 2003—the impacts will be far greater. A wide variety of programs will be deeply affected—from endangered species monitoring to facilities construction, from land acquisition to recreation management, from the processing of grazing permits to the sale of timber. Failing to repay the amounts borrowed will affect all of these things. It amounts to a de facto rescission of funds appropriated by Congress just 6 months ago.

To my colleagues from over the Nation, I would say this is not just a western problem simply because that is where most of the fires burn. It is a problem for every State in the Union because the funds are effectively being borrowed from every State. They are being borrowed in many cases from projects and programs that were funded at the specific request of every Member in this body. If the amounts are not repaid, those amounts will permanently be taken from many of those same projects and programs again. Maybe it will come from a National

Park Service construction project. Maybe it will be in Massachusetts. Maybe it will come from land acquisition in Arizona. Maybe it will come out of grazing management in Colorado. More than likely, it will come from all that I have mentioned.

The use of borrowing authority to fight fires is not necessarily a bad thing. It is a reasonable mechanism when the amounts being borrowed are relatively modest, when sufficient carryover funds are readily available, or when the borrowed amounts are ultimately repaid. But the borrowing has become routine. The amounts involved are massive. We no longer have large carryover amounts in other accounts, and we have habitually not repaid the full amount that was borrowed.

It is a terrible, inefficient way to run a program.

In the past, both the Congress and the administration have been guilty of playing budgetary games with fire suppression funding, but the current situation is only a faint reflection of that fact. Congress included in the fiscal year 2003 appropriations bill essentially the same amounts that were requested by the administration for wildlife fire management. That amount, in turn, was determined by using the 10-year average cost of fire suppression. But that 10-year average no longer is reasonable or a reasonable benchmark for a number of reasons.

Look at our forests. Fuel loads on the floors of our forests are increasing. Increasing costs of personnel and equipment are fully reflected in the 10-year average, and the wildland-urban interface is expanding, which increases the cost of fire suppression.

I think Congress and the administration need to deal with these issues, particularly hazardous fuel loads. But that will not happen overnight, and it does not change the situation we are in today.

To be clear, I have no interest in giving the Forest Service or the Department of the Interior a blank check to fight fires. We must continue to seek ways to reduce costs, and that is why the Appropriations Committee has asked the National Academy of Public Administration to study recent trends in firefighting costs. But while that academy did find some areas for improvement, it found no smoking gun, and there is no silver bullet.

The system is broken, Mr. President, and the administration must work with us to fix it. It cannot rationally expect to produce cost containment in one program by starving the life out of others.

In the short term, we must enact a supplemental that fully repays the amounts they borrowed during fiscal year 2003. I call on the administration to send us another supplemental request for these amounts.

For the longer term, we have to have annual budget requests that more adequately reflect the current reality of suppression costs. We also need to take another look at borrowing authority we traditionally have provided these agencies.

Unless adequate action has already been taken on the impending supplemental, I expect to offer amendments on this subject when the Interior appropriations bill comes to the floor. I hope these amendments will be widely supported by my colleagues.

I appreciate this opportunity to give a little forecast of what is ahead on another appropriations bill because these are tremendous challenges.

I thank the Chair, and I yield the floor.

APPALACHIAN REGIONAL COMMISSION

Mr. FRIST. Mr. President, I rise to express my strong support for the Appalachian Regional Commission, ARC, and to thank Chairman DOMENICI for his leadership and his support to ensure that the Appalachian Regional Commission's fiscal year 2004 funding needs are adequately met.

The ARC was established in 1965 to support economic development in the Appalachian Region. Today, the region includes 410 counties in 13 States, representing a population of more than 23 million. There are 50 counties in Tennessee currently participating in the ARC. Funding provided by Congress is used by the commission to fund locally sponsored projects such as education and workforce training programs, highway construction, water and sewer system construction, leadership development programs, and small business start-ups and expansions.

I am proud that a Tennessean, Anne B. Pope, is currently serving as the Federal Co-Chair of the Commission. In this position, she is working to further the ARC's five primary goals, which include improving education and workforce training, physical infrastructure, civic capacity and leadership, business development, and health care. Each year ARC provides competitive grant funding for several hundred projects to further these goals. In 1965, one in three Appalachian residents lived in poverty. However, by 1990, the poverty rate had been cut in half. ARC programs are helping to shape a brighter future for the Appalachian region by working with local communities to foster economic growth and development.

Last year, Congress reauthorized the ARC's non-highway programs through 2006, and authorized new programs in telecommunications, entrepreneurship, and job-skills training. Moreover, the legislation signed by President Bush reinforced the ARC's commitment to economically distressed counties by mandating that at least half of the Commission's project funding be made available to support activities that benefit distressed areas. These changes will help to create more opportunities for areas still struggling to join the Nation's mainstream economy.

I am proud of the work that the ARC is doing in Tennessee, and I applaud Chairman DOMENICI for his continued support of the ARC's programs. It is my hope that, as we move to conference, we can work together to ensure that the ARC's funding needs continue to be met.

THE FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. DASCHLE. Mr. President, "A government of the people, by the people and for the people." In his immortal description of American democracy, President Lincoln made self-government sound almost easy.

The truth is, democracy is challenging, continuous work. No war, no sacrifice made by one generation—no matter how enormous—can sustain our democracy forever. Ultimately, each generation of Americans must do the work of democracy itself or our democracy atrophies.

"Civic education" is the term we use to describe the process by which we transmit the knowledge, skills and attitudes that people need in order to be responsible citizens. It is at least as important to the future of our democracy as our economic might or our military power. For that reason, I am very pleased to announce today that the Joint Leadership of the Congress of the United States will host a 3-day Congressional Conference on Civic Education later this month—September 20, 21, and 22.

This Congressional Conference on Civic Education will bring together educators and other experts from every State to focus national attention on the state of civic education in America. I am honored to serve as an honorary host for the conference, along with the majority leader, Senator FRIST, and our counterparts in the House, Speaker HASTERT and Democratic Leader PELOSI.

It is our hope and our expectation that the conference will help launch a nationwide movement, and produce strategic plans to strengthen civic education and civic participation at every level of government—local, State, and national. It is the first of five annual civic education conferences planned by the Joint Leadership.

The goals of this first conference include: increasing public understanding of America's representative democracies and the need for Americans to play a responsible role in their Government; underscoring for policymakers that America's schools play a critical role in preparing students for effective citizenship, and expanding the opportunities for policymakers to participate in carrying out this civic mission; and encouraging the formation of State delegation working groups that will take the lead in improving civic education in their respective States.

The Congressional Conference on Civic Education is a fitting and appropriate way for Congress to join the Nation in commemorating Citizenship Week.

The conference is a project of the Alliance for Representative Democracy, a national project designed to reinvigorate and educate Americans on the critical relationship between Government and the people it serves. The Alliance's members are the National Conference of State Legislatures, the Center on Congress at Indiana University, and the Center for Civic Education. The Alliance for Representative Democracy project is funded by the U.S. Department of Education by act of Congress.

There is no more important or urgent task facing our Nation than making sure that this and future generations of Americans have the skills, knowledge and attitudes required to maintain this Government "of the people, by the people and for the people."

Every State delegation attending this first annual Congressional Conference on Civic Education will identify its own specific goals for improving civic engagement in our society and citizenship education in our schools.

I am sure my colleagues join me in applauding the dedicated educators and others who will be traveling to Washington from all over the country for this important conference. We thank them for their time and their commitment to this worthy endeavor. We look forward to hearing their ideas—and hearing about their progress at the second annual Congressional Conference on Civic Education in September 2004.

Among those who are volunteering their time and energy to make this conference possible, and who deserve special thanks are the following, whose names I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION: CONFIRMED DELEGATION LIST

Alabama: Ms. Janice A. Cowin, State Facilitator; Representative Sue Schmitz, Alabama House; Dr. Ethel Hall, Alabama State Board of Education; Mr. Tom Walker, Executive Director, The American Village Citizenship Trust.

Alaska: Ms. Mary Bristol, State Facilitator; Senator Bettye Davis, Alaska State Senate; Representative John Coghill, House Majority Leader, Alaska House of Representatives; Ms. Esther Cox, First Vice Chair, Alaska Board of Education; Mr. Macon Roberts, Treasurer Anchorage School Board.

Arizona: Ms. Lynda Rasndo, State Facilitator; Senator Tim Bee, Arizona Senate; Representative Linda Gray, Arizona House of Representatives; Ms. Kathy Kay, Arizona Department of Education; Mr. David Garcia, Arizona Center for Public Policy.

Arkansas: Ms. Barbara Patty, State Facilitator; Dr. Daryl Rice, Associate Dean, University of Arkansas; Mr. Frank Smith, Social Studies Supervisor, Pulaski County Schools; Ms. Suzanne McPherson, Fort Smith Schools.

California: Mr. Roy Erickson, State Facilitator; Honorable Frank Damrell, Judge, US District Court, Northern District of California; Senator Jack Scott, California Senate; Ms. Kerry Mazzoni, Secretary of Education, Office of Governor; Mr. David Gordon, Superintendent, Elk Grove Unified School District; Ms. Michelle Herczog, Social Studies Coordinator Los Angeles County Schools.

Colorado: Ms. Barbara Miller, State Facilitator; Senator Peter Groff, Colorado State Senate; Representative Shawn Mitchell, Colorado House of Representatives; Mrs. Maria Garcia-Berry, President, CRL Associates; Dr. Jane W. Urschel, Associate Executive Director, Colorado Association of School Boards.

Connecticut: Mr. James Schmidt, State Facilitator; Representative Demetrios Giannaros, Connecticut House of Representatives; Ms. Mary Skelly, Social Studies Coordinator, Middletown, CT; Ms. Martha Press, Social Studies Supervisor, Stratford CT Schools; Mr. Randall Collins, Superintendent, Waterford Schools, Pres. Elect ECS.

Delaware: Mr. Lewis Huffman, State Facilitator; Hon. M. Jane Brady, Attorney General of Delaware; Ms. Valerie Woodruff, Secretary of Education, Delaware Department of Education.

District of Columbia: Ms. Deborah Foster, State Facilitator; Ms. Vanessa (Connie) Spinner, Acting State Education Officer; Dr. Roceal Duke, Social Studies Content Specialist, DC Public Schools.

Florida: Ms. Annette Boyd Pitts, State Facilitator; Representative Curtis Richardson, Florida House of Representatives; Representative Renee Garcia, Florida House of Representatives; Mr. Jack Bovee, Florida Department of Education; Dr. Robert Guiterrez, Professor of Education, Florida State University; Mr. John Doyle, Miami—Dade County Public Schools.

Georgia: Dr. Eddie Bennett, State Facilitator; Senator Joey Brush, Georgia Senate; Representative Bob Holmes, Georgia House of Representatives; Ms. Janet Wiley, President, Georgia Association of Curriculum and Instructional Supervisor; Ms. Robynn Holland, Social Studies Coordinator, State Department of Education; Ms. Stephanie Caywood, Office of the Secretary of State.

Hawaii: Dr. Lyla Berg, State Facilitator; Senator Ron Menor, Hawaii Senate; Representative Roy Takumi, Hawaii House of Representatives; Mr. Sherwood Hara, State Board of Education; Mr. Roger Takabayashi, President Hawaii State Teachers's Association.

Idaho: Dr. Dan Prinzing, State Facilitator; Dr. Marilyn Howard, Superintendent of Public Instruction; Senator Denton Darrington, Idaho Senate; Mr. Tim Hurst, Chief Deputy, Secretary of State; Mr. Doug Oppenheimer, Oppenheimer Development Company.

Illinois: Dr. Frederick D. Drake, State Facilitator; Senator Steven Rauschenberg, Illinois Senate, Vice President, NCSL; Representative Suzanne Bassi, Illinois House of Representatives; Dr. Darlene Ruscitti, Regional Superintendent, DuPage County Schools; Ms. Maggie Oleson, Legislative Consultant, State Farm Insurance Co.; Dr. John Craig, Social Science Assessment, Illinois Board of Education; Mr. Jon Schmidt, Service Learning Manager, Chicago Public Schools.

Indiana: Dr. John J. Patrick, State Facilitator; Mr. Peter Bomberger, Attorney at Law, Chair Citizenship Education Committee, IN Bar; Mr. Lynn R. Nelson, Ackerman Center for Democratic Citizenship, Purdue University; Dr. Sharon Brehm, Chancellor, Indiana University.

Iowa: Mr. Jason Follett, State Facilitator; Honorable Chet Culver, Secretary of State of Iowa; Senator Nancy Boettger, Iowa State Senate; Dr. Jeffrey Cornett, Dean College of Education, University of Northern Iowa.

Kansas: Mr. Dave Dubois, State Facilitator; Senator Dwayne Umbarger, Kansas State Senate; Dr. Alexa Pochowski, Assistant Commissioner of Education.

Kentucky: Ms. Deborah Williamson, State Facilitator; Senator Jack Westwood, Kentucky Senate; Representative Tanya Pullin, Kentucky House of Representatives; Ms. Cicely Jaracz Lambert, Director, Kentucky Administrative Office of the Courts; Ms. Natalie Stiglitz, Social Studies Consultant, Kentucky Department of Education.

Louisiana: Ms. Maria Yiannopoulos, State Facilitator; Mr. William Miller, Special Assistant to the Superintendent of Education; Mr. R. Edward Hunt, Louisiana Center for Law and Civic Education; Ms. C. Kevin Hayes, Attorney At Law, Roedel, Parsons, Koch, Frost, Balhoff & McCollister; Mr. Jimmy Fahrenholtz, Member Orleans Parish School Board & Attorney At Law.

Maine: Ms. Julia Underwood, State Facilitator; Mr. Patrick Phillips, Maine Department of Education; Ms. Crystal Ward, Maine Education Association; Mr. Richard Lyons, Superintendent Hampden Academy, Past Pres. ME Superintendent's Assn.

Maryland: Ms. Marcie Taylor-Thoma, State Facilitator; Ms. Sharon Cox, Vice President, Montgomery County Board of Education; Delegate John Hurson, Maryland House of Delegates, President-Elect, NCSL; Delegate David D. Rudolph, Maryland House of Delegates.

Massachusetts: Ms. Diane Palmer, State Facilitator; Senator Richard T. Moore, Massachusetts State Senator; Representative Dan Bosley, Massachusetts House of Representatives; Dr. Sheldon Berman, Superintendent, Hudson Public Schools; Ms. Susan Wheltle, Massachusetts Department of Education.

Michigan: Ms. Linda Start, State Facilitator; Senator Ron Jelenik, Michigan State Senate; Representative Hoon-Yung Hopgood, Michigan House of Representatives; Ms. Kathleen Strauss, President State Board of Education; Mr. John Lore, Executive Director, Connect Michigan Alliance; Mr. Eric Rader, Policy Division, Office of the Governor; Ms. Leslie Salba, DC Office of the Governor.

Minnesota: Mr. Rick Theisen, State Facilitator; Senator Steve Kelley, Majority Whip, Minnesota State Senate; Mr. Charlie Skemp, Social Studies Specialist, Minnesota Department of Education; Ms. Mary Ann Van Hooten, State Department of Education; Ms. Lisa Wilde, Minnesota Bar Association, National Mock Trial.

Mississippi: Dr. Susie Burroughs, State Facilitator; Senator Alice Harden, Mississippi State Senate; Representative Mike Lott, Mississippi House of Representatives; Dee Chambliss, Assistant Secretary of State for Education and Publications; Ms. Judith

Couey, Bureau Director, Mississippi Department of Education.

Missouri: Ms. Millie Aulbur, State Facilitator; Dr. Kent King, Commissioner, Department of Elementary and Secondary Education; Representative Sharon Sanders Brooks, Missouri House of Representatives; Representative Walter Bivins, Missouri House of Representatives; Mr. Stan Johnson, Superintendent, School of the Osage.

Montana: Dr. Bruce Wendt, State Facilitator; Senator Sam Kitzenberg, Montana Senate; Representative Gary Branae, Montana House of Representatives; Ms. Stephanie Wasta, School of Education, University of Montana.

Nebraska: Mr. Mitch McCartney, State Facilitator; Honorable John Gale, Secretary of State, State of Nebraska; Senator DiAnna Schimek, Nebraska Unicameral; Mr. Joe Higgins, Member, State Board of Education; Ms. Lauren Hill, Education Assistant to the Governor.

Nevada: Ms. Judith Simpson, State Facilitator; Representative William Horne, Nevada House of Representatives; Mr. Larry Struve, Chairman, NV Advisory Committee on Participatory Democracy; Dr. Keith Rheault, Deputy Superintendent, NV Dept. of Education.

New Hampshire: Mr. Mica B. Stark, New Hampshire Institute of Politics, State Facilitator; Mr. Andrei Campeanu, President, ATE Media Services.

New Jersey: Ms. Arlene Gardner, State Facilitator; Assemblyman Craig Stanley, New Jersey House; Ms. Lucille Davey, Education Assistant to the Governor; Mr. John Dougherty, State Department of Education.

New Mexico: Ms. Dora Marroquin, State Facilitator; Representative Rick Miera, New Mexico House of Representatives; Ms. Virginia Trujillo, State of New Mexico Office of the Governor; Dr. Joseph Stewart, Professor, University of New Mexico.

New York: Professor Stephen Schechter, State Facilitator; Ms. Rita Lashway, Deputy Executive Director, New York State School Boards Association; Mr. A. Thomas Levin, President, New York State Bar Association; Ms. Gail Kelly, President, New York Council of Educational Associations.

North Carolina: Ms. Debra Henzey, State Facilitator; Senator Joe Sam Queen, North Carolina Senate; Representative Linda Johnston, North Carolina House of Representatives; Ms. Maria Theresa Unger Palmer, Member North Carolina Board of Education; Ms. Susan Giamportone, North Carolina Bar Association; Ms. Tracey Greggs, Department of Public Instruction Social Studies Section; Ms. Carol Vogler, Career Center High School, Past Pres. Carolina Council for the Social Studies.

North Dakota: Mr. Phil Harmeson, Co-State Facilitator; Senator Ray Holmberg, Co-State Facilitator; Representative Dennis Johnson, North Dakota House of Representatives; Honorable Wayne Stenehjem, Attorney General, State of North Dakota; Honorable Mary Maring, Justice North Dakota Supreme Court.

Ohio: Mr. Jared Reitz, State Facilitator; Representative Dixie Allen, Ohio House of Representatives; Dr. Donald Stenta, Associate Director, the John Glenn Institute; Mrs. Patricia Allen Day, Roosevelt Center, Dayton Public Schools; Ms. Linda Petz, Stark Educational Service Center; Mr. Frank Underwood, Assistant Director, Ohio Community Service Council.

Oklahoma: Mr. Michael Reggio, State Facilitator; Representative Bill Nations, Oklahoma House; Ms. Lisa Pryor, Learn & Serve Coordinator State Dept. of Education; Ms. Gina Wekke, Sr. Coordinator, Oklahoma Regents for Higher Education; Ms. Denise Rhodes, Oklahoma Council for the Social Studies; Ms. Lyndal Caddell, Noble Middle School.

Oregon: Ms. Barbara Rost, State Facilitator; Senator Ryan Deckert, Oregon State Senate; Representative Pat Farr, Oregon House of Representatives; Mr. James Sager, Educational Policy Advisor, Office of the Governor; Mr. Pat Burk, Associate Superintendent Federal Programs, Department of Education.

Pennsylvania: Ms. Frances J. Warren, State Facilitator; Representative Jess Stairs, Pennsylvania House of Representatives; Mr. Albert Cunningham, Superintendent, Montoursville Area School District; Mr. James Wetzler, Social Studies Coordinator, Pennsylvania Department of Education.

Rhode Island: Mr. Michael Trofi, State Facilitator; Honorable Matt Brown, Secretary of State of Rhode Island; Senator Hanna Gallo, Rhode Island State Senate; Representative Susan Story, Rhode Island House of Representatives; Ms. Maria Escudero, Office of the Secretary of State; Mr. James Parisi, Field Representative, RI Federation of Teachers & Health Professionals.

South Carolina: Mr. Paul Horne, State Facilitator, Invited; Senator Warren Giese, South Carolina State Senate; Representative Robert Walker, South Carolina House; Dr. Harriett L. Rucker, State School Board; Mr. James Bryan, Education Associate, Department of Education.

South Dakota: Dr. Jack Lyons, State Facilitator; Senator Drue Vitter Lange, South Dakota House of Representatives; Ms. Glenna Fouberg, President South Dakota School Board.

Tennessee: Ms. Janis Kyser, State Facilitator; Senator Randy McNally, Tennessee State Senate; Representative Beth Harwell, Tennessee House of Representatives; Representative Joe Towns, Jr., Tennessee House of Representatives; Mr. Richard Ray, Chairman State School Board; Mr. Bruce Opie, Legislative Liaison, Department of Education; Dr. Ashley Smith Jr., President Tennessee Middle School Association.

Texas: Mrs. Jan Miller, State Facilitator; Judge Royal Furgeson, U.S. District Court Judge, Western District of Texas; Mr. George Rislov, Director of Social Studies, Texas Education Agency; Mr. Hugh Akin, Executive Director, Hatton W. Sumner Foundation; Ms. Carlen Floyd, State Board for Teacher Certification; Ms. Patricia Ann Hardy, Member State Board of Education.

Utah: Ms. Kathy Dryer, State Facilitator; Chief Justice Christine M. Durham, Utah Supreme Court; Senator Howard A. Stephenson, Utah State Senate; Representative LaVar Christensen, Utah House of Representatives; Ms. Janet Canon, Vice President, State Board of Education.

Vermont: Vee Gordon, State Facilitator, Senator Matt Dunne, Vermont State Senate; Representative Malcolm Severance, Vermont House; Mr. Patrick Burke, Principal South Burlington High School.

Virginia: Mr. Andrew Washburn, State Facilitator, Delegate James Dillard, Virginia House of Delegates; Ms. Susan Genovese, Vice President, Virginia Board of Education; Dr. Patricia Wright, Assistant State Superintendent of Education.

Washington: Mrs. Kathy Hand, State Facilitator, Dr. Terry Bergeson, State Superintendent of Public Instruction; Senator Steve Johnson, Washington State Senate; Representative Dave Quall, Washington House of Representatives, Representative David Upthegrove, Washington House of Representatives; Mr. Steve Mullin, Vice President, Washington State Roundtable.

West Virginia: Mrs. Priscilla Haden, State Facilitator, Member, State Board of Education; Delegate Ray Canterbury, West Virginia House of Delegates; Dr. David Stewart, State Superintendent, West Virginia Department of Education; Mr. William Raglin, President, West Virginia School Boards Association; Ms. Sharon Flack, Social Studies Supervisor, State Department of Education.

Wisconsin: Ms. Dee Runaas, State Facilitator; Honorable Elizabeth A. Burmaster, Superintendent of Public Instruction; Senator Robert Jauch, Wisconsin State Senate; Representative Luther S. Olsen, Wisconsin House of Representatives; Mr. Richard Grobschmidt, Assistant State Superintendent of Education; Ms. Kori Oberle, Wisconsin Educational Communications Board.

Wyoming: Mr. Matt Strannigan, State Facilitator; Senator Mike Massie, Wyoming State Senate; Representative Rosie Berger, Wyoming House of Representatives; Ms. Sheri Tavegie, State Department of Education.

U.S. POLICY IN IRAQ

Mr. LEVIN. Mr. President, I would like to share with my colleagues the recent remarks of our former colleague Senator Max Cleland concerning U.S. policy in Iraq.

This is a passionate, powerful speech by a true American hero whose tremendous service to, and personal sacrifice for, this country should make all of us mindful of his cautions and warnings. I ask unanimous consent that former Senator Cleland's speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[DSCC Iraq Policy Forum, Washington, DC, Sept. 15, 2003]

DISASTER IN THE DESERT

(Former Senator Max Cleland, D-Georgia)

"The public had been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information," he said. "The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. He added: "We are today not far from a disaster"—T.E. Lawrence The Sunday Times of London August 22, 1920.

Let me see if I can get this straight.

The President of the United States decides to go to war against a nation led by a brutal dictator supported by one party rule. That dictator has made war on his neighbors. The President decides this is a threat to the United States. In his campaign for President he gives no indication of wanting to go to war. In fact, he decries the over-extension of American military might and says other nations must do more. However, unbenounced to the American public, the President's own Pentagon advisors have already cooked up a plan to go to war. All they are looking for is an excuse.

An element of the U.S. military is under attack. The President, his Secretary of Defense and his advisors sell the idea to Congress and the American people that it is time to go to war. Based on faulty intelligence, cherry-picked information is fed to Congress and the American people. The President goes on national television to explain the case for war, using as part of the rationale for the war an incident that never happened. The Congress buys the bait hook, line and sinker and passes a resolution giving the President the authority to use "all necessary means" to prosecute the war.

The war is started with an air and ground attack. Initially there is optimism. The President says we are winning. The cocky, self-assured Secretary of Defense says we are winning. As a matter of fact, the Secretary of Defense promises the troops will be home soon.

However, the truth on the ground that the soldiers face in the war is different than the political policy that sent them there. They face increased opposition from a determined enemy. They are surprised by terrorist attacks, suicide bombers, village assassinations, increasing casualties and growing anti-American sentiment. They find themselves bogged down in a guerrilla land war, unable to move forward and unable to disengage because there are no allies in the war to turn the war over to. There is no plan B. There is no exit strategy. Military morale declines. The President's popularity sinks and the American people are increasingly frustrated by the cost of blood and treasure poured into a never-ending war.

Sound familiar? It does to me!

The President was Lyndon Johnson.

Got Ya!

The cocky, self-assured Secretary of Defense was Robert McNamara.

Got ya again!

The Congressional resolution was the Gulf of Tonkin resolution.

You are catching on!

The war was the war that me, John Kerry, Chuck Hagel, John McCain and three and-a-half million other Americans of our generation were caught up in. It was the scene of America's longest war. It was also the locale of the most frustrating outcome of any war this nation has ever fought.

Unfortunately, the people who drove the engine to get into the war in Iraq never served in Vietnam.

Not the President.

Not the Vice-President.

Not the Secretary of Defense.

Not the Deputy Secretary of Defense.

Too bad. They could have learned some lessons.

First, they could have learned not to underestimate the enemy. The enemy always has one option you cannot control. He always has the option to die. This is especially true if you are dealing with true believers and guerrillas fighting for their version of reality—whether political or religious. They are what Tom Friedman of the New York Times calls the "non-deterables." If those non-deterables are already home in their country, they will be able to wait you out until you go home.

Second, if the enemy adopts a "hit and run" strategy designed to inflict maximum casualties on you, you may win every battle but the battles you fight (as Walter Lippman once said about the Vietnam War) can't win the war.

Third, if you adopt a strategy of not just preemptive strike but also preemptive war you own the aftermath. You better plan for it. You better have an exit strategy because you cannot stay there indefinitely unless you make it the 51st state. If you do stay an extended period of time, you then become an occupier, not a liberator. That feeds the enemy against you.

Fourth, if you adopt the strategy of preemptive war, your intelligence must be not just "darn good," as the President has said, it must be "bullet proof," as Secretary Rumsfeld claimed the administration had against Saddam Hussein. Anything short of that saps credibility.

Fifth, if you want to know what is really going on in the war, ask the troops on the ground, not the policy makers in Washington. The "ground truth," as the soldiers call it, is always more accurate than the truth expounded through the mouths of those who plan the war and have a political, personal and emotional investment in their policy. They will bend any fact, even intelligence, to their own ends. If the ground truth and the policy truth begin to diverge, "Shock and Awe" will turn into what one officer in Iraq has described as, "Shock and Awe S !"

Sixth, in a democracy instead of truth being the first casualty in war, it should be the first cause of war. It is the only way the Congress and the American people can cope with getting through it. As credibility is strained, support for the war and support for the troops goes downhill. Continued loss of credibility drains troop morale, the media becomes more suspicious, the public becomes more incredulous and the Congress is reduced to hearings and investigations.

Instead of learning the lessons of Vietnam, where all of the above happened, the President, the Vice-President, the Secretary of Defense and the Deputy Secretary of Defense have gotten this country into a disaster in the desert. They attacked a country that had not attacked us. They did so on intelligence that was faulty, misrepresented and highly questionable. A key piece of that intelligence was an out-right lie which the White House put into the President's State of the Union speech. These officials have over-extended the American military, including the Guard and the Reserve and expanded the United States Army to the breaking point. A quarter of a million troops are committed to the Iraq war theater, most bogged down in Baghdad. Morale is declining and casualties continue to increase. In addition to the human cost, the funding of the war costs a billion dollars a week, adding to the additional burden of an already depressed economy.

The President has declared "major combat over" and sent a message to every terrorist, "Bring them on." As a result, he has lost more people in his war than his father did in his and there is no end in sight.

Military commanders are left with extended tours of duty for servicemen and women, told long ago they were going home, and keeping American forces on the ground where they have become sitting ducks in a shooting gallery for every terrorist group in the Middle East.

Welcome to Vietnam, Mr. President. Sorry you didn't go when you had the chance.

HONORING OUR ARMED FORCES

Mr. JEFFORDS. Mr. President, on Friday, September 19, 2003, Vermonters will gather in Proctor, VT, for a happy, yet solemn occasion. They will assemble on that day to reopen Proctor's Marble Arch Bridge and to dedicate a memorial to SGT Justin Garvey, United States Army, 101st Airborne Division.

The joy will be in the celebration of the new bridge, a centerpiece of Proctor's infrastructure. It is the town's only bridge to span Vermont's longest river, the Otter Creek. Originally constructed in 1915, the new bridge will reestablish an historic gateway between the east and west of Justin's home community.

Proctor's Marble Arch Bridge, adorned with Highland Marble quarried from beneath Vermont's grand mountains, is an elegant example of artistry, craftsmanship and heritage, values that we Vermonters cherish and respect.

SGT Justin Garvey, Proctor High School Class of 1998, exemplified these values as well. Justin was, by all accounts, an outstanding young man. He was known as a strong competitor, a motivated student, and an avid outdoorsman. His friends knew him as being good hearted and good humored. Justin was a loyal brother, a dedicated son and a loving husband.

Justin Garvey loved and is loved by his family and community.

He crossed the Marble Arch Bridge innumerable times. When he last crossed this bridge, he was on a journey that would take him to serve in the United States Army 101st Airborne Division, one of America's most elite defense forces.

Not every soldier has the "stuff" to make the 101st Airborne. But it was no surprise to those who knew him that Justin Garvey studied and trained and worked to become a top-notch soldier. A fellow soldier wrote that "He was a man who had no enemies . . . he is everything I want to be as a man. Everyone who ever met Justin was better for it. It was an honor to have served with him up to the end, that night. He taught me what a true hero is."

From before its inception and throughout its history, America has depended upon the willingness of men like Justin Garvey to put themselves in harm's way for the sake of country and countrymen.

Indeed, this Nation has survived only because of such men and such women.

When Justin Garvey last crossed Proctor's historic Marble Arch Bridge, he was already a hero to his family and friends in this community. Today, all of Vermont and all of America recognize Justin Garvey as an American hero.

Indeed, the world is in his debt.

It is fitting and proper that we should dedicate a memorial to SGT Justin Garvey, Proctor native, American hero.

May God Bless Justin and his family.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. CORZINE. Mr. President, I rise today to honor the memory of the victims of the Katyn Forest Massacre in 1940. Katyn Forest is a quiet wooded area near the Gneizdovo village, a short distance from Smolensk in Russia. It was at this site, on Soviet leader Joseph Stalin's orders, that the Soviet NKVD shot and buried more than 4,000 Polish service personnel that had been taken prisoner when the Soviet Union invaded Poland in September 1939. Most of these victims were Polish army reservists—lawyers, doctors, scientists and businessmen, Poland's elite and intelligentsia—who were called up to active service following the Nazi invasion of Poland.

On September 17, 1939, under the terms of a secret Moscow-Berlin treaty, forces of the Soviet Union invaded Poland through its eastern border. Polish troops, overwhelmed by the German invasion on its western border, surrendered to the Red Army on the pretense they would be protected. More than 15,000 Polish soldiers and civilians were sent to prison camps at Kozielsk, Starobielska and Ostashkov in the Soviet Union.

In an effort to eliminate potential threats to Soviet control of Poland and what Stalin described as counter-revolutionary espionage and resistance organizations, Soviet troops carried out what many have called one of the most heinous war crimes in history. Prisoners in all three Soviet Camps were executed and buried in mass graves. One of these graves was discovered in Katyn Forest, where between four and five thousand Polish bodies were found. There were no trials; there was no justice for these innocent victims.

Although the Soviet Government originally denied their role in this unspeakable atrocity, on February 19, 1989 Soviet scholars released documents that revealed that Stalin had indeed ordered the mass execution. The following year Soviet President Mikhail Gorbachev apologized to the Polish people for the killings. While this admission of guilt provided some closure, it certainly does not erase the pain and suffering felt by a nation whose entire population was affected by this horrific event. Sixty-three years later, the name Katyn still stirs passions in Poland.

Today, I honor the victims of the Katyn Forest Massacre and commend them for their courage and their sacrifice. For on that fateful day, more than six decades ago, these valiant men paid the ultimate price to secure their country's freedom.

It is my sincere hope that as more people learn about the carnage that occurred at Katyn Forest and the surrounding sites, we will be able to come to terms with this tragedy and help heal the wounds that the great nation of Poland and its citizens still suffer. When we honor the memories of those brave souls who were lost on that tragic day, we will prevent future generations from repeating the same horrors which occurred in our past.

ADDITIONAL STATEMENTS

RHODE ISLAND COUNCIL ON RESIDENTIAL PROGRAMS FOR CHILDREN AND YOUTH

• Mr. CHAFEE. Mr. President, I am proud today to honor the Rhode Island Council on Residential Programs for Children and Youth, RICORP, for 25 years of service to 1,250 of Rhode Island's most needy children.

RICORP developed training programs for childcare workers in Rhode Island throughout the 1980s and by 2000, the council had established training certification programs for childcare workers, supervisors and clinicians. In 2001, RICORP collaborated with the Community College of Rhode Island to develop a college curriculum in "Children's Residential Programming" and in September of 2002 the program became a reality.

RICORP has also advanced legislation in the Rhode Island General Assembly in 2000 to give contracted providers rate increases in fiscal year 2001 and 2002. Additionally they lobbied for initiatives to improve the lives of children in care, such as the Higher Education Assistance Grant enacted in 1999. This grant gave youth in out-of-home placement free tuition if they attended one of the State colleges.

These are just a few examples of RICORP's contributions toward improving the lives of needy children in the State of Rhode Island.

I join all Rhode Islanders in congratulating RICORP on its 25th anniversary.•

TRIBUTE TO C. FRANCIS DRISCOLL

• Mr. DODD. Mr. President, I rise to speak in memory of C. Francis Driscoll, of New London, CT, who passed away on August 8 at the age of 68.

Although Frank Driscoll was born in New York, he would become one of New London's most influential and devoted public servants, committing his time and energy, for over 30 years, to making life better for the people of that city.

Frank Driscoll's first work on behalf of New London came from 1961 to 1967, when he was the executive director of the Redevelopment Agency, and a driving force in New London's urban renewal. But after 2 years working in Washington at the Department of Housing and Urban Development he returned to New London to take the job that he would hold for the next 23 years, the position of city manager—the top executive post in the city.

As city manager, Frank Driscoll became known as a man who was very careful with how he spent city funds. A child of the Great Depression, he understood that these were the hard-earned tax dollars of working men and women, and he was always careful to spend those dollars wisely. At the same time, he was also tireless in his efforts to obtain Federal funds to improve the quality of life in New London. In fact, during the 1970s, New London won more money in Federal aid than it raised in local property taxes. These critical funds helped New London improve and renovate its schools, revitalize its business district, and ensure the integrity of its water supply.

Frank Driscoll was a skilled, dedicated, and effective leader. But those who knew him or worked with him will probably remember him even more as a deeply caring and compassionate individual. He treated every city employee as part of an extended family. And when it came to his own family, Frank Driscoll's devotion was second to none.

He was also a man of faith who was a vital member of his community. At St. Joseph's Parish in New London, he was a member of the parish council as well as the church choir. Frank was a man whose faith helped shape every aspect of his life, both public and private.

I know that everyone who has lived in New London since the 1960s feels fortunate that they had Frank Driscoll working on their behalf. And I feel privileged to have had him as a friend.

I offer my most heartfelt condolences to Frank's wife Caroline, to their eight children, nine grandchildren, and to everyone else who knew Frank Driscoll. He will be deeply missed.•

REAR ADMIRAL HOWARD KIRK UNRUH, JR.

• Mr. LAUTENBERG. Mr. President, I rise today to formally acknowledge the great accomplishments and recent retirement from the United States Naval Reserve of one of my constituents, Rear Admiral Howard Kirk Unruh, Jr.

Henry Clay said: "Of all the properties that belong to honorable men, not one is so highly prized as that of character." RADM Unruh is, indeed, a man of character and he has shown outstanding character throughout his 33 years of service to the Navy.

Admiral Unruh's naval career began in the Garden State, where he attended Princeton University on a ROTC scholarship. In 1970, upon his graduation from Princeton, Ensign Unruh was commissioned as an officer in the United States Navy.

He reported for duty in Hawaii where he served on the USS Elkhorn AOG–7. As damage control assistant and engineering officer, he accepted a great deal of responsibility for a young man and gained valuable leadership experience. He learned what it meant to serve and what it meant to lead, and he made the Navy an important part of his life.

His work did not go unnoticed, and, after completing a tour of the Western Pacific aboard the Elkhorn, Unruh was selected to participate in Admiral Elmo Zumwalt's Human Resource Management Program in Pearl Harbor.

In 1975, Lieutenant Unruh left active duty, and went on to receive a Masters degree in Education from Harvard University. But the Navy was in his blood. So, while studying in Massachusetts, he accepted a commission in the Naval Reserves and began the second phase of his service.

For the next 28 years, Admiral Unruh served wherever and whenever he was needed. He taught naval management and leadership courses; he mentored officers and sea cadets; he spearheaded successful reorganization efforts in reserve centers; and he participated in joint military training exercises in the U.S. and abroad. In short, as he moved up the ranks, he gave the Navy his wholehearted commitment on land and sea.

In 1995, he took an assignment as the Department of the Navy's duty captain at the Pentagon's Navy Command Center. There, he served under Secretary of the Navy and Chief Naval Operations Admiral Mike Borda and was in charge of monitoring military activity around the world. On his first day on duty, human émigrés flying civilian aircraft over Cuba were shot down by the Cuban military, which believed that the aircraft were intruding in Cuban air space. Captain Unruh acted quickly and admirably, putting together data to brief the President on the United States on what was happening.

Now Kirk Unruh retires as an Admiral and he has well earned that rank. Over the years, his contributions to the Navy have been duly recognized. He is authorized to wear the Legion of Merit, the Meritorious Service Medal which he was awarded twice, the Navy Commendation Medal which he was awarded four times, the National Defense Medal with bronze star, and various other Unit and Service ribbons. These decorations attest to the character of the man, the service he has rendered, and the honor with which he has provided that service.

Today I ask that my colleagues join with me in thanking Admiral Unruh for his years of service, for his commitment to this nation and to the United States Navy, and for a job well done. As noted in his Legion of Merit Citation: "By his outstanding leadership, commendable innovation, and inspiring dedication to duty, RADM Unruh reflected great credit upon himself and upheld the highest traditions of the United States Naval Service."

Lastly, behind the career of most great Naval officers is a loving family that is asked to endure the hardships of constant travel and periodic separation. Admiral Unruh's family is no exception. His wife Diane has made many sacrifices to support her husband. And, as the wife of an Admiral—whose children, Meredith, Allison, and Chip were all born on naval bases—she has earned her stripes and unofficially outranks him. We all know that without her sacrifice his service to our Nation would not have been possible.

Today, I join with Diane, her children, and all Americans in saluting Admiral Unruh for an outstanding career and a job well done.●

MEASURE READ THE FIRST TIME

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–269. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 48

Whereas, over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, in 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, in accordance with the federal act, Michigan electric customers have paid $405.8 million into this federal fund for construction of the federal waste facility; and

Whereas, there are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste facility as soon as possible. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–270. A concurrent resolution adopted by the Legislature of the State of Michigan relative to beach grooming on private property; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, the most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, with the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by vegetation, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, as a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, the effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–271. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to widening and resurfacing of the M 50 to US 12 segment of US 127; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 95

Whereas, the Michigan International Speedway (MIS), which attracts 600,000 visitors annually, is the largest sporting venue in Michigan. Michigan International Speedway has accepted its role as a corporate citizen with pride for the last 35 years; and

Whereas, fifty-five percent of MIS season ticket holders are from outside the state of Michigan, with season ticket holders in 47 states and 12 foreign countries. The indirect economic impact of the Michigan International Speedway to Michigan's economy exceeds $500 million dollars annually. With over 50% of the race weekend business coming from outside the state, a substantial amount of money is brought into Michigan's economy from the surrounding area; and

Whereas, in 2002, a resurfacing project was completed on US 127 from M 50 North to Interstate 94, which has caused a deterioration in the roadway south of M 50 to US 12; and

Whereas, traffic counts escalate annually, averaging 20,000 vehicles per day, and they spike drastically during the three race weekends at Michigan International Speedway; and

Whereas, traffic engineers routinely specify a four-lane highway as mandatory for traffic volumes that exceed 17,500 on a daily basis; and

Whereas, transportation planners project that without any new development, traffic counts along US 127 in Jackson County will range from 31,000 to 51,000 vehicles daily; and

Whereas, the number of vehicle accidents occurring on US 127 is unacceptably high, with an annual average of 311 occurring annually. Of this number, 248 occur on the road segment between M 50 and US 12; and

Whereas, the state of Michigan has recognized the increasing problems associated with traffic pressure on US 127 since 1994, when it was specifically cited in the Michigan Long-Range Plan; and

Whereas, roadway expansion for US 127 in Jackson County has previously been permitted and does not require an environmental impact study; and

Whereas, improvements to US 127 from M 50 to US 12 will both improve community safety and enhance economic development efforts; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to support funding for the widening and resurfacing of the M 50 to US 12 segment of US 127; and

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–272. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Highway Trust Fund and the State of Texas; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 82

Whereas, an integrated, safe, and adequately financed transportation system is a critical component of the economic, social, and environmental well-being of both the United States and Texas; and

Whereas, the Highway Trust Fund was established by the Highway Revenue Act of 1956 as a mechanism to finance an accelerated highway program, including the Interstate Highway System; the revenues used to finance the trust fund are derived from federal excise taxes on highway motor fuel and certain truck-related taxes collected from motorists in all 50 states and paid into the federal Highway Trust Fund; and

Whereas, federal law requires that the money paid into the trust fund be returned to the states in accordance with legislatively established formulas that are recalculated every six years in reauthorization legislation; most recently the Transportation Equity Act for the 21st Century (TEA–21) was passed in 1998; and

Whereas, due to funding disparities, 26 states, known as highway program donor states, receive less than their fair share of the federal fuel taxes that their citizens have paid into the highway account of the trust fund; from 1956 to 2001, Texas received only an average highway program rate of return of 78 percent on the funds sent to Washington; and

Whereas, currently, the United States Congress is drafting legislation to reauthorize TEA–21, which guaranteed a minimum rate of return of 90.5 percent on federal highway programs; a coalition of the donor states seeks a guaranteed rate of return of 95 percent of their share of contributions to the federal Highway Trust Fund, calculated against all dollars being distributed to the 50 states; and

Whereas, a 95 percent rate of return would allow Texas to better address its highway construction, repair, and maintenance needs; highway projects enhance mobility, improve air quality, foster economic development, and support thousands of jobs in Texas: Now, therefore, be it

Resolved, that the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; and be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–273. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Clean Air Act as it pertains to safeguarding public health and protecting environmental quality; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, Section 111 of the Clean Air Act requires the adoption of federal standards (known as new source review) reflecting the best available control technology for facilities which cause, or contribute significantly to, air pollution which may endanger public health or welfare; and

Whereas, the United States Environmental Protection Agency (USEPA) adopted such standards of performance for the construction or modification of power plants; and

Whereas, the New Hampshire attorney general has alleged and is actively pursuing litigation against upwind power plant owners for violation of new source review here in New Hampshire and out-of-state; and

Whereas, the administration of President Bush is proceeding to implement modifications of the new source review program; and

Whereas, acid rain, which is damaging sensitive ecosystems, including the forests and lakes of New Hampshire, has been particularly attributed to emissions from coal-burning plants upwind of New Hampshire; and

Whereas, scientific research has established a well-defined link between power plant air emissions and human health impacts, including exacerbation of symptoms for those with asthma, increased risk of heart attacks for those with heart disease, causation of lung cancer and premature death; and

Whereas, there remains considerable controversy, uncertainty, and question as to whether the planned changes to new source review will result in continued, increased, or decreased air polluting emissions compared with current or alternative standards: Now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court of New Hampshire urges the President, George W. Bush, and the USEPA Administrator, Christie Whitman, to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; and

That the general court urges the congressional delegation-to take and support appropriate actions against any decision made by the administrator of the USEPA to modify the regulations implementing Section 111 of the Clean Air Act if the result would be to jeopardize New Hampshire's ability to safeguard public health and protect environmental quality, including a suspension of pending modified regulations pending independent scientific review by the National Academy of Sciences; and

That copies of this resolution, signed by the president of the Senate and the speaker of the House of Representatives be forwarded by the senate clerk to President George W. Bush, USEPA Administrator, Christie Whitman,and each member of the New Hampshire congressional delegation.

POM–274. A concurrent resolution adopted by the Legislature of the State of Texas relative to funding for the EPA Border Fund; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 204

Whereas, the United States and Mexico created the North American Development Bank (NADB) to provide financing for environmental infrastructure projects, particularly those related to water supply, wastewater treatment, and solid waste management along their common border; and

Whereas, since its inception in 1995, NADB has financed 57 environmental infrastructure projects representing $1.4 billion in border region improvements, a substantial return on the bank's $494 million investment; and

Whereas, NADB established the Border Environment Infrastructure Fund (BEIF) in 1997 to receive and administer grants from other institutions, such as the U.S. Environmental Protection Agency (EPA), that can be combined with loans and guaranties to facilitate project financing; and

Whereas, to date, BEIF has received $336 million from EPA's Border Fund, and this contribution is vital to making water and wastewater projects affordable, especially for the smallest and poorest communities; and

Whereas, Congress increased the Border Fund to $75 million in fiscal year 2000, and this level of funding was again recommended for fiscal year 2003; however, the Border Fund received a congressional appropriation of only $50 million; and

Whereas, reductions in the Border Fund and subsequent revenue losses to BEIF seriously undercut NADB's ability to finance water and wastewater infrastructure projects that are essential to environmental quality and the well-being of residents on both sides of the border: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to reinstate funding for the EPA Border Fund to $75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-275. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to reinstating the federal income tax deduction for state and local sales taxes paid; to the Committee on Finance.

HOUSE RESOLUTION NO. 9003-C

Whereas, prior to 1986, American taxpayers were allowed to deduct state and local sales taxes paid from their federal income tax liabilities, and

Whereas, the Tax Reform Act of 1986 repealed this deduction while it retained the deductibility of state and local income taxes, and

Whereas, the elimination of the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Florida and six other states that do not levy a personal income tax, and

Whereas, while citizens in the 43 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Florida and six other states have no corresponding tax deduction, and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes, and

Whereas, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Florida's families and the state's economy, and

Whereas, as a matter of equity and fairness, Floridians and the citizens of other states that finance their budgets without an income tax deserve to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers, and

Whereas, allowing taxpayers to deduct either their state and local income tax or state and local sales taxes paid in a given year would restore equity and fairness across the states, and

Whereas, federal legislation that reinstates the deductibility of state and local sales taxes is currently before the Congress: Now, therefore, be it

Resolved by the House of Representatives of the State of Florida, That the Congress of the United States is respectfully requested to reinstate the federal income tax deduction for state and local sales taxes paid; and be it further

Resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-276. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to Medicare; to the Committee on Finance.

RESOLUTION NO. 210

Whereas, there are 321 Medicare-certified agencies in the Commonwealth of Pennsylvania providing critical care each year in the homes of nearly half a million Pennsylvanians; and

Whereas, home health patients who receive Medicare services are typically the sickest, frailest and most vulnerable group of Pennsylvania's elderly population; and

Whereas, Congress in 1997 sought to cut growth in the Medicare home health benefit by $16.2 billion over five years but resulted in cutting more than $72 billion; and

Whereas, nearly one million fewer Medicare beneficiaries are qualifying for Medicare-reimbursed home care than in 1997; and

Whereas, additional cuts in the Medicare home health benefit would force many low-cost, efficient Pennsylvania agencies that are struggling under the current system to go out of business, thereby harming access to Medicare beneficiaries; and

Whereas, total elimination of the 15% cut has been postponed for the past two years; and

Whereas, the impending 15% cut is making it difficult for home health agencies to secure lines of credit and is discouraging investment in advanced technologies and staff benefits; and

Whereas, sixty-five members of the Untied States Senate have joined in a bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, one hundred and thirteen members of the United States House of Representatives have joined in bipartisan letter that recommends the elimination of the 15% cut; and

Whereas, the Senate Budget Committee has noted to set aside the funds necessary to do away with the 15% cut; and

Whereas, the Medicare Payment Advisory Commission (MedPAC), the group established by Congress to advise it on Medicare policy, has called upon Congress to permanently eliminate the 15% cut in the Medicare home health benefit; and

Whereas, MedPAC has reported that there are three factors that can lead to an increase in cost for rural home health providers: travel, volume of services and lack of sophisticated management and patient care procedures; and

Whereas, Medicare home health services are delivered to a large rural population in Pennsylvania that often live miles apart, thereby increasing the cost of providing home health services in these areas: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to permanently eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President to support Congress in this effort to eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the Untied States, the Speaker of the United States House of Representatives and to each member of Congress from Pennsylvania.

POM-277. A concurrent resolution adopted by the Legislature of the State of Texas relative to the portion of the Internal Revenue Code regarding veterans and their families; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 161

Whereas, Texas has long been a leader in recognizing and rewarding the tremendous sacrifices of its veterans; and

Whereas, home ownership is viewed by many as a major component of the American Dream; and

Whereas, enabling veterans to achieve home ownership at a lower cost is but a small reward for their faithful service while in the U.S. Armed Forces; and

Whereas, in appreciation of this service on behalf of our state and nation, the Texas Veterans Land Board has offered below-market interest rates on home loan mortgages to eligible veterans since 1983; and

Whereas, this program has assisted more than 500,000 Texas veterans in obtaining affordable housing and in making a better life for themselves and their dependents; and

Whereas, Texas utilizes federally tax-exempt bonds known as Qualified Veterans Mortgage Bonds to fund approximately 50 percent of all home and improvement loans made to veterans; and

Whereas, current federal law governing the use of tax-exempt bonds used to fund these loans, as contained in Section 143(l)(4) of the Internal Revenue Code of 1986, unfairly limits these programs to only those veterans who served prior to January 1, 1977; and

Whereas, this restriction unfairly prevents all veterans serving on active duty after 1976 from using Qualified Veterans Mortgage Bonds, including more than 500,000 men and women who served in Desert Shield and Desert Storm and the 8,000 reservists and National Guard members of Texas called up to serve our country since September 11, 2001; and

Whereas, these courageous men and women deserve the same benefits offered to their earlier counterparts, yet they and their families are being denied the opportunity to use Qualified Veterans Mortgage Bonds; and

Whereas, Congress has failed to remedy this discriminatory federal provision on behalf of these deserving men and women, despite the fact that it will not increase federal discretionary spending one cent: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the 108th Congress to support legislative action to immediately remove the aforementioned discriminatory portion of the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; and be it further

Revolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives, and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–278. A concurrent resolution adopted by the Legislature of the State of Texas relative to federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Finance.

Senate Concurrent Resolution No. 1

Whereas, the Tax Reform Act of 1986 eliminated the deductibility of state and local sales taxes paid by federal income tax return filers while it retained the deductibility of state and local income taxes; and

Whereas, although the tax legislation was generally designed to simplify the federal income tax, eliminating the deduction for payment of state and local sales taxes created a fundamental disparity adversely affecting citizens of Texas and eight other states that do not levy a personal income tax; and

Whereas, while citizens in the 41 other states continue to deduct state and local income taxes, thereby reducing their federal income tax liability, taxpayers in Texas and a few other states have no corresponding tax deduction to ease their burden; the net effect of this imbalance is that Texans and citizens of eight other states pay a higher percentage of federal taxes than the majority of American taxpayers; and

Whereas, in addition to fostering the inequitable treatment of individual taxpayers, this disparity also has worked against the states whose tax structure has no general individual income tax and relies heavily on sales taxes; and

Whereas, a report published in March, 2002, by the Comptroller of Public Accounts of the State of Texas estimated that the inability to deduct state and local sales taxes could cost Texans more than $700 million for the 2002 tax year and, if the deductions are not restored, could cost the state more than 16,000 jobs that otherwise would be created with a lower tax burden and an increase in disposal family income; and

Whereas, according to the report, reinstating the deductibility of state and local sales taxes on federal income tax returns could generate substantial benefits for Texas families and the state's economy; and

Whereas, a family of four with an income of $60,000 could get an additional federal income tax deduction of $1,015, and a single mother with one child and an income of $35,000 could deduct an additional $461; and

Whereas, the comptroller of public accounts estimates that the more than $700 million in net tax savings that would stay in Texas could encourage $590 million in new investments within the state and an $874 million increase in the gross state product in 2003; and

Whereas, as a matter of equity and fairness, Texans and the citizens of other states that finance their budgets without an income tax deserved to benefit from federal income tax deductions comparable to those already enjoyed by the majority of United States taxpayers; federal legislation that reinstates the deductibility of state and local sales taxes is currently before the congress: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–279. A concurrent resolution adopted by the Legislature of the State of Texas relative to block grants to be used for public welfare and Medicaid purposes; to the Committee on Finance.

House Concurrent Resolution No. 58

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, the Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, the growth in federal spending of the Medicaid and welfare entitlements is astronomical and spiraling, significantly increasing the federal budget costs; and

Whereas, this growth will never be controlled unless the State of Texas has autonomous management of the program, free from federal mandates regarding individual entitlement, eligibility groups, benefits, payment rates, and financing structures to allow most citizens of the State of Texas to benefit from the Medicaid and welfare programs; and

Whereas, the State of Texas will be able to design and develop innovative, efficient, and productive medical assistance programs that will meet the needs of the residents within the State of Texas' budget capacity; and

Whereas, in the State of Texas, there exists the possibility to improve patient outcomes and cost-effectiveness with a statewide implementation of consumer-directed care under the state medical assistance program: Now, therefore, be it

Resolved, That the 78th Legislative of the State of Texas hereby respectfully urge the Congress of the United States to enact appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–280. A concurrent resolution adopted by the Legislature of the State of Texas relative to the medical savings account program; to the Committee on Finance.

House Concurrent Resolution No. 90

Whereas, Medical Savings Accounts (MSAs) offer an innovative alternative to high-premium insurance policies by combining tax-free savings accounts and high-deductible catastrophic health insurance plans; and

Whereas, individuals choosing to use these accounts can pay for routine and minor medical services with funds set aside in a tax-free savings account, while major health care costs are covered by their high-deductible health insurance plans; and

Whereas, tax-free MSAs encourage individuals to make wise and economical decisions about their health care because managing their own accounts often makes them more aware of the true costs of health care; MSAs also offer participants greater access to medical services and the freedom to choose their own health care providers; and

Whereas, a survey of MSA plan participants shows that employers offering MSAs to their employees have been able to reduce health insurance expenses by up to 40 percent; in contrast, employers overall have recently experienced an average 16 percent increase in health insurance premiums, with some small employers confronting increases of 40 to 50 percent; and

Whereas, the federal MSA pilot program, which was designed for small employer groups and the self-employed, carries restrictions that may discourage participation in the program and create confusion among potential applicants, employers, and insurance providers; and

Whereas, the federal MSA pilot program limits annual deductibles for participating employees to not less than $1,700 or more than $2,500 for an individual and not less than $3,500 or more than $6,150 for a family; annual out-of-pocket expenses under the plan cannot exceed $3,350 for individual coverage and $6,150 for family coverage; and annual limits for account contributions are 65 percent of the deductible for an individual account and 75 percent of the deductible for a family account; and

Whereas, according to 1996 data, about 85 percent of Americans incurred medical expenses, with an average per-person expenditure of about $2,400, an amount well within the range limits of the MSA annual contribution for an individual account; even more significant is the fact that about half of those persons who incurred medical expenses had expenses of less than $560; and

Whereas, any unspent MSA funds for a given year may be rolled over to the following year; after age 65, unspent funds can be rolled over to an Individual Retirement Account or withdrawn without penalty for any use and taxed as ordinary income; and

Whereas, expanding the availability of MSAs to other employers, increasing the account contribution limits, and lowering the limits on annual deductibles for participating employees would encourage greater participation among consumers, employers, and insurance providers: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108–148).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes; read the first time.

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1619. A bill to amend the Individuals with Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1620. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1621. A bill to provide for consumer, educational institution, and library awareness about digital rights management technologies included in the digital media products they purchase, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for Mr. GRAHAM of Florida (for himself, Mr. HAGEL, Mrs. CLINTON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. DAYTON, Mr. AKAKA, and Mrs. MURRAY)):

S. 1622. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1623. A bill for relief of Elvira Arellano; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 226. A resolution to authorize representation by the Senate Legal Counsel in the case of Josue Orta Rivera v. Congress of the United States of America, et al; considered and agreed to.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 227. A resolution expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends and loved ones; considered and agreed to.

By Mr. FEINGOLD:

S. Con. Res. 69. A concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 767

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on Social Security benefits.

S. 877

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1479

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1479, a bill to amend and extend the Irish Peace Process and Cultural Training Program Act of 1998.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1607

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1607, a bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance.

S.J. RES. 17

At the request of Mr. CORZINE, his name was added as a cosponsor of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 209

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

S. RES. 220

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 220, a resolution designating the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day".

AMENDMENT NO. 1655

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mrs. CLINTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1655 proposed to H.R. 2754, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1619. A bill to amend the individuals with disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I am pleased to join my colleague Senator DEWINE in introducing legislation to provide a high-quality education to homeless and foster children with disabilities. The Individuals with Disabilities Education Act (IDEA) is based on the bedrock American principle of equal opportunity. IDEA recognizes that students have a civil right to a free, appropriate public education, even if their special needs require additional resources. Because most foster and homeless children face distinct challenges, they require even more attention and consideration to make sure their educational needs are met. The Improving Education for Homeless and Foster Children with Disabilities Act would make small but critical changes to ensure these children have a real opportunity to fulfill their potential.

Students with disabilities face additional challenges in school as do foster and homeless children. But to live in a foster home or in no home at all and to have a disability is truly to have the deck stacked against you. Congress has a long and proud tradition of supporting and protecting educational opportunity for our most vulnerable young people. It's what we did when we passed the Elementary and Secondary Education Act in 1965. It's what we did when we created Head Start, and it's what we did when we started giving out Pell Grants. It's time for us to step up once again and make the changes to make IDEA work for homeless and foster children with disabilities.

The bill that Senator DEWINE and I are introducing today addresses the unique educational needs of children with disabilities who are in foster care or who experience homelessness. Foster children and homeless children face a unique set of challenging circumstances. There are over 500,000 children in foster care. Thirty percent of them are in special education. We know that foster children often do not function well in school. Foster children have usually been separated from their biological families as a result of child abuse or neglect, which can leave both emotional and physical marks for life. Given the shortage of foster parents in this country, children in foster care are often shuttled between many different homes and schools. One young man has shared with me his story of living in more than 100 homes throughout his childhood. Every time these children move to a new home, they may have to attend a new school. And every time these children enroll in a new school, they must start over in securing the supports and services they need to receive the free and appropriate public education that is their civil right.

In addition to frequent absences and transfers, foster children often don't have parents to advocate for their educational needs. Almost every parent whose child has a disability will tell you that their role as advocate for their child correlates directly to the quality of the education their child receives. Without a parent to advocate for them, foster children can languish for years with unrecognized disabilities or insufficient services to help them succeed in school. These experiences can leave children in foster care without the education and support to lead functional, productive lives.

Homeless children in our country also face significant hurdles to succeed in school, which are exacerbated for children with disabilities. The Urban Institute estimates that 1.35 million children experience homelessness each year. A high proportion of homeless children with disabilities also need special education services, yet many homeless children have great difficulty accessing these services.

Children who experience homelessness desperately need stability in their lives, but they often lack the continuity of staying in one school or even in one school district long enough for an Individualized Education Plan—or IEP—to be developed and implemented. In addition, like foster children, some homeless youth have no legal guardian to watch out for their educational needs and to advocate for their best interests.

Despite this difficult situation, we can help these children with a high-quality education. The Improving Education for Homeless and Foster Children with Disabilities Act amends IDEA to help States and districts meet these challenges. It facilitates greater continuity for students who change schools or school districts, by ensuring that students' IEPs follow them from school to school. It increases opportunities for early evaluation and intervention for homeless and foster infants and toddlers with disabilities. It also provides for representation of foster and homeless children on key committees that make critical decisions affecting special education. This bill expands the definition of "parent" to include relatives or other caregivers who are equipped to make sound decisions in a child's best interest when there is no biological parent available to do so. Finally, it improves coordination of services and information so educational and social services agencies can function more efficiently to benefit these children.

As we reauthorize IDEA, we have an obligation to pay extra attention to these children and to provide the resources and support they need. The real test of how we treat children in America is measured in how we treat the most vulnerable among us, and this bill gives us a chance to do the right thing. I urge the Senate to truly ensure that no child is left behind by passing the Improving Education for Homeless and Foster Children with Disabilities Act.

By Mr. BINGAMAN:

S. 1620. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Head Start Assessment Act of 2003. The purpose of this Act is to ensure that the full-scale implementation of the Head Start National Reporting System takes place after there has been ample opportunity for expert and public commentary on the assessment, Congressional oversight hearings have been held, and the National Academies have completed a study of this issue to ensure that the assessment is reliable and appropriate.

Currently, children in Head Start are assessed 3 times a year on all of the domains of early learning and development, including literacy and math. The National Reporting System (NRS) is an assessment developed by HHS, which would create an additional test for all 4-year olds in Head Start, roughly ½ million children, on literacy and math skills only. Children would be assessed twice a year and according to Administration documents, changes over time in children's scores would be used to judge the success of individual Head Start programs. The new testing program is expected to cost about $20 million each year. Some pilot testing was begun in April and May of 2003 and HHS expects to begin full implementation of the NRS this fall.

The purpose of the bill that I am introducing today is not to undermine this assessment, or to oppose assessment, but to make sure that it is done correctly. As you know, I have a long history of supporting accountability for educational programs. Assessments are important tools for accountability. They can be used to benefit teachers and students and to raise the bar for all educational programs. That being said, a good assessment takes time to develop and the measures and procedures that are used must be thoroughly debated and discussed. I have grave concerns about the speed with which the NRS was developed as well as with the opacity of the process by which HHS has proceeded to date.

Assessing young children is notoriously difficult. They are not used to taking tests and often do not have the emotional maturity to sit still and focus on the task at hand. Their test scores tend to fluctuate across time and can reflect many factors unrelated to their skills. The National Academy of Sciences report, "Eager to Learn: Educating Our Preschoolers" made it clear that more research on assessing young children is needed before such assessments should be used for accountability purposes. Because of this, it is crucial that the assessment instruments to be used in the NRS are properly validated and deemed to be appropriate for 4-year old children. At this point, we have little information about exactly what those instruments are and HHS has not made available the results of pilot tests or the comments made by experts on the content of the assessment.

To my mind, the speed with which this assessment was rolled out makes it unlikely that the measures have been properly developed and tested. It has also become clear that the assessment targets only a few of the skills that Head Start seeks to instill in children. For example, social skills are not being assessed and it is clear that without them, children are simply not ready to learn.

It is also very important that sufficient time be taken to insure that English language learners are not put at a disadvantage by being given a test that is not appropriate for them. The test is in English and Spanish, and yet many Head Start children speak Asian or other languages. In my home State of New Mexico, for example, I have heard from Native American Head Start Directors who are concerned that the NRS, in its current form, is not appropriate for their students, who often do not speak English in the home. We should take the time to insure that the assessment tool that is ultimately used is valid and reliable, assesses the gamut of skills that children acquire in Head Start, and is appropriate for children from a wide variety of cultural backgrounds.

It is also crucial that throughout the process of developing these instruments, there is ample consultation both with the public and with experts in early childhood development and research methodology. The results of these consultations and decisions regarding the NRS should be made public. Although HHS claims that they have had many meetings with "experts", there is little or no information publicly available that clarifies what went on at these meetings, what decisions were reached, and whether the advice of the experts was or was not heeded in developing the NRS. To date, there has been no Congressional oversight or public task force convened. Development of an assessment tool as important as this one should not occur behind closed doors. Congress and the public have a right to participate in and comment on this process.

My bill would help to insure that the NRS is developed in the proper fashion. The Secretary of HHS would be required to halt the full-scale implementation of the NRS until such time as Congressional oversight hearings have been held, the Secretary has concluded public forums on this issue, and the National Academy of Sciences has conducted a study using a panel of nationally recognized experts in early childhood assessment, child development, and education. The NAS study would provide specific information regarding: a. the skills and competencies that are predictive of school readiness and academic success in young children, b. the development, selection, and use of instruments to assess literacy, mathematical, emotional and social skills as well as health and physical well-being young children, c. the proper use of early childhood assessments to improve Head Start programs and d. the steps needed to ensure that assessments take into account the racial, cultural, and linguistic diversity of Head Start students, among other things.

I urge my colleagues to support this bill. Head Start is the flagship educational program for low-income children. Studies clearly show that children who attend Head Start programs show gains in their cognitive and social skills, but we also know that more can and should be done for this vulnerable population. Assessments can be an important means to insure that quality is maintained in each Head Start program, but poorly developed or implemented assessments can do more harm than good. Let's take our time, consult with the experts and the public, and come up with a National Reporting System that we can all be proud of.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Assessment Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) When used appropriately, valid and reliable assessments can be of positive value for improving instruction and supporting development of young children.

(2) According to the National Academy of Sciences report, Eager to Learn: Educating Our Preschoolers, assessment of children below school age is in "flux" and "all assessments, and particularly assessments for accountability, must be used carefully and appropriately if they are to resolve, and not create, educational problems."

(3) The Eager to Learn report emphasized that the intended purpose and use of the data to be derived from assessments should be considered in determining which assessment instruments and procedures are most appropriate.

(4) The National Academy of Sciences reports that few early childhood educators and administrators are well-trained in the selection and appropriate use of assessments for young children.

(5) According to the National Academy of Sciences report, From Neurons to Neighborhoods, the emotional and social development of young children is as critical to school readiness as language and cognitive development.

(6) The Head Start Act currently requires programs to assess children in Head Start a minimum of three times a year against certain performance standards, which include all domains of the development and learning of children.

(7) The proposed Head Start National Reporting System on Child Outcomes assessment is not reflective of the full range of skills and competencies that the National Academy of Sciences reports state children require to succeed, and it has not been thoroughly debated by those groups associated

with Head Start, including early childhood development and assessment experts, early childhood educators and administrators, family members of children participating in Head Start, or Congress.

SEC. 3. DELAYED IMPLEMENTATION OF ASSESSMENT PROCEDURES IN CONNECTION WITH THE HEAD START NATIONAL REPORTING SYSTEM ON CHILD OUTCOMES.

(a) SATISFACTION OF CONDITIONS.—The Secretary of Health and Human Services shall not proceed with the full-scale implementation of the Head Start National Reporting System on Child Outcomes, as described in the project proposal (68 Fed. Reg. 17815; relating to Implementation of the Head Start National Reporting System on Child Outcomes), until the Secretary certifies to Congress that the following conditions have been satisfied:

(1) OVERSIGHT HEARINGS.—Congressional oversight hearings have been concluded concerning the development and implementation of the Head Start National Reporting System on Child Outcomes.

(2) PUBLIC FORUMS.—The Secretary has concluded, consistent with the requirements of subsection (b), public forums in different regions of the United States, and provided an opportunity for written public comments, concerning early childhood assessment proposals.

(3) STUDY ON EARLY CHILDHOOD ASSESSMENTS.—The Secretary has submitted, consistent with subsection (c), to Congress a study of early childhood assessments focusing on improving accountability, instruction, and the delivery of services. The Secretary shall request the National Academy of Sciences to prepare the study using a panel of nationally recognized experts in early childhood assessment, child development, and education.

(4) AVAILABILITY OF FUNDS.—Without reducing the number of students served by Head Start, sufficient funds are available to—

(A) develop and implement any new Head Start assessments; and

(B) deliver necessary additional technical assistance and professional development required to successfully implement the new assessments.

(b) PUBLIC FORUM PARTICIPATION.—To satisfy the condition specified in subsection (a)(2), the Secretary shall ensure that participation in the required forums includes—

(1) early childhood development and assessment experts;

(2) early childhood educators and administrators; and

(3) family members of children participating in Head Start.

(c) INFORMATION REQUIRED BY STUDY ON EARLY CHILDHOOD ASSESSMENTS.—To satisfy the condition specified in subsection (a)(3), the Secretary shall ensure that the required study contains, at a minimum, specific information regarding the following:

(1) Which skills and competencies are predictive of school readiness and future academic success.

(2) The development, selection, and use of instruments, determined to be reliable and validated for preschoolers, including preschoolers in the Head Start population, to assess the development in young children of—

(A) literacy, language, and mathematical skills;

(B) emotional and social skills; and

(C) health and physical well-being.

(3) The development of appropriate benchmarks and the proper use of early childhood assessments to improve Head Start program effectiveness and instruction.

(4) The resources required for successful implementation of additional assessments within Head Start and how such additional assessments might be coordinated with current processes.

(5) Whether a new assessment would provide information to improve program accountability or instruction that is not already available from existing assessments and reporting procedures within Head Start.

(6) The professional development and personnel needs for successful implementation of early childhood assessments.

(7) The practicality of employing sampling techniques as part of any early childhood assessment.

(8) The practicality of employing observational and work-sampling assessment techniques as part of an early childhood assessment.

(9) Steps needed to ensure that assessments accommodate the racial, cultural, and linguistic diversity of young children, including young children with disabilities.

By Mr. BROWNBACK:

S. 1621. A bill to provide for consumer, educational institution, and library awareness about digital rights management technologies included in the digital media products they purchase, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BROWNBACK. Mr. President, I rise to introduce the Consumers, Schools, and Libraries Digital Rights Management Act of 2003, legislation I view as vital for American consumers and our Nation's educational community as they venture forth into the 21st century digital media marketplace.

This legislation responds directly to ongoing litigation between the Recording Industry Association of America and Internet service providers Verizon and SBC Communications. This litigation has opened wide all identifying information an ISP maintains on its subscribers, effectively requiring ISPs to make that information available to any party simply requesting the information. The legislation also creates certain minimal protections for consumers legally interacting with digital media products protected by new digital rights management technologies.

I had intended to introduce individual pieces of legislation on these issues—privacy and digital rights management. However, given that both issues are so relevant to consumers in the digital age, I ultimately decided to present them to my colleagues in one comprehensive bill.

It has been determined by a Federal court that a provision of the Digital Millennium Copyright Act permits the RIAA to obtain this ISP subscriber's identifying information without any judicial supervision, or any due process for the subscriber. Today, right now, solely due to this court decision, all that is required for a person to obtain the name and address of an individual who can only be identified by their Internet Protocol address—their Internet phone number—is to claim to be a copyright owner, file a one page subpoena request with a clerk of the court, a declaration swearing that you truly believe an ISP's subscriber is pirating your copyright, the clerk will then send the request to the ISP, and the ISP has no choice but to divulge the identifying information of the subscriber—name, address, phone number—to the complaining party. There are no checks, no balances, and the alleged pirate has no opportunity to defend themselves. My colleagues, this issue is about privacy not piracy.

The real harm here is that nothing in this quasi-subpoena process prevents someone other than a digital media owner—say a stalker, a pedophile, a telemarketer or even a spammer from using this quasi-subpoena process to gain the identity of Internet subscribers, including our children. In fact, we cannot even limit this subpoena process to mainstream copyright owners.

This past July, SBC Communications received a subpoena request for the personal information of approximately 60 of its Internet subscribers. The copyright owner that made the request is a hard core pornographer named Titan Media. We cannot permit the continued existence of a private subpoena that can be used by pornographers to easily identify Americans. If you have any doubt, all you need to do is look into the generous amnesty program offered by Titan Media to those it accuses of piracy: buy their porn, and they won't use the subpoena to identify you. The threat of abuse is simply too great, as Titan Media has already demonstrated.

The Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 requires the owners of digital media products to file an actual case in a court of law in order to obtain the identifying information of an ISP subscriber. This will provide immediate privacy protections to Internet subscribers by forcing their accusers to appear publicly in a court of law, where those with illicit intentions will not tread, and provides the accused with due process required to properly defend themselves.

In addition, the bill requires the Federal Trade Commission to study alternative means to this subpoena process, so that we may empower our Nation's intellectual property owners to defend their rights by pursuing those who are stealing from them, but to do so in a safe, private, confidential manner where consumers are concerned, and without burdening the courts. Transitioning to an FTC process will ensure that there can be speedy verification, due process, safety, and maximum protection for the innocent, while preserving maximum civil enforcement against pirates.

I do not offer this legislation to debate the history and merits of the

DMCA. I offer this legislation for my colleagues consideration, because I find it untenable that any Internet subscribers' identifying information can be obtained, under government auspices no less, without any oversight or due process.

I want to be clear on an important point. This subpoena is mostly being sought by mainstream digital media owners who are seeking to prevent piracy performed using peer to peer file sharing software. While I am as disappointed as anyone that the mighty RIAA would choose to force a little 12-year-old girl—one of the Internet subscribers identified through an RIAA subpoena—and her mother to pay them $2000 for the girl's piracy, I am still opposed to piracy as much as any Member of Congress. I have a strong record on property rights to back that up. I have no interest in seeking to shield those who have committed piracy from the law or hamper the ability of property owners to defend their rights. My concern with this quasi-subpoena process is with the problems it creates. I have made it very clear to all stakeholders that I stand ready to work on alternative legislation if they prefer something else to this provision, but unfortunately that offer has been flatly rejected.

This week the Senate voted to reverse the Federal Communications Commission's new media ownership regulations. I opposed that resolution, because I do not believe the FCC's amendments to its media outlet ownership rules are a threat to competition and diversity. However, I do stand with my colleagues in supporting a media marketplace where information flows from numerous sources and our constituents are empowered by a full range of robust digital outlets and new digital technologies available to them in the 21st century media marketplace. While well intentioned, I believe my colleagues are simply focusing on the wrong issues in the current debate over media ownership.

Digital rights management, otherwise known simply as DRM, refers to the growing body of technology—software and hardware—that controls access to and use of information, including the ability of individuals to distribute that information over the Internet. Over the past few years the large media companies have persistently sought out new laws and regulations that would mandate DRM in the marketplace, denying consumers and the educational community the use of media products as has been customarily and legally permitted.

As a result, the Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 will preclude the FCC from mandating that consumer electronics, computer hardware, telecommunications networks, and any other technology that facilitates the use of digital media products, such as movies, music, or software, be built to respond to particular digital rights management technologies.

Consumers and the educational community are legally permitted to use media products in a host of ways. Some of these uses are specifically identified in the Copyright Act as limitations on the rights of copyright owners. Many of these uses are the result of court decisions interpreting one of those limitations, the limitation known as Fair Use, and customs based on those court decisions. As a result, consumers can record cable and broadcast programming for non-commercial, private home use. They can lend DVDs and CDs to friends and family. They can make copies of movies and music in different formats so that they can use them with different types of playback devices. Media products can be used for criticism, research, and a range of other educational purposes that include acts of redistribution. All of these uses of content can be made by consumers and the educational community under the Copyright Act, and none of them require the permission of the copyright owner.

The same digital marketplace that has given rise to DRM is also updating the ways consumers and the educational community may use media products in powerful new ways. Broadband connectivity and new digital networking technologies—used in homes, offices, schools, and libraries—raise the prospect of never having to use physical media again. Instead, consumers, employees, students, and library patrons could access legally owned and legally possessed media products that reside on such a network remotely, via the Internet. These developments could revolutionize the information age at its onset.

Digital rights management can both help and hinder this evolutionary process. DRM can be a powerful tool for combating digital piracy. It can tether digital content to specific devices, preventing that content from being used on other devices. DRM can also prohibit Internet redistribution of digital media products.

DRM also has its downside, especially when it is incorporated into digital media products, and purchased unwittingly by consumers. Some consumers have already become acquainted with DRM in the marketplace this way. Less than 2 years ago music labels began selling copy-protected CDs. Consumers came to find their CDs—that look just like the CDs they have been purchasing for years—would not play on many personal computers, and in some instances became lodged inside them. In addition, they could no longer make the legal practice of converting them into digital MP3 files for use on portable MP3 players. More recently, consumers purchasing the popular tax filing software, Turbo Tax, came to realize they could only use the software on the first computer they downloaded it onto, never mind situations where they desperately needed to complete their tax filings on a different computer. I have no doubt that came as a nice surprise to taxpayers pressing to meet filing deadlines. It is my understanding that many consumers are registering their view on this use of DRM by purchasing competing software not so limited.

When combined with government mandates requiring that all consumer appliances use or respond to specific DRM technologies and capabilities, the potential for mass consumer confusion and disservice is clear. I introduce this legislation today, because DRM mandates sought by the major media companies are threatening to create just such an experience for consumers and the educational community. I can think of no greater threat to media and information diversity and competition than large, vertically integrated media and Internet companies using DRM technology mandates to not only control distribution of content, but also the ways in which that content is used by consumers in the privacy of their homes, by teachers in our Nation's classrooms and educational institutions, and by all Americans in our libraries.

Last week, the Federal Communications Commission adopted regulations approving a private sector agreement between the cable TV industry and the consumer electronics industry, called the Cable-CE "Plug and Play" agreement. The Plug and Play agreement governs how consumer electronics devices, information technology, and cable TV networks work together. Both the cable TV and CE industries should be commended for working together to make digital TV sets "cable ready," and speeding the transition to digital television for consumers.

This private agreement includes digital rights management provisions—called "encoding rules—that are aimed at protecting cable TV programming from piracy, but in a manner that seeks to preserve the customary and legal uses of media by consumers and the educational community to the greatest degree possible.

The agreement is technology neutral, in that new DRM content protection technologies may be devised and deemed compliant with the security protocols of the Plug and Play agreement. A proponent of a new content protection technology has a right to appeal to the FCC if Cable Labs rejects that technology, and the FCC will conduct a de novo review based on objective criteria. Unfortunately, the Commission may take a very different approach in protection broadcast digital television programming from piracy in its "Broadcast Flag" proceeding, as first proposed by the big media companies, and later joined by a very select group of electronics companies that own the patent in the one DRM technology, 5C approved for use in the proposal. The broadcast flag proposal requires every device that receives digital television content to recognize a "flag" that can be attached to DTV programming, and to respond to the flag by encrypting the content using an "authorized technology" that would be expressly required by FCC regulation.

Unlike the Plug and plan agreement, the broadcast flag proposal makes it difficult for new DRM technologies to be deemed "Broadcast Flag" compliant. The principal approval role for alternate DRM content protection technologies is vested in several big media companies and some of the narrow group of electronics companies owning the patent in 5C. In the only circumstance under this proposal where the FCC would have a role in approving a new technology, the baseline for FCC consideration would be the preordained 5C technology and their associated license terms. I hardly consider a proposal to be technology neutral when such important competitive determinations are placed in the hands of invested stakeholders as gatekeepers. Such a proposal deprives the market place of the very qualities the media companies need to fight piracy: competition and innovation. I commend Intel, one of the 5C companies, for recognizing this grim reality and being bold enough to support a different course, as I will outline in a moment.

The important of technological neutrality in the Plug and Play agreement versus the tech mandate in the Broadcast Flag becomes very clear when you review the particular provisions of each agreement.

In today's world, a DRM technology does not seem to exist that can both permit consumers to use the Internet to legally access content stored in their homes—on a home network for instance—while also preventing the unfettered Internet redistribution of such content. However, because the Cable-CE agreement envisions new DRM technologies, and make it possible for them to be approved for use with cable networks and CE devices, the potential for a new DRM technology that can strike this important balance exists.

Since the Flag proposal is so closed off to new technologies, it is unlikely that it will evolve to permit point-to-point redistribution of digital broadcast content over the Internet, for example, from one's home to one's office or from a son or daughter to any elderly parent. Furthermore 5C is capable of completely locking down the ways consumers and the educational community can record or otherwise use DTV content. It is no wonder then that the technical specifications for the actual Flag itself in major media's proposal provides for the possibility that it can be used to send new, more restrictive encoding rules to consumer electronics devices that operate DTV content.

The Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003 will ensure that anti-piracy policies for broadcast DTV will provide maximum protections for industry, but in a manner that relies on innovation, competition, and serving the interests of consumers to achieve that goal.

First, the bill prohibits the Federal Communications Commission from moving forward with any new proceedings that impact the ways in which consumers may access or distribute digital media products, aside from the two previously mentioned proceedings. This will negate any future efforts by the big media companies to further expand the ways in which they can control how content may be legally used.

Second, the bill sets ground rules for the FCC's broadcast flag proceeding. It permits the FCC, if it has such authority, to require consumer electronics companies to detect a Broadcast Flag and prohibit illegal Internet retransmission of digital broadcast programming to the public when it detects the flag. However, this proposal relies on a self-certification requirement, so consumer electronics and information technology companies can deploy competing and innovative DRMs that prohibit DTV piracy immediately, not subject to the whims of industry gatekeepers. Like the Plug and Play agreement this proposal provides a meaningful role for the FCC, not industry stakeholders, to resolve any controversies that may arise with new technologies.

In addition to addressing the threat of FCC tech mandates in the broadcast DTV space, this legislation also addresses other important concerns regarding the introduction of DRM into the marketplace, to prevent some of the experiences of consumers with this important technology to date.

First, the bill provides on year for all stakeholders in the digital media marketplace to voluntarily devise a labeling regime for all DRM-enabled digital media products, including those made available solely online, so consumers will know what they are buying when they but it.

Second, the bill prohibits the use of DRM technologies to prevent consumers from reselling the used digital media products they no longer want, or from donating used digital media products to schools and libraries.

Finally, the bill directs the Federal Trade Commission—our Nation's premier consumer protection agency—to carefully monitor the introduction of DRM into the marketplace, reporting to Congress in incidents of consumer confusion and dissatisfaction, and suggesting measures that can ease the impact DRM has on law abiding consumers.

The Senate has responded to what many view as the threat of increasing consolidation in the media marketplace. If my colleagues are concerned with consolidation in outlet ownership then I have no doubt they will be equally concerned with Federally-mandated controls over how consumers and the educational community may actually use information flowing through those outlets. Piracy Prevention is a goal we can all work together to pursue. DRM-mandated business models, however, should not be the product of this Congress or any agency under our jurisdiction. The Federal Communications Commission seems to be missing this point. I encourage all of my colleagues to work with me to put the brakes on the FCC. Support the Consumers, Schools, and Libraries Digital Rights Management Awareness of 2003.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is not in the interest of our nation's economy, marketplace innovation, nor consumer or educational community welfare for an agency of the Federal government to mandate the inclusion of access or redistribution control technologies used with digital media products into consumer electronics products, computer products, or telecommunications and advanced services network facilities and services, except pursuant to a grant of specific and clear authority from Congress to assure a result in its regulations, and when the mandate is derived from voluntary private-sector efforts that protect the legal, reasonable, and customary practices of end-users.

(2) The limited introduction into commerce of access controlled compact discs has caused some consumer, educational institution, and library confusion and inconvenience, and has placed increased burdens on retailers, consumer electronics manufacturers, and personal computer manufacturers responding to consumer, educational institution, and library complaints.

(3) The private and public sectors should work together to prevent future consumer, educational institution, library, and industry confusion and inconvenience as legitimate access and redistribution control technologies become increasingly prevalent in the marketplace.

(4) The private sector should make every effort, in a voluntary process, to provide for consumer, educational institution, and library awareness and satisfaction as access and redistribution control technology are increasingly deployed in the marketplace.

(5) The Federal Trade Commission, in the absence of successful private sector efforts,

should ensure that consumers, educational institutions, and libraries are provided with adequate information with respect to the existence of access and redistribution control technologies in the digital media products they purchase, and how such technologies may implicate their ability to use such products.

(6) It is not in the interests of consumer welfare, privacy, and safety, or for the continued development of the Internet as a communications and economic resource, for the manufacturers of digital media products or their representatives to be permitted to require Internet access service providers merely providing subscribers with transport for electronic communications to disclose a subscriber's personal information, absent due process and independent of the judicial scrutiny required to ensure that such requests are legitimate.

(7) The Federal Trade Commission should ensure that consumers' welfare, privacy, and safety are protected in regards to requests by manufacturers of digital media products or their representatives for Internet service provider disclosure of subscribers' personally identifiable information outside of the judicial process.

(8) It is not in the interests of our nation's economy, marketplace innovation, nor consumer, educational institution, and library welfare to permit the advent of access or redistribution control technologies to limit the existence of legitimate secondary markets for digital media products, a traditional form of commerce that is founded in our nation's economic traditions, provides critical resources for our nation's educational institutions and libraries, and is otherwise consistent with applicable law.

SEC. 3. PROHIBITION ON FCC TECHNOLOGY MANDATES.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) a successful transition to digital television will occur based on the mutual cooperation of all stakeholders, and no one stakeholder's property interests outweigh another's interests;

(2) the transition to digital television will be successful to the degree it meets consumers' expectations based on the ways they have come to expect to be able to receive and use over-the-air television in the privacy of their own homes and otherwise;

(3) digital convergence provides new tools for industry to offer innovative and varied products compared to the traditional analog marketplace, and it also provides. consumers with innovative and varied means of using digital content. In this respect, interoperability between digital television products and digital cable systems remains an important objective;

(4) a successful transition to digital television will maintain this important balance of interests; and

(5) suggestions that consumers do not have certain expectations in the digital marketplace simply because they have never had access to a particular digital capability, or the expectation of using or relying on such a capability, are not dispositive of reasonable and customary consumer access and use practices.

(b) Prohibition on Technology Mandates.—Except as specifically authorized by Congress the Federal Communications Commission may not require a person manufacturing, importing into, offering for sale, license or distribution in, or affecting, interstate commerce in the United States a device, machine, or process that is designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product—

(1) to incorporate access control technology, or the ability to respond to such technology, into the design of such a device, machine, or process; or

(2) to incorporate redistribution control technology, or the ability to respond to such technology, into the design of such a device, machine, or process.

(c) Effect on Pending FCC Rulemaking Proceedings.—

(1) Nothing herein shall prohibit or limit the Commission from issuing the regulations proposed for adoption in the "cable plug and play" proceeding in CS Docket No. 97–80 and PP Docket No. 00–67.

(2) If the Commission determines that it has the authority to issue regulations in MB Docket No. 02–230, it shall not be barred by subsection (b) of this section from issuing such regulations, provided, however, that such regulations shall—

(A) preserve reasonable and customary consumer, educational institution, and library access and use practices;

(B) not include, directly or indirectly, any requirement that a device, machine, or process designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product, be manufactured using any particular redistribution control technology or technologies, but only may provide for establishment of objective standards to achieve a functional requirement of preventing illegal redistribution of digital terrestrial television broadcast programming to the public over the Internet; and

(C) provide for manufacturer self-certification, to be enforced exclusively by the Commission pursuant to its existing enforcement authority, that a redistribution control technology meets the requirements in subparagraphs (A) and (B) of this subsection and does not interfere with unrelated distribution of content over the Internet.

SEC. 4. CONSUMER, EDUCATIONAL INSTITUTION, AND LIBRARY AWARENESS.

(a) Consumer, Educational Institution, and Library Digital Rights Management Awareness Advisory Committee.—The Federal Trade Commission shall, as soon as practicable after the date of enactment of this Act, establish an advisory committee for the purpose of informing the Commission about the ways in which access control technology and redistribution control technology may affect consumer, educational institution, and library use of digital media products based on their legal and customary uses of such products, and how consumer, educational institution, and library awareness about the existence of such technologies in the digital media products they purchase or otherwise come to legally own may be achieved.

(b) Advisory Committee Requirements.—In establishing an advisory committee for purposes of subsection (a) of this section, the Commission shall—

(1) ensure that it includes representatives of radio and television broadcasters, television programming producers, producers of motion pictures, producers of sound recordings, publishers of literary works, producers of video games, cable operators, satellite operators, consumer electronics manufacturers, computer manufacturers, any other appropriate manufacturers of electronic devices capable of utilizing digital media products, telecommunications service providers, advanced service providers, Internet service providers, consumer interest groups, representatives of educational institutions, representatives of libraries, and other interested individuals from the private sector, and is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee; and

(2) provide to the committee such staff and resources as may be necessary to permit it to perform its functions efficiently and promptly; and

(3) require the committee to submit a final report, approved by a majority of members, of its recommendations within one year after the date of the appointment of the initial members.

(c) FTC Notice and Labeling.—Except as provided in subsection (d)—

(1) no person shall offer for sale, license, or use by a consumer, educational institution, or a library an access controlled digital media product or a redistribution controlled digital media product, unless that person has provided clear and conspicuous notice or a label on the product, at the point of sale or distribution to such consumer, educational institution or library as prescribed by the Federal Trade Commission, such that the notice or label identifies any restrictions the access control technology or redistribution control technology used in or with that digital media product is intended or reasonably could be foreseen to have on the consumers', educational institutions', or libraries' use of the product; and

(2) this subsection shall not apply to a distributor or vendor of a digital media product unless such distributor or vendor has actual knowledge that the product contains or is restricted by access control technology or redistribution control technology and that the notice or label described in this subsection is not visible to the consumer, educational institution, or library at the point of distribution or transmission.

(d) Applicability and Effective Date.—Subsection (c) shall take effect 1 year after the date of enactment of this Act unless the Commission determines, in consultation with the advisory committee created in subsection (b) of this section, that manufacturers of digital media products have, by such date—

(1) established voluntary rules for notice and labeling of access controlled or redistribution controlled digital media products, including when both access control technology and redistribution control technology are used in or with digital media products, designed to create consumer, educational institution, and library awareness about the ways in which access control technology or redistribution control technology will affect their legal, expected, and customary uses of digital media products; and

(2) agreed voluntarily to implement the rules for notice and labeling of access controlled digital media products or redistribution controlled digital media products, including when both access control technology and redistribution control technology are used in or with digital media products.

SEC. 5. CONSUMER PRIVACY.

(a) In General.—Notwithstanding any other provision of law, an Internet access service may not be compelled to make available to a manufacturer of a digital media product or its representative the identity or personal information of a subscriber or user of its service for use in enforcing the manufacturer's rights relating to use of such product on the basis of a subpoena or order issued at the request of the manufacturer or its representative except under a valid subpoena or court order issued at the request of the manufacturer or its representative in a pending civil lawsuit or as otherwise expressly authorized under the Federal Rules of Civil Procedure or the civil procedure rules of a State.

(b) Subsection (a) shall not apply to requests for personal information authorized by another provision of law relating to allegedly unlawful use of a digital media product residing, and not merely stored for a temporary or transient period, on the system or network of the Internet access service.

SEC. 6. SECONDARY MARKETS FOR USED DIGITAL MEDIA PRODUCTS.

(a) CONSUMER SECONDARY MARKETS.—The lawful owner of a digital media product may transmit a copy of that product by means of a transmission to a single recipient as long as the technology used by that person to transmit the copy automatically deletes the digital media product contemporaneously with transmitting the copy.

(b) SECONDARY MARKETS FOR CHARITABLE DONATIONS TO EDUCATIONAL INSTITUTIONS AND LIBRARIES.—A person manufacturing, importing into, or offering for sale in, or affecting, interstate commerce in the United States a digital media product may not incorporate, impose, or attempt to impose any access control technology or redistribution control technology used in or with a digital media product that prevents a consumer from donating digital media products they own to educational institutions or libraries, subject to subsection (a).

(c) NO DISABLING TECHNOLOGY.—A person manufacturing, importing into, or offering for sale in, or affecting, interstate commerce in the United States a digital media product may not incorporate, impose, or attempt to impose any access control technology or redistribution control technology used in or with a digital media product that limits consumer resale of a digital media product described in subsection (a) or charitable donations described in subsection (b) to specific venues or distribution channels.

SEC. 7. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report containing the following information:

(1) The extent to which access controlled digital media products and redistribution controlled digital media products have entered the market over the preceding 2 years.

(2) The extent to which such digital media products allow consumers, educational institutions, and libraries to engage in all lawful uses of the product, and to which the Commission has received complaints from consumers, educational institutions, and libraries about the implementation of return policies for consumers, schools, and libraries who find that an access controlled digital media product or a redistribution controlled digital media product does not operate properly in a device capable of utilizing the product, or cannot be transmitted lawfully over the Internet.

(3) The extent to which manufacturers and retailers have been burdened by consumer, educational institutions, and library returns of devices unable to play or otherwise utilize access controlled digital media products or redistribution controlled digital media products.

(4) The number of enforcement actions taken by the Commission under this Act.

(5) The number of convictions or settlements achieved as a result of those enforcement actions.

(6) The number of requests Internet service providers have received from manufacturers of digital media products or their representatives seeking disclosure of subscribers' personal information, and the number of electronic requests Internet Service Providers have received from manufacturers of digital media products or their representatives requesting that a subscriber be disconnected from their service outside of any judicial process.

(7) Legislative or other requirements the Commission recommends in creating an office within the Commission to receive, verify, and process requests from manufacturers of digital media companies or their representatives to obtain the personal information of a subscriber to an Internet access service they legitimately suspect of misusing their property.

(8) An analysis of the ways consumers, educational institutions, and libraries commonly expect to be able to use digital media products, whether including access control technology or redistribution control technology or otherwise, when they purchase, legally own, or pay to use such products.

(9) Any proposed cnanges to this Act the Commission believes would enhance enforcement, eliminate consumer, educational institution, and library confusion, or otherwise address concerns raised by end-users with the Commission under this Act.

SEC. 8. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Except with regard to section 3, this Act shall be enforced by the Federal Trade Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision is an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating sections 4, 5 or 6 of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of sections 4, 5 or 6 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner as if all applicable terms and provisions of the Federal Trade Commission Act were in incorporated into and made a part of those sections.

(d) 1 YEAR WINDOW FOR COMPLIANCE.—The Commission may not, less than 1 year after the date of enactment of this section, initiate an enforcement action under this section for a violation of section 4.

SEC. 9. DEFINITIONS.

For the purposes of this Act:

(1) ACCESS CONTROLLED DIGITAL MEDIA PRODUCT.—The term "access controlled digital media product" means a digital media product, as defined in this section, to which an access control technology has been applied.

(2) ACCESS CONTROL TECHNOLOGY.—The term "access control technology" means a technology or process that controls or inhibits the use, reproduction, display, transmission or resale, or transfer of control of a license to use, of a digital media product.

(3) DIGITAL MEDIA PRODUCT.—The term "digital media product" means—

(a) a literary work;

(b) a pictorial and graphic work;

(c) a motion picture or other audiovisual work;

(d) a sound recording; or

(e) a musical work, including accompanying words that is distributed, broadcast, transmitted, performed, intended for sale, or licensed on nonnegotiable terms, to the general public, in digital form, either electronically or fixed in a physical medium.

(4) FUNCTIONAL REQUIREMENT.—The term "functional requirement" means any rule or regulation enacted by the Federal Communications Commission that requires a device, machine, or process designed, manufactured, marketed for the purpose of, or that is capable of rendering, processing, transmitting, receiving or reproducing a digital media product to be able to perform certain functions or include certain generic capabilities, independent of any requirement that specific technologies be incorporated to meet the functional requirement.

(5) INTERNET.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

(6) INTERNET ACCESS SERVICE.—The term "Internet access service" has the same meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(7) MANUFACTURER.—The term "manufacturer of a digital media product" means any person owning any right in the digital media product.

(8) PERSONAL INFORMATION.—The term "personal information" has the same meaning given that term in section 1301(8) of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501(8)), including any other information about an individual, and including information that an Internet access service collects and combines with an identifier described in subparagraphs (A) through (F) of that section.

(9) REDISTRIBUTION CONTROLLED DIGITAL MEDIA PRODUCT.—The term "redistribution controlled digital media product" means a digital media product, as defined in this section, to which a redistribution control technology has been applied.

(10) REDISTRIBUTION CONTROL TECHNOLOGY.—The term "redistribution control technology" means a technology or process that controls or inhibits the transmission of a digital media product over the Internet following its initial receipt by a member of the public, without regard to whether such transmission is for the purpose of use, reproduction, performance, resale, or transfer of a license to use, the digital media product.

By Mr. DASCHLE (for Mr. GRAHAM of Florida (for himself, Mr. HAGEL, Mrs. CLINTON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. DAYTON, Mr. AKAKA, and Mrs. MURRAY)):

S. 1622. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. GRAHAM. Mr. President, Senators HAGEL, CLINTON, BEN NELSON, MURKOWSKI, DAYTON, MURRAY, AKAKA, and I are introducing legislation to help service members who are injured or become ill while serving in combat.

Today, if one of our soldiers, sailors, airmen, or marines fighting in Iraq or in Afghanistan are wounded or suffer an illness, they are evacuated to a military hospital. The problem is when they are discharged from the hospital they are given a bill for the meals they were served while being treated.

Under current law, service members are required to pay for their meals at a rate of $8.10 per day while they are in a military hospital. For example, a Marine Staff Sergeant recently spent 26 days in the hospital recovering from injuries endured when an Iraqi child dropped a hand grenade in the HUMVEE he was driving. Upon his discharge from the hospital, he was handed a bill for $243 for his meals. While eight dollars a day may not seem like a lot of money to you or me, it is to a private who makes less than $14,000 a year. If we are looking to save money, we should not turn first to the pockets of our injured service members.

The bill we introduce today is simple. It will prohibit the Department of Defense from charging troops for meals when they are hospitalized as a result of either injury or illness while in combat or training for combat. This legislation shows strong support for our service members currently in harm's way and helps to alleviate a financial burden on our injured soldiers.

This bill is similar to one filed by Congressman BILL YOUNG in the House of Representatives, but also covers those who become ill while in combat or training for combat. We already know that over 100 soldiers deployed to the Persian Gulf region and Central Asia have contracted pneumonia, 30 that become so ill that they had to be evacuated to hospitals in Europe or the United States. This situation highlights why we must include those who suffer from illness as well as injury. I am grateful to Congressman YOUNG for his leadership on this issue and am hopeful we can work together to quickly pass legislation to end the unfair practice of charging our injured service members for hospital meals.

The cost to the government for correcting this serious injustice is significant. This year, the Department of Defense has recouped only $1.5 million for hospital meals from hospitalized service members world-wide. This legislation is even more limited in scope, as it only applies to those who become ill or injured during combat or situations simulating combat. While I am cognizant of the budget constraints our military is facing, this is a comparatively small expense that will mean a great deal to those service members affected.

Service members and military families are facing many challenges right now. They have to contend with long separations, potential financial hardships from extended Reserve and Guard call-ups, not to mention the very real fear of being wounded in combat. We should not add to these burdens by charging them for their meals after a lengthy hospital stay for a combat-related condition.

I urge my colleagues to join me and my colleagues in quickly moving this legislation.

I ask unanimous consent that the text of the bill, the following editorial in support of ending this injustice from the Omaha World Herald, entitled "Nickel and Diming the Troops" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF CERTAIN MEMBERS OF THE ARMED FORCES FROM REQUIREMENT TO PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED.

(a) IN GENERAL.—Section 1075 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "When"; and

(2) by striking the second sentence and inserting the following:

"(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

"(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

"(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 of this title because of an injury or disease incurred (as determined under criteria prescribed by the Secretary of Defense)—

"(A) as a direct result of armed conflict;

"(B) while engaged in hazardous service;

"(C) in the performance of duty under conditions simulating war; or

"(D) through an instrumentality of war.".

(b) EFFECTIVE DATE.—Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act, and shall apply with respect to injuries or diseases incurred on or after that date.

[From the Omaha World Herald, Sept. 16, 2003]

NICKEL-AND-DIMING THE TROOPS

It seems just plain mean-spirited to bill injured soldiers for their food.

The U.S. government does, indeed, put a price on the sacrifices of the men and women injured in military combat: $8.10 per day.

That's the daily food allowance soldiers receive, which in 1981 Congress decided enlisted soldiers must repay to the government when they're "lucky" enough to be hospitalized and get free food.

It sounds like good fiscal sense in theory—until you confront the reality of a Marine Corps reservist who lost part of his foot in Iraq, unaware he'd get a $210.60 bill upon discharge from the National Navy Medical Center in Bethesda, Md. Or the many other soldiers like him, sometimes hospitalized for long periods, sometimes handicapped for life.

And the government is busy nickel-and-diming these heroes amid a bureaucracy where a million dollars is penny-ante change. (Once upon a time, it might have bought a hammer and a toilet seat or two.)

Florida Rep. C.W. Bill Young, chairman of the House Appropriations Committee, personally paid the tab for the reservist hospitalized in Bethesda. His bill to correct the inequity, introduced Sept. 3, already has 114 co-sponsors. It seems likely to sail through Congress in the next few weeks.

Technically, the 1981 law does prevent "double-dipping"—paying the hospitalized soldiers the $8.10 food allowance and feeding them, too. But the government already bends the rules for soldiers in combat. Young's bill would extend that exception to soldiers battling to recover from combat injuries.

What a small price to pay for the men and women who paid so much to protect this country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 226—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JOSUE ORTA RIVERA v. CONGRESS OF THE UNITED STATES OF AMERICA, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 226

Whereas, in the case of *Josue Orta Rivera* v. *Congress of the United States of America, et al.*, Civil No. 03-1684 (SEC), pending in the United States District Court for the District of Puerto Rico, the plaintiff has named an defendants all Members of the Senate, as well as the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and Officers of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all Members of the Senate, the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress, in the case of *Josue Orta Rivera* v. *Congress of the United States of America, et al.*

SENATE RESOLUTION 227—EXPRESSING THE PROFOUND SORROW OF THE SENATE FOR THE DEATH OF INDIANA GOVERNOR FRANK O'BANNON AND EXTENDING THOUGHTS, PRAYERS, AND CONDOLENCES TO HIS FAMILY, FRIENDS AND LOVED ONES

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 227

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the United States Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Frank O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Frank O'Bannon will be remembered as a loving husband to his wife Judy, a devoted father to his 3 children, and a caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003;

(2) extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(3) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the United States Air Force and the Indiana State Legislature, and as Governor of Indiana; and

(4) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

SENATE CONCURRENT RESOLUTION 69—PROVIDING THAT ANY AGREEMENT RELATING TO TRADE AND INVESTMENT THAT IS NEGOTIATED BY THE EXECUTIVE BRANCH WITH OTHER COUNTRIES MUST COMPLY WITH CERTAIN MINIMUM STANDARDS

Mr. FEINGOLD submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 69

Whereas there is general consensus among the American public and the global community that, with respect to international trade and investment rules—

(1) global environmental, labor, health, food security, and other public interest standards must be strengthened to prevent a global "race to the bottom";

(2) domestic environmental, labor, health, food security, and other public interest standards and policies must not be undermined, including those based on the use of the precautionary principle, the internationally recognized legal principle which holds that, when there is scientific uncertainty regarding the potential adverse effects of an action or a product or technology, governments should act in a way that minimizes the risk of harm to human health and the environment;

(3) provision and regulation of public services such as education, health care, transportation, energy, water, and other utilities are basic functions of democratic government and must not be undermined;

(4) raising standards in developing countries requires additional assistance and respect for diversity of policies and priorities;

(5) countries must be allowed to design and implement policies to sustain family farms and achieve food security;

(6) healthy national economies are essential to a healthy global economy, and the right of governments to pursue policies to maintain and create jobs must be upheld;

(7) the right of State and local and comparable regional governments of all countries to create and enforce diverse policies must be safeguarded from imposed downward harmonization; and

(8) rules for the global economy must be developed and implemented democratically and with transparency and accountability; and

Whereas many international trade and investment agreements in existence and currently being negotiated do not serve these interests, and have caused substantial harm to the health and well-being of communities in the United States and within countries that are trading partners of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That any agreement relating to trade and investment that is negotiated by the executive branch with other countries should comply with the following:

(1) REGARDING INVESTOR AND INVESTMENT POLICY.—No such agreement that includes provisions relating to foreign investment may permit foreign investors to challenge or seek compensation because of a measure of a government at the national, State, or local level that protects the public interest, including, but not limited to, public health, safety, and welfare, the environment, and worker protections, unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments.

(2) REGARDING SERVICES.—Any such agreement, to the extent applicable, shall comply with the following:

(A)(i) The agreement may not discipline government measures relating to—

(I) public services, including public services for which the government is not the sole provider;

(II) services that require extensive regulation;

(III) essential human services; and

(IV) services that have an essentially social component.

(ii) The services described in subclauses (I) through (IV) of clause (i) include, but are not limited to, public benefit programs, health care, health insurance, public health, child care, education and training, the distribution of controlled substances and products, including alcohol and tobacco and firearms, research and development on natural and social sciences, utilities including energy utilities, water, waste disposal and sanitation, national security, maritime, air, surface, and other transportation services, postal services, energy extraction and related services, and correctional services.

(B) The agreement shall permit countries that have made commitments in areas covered in subparagraph (A) to revise those commitments for the purposes of public interest regulation without financial or other trade-related penalties.

(C) The agreement shall ensure that rules on subsidies and government procurement fully protect the ability of governments to support and purchase services in ways that promote economic development, social justice and equity, public health, environmental quality, and human and workers' rights.

(D) The agreement shall make no new commitments on the temporary entry of workers because such policies should be determined by the Congress, after consideration by the congressional committees with jurisdiction over immigration to avoid an array of inconsistent policies and policies which fail to—

(i) include labor market tests that ensure that the employment of such temporary workers will not adversely affect other similarly employed workers;

(ii) involve labor unions in the labor certification process implemented under the immigration program for temporary workers under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, including the filing by an employer of an application under section 212(n)(1) of that Act; and

(iii) guarantee the same workplace protections for temporary workers that are available to all workers.

(E) The agreement shall guarantee that all governments that are parties to the agreement can regulate foreign investors in services and other service providers in order to protect public health and safety, consumers, the environment, and workers' rights, without requiring the governments to establish their regulations to be the least burdensome option for foreign service providers.

(3) REGARDING POLICIES TO SUPPORT AMERICAN WORKERS AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.—Any such agreement shall preserve the right of Federal, State, and local governments to maintain or establish policies to support American workers and small, minority, or women-owned businesses, including, but not limited to, policies with respect to government procurement, loans, and subsidies.

(4) REGARDING ENVIRONMENTAL, LABOR, AND OTHER PUBLIC INTEREST STANDARDS.—Any such agreement—

(A) may not supersede the rights and obligations of parties under multilateral environmental, labor, and human rights agreements; and

(B) shall, to the extent applicable, include commitments, subject to binding enforcement on the same terms as commercial provisions—

(i) to adhere to specified workers' rights and environmental standards;

(ii) not to diminish or fail to enforce existing domestic labor and environmental provisions; and

(iii) to abide by the core labor standards of the International Labor Organization (ILO).

(5) REGARDING UNITED STATES TRADE LAWS.—No such agreement may—

(A) contain a provision which modifies or amends, or requires a modification of or an amendment to, any law of the United States that provides to United States businesses or workers safeguards from unfair foreign trade practices, including any law providing for—

(i) the imposition of countervailing or antidumping duties;

(ii) protection from unfair methods of competition or unfair acts in the importation of articles;

(iii) relief from injury caused by import competition;

(iv) relief from unfair trade practices; or

(v) the imposition of import restrictions to protect the national security; or

(B) weaken the existing terms of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, or the Agreement on Subsidies and Countervailing Measures, of the World Trade Organization, including through the domestic implementation of rulings of dispute settlement bodies.

(6) REGARDING FOOD SAFETY.—No such agreement may—

(A) restrict the ability of the United States to ensure that food products entering the

United States are rigorously inspected to establish that they meet all food safety standards in the United States, including inspection standards;

(B) force acceptance of different food safety standards as "equivalent", or require international harmonization of food safety standards, which undermine the level of human health protection provided under domestic law; or

(C) restrict the ability of governments to enact policies to guarantee the right of consumers to know where and how their food is produced.

(7) REGARDING AGRICULTURE AND FOOD SECURITY.—No such agreement may, with respect to food and other agricultural commodities—

(A) contain provisions that prevent countries from—

(i) establishing domestic and global reserves,

(ii) managing supply,

(iii) enforcing antidumping disciplines,

(iv) ensuring fair market prices, or

(v) vigorously enforcing antitrust laws,

in order to guarantee competitive markets for family farmers; or

(B) prevent countries from developing the necessary sanitary and phytosanitary standards to prevent the introduction of pathogens or other potentially invasive species which may adversely affect agriculture, human health, or the environment.

(8) REGARDING TRANSPARENCY.—(A) The process of negotiating any such agreement must be open and transparent, including through—

(i) prompt and regular disclosure of full negotiating texts; and

(ii) prompt and regular disclosure of negotiating positions of the United States.

(B) In negotiating any such agreement, any request or offer relating to investment, procurement, or trade in services must be made public within 10 days after its submission if such request or offer—

(i) proposes specific Federal, State, and local laws and regulations in the United States to be changed, eliminated, or scheduled under such an agreement, including, but not limited to, subsidies, tax rules, procurement rules, professional standards, and rules on temporary entry of persons;

(ii) proposes for coverage under such an agreement—

(I) specific essential public services, including, but not limited to, public benefits programs, health care, education, national security, sanitation, water, energy, and other utilities; or

(II) private service sectors that require extensive regulation or have an inherently social component, including, but not limited to, maritime, air transport, trucking, and other transportation services, postal services, utilities such as water, energy, and sanitation, corrections, education and childcare, and health care; or

(iii) proposes a discipline or process of general application which may interfere with the ability of the United States or State, local, or tribal governments to adopt, implement, or enforce laws and regulations identified in clause (i) or provide or regulate services identified in clause (ii).

(C) The broad array of constituencies representing the majority of the people of the United States, including labor unions, environmental organizations, consumer groups, family farm groups, public health advocates, faith-based organizations, and civil rights groups, must have at least the same representation on trade advisory committees and access to trade negotiators and negotiating fora as those constituencies representing commercial interests.

(D) Any dispute resolution mechanism established in any such agreement must be open and transparent, including through disclosure to the public of documents and access to hearings, and must permit participation by nonparties through the filing of amicus briefs, as well as provide for standing for State and local governments as intervenors.

(9) REGARDING GOVERNMENTAL AUTHORITY.—No such agreement may contain provisions that bind national, State, local, or comparable regional governments to limiting regulatory, taxation, spending, or procurement authority without an opportunity for public review and comment described in paragraph (8), and without the explicit, informed consent of the national, State, local, or comparable regional legislative body concerned, through such means as is decided by such legislative body.

(10) REGARDING ACCESS TO MEDICINES AND SEEDS.—(A) No such agreement may contain provisions that prevent countries from taking measures to protect public health by ensuring access to medicines.

(B) No such agreement may constrain the rights of farmers to save, use, exchange, or sell farm-saved seeds and other publicly available seed varieties.

(11) REGARDING DEVELOPING COUNTRIES.—Any such agreement must grant special and differential treatment for developing countries with regard to the timeframe for implementation of the agreement as well as other concerns.

Mr. FEINGOLD. Mr. President, I am pleased to submit legislation to establish some minimum standards for the trade agreements into which our Nation enters. This measure is a companion to H. Con. Res. 276, a resolution introduced in the other body by my colleague from Ohio, (Mr. BROWN).

The record of the major trade agreements into which our Nation has entered over the past few years has been dismal. Thanks in great part to the flawed fast track rules that govern consideration of legislation implementing trade agreements, the United States has entered into a number of trade agreements that have contributed to the significant job loss we have seen in recent years, and have laid open to assault various laws and regulations established to protect workers, the environment, and our health and safety. Indeed, those agreements undermine the very democratic institutions through which we govern ourselves.

The loss of jobs, especially manufacturing jobs, to other countries has been devastating to Wisconsin, and to the entire country. When I opposed the North American Free Trade Agreement, the Uruguay round of the General Agreement on Tariffs and Trade, Permanent Normal Trade Relations for China, and other flawed trade measures, I did so in great part because I believed they would lead to a significant loss of jobs. But even as an opponent of those agreements, I don't think I could have imagined just how bad things would get in so short a time.

The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem.

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the protections we have established for workers, the environment, and our public health and safety. And we cannot afford to squander our democratic heritage by entering into trade agreements that supercede our right to govern ourselves through open, democratic institutions.

The legislation I submit today sets forth principles for future trade agreements. It is a break with the so-called NAFTA model, and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development.

The principles set forth in this resolution are not complex. They are straightforward and achievable. The resolution calls for enforceable worker protections, including the core International Labor Organization standards.

It preserves the ability of the United States to enact and enforce its own trade laws.

It protects foreign investors, but states that foreign investors should not be provided with greater rights than those provided under U.S. law, and it protects public interest laws from challenge by foreign investors in secret tribunals.

It ensures that food entering into our country meets domestic food safety standards.

It preserves the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest.

It requires that trade agreements contain environmental provisions subject to the same enforcement as commercial provisions.

It preserves the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses.

It requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies. They are entirely consistent with the goal of increased international commerce, and in fact they advance that goal.

The outgrowth of the major trade agreements I referenced earlier has been a race to the bottom in labor standards, environmental standards, health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose.

We need to turn our trade policies around. We need to pursue trade agreements that will promote sustainable economic growth for our Nation and for our trading partners. The resolution I submit today will begin to put us on that path, and I urge my colleagues to support it.

AMENDMENTS SUBMITTED & PROPOSED

SA 1659. Mr. REED (for himself, Mr. Levin, Mr. Kennedy, Mrs. Feinstein, and Mr. Nelson, of Florida) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1660. Mr. LEVIN (for himself, Mr. DeWine, Ms. Stabenow, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1661. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1663. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1664. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1665. Mr. REID (for Mr. Domenici (for himself and Mr. Reid)) proposed an amendment to the bill H.R. 2754, supra.

SA 1666. Mr. REID (for Mr. Domenici (for himself and Mr. Reid)) proposed an amendment to the bill H.R. 2754, supra.

SA 1667. Mr. REID (for Mr. Domenici (for himself and Mr. Reid)) proposed an amendment to the bill H.R. 2754, supra.

SA 1668. Mr. REID (for Mr. Domenici (for himself and Mr. Reid)) proposed an amendment to the bill H.R. 2754, supra.

SA 1669. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2754, supra.

SA 1670. Mr. NELSON, of Florida (for himself and Mr. Graham, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1671. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1672. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1673. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1674. Mr. DORGAN (for himself and Mr. Conrad) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1675. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1676. Mr. DOMENICI (for Mr. Kyl) proposed an amendment to the bill H.R. 2754, supra.

SA 1677. Mr. REID (for Mr. Daschle (for himself and Mr. Johnson)) proposed an amendment to the bill H.R. 2754, supra.

SA 1678. Mr. DOMENICI (for Mr. Shelby) proposed an amendment to the bill H.R. 2754, supra.

SA 1679. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1680. Mr. FEINGOLD (for himself and Mr. Allard) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1681. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1682. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1683. Mr. DOMENICI (for Mr. Smith) proposed an amendment to the bill H.R. 2754, supra.

SA 1684. Mr. VOINOVICH (for himself, Mr. DeWine, Mr. Levin, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1685. Mr. DeWINE submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra.

SA 1686. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1687. Mr. DOMENICI (for Mr. Kyl) proposed an amendment to the bill H.R. 2754, supra.

SA 1688. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1689. Mr. DOMENICI (for Mrs. Dole) proposed an amendment to the bill H.R. 2754, supra.

SA 1690. Mr. DOMENICI (for Mr. Bennett) proposed an amendment to the bill H.R. 2754, supra.

SA 1691. Mr. REID (for Mr. Wyden (for himself and Mr. Smith)) proposed an amendment to the bill H.R. 2754, supra.

SA 1692. Mr. REID (for Mr. Levin (for himself, Mr. DeWine, Ms. Stabenow, and Mr. Voinovich)) proposed an amendment to the bill H.R. 2754, supra.

SA 1693. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1694. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1695. Mr. CORZINE (for himself and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 2754, supra; which was ordered to lie on the table.

SA 1696. Mr. DOMENICI (for Mr. Cochran) proposed an amendment to the bill H.R. 2754, supra.

SA 1697. Mr. REID (for Mr. Dorgan) proposed an amendment to the bill H.R. 2754, supra.

SA 1698. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1699. Mr. REID (for Mr. Conrad) proposed an amendment to the bill H.R. 2754, supra.

SA 1700. Mr. DOMENICI (for Mr. Thomas) proposed an amendment to the bill H.R. 2754, supra.

SA 1701. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1702. Mr. DOMENICI (for Mr. Bennett) proposed an amendment to the bill H.R. 2754, supra.

SA 1703. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1704. Mr. REID (for Mr. Wyden) proposed an amendment to the bill H.R. 2754, supra.

SA 1705. Mr. REID (for Mr. Feingold) proposed an amendment to the bill H.R. 2754, supra.

SA 1706. Mr. DOMENICI (for himself and Mr. Reid) proposed an amendment to the bill H.R. 2754, supra.

SA 1707. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1708. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, supra.

SA 1709. Mr. REID (for Mr. Byrd) proposed an amendment to the bill H.R. 2754, supra.

SA 1710. Mr. REID (for Mr. Bingaman) proposed an amendment to the bill H.R. 2754, supra.

SA 1711. Mr. DOMENICI (for Mr. Voinovich (for himself, Mr. DeWine, Mr. Levin, and Ms. Stabenow)) proposed an amendment to the bill H.R. 2754, supra.

SA 1712. Mr. REID proposed an amendment to the bill H.R. 2754, supra.

SA 1713. Mr. DOMENICI (for Mr. Specter) proposed an amendment to the bill H.R. 2754, supra.

SA 1714. Mr. REID (for himself and Mr. Domenici) proposed an amendment to the bill H.R. 2754, supra.

SA 1715. Mr. DOMENICI (for Mr. Warner (for himself, Mr. Sarbanes, Mr. Allen, and Ms. Mikulski)) proposed an amendment to the bill H.R. 2754, supra.

SA 1716. Mr. DOMENICI (for himself and Mr. Reid) proposed an amendment to the bill H.R. 2754, supra.

SA 1717. Mr. REID (for Mr. Reed) proposed an amendment to the bill H.R. 2754, supra.

SA 1718. Mr. REID (for Mr. Corzine (for himself and Mr. Lautenberg)) proposed an amendment to the bill H.R. 2754, supra.

SA 1719. Mr. DOMENICI (for Mr. Grassley (for himself and Ms. Murkowski)) proposed an amendment to the bill H.R. 2754, supra.

SA 1720. Mr. REID (for Mr. Schumer) proposed an amendment to the bill H.R. 2754, supra.

SA 1721. Mr. REID (for Mr. Schumer) proposed an amendment to the bill H.R. 2754, supra.

SA 1722. Mr. SANTORUM (for Mr. Bingaman) proposed an amendment to the bill H.R. 2754, supra.

TEXT OF AMENDMENTS

SA 1659. Mr. REED (for himself. Mr. Levin, Mr. Kennedy, Mrs. Feinstein, and Mr. Nelson of Florida) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

Sec. 313. No funds appropriated or otherwise made available to the Department of Energy by this Act may be available for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the robust nuclear earth penetrator.

SA 1660. Mr. LEVIN (for himself, Mr. DeWine, Ms. Stabenow, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading "GENERAL INVESTIGATIONS", not less than $1,500,000 shall be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101-640).

SA 1661. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 11 through 18.

SA 1662. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 10, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

On page 47, line 12, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.".

SA 1663. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . PROJECT REAUTHORIZATIONS.

Section 364(5) of Public Law 106-53 (113 Stat. 314) is amended—

(1) by striking "$18,265,000" and inserting "$21,075,000"; and

(2) by striking "$9,835,000" and inserting "$7,025,000".

SA 1664. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SA 1665. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

WORKING CAPITAL FUND

(RESCISSION)

From unobligated balances under this heading $4,525,000 are rescinded.

SA 1666. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10 strike "853,517,000" and insert in lieu thereof "859,517,000".

SA 1667. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. .That of the funds provided, an additional $3,000,000 shall be available for the Middle Rio Grande, NM project and an additional $3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

SA 1668. Mr. REID (for Mr. DOMENICI (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 33, at the end of line 12 insert the following:

"BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

"For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund."

SA 1669. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the "Secretary") is authorized and directed to carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

SA 1670. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, after "expended,", insert the following: "of which not less than $90,000,000 shall be used for Central and Southern Florida (of which not less than $1,000 shall be made available to permit the Corps of Engineers and Palm Beach County, Florida, to execute a project cooperation agreement for project construction relating to the Winsberg Farm Wetland Restoration Project authorized under section 601(c) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2683)), and".

SA 1671. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 8, after the colon, insert the following: "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall allocate to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe not less than $9,000,000 of the funds made available under this heading for use in carrying out certain projects and activities under title VI of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 385)".

SA 1672. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 12, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall allocate to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe not less than $5,000,000 of the funds made available under this heading for use in carrying out certain projects and activities under title VI of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 385)".

SA 1673. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, strike "$131,700,000, to remain available until expended:" and insert "$130,700,000, to remain available until expended, of which not more than $3,216,000 shall be used to carry out the Upper Mississippi and Illinois Navigation Study:".

On page 4, line 25, after the colon, insert the following: "*Provided further*, That the Secretary of the Army is directed to use not less than $21,000,000 of the funds made available under this heading to carry out the Upper Mississippi River System Environmental Management Program:".

SA 1674. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 19, before the period at the end, insert the following: ": *Provided further*, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota shall be nonreimbursable".

SA 1675. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 104, insert the following:

"The Secretary is directed and authorized to design, remove and dispose of oil bollards and associated debris in Burlington Harbor, VT, at full Federal expense."

SA 1676. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LOWER COLORADO RIVER BASIN DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND. If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION. Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury may not be expended until further Act of Congress.

SA 1677. Mr. REID (for Mr. DASCHLE (for himself and Mr. JOHNSON)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 33, line 12, before the period at the end, insert the following: ": *Provided further*, That of the funds provided under this heading, an additional $5,000,000 may be available for the Mni Wiconi project, South Dakota".

SA 1678. Mr. DOMENICI (for Mr. SHELBY) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 16, after the colon, insert the following: "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not less than $5,461,000 of the funds made available under this heading for the Alabama-Coosa River, Alabama (including for routine operations and maintenance work at Swift Creek Park), of which not less than $2,500,000 may be used for annual maintenance dredging of navigational channels of the Alabama-Coosa River".

SA 1679. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT.

Not later 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

SA 1680. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page. 32, lines 11 through 14, strike "$56,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and," and insert "$56,330,000 shall be available for transfer to the Upper Colorado River Basin Fund: Provided, That the Secretary of the Interior shall release to the Congress and the public a report prepared by the Bureau of Reclamation detailing project cost overruns and including revised cost estimates and project recommendations within 90 days of enactment of this Act and,"

SA 1681. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 67, strike line 7 through line 11 and insert in lieu thereof:

"SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT.

"Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

"'(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).'."

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

SA 1682. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . Section 560(f) of the Public Law 106–53 is amended by striking "$5,000,000" and inserting in lieu thereof "7,500,000".

SA 1683. Mr. DOMENICI (for Mr. SMITH) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, between lines 5 and 6, insert the following:

SEC. 2   . TUALATIN RIVER BASIN, OREGON.

(a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) FEDERAL SHARE.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) ACTIVITIES.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

SA 1684. Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 21, before the period at the end, insert the following: ": *Provided further*, That the Secretary of the Army is directed to use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program".

SA 1685. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1   . FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio.

SA 1686. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 20, before the period at the end, insert ", of which $400,000 shall be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative".

SA 1687. Mr. DOMENICI (for Mr. KYL) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 6, strike "$56,525,000" and insert "$54,425,000".

On page 42, between lines 5 and 6, insert the following:

SEC. 2   . FACILITATION OF INDIAN WATER RIGHTS.

The Secretary of the Interior may extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to facilitate Indian water rights settlements in the State of Arizona.

SA 1688. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further*, That within funds provided herein, $500,000 may be used for completion of design and initiation of construction of the McCarran Ranch, NV, environmental restoration project.

SA 1689. Mr. DOMENICI (for Mrs. DOLE) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 16, line 12, before the period at the end, insert the following: ": *Provided further*, That the Secretary of the Army may use $3,000,000 of the funds provided under this heading to undertake, in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks".

SA 1690. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 2, line 18, after "expended" insert the following: ", of which $500,000, along with $500,000 of the unobligated balance of funds made available under this heading in the Energy and Water Appropriations Act, 2003, may be transferred to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah".

SA 1691. Mr. REID (for Mr. WYDEN (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water and development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 8, strike "facilities:" and insert "facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon".

SA 1692. Mr. REID (for Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1   . GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS.

Of the amounts made available by this title under the heading "GENERAL INVESTIGATIONS", not less than $1,500,000 may be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640).

SA 1693. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, between lines 2 and 3, insert the following:

SEC. 3   . NEW SOURCE REVIEW DOCUMENTS.

Not later than the later of November 1, 2003, or the date that is 30 days after the date of enactment of this Act, in accordance with a commitment to the Committee on Environment and Public Works of the Senate expressed in a letter from the Department of Energy dated September 25, 2002, the Secretary of Energy shall submit to that Committee a log of documents that are responsive to the requests of the Committee relating to the rules on the new source review program of the Environmental Protection Agency.

SA 1694. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending

September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, at the end of line 20 insert:

Provided, That of the funds made available for the Office of Electricity and Energy Assurance, the Office shall provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office shall require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office shall develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

SA 1695. Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 9, strike "That" and all that follows through line 12 and insert the following: "That the Secretary of the Army, acting through the Chief of Engineers, shall use not more than $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and not more than $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further*, That the Secretary of the Army,

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SA 1696. Mr. DOMENICI (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking "$25,000,000 for the period beginning with fiscal year 2000" and inserting "$100,000,000".

SA 1697. Mr. REID (for Mr. DORGAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 54, line 19, before the period at the end, insert the following: ": *Provided further*, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable".

SA 1698. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds made available under Operation and Maintenance, General, an additional $500,000 may be made available to the Recreation Management Support Program to work with the International Mountain Bicycling Association to design, build, and maintain trails at Corps of Engineers projects.

SA 1699. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 31, between lines 7 and 8, insert the following:

SEC. 1 . PARK RIVER, GRAFTON, NORTH DAKOTA.

Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking "$18,265,000" and inserting "$21,075,000"; and

(2) by striking "$9,835,000" and inserting "$7,025,000".

SA 1700. Mr. DOMENICI (for Mr. THOMAS) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 54, line 19, before the period, insert the following: ": *Provided further*, That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit".

SA 1701. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13 of the bill, line 21, before the period, insert the following:

: *Provided further*, That within funds provided herein, $100,000 may be used for initiation of feasibility studies to address erosion along Bayou Teche, LA within the Chitimacha Reservation.

SA 1702. Mr. DOMENICI (for Mr. BENNETT) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 28, strike lines 13 through 25 and insert the following:

SEC. 115. Section 595 of the Water Resources Development Act of 1999 (113 Stat.383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through "means—" and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) RURAL NEVADA.—The term 'rural Nevada' means"; and

(C) by adding at the end the following:

"(2) RURAL UTAH.—The term 'rural Utah' means—

"(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

"(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.";

(3) in subsections (b) and (c), by striking "Nevada, Montana, and Idaho" and inserting "Idaho, Montana, rural Nevada, New Mexico, and rural Utah"; and

(4) in subsection (h), by striking "2001—" and all that follows and inserting "2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.".

SA 1703. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds made available under Construction, General, $1,500,000 may be made available for work to be carried out under Section 560 of the Water Resources Development Act of 1999 (Public Law 106–53).

SA 1704. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 44, line 14, before the period at the end, insert ", of which $3,000,000 may be available for a defense and security research center".

SA 1705. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 10, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

On page 47, line 12, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.".

SA 1706. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 41, line 5, strike "655" and insert in lieu thereof "566".

SA 1707. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 28, line 1 strike "105-227" and insert in lieu thereof "105-277".

SA 1708. Mr. DOMENICI proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 48, line 8, after the word "expended:" insert the following:

"*Provided*, That the Secretary of Energy may use $1,000,000 of available funds to preserve historical sites associated with, and other aspects of the history of, the Manhattan Project"

SA 1709. Mr. REID (for Mr. BYRD) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, line 20, before the period at the end, insert ", of which $400,000 may be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative".

SA 1710. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 313. No funds appropriated or otherwise made available under this title under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SA 1711. Mr. DOMENICI (for Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 21, before the period at the end, insert the following: ": *Provided further*, That the Secretary of the Army may use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program".

SA 1712. Mr. REID proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place on page 42, after section 211 insert the following:

"SEC. . RESTORATION OF FISH AND WILDLIFE HABITAT AND PROVISION OF BOTTLED WATER FOR FALLON SCHOOLCHILDREN.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 101-171, the Secretary of Interior, acting through the Commissioner of Reclamation, shall—

(1) notwithstanding sec. 2507(b) of P.L. 101-171, provide $2.5 million to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture.

(2) provide $100,000 to Families in Search of Truth, Fallon, NV for the purchase of bottled water for schoolchildren in Fallon-area schools.

(b) LIMITATION.—The funds specified to be provided in (a)(1) shall only be provided by the Bureau of Reclamation when the title to Carson lake and Pasture is conveyed to the State of Nevada; the waiver of sec. 2507(b) of P.L. 101-171 shall only apply to water purchases for Carson Lake and Pasture.

(c) ADMINISTRATION.—The Secretary of Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organization, and individuals to carry out this section and sec. 2507 of P.L. 101-171.

SA 1713. Mr. DOMENICI (for Mr. SPECTER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA.

The Secretary of the Army may provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3785), as contained in the May 2000 report of the Philadelphia District based on regional economic development benefits, at a Federal share of 50 percent and a non-Federal share of 50 percent.

SA 1714. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . MARTIN'S COVE LEASE.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term "Bureau of Land Management", hereafter referred to as the "BLM", means an agency of the Department of the Interior.

(2) CORPORATION.—The term "Corporation" means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term "Martin's Cove" means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC-001.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary may enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC-001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environmental and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridgement, modification, termination, or other taking in the event any surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Gate.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the leasehold, provided that the leased lands shall be withdrawn from all forms of entry, appropriations, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

SA 1715. Mr. DOMENICI (for Mr. WARNER (for himself, Mr. SARBANES, Mr. ALLEN, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Provided, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. During preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement. Notwithstanding the cost sharing provisions of Section 510(d) of the Water Resources Development Act of 1996, 110 Stat. 3760, the preparation of the environmental impact statement shall be cost shared 50% Federal and 50% non-Federal, for an estimated cost of $2,000,000. The non-Federal sponsors' may meet their 50% matching cost share through in-kind services, provided that the Secretary determines that work performed by the non-Federal sponsor's is reasonable, allowable, allocable, and integral to the development of the environmental impact statement.

SA 1716. Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 26, strike "$1,949,000,000" and insert in lieu thereof "2,014,000,000".

SA 1717. Mr. REID (for Mr. REED) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 42, at the end of line 20 insert:

Provided, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may provide grants to states and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office may require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls. *Provided further*, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may develop regional training and technical assistance programs for state regulators and system operators to improve operation of the electricity grid.

SA 1718. Mr. REID (for Mr. CORZINE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 10, line 9, strike "That" and all that follows through line 12 and insert the following: "That the Secretary of the Army, acting through the Chief of Engineers, may use $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: *Provided further*, That the Secretary of the Army,

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SA 1719. Mr. DOMENICI (for Mr. GRASSLEY (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . (a) MEMORANDUM OF AGREEMENT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the "MOA") under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) REQUIREMENT.—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

(c) PROCUREMENT OF SERVICES.—The Secretary of Labor may procure temporary services in carrying out the duties of the Secretary under the MOA.

(d) DUTIES OF SECRETARY OF ENERGY.—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

(2) subject to the availability of appropriations, transfer funds pursuant to requests by the Secretary of Labor.

(e) SUBMISSION TO CONGRESS.—The MOA entered into under subsection (a) shall be submitted to the appropriate committees of Congress and made available to the general public in both printed and electronic forms.

SA 1720. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 15, line 16, after "2004" insert the following: ": *Provided further*, That none of the funds appropriated under this heading may be used for the Great Lakes Sediment Transport Models".

SA 1721. Mr. REID (for Mr. SCHUMER) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3 insert the following:

SEC. 3 . REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696.

(a) DEFINITIONS.—

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) TOWN.—The term "town" means the town of Stuyvesant, New York, the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

SA 1722. Mr. SANTORUM (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 51, line 13, insert before the period: ": *Provided*, That from the funds made available under this heading for transfer to the National Institute for Occupational Safety and Health for epidemiological research, $7.5 million shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia:

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 17, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on September 18, at 2:30 p.m. has been rescheduled.

The hearing will now be held on Tuesday, September 23, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the Western United States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; and H.R. 961, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes. (Contact: Shelly Randel 202-224-7933, Erik Webb 202-224-4756 or Meghan Beal at 202-224-7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 24, 2003 to conduct a hearing on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2003, at 10 a.m. to conduct a hearing on the nominations of Mr. Harvey S. Rosen, of New Jersey, and Ms. Kristen J. Forbes, of Massachusetts, to be a member of the Council of Economic Advisors, Executive Office of the President; Ms. Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement; and Mr. Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 16, 2003, at 9:30 a.m. for a hearing titled "Oversight of GAO: What Lies Ahead for Congress' Watchdog?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 16, 2003, at approximately 11 a.m. for a hearing to consider the nomination of C. Suzanne Mencer to be Director, Office of Domestic Preparedness, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 16, 2003, at 9:30 a.m., in the Russell Senate Office Building Room 325 on "Ensuring the Continuity of the United States Government: The Presidency."

Witness List: Prof. Akhil Amar, Soutmayd Professor of Law and Political Science, Yale Law School, New Haven, CT; Dr. John C. Fortier, Executive Director, Continuity of Government Commission, Research Associate, American Enterprise Institute, Washington, DC; Mr. M. Miller Baker, Esq., McDermott, Will & Emery, Washington, DC; and Prof. Howard M. Wasserman, Assistant Professor of Law, Florida International University College of Law, Miami, FL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, september 16, 2003, at 2:30 p.m., in the Dirksen Senate Office Building Room 226 on "Examining the Importance of the H-1 Visa to the American Economy."

Stephen Yale-Loehr, Business Committee Chair, American Immigration Lawyers Association, Adjunct professor, Cornell University Law School; Elizabeth Dickson, Advisor, Immigration Services, Ingersoll-Rand Corporation; John Steadman, President-Elect, IEEE-USA; and Patrick Duffy, Human Resources Attorney, Intel Corporation.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration and the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 16, 2003, at 9:30 a.m., to conduct a joint hearing on Ensuring the Continuity of the United States Government: The Presidency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 16, 2003, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of The American Legion.

The hearing will take place in room 216 of the Hart Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, September 16, at 9:30 a.m., to conduct on oversight hearing on the implementation of the Clean Water Act.

The hearing will take place in SD 406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2003, at 2:30 p.m., to conduct a hearing on Financial Reconstruction in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that privilege of the floor be granted to Andrew Ayers, a legal intern with my Judiciary Committee staff, during consideration of the debate on S. Res. 17.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Dr. Jonathan Epstein and Mr. Eric Burman, legislative fellows in his office, be given floor privileges during the pendency of H.R. 2754, and any votes thereupon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 226, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) to authorize representation by the Senate Legal Counsel in the case of Josue Orta Rivera v. Congress of the United States of America, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 226) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 226

Whereas, in the case of Josue Orta Rivera v. Congress of the United States of America, et al., Civil No. 03-1684 (SEC), pending in the United States District Court for the District of Puerto Rico, the plaintiff has named as defendants all Members of the Senate, as well as the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress:

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and Officers of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent all Members of the Senate, the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress, in the case of Josue Orta Rivera v. Congress of the United States of America, et al.

DEATH OF INDIANA GOVERNOR FRANK O'BANNON

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 227, a resolution submitted early today by Senator BAYH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 227) expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 227

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the United States Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Frank O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Frank O'Bannon will be remembered as a loving husband to his wife Judy, a devoted father to his 3 children, and a caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003;

(2) extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(3) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the United States Air Force and the Indiana State Legislature, and as Governor of Indiana; and

(4) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

MEASURE READ THE FIRST TIME—S. 1618

Mr. BROWNBACK. Mr. President, I understand that S. 1618, introduced early today by Senator ROCKEFELLER and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. BROWNBACK. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk and have its next reading on the next legislative day.

Mr. ROCKEFELLER. Mr. President, this legislation reauthorizes the Federal Aviation Administration, FAA, and its core programs, including the Airport Improvement Program, AIP, through March 31, 2004. While I would like to have seen Congress pass a comprehensive multiyear bill, it is not going to be possible by the end of this fiscal year. We need to pass this noncontroversial short-term extension to allow the FAA to continue to operate its core safety and airport funding programs.

The Senate produced a very good FAA reauthorization bill, and I was proud to help in developing that legislation. Unfortunately, the final product after negotiations with the House of Representatives was not as good as the Senate-passed bill. It included several dangerous provisions that I could not support, and, in fact, many of my colleagues on both sides of the aisle have raised objections to this legislation.

The most significant reason that the multiyear FAA bill is stalled is because the conference report includes language that allows as large part of the Nation's air traffic control system to be contracted out to private operators. If adopted, the conference report would allow the FAA to initiate the process of contracting out of some air traffic control functions immediately while only delaying the potential privatization for the 4-year life of the bill. The Senate during its consideration of the FAA bill voted 56 to 41 to keep all air traffic control functions as a governmental responsibility out of a deep sense that the safety of our skies is a basic governmental function. A bipartisan majority of Senators expressed serious concerns over the executive branch's future plans for the management of the air traffic control system, and we voted to impose restrictions on the Administration's proposal precisely to avoid the very outcome of the conference report.

Instead of negotiating in good faith over how best to guarantee the safety of our Nation's air traffic control system, the majority acceded to the administration's demands that they be given absolute discretion over the future of aviation safety. My short-term reauthorization bill includes language that enhances the safety of our Nation's air traffic control while giving the executive branch an appropriate level of flexibility to manage the system. The United States operates the most complex aviation system in the world, and we must have in place a dynamic and responsive safety system. I, along with my colleagues, want to continue to work with the administration on making our aviation system the safest, most secure, and advanced in the world.

This legislation reauthorizes funding for FAA programs and operations. Importantly, the bill reauthorizes the AIP program, which will allow the Federal Government to maintain its investment in airport infrastructure. Small airports are especially dependent on AIP funding to fund capital improvement projects. In addition, the bill includes provisions that reduce small airports share of AIP projects to 5 percent. The bill also allows small airports to maintain their eligibility for AIP entitlement funds if decreased traffic due to September 11 resulted in these airports falling below FAA-required passenger benchmarks.

Congress should not hold up these critical funds over disagreements on unrelated issues. Broad consensus exists on the need for increased aviation funding. This bill will provide approximately $1.7 billion in AIP funds, which on an annualized basis would boost AIP funding by $100 million over last year's level.

To make sure small communities continue to be linked to the Nation's aviation network, the bill also reauthorizes the Essential Air Service Program, EAS, and Small Community Air Service Development Program. The EAS program is a lifeline to our smallest and most isolated communities. The Small Community Air Service Development Program has helped dozens of communities across the country expands their air service options.

Finally, the bill authorizes new security initiatives. Although we have made dramatic improvements in aviation security over the last 20 months, improving aviation security is a continuous process. This bill is another step in this process. The bill addresses the development and implementation of the Computer Assisted Passenger Profiling Program, CAPPS, II, which many Senators are deeply concerned infringes on civil liberties. My legislation imposes a variety of safeguards to protect citizens' privacy as CAPPS II is deployed.

This bill does not have everything I worked hard to include in the Senate's multiyear FAA reauthorization. As I stated, the Senate-passed bill was the result of hard work, compromise, and a commitment to improving the Nation's aviation system. I believe with a little more time, we can find a compromise on the issues holding up the multiyear bill, but in the meantime, the Senate should adopt this short-term reauthorization to preserve the integrity of the aviation system.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 2003

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:30 a.m., Wednesday, September 17. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the House message to accompany S. 3, the partial-birth abortion ban, with the time until 10:30 a.m. equally divided between Senator SANTORUM and Senator BOXER or their designees, provided that when the Senate resumes consideration of the House message to S. 3 tomorrow, there be 4 hours of debate remaining under the guidelines of the previous agreement.

I further ask unanimous consent that at 10:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 2691, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, tomorrow the Senate will resume debate on the House message to accompany S. 3, the partial-birth abortion ban, until 10:30 a.m. At 10:30 a.m., the Senate will begin consideration of H.R. 2691, the Interior appropriations bill. It is the majority leader's intention to have amendments offered and debated throughout the day tomorrow. Rollcall votes, therefore, will occur throughout the day as well. Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Wednesday, September 17, 2003, at 8:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 16, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 16, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House of requested:

S.J. Res. 17. Joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

The message also announced that pursuant to Public Law 106-170, the Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of Andrew J. Imperato, of Maryland, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Christine M. Griffin, of Massachusetts.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH) for 5 minutes.

FUTURE OF SOCIAL SECURITY

Mr. SMITH of Michigan. Mr. Speaker, in 5 minutes I am going to give a short tutorial on the bleak future of Social Security. A proposal that I just introduced, H.R. 3055 tries to make sure that we keep Social Security solvent. Social Security is one of the most successful programs in assuring that retirees continue to have some real social security.

After the Great Depression, Franklin Delano Roosevelt said what we should have is a program of forced savings during one's working years, to set aside to make sure that people have some money in retirement.

Well, as it turned out, the law that was passed provided that nothing was set aside in an individual's name. Existing workers paid in the Social Security tax and that was immediately sent out to current retirees. It was sort of a pay-as-you-go program.

It is, if you will, Mr. Speaker, like a chain letter. Uncle Sam says, look, here is a list of names; put your name at the bottom of the list and send a check to all those people above you. And when your name gets to the top when you retire, all of the people below you at that time will send you a check.

The problem is there will be fewer people to send you a check. There are two colliding forces, not only in the United States but across the world where the age of death is higher. We are living longer. And at the same time, the birth rate is going down.

In Europe, France now has a payroll tax of 51 percent. You make a dollar and have to give 51 percent to the government to take care of the seniors in that country. That is because a pay-as-you-go program with such a large senior population and a reducing birth rate means fewer number of workers to pay in, which means each individual workers has to pay out more in taxes.

Let us not let the United States come to that predicament because it will mean one of two things: a company either charges, more for this products to pay for the extra cost of that tax or you pay workers less. Either way, it is bad for the future of our economy and our ability to compete with other countries.

Mr. Speaker, let me describe H.R. 3055: The trust fund continues in our bill. The Retirement Security Act would allow workers to create on a voluntary basis accounts funded from their payroll taxes. The accounts would start at 2.5 percent of income and would reach 8 percent by 2075, a slow process as you shift away from the pay-as-you-go. Workers would own the money in their accounts. Investments would be limited and widely diversified, and investment proceeds would be subject to government oversight.

The government would supplement the accounts of low-income workers making less than $35,000 a year to ensure they build up a significant savings. What is important in those early years is the magic of compound interest, starting with a small amount of dollars and letting it grow. Again, it is an optional program.

People choosing to participate in the voluntary account program would continue to receive benefits directly from the government, and those benefits would be offset based on the amount of money going in. But they would be guaranteed so that the person that opts in to a personal retirement savings account would be guaranteed that they would be at least as well off as those that did not take that option.

Worker accounts: all worker accounts would be owned by the worker and invested through pools supervised by the government. Regulations would be instituted to prevent people from taking undue risk. Until an account balance reaches $2,500, a worker would be limited on the kind of index investments they could make; and after the balance reaches $2,500, they would have more flexibility but only investing in safe accounts as determined by the Secretary of the Treasury.

The fairness to women's provision that we put in this bill: for married couples, account contributions would be pooled and then divided equally between the husband and wife. So whatever the husband and wife would be eligible to invest would be added together and divided by two so each spouse would have the same in their individual account. Second, it would increase surviving spouse benefits to 110 percent of the higher-earning spouse's benefits. Third, stay-at-home mothers with kids under 5 would receive retirement credit. In other words, we are saying for a spouse that stays home with those young kids, they can have those years credited at the average for the other years.

In conclusion, Social Security solvency, the Retirement Security Act has been scored by the Social Security Administration actuaries to keep the program solvent. There would be no increases in the retirement age, changes in benefits for seniors or near-seniors, or changes in the Social Security COLA.

Mr. Speaker, there are only 24 Members in the House and Senate that have ever signed onto a bill. We need to move ahead and save this program.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMERICA DESERVES STRAIGHT TALK ON THE ENVIRONMENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this administration is well known for spinning the truth, a very polite term for a lamentable practice. For example, over two-thirds of the American public think that Saddam Hussein and the Iraqis have some linkage to the attack of September 11, when, 2 years after the fact, there remains no evidence, despite the efforts of the administration to rhetorically connect these events.

The administration's habit of using misleading language is at its worst with the environment. Their Clear Skies Initiative will actually permit dirtier air. Relaxation of the New Source Review rules will inhibit the intent of the Clean Air Act, which 30 years ago gave a reprieve to the dirtiest coal fired plants, a reasonable time to come into compliance. The New Source Review rules were designed so that when plants modernize, new anti pollution technology must be put in place. Instead, the agencies have kept these aging dinosaurs in use because, simply, they make more money.

Rather than enforcing the Clean Air Act as previous administrations have done to encourage the industry, President Bush now proposes that these old plants continue to be grandfathered permanently. Changes to the New Source Rules announced last month will allow plants to make a 20 percent investment each year without triggering the New Source Rule. There is no reason for them to ever come into full compliance.

Because of the prevailing winds, the pollution is not just in the vicinity of the plant or in that State that allows it to operate. The effects are concentrated, particularly in the New England States. And attorneys general in New York, New Jersey, Pennsylvania, as well as some midwest States like Wisconsin and Illinois are lining up to challenge this rule in court.

Yesterday, the President was in Michigan to promote his Clear Skies Initiative; but he had the audacity to appear at one of the Nation's dirtiest power plants in Monroe, which is responsible, we are told, for approximately 300 premature deaths each year.

The Detroit Free Press points out that the mercury emissions at that plant have gone up over the course of the last 2 years, and this Clear Skies Initiative will allow more mercury emissions than simply enforcing the current law.

The President attempted to paint to this as a jobs-creation issue; but local labor leaders pointed out that when the Monroe plant owner, Detroit Edison, found out that the New Source Review rules were going to be relaxed, they promptly stop their efforts to install pollution controls required by law and fired 800 union workers who had been installing them. Lost jobs, dirtier air, health problems for thousands.

The pending energy bill should be an opportunity to rectify these problems with cleaner air, reducing the dependence on foreign oil and maybe even protecting the power grid recently proven vulnerable. Instead, we currently have a grab bag of incentives for special interests that shortchanges efficiency, continues reliance on expensive imported foreign oil, and delays the day of reckoning for electrical power to clean the air and a more fuel-efficient auto industry.

It is not too late for the administration and the Congress to deal meaningfully with two or three of these items that would actually help the American public. It is not just protecting the environment and the health of our citizens; it is a matter of long-term economic stability and security at a time when we have almost 140,000 American troops in and around Iraq in no small measure to secure Middle East oil.

The Bush administration should be straight with the American public about the economic, environmental, and security consequences. Rather than a misleading photo-op, we should work for the meaningful environmental progress that America deserves.

VICTORY'S PRICE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, a generation from now Iraq will either be a thriving democratic ally of the United States, or an enemy of unimaginable hatred, ruled by a violent government of, for, and by international terrorists.

A generation from now the battle of Iraq, now the central component of the war on terror, will have succeeded or have failed. America will have won or lost; and our brave heroes who gave their lives there will have sacrificed for virtue or died in vain.

The toppling of Saddam Hussein's status in Firdos Square will have been the dawn of an age of Middle East freedom and stability, or it will have been the cruel joke that ushered in an era of unspeakable terror in the region.

There is no middle ground. Freedom and terrorism cannot co-exist. This struggle between good and evil will be decided by victory or surrender, in security or in shame.

And the terrorists understand the stakes. That is why they swarmed like scorpions into Iraq. They know that their true enemy is not our weapons, but our own will. And thankfully, so does President George W. Bush. That is why he spoke to the Nation last week and announced his request for additional funds to prosecute the war.

The question now before us is whether we realize, as the terrorists do, that the separate stand they are making in Iraq is the last best hope for their evil ideology.

Mr. Speaker, our mission in Iraq is not related to the war on terror. It is the war on terror. The enemy has chosen to make his stand right there. And if victory is our aim, we must not yield until the last terrorist in Iraq is in a cell or in a cemetery. Whether it costs $87 billion or $187 billion, our absolute victory in the war and the peace is worth any price, because without victory, there will be no survival.

□ 1245

If we are to take the war on terror seriously, we must spend what it takes to win. Critics and candidates may measure wars by the dollars that they cost, but the American people will measure this war, as we did in World War II and the Cold War, by the lives it saves, the evil it destroys and the freedom it preserves.

ADMINISTRATION PLAYING FAST AND LOOSE WITH THE FACTS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 7, 2003, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, it is becoming increasingly and disturbingly clear that the Bush administration is not being truthful with the American people. From the economy to the environment to the war in Iraq, too often members of the administration play fast and loose with the facts.

They said their massive tax cuts for the wealthy would produce thousands of new jobs. In fact, we have lost not thousands but millions of jobs.

They pledged that no child would be left behind, when, in fact, their education budget fails to live up to its promises and many children are being left behind.

They say there is no real evidence of global warming when, in fact, the vast majority of the scientific evidence disagrees, and it is absolutely stunning to see how hostile this administration is to our precious environment.

On foreign policy it is even worse. For example, in a television interview over the weekend, Vice President CHENEY rejected suggestions from Democrats, Republicans and people around the world that perhaps a different approach is needed in Iraq. The Vice President insisted that the administration's Iraq policy is a rousing success, but after hundreds of American casualties, billions of American taxpayer dollars, zero weapons of mass destruction and facing a long-term occupation of Iraq, that does not seem like the definition of a rousing success.

Before the war, the administration said it would cost between $50 and $100 billion. Mr. Speaker, we now know that the cost of the war in Iraq is at $166 billion and counting.

According to the Washington Post, the Vice President pointed to Iraq's prewar possession of 500 tons of uranium as evidence of their reconstituted, to use his word, nuclear program. The reality is the material was low-grade uranium that could not be used for weapons without sophisticated processing that Iraq could not do.

Perhaps most disturbingly, the Vice President and other members of this administration continue to cloud the issue regarding the link between Iraq and the terrible tragedy of September 11.

The Vice President on Sunday insisted that the relationship between Iraq and al Qaeda "involved training, for example, on biological and chemical weapons, that al Qaeda sent personnel to Baghdad to get trained on the systems."

According to a report in today's Boston Globe, however, those claims are based on the hearsay of a terrorist, have never been verified, cannot be proven, and are questionable at best, and Mr. Speaker, I would put the full story of the Boston Globe in the RECORD at this point.

[From the Boston Globe]

CHENEY LINK OF IRAQ, 9/11 CHALLENGED

(By Anne E. Kornblut and Bryan Bender, Sept. 16, 2003)

WASHINGTON.—Vice President Dick Cheney, anxious to defend the White House foreign policy amid ongoing violence in Iraq, stunned intelligence analysts and even members of his own administration this week by failing to dismiss a widely discredited claim: that Saddam Hussein might have played a role in the Sept. 11 attacks.

Evidence of a connection, if any exists, has never been made public. Details that Cheney cited to make the case that the Iraqi dictator had ties to Al Qaeda have been dismissed by the CIA as having no basis, according to analysts and officials. Even before the war in Iraq, most Bush officials did not explicitly state and Iraq had a part in the attack on the United States two years ago.

But Cheney left that possibility wide open in a nationally televised interview two days ago, claiming that the administration is learning "more and more" about connections between Al Qaeda and Iraq before the Sept. 11 attacks. The statement surprised some analysts and officials who have reviewed intelligence reports from Iraq.

Democrats sharply attacked him for exaggerating the threat Iraq posed before the war.

"There is no credible evidence that Saddam Hussein had anything to do with 9/11," Senator Bob Graham, a Democrat running for president, said in an interview last night. "There was no such relationship."

A senior foreign policy adviser to Howard Dean, the Democratic front-runner, said it is "totally inappropriate for the vice president to continue making these allegations without bringing forward" any proof.

Cheney and his representatives declined to comment on the vice president's statements. But the comments also surprised some in the intelligence community who are already simmering over the way the administration utilized intelligence reports to strengthen the case for the war last winter.

Vincent Cannistraro, a former CIA counterterrorism specialist, said that Cheney's "willingness to use speculation and conjecture as facts in public presentations is appalling. It's astounding."

In particular, current intelligence officials reiterated yesterday that a reported Prague visit in April 2001 between Sept. 11 hijacker Mohamed Atta and an Iraqi agent had been discounted by the CIA, which sent former agency Director James R. Woolsey to investigate the claim. Woolsey did not find any evidence to confirm the report, officials said, and President Bush did not include it in the case for war in his State of the Union address last January.

But Cheney, on NBC's "Meet the Press," cited the report of the meeting as possible evidence of an Iraq-Al Qaeda link and said it was neither confirmed nor discredited, saying.

"We've never been able to develop any more of that yet, either in terms of confirming it or discrediting it. We just don't know."

Multiple intelligence officials said that the Prague meeting, purported to be between Atta and senior Iraqi intelligence officer Ahmed Khalil Ibrahim Samir al-Ani, was dismissed almost immediately after it was reported by Czech officials in the aftermath of Sept. 11 and has since been discredited further.

The CIA reported to Congress last year that it could not substantiate the claim, while American records indicate Atta was in Virginia Beach, Va., at the time, the officials said yesterday. Indeed, two intelligence officials said yesterday that Ani himself, now in U.S. custody, has also refuted the report. The Czech government has also distanced itself from its original claim.

A senior defense official with access to high-level intelligence reports expressed confusion yesterday over the vice president's decision to reair charges that have been dropped by almost everyone else. "There isn't any new intelligence that would precipitate anything like this," the official said, speaking on condition he not be named.

Nonetheless, 60 percent of Americans believe that Hussein probably had a part in attacking the United States, according to a recent Washington Post poll. And Democratic senators have charged that the White House is fanning the misperception by mentioning Hussein and the Sept. 11 attacks in ways that suggest a link.

Bush administration officials insisted yesterday that they are learning more about various Iraqi connections with Al Qaeda. They said there is evidence suggesting a meeting took place between the head of Iraqi intelligence and Osama bin Laden in Sudan in the mid-1990s; another purported meeting was said to take place in Afghanistan, and during it Iraqi officials offered to provide chemical and biological weapons training, according to officials who have read transcripts of interrogations with Al Qaeda detainees.

But there is no evidence proving the Iraqi regime knew about or took part in the Sept. 11 attacks, the Bush officials said.

Former senator Max Cleland, who is a member of the national commission investigating the attacks, said yesterday that classified documents he has reviewed on the subject weaken, rather than strengthen, administration assertions that Hussein's regime may have been allied with Al Qaeda.

"The vice president trying to justify some connection is ludicrous," he said.

Nonetheless, Cheney, in the "Meet the Press" interview Sunday, insisted that the United States is learning more about the links between Al Qaeda and Hussein.

"We learn more and more that there was a relationship between Iraq and Al Qaeda that stretched back through most of the decade of the '90s," Cheney said, "that it involved training, for example, on [biological and chemical weapons], that Al Qaeda sent personnel to Baghdad to get trained on the systems."

The claims are based on a prewar allegation by a "senior terrorist operative," who said he overheard an Al Qaeda agent speak of a mission to seek biological or chemical weapons training in Iraq, according to Secretary of State Colin Powell's statement to the United Nations in February.

But intelligence specialists told the Globe last August that they have never confirmed that the training took place, or identified where it could have taken place. "The general public just doesn't have any independent way of weighing what is said," Cannistraro, the former CIA counterterrorism specialist, said. "If you repeat it enough times . . . then people become convinced it's the truth."

Before the war, we were told that Iraq possessed stockpiles of chemical and biological weapons. Today, the administration is singing a very different tune. They now talk about Iraq "maintaining the capability to develop" those weapons. Maintaining the capability to develop? Is that what passes for proof in the Bush administration?

There are those who occasionally attempt to give straight answers. Larry Lindsay gave an accurate prediction of how much the war would cost. He got fired. General Shinseki told the truth about how many troops would be needed in Iraq. He has been replaced.

In the Bush administration, it seems loyalty to the party line is more important than candor.

Mr. Speaker, we are talking about important issues here, issues of war and peace, life and death. The American people deserve to know the truth. They deserve straight talk, not some intentionally muddied rationale created for political purposes. They deserve a lot better than they are getting from this administration.

AMERICORPS' OVERENROLLMENT AND QUESTIONABLE ACCOUNTING RECORDS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, just as freedom and liberty are interwoven into the very fabric of our Nation, so too is the American pastime of volunteering. Recently, AmeriCorps' backers have been seeking an additional $100 million in supplemental funding, but I believe we should look carefully at their request.

AmeriCorps was not able to place anywhere from 20,000 to 37,000 employees, volunteers, and this is based upon a statement from them, the Save AmeriCorps Coalition, on September 4, because of its own muddy accounting records and overenrollment. Basically, what they did was overhire 20,000 plus volunteers without authorization.

Of further interest, during the August recess we learned of the distribution of cash bonuses to 265 senior staff at the parent agency, which is the Corporation for National Community Service, CNCS. While the amounts are nominal to their overall budget, what is disturbing is the apparent lack of judgment from CNCS officials. This Congress has been engaged in over a year's worth of hearings and legislation on corporate misbehavior and disproportionate executive compensation in ailing companies. The public expresses outrage over such private sector firm actions and demands that Congress investigate and would probably refer to emergency funding, in the example of such firms as we have been examining, as a bailout. CNCS should be subject to no less scrutiny and adhere to no lower standards.

Some of us question Federal funding of community service in the first place. AmeriCorps pays people to volunteer. Remuneration in exchange for choosing to contribute one's time, energy and/or money would seem to belie the very definition of the word "volunteerism."

This country does indeed have many needs. Thankfully, through the work of volunteers, many of those needs are met and fulfilled every day. Americans share their hearts, weekends, muscles and wallets in a multitude of activities.

To this end, a recent exhortation by the Save AmeriCorps Coalition should be mentioned here. This is what they say, "Our generation is volunteering at unprecedented rates, making vital contributions to communities across the country through AmeriCorps. This opportunity, however, is at risk. Drastic cuts in Federal funding will result in the reduction of critical services for children, the elderly and hundreds of organizations that rely on AmeriCorps volunteers."

If AmeriCorps is suggesting volunteerism might collapse in the United States, one might forgive our skepticism. Reflect that America has relied on the contribution of volunteers for centuries. AmeriCorps has existed for all but a decade, whereas our Nation's charitable sector thrived since before its creation.

After visiting America for the first time, the French social commentator Alexis de Tocqueville said, "I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertions of a great many men, and in getting them voluntarily to pursue it." He wrote this in his book Democracy in America.

Further, analysis published in October 2003 in the Reason magazine article on AmeriCorps quantifies that according to AmeriCorps' and Bureau of Labor Statistics' numbers on volunteers both as members of AmeriCorps and as Americans on their own, "AmeriCorps cuts then represent about four-tenths of 1 percent of total American volunteer hours."

Even those of us who see the benefit in some Federal role in civic service question some of the endeavors in which AmeriCorps volunteers over the years have participated. While some of the activities undertaken by AmeriCorps members may be meritorious, AmeriCorps also has a history of participating in some activities of questionable value.

That these programs may be described as worthy to some, while questionable to others, might be a needless debate at all were not the taxpayers who are being charged in the first place for this volunteer work. For a decade now, members on both sides of our aisle have sought to legislate whether AmeriCorps members could spend time with political activities, campaigns, faith-based initiatives or unions. If the Federal Government were not involved in what should be a personal preference in the first place, we would not have to have these discussions in the first place. Any American, go volunteer where he or she wants, end of message.

Let us celebrate the pure volunteerism that occurs in our communities every day. Let us encourage it to flourish just as it was 200 years ago, selflessly and generously, from the heart.

THE MIDDLE EAST AND THE FAILED PEACE PROCESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. WELDON) is recognized during morning hour debates for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today in this House to address the tragic situation in the Middle East and the failed peace process. It is obvious to all that the continued dispatching of these so-called suicide or homicide bombers into civilian Israeli targets like buses and restaurants is intended to prevent any peaceful resolution of the Palestinian problem.

For any peace process to work, both parties involved must want peace. The Palestinian Authority and Mr. Arafat have demonstrated that they do not want to end and they are unwilling and incapable of preventing this ongoing violence against Israeli civilians.

The repeated call by Mr. Arafat for martyrs by the millions, reiterated by him again last week, should be a stark reminder to us all that we cannot work with him or the beliefs he represents. There can be no real peace when these are the sentiments of this man's heart. Let us not delude ourselves.

Ariel Sharon's primary responsibility, and the primary responsibility of the Israeli government, above and beyond everything else is to maintain the safety and security of its people. While the opinions of European ministers, the U.S. Government and our State Department are important, they are not more important than the lives of women and children.

Now is the time to acknowledge that Oslo has been a terrible failure and the road map is not working. Hundreds of Israelis are dead and buried as a testimony to this fact. Many more are left to face a lifetime of painful disability.

I feel strongly that the Israeli government should be supported in doing whatever it takes to protect its people. If this includes expelling Arafat so be it. If it includes completing the fence, so be it. Whatever is necessary to defend itself and protect its people.

Our State Department was recently quoted as saying that expelling Arafat will not be helpful. I strongly disagree. It may prove to be very helpful. It might end these attacks on Israeli civilians, and what is more, it could be very helpful to the Palestinians themselves.

Since Arafat's return in 1993, the Palestinian economy has shrunk by 70 percent, while at the same time the Israeli economy has doubled. There is widespread corruption and no freedom of speech in the Palestinian-controlled territories. Any Palestinian who openly criticizes Arafat or the Authority's policy is killed. Removing this man and the evil and corrupt regime around him could be the best thing for the peace process.

I know I do not stand alone in these sentiments and that a majority of this House, the Senate and the American people will support Israel in this. Certainly, the American people expect our leaders to do whatever it takes to protect our people.

Witness what is happening today. In response to the attacks of 9/11, we have waged all-out war, first attacking Afghanistan, then Iraq. Did America rise up and say we need to negotiate with bin Laden and develop a peace process? No.

The American people understand that there is no negotiating with blood-thirsty murderers. The only road to peace and safety is the obliteration of al Qaeda and the regimes that aid it. President Bush said: "Every Nation has a choice to make. In this conflict there is no neutral ground. If any government sponsors the outlaws and killers of innocents, they have become outlaws and murderers themselves. And they will take that lonely path at their own peril."

I could not agree with the President more. If this is the standard for America, why should it not be the same for another country? To deny Israel the right to do what it takes to defend itself is to deny Israel the right to exist and to turn our back on an ally and over 50 years of U.S. policy.

We must allow Israel to pursue the same goals for its people that we want for ourselves, the right to live in freedom peace and prosperity. We must stop defending and supporting this brutal, dysfunctional Palestinian Authority and its leader Arafat.

□ 1300

I agree with all those who say we may never end this war on terror until a solution to the Palestinian problem is found. However, negotiating with vicious murderers who seek the destruction of Israel is no solution. It only worsens the problem.

Let us give Ariel Sharon and the Israeli government the freedom to do what is right, to defend and protect their people.

RECESS

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history, we know You were with the Framers of our Constitution. Be with us here and now.

Be present to Your people across this Nation as they gather for community affairs, business and to pray.

The strength of this Nation has always been shown in its spirit. This free society is always at its best when in the face of diversity or adversity, we show tolerance, understanding, and compassion.

Before You, the task of building strong relationships comes from honest communication rooted in the silence of deep convictions. Trust grows with kind words and consistent behavior.

Mindful of our freedom, let us choose to water the seeds of tolerance, understanding and compassion in ourselves and in our children.

Then we will become the people the Founders envisioned and become a sign of hope for the world.

You, Lord, hold us together in the present moment and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CALVERT) come forward and lead the House in the Pledge of Allegiance.

Mr. CALVERT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RICHMOND'S LITTLE CHAMPIONS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, this afternoon I want to take a moment to recognize the members of the 2003 Lamar Little League all-stars from Richmond, Texas, for their sterling performance in the Little League World Series.

First of all, I want to commend Jim Michalek, the team's dedicated manager for his magnificent leadership.

Mr. Michalek and his coaches, Tim Hollek and Tom Staudt, devoted an enormous amount of time and effort to these young men. They made this team their lives for the summer of 2003, and the team's success is a testament to their dedication.

As for the boys themselves, Brian Foster, Randal Alexander Grichuk, Brandon Hollek, Marcus Martinez, Jimmy Michalek, Robert Psenka, Cody Robinson, Brady Rogers, Eli Sepulveda, Chris Smith, Garrett Austin Staudt, and Wayne Willis, they did Richmond and Fort Bend County proud this year and gave us a series to remember.

After that heroic battle with the kids from Saugus, Massachusetts, it will be a long while before the rest of the Nation forgets what the Richmond all-stars are made of.

I am honored to represent these young men and their families. Their determination and dedication is an inspiration, an example to Texans of all ages.

Over the course of this spring and summer, the Richmond all-stars have refined their characters along with their batting swings. They have learned the virtues of teamwork, virtues that will make them better boys, and one day, better men.

Competing in team sports teaches children the virtues of honesty, perseverance, loyalty, and courage; and doing so in the name of their hometown instills in them a sense of civic pride as well.

More than that, they have helped instill that very pride in all of us, their fans, who watched and cheered their amazing march to Williamsport.

No matter what the scoreboard said at the end of the game, the Richmond, Texas, Little Leaguers of 2003 will always be our champions.

THE NATIONAL DEBT

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, it has been 859 days since President Bush and the Republican Party embarked on their economic plan of our country. During that time the national debt has increased by $1,169,750,943,211.93. According to the Web site for the Bureau of Public Debt at the U.S. Treasury yesterday at 4:30 p.m. eastern daylight time the national outstanding debt was $6,810,076,329,570.70.

Furthermore, in fiscal year 2003, interest on our national debt, or the "debt tax" is $304,978,878,641.11 through August 31.

VOTE ON JUDGE WILLIAM PRYOR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, our judicial system is under attack. The weapon of choice? The filibuster.

As cases back up in the Federal courts, some politicians are using the filibuster to prevent a vote on several highly-qualified, well-respected judicial nominees, and one of these nominees is William Pryor, highly-principled and well-qualified nominee for the Federal bench. Opponents to his nomination say that his personal views will prevent him from being an effective judge, but experience proves otherwise.

His conduct during the Alabama Ten Commandments case has proven that his professionalism enables him to carry out and enforce current constitutional jurisprudence. In fact, it is his opponents who are allowing their personal views to stand in the way of carrying out the constitutional duty of filling Federal judicial vacancies.

It is that intolerance of anyone who disagrees with their political views that has brought our judicial system to a halt, and that is not right.

WORLD TRADE ORGANIZATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, two days ago developing nations walked out of the World Trade Organization meeting, exposing irreconcilable differences between poorer developing countries and the U.S., the European Union, and Japan. Rather than dealing with the still broken promises of the past, U.S. negotiators wanted to press forward on a privatization agenda, restricting governments' ability to act in the public interest and giving more rights to multinational corporations at the expense of workers all over the world, in this country and abroad and at the expense of the environment.

The world obviously now knows with what U.S. citizens already know. The Republican trade policy does not work, that President Bush's desire to expand NAFTA to the rest of the world is antiworker, antienvironment, and hemorrhages jobs. That is why 10 percent of manufacturing jobs in this country have disappeared since President Bush took office because of these trade policy.

The U.S. cannot continue pushing this antidevelopment, antiworker, antienvironment agenda on the rest of the globe. The failure of the talks in Cancun is a victory for the people of the world, a reality the Bush administration cannot ignore. The Bush NAFTA trade model is broken. We should fix it.

SUPPORT THE MUSEUM AND LIBRARY SERVICES ACT OF 2003

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to express my support for America's museums and libraries. Libraries are the fundamental part of our society. In Georgia, 26.5 million patrons visited public libraries in 2002. They visited these libraries to check out materials, to use public access computers, access word processors, or the Internet, perhaps to attend free and fun learning activities with their families.

Later today, we are going to consider the Museum and Library Services Act. This bill will maintain the Congress's support for museums and libraries across our country. Georgia's public libraries need this legislation and the funding to continue to provide the best possible library services to meet the needs of local communities and to continue working toward a more educated Georgia.

I urge my colleagues to support the Museum and Library Services Act later today.

THE HEMORRHAGE OF MANUFACTURING JOBS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the President appeared in Michigan yesterday but failed to address the hemorrhage of jobs that continues to plague Michigan and Ohio and indeed our entire country, good jobs in the manufacturing sector, which is where our economy has made the most productivity gains; Ohio losing over 180,000 jobs and Michigan 182,000 jobs, manufacturing jobs since he took office.

Our part of the country is really hurting, and all the President can propose is an assistant secretary in the Department of Commerce. What we need, Mr. Speaker, is a trade policy that puts people first, not the profits of multinational corporations first. We need to turn the U.S. Trade Representative's office upside down and clean it out and start striking trade agreements that create jobs and income in America again and do not create enemies for America abroad. NAFTA is not working. China PNTR is not working. And now the Bush administration wants to expand NAFTA to Central America and the rest of the hemisphere calling it CAFTA and FTAA.

Mr. Speaker, we need to export products, not jobs, and we need a trade policy that works for working Americans. I wish President Bush had talked about that in Monroe, Michigan yesterday.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2658, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

There was no objection.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2559, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. KNOLLENBERG, WALSH, ADERHOLT, Mrs. GRANGER, and Messrs. GOODE, VITTER, KINGSTON, CRENSHAW, YOUNG of Florida, EDWARDS, FARR, BOYD, BISHOP of Georgia, DICKS, and OBEY.

There was no objection.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Record votes or postponed questions will be taken after 6:30 p.m. today.

FREEMONT-MADISON CONVEYANCE ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 520) to authorize the Secretary of the Interior to convey certain facilities to the Freemont-Madison Irrigation District in the State of Idaho.

The Clerk read as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fremont-Madison Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FACILITIES.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the Fremont-Madison Irrigation District, Idaho, pursuant to the terms of the memorandum of agreement (MOA) between the District and the Secretary (Contract No. 1425-01-MA-10-3310), all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 8.

(b) REPORT.—If the Secretary has not completed any conveyance required under this Act by September 13, 2004, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 4. COSTS.

(a) IN GENERAL.—The Secretary shall require, as a condition of the conveyance under section 3, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as described in Contract No. 1425-01-MA-10-3310.

(b) VALUE OF FACILITIES TO BE TRANSFERRED.—In addition to subsection (a) the Secretary shall also require, as a condition of the conveyance under section 2, that the District pay to the United States the lesser of the net present value of the remaining obligations owed by the District to the United States with respect to the facilities conveyed, or $280,000. Amounts received by the United States under this subsection shall be deposited into the Reclamation Fund.

SEC. 5. TETON EXCHANGE WELLS.

(a) CONTRACTS AND PERMIT.—In conveying the Teton Exchange Wells pursuant to section 3, the Secretary shall also convey to the District—

(1) Idaho Department of Water Resources permit number 22-7022, including drilled wells under the permit, as described in Contract No. 1425-01-MA-10-3310; and

(2) all equipment appurtenant to such wells.

(b) EXTENSION OF WATER SERVICE CONTRACT.—The water service contract between the Secretary and the District (Contract No. 7-07-10-W0179, dated September 16, 1977) is hereby extended and shall continue in full force and effect until all conditions described in this Act are fulfilled.

SEC. 6. ENVIRONMENTAL REVIEW.

Prior to conveyance the Secretary shall complete all environmental reviews and analyses as set forth in the Memorandum of Agreement referenced in section 3(a).

SEC. 7. LIABILITY.

Effective on the date of the conveyance the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code.

SEC. 8. WATER SUPPLY TO DISTRICT LANDS.

The acreage within the District eligible to receive water from the Minidoka Project and the Teton Basin Projects is increased to reflect the number of acres within the District as of the date of enactment of this Act, including lands annexed into the District prior to enactment of this Act as contemplated by the Teton Basin Project. The increase in acreage does not alter deliveries authorized under the District's existing water storage contracts and as allowed by State water law.

SEC. 9. DROUGHT MANAGEMENT PLANNING.

Within 60 days of enactment of this Act, in collaboration with stakeholders in the Henry's Fork watershed, the Secretary shall initiate a drought management planning process to address all water uses, including irrigation and the wild trout fishery, in the Henry's Fork watershed. Within 18 months of enactment of this Act, the Secretary shall submit a report to Congress, which shall include a final drought management plan.

SEC. 10. EFFECT.

(a) IN GENERAL.—Except as provided in this Act, nothing in this Act affects—

(1) the rights of any person; or

(2) any right in existence on the date of enactment of this Act of the Shoshone-Bannock Tribes of the Fort Hall Reservation to water based on a treaty, compact, executive order, agreement, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or law.

(b) CONVEYANCES.—Any conveyance under this Act shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 520, authored by Senator CRAPO of Idaho, authorizes the Secretary of the Interior to convey the title of specific Bureau of Reclamation facilities to the Freemont-Madison Irrigation District. The district has operated and maintained these facilities and will have paid all construction costs to the Federal Government prior to conveyance.

As part of this legislation, transfer proponents and several other water interests worked together on drought management provisions to address the needs of all water users in the watershed. This will protect and enhance the Henry's Fork fishery while continuing to provide water to the area's irrigators and other users.

The measure also would require compliance with the National Environmental Policy Act and is consistent with the Bureau of Reclamation policy to transfer title to water districts that have operated and maintained their facilities and paid out their construction costs.

Mr. Speaker, I urge my colleagues to support this consensus-based bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Subcommittee on Water and Power for his extreme help on these three measures.

Mr. Speaker, Senate 520, the Freemont-Madison Conveyance Act, would direct the Secretary of the Interior to convey to the Freemont-Madison Irrigation District all rights, title, and interest to specific Bureau of Reclamation facilities in Idaho. Prior to the title transfer, there will be an environmental review conducted pursuant to the National Environmental Policy Act.

The gentleman from California, my esteemed colleague, has explained the legislation. We support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 520.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998 AMENDMENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2040) to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The Clerk read as follows:

H.R. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN IRRIGATION PROJECT CONTRACTS.

Section 2 of the Irrigation Project Contract Extension Act of 1998 (112 Stat. 2816, 114 Stat. 1441, 1441A-70) is amended—

(1) in subsection (a), by striking "December 31, 2003" and inserting "December 31, 2005"; and

(2) in subsection (b)—

(A) in the first sentence, by striking "beyond December 31, 2003" and inserting "beyond December 31, 2005"; and

(B) in the second sentence, by striking "prior to December 31, 2003" and inserting "before December 31, 2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2040, introduced by the gentleman from Nebraska (Mr. OSBORNE), extends specific water contracts between the Bureau of Reclamation and water contractors in Nebraska and Wyoming. This legislation responds to continuing work on a multiparty agreement aimed at restoring habitat for endangered species on the Platte River.

While these good-faith efforts take place, the irrigators have asked for repayment certainty until a clear regulatory water-use road map is put in place. This is a good bill, and I urge my colleagues to support this consensus-based bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2040 would extend for 2 years the term of 10 water contracts between the Bureau of Reclamation and several irrigation districts in Nebraska and Wyoming. This is the third time Congress has been asked to extend these contracts. This bill would enable the Department of the Interior to complete an environmental impact statement containing information relevant to the renewal of the water contracts. This EIS is expected to recommend an alternative that will allow the irrigation districts to receive water and satisfy the consultation and recovery requirements under the Endangered Species Act.

We support the bill and recommend its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), the author of this bill, to explain this legislation.

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 2040. As has been mentioned, this extends irrigation contracts between the Bureau of Reclamation and the irrigation contractors in Nebraska and Wyoming.

A proposed cooperative agreement between Nebraska, Colorado, and Wyoming was established in 1997. Parenthetically, I might just mention that this agreement was to provide additional water in a 50-mile stretch of Platte River in Central Nebraska. This water is to provide habitat for the whooping crane, the least tern, the piping plover and the pallid sturgeon, all of which are either endangered or threatened, according to the Endangered Species Act.

However, less than 2 percent of the whooping crane population ever visits the Platte River during their migration. As a matter of fact, many years the whooping crane is not seen at all on the Platte River. The least tern and the piping plover do not seem to nest in this area of the river, and the pallet sturgeon is located 150 miles away in the Missouri River. Therefore, there is considerable confusion as to whether this is really critical habitat.

Therefore, the cooperative agreement, which has been formed to preserve water for critical habitat, is under study. We currently have a National Academy of Sciences study, which you have graciously encouraged and we appreciate that. Until this study is completed, the cooperative agreement really cannot move forward.

Therefore, we are requesting this 2-year extension. Because of the delays in finalizing the cooperative agreement, it is necessary to extend existing irrigation contracts until such time as the cooperative agreement is finalized. So I urge passage of 2040.

Mr. Speaker, I would like to thank the chairman and ranking member for their support and urge passage.

Mr. CALVERT. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2040.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992 AMENDMENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The Clerk read as follows:

H.R. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN FEDERAL SHARE OF SAN GABRIEL BASIN DEMONSTRATION PROJECT.

Section 1631(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–13) is amended—

(1) by striking "In the case" and inserting "(A) Subject to subparagraph (B), in the case"; and

(2) by adding at the end the following:

"(B) In the case of the San Gabriel Basin demonstration project authorized by section 1614, the Federal share of the cost of such project may not exceed the sum determined by adding—

"(i) the amount that applies to that project under subparagraph (A); and

"(ii) $12,500,000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1284, introduced by my colleague and friend, the gentlewoman from California (Mrs. NAPOLITANO), increases the authorized Federal cost ceilings for the San Gabriel Basin demonstration project by $12.5 million. Local project sponsors have expressed a desire to expand the demonstration program, which treats contaminated groundwater and then delivers the effluent to nearby localities to justify the Federal cost ceiling increase.

This bill will help lessen Southern California's dependence on foreign water and project groundwater quality. It is a good bill; I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again thank my colleague and friend, the chairman of the subcommittee, the gentleman from California (Chairman CALVERT), on this issue, because this is an important issue for the Southern California area.

I rise today in support of my legislation, H.R. 1284, to increase the spending cap imposed on the San Gabriel Basin demonstration project. I want to thank my colleagues on the other side, the gentleman from California (Chairman DREIER), the gentleman from California (Chairman CALVERT), and the gentleman from California (Chairman POMBO), for their continued assistance to me and other Members who are also working to ensure a clean and reliable water supply for their communities.

May I also thank the gentlewoman from California (Ms. SOLIS), who could not be here to speak to her support on this issue, as two of her cities we are proposing are in her district.

H.R. 1284, if enacted, would simply allow the cities of Industry, El Monte and South El Monte, located and adjacent to my district in Southeast Los Angeles County, to have the ability to request an additional $12.5 million in funding for assistance from the U.S.

Bureau of Reclamation for cleanup of volatile organic compounds, otherwise known as DOCs, once they are able to secure their 75 percent matching funds.

Earlier this year, the Subcommittee on Water and Power held a hearing on the bill, and witnesses representing the local municipalities and water agencies from the San Gabriel Valley, home to approximately 1.7 million residents, clearly established that there is a clear and compelling need to extend the funding for this very successful program.

This is part of the San Gabriel Basin, home to one of the country's largest Superfund sites, spanning 170 square miles. It has been contaminated by a number of substances over the past 5 decades as a result of manufacturing and agriculture activities and other components that we are now finding, such as perchloric, affecting our drinking water supply.

Unfortunately, the funding level for this critical basin program was capped at $38 million in 1996, before these three communities were able to establish their case to Congress. This is all part and parcel of that Superfund site cleanup.

A majority of the unfunded projects to date are in the southern part of the basin, and that includes these three cities of Industry, El Monte, and South El Monte. These projects are conjunctive-use projects and could be funded under the existing Bureau of Reclamation's demonstration project only if the 1996 budget cap is raised.

Mr. Speaker, the gentleman from California (Chairman POMBO), the gentleman from California (Chairman CALVERT), and every California delegation member who serves on the House Committee on Resources understands the need for California to live up to our agreement with the other Colorado River Basin States and ultimately take no more than 4.4 million acre feet of water from the Colorado River per year.

Continuing effective aquifer cleanup activities, which H.R. 1284 allows, combined with water conservation, recycling, desalination, above and underground storage, will allow the State of California to meet the commitment to the 4.4 plan by the year 2016.

I would also like to express my most sincere appreciation to the ranking member, the gentleman from West Virginia (Mr. RAHALL), and the former ranking member of the Committee on Resources, the gentleman from California (Mr. GEORGE MILLER), for their continued support for the Bureau's title 16 water reclamation and recycling projects.

I certainly urge my colleagues to pass this issue. It is an important issue for all of California and the rest of the Nation.

Ms. SOLIS. Mr. Speaker, I rise in support of H.R. 1284, which amends the San Gabriel Reclamation Projects Authorization and Adjustment Act of 1992. This bill will increase the Federal cost share for the San Gabriel Basin groundwater cleanup project.

During the project's onset in 1992, the Federal Government was authorized to pay 2.5 percent of the cost of projects to cleanup local water supplies. In 1996 the funding level for the program was capped at $38 million, funding only a portion of the projects that had been designed. As a result of the cap, projects in the southern portion of the basin were not funded, including the El Monte Operable Unit and the South El Monte Operable Unit in my district. Since the cap was put in place, the Southern Operable Units have been working with EPA to develop groundwater cleanup plans. Now, we need money to make the cleanup happen.

Cleanup literally means the difference between healthy and unhealthy families. This area is contaminated with perchlorate, trichloroethene and other chlorinated solvents known as "volatile organic compounds" or VOCs. Each of these contaminants can cause serious health complications. Perchlorate increases chances of cancer and can induce thyroid problems. Trichloroethene has been shown to make people more susceptible to lung and liver tumors. VOCs are harmful to the central nervous system, the kidneys and the liver and can cause a higher risk of cancer, especially leukemia.

The pollution that these communities have sustained has not only impacted their health and environment, but also their economy. Unemployment in the area is as high as 10 percent in some areas. According to the U.S. Census, 26 percent of the residents live in poverty. It has been difficult to attract businesses and jobs to the area. One of the factors preventing those businesses and jobs from coming to the area is the pollution.

When the cap was put in place, these areas lost the chance to access Federal funds to clean up their environment, protect their health and help their economy. Now we have the opportunity to make a difference in this region by helping them accomplish these much-needed goals. I urge adoption of this legislation and yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I rise today in strong support of H.R. 1284, a bill that amends the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the cost of the San Gabriel Basin demonstration project.

The San Gabriel Basin Demonstration Project was originally authorized in 1992 under the U.S. Bureau of Reclamation's Title XVI program. This initiated the Federal-local partnership for this project, which is an integral component in cleaning up the San Gabriel Valley's drinking water supply.

The San Gabriel Demonstration Project is unique among the projects authorized by Title XVI in that it does not focus on water reclamation or reuse. Rather, the project will remove harmful contaminants, including volatile organic compounds, for the San Gabriel Valley Superfund site in order to provide the Valley with a safe supply of drinking water. The project further involves monitoring of water wells, construction of treatment facilities, and development of systems to convey, pump, and store water.

H.R. 1284, championed by my good friend, neighbor, and colleague, Congresswoman GRACE NAPOLITANO, recognizes the critical funding needs for this project's sustainability and success. By increasing the ceiling of this authorization by $12.5 million, the Federal Government's commitment to safe drinking water supply in our region will continue.

I commend Chairman KEN CALVERT and his Subcommittee on Water and Power for moving this bill through the committee process, and urge my colleagues to vote for this measure.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 1284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 520, H.R. 2040 and H.R. 1284.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1430

CELEBRATING THE LIFE AND ACHIEVEMENTS OF LAWRENCE EUGENE "LARRY" DOBY

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 235) celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

The Clerk read as follows:

H. CON. RES. 235

Whereas on December 12, 1923, Larry Doby was born in Camden, South Carolina and moved to Paterson, New Jersey in 1938, where he became a standout 4 sport athlete at Paterson Eastside High School;

Whereas Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy;

Whereas in 1943, Larry Doby was the first African American to play professional basketball for the Paterson Panthers, a member of the American Basketball League;

Whereas after playing baseball in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by Bill Veeck of Major League Baseball's Cleveland Indians, a member of the American League, on July 3, 1947;

Whereas on July 5, 1947, Larry Doby became the first African American to play professional baseball in the American League;

Whereas Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in;

Whereas in 1948, Larry Doby was the first African American to win a World Series and the first African American to hit a home run in the World Series;

Whereas Larry Doby was voted to play in 7 All Star games and led the American League in home runs for two seasons;

Whereas in 1978, Larry Doby became the manager of the Chicago White Sox, only the second African American manager of a Major League team;

Whereas Larry Doby was the Director of Community Relations for the National Basketball Association's New Jersey Nets, where he was deeply involved in a number of inner-city youth programs;

Whereas Larry Doby resided, was active in the community, and raised his family in Montclair, New Jersey;

Whereas Larry Doby received honorary doctorate degrees from Princeton University, Long Island University and Fairfield University; and

Whereas Larry Doby was elected to the National Baseball Hall of Fame in 1998: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representative—

(1) expresses profound sorrow on the death of Lawrence Eugene "Larry" Doby, and extends condolences to his family;

(2) expresses its deep appreciation to Larry Doby and his family for the impact that he made in pioneering civil rights by breaking down racial barriers in baseball and in America; and

(3) commends Larry Doby as a courageous leader, a role model, and a paradigm of the American Dream.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 235.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 235, introduced by my distinguished colleague, the gentleman from New Jersey (Mr. PASCRELL), celebrates the life and achievements of Lawrence Eugene "Larry" Doby.

Mr. Speaker, I am proud that the House is considering this legislation that honors an American hero we just do not know as much as we should about. We all know the story of Jackie Robinson, who courageously abolished the color barrier in major league baseball by first playing for the Brooklyn Dodgers in 1947. What many may not have learned is that 3 months later, in July of 1947, Larry Doby became the first black player in the American League when he suited up for the Cleveland Indians.

As the first black player in American League history, the pressures and prejudices Doby experienced were heartbreaking. His Hall of Fame Indians teammate, Bob Feller, described Doby as a sensitive man and added, the way many fans and other players treated him was very tough. Doby spoke with Jackie Robinson frequently during his early major league playing days. He recounted to the L.A. Times in 1974 that by talking about the issues he and Robinson faced, that "Maybe we kept each other from giving up." Since Doby was a gentleman, he once said, "I couldn't react to prejudicial situations from a physical standpoint. My reaction was to hit the ball as far as I could." And he did that, channeling that energy to greatness.

Indeed, not only did Doby bravely change minds with his mere presence on the field, he also turned heads with his outstanding play. He won a World Series title with the Cleveland Indians in his first full year in 1948. During the season, he hit an average 301 with 16 home runs, and he led the club with a .318 average during the 1948 World Series. He finished his historic career with 253 home runs and 970 runs batted in. In 1998, Larry Doby was deservedly inducted into the baseball Hall of Fame.

Mr. Speaker, America sadly lost Larry Doby in June at the age of 79. On behalf of this entire House, I offer my sincere condolences of all Members to the friends and the family of Larry Doby.

America has long had a deep obsession with sports, and there is little doubt that the common goals of athletics have had a profound impact on race relations in this country.

In 1947, Larry Doby inducted himself to the all-white baseball world as a courageous man with an awe-inspiring lefthanded swing. His bravery unquestionably opened the door of opportunity to many players from so many backgrounds, all the way to this present day. But beyond the baseball field, Larry Doby helped to prove that a person's skin color has nothing to do with his or her abilities at a time when America needed to learn that lesson.

For all these reasons, Mr. Speaker, I hope this resolution is seen as a fitting tribute to a man that all of us still owe a debt of gratitude. I urge all Members to support the adoption of House Concurrent Resolution 235, and I congratulate the gentleman from New Jersey for his work on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentlewoman from Tennessee in consideration of H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

Mr. Speaker, Larry Doby, who broke the color barrier in the American League in 1947, 3 months after Jackie Robinson became the first black in modern major league baseball, died on Wednesday, June 18 in Montclair, New Jersey. He was 79 years old.

Born on December 13, 1923 in Camden, South Carolina, Larry Doby was also the first player to jump straight from the Negro leagues to the majors. He was signed by the Cleveland Indians owner Bill Veeck. He later integrated Japanese baseball in 1962 and went on to become the sport's second black manager and one of its first black executives.

However, it was in his role as the second black player in baseball that Larry Doby had his most significant impact on professional athletics. Larry Doby was an all-State athlete in football, basketball, and baseball in high school. He then continued his athletic career at Long Island University. When Bill Veeck, who was determined to integrate his team, sought to sign a black player, Larry Doby was his obvious choice. He had led the Negro National League with a batting average of .458 and 13 home runs.

Like Jackie Robinson, Doby faced extraordinary pressures that first season, including open hostility from teammates and opposing players. Larry Doby and Jackie Robinson formed a close relationship through their lifetimes. Doby's debut opened the way for three more blacks to enter the majors within a month, and made it clear that baseball was on a permanent course toward integration. His presence as a player for the Indians also contributed to the more general cause of civil rights for blacks when Washington's exclusive Hotel Statler, formerly whites-only, permitted Larry Doby to room with his team.

In 1948, he batted an impressive .301 with 14 home runs and 65 runs batted in. He led the Indians to a victory over the Boston Braves in the World Series, becoming the first black to play on a World Series championship team. He later led the American League in home runs in 1952 and again in 1954. When he retired after 13 seasons with the Indians, White Sox, and Detroit Tigers, he had a formidable career batting average of .285 and 253 lifetime home runs. For his achievements, he was elected to baseball's Hall of Fame in 1998.

Doby became the Indian's manager in 1978 and later became a special assistant to Dr. Gene Budig, the President of the American League. Throughout the 1960s and 1970s, when blacks were welcome on the baseball field and in the stands but not in the front office, Larry Doby continued to push for expanded opportunities for people of color.

Lawrence Eugene Doby was a great American and his life and achievements make him worthy of this recognition today. I would like to commend the sponsor of this resolution, the gentleman from New Jersey (Mr. PASCRELL), and I urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, at this point I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to thank the gentleman from Illinois. I want to thank also the gentlewoman from Tennessee. Both of my colleagues I think struck appropriate words about a great American, a great American.

This resolution, this concurrent resolution honors the life and achievements of Lawrence Eugene "Larry" Doby. He left this Earth just a few months ago. His wife died a few years ago. They were inseparable individuals. I know one can read about the history of Larry Doby and one can hear about it and see it in film, but there is something that is spoken today that one will not find in those documentations.

Mr. Speaker, in our commercial world of endorsements, free agents, $6.50 a beer at a ball game, and Astroturf, I want to pause today to praise the great stature of a man who played baseball when baseball was baseball. He was more than a civil rights leader. He was more than a Hall of Fame baseball player. He was a Hall of Fame human being. To him, to Larry Doby, community was critical. No man was living on an island.

I am so proud to be a resident, a lifelong resident of Paterson, New Jersey, and I always say one "T", because that is where Larry made his fame, at East Side High School. He was a star in four sports, and he achieved. He attended Long Island University, went into the Navy, served this country, served this country, and came out and played minor league baseball for a while on teams where you had to be all one color.

So he made the movement and was asked to come aboard the Cleveland Indians, just after Jackie Robinson, 3 months prior, became a part of the Brooklyn Dodgers. And many fans never saw him play because obviously there was not inter-league play at that particular time. And we know what happened with Jackie Robinson when he went to the Brooklyn Dodgers: They even changed the camp where they trained, got it away from people so there would be no problems. And we know that Larry Doby, when he came into the American League, some of his own teammates isolated him, ignored him.

He was grateful to the owner of the Cleveland Indians, Bill Veeck. Mr. Speaker, there always has to be somebody who is willing to make the change. There always has to be somebody that runs point and who is willing to say, this is the right thing. This is the thing we need to do. We should have done it a long time ago. It should not have had to be done. This should be a natural process of growing up in the greatest of all democracies.

□ 1445

It was not. So this young man who came out of Camden, South Carolina, came to Paterson with his family when he was 15 years of age, found himself at the center of a tremendous amount of attention, and he deserved it. But to the end he remained modest, and he was a gracious, true gentleman, unlike some of the bravado that we hear in sports today when we hold up Nike sneakers. This is a man of a different age but a man for all ages. Beyond the record that he broke, beyond the sports world, Larry Doby was a good person, beautiful family, a great career. Responsive to the community he lived in, Paterson and then Montclair, New Jersey, where he passed. And Helen who passed 2 years ago, every time you saw Larry Doby you saw everyone. Every time you saw Helen, you saw Larry Doby. Our thoughts are with Larry's surviving children, Larry, Jr., Leslie Feggan, Kimberly Martin, Susan Robinson, and Christina Fearington. And I had the privilege, as many of us did back in 1998 on this floor to have a post office, the main post office in our county, named after Larry Doby.

Just a few months before he passed from this Earth we all stood at Eastside Park and commemorated, and it was like a 15-year old young man who had just come to Paterson, we commemorated a baseball field with the stands and everything, Larry Doby Field. And Larry insisted that we would lock the field when it was not being used because he wanted it to remain a baseball field, and it has. People go there with respect. A great statue, a great statue right in front of this great ballpark.

I want to thank the Speaker. I want to thank the ranking member. I want to thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate so much the remarks that have been made about Larry Doby and his career. We recognize the importance of Larry Doby. As the gentleman from New Jersey (Mr. PASCRELL) was saying, Jackie Robinson and Shoeless Joe Jackson, and we talk about the importance of having heroes, and these were men who were heroes, and how important that we honor Larry Doby. So I commend my colleague from New Jersey (Mr. PASCRELL) for introducing the resolution.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN), where Larry Doby played much of his ball.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Tennessee (Mrs. BLACKBURN), and I thank particularly the gentleman from New Jersey (Mr. PASCRELL) for his sponsorship on this piece of legislation.

I stand also to honor Larry Doby. I saw Larry Doby after his career in Cleveland for the White Sox had finished. My dad took me as a 6-year-old kid to see Larry Doby, and I saw him play then and met him later for a moment when he threw out the first pitch of the House baseball game.

Larry Doby in some sense was as courageous or even more courageous than Jackie Robinson. I asked a group of people as I was walking through an office earlier today what they knew about Larry Doby. These people were in their twenties and thirties. They knew almost nothing of him. Several people had heard of him. They knew he was a baseball player. They knew very little else.

Larry Doby was the second African American player to play major league baseball, the first in the American League. As I said, in some sense he was as courageous, maybe even more courageous than Jackie Robinson. In his words, and he said with certainly no bitterness but just as an observation, Larry Doby said. The only difference between us, Jackie Robinson and himself, was that Jackie Robinson got all the publicity. You did not hear much about what I was going through because the media did not want to repeat the same story, the same story they had written not long before.

He said, "I could not react to prejudicial situations from a physical standpoint. My reaction was to hit the ball as far as I could."

He had the same kinds of anger and bitterness and racist catcalls and violent behavior all aimed at him as Jackie Robinson did, and he was every bit the hero that Jackie Robinson was.

As the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Illinois (Mr. DAVIS) pointed out, he also changed not just baseball history, but he helped as a pioneer in pulling this country together, a pioneer in beginning to start to erase the racial prejudice in this country. He did it in a variety of ways. He did it as a baseball player in the way he played. He also did it with the strength in which he played. He also did it as a manager, and also in his professional and personal life back in Paterson. But he also did it in a way that is interesting.

In the spring of 1947, Bill Veeck, the Indians' general manger, understanding that Larry Doby was going to be playing, moved spring training camp to Arizona, away from the South, understanding that it would make things a little bit more even tempered, if you will, for Larry Doby to deal with.

So then the Brooklyn Dodgers moved their training camp from Florida to Havana, Cuba, again to deal with some of those problems, and the New York Giants moved their training camp from Florida to Arizona, and that is the advent of spring training being held in different areas around the country.

He was a pioneer. He changed not just the baseball world, he changed society. All of us should be proud of what Larry Doby did.

In my City of Cleveland where he played his best, most important baseball, he played in two World Series, made a difference in the last time the Indians won the World Series in 1949, but more importantly, what he did later with his life in Paterson, New Jersey, throughout the baseball world, and what he contributed to this country.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to thank everybody who participated in this debate. Larry Doby was indeed a great athlete but an even greater American.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to honor Larry Doby, the first African American to play professional baseball in the American League. It is important that Congress acknowledge and appreciate the accomplishments of someone who has broken the color barrier and added diversity to an otherwise segregated sport.

Larry Doby was an extraordinary individual and a sports legend that broke through barriers by becoming the second African American to play professional baseball, but the first in the American League.

We are all well aware of Jackie Robinson, the first African American to play professional baseball. He is a hero that we teach our children about. His efforts for integration and the struggle for racial equality provide lessons that we strive never to forget. Similarly, Larry Doby endured a struggle that was no less heroic or difficult. He too should remain in our memory and his story told to our children.

Born in Camden, S.C., Larry Doby lost his father when he was just 8 years old. His family moved to Paterson, New Jersey, when he was in his teens. Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy.

In 1947, Larry Doby began his illustrious career with the Cleveland Indians. Teammates recalled Mr. Doby as a man of quiet dignity who never said an unkind word, even about those hostile to his joining the Indians.

Larry Doby played in the American League for 13 years. He appeared in 1,533 games and batting .283, with 253 home runs and 969 runs batted in. He was the first African American to win a World Series and the first African American to hit a home run in the World Series. In 1998, Larry Doby was elected to the National Baseball Hall of Fame.

Apart from baseball, Larry Doby showed his integrity by being deeply committed to his community. He deserves recognition not only for his contribution to America's pastime, but also for his courageous leadership and the inspiration he gave to millions of Americans as he fought racism and served as an example of the American Dream.

In expression of his commitment, Larry served as the Director of Community Relations for the NBA's New Jersey Nets. The position gave Mr. Doby the opportunity to use his character and stature to influence youth in many of New Jersey's inner cities.

Sadly, Larry Doby died on June 18, 2003 in Montclair, N.J. Let us come together and express profound sorrow over the death of Larry Doby. On behalf of the 18th congressional district of Texas, I extend my condolences to his family and express my deep appreciation for the impact Larry Doby made in the fight for racial equality. For that reason, Mr. Speaker, I support H. Con. Res. 235 to celebrate the life and achievements of Larry Doby.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 18, 1963

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) remembering and honoring the march on Washington of August 28, 1963.

The Clerk read as follows:

H. RES. 352

Whereas the first call for a march on Washington was initiated in 1941 by A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, in response to the blatant discrimination that had become a constant hardship in the lives of African-American workers;

Whereas in the spring and summer of 1963, more than 20,000 United States citizens were arrested and detained while nonviolently protesting the racial injustice that was widespread throughout the southern United States at that time;

Whereas Randolph told President Kennedy that the African-American population was going to march peacefully on Washington to demand their full and equal constitutional rights in the face of severe civil rights violations and harsh economic inequality;

Whereas in June of 1963 the "Big Six" civil rights leaders—Martin Luther King, Jr., James Farmer, John Lewis, Whitney Young, Roy Wilkins, and A. Philip Randolph—convened to plan a mass protest that would begin at the Washington Monument and end in front of the Lincoln Memorial;

Whereas the march was initially termed the "March on Washington for Jobs and Freedom", and aimed to advance support for a new Federal jobs program and a higher minimum wage;

Whereas the Big Six expanded the focus of the march to include civil rights injustices due to the disturbing events that had occurred in the months prior to the march, such as police dogs attacking peaceful demonstrators in Birmingham, the assassination of Medgar Evers in Jackson, and the lack of congressional support for President Kennedy's civil rights bill;

Whereas Government officials were concerned about the outbreak of violence, but many civil rights organizations held orientation meetings before the march that taught and stressed the intrinsic non-violent principles of the movement;

Whereas on August 28, 1963, people from throughout the country arrived in Washington by plane, bus, train, and foot to express the urgent need for forceful and immediate action on the issue of civil rights;

Whereas demonstrators pledged their commitment and continued participation in the struggle for civil rights;

Whereas March leaders met with President Kennedy and Members of Congress to discuss the importance and consequential impact of the pending civil rights bill that aimed to end discrimination of African-Americans in the work place, voting booth, educational facilities, and all other public domains;

Whereas the demonstrators peacefully marched through the streets of the capital and, at the Lincoln Memorial, heard empowering and inspiring words from the Big Six leaders, as well as Walter Reuther, Rev. Eugene Blake Carson, Rabbi Joachim Prinz, Matthem Ahmann, and Floyd McKissick;

Whereas police officers had their days of leave cancelled, suburban forces were given special control training, and 15,000 paratroopers were put on alert, but no Marchers were arrested or jailed and the march dispersed without incident;

Whereas the March was one of the first events to be televised worldwide, and thus brought international attention to the social and economic plight of African-Americans;

Whereas 15 Senators and 60 Representatives attended the rally at the Lincoln Memorial and witnessed the commitment of the demonstrators to the struggle for domestic and universal human rights;

Whereas the March sparked the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the public display of humanity exhibited by the March educated the public and helped to correct some of their misconceptions, and demonstrated the possibility that an entire country could be changed through non-violent protest; and

Whereas the 1963 March on Washington was the largest political demonstration in United States history and proved to the nation that prejudice and discrimination against African-Americans and other minorities could be successfully fought by a collective force committed to the principles of non-violence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 1963 March on Washington as one of the largest political demonstrations in United States history;

(2) recognizes the monumental importance of the 1963 March on Washington in the on-

going struggle for civil rights and equal rights for all Americans; and

(3) extends its gratitude to the organizers and participants of the 1963 March on Washington for their dedication and commitment to equality and justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 352, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 352 introduced by my distinguished colleague, the gentleman from the State of Georgia (Mr. BISHOP), remembers and honors the march on Washington of August 28, 1963.

Mr. Speaker, 40 years ago this summer almost a quarter of a million people gathered here in Washington, D.C. to take a stand for freedom and for equality.

They came to our Nation's capital to tell America that civil rights could no longer be exclusive rights denied to millions of Americans based on nothing more than the color of their skin.

Known as the March on Washington for Jobs and Freedom, the event was originally planned to focus on economic concerns at a time when more than 1½ million black Americans were searching for work. The march expanded, becoming a massive rally in support of civil rights legislation that had been recently introduced by President Kennedy.

On the morning of August 28, 1963, supporters arrived at the Washington Monument. At about noon the marchers advanced as an incredible mass to the Lincoln Memorial, a memorial that honors the President who gave his presidency and his life in the name of liberty for all people.

At the memorial the marchers heard speeches from the most influential leader of the civil rights movement, including the NAACP's Roy Wilkins; Whitney Young of the Urban League; my colleague, the gentleman from Georgia (Mr. LEWIS), then of the Student Non-violent Coordinating Committee; and it was here that the Reverend Dr. Martin Luther King, Jr., delivered a speech that has changed America, a speech that captured the idea that is America, asking why our country was failing to keep its promise to treat all men as equals.

The "I Have A Dream" speech, delivered at the Lincoln Memorial is passionate, it is reasoned, and it has made a difference.

Mr. Speaker, the march on Washington was the largest political demonstration in our Nation's history at the time. It was an awesome display by thousands of people who loved and craved freedom, and above all else, people who deserved freedom. The three major television networks aired the speeches at the memorial and the event captivated the world. Forty years later, it is appropriate that this House take time to remember what a powerful day that late summer afternoon in August 1963 was for Americans who wanted to end racism.

Mr. Speaker, I commend the gentleman from Georgia (Mr. BISHOP) for introducing such a worthwhile measure that remembers the march on Washington in 1963. I urge all Members to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the march on Washington, August 28, 1963 marks a cornerstone in American history and especially in African American history. It was a movement towards civil rights whose purpose was to embrace freedom and justice for all.

The civil rights movement has had a long and difficult journey from slavery to today. Part of this journey in history towards equal justice is highlighted with Abraham Lincoln, our 16th President of the United States. On January 1, 1863, he signed the Emancipation Proclamation document that declared many slaves to be free, but it did not end slavery. It took the 13th amendment to the United States Constitution to end slavery on December 18, 1865. It took the 14th amendment to establish Negroes as citizens of the United States on July 9, 1868, and the 15th amendment to allow blacks to vote in this country on February 3, 1870.

Our citizenship and privileges were always questioned and in most situations denied until the march on Washington led to passage of the Civil Rights Act of 1964. This was 39 years ago that Jim Crow laws were subjugating and denying blacks the right to vote in certain southern States, the imposition of poll taxes, segregation of schools, housing, bus and train transportation, restrooms and other public accommodations.

The march on Washington of 1963 was originally initiated by A. Philip Randolph, who was an activist and founder of the Brotherhood of Sleeping Car Porters. He, 22 years earlier, had planned a march on Washington in 1941 with the purpose to focus the attention of the American public and the world that African Americans needed more jobs and equal protection under the law.

This march was extremely close to occurring until just before the day of it. Mr. Randolph met with President Franklin Delano Roosevelt and he agreed to issue an executive order declaring that "there shall be no discrimination in employment of the race, creed color or national origin."

Executive Order 8802 represented the United States Government's most stringent civil rights action since the post-Civil War Reconstruction era.

In return for this agreement with President Roosevelt, Mr. Randolph called off the protest march.

Mr. Randolph and his colleague, Bayard Rustin, met with labor and civil rights leaders to plan the march on Washington that included nine demands. I think it is important that we remember those.

One, passage of a meaningful civil rights legislation at this session of Congress with no filibustering.

Two, immediate elimination of all racial segregation in public schools throughout the Nation.

Three, a big program of public works to provide jobs for all the Nation's unemployed, including job training and a placement program.

Four, a Federal law prohibiting racial discrimination in hiring workmen, either public or private.

Five, $2 an hour minimum wage across the board Nationwide.

Six, withholding of Federal funds from programs in which discrimination exists.

Seven, enforcements of the 14th amendment, reducing congressional representation of States where citizens are disenfranchised.

Eight, a broadened Fair Labor Standards Act to include currently excluded employment areas.

Nine, authority for the Attorney General to substitute injunctive suits when any constitutional right is violated.

□ 1500

Mr. Speaker I urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Georgia (Mr. BISHOP), the sponsor of this resolution.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman very much for yielding the time.

I rise today in support of H. Res. 352, a resolution remembering and honoring the march on Washington of August 28, 1963. Let me first thank the Members of Congress on both sides of the aisle who have worked together in the best spirit of bipartisanship in order to bring this important resolution to the floor of the House in short order: the gentleman from Virginia (Mr. TOM DAVIS), chairman; and the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the gentleman from Missouri (Mr. BLUNT), the majority whip; the gentleman from Maryland (Mr. HOYER), the Democratic whip; the gentlewoman from California (Ms. PELOSI), Democratic leader; and the gentleman from Illinois (Speaker HASTERT).

I would also like to recognize from our staffs Howard Moon, Jerry Hart, Kyle Nevins, Seth Webb, Rob Cogorno, Tania Shand, Keith Ausbrook and Phil Barnett for their attention to this important resolution in working together to move it through committee and to the floor expeditiously.

Mr. Speaker, in the spring and the summer of 1963, 100 years after the signing of the Emancipation Proclamation, the "big six" civil rights leaders, Dr. Martin Luther King, Jr., James Farmer, Whitney Young, Roy Wilkins, A. Philip Randolph and our esteemed colleague, the gentleman from Georgia (Mr. LEWIS), now a Member of Congress, convened to plan a peaceful mass protest against the racial and civil rights injustices that were widespread at that time. This historic event, the largest U.S. demonstration ever assembled to that point, featured Dr. King's famous and historic "I Have a Dream" speech, which challenged Americans to answer the call of the United States Constitution: I have a dream that one day this Nation will rise up and live out the true meaning of its creed: that all men are created equal. These words helped to spark and fuel the movement that transformed the state of race relations and civil rights in America forever.

How did it all begin? In response to the blatant discrimination that had become a constant hardship in the lives of African American workers, A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, was the first to call for a march on Washington back in 1941. Twenty-plus years later, the event was planned in direct response to the tragic events of the spring and summer of 1963 in which more than 20,000 U.S. citizens were arrested and detained while nonviolently protesting notable injustices, including police dogs attacking peaceful demonstrators in Birmingham, the tragic assassinations of civil rights activists, the lack of congressional support for President Kennedy's civil rights bill that aimed to end discrimination against African Americans in the workplace, voting booths and schools and all other public domains.

As a direct result of the march, Dr. King's historic speech and the movement, they spawned the Civil Rights Act of 1964 and the Voting Rights Act of 1965 came to fruition, effectively ending segregation and ensuring voting rights for all Americans.

Title VII of the Civil Rights Act outlawing discrimination in employment, housing, public accommodations, interstate commerce, all of these were expanded later as a result of the march to include protections for women against discrimination and for the disabled.

So we come together today, 40 years later, to celebrate freedom, to celebrate justice, to celebrate equality for all Americans for which this historic march was indeed a catalyst. Some call it an accident. Others call it fate. Some call it the human hand, some the hand of God. Which it is I will not argue, but something strange, something inexplicable, something mysterious, something almost miraculous happened on that day when Dr. King was able to stand before thousands and thousands and to articulate the aims and the aspirations of the masses, not just in these United States, but all across the world in their quest for freedom. Something happened and today we are grateful because we all are the beneficiaries of what happened that fateful day.

Yes, some call it an accident. Others fate, some the hand of God, others the hand of man. Which it is I will not argue, but I will say that on this day, this Congress, in the form of this resolution, has an opportunity to say thank you, thank you to Dr. King, thank you to James Farmer, to Whitney Young, to Roy Wilkins, to A. Philip Randolph, and to our good friend and colleague, the gentleman from Georgia (Mr. LEWIS) and all who participated in this monumental and historic event for blazing a trail of freedom and equal rights under the law that lives on today and hopefully will live on even better tomorrow.

In the words of Dr. Martin Luther King, Jr., "Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our Nation from the quicksands of racial injustice to the solid rock of brotherhood."

Thank God, Mr. Speaker, for that call to conscience, to morality and to action for America and the world that we benefit from today. I urge my colleagues to stand with me in support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield 4 minutes to the gentleman from Georgia (Mr. LEWIS) who has been referred to as one of the "big six" in 1963, but he is even bigger in 2003.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague the gentleman from Illinois (Mr. DAVIS) for yielding the time.

I also, Mr. Speaker, want to thank my good friend and colleague from the State of Georgia (Mr. BISHOP) for bringing this resolution to the floor. I think it is so fitting and appropriate to pause and take note of the march on Washington 40 years later.

250,000 Americans gathered on the Mall and listened to Martin Luther King, Jr. say, I have a dream, a dream today that is deeply rooted in the American dream. This speech, this march, created the climate to make our Nation a better place. We have come a great distance since that time.

Forty years ago, in much of the American South, racial segregation was alive and well. Blacks could not attend the same schools as whites. We could not eat at the same restaurants. We could see the signs that divide our Nation: White men, Colored men. White women, Colored women. White waiting, Colored waiting.

In the spring and summer of 1963, as the gentleman from Georgia (Mr. BISHOP) said, people were being beaten, jailed and even killed for participating in nonviolent protest. Millions of Americans could not register to vote because of the color of their skin. In Birmingham, Alabama, the commissioner of police, Eugene Bull Connor, used attacks dogs and fire hoses on peaceful, nonviolent protestors. In the State of Mississippi, NAACP leader Medgar Evers was assassinated.

We had come to Washington to say to the President and Members of Congress that America must change. We had to do something to dramatize the sense of urgency. Mr. Speaker, I can never, and I will never, forget that day as I stood and looked out on the Mall and saw a sea of humanity. It was a feeling that America was going to change and change forever.

Back in 1963 we did not have a fax machine, a Web site, a cellular telephone. We did not even have a computer. We stood on the Constitution, on the Bill of Rights. We used our feet, and we put our bodies on the line. We live in a different country, in a much better country because of the march on Washington.

I say today, 40 years later, we must recall the passion and spirit of that march. We must recapture the spirit as a Nation and a people. We must make this spirit part of our thoughts, our action and our lives. If we do this, we can make Dr. Martin Luther King, Jr.'s dream come true. We can build what we call the Beloved Community, a true interracial community, a community at peace with itself.

All of us, 40 years later, black and white, Hispanic, Asian and Native American, must pull together for the common good. This was our mission then. This is our mission, and this is our calling now.

If we reach the Beloved Community, where we are one Nation, one people, one house and one family, we would come to the end of a march that our Nation started some 40 years ago.

In closing, Mr. Speaker, there was so much hope, there was so much optimism when we left Washington 40 years ago, but 18 days after the march on Washington some of that hope, some of that optimism was shattered. Forty years ago yesterday, September 15, 1963, was a terrible bombing of a church in Birmingham where four little girls were killed while attending Sunday school on Sunday morning.

We did not give up. We did not give in. We did not give out. We did not become bitter. We did not get lost in a sea of despair. We kept fighting, we kept pushing, and we kept pulling to make our democracy better, to open up our democracy and let all of our people come in.

I thank the gentleman for yielding time to me.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), another person who was at that march and has been marching since.

Ms. NORTON. Mr. Speaker, I very much appreciate the leadership of the gentleman from Illinois and his counterpart on the other side of the aisle for her leadership in bringing forward this important resolution.

I want to recognize the leadership of two gentlemen from Georgia, of the gentleman from Georgia (Mr. BISHOP) who is the sponsor of this resolution for stepping forward with a resolution that belongs on the floor, and, of course, the gentleman from Georgia (Mr. LEWIS) who has just spoken, who led a commemoration in Statuary Hall for the 40th anniversary of the march before recess, and who is the last remaining living leader of the civil rights march on Washington. He led us, who were then members of the Student Nonviolent Coordinating Committee, as a very young, the younger leader then, and he continues in that role as one of America's preeminent civil rights leaders today.

I do not think this is an occasion for doing what people around the country have been doing all through August, were you there. Of course, we were there, and people really think about being there in a way they ask where were you when John F. Kennedy was killed. They remember where they were then or where were you on September 11. The march on Washington is like that for millions of Americans, where were you, and people like to say I was there, and of course, people are very proud of having been there because it was the first civil rights march for equality in the history of the United States here in Washington.

I was there as a law student, a staff member of the march on Washington. Frankly, this is not a time for nostalgia. I think that grand occasions like this, when we commemorate a change-making event like a march on Washington, are occasions for taking stock, the distance traveled, the distance to go.

Nothing could have been more moving than the events around the 40th anniversary, our own commemoration, here in the House, the moment the gentleman from Georgia (Mr. LEWIS) will remember when he and Mrs. King and I unveiled that stone marker and saw for the first time the marker where Martin Luther King spoke before, now on the Lincoln Memorial. Three of Reverend King's four children were there, the very four children he spoke of in that speech on August 28, 1963.

This is an occasion, if one is a Member of the House of Representatives, for looking at how the world has changed since then and how the civil rights movement has changed our world. When the march was held, essentially African Americans had carried one demand, one single demand for the more than hundred years since the civil war. It was not a plethora of issues we had before us. It was one demand: Enact into law, country of mine, equality unto law. That is all.

After that march, that happened, the 1964 Civil Rights Act. Little did I know then that I would come to enforce a section of that Act, Title VII, as Chair of the Equal Employment Opportunity Commission 15 years later. The 1965 Voting Rights Act, perhaps the most important because it empowered African Americans to do what they had to do for themselves; and the 1968 Fair Housing Act.

Actually, much of the legislative agenda of black America has been accomplished if we think about actual laws that need to be written to say thou shalt not discriminate. We will have a hard time thinking about it. Most of our time will be spent on enforcement.

There is one I hope this House thinks about and that is a law that should be attached to the Transportation Bill outlawing racial profiling.

□ 1515

Mr. Speaker, that is the single example of overt discrimination left unattended in our laws. But while we had one challenge and I can tell Members that staff had no problem coming up with that idea at the March on Washington, today if I would ask what is the one demand of the civil rights movement, Members would say wait one moment, and then go down a whole list of demands because we can now come forward with those demands: economic parity; educational opportunities; the criminal justice system where a whole generation of young black men are being locked up for minor drug offenses, killing the black family in our community; health care.

We can move on to these challenges. We have 38 African American Members, and we can move on to these challenges because the civil rights movement moved us on, the overriding challenge of equality under law. There is much to be done even to that reality, equality under law; but the resolution we honor today, the 40th anniversary of the March on Washington, should send us first into reflection about moving toward the completion of the job of laying aside our racial past and moving on into a period of full equality.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from New York (Mr. OWENS), the gentlewoman from California (Ms. LEE), the gentleman from South Carolina (Mr. CLYBURN), and the gentlewoman from Texas (Ms. JACKSON-LEE) had all intended to be here to make comments on this resolution. Unfortunately, they were not able to make it, but I wanted to make sure that their hopes and aspirations were entered into the RECORD.

Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for an opportunity to work with her as we brought this resolution to the floor. As has been indicated, September of this year, as we look back 40 years ago to August on that great day, none of us who are around will ever forget that march. None of us who were alive can forget the vibrancy that there was in the air, the hopes, the dreams, the aspirations. It is a day to long remember as we continue to march, not one day but to continue to march until freedom, justice, and equality exist for all in this great Nation.

Mr. Speaker, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Again, I congratulate the gentleman from Georgia for introducing this meaningful legislation, and I urge all Members to join us in adoption of House Resolution 352.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 352, a resolution honoring the March on Washington of August 28, 1963, a turning point in the long road to justice and equality. In the struggle for civil rights, the March will forever hold a place in American history, and in the eyes of the world, as a day that showed that individuals united can affect change and progress without violence.

On that hot August day forty years ago, thousands of people converged on our nation's capital to stand up for civil rights, workers' rights, voting rights, equality in education, and fair pay. They marched for equality with a unified message that they as African-Americans would no longer wait patiently for civil rights to be delivered and practiced in society, but that they were demanding that the federal government take bold steps to ensure that the Constitution's promise was delivered to all

Americans; that they would no longer be second-class citizens.

The words of Dr. Martin Luther King Jr. continue to resonate today and to serve as an inspiration for his generation and future generations to create a society in which all are treated equally because we are all created equal. I want to especially commend the work of Congressman JOHN LEWIS, my friend and colleague, who spoke on that day and who continues to inspire others and to fight for justice everyday.

The resolve of the speakers, the sheer number of marchers, the strong commitment to nonviolence, and the intensity of the sentiment on that day created an energy that spread throughout the country in the coming months and years. It allowed all Americans to see the struggle for civil rights articulated in a manner that was uninterrupted by violence and chaos and was highlighted by peace and unity and strength.

The March gave life to a Movement that continues to manifest itself today. While the March was successful in helping to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the fight for justice and equality is far from over. Today we are fighting to hold on to our civil liberties as the Bush administration works to chip away at our right to privacy, free speech, and freedom of religion. Immigrants, the people who bring diversity and strength to our nation, must fight to live free from harassment as the administration advocates unfair and discriminatory policies against them. People of color continue to fight for the opportunity to get a good education and to be treated fairly by the criminal justice system while President Bush opposes affirmative action. Low-income working families fight for fair treatment under the tax code as Republican Congressional leaders continue to deny them the child tax credit. And many, including elderly adults, persons with disabilities, and people of color, continue to fight for the right to have their vote count while our nation's election system has yet to catch up and meet the needs of all of America's voters.

Today, we remember the people who were at the March on Washington forty years ago—their perservance, their commitment to justice and nonviolence, their courage, their hope, and their success. But we must do more than just remember; we must use their example to continue the struggle today until Dr. King's dream of equality truly comes to life for all who live in the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as Martin Luther King, III said, on the 40th Anniversary of the historic march, of the objectives of his great father, the late Reverend Dr. Martin Luther King, Jr. to eradicate poverty, racism, militarism, and violence, although we have, with Dr. King's leadership, made enormous strides, these issues are "still very much in our midst." People of African-American, Latino, Asian, European, and all races enjoy benefits of the struggle endured by the Civil Rights heroes who marched in Washington, DC on August 28, 1963. The blood, sweat, and tears shed by them have given us the ability to get even closer to "the Promised Land" spoken of by the great Reverend Doctor. The "I Have a Dream" speech of that man, along with those of A. Philip Randolph of the Brotherhood of Sleeping Car Porters, Roy Wilkins of the NAACP, Whitney Young of the National Urban League, James Farmer of the Congress of Racial Equality (CORE), and Congressman John Lewis then of the Student Nonviolent Coordinating Committee (SNCC) still resonate in my mind and the minds of a multitude of people who share "the Dream." We celebrated and commemorated that historic march by "re-living the day" both in Washington and in Houston, Texas; however, it was far from the celebration of a victory having been won. We still have an uphill battle to fight with respect to racism, bigotry, unemployment and disparate employment trends.

The U.S. has an unemployment rate of 6.2%, up from 5.9% last year. African Americans have had their highest unemployment rate ever in June and July of 2003 at 12%, compared to their White counterparts at 5.6% and 5.5% respectively. This illustrates that the task of our Civil Rights heroes is far from complete. According to the Urban League Report this year, one-third of Black families are near or below the poverty line, leading to a social impasse in the 21st century until crime is minimized, political respect is had, and their economic power fully utilized.

The phrase "A voteless people is a hopeless people" has as much relevance to minorities now as it did 40 years ago, which is amazing given the technological and social advancements that we now have. In many respect it is an embarrassment and disrespect to the great Civil Rights leader that some people now do not vote or are constrained in their right to vote in some fashion. As I'm sure you all are well aware, the redistricting dilemma which we face in the Texas legislature and in the Federal Government exemplifies that the fundamental right to vote still remains vulnerable to abuse and manipulation by those who do not truly respect it. Furthermore, language, racial, and educational barriers continue to preclude the most informed and truly "representative" voting process. Citizenship Workshops, which I recently introduced and plan to hold in the near future to educate and to assist the Legal Permanent Residents in Houston in obtaining U.S. naturalization and therefore perfected voting rights, will help to bridge these gaps and open the barriers that hinder the effectiveness of our system.

In the area of human rights, we must fulfill the Reverend Doctor Martin Luther King, Jr.'s dream of a nonviolent and peaceful world in Israel. The latest news of the failing cease-fire agreement in Israel, the continued battles, and constant fear of death by sniper or suicide bombing make it clear that we have yet to "overcome." Innocent people cannot enjoy their basic human right to live without terror, and children die by the masses. The Roadmap to Peace cannot perish, and neither should our efforts to maintain our journey thereon.

Further evidence that we have yet to "overcome" can be found in Baghdad, Iraq. Our soldiers are beset by snipers and terrorists who threaten to attack them while their backs are virtually unprotected. They cannot secure peace alone, and they should not be charged with that duty. The spirit of the Civil Rights Movement dictates that we reach out and join hands with the international community to usher in peace together. Instead of having to celebrate the martyrdom of heroes such as the late U.N. High Commissioner for Human Rights, Sergio Vieira de Mello, I would much rather we now bring him, and the other brave individuals whom we lost, home to their families in celebration of peace and a successful mission.

Moreover, our brothers and sisters in Liberia, who have reached the first stage of the establishment of a democratic and humane society, must receive the assistance and manpower that are required. It is an atrocity that, in the international community, there are parties that are armed with the tools and the knowledge necessary to bring stability to that nation who have made but minimalist approaches to date. The U.N., ECOWAS troops, and other commissioned officials need help in building infrastructures of government and health.

Furthermore, the suffering and death by the cruel pandemic effects of HIV/AIDS and famine in Ethiopia, Zambia, and South Africa are unspeakable. I had the opportunity to witness these atrocities first-hand on a Congressional Delegation with Congresswoman BARBARA LEE. Each child, mother, and father in these regions has a right to eat, to survive, and to see tomorrow. Severe drought and inadequate agricultural policy are not their fault. Promiscuity and prostitution without protection are begotten from hunger and suffering. Their lack of education only exacerbates their proclivity to live a high-risk lifestyle in these regions. Again, the international community can eradicate these problems by joining hands and marching forward bearing combined resources and expertise.

This celebration and commemoration of the Historic March also paid homage to other great pioneers who have recently passed on. The life and accomplishments of the late Mayor Maynard Jackson, Jr. bestowed upon many minorities the opportunity to compete and succeed in building a prosperous small business. Similarly, the late Gregory Hines opened the doors for many minorities in entertainment. We see the fruits of his inspiring achievements and the level of his excellence in performances of talented individuals such as Savion Glover. The 40th Anniversary celebration was about remembering the achievements of the Civil Rights Leaders, of individuals who have shared their talents with the world, and from which we have all received gifts that enhance our enjoyment of everyday liberties. The celebration was about expanding from and extrapolating these gifts to build a better and more peaceful world. This celebration was about embarking upon a whole new journey, a whole new march that will not end until peace, unity, equality, and self-determination are achieved for all of our brothers and sisters.

Ms. LEE. Mr. Speaker, I would like to thank my colleague from Georgia for introducing this important resolution that we are considering on the House floor today.

Over 40 years ago, hundreds of thousands of citizens marched together upon Washington D.C. demanding two things, jobs and freedom. From all corners of our great nation people of all races, ethnicities and all walks of life came to participate in a peaceful demonstration that would leave a lasting legacy upon our country.

The march on Washington—now forever known as just the march—represented one of those watershed moments in American history that deserves to be remembered and commemorated by all of us.

Televised worldwide, the march brought to the world the continuing social and economic discrimination faced by African Americans, as well as the inspirational words of many leaders of the Civil Rights movement, like the great Martin Luther King Jr., and my dear friend and colleague, Congressman John Lewis.

Looking out upon the masses gathered around the Lincoln Memorial, Dr. King's delivered his now immortalized "I Have a Dream Speech" which proved to be the focal point of the march that day.

Speaking of the impetus for the march, Dr. King said:

> We have come here today to dramatize an appalling condition. In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.
>
> This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation.

The disconnect between white America and people of color regarding the issues of social and economic freedom and opportunity that Dr. King spoke so eloquently about remains with us today, as does that same optimism and sense of urgency that pervaded his speech and the march that day.

To be sure, substantial progress has been made in the 40 years since the march took place. But clearly we have a very long way to go before we can truly say that the ideals of the march have been met, particularly when we talk about economic freedom and opportunity for African Americans, the poor and people of color.

This is most clearly reflected in the labor and employments statistics that are released every month. In virtually all categories, African Americans and Hispanics, have higher rates of unemployment than their counterparts.

And we must equally warn that racism still very much exists in this country today. Only now it is much more subtle and insidious than the discrimination we faced in the 60's or that which our parents before that. Discrimination is still about racial profiling by law-enforcement. It is still about environmental injustice, which has become entrenched in our society by the unequal distribution of federal, state, and local funds which could provide needed healthcare, education and housing services to minority communities. And sadly as evidenced by the recent 9th Circuit Federal Appeals Court ruling, it is still about voting rights—only in this case the right to have our votes counted equally.

So I close today by reminding my colleagues that there is still much, much more to be done. Our march goes on, and will continue to go on until—in the words of Dr. King—we can say "justice rolls down like waters and righteousness like a mighty stream."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am here today to express my support of H. Res. 352, a resolution to remember and honor the historic March on Washington of 1963. This 40th anniversary of the historic March on Washington and Dr. Martin Luther King's universally famous "I Have a Dream" speech is a bittersweet moment.

I would like to especially thank my colleague, Representative SANFORD BISHOP for sponsoring this resolution. For many, Dr. King's dream has not come to fruition. It remains unfulfilled. As thousands gather from around the nation and the globe to reenact the fabled march and to rehearse the words of the visionary civil rights leader, we will celebrate the tremendous strides the nation has made on the issues of race, equality and social justice during the past forty years.

However, as the leaders and representatives of more than 500 organizations converged at the Lincoln Memorial, we are also reminded that the "Dream" Dr. King so eloquently articulated is still beyond the aspirations and the grasp of millions of our citizens. They have been left behind and are left out of the "Great American Dream."

Forty years later, some 13 million children in this country do not have enough food to eat. Four decades later 41.2 million people lack health insurance. As the economy shows certain signs of recovery, more than 9.6 million Americans still cannot find jobs. Matters are even worse in minority communities. The African-American unemployment rate hovers at 11.1 percent compared to 5.5 percent for whites.

Forty years ago we said, "I have a dream!" Today, we say, "How long will we suffer injustice in America?" The American people are in jeopardy of losing 50 years of progress in civil rights and civil liberties.

In fact, under the guise of the PATRIOT Act we are experiencing a rollback of these hard-earned rights. Elections have been stolen and voting rights have been denied.

In Texas, a proposed redistricting plan would disenfranchise minority voters across the state.

Mr. Speaker, I encourage all my colleagues to take the time to acknowledge the 40th anniversary of the event that affords all of us an opportunity to rededicate and to recommit ourselves to the vision articulated by Dr. King. Like Dr. King, we can say: ". . . That in spite of the difficulties and frustrations of the moment, I still have a dream."

Mrs. BLACKBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the resolution, H. Res. 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

POSTMASTERS EQUITY ACT OF 2003

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 678) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The Clerk read as follows:

S. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postmasters Equity Act of 2003".

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) PERCENTAGE REPRESENTATION REQUIREMENT.—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting "that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters," after "majority of supervisors,"; and

(2) by striking "supervisors)" and inserting "supervisors or postmasters)".

(b) CONSULTATION AND OTHER RIGHTS.—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization, subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

"(A) by substituting 'postmasters' organization' for 'supervisors' organization' each place it appears; and

"(B) if 2 or more postmasters' organizations exist, by treating such organizations as if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

"(2) If 2 or more postmasters' organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4)).".

(c) DEFINITIONS.—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

"(3) 'postmaster' means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

"(4) 'postmasters' organization' means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

"(5) 'members of the postmasters' organization' shall be considered to mean employees of the Postal Service who are recognized under an agreement—

"(A) between the Postal Service and the postmasters' organization as represented by the organization; or

"(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters' organizations (acting in concert) as represented by either or any of the postmasters' organizations involved.".

(d) THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 678.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. I yield myself such time as I may consume.

Mr. Speaker, S. 678, the Postmasters Equity Act, was introduced by the distinguished Senator from Hawaii, Senator DANIEL AKAKA, and it gives our Nation's most valued postmasters the same options available to postal supervisors when negotiating pay and benefits with the U.S. Postal Service. My colleague on the Committee on Government Reform, the gentleman from New York (Mr. MCHUGH), who is the chairman of the special panel on Postal Reform and Oversight, introduced an identical bill, H.R. 2249, which passed this House back in July; and I am proud to be a cosponsor of that bill, and I am pleased the House is considering the Senate version of that bill today.

This legislation extends to postmasters and other nonunion postal employees the fact-finding procedures already established under current law for postal supervisors. This process allows for an unbiased review of issues in dispute during negotiations, as well as the ability to issue nonbinding recommendations to resolve those issues. Currently, without this right, postmasters lack any form of recourse when pay talks under the consultation process fail.

Based on the 38,000 post offices across the country, postmasters provide an essential link to the Federal Government and to other nations' citizens. This bill provides essential fairness to postmasters, and this legislation has already unanimously passed the Senate and unanimously passed the House in its House version. I am very pleased that this legislation will soon be on the President's desk and enacted into law, and I want to commend the Senator from Hawaii and the gentleman from New York (Mr. MCHUGH) for their diligence on the Postmasters Equity Act and for their support. I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague, the gentleman from Indiana (Mr. BURTON), in consideration of S. 678, the Postmasters Equity Act of 2003.

S. 678 was introduced on March 20, 2003, by Senator DANIEL AKAKA. This measure would amend chapter 10 of title 39 to include postmasters and postmasters' organizations in the process for the development and planning of pay policies and benefits.

S. 678 is cosponsored by 39 Senators, including the chairman and the ranking member of the Senate Government Affairs Committee, Senator SUSAN COLLINS and Senator JOSEPH LIEBERMAN. On July 25, the Senate Governmental Affairs Committee unanimously approved S. 678, the Postmasters Equity Act of 2003.

The bill was amended to substitute the language of the House bill, H.R. 2249, sponsored by me and the gentleman from New York (Mr. MCHUGH). H.R. 2249 had been reported earlier out of the Committee on Government Reform by voice vote. During the 1996 Congress, President Carter signed into law legislation creating a fact-finding process for resolving disputes over pay and benefits and to make recommendations to the Postal Service. It did not provide for arbitration of the disputes, and the recommendations were not binding on the Postmaster General. However, the law only applied to postal supervisors, not postmasters.

S. 678, like its House counterpart, H.R. 2249, would extend to the postmaster the option of a fact-finding panel to make nonbinding recommendations to the Postal Service. Currently, when pay and benefit discussions between the Postal Service and postmasters fail, postmasters have no recourse and have to accept what is offered by the Postal Service. Passage of S. 678 would bring consistency in the manner by which the two categories of postal managers negotiate with the Postal Service over pay and benefits.

Mr. Speaker, I am proud to have been a sponsor of this legislation. I urge swift adoption of this bill and commend Senator AKAKA for all of his hard work on behalf of postmasters.

Mr. Speaker, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to congratulate the gentleman from Illinois (Mr. DAVIS) for cosponsoring this bill and for all of the hard work he has put in on this and a lot of other pieces of legislation before the committee.

Mr. Speaker, I thank Senator AKAKA for introducing this important bill and the gentleman from New York (Mr. MCHUGH) for his hard work. I urge all Members to support the passage of Senate bill 678.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the Senate bill, S. 678.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING PROFOUND SORROW FOR DEATH OF INDIANA GOVERNOR FRANK O'BANNON AND EXTENDING THOUGHTS, PRAYERS, AND CONDOLENCES TO FAMILY, FRIENDS, AND LOVED ONES

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 369) expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones.

The Clerk read as follows:

H. RES. 369

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Governor O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Governor O'Bannon will be remembered as a loving husband to his wife Judy, and a devoted father to his 3 children and caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003, and extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(2) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the Air Force, the Indiana State Legislature, and as Governor of Indiana; and

(3) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I met Frank O'Bannon, our now-deceased Governor. I met his father back in the late 1960s when I served with his father in the Indiana State Senate. His father was editor and publisher of a newspaper in Corydon, Indiana; and he was one of the finest men I ever served with. He was a real gentleman. Even though we had our differences, Governor O'Bannon's father was a wonderful man.

Mr. Speaker, we know a lot about people by their children. And although I knew Senator O'Bannon, Governor O'Bannon's father, very well, I was not sure about what kind of family man he was. But then I met his son who became Senator after his dad retired, and Senator Frank O'Bannon was also one of the finest men I ever served with in the Indiana State Senate. His brother, Bob, who is a businessman in Indianapolis, is also fine man. We know a lot about people by their children, and Governor O'Bannon was a wonderful man, and I am sure his mother was a wonderful woman as well.

Governor O'Bannon was revered by everyone who knew him, whether it was a Republican or a Democrat. He was a very fine public servant, a man who really cared about his fellow man and his civic responsibilities. He learned that from his father and mother and worked hard in both the Indiana State Senate and as Governor.

Although we had political differences, I always admired him because he was a man of honor. If he gave you his word, you could take it to the bank. He always said what he meant, and he meant what he said. We are going to miss him in Indiana.

I will tell one little anecdote. Senator O'Bannon sat directly in front of me when I was a freshman when he was a State Senator. I was seated on the Democrat side, and he was the minority leader for the Democrats in the State Senate. He was such a nice guy we would kid each other. One day I said, Senator, you are such a nice guy and so intelligent and you read papers, I know you can read, I do not know why you do not become a Republican. And he turned around and looked at me without batting an eye; and he said you have the same qualities, I do not know why you do not become a Democrat. That was one of the more interesting and funny anecdotes I remember about Governor O'Bannon.

He was a wonderful man. We are going to miss him in Indiana. I wish his wife the very best. I know she is suffering a great deal, as well as the rest of his family right now; but I hope that Judy O'Bannon is doing well, and we wish her the very best. She and her family have our prayers.

□ 1530

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Governor O'Bannon was in my congressional district when he passed away. Certainly I would want to extend on behalf of all of the people in Chicago and the people of Illinois our sympathies to his family and to the people of Indiana.

Mr. Speaker, Frank O'Bannon, the 47th Governor of Indiana, died last week at the age of 73 from a stroke. After serving 18 years as Lieutenant Governor to Evan Bayh, Frank O'Bannon was elected Governor of Indiana November 5, 1996, and was reelected on November 7, 2000.

Frank O'Bannon's two inaugurations as Governor made history. After he was elected in 1996 he invited Indiana's fourth grade history students to witness his inauguration, something no Governor had ever done. Despite subzero temperatures that day, hundreds of Hoosier schoolchildren for the first time ever watched as their Governor was sworn in.

After his 2000 reelection, Governor O'Bannon repeated his invitation to the fourth grade history students. This time, however, the festivities were moved inside the RCA Dome in Indianapolis. More than 25,000 students and visitors from across Indiana watched as the Governor was sworn in, making it the largest gubernatorial inauguration crowd in Indiana history.

Although Governor Frank O'Bannon was sometimes criticized by other lawmakers for not being more assertive, he followed his own instincts for achieving consensus quietly. Born on January 30, 1930, in Louisville, Kentucky, Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana.

Education, health care, building communities, promoting public safety and economic development are the hallmarks of Frank O'Bannon's legacy as Governor of Indiana. He taught those fourth grade students a valuable lesson in leadership, integrity and good works.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I would like to share a few thoughts about our Governor from Indiana for people outside Indiana who are not as familiar with him.

The past few days have been an outpouring of grief and almost a celebration with the O'Bannon family about our Governor that is different than anything I have seen in Indiana politics. It is partly, I think, a transition of an era. Frank O'Bannon represented a different part of politics when it was not quite as, how would you say, aggressive, it was not quite as negative. He was a friend to everyone. Even when we had differences it was a different type of relationship.

He came from the little town of Corydon, which was our State capital. As you would look at it, it would be a picturesque vision of what Indiana was when we started in southern Indiana and moved to the north. And Indianapolis in the north has now the bulk of the population and the bulk of the power, but Corydon still represents kind of old Indiana.

When he ran his campaign, no matter who his opponent was and no matter what kind of campaign they ran, he ran a Hoosier-roots type of a campaign. You would see him and his wife on their porch in Corydon. You would see him talking with his grandkids. You would see him talking and sending a different signal than often is put forth in politics. It was a symbol of comfort much like Governor Bowen used to have, saying in Indiana we may not be flashy, we may not all have blow-dried hairdos, we may not be as slick as other people, but we are going to produce good, honest government that is going to continue to move Indiana forward.

We are in a period of transition. And, interestingly, this man whose family was deeply rooted in early Indiana history and whose father had been a public servant, in addition to his normal public service he realized that Indiana was in this transition period. And while we sometimes disagreed on how best to do it, I think one of the things he will most be remembered for is his commitment to education at a time when Indiana is struggling with funds, like everybody else, and we have limited funds in education, to take those education funds right now and concentrate them on getting kids able to read by age 3.

He understood that if Indiana was going to move forward, whether you had the old Indiana or the new Indiana, whether you were kind of a comforting grandfather figure like he has been in Indiana, or a young slick politician coming up, if we did not have basic education in Indiana we weren't going to be able to compete with the States around us and around the country.

He and his wife have a tremendous legacy of preserving Indiana landmarks of many different things. But I think his effort to make sure that all kids can read will be one of his major legacies and also his legacy of how a public servant should be in relationship to other members of his party, of other parties, and to the people of Indiana. That is why we are seeing this extended outpouring of grief because we are worried that the Nation is changing and we are losing the type of values that Frank O'Bannon brought to government.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 5 minutes to the Governor's Congresswoman, the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Chicago and certainly my colleague from Indiana for bringing forth this resolution today in tribute to a young man whose service to his family, to the State of Indiana, and to this Nation is unsurpassed.

The Governor just 3 weeks ago met the President at the airport in Indianapolis when he came out to Indianapolis for disaster relief, and the Governor had just hosted the National Governors' Association there.

Frank O'Bannon was the type of guy who gave of himself, who lived for a cause, not just because.

Frank O'Bannon even in death contributed his organs so that somebody else may have a quality of life. Since his passing, I was telling his wife yesterday, I spent an enormous amount of time with the widow, "Wouldn't it be great if Frank from on high could hear all of the attributes that are being given to him now that he did not hear when he was living?"

Unlike many other Governors in the United States, he came under a great deal of pressure because of the economic crisis that Indiana faced, a problem over which he had no control and had nothing in fact to do with it. But time and time and time again he came under a heap of criticism for Indiana's woes. I think he reminds all of us that even though we may not have control over something, it is unjust, it is like man's inhumanity to man, to heap that kind of pain and frustration on an individual who had done so much in improving the lives of the people in the State of Indiana.

I remember when Frank O'Bannon first decided he wanted to be a Governor. I was a member of the Indiana State Senate along with him. And because EVAN BAYH decided he too wanted to be the Governor at that time, Frank O'Bannon in his own genteel way stepped aside and allowed our now junior Senator to become the Governor of Indiana and Frank yielded to become the Lieutenant Governor in the State of Indiana. I was telling his wife yesterday that fate had undoubtedly orchestrated that, because he was not Governor just for 8 years, he was almost Governor for 16 years. He served as Lieutenant Governor for 8 years and almost completed 8 years as Indiana's Governor.

Frank O'Bannon served over 6.15 million people and he served them well. Politics, economic situations, religious denominations all paled under Frank O'Bannon's leadership. Today is a very difficult day for me, because I had so much respect for Frank O'Bannon, but then I remember the words of Ecclesiastes that reminds us that there is a time for all things.

Frank O'Bannon, I suppose, could have continued to suffer, but God would have it another way. Danny, your hospital took great care of our Governor. I want to thank you and your hospital for that. They had one of the best neurosurgeons that this country has right there at Chicago hospital. So I want to thank you and yours. And certainly to Judy O'Bannon, who has been a yeoman throughout this ordeal, who has been very stately, like a stateswoman throughout the pain that she and her family endure, my heart, my prayers go out to Judy, to Jennifer, to Polly and to Jonathan. I know in due time that pain will pass but precious memories never fade into eternity.

Mr. Speaker, I rise to share with my colleagues and with the Nation just a glimpse of what Indiana has been going through in recent days.

Last week our Governor Frank O'Bannon, a gifted and gentle man on loan from God, suffered a massive stroke while hard at work for Indiana. Through the week, as he lay stricken, we thought of him, remembered him, worried about him and prayed for him. Then, on Saturday, we lost him.

My Governor, "Frank" as everyone called him, was a kind and intelligent man of great substance. A gifted man with many choices before him, he made a selfless choice: to spend a lifetime in public, a lifetime in service.

Now in public life, as we know—borrowing a bit from James Taylor—'we see fire, we see rain, and sunny days we thought would never end'. Our duty is serve our way through, keeping the people and the responsibility ever in mind, looking again to reach those sunny days.

For My Governor, it was ever so. The sunny days were many—his work in our Senate, as our Lieutenant Governor, and as Governor the last 6½ years, saw great leadership and many sunny days, great prosperity and great progress, turning finally to fire and rain, as economic suffering reached Indiana and the blame was laid at his feet. Through it all, Frank never stopped working for Indiana, knowing, as we all do, that we would reach sunny days again.

As we know, too, public service can be lonely, wearying at its worst. As he soldiered on, this fine man absorbed the dismay, the frustration, the anger. Wherever I was, I spoke to him each week, not so much as our Governor but as a man I had known many years, whose friendship I treasured and whose commitment I admired, to remind him not to be ground down, that his commitment was a wise one, that sunny days would come again. And he returned the favor, with good counsel about the heart of public service.

He is gone now, recalled in a way. Indiana is in good hands, but we shall miss him greatly.

To My Governor, our "Frank", our prayers on the way. And, to Judy, ever his active partner and helpmate, to the kids, Jennifer, Polly and Jonathan, it is my prayer that your precious memories of all that was so fine will help to sustain you through these mysterious days and hours of our farewell.

Frank

You can do an article about Governor Frank O'Bannon, but you can't do it justice, not in any language I know. But I have to try.

In the prefaces of The 1600 Killers and Slander and 'Sweet Judgement, the two volumes of my memoir, I wrote: "One of the principal and principled inspirations for this work was the Honorable Frank O'Bannon, forty-seventh governor of Indiana. He, his wife Judy and his lieutenant governor, war-hero Joe Kernan, brought a refreshing wholesomeness and down-to-earth wisdom to the people of Indiana, of whom I am privileged to be one. The headline on The Indianapolis Star/News story that reported Frank's 1996 Election was, 'Nice guy finishes first.' Amen"

The name of our dearly departed governor is O'Bannon, but his face was not "the map of Ireland;" it was the map of Indiana. His voice inflections, the twinkle in his eyes, the generous smile made him the personification of all that is good in what we call Hoosier.

An old cake ad read and said, "Nobody doesn't like Sarah Lee." Noboby didn't like Frank. And nobody doesn't like the superlatively eloquent Judy.

Several years ago, Hoosier Congressman Pete Visclosky was seated inside a banquet hall, awaiting the arrival of the principal speaker, the slightly behind schedule, then-Lt. Governor Frank O'Bannon. Suddenly, someone told Pete that his nearly octogenarian father had slipped and fallen on the ice outside. Pete rushed to his father's side and found Indiana's second highest elected official helping the elderly man to his feet.

We use the word "gentleman" over and over, but how often do we stop to realize what it means? A gentleman is a man who is gentle and the heroine of the play Love is a Many Splendored Thing, declares, "There is no greater strength than gentleness." By that definition and declaration, Frank O'Bannon was a person of towering strength. John F. Kennedy said it: "Civility should not be confused with weakness."

Michel Eyquem de Montaigene wrote, "Sit ye never so high upon a stool, yet sit ye but upon your own tail." Frank intuitively knew, felt and lived this. He was no big shot. He did have a stuffed shirt, though, stuffed with a warm, caring and giving heart.

Hoosier journalist William Miller Herschell asked, "Ain't God good to Indiana?" When I think of Frank O'Bannon, I know the answer.

ANDY JACOBS, JR.,
Former Member of Congress.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from the Eighth District of Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. I thank my colleague from Indiana for yielding me this time.

Mr. Speaker, I rise to join my colleagues from the great State of Indiana in extending our thoughts and prayers to the family of Governor Frank O'Bannon during this difficult time. I have had opportunities to work with Governor O'Bannon over the last several years and have come away with several impressions. First, Frank was a public servant, committed to working tirelessly on behalf of Hoosiers from Michigan to the Ohio River. Second, when working with the Governor on issues such as the completion of Interstate 69 through Indiana, he proved himself to be a visionary and a leader, willing to address tough issues head-on, to do what is best for the entire State. Finally and most importantly, Mr. Speaker, Governor O'Bannon was in every circumstance a gentleman. In an era of declining civility, Frank stood out for his warmth, his comity and good humor.

I ask my colleagues today to lift the O'Bannon family up in your prayers that they might derive strength and joy from God even as they pass through these most difficult days. Mr. Speaker, I urge immediate passage of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Speaker, it is with genuine sadness and a very heavy heart that I rise today in support of the resolution in honor of Indiana Governor Frank O'Bannon. Governor O'Bannon, as was mentioned, tragically passed away this past Saturday. I also want to extend my deepest sympathy, prayers and offer of assistance to Governor O'Bannon's wife Judy and their children and family.

One of the finest opportunities my career in politics has given me is meeting, working with and becoming friends with Frank O'Bannon. Frank was one of the most gentle men, one of the most decent men and one of the kindest individuals I have ever, ever met in my life. He is a man who could have been successful at any pursuit in life. He chose a life of public service because it was a life he could give to others. Except for his love for Judy and their children and their family, nothing was more important to Governor O'Bannon. His commitment to the future in children was foremost as far as his administration. And because Frank O'Bannon always knew who he was, he allowed his quiet demeanor and gentle nature to mask his inherent strength and ability to make very hard and very tough decisions for the good of all of the citizens of Indiana.

Mr. Speaker, a number of my colleagues have mentioned anecdotes and we all deal with individuals on a personal level, and I would add my two. Many years ago when Frank O'Bannon was first campaigning for Governor, I was at St. Mary's Orthodox Church hall in Gary, Indiana, at a political rally. Someone came in and said my father had fallen on the ice and snow outside. I go outside, Dad was perfectly fine, but there was Frank O'Bannon because he was near my father. There was nothing more important to Frank at that moment in time and if it took all night he was going to make sure he was up, he was fine, he was cleaned off and he got in that hall, no matter what his other demands were.

The other continuing recollection I have is I tried not to impose upon the Governor's good nature or offices very often but whenever I called for assistance, he never said he would do it. He never said yes. He always said, "I'll see what I can do." And invariably the problem was solved, someone was helped or the State of Indiana moved ahead because you knew he was always going to do his best.

Frank O'Bannon was a good, good man. We are all going to miss him not only in our State but in this great country.

□ 1545

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I have been very moved by the comments of my colleagues today, and I also rise to express, as this resolution suggests, the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon.

I was greeted by my wife, Karen, as I returned from the grocery store Saturday. She, with tears in her eyes, told me simply that Frank had died. And throughout last week, along with tens of thousands of Hoosiers, our family labored in prayer, not so much on behalf of a Governor as we did on behalf of a friend, because that is what Frank O'Bannon was to tens of thousands of Hoosiers.

I will never forget years ago, long before I entered public life, chatting with Governor Frank O'Bannon about the State of Indiana, and his face virtually lit up as he said, you do get to feel that you know somebody in every little town in this State when you do this job.

I always had the feeling for Governor Frank O'Bannon that Indiana was a small town, if not even a family, and it did not matter what our politics were, that was 8:00 to 5:00 with Frank O'Bannon. After 5 o'clock we were Hoosiers, and we came together and on so many occasions. I remember, with great fondness, his intense interest in me and in my family and in my children. He had this unusual quality, that I have reflected on with my colleagues from Indiana, of making everyone else in the room feel that they were more important than him. Even when he was the highest elected official in our State, he had a quality of humility that will always remain for me a standard in public life.

In closing, I just add, as the gentlewoman from Indianapolis, Indiana (Ms. CARSON) said, the Good Book gives us comfort in time of loss, and I think of those verses in Micah, chapter 6 verse 8. It says "In what, O, man, is required of you but this: To do justice, to love kindness, and to walk humbly with your God."

When I look at the public career of Frank O'Bannon as a man, a State senator, a Lieutenant Governor, a Governor, a husband, a father, a grandfather, he was a man who did justice, who lived and loved kindness, and who walked humbly, in a way that will ever inspire this public servant to do likewise. To Judy and the children, to Governor Kernan and Maggie, our condolences and our prayers.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Illinois, and I thank the other gentleman from Indiana for bringing this resolution so quickly to the floor. I join my Indiana colleagues.

I knew Frank O'Bannon pretty well. I was asked by the gentleman from Missouri (Mr. GEPHARDT) in 1995 to serve in the capacity of the liaison to the National Governors' Association and to the Democratic Governors' Association, and I, therefore, know firsthand the loss that the Hoosier State has sustained and the loss of this extraordinarily popular Governor, who presided over great change and progress in his State. Our Nation, as I think the last speaker indicated so well, has lost a model public servant and citizen.

A few years ago when I served as the House liaison, I had the pleasure of working with Governor O'Bannon, both on issues that were in front of the Congress and on politics, and I can confirm what so many have written and said about him. He was a wonderful, intelligent, kind, and humble gentleman who, along with Judy, worked tirelessly for all Hoosiers and who cared deeply about his country and his State.

It is noteworthy, I think, that Governor O'Bannon never lost a political election. Democracy is an extraordinary process, and the people's wisdom is what makes it so great because they choose well. They choose different types of people, and we contend politically, but I am always impressed with how well, ultimately, they do choose. But it is telling what his last opponent David McIntosh, a former Member of this body said about him. This is somebody who ran against him, ran a hard campaign, an extraordinarily able young man. He said this: "Everywhere I'd go, people would say to me: 'How are you going to run against someone who is everyone's grandfather?' And it was the truth," David McIntosh said. "He was a congenial guy that everyone liked."

After serving 18 years in the Indiana Senate including 8 as Democratic floor leader and 8 as Lieutenant Governor and more than 6 years as Governor, Frank O'Bannon pulled off a rare feat in politics: He was both effective and well-liked. However, his gentle nature is not his only legacy. His many accomplishments, as the colleagues from Indiana know better than I do or others, include creating a community college system, adopting of academic standards that are among the best in the Nation, extending health insurance to nearly half a million children, and engineering an overhaul of the State tax system to entice business to Indiana and to relieve property tax owners.

There is no doubt, Mr. Speaker, that Frank O'Bannon lived life to the fullest, graduating from Indiana U, where he played basketball, serving in the Air Force, practicing law, and working as a newspaper publisher in his native Corydon. And there is no doubt that we are fortunate for his service. I am pleased to join my colleagues in lamenting for ourselves, for Indiana, and for our country the loss of this extraordinary individual and being joyous in the fact that, as a man of faith, he is better off, and joyous in the fact that we had the opportunity to know him and to work with him and to know that his State and country were better for his life.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I rise today in support with my colleagues of this resolution with great sadness and great respect. This certainly is a sad day for all Hoosiers when we learned of the passing of our Governor, Frank O'Bannon. Although I have served in Congress for a short period of time, and my personal experience with Governor O'Bannon has been limited, I have great respect for the man he was and the life he lived.

One did not need to know Frank O'Bannon very well to know what kind of a person he was. He had the rare ability to project his sincerity and his genuine nature to all that he came in contact with.

And those who knew him well, regardless of their political affiliation, were unanimous in their praise and respect for the man and his character. I think we are seeing a great example of that today.

I consider it my loss that I did not have a greater opportunity to work with and learn from Frank O'Bannon, and certainly the entire State of Indiana will miss him and his lifetime of public service. But in the end, we are all fortunate and grateful for the example he gave us and thankful for his legacy of leadership.

Mr. Speaker, I know I speak on behalf of all my constituents in the 2nd District of Indiana when I thank Frank O'Bannon for his service to our State, and our thoughts and our prayers are with his wife, Judy, and his entire family.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I have been most impressed by the quality of remarks that have been talked about here this afternoon, most impressed about the sincerity of the remarks that have been made here this afternoon. I believe that it demonstrates the quality that Frank O'Bannon had and that he transcended politics. Both Republicans and Democrats admired him and respected him and loved him. They may have had differences, but never lost the respect.

I have known Frank O'Bannon for over 20 years. He was one of the first people that I ever became acquainted with in politics. His home, where his wife and his children were raised, is in Corydon, Indiana, a town that is in the 9th District, in my district. I have been to his house, stayed all night with him, loved him and admired him and respected him, and we miss him in Indiana. For the last week we have mourned our great Governor, but in the next couple of days we are going to celebrate the life of Frank O'Bannon and the many accomplishments that he had.

Probably the greatest accomplishment in his life was the fact that one could be a nice guy and get elected to the highest office in Indiana. Good guys can finish first, and Frank is a perfect example of that.

I wish many people and Members of Congress could have witnessed the class that the First Lady of Indiana demonstrated to the people of Indiana and to this Nation. She really held her strength and demonstrated that, while she could mourn, she could remain strong for the people that she loved in Indiana.

We are going to miss Frank O'Bannon, but I am convinced of one thing: He has a one-way ticket to heaven, and I hope to join him there someday.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time. Therefore, I urge swift passage of this resolution, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Let me just end by saying that in the 1997 inauguration speech, Frank O'Bannon made some very poignant remarks that I think are appropriate at this time. He said: "Life is no brief candle for me. It is sort of a splendid torch which I got hold of for a moment, and I want to make it burn as brightly as I can before turning it over to future generations." Frank O'Bannon did just that, and we all miss him, and we wish his family the very best, and they are in our prayers.

Mr. BUYER. Mr. Speaker, today, we pay tribute to Governor Frank O'Bannon—a statesman, loving husband and father and a friend to many.

A loyal servant of Indiana for over 30 years, Frank O'Bannon lived life as a country gentleman, with an unassuming strength to hold to his convictions to lead a State but more important, a deep and endless devotion to family.

The life of Frank O'Bannon is one to look at with inspiration and thanks. Our thoughts and prayers are with his wife Judy, their three children—Jonathan, Jennifer and Polly and their 5 grandchildren.

Mr. BURTON of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 369.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 369, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HONORING THE SMALL BUSINESS ADMINISTRATION ON ITS 50TH ANNIVERSARY

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) honoring the Small Business Administration on the occasion of its 50th anniversary.

The Clerk read as follows:

H. RES. 368

Whereas the Nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people;

Whereas the Nation's 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually;

Whereas the men and women who own and operate the Nation's small businesses make a vital contribution to the Nation's prosperity through their ongoing work to create new technologies, products, and services;

Whereas small businesses produce 13 to 14 times more patents per employee than large patenting firms, and these patents are twice as likely as large firm patents to be among the 1 percent most cited;

Whereas the Small Business Administration was officially established in 1953 and for the past 50 years has played a vital role in ensuring that the door to the American Dream is truly open to all entrepreneurs;

Whereas the mission and high calling of the Small Business Administration is to champion the interests of the Nation's entrepreneurs for the benefit of all Americans;

Whereas the Small Business Administration is marking its 50th anniversary by celebrating the accomplishments of small-business owners across the country throughout the year; and

Whereas the President has designated the week beginning on Monday, September 15, 2003, as "National Small Business Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Small Business Week, and the events surrounding the 50th anniversary of the founding of the Small Business Administration;

(2) commends the Administrator and the employees of the Small Business Administration for their work on behalf of the Nation's small businesses; and

(3) reaffirms that the Small Business Administration, through its loan, technical assistance, and entrepreneurial development programs, plays an important role in assisting small businesses to ensure a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION OF MEMBER TO BE ORIGINAL COSPONSOR OF H. RES. 368

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member of the committee, be added as a an original cosponsor of H. Res. 368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1600

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been the tradition for the past 40 years, the President of the United States has issued a proclamation calling for the celebration of Small Business Week, which I include for the RECORD today. We are now in the middle of Small Business Week for 2003, which is being sponsored by the Small Business Administration.

The purpose of this week's celebration is to honor over 25 million businesses that make up the U.S. small business community. It is very appropriate for us, today, to recognize the importance of America's small businesses and the significant role played by the Small Business Administration in our Nation's economic growth.

This year is particularly important in recognizing the 50th anniversary of the SBA. President Eisenhower and Congress established the SBA in 1953 to provide financial and management assistance to startup and growing small businesses.

Over the past 50 years, the SBA has helped countless numbers of small businesses survive and succeed in this economy. It maintains a portfolio of guaranteed small business loans and disaster loans totaling more than $45 billion. The 7(a) program alone accounts for approximately 40 to 50 percent of all long-term capital needs for small businesses. The SBA has also guaranteed another $13 billion in venture capital investments to small businesses. To complement its successful credit programs, the SBA's management assistance programs were delivered to more than 1 million small businesses during the past year.

Some of the great American companies that are now household names were initially started with assistance from the SBA. Allen-Edmonds Shoe, the Panda Restaurant Group, Winnebago Industries with help from the 7(a) program, Callaway Golf, FedEx, Hewlett Packard, Intel Corporation, Jenny Craig, Outback Steakhouse, Staples, Sun Microsystems and the Gymboree Corporation all started with infusions of capital from the Small Business Investment Company program.

U.S. small businesses are the driving forces behind our economy and are poised to lead this Nation out of its economic doldrums. More than 99 percent of all employers in the U.S. are small businesses, providing between 60 and 80 percent of the net new jobs added to our workforce. In fact, the National Federal of Independent Businesses said that in August hiring intentions among small businesses are at the highest level in a year.

Small businesses have proven, year in and year out, that they are a potent force in the economy, accounting for over 50 percent of the private sector output. And their sights are not just set at home. Leading the way towards a global economy, the small business community represents 96 percent of all U.S. exporters.

Over the past 3 years, I have been the chairman of the Committee on Small Business and the previous 6 years as the subcommittee chairman. I have witnessed the enormous potential of America's small businesses at work. As someone who grew up in a small, family-owned business and who ran his own law firm, I know that small businesses are flexible, creative, give us jobs, provide economic growth, and, most importantly, provide hope in a future for millions of families and communities across our Nation.

The resolution now before the House recognizes the critical role played by small businesses and the Small Business Administration in our economy. It is appropriate that we take a moment from our busy schedule to acknowledge the success of small businesses and to encourage our Federal Government to continue to provide it help to ensure future successes.

I urge each of my colleagues to vote for H. Res. 368 as a way to say thank you to the SBA and the small business community for its contributions to our Nation.

Mr. Speaker, I include for the RECORD the White House proclamation.

SMALL BUSINESS WEEK, 2003—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

The success of small businesses in America reflects the innovation, determination, and hard work of the American people. During Small Business Week, we celebrate the entrepreneurs and business people who create goods, services, and jobs, and bring opportunity and economic prosperity to communities throughout our country. We also reaffirm our commitment to helping more small business owners and their employees realize the American Dream.

Small businesses create the majority of new jobs in our Nation and account for more than half of the output of our economy. They lead the way in generating new ideas and creating new technologies, goods, and services for our country and for the world.

Small businesses also reflect the diversity of America. Nearly 40 percent of small companies in the United States are owned by women. There are also more than 3 million minority-owned small businesses across the country.

Because small businesses are vital to our Nation's prosperity and reflect the hard work of the American people, my Administration has taken important steps to assist small businesses and the people they employ. We have reduced taxes, encouraged investment, and removed obstacles to growth. The Jobs and Growth Tax Relief Reconciliation Act of 2003 I signed into law will provide 23 million small business owners with tax cuts averaging more than $2,200 each. The Act also quadrupled the amount that small businesses can expense for new capital investments, encouraging new investment in technology, machinery, and other equipment. This new technology and equipment will increase productivity and create new jobs, thereby contributing to the overall strength of our economy.

We are also seeking to permanently eliminate the death tax. With the repeal of this tax, small business men and women will be able to pass their life's work to the next generation without having to pay a punitive tax that in many cases forces the sale of the business or many of its assets. And I support legislation that would make it easier for small businesses to offer health coverage options to their employees. Through Association Health Plans, small businesses could pool together to offer group plans to all of their employees, like those available to large businesses. In addition, we are working to streamline small business regulations and paperwork. To this end, I issued an Executive Order that requires all Federal regulatory agencies to minimize these burdens on our Nation's small businesses.

The Small Business Administration (SBA), which helps American innovators and risk-takers launch and build their businesses, celebrates its 50th anniversary this year. By helping small businesses succeed, the SBA continues to strengthen America.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 14 through September 20, 2003, as Small Business Week. I call upon all the people of the United States to observe this week with appropriate ceremonies, activities, and programs that celebrate the achievements of small business owners and their employees and encourage and foster the development of new small businesses.

In witness whereof, I have hereunto set my hand this twelfth day of September, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-eighth.

GEORGE W. BUSH.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 368, which recognizes the contributions that America's entrepreneurs make across the Nation and within our communities.

Often, people believe that GM, Lockheed Martin and IBM power our economy; but the reality is that small businesses are the driving force. Our country's 23 million small businesses create three out of every four new jobs, represent 99 percent of all employers and provide 70 percent of workers with their important first paycheck. It is because of this we, on the committee, say that small business is big business in America.

Success in small business ownership is one of the unique opportunities of our economy. Yes, in other countries their citizens can own their own businesses, but nowhere to the extent found in America. Americans grow up with the entrepreneurial spirit around us. The reality of owning your own business is not a far-off dream, but an achievable goal. We all know small business success stories, whether they are friends, grandparents, parents, or our sisters and brothers. The opportunity to start a small business is what draws many to our country. No place else in the world can someone with hard work turn an idea into a thriving business.

As these opportunities become more available, the face of small business is changing. Today, minorities are becoming business owners on a scale never seen before. Between 1997 and 2002, the number of Latino-owned firms increased by almost 40 percent and African American-owned businesses increased by 25 percent.

Small business ownership has also become a new avenue for empowering women. Whether because of family concerns or because the corporate glass ceiling still exists, women are striking out and starting their own companies at twice the rate of all businesses. This is simply phenomenal.

Make no mistake, it is not easy being a small business owner today. Small businesses are confronting health care premiums rising 14 percent this year alone, Federal regulatory compliance costs are increasing for small businesses, and the Federal Government continues blocking them from benefiting from the $235 billion Federal procurement market. While it is never easy, small business owners are in desperate need of health care reform, a national energy plan to reduce skyrocketing costs, access to capital, targeted tax relief, and access to government procurement.

Small businesses are a proven tool to guide the Nation out of economic downturns. Small businesses have done it before, and small businesses can do it again. However, their success can only be achieved if we provide them with the help they require.

So, today, as we recognize the hard work and commitment of America's entrepreneurs, it is also important that we recommit ourselves to working to create an economic environment that encourages growth for them. We must strive to make the job of our Nation's small businesses all the much easier. It is at least what we can do, given all they have done for us.

Today, with the adoption of this resolution, in a very small way we thank our Nation's entrepreneurs for the contributions they make every day. They are the catalyst for economic growth, and they are the anchors of our communities.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the Committee on Small Business, I want to commend the gentleman from Illinois (Chairman MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) for their leadership on small business matters.

Mr. Speaker, for the past 40 years, the President has issued a proclamation calling for the celebration of Small Business Week. I rise in support of the Small Business Administration's designating the week of September 14 through 20, 2003, as National Small Business Week. This celebration will honor the estimated 25 million small businesses in America who have created three out of every four new jobs and generate more than 55 percent of America's innovations.

Small Business Week recognizes outstanding small business owners for their personal achievements and contributions to our Nation's economy. One outstanding entrepreneur is named to represent each State as the State's Small Business Person of the Year. From this group, the National Small Business Person of the Year is chosen.

Small businesses employ half of our workers and account for half of our gross domestic product. Small businesses have and will continue to pull the U.S. economy out of recession. They anchor our neighborhoods, employ and train our workers, and take care of our families. They are the reason that the United States economy has consistently been known as the strongest in the world.

Today, we honor our small businesses and entrepreneurs for their efforts and what they mean to America.

Again, Mr. Speaker, I commend the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership and urge passage of this resolution.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise as an original cosponsor in strong support of H. Res. 368, introduced by the Committee on Small Business chairman, the gentleman from Illinois (Mr. MANZULLO).

This legislation honors the Small Business Administration on the occasion of its 50th anniversary and designates this week as National Small Business Week.

In 1953, the SBA was created to champion the interests of the Nation's entrepreneurs for the benefit of all Americans. Our Nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people.

Over 25 million small businesses employ more than half of all private sector employees. They pay 44.5 percent of the total United States private payroll. They generate 60 to 80 percent of all new jobs annually. Small businesses are, in fact, the engine of this Nation's economy, as was said earlier by the gentlewoman from New York (Ms. VELÁZQUEZ).

I worked with my father in south Texas to build a small business in my district that today employs over 300 people. The SBA played a key role in this company's development by assisting my family in growing this business during the last 54 years. Presently, Ms. Sylvia Zamponi, the district director for the SBA in the Lower Rio Grande Valley District, is providing similar assistance to my constituents. I want to commend her for all her efforts on behalf of the small business owners in my congressional district.

I also want to express my appreciation for all of the efforts of the gentleman from Illinois (Chairman MANZULLO) to support small businesses and to improve their situation, particularly the manufacturing sector in the United States that currently is in a crisis with the dramatic loss of manufacturing jobs.

To help address this crisis, the gentleman from Illinois (Chairman MANZULLO) organized the Congressional Manufacturing Caucus, which I have joined, to preserve manufacturing jobs in America. The caucus will not only educate Washington on the importance of manufacturing in America, but it will work to enact policies to stem job losses and to put people back to work, including in south Texas and throughout the country.

I also commend the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for taking appropriate actions to ensure that SBA continues to perform effectively the mission Congress gave it over 50 years ago.

Mr. Speaker, again, I congratulate the SBA on its 50th anniversary and hope that the current administration will continue to fully fund SBA so it may continue to assist entrepreneurs throughout this country.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Guam (Mr. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for yielding me time.

Mr. Speaker, I rise today to honor America's small business community during national Small Business Week and recognize those small businesses on Guam that are the backbone of our island economy.

I would also like to take this time to thank Mr. Kenneth Lujan, the director of Small Business Administration District Office in Hagatna, Guam, for his continued hard work to provide important services to assist small businesses on Guam to grow and thrive. I want to wish Mr. Lujan and the entire SBA office on Guam a happy 50th birthday.

Mr. Speaker, 90 percent of businesses on Guam are small operations. I guess you could call Guam the SBA community of the United States. I am grateful for the continued hard work and the innovation of our island's entrepreneurs, which help grow and enhance the economy on Guam, as well as provide jobs.

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In particular, I want to congratulate Mr. John Shen for being selected as the Small Businessman of the Year on Guam. Mr. Shen is the owner of Shen's Corporation, which operates Prestige Automobiles on Guam. Mr. Shen was born in Taiwan, but immigrated to Guam in 1979. Mr. Shen and his wife started several small business operations before the opportunity presented itself for Mr. Shen to acquire the local BMW dealership on Guam in 1991. He worked diligently to pull the company out of financial distress and has turned Prestige Automobiles into a strong and profitable small enterprise. In a time when Guam is experiencing the effects of 20 percent unemployment, Mr. Shen serves as an example of how hard work, innovation, and commitment to small enterprise can overcome serious obstacles.

As we celebrate the 50th anniversary of the SBA, let us not forget our responsibilities as legislators to create an environment where people like Mr. Shen can, with hard work, realize his dreams. Let us reaffirm our commitment in assisting our Nation's entrepreneurs so that they may too live the great American Dream.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought there could not be a better matching of two legislative initiatives that we have had the opportunity to speak on today, and that is the 40th anniversary of the March on Washington and the honoring and recognition of the anniversary, the 50th anniversary of the Small Business Administration, and particularly recognizing Small Business Week.

I first want to acknowledge the work of the Committee on Small Business of this House and to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for the cooperative, singular spirit that they have on the issue of improving and promoting small businesses in the United States of America. Clearly, I believe, their very cooperative work has been an example of the very fine committee work that all of us admire, and that is, the purpose is to ensure that our small businesses are successful and they work very effectively, both the gentleman from Illinois (Mr. MANZULLO) and his emphasis on buying American and, as well, the insight he has given to the idea of the loss of manufacturing jobs and the need to restore them. And the gentlewoman from New York (Ms. VELÁZQUEZ) has been enormously effective in ensuring that all government agencies and all contracts between the United States and the private sector have as a component small businesses, women-owned businesses, and minority-owned businesses. I collectively thank both of them for their effort and this tribute and this anniversary should be a reflection on their good works.

I do want to also acknowledge the good works of our Small Business Administration regional centers all over the Nation by tribute to all of them who take a special opportunity to work with and to help our small businesses. Likewise, I would say that it is very important to note the regional director, Milton Wilson, who heads the office in Houston, Texas.

The reason why I believe that the tribute to the Small Business Administration's 50th year anniversary and the March on Washington have a lot in common is because there is work undone. I pay tribute to those who were brave enough to go to Washington in 1963 to lead not just the 250,000 plus, but to lead the Nation for a more equal and just community. A. Philip Randolph, Roy Wilkins, Whitney Young, James Farmer, the gentleman from Georgia (Mr. LEWIS), and Martin Luther King understood that unless we lifted all boats, no boats would be lifted. They promoted equality and justice among all, irrespective of religion and race.

The Small Business Administration promotes small business, recognizing that they are in fact the backbone of America, including small businesses, minority-owned businesses, and women-owned businesses. I believe that we have a lot of work undone, Mr. Speaker. We need to provide more tax incentives for small businesses, and certainly we must consider the fact that they need to have more training and opportunity to work with the government.

Finally, I would say there is no doubt that as it relates to the cause of civil rights, there is much work to be done; and I hope this Congress will rise to the occasion and ensure that there are equal rights for all. My congratulations to the Small Business Administration and to the brave souls who marched on Washington in 1963.

Mr. MANZULLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I would just like to thank the author of this resolution and also staffer Patrick Wilson for taking the lead on today's resolution.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, for the past 40 years the President has issued a proclamation calling for the celebration of Small Business Week. This year National Small Business Week runs from September 15th through the 20th. Since the founding of our country, small businesses have contributed immeasurably to our progress and economic strength.

Let us celebrate the entrepreneurial spirit in America during National Small Business Week. The approximately 23 million small businesses in the United States employ more than half of the country's private work force, create three of every four new jobs, and generate most of America's innovations. Small businesses are the backbone of this country and they are an enduring symbol of the American Dream.

For example, five years ago a young couple in my district had a dream to open a grocery store in the City of Whittier, California. Their vision for the store was to specialize in fresh, ready to prepare Hispanic foods in the historic district of Whittier. Country Fresh Market has found a niche in the grocery retail market that has posted double-digit gains from last year. Subsequently, on March 27th Country Fresh Market was featured on the Food Network in a nationally broadcast segment of "Food Finds," hosted by Sandra Pinkney.

Country Fresh Market is a business success story, and they make many contributions to their local community, including the local Boys and Girls Club and YMCA's Annual Pancake Breakfast. Since its inception, Country Fresh Market has also had four employees graduate from college and helped many of its employees purchase homes. Country Fresh Market prides itself in its employees' success, because its employees are its "familia" (family).

Country Fresh Market is a true business success in my district. As a member of the small business community, I'm working to increase the SBA's microloan program from $35,000 to $50,000. By helping small businesses gain access to capital, I hope to bolster the number of small businesses that succeed each year.

Today, let us honor small businesses, like Country Fresh Market. By celebrating America's small businesses, we are keeping the American Dream alive and well for today, and for future generations.

Ms. MILLENDER-McDONALD. Mr. Speaker, this week is National Small Business Week, and the Small Business Administration is celebrating its 50th Anniversary. I would like to congratulate the Small Business Administration, its employees and all of its resource partners on this truly momentous occasion.

Created by the passage of the Small Business Act in 1953 during the Eisenhower administration, the SBA was charged to "aid, counsel, assist and protect" the interest of small businesses in this nation.

Mr. Speaker, the SBA has made tremendous strides following its original mandate over the past half century. According to the agency, nearly 20 million small firms have received either direct or indirect assistance over the past fifty years.

Small businesses are the engine that drives our nation's economy, generating over half of the nation's Gross Domestic Product (GDP), and the SBA plays a key part in ensuring the engine remains strong and viable, especially in tough economic times.

There are currently about 23 million small businesses in the United States, which represents 99.7 percent of all private sector employers. Small businesses also generate 60 to 80 percent of net new jobs annually.

American small businesses are extremely diverse. Women owned small businesses generated $819 billion in revenues, and employed more than 7 million workers in 1997, the last year such data is available. In that same year, 5.8 percent of small businesses were owned by Hispanic Americans, 4.4 percent by Asian Americans, and 4 percent by African Americans.

Small businesses also made up 97 percent of all identified exporters and produced 29 percent of the known export value in fiscal year 2001.

As the Ranking Member of the Subcommittee on Tax, Finance and Exports, I am especially proud of the agency and its tireless efforts to help all small businesses.

Two weeks ago, I held a field hearing in my District, Long Beach, California, where a very distinguished group of panelists discussed the importance of small businesses to not only southern California but to the nation as well.

I was pleased to learn during the course of that hearing that the SBA Los Angeles District Office is the number one business lending office in the United States. Over the past three years, the office has provided $128 million in financing to 381 businesses in my home District.

I am sure that there are many more success stories nationwide about the hard work the SBA does on behalf of our nation's entrepreneurs, and I am sure that the SBA will be helping small businesses in their efforts to keep our economy strong for years to come.

Congratulations on 50 years of service to our small businesses.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and agree to the resolution, H. Res. 368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MUSEUM AND LIBRARY SERVICES ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.
Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National children's museum.
Sec. 503. Conforming amendment.
Sec. 504. Technical corrections.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.";

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

"(3) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is—

"(A) not reviewed by any other court that has authority to review such judgment; or

"(B) not reviewable by any other court.

"(4) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."; and

(5) by adding at the end the following:

"(6) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.

"(7) OBSCENE.—The term 'obscene' means, with respect to a project, that—

"(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

"(B) such project depicts or describes sexual conduct in a patently offensive way; and

"(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.".

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.".

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: "Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)."; and

(2) by adding at the end the following:

"(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.

"(g) APPLICATION PROCEDURES.—

"(1) IN GENERAL.—In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

"(2) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

"(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

"(A) IN GENERAL.—The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

"(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.

"(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.".

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

"SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established within the Institute a board to be known as the 'National Museum and Library Services Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

"(A) The Director.

"(B) The Deputy Director for the Office of Library Services.

"(C) The Deputy Director for the Office of Museum Services.

"(D) The Chairman of the National Commission on Libraries and Information Science.

"(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

"(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

"(2) SPECIAL QUALIFICATIONS.—

"(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

"(i) 5 shall be professional librarians or information specialists, of whom—

"(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

"(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

"(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

"(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

"(i) 5 shall be museum professionals who are or have been affiliated with—

"(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

"(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

"(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

"(c) TERMS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

"(2) INITIAL BOARD APPOINTMENTS.—

"(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

"(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

"(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

"(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

"(2) NATIONAL AWARDS.—The Museum and Library Services Board shall advise the Director in making awards under section 209.

"(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

"(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

"(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed *by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.*

“(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.”.

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

“SEC. 209. AWARDS.

“The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

“SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

“From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

“(1) shall be conducted in ongoing consultation with—

“(A) State library administrative agencies;

“(B) State, regional, and national library and museum organizations; and

“(C) other relevant agencies and organizations;

“(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

“(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

“(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

“SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.

“No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.”.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

“(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

“(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

“(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.”.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”; and

(2) in subsection (c), by striking “3 percent” and inserting “3.5 percent”.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

“(3) MINIMUM ALLOTMENTS.—

“(A) IN GENERAL.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) RATABLE REDUCTIONS.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

“(C) EXCEPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

“(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

“(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

“(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

“(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(iii) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.”.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking “not later than April 1, 1997.” and inserting “once every 5 years, as determined by the Director.”; and

(2) in subsection (f)—

(A) by striking “this Act” each place such term appears and inserting “this subtitle”;

(B) in paragraph (1)—

(i) by striking “section 213(2)(A) or (B)” and inserting “section 213(1)(A) or (B)”; and

(ii) by striking “1934,” and all that follows through “Act, may” and inserting “1934 (47 U.S.C. 254(h)(6)) may”; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “section:” and inserting “subsection:”; and

(ii) in subparagraph (D), by striking “given” and inserting “applicable to”.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

“(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

“(3) providing electronic and other linkages among and between all types of libraries;

“(4) developing public and private partnerships with other agencies and community-based organizations;

“(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

“(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.”; and

(2) in subsection (b), by striking “between the two purposes described in paragraphs (1) and (2) of such subsection,” and inserting “among such purposes.”.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking “education and training” and inserting “education, recruitment, and training”.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

"(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

"(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

"(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

"(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

"(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.".

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: "Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.".

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) In General.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

"(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

"(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

"(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

"(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

"(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

"(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

"(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

"(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

"(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

"(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

"(b) Federal Share.—

"(1) 50 percent.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

"(2) Greater than 50 percent.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

"(3) Operational expenses.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

"(c) Review and Evaluation.—

"(1) In general.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

"(2) Applications for technical assistance.—

"(A) In general.—The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

"(B) Individual museums.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

"(d) Services for Native Americans.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).".

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176) is amended—

(1) in subsection (a), by striking "$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002." and inserting "$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009."; and

(2) by redesignating such section as section 275 of such Act.

SEC. 306. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating sections 271, 272, and 273 as sections 272, 273, and 274, respectively; and

(2) by inserting after the subtitle heading the following:

"SEC. 271. SHORT TITLE.

"This subtitle may be cited as the 'Museum Services Act'.".

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking "accept, hold, administer, and utilize gifts, bequests, and devises of property," and inserting "solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,".

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(2) by striking the fourth sentence and inserting the following: "A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission"; and

(3) in the fifth sentence, by striking "five years, except that" and all that follows through the period and inserting "five years, except that—

"(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

"(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$5,000,000,000" and inserting "$8,000,000,000";

(2) in subsection (c), by striking "$500,000,000" and inserting "$600,000,000"; and

(3) in subsection (d)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by striking paragraph (7) and inserting the following:

"(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

"(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.".

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) Designation.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the "National Children's Museum".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking "section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)" and inserting "section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))".

SEC. 504. TECHNICAL CORRECTIONS.

(a) Title Heading.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking "property of services" and inserting "property or services".

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking "and" at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking "cooperative agreements, with," and inserting "cooperative agreements with,".

SEC. 505. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 203, 204, and 305 of this Act shall take effect on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 13, the Museum and Library Services Act of 2003, authorizes Federal assistance to museums and libraries through fiscal year 2009. The bill before the House today maintains the modest, but essential, Federal support for museums and libraries; encourages model cooperation between museums and libraries; and authorizes funds for the one Federal agency, the Institute of Museum and Library Services, devoted exclusively to museums and libraries.

Last Congress, the Committee on Education and the Workforce reported a bipartisan authorization bill that had 94 cosponsors. It was supported by the administration, and it was endorsed by the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. To complete our work from last Congress, at the start of this year I introduced H.R. 13, the Museum and Library Services Act of 2003. This year's bill has 126 cosponsors and makes several modifications to current law to streamline and strengthen museum and library services and builds on the bipartisan progress made by the committee during the 107th Congress.

In March, the House overwhelmingly passed H.R. 13 by a vote of 416 to 2. Since then, we have been working with the Senate to reach agreement on a consensus reauthorization bill that we could get to the President as quickly as possible. Today, the House will consider that consensus bill, which passed the Senate by unanimous consent on August 1, 2003.

Generally, this legislation authorizes the Federal Library and Museums program under the Institute of Museum and Library Services. More specifically, the bipartisan, bicameral version of the Museum and Library Services Act prohibits projects that are determined to be obscene from receiving funding; ensures that library activities are coordinated with activities under the No Child Left Behind Act of 2001; consolidates museum and library advisory board activities under a single statute; and ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services to identify needs and trends of services provided under funded programs.

In addition, H.R. 13 contains provisions to increase indemnity caps under the Arts and Artifacts Indemnity Act. These changes to the Arts and Artifacts Indemnity Act are designed to better facilitate the international exchange between museum exhibitions in light of increased commercial insurance costs for international museum exhibitions since September 11, 2001.

The Library and Services and Technology subtitle of this legislation is the only Federal program solely devoted to supporting libraries and will assist libraries in providing crucial services to the communities they serve. Throughout our Nation, libraries are at the forefront of reading and family literacy programs. Additionally, libraries serve as essential links to the business community, assisting with job creation, training programs, and business development initiatives. They are also critical for many people with disabilities, providing them with specialized materials and resources that are obtainable in a single location. For older Americans, libraries provide a place to interact with others, use the Internet, and receive services. For those persons of limited resources or who live in remote areas, libraries provide access to books and reference materials, computers and the Internet and community-based social services that are often available nowhere else.

The Museum Services subtitle of this legislation supports museums and their educational role and assists museums in modernizing their methods and facilities so that they are better able to conserve the cultural, historic, and scientific heritage of the United States. Museums play an important role in the education of people of all ages. Many American museums provide K through 12 educational programming, with most using local and State curriculum standards to shape their programs. Additionally, museums increasingly partner with libraries to offer joint educational opportunities for adults as well as children.

The Museum and Library Services Act of 2003 makes commonsense reforms to authorize museum and library activities. This consensus bill includes provisions important to Republicans and Democrats in both the House and the Senate.

We have worked hard to ensure that views from all interested parties were considered as we crafted our compromise. I would like to thank all of those who participated in this process, which actually began in the last Congress, including the ranking Democrat on the subcommittee, the gentleman from Texas (Mr. HINOJOSA). I thank him again for his support in getting us to the point where we are today. The Institute of Museum and Library Services, the American Library Association, and the Chief Officers of State Library Agencies and the American Association of Museums, they deserve a great deal of credit for the bipartisan bill that is before us today.

I would also like to thank the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee, and the gentleman from Ohio (Mr. BOEHNER), the chairman of the full committee, for their support of this legislation, and also to the committee staff on both the minority and majority side in both the House and the Senate that did a tremendous amount of work to get this bill to the floor today.

Today will complete the work on the Museum and Library Services Act. This bill will go to the President; and once it is signed into law, we can ensure that our Nation's museums and libraries are getting the best assistance we are able to provide from the Federal level.

Mr. Speaker, I urge my colleagues to support H.R. 13, the Museum and Library Services Act of 2003.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 13, the Museum and Library Services Act of 2003. I would like to say to the over 117,000 libraries and to more than 16,000 museums nationwide, you have a real friend and champion in the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education. I also commend the chairman and the ranking member of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their leadership in producing this bipartisan legislation. This bill not only has strong bipartisan support, it also has broad support from the library and the museum community throughout the country.

I am proud that with this bill we are reaffirming our national commitment to the institutions that provide access to information and technology for many in our community who would not otherwise have access to this wealth of information. Through this legislation, we are demonstrating to the Nation that we value the key institutions that preserve and promote our cultural heritage.

The Museum and Library Services Act strengthens the Federal support for museum and library programs. It reauthorizes the Library Services and Technology Act, raising the authorization level to $232 million and increasing the minimum State allotment to $680,000.

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These grants can be used for expanding services, for learning and access to informational and educational resources in a variety of formats, for providing electronic and other linkages among and between all types of libraries and for targeting services to people of diverse geographic, cultural and socio-economic backgrounds.

This legislation also reauthorizes the Museum Services Act to encourage and support museums in carrying out their public service, educational and leadership roles as stewards of the cultural, historic, natural and scientific heritage of the United States of America. This part of the legislation increased the authorization of this important program to $38.6 million for fiscal year 2004.

Mr. Speaker, in my congressional district this program has provided invaluable support to the International Museum of Art and Sciences in my McAllen, as well as to the Donna Hooks Fletcher Historical Museum in Donna; and there are many others that have benefitted as well. As a result of this program these museums will strengthen their conservation programs and increase their base of support in their community.

Also, H.R. 13 incorporates the Arts and Artifacts Indemnity Act introduced by my good friend and colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM). This act increases the indemnity coverage to $600 million per exhibition. I thank the gentlewoman from Minnesota for her work on this important issue.

Finally, I would like to commend the committee staff for their excellent work on this bill. In particular, I commend Rich Stombres and Rebecca Hunt of the majority staff for their efforts on this bill. I also wish to applaud the hard work of our Democratic committee staff, Ricardo Martinez and Cheryl Johnson. This was a job well done.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER), the former Official State Historian of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in support today of H.R. 13, the Museum and Library Services Act. I would like to thank my distinguished colleague and friend, the gentleman from Michigan (Mr. HOEKSTRA) for introducing this legislation. His leadership on education issues has been instrumental, quite frankly, in preparing our Nation's youth for their future and for ensuring a high quality of life in our communities.

As a cosponsor of H.R. 13, I urge my colleagues to pass this very important legislation. The Museum and Library Services Act does more than simply authorize funds. It improves the efficiency and delivery of the services that libraries and museums supply to facilitate access to important resources such as reference materials, classical literature and the Internet also.

In addition, this legislation coordinates services offered by libraries and museums so they can match these goals outlined in No Child Left Behind. By giving these great institutions the tools they need to maximize their impact on schools and communities, this House can confirm its commitment to ensure that, indeed, no child is left behind.

The effect of libraries and museums on education cannot be overlooked, but we must also examine the role these institutions play in improving the quality of life of the communities that they serve. Libraries and museums are cultural centers and meeting places for friends and for families. They are foundations of learning and of entertainment. We must support these institutions so that they can continue to support our community.

Mr. Speaker, I found it imperative that I speak today on H.R. 13. As my distinguished colleague had mentioned, as Michigan's former Secretary of State, actually part of my responsibilities for 7 years was serving as Official Historian of the great State of Michigan and the department I oversaw had jurisdiction, of course, over the Michigan Historical Center. This center is truly one of the greatest cultural assets in our State, and so I have first-hand knowledge of the great work of our State's libraries and of our museums, and with the passage of H.R. 13, these institutions will be able to continue their great work.

In October of this year, the Clinton-Macomb Public Library will be dedicating its new main library back in my home County of Macomb. This facility will be the largest library in Macomb County and actually will be the seventh largest library building in our great State of Michigan.

The services of this new state-of-the-art library, some that they will provide, are simply remarkable. Not only will it have the newest technology that is available, but the library will enact a 24-hour delivery system. This will actually be the first of its kind in the world. Additionally, its automated sorting will be only one of 10 in the United States.

The Clinton-Macomb Public Library will be more than a collection of books or microfilm, its children services have been designed to meet the literacy needs of our children with a strong focus on pre-schoolers. The new library will include learning centers for children and there will be computers with educational software designed to inspire learning in young children.

In addition, new technology will be available to all library users regardless of age. The construction of this library is truly a great thing. With the advent of the Internet many believed that libraries would be a thing of the past. The Clinton-Macomb Public Library is proof positive that this is not true. Instead, the demands for services provided by libraries has absolutely exploded. It has expanded. The libraries and museums are often on the cutting edge in utilization of technology as a tool for customer service.

Mr. Speaker, this legislation is good government. It supports the institutions that positively affect the lives of our citizens, and in a time when our children are exposed to so many things that are negative, libraries and museums offer services and resources that help our children grow and learn.

I was proud to cosponsor this bill. I was proud to vote in favor of this bill in March of this year, and I am certainly proud to speak in favor of the bill today.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we approach the end of this debate on H.R. 13, I wish to commend my friend and colleague, the chairman of our Subcommittee on Select Education of the Committee on Education and the Workforce, the gentleman from Michigan (Mr. HOEKSTRA), for the work that we have been able to do in our committee in a bipartisan manner. I look forward to working on many other bills that he and I have discussed as we move along this year and go into the second half on the 108th Congress.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the full committee.

Mr. BOEHNER. Mr. Speaker, I thank the Members on both sides of the aisle for the good work that has been done on this bill.

This year millions of Americans will visit a museum in America and millions more will visit their local library for books and other community services.

Libraries and museums play a vital role in educating our children and in promoting our communities. Throughout our Nation libraries are at the forefront of reading and family literacy programs. Libraries are critical to many people with disabilities, providing them with specialized materials and resources that are obtainable in a single accessible location.

For those of limited financial resources or who live in remote areas, libraries provide access available nowhere else to books and reference materials, computer services and other community-based services.

Museums across the country work with our local schools to provide K through 12 educational programming. They are an important source of cultural and historical knowledge, helping to promote learning about the history and traditions of our country and other nations around the world. In addition, museums serve as places where people of different backgrounds come together to share information about history, culture, and civilization.

In the last Congress, the gentleman from Michigan (Mr. HOEKSTRA) worked in a bipartisan manner to report the Museum and Library Services Act of 2002 and he worked very closely with the gentleman from Texas (Mr. HINOJOSA). In this Congress, these gentlemen continued to author H.R. 13, the Museum and Library Services Act of 2003, that passed the House by a vote of 416 to 2, and that happened earlier this year.

Since then the two gentlemen have been working with the Senate on a bipartisan compromise bill that has the support of the Bush administration and has been endorsed by the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. The Senate passed that compromise bill by unanimous consent on August 1 of this year.

I just want to commend both the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) and the staff on both sides of the aisle for all of the work that they have put into this very important piece of legislation.

This legislation before us today funds the Institute of Museum and Library Services, a Federal agency devoted exclusively to museums and libraries which partner with our Nation's schools. It consolidates the Museum and Library Board activities to reduce unnecessary paperwork and duplication and prohibits projects that are determined to be obscene from receiving funding.

In addition, the reauthorization of the Museum and Library Services Act is an important next step in ensuring that the President's education reforms signed into law last year are properly implemented. The bill requires that all library activities are coordinated with activities under the No Child Left Behind Act, President Bush's landmark education reform legislation.

Let me also thank my good friend and colleague, the ranking Democrat on our committee, the gentleman from California (Mr. MILLER), for his support of this bill as we moved it through committee and as we have gotten agreement with our colleagues in the other body. I think all of the Members on both sides of the aisle under the leadership of the gentleman from Michigan (Mr. HOEKSTRA) have an done an outstanding job in bringing us to this point. I want to congratulate them on their efforts.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his kind words. We have had a very successful year in the full committee. We are glad to contribute a bill that also has now made it through the committee.

I would like to recognize one of our colleagues on the minority side who is not here but who is the only librarian in Congress, the gentleman from New York (Mr. OWENS), for the assistance that he has provided in putting this bill together. I know he has been very interested in what we have been doing and has helped craft this final bill based on the background and the experience that he has had.

I thank the gentleman from Texas (Mr. HINOJOSA) for his help, and I look forward to working together with him on other pieces of legislation.

Mr. GIBBONS. Mr. Speaker, I rise today to express my great support for H.R. 13, the Museum and Library Services Act of 2003. This compromise bill will provide libraries, throughout our nation with an additional $232 million in funding.

Libraries are at the forefront of promoting our reading and family literacy efforts. This additional funding will allow libraries to maintain their traditional commitment to educating all Americans, young and old, while also furthering their work to keep pace with the development of technology by adding electronic media and new computers.

This bill will also greatly benefit our museums, which showcase our heritage, art, and accomplishments. This year, more than 865 million people will visit a museum in America. Similarly, millions of students will check out their first book from their local library, and millions of families will gather for community literacy and learning programs. The role of libraries and museums in American society is critical.

I personally remember my hometown library and my hometown librarian, Marther Gould, who now serves on the National Commission on Libraries and Information Science. She stands as a stalwart supporter of our library system and works diligently to ensure that they keep up with 21st century technology.

I urge all of my colleagues to support H.R. 13, so it can be signed into law to ensure that our libraries and museums can continue to serve our nation and future generations of Americans.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support for H.R. 13, legislation to reauthorize the Museum and Library Services Act.

I want to thank my colleagues, Mr. HOEKSTRA, from Michigan, and Mr. HINOJOSA, from Texas, for their efforts on behalf of our nation's museums and libraries.

As a former teacher, I have witnessed firsthand the power of libraries.

Libraries in my district and across the Nation offer citizens the tools they need to stay informed, keep in touch with people far and wide, and be an active part of this community and world. They are critical to our efforts to educate our citizens.

In my own district, thanks to the help of thousands of volunteers and donors, the main branch of the Kansas City library will soon open a state of the art facility in the newly renovated First National Bank Building located in downtown Kansas City. When it opens in the spring of 2004, the new library will feature expanded community meeting spaces, 107 more networked public computers, and 110 network ports for public use. In addition to its historical preservation, what is especially exciting about this project is the amount of public-private collaboration that has gone into the process. And that is what this bill today is all about.

The Institute for Museum and Library Services has been a model for collaboration between the Federal government and local communities and libraries. Since its inception in 1996, IMLS has provided more than $16.7 million to support library and museum activities in Missouri. The Kansas City Public Library has received considerable support, and the Nelson-Atkins Museum of Art has also benefited from IMLS funding. The Museum and Library Services Act has made a difference in libraries and communities all over America and this reauthorization will help us continue that legacy.

Since this legislation was first passed in 1996, our nation has continued to lead the digital revolution. The Internet, e-mail, and wireless technologies have transformed the way we work and communicate. Unfortunately, many Americans are cut off from the jobs and economic benefits that these amazing technological advances offer.

Libraries are an important part of our efforts to bridge this divide. They offer networked public computers, access to the Internet, and personalized assistance. Today's legislation will provide funding for local communities to improve and expand these efforts.

Mr. Speaker, all of us agree that our libraries and museums are an integral part of our communities. Unfortunately, in these tough economic times, these vital community resources are often slated for funding cuts. The legislation we approve today offers a helping hand. I urge my colleagues to support this bill.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 13, the Museum and Library Services Act, which will reauthorize the library and museums program under the Institute of Museum and Library Services. The role our libraries and museums play in educating our students, adults and families is incomparable. The lifetime learning encouraged by libraries and museums across the country is something we should all support.

I am particularly pleased that H.R. 13 raises the minimum State allotment. For smaller States like Delaware, this makes a huge impact. For example, with assistance from The Institute of Museum and Library Services, Delaware was able to set the model for evolving with growing technologies. Since 1996, DelAWARE, the Digital Library of the First State, has provided online information and services to all citizens with a library card. Delaware was also the first state to provide access for all its citizens to thousands of newspapers and periodicals in public libraries and remote access.

The support for libraries in Delaware is seen across the country. There are more than 117,000 libraries in the United States, including public libraries and libraries in schools, colleges and universities, hospitals, law firms, businesses, the armed forces and more. In fact, a recent study found that the majority of Americans felt libraries play a unique role because they provide access to everything on the Web or in print, as well as personal service and assistance in finding it.

The Institute for Museum and Library Services offers unique and vital educational services to all Americans. By funding libraries and museums, we improve access to information, improve care of collections and enhance community service.

With the growing momentum and implementation of No Child Left Behind, I encourage my colleagues to recognize museums and libraries as supporting players in helping our young students and engaging their families.

Mr. HOEKSTRA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 13.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1836

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 36 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7. CHARITABLE GIVING ACT OF 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–273) on the resolution (H. Res. 370) providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. RYAN of Ohio. Mr. Speaker, subject to rule XXII claúse 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The notice will appear in the RECORD.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to go to conference on H.R. 2657, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the House bill and the Senate amendments, except for title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. KINGSTON, LAHOOD, TIAHRT, CULBERSON, KIRK, YOUNG of Florida, MORAN of Virginia, PRICE of North Carolina, CLYBURN and OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. YOUNG of Florida, TAYLOR of North Carolina and OBEY.

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, SEPTEMBER 18, 2003, TO FILE CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight, September 18, 2003, to file a conference report on the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2658, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2658 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this vote will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 352, by the yeas and nays, and a 15-minute vote on the motion to suspend the rules and pass S. 678 by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 503]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Carson (OK)
Conyers
Cubin
Deutsch
Fattah
Gephardt
Green (TX)
Pickering
Rohrabacher
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1859

So the motion was agreed to.

The result of vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GREEN of Texas. Mr. Speaker, I was unavoidably detained on rollcall vote 503 on H.R. 2658, the motion to close the conference. Had I been present, I would have voted "aye."

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 28, 1963

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 504]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)

Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
DeLay
Deutsch
Fattah
Gephardt
Pickering
Rohrabacher
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POSTMASTERS EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 678.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the Senate bill, S. 678, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 505]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall

Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Deutsch
Fattah
Ford
Gephardt
Miller, George
Pickering
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1929

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall votes No. 503, No. 504, and No. 505. Had I been present, I would have voted "yea" on all of these votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2038

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. KIND) be removed as a cosponsor of H.R. 2038.

The SPEAKER pro tempore (Mr. KLINE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

☐ 1930

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2225

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to have my name removed as a sponsor of H.R. 2225.

The SPEAKER pro tempore (Mr. KLINE). Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. RODRIGUEZ. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1588, the National Defense Authorization Act for fiscal year 2004.

The form of the motion is as follows:

Mr. RODRIGUEZ moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in subtitle F of title VI of the Senate amendment (relating to naturalization and family protection for military members).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. STENHOLM. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. Stenholm of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

HOLDING UP THE VALUES AND VIRTUES OF YALE UNIVERSITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Speaker, most times when a Member goes to the floor to speak about their alma mater, they are raising up the flag of joy and promoting some football contest or sports contest and rooting their friends and fellow classmates on.

Today, I rise as alumnus of Yale University to ask them to uphold the values and virtues of our dear and beloved school, and that is equality and humanitarian service and respect for all.

Since being a student at Yale, one of the first women, we have encountered this conflict between worker and university; 10,000 people gathered on the square in New Haven just last weekend.

It is time for the president of Yale University to uphold the values of the school and respect the working people who work there, the dining hall workers, the janitors, provide for arbitration, binding arbitration, and settle this matter.

Stop embarrassing the thousands upon thousands of Yale graduates, who every day go out and work to make life better for those who cannot work or improve their own lives. It is an unfortunate and disgraceful act, that we are continuing to undermine those who come to work every day to help students learn and be the best that they can be.

I say to the president of Yale University, settle this matter, and stop embarrassing those of us who believe that Yale has the greatest calling, to educate people who will serve not only the Nation, but save the world.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CONNECTION BETWEEN THIMEROSAL AND NEURODEVELOPMENTAL DISORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for the past 2 or 3 years, I have held hearings on the issue of autism in America. We used to have one out of 10,000 children that were autistic. That is where they will not focus on things, they will not talk, they yell, they stamp their feet, they have chronic diarrhea and constipation, they have all kinds of physical problems; and their parents lose either complete control over them or they cannot communicate with them, and it hurts these children for the rest of their lives, and ultimately they are going to be a burden on the taxpayers of this country.

It used to be one out of 10,000. Now it is one out of 150. We have an absolute epidemic of autism in America.

Many scientists who appeared before my committee believe and have substantial evidence that the mercury that is in vaccinations is a major contributing cause of this autism.

It used to be you only got one or two vaccinations. When I was a kid, if you had measles or mumps or anything like that, they would quarantine the house. Now they give vaccinations for all of that, and these vaccinations can contain a substance called Thimerosal. Thimerosal is 50 percent mercury, and children who are going to school get as many as 25 to 30 vaccinations before the school will let them enter the front door.

The mercury has a cumulative effect. Once it gets in the brain, it starts destroying brain tissue and causes all kinds of neurological problems including autism. Yet the Food and Drug Administration has never, ever tested Thimerosal. It is used as a preservative. It is 50 percent mercury, they have never tested it, and yet it has been in vaccines for years.

We fought with them and our health agencies for some time to get that out of these children's vaccines, and they said they would do it. So this last week I wrote a letter to the head of the Department of Health and Human Services, Tommy Thompson, the Secretary of HHS; and I asked him to give me a list of those vaccinations that still contain mercury, Thimerosal. We found that 20 of the 43 vaccinations that are manufactured here in the United States still contain mercury. People are still having that injected into their bodies, adults as well as children.

Three or four of the major vaccinations that children get still have mercury in them, and vaccinations that have not been used, the serum that has not been used that is still on shelves in many of the doctors' offices, predate the dates they started taking mercury out of the children's vaccinations. So the FDA has not ordered them to take the mercury out, nor did the FDA notify doctors that Thimerosal-free vaccinations were preferred and that pediatricians should take the mercury out of their stocks of vaccines.

Recently, I wrote to the Secretary of HHS. I got the list. Twenty of the 43 currently manufactured vaccines in the U.S. still contain mercury, still are poisoning our children and adults. Our troops over in the Persian Gulf and Iraq were getting as many as 11 shots in one day, and most of those contain Thimerosal-mercury.

We have a rise in Alzheimer's as well, an epidemic of that; and I believe that that, in large part, is caused by the neurologically damaging mercury that is in vaccines.

Anyhow, HHS is still allowing vaccinations containing mercury to be given to children, such as the flu vaccine given to children 6 years old down to age 23 months. Hepatitis B, diphtheria, and tetanus still contain Thimerosal. Those are being given to children. Those lots that are still on the shelves that contain mercury are still being given to children. The Food and Drug Administration is not doing anything about it, and everybody in this country ought to be raising cain, not just because their children have not been damaged, but because all of those children who are being damaged are going to be a burden in one way or another on the taxpayers of this country, and it is going to cost us literally trillions of dollars if this is not stopped.

We have to do everything we can to hold HHS and the vaccine manufacturers' feet to the fire to get mercury out of vaccinations. Mercury is a toxic substance. It is toxic to the brain. It hurts neurologically anybody that has it injected into them. Yet they are still using it as a preservative. This is something that has to end.

These are the faces of children who have been damaged, just a small number of them; and we have got to do something about that. How would you like to have a child, like my grandson, who got nine shots in one day, seven of which contained mercury, and two days later he became autistic, a perfectly normal child.

These are things that cannot and must not be tolerated. We need to do everything we can to put all the pressure we can on our Health and Human Services agencies, FDA, CDC, and all the rest. Our Secretary of HHS, Tommy Thompson, who is a fine man, needs to pay attention to this and get this mercury out of these vaccinations as quickly as possible. It is hurting us all; not just the children, but the adults as well.

Scientific evidence continues to accumulate regarding the biologically plausible connection between mercury containing Thimerosal in vaccines, autism and other neurodevelopment disorders.

As a result, many parents have become understandably concerned about the safety of childhood vaccines.

And they should be considering that Thimerosal is 50 percent mercury by weight and mercury is one of the most toxic substances on the planet.

Even though the FDA asked vaccine manufacturers to remove Thimerosal from vaccines in 1999, they did not order them to do so.

Nor did FDA notify doctors that Thimerosal-free vaccines were preferred nor did they recommend that pediatricians remove Thimerosal vaccines from their stocks.

Recently, I asked the Secretary of HHS, Tommy Thompson and the FDA Commissioner, Dr. Mark McClellan to provide me with a list of all commercially available vaccines, including routinely prescribed pediatric vaccines, which currently contain Thimerosal.

Although they both assured me that none of the routinely recommended pediatric vaccines contain Thimerosal as an additive, 20 of the 43 currently manufactured and U.S. licensed vaccines still contain this dangerous substance.

FDA says it recognizes and supports the Public Health Services goal of reducing exposure to mercury.

If this is so, then they have to do more to ensure that all 43 vaccines currently manufactured and licensed in the United States are free of Thimerosal.

The most shocking example of a vaccine that still contains Thimerosal is the Influenza vaccine, commonly known as the Flu Shot, which is given to millions of Americans every year, adults and children alike.

In fact, last year, the President of the American Academy of Pediatrics issued a statement saying that the Academy encourages that the flu vaccine be given to all healthy children aged 6–23 months.

The harm that mercury could potentially inflict on such children is incalculable.

In addition, commonly administered vaccines such as the Hepatitis B, and the Diphtheria and Tetanus shot still contain Thimerosal.

In closing, I would like to enter into the RECORD a letter from the FDA Commissioner dated September 11, 2003, listing all of the Thimerosal containing vaccines.

I urge all Americans to contact the FDA to obtain this information to ensure that the vaccines that you and your children are getting are as safe as possible.

I strongly urge the FDA to finally eliminate this dangerous preservative from all vaccines and destroy any remaining stocks of Thimerosal containing vaccines in the interest of public safety.

DEPARTMENT OF HEALTH & HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION,
Rockville, MD, September 11, 2003.

Hon. DAN BURTON,
Chairman, Subcommittee on Wellness and Human Rights, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your letter of July 30, 2003 in which you requested that the Food and Drug Administration (FDA or Agency) provide you with a list of all commercially available vaccines, including routinely prescribed pediatric vaccines that currently contain thimerosal.

The enclosed table provides the information you requested. In an effort to keep the public advised on this issue, we have posed this information on our FDA website since 2001 at: www.fda.gov/cber/vaccine/thimerosal.htm. We have been updating the website as new information becomes available.

We wish to assure you that FDA is committed to help ensure the safety and effectiveness of all vaccines. Vaccines continue to prevent serious illness and death, and the benefits of vaccination continue to outweigh the risks. Furthermore, FDA does recognize and support the Public Health Services' goal of reducing exposure to mercury. At this time, none of the routinely recommended pediatric vaccines (for children 5 years of age or under) contain thimerosal as a preservative. The routinely recommended vaccines are: Haemophilus b Conjugate Vaccine (Hib), Inactivated Polivirus Vaccine (IPV), Diphtheria and Tetanus Toxoids and Acellular Pertussis Vaccine (DTaP), Hepatitis B Vaccine (HepB), Measles, Mumps and Rubella Virus Vaccine (MMR), Varicella Vaccine, and the Pneumococtal Conjugate Vaccine.

Thank you again for your continued interest in the safety of vaccines. If you have further questions, please let us know.

Sincerely,
MARK B. MCCLELLAN, M.D., PH.D.,
Commissioner of Food and Drugs.

TABLE.—THIMEROSAL AND EXPANDED LIST OF VACCINES

[Thimerosal content in currently manufactured U.S. licensed vaccines]

Vaccine/trade name	Manufacturer	Thimerosal concentration[1]	Mercury
Anthrax: Anthrax vaccine	BioPort Corporation	0	0
DtaP:			
Tripedia[2]	Aventis Pasteur, Inc.	<0.0002%	<.05 µg/0.5 mL dose.
Infanrix	GlaxoSmithKline	0	0
Daptacel	Aventis Pasteur, Ltd.	0	0
DTaP-HepB-IPV: Pedlarix	GlaxoSmithKline	<0.000005%	<0.0125 µg/0.5 mL dose.
DT: No Trade Name	Aventis Pasteur, Inc.	<0.00012% (single dose)	<0.3 µg/0.5 mL dose.
		0.01% (multi-dose)	25 µg/0.5 mL dose.
	Aventis Pasteur, Ltd.	0.01%	25 µg/0.5 mL dose.
Td:			
No Trade Name	Mass Public Health	0.0033%	8.3 µg/0.5 mL dose.
	Aventis Pastuer Inc.	0.01%	25 µg/0.5 mL dose.
TT: No Trade Name	Aventis Pasteur Inc.	0.01%	25 µg/0.5 mL dose.
Hib:			
ActHIB/OmniHIB[3]	Aventis Pasteur, SA	0	0
HibTITER	Wyeth-Lederle	0	0
PedvaxHIB liquid	Merck	0	0
Hib/HepB: COMVAX[4]	Merck	0	0
Hepatitis B:			
Engerix-B	GlaxoSmithKline	<0.0002%	<0.5 µg/0.5 mL dose.
Recombivex HB[5]	Merck.		
Pediatric/adolescent		0	0
Adult (adolescent)		0	0
Adult (adolescent)		0.005%	25 µg/1.0 mL dose.
Dialysis		0.005%	25 µg/1.0 mL dose.
Hepatitis A:			
Havrix	GlaxoSmithKline	0	0
Vaqta	Merck	0	0
HepA/HepB: Twinrix	GlaxoSmithKline	<0.0002%	<1 µg/mL dose.
IPV:			
IPOL	Aventis Pasteur, SA	0	0
Poliovax	Aventis Pasteur, Ltd.	0	0
Influenza:			
Fluzone[6]	Aventis Pasteur, Inc.	0.01%	25 µg/0.5 mL dose.
Fluvirin	Evans	0.01%	24.5 µg/0.5 mL dose.
Fluzone (Preservative Free)	Aventis Pasteur, Inc.	≤0.0004%	≤1 µg/0.5 mL dose. ≤0.5 µg/0.25 mL dose
Fluvirin (Preservative Free)	Evans	<0.0004%	<1 µg/0.5 mL dose.
Influenza, live FluMist	Medimmune	0	0
Japanese Encephalitis[7]: JE-VAX	BIKEN	0.007%	35 µg/1.0 mL dose. 17.5 µg/0.5 mL dose.
MMR: MMR–II	Merck	0	0
Meningococcal: Menomune A, C, AC and A/C/Y/W–135	Aventis Pasteur, Inc.	0.01% (multidose)	25 µg/dose.
		0 (single dose)	0
Pneumococcal:			
Prevnar (Pneumo Conjugate)	Lederle Laboratories	0	0
Pneumovax 23	Merck	0	0
Rabies:			
IMOVAX	Aventis Pasteur, Inc.	0	0
Rabavert	Chiron Behring	0	0
Typhoid Fever:			
Typhim Vi	Aventis Pasteur, Inc.	0	0
Typhoid Ty21a	Swiss Serum and Vaccine Institute	0	0
Varicella: Varivax	Merck	0	0
Yellow Fever: Y-F-Vax	Aventis Pasteur, Inc.	0	0

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[1] Thimerosal is approximately 50% mercury (Hg) by weight. A 0.01% solution (1 part per 10,000) of thimerosal contains 50 µg of Hg per 1 ml dose or 25 µg of Hg per 0.5 mL dose.

[2] Aventis Pasteur's Tripedia may be used to reconstitute ActHib to form TriHIBit. TriHIBit is indicated for use in children 15 to 18 months of age.

[3] OmniHIB is manufactured by Aventis Pasteur but distributed by GlaxoSmithKline.

[4] COMVAX is not licensed for use under 6 weeks of age because of decreased response to the Hib component.

[5] Merck's Hepetitis B vaccine for adults (adolescents) is available in both preservative-free and thimerosal-containing presentations.

[6] Children under 3 years of age receive a half-dose of vaccine, i.e., 0.25 mL (12.5 µg mercury/dose.)

[7] JE-VAX is manufactured by BIKEN and distributed by Aventis Pasteur, Children 1 to 3 years of age receive a half-dose of vaccine, i.e., 0.5 mL (17.5 µg mercury/dose).

DISTURBING NEWS REGARDING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, each morning these recent months we are awakened with the disturbing news that one, two, perhaps three, young Americans have been killed in Iraq.

☐ 1945

Our tours of duty for the National Guard and for the Reserves are being extended with great complications for many small American communities, and certainly for many American families.

It was just back on March 16 that Vice President CHENEY declared to the Nation that the most important rationale for war with Iraq was the fact Iraq had all of these weapons of mass destruction. And I think as the weeks go by and as the lives of young Americans are lost, that more and more of our American families are asking: Why is it that each morning we hear that the body of another young American has been found, but we hear nothing about the location of any weapons of mass destruction? In fact, that term has almost been banned now from administration speeches justifying the war in Iraq.

So desperate is the administration to make the claim about weapons of mass destruction that incredibly, yesterday, Secretary of State Powell went to the scene of a horrific crime involving weapons of mass destruction in Iraq, but it was a crime that happened 15 years ago, in 1988; and no evidence was provided suggesting any weapons of mass destruction had been located that would justify the loss of the lives of our sons and daughters in Iraq.

Now, surely, with thousands of people being paid by American taxpayers at this very moment to comb Iraq for weapons of mass destruction, sooner or later they will find at least a trace. But an honest assessment of this whole weapons of mass destruction question requires asking whether this third-rate tyrant, Saddam Hussein, unable to effectively defend himself and his own family, really ever had the capability to pose an imminent threat to our families here in America. Meanwhile, Americans continue to do most all of the dying, and American taxpayers are asked to continue to do most all of the paying for the cost of this administration's war justified by weapons of mass destruction.

In view of this, more and more Americans are contacting us here in Congress about the weapons of mass destruction question. Many of these people have done so through the organization called moveon.org, a citizens' organization to advance concerns in a way that I think is very healthy. I just want to share with my colleagues tonight the thoughts of some of those people from central Texas who share my concern about the rationale the administration used, how quickly it is walking away from that rationale, and the tremendous cost in the meantime, not only in dollars, but in blood.

Glee Ingram. Glee is a small business owner in Austin, and she writes: "I strongly support an independent investigation of the claims that were made by the Bush administration as a prelude to declaring war on Iraq. Using deception to create support to go to war is absolutely unacceptable. We, the citizens who must reap the consequences of this decision, are due all honesty," and indeed they are. And it is particularly questionable why this administration that made such bold claims about how weapons of mass destruction posed a danger to our families now resists a complete investigation of why they have been unable to find them.

Chantal Tetreault, who is a University of Texas student, contacted me saying: "Please support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs. My confidence in the government is shattered and will only be restored if the American people are given the truth about government intelligence prior to the Iraqi war. Innocent Americans have died and continue to die, along with many Iraqi civilians in this war."

I think she raises some important questions, as does Kathy Goodwin, who is an Austin social worker who contacted me saying: "I firmly believe that when we witnessed the bombing of September 11, people everywhere shared our grief and millions in the United States and all over the world have since come to the conclusion that war will not solve all our problems. The terrorism that caused 9-11 will not be stopped through a war with Iraq. We need the truth." And that is what an independent investigation of the whole WMD controversy would get to.

I believe the voices of these Austinites and others across the country should be heeded. We need action now to find out why and what occurred here.

SUPPORT H.R. 693, THE MILITARY DEATH GRATUITY TAX REPEAL ACT

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor tonight to say to the House and to the other body, the Senate, that we need to pass legislation to remove the tax that is sent to the families of those who have given their loved one to die for this country.

Mr. Speaker, I want to introduce my colleagues to a young man whose name is Tyler Jordan. Tyler's father, gunny sergeant Phillip Jordan, died for this country. He died in Iraq. He gave his life for this country. Yet, Mr. Speaker, because we have not removed a tax on the death gratuity that will be sent to his family this year, next year his family will have to pay a tax on $6,000.

Last year I put a bill in that would remove this tax; and it was supported by both parties, Democrat and Republican. It was sent in a larger bill to the Senate, but the Senate could not find the time to pass the legislation. This year again, the House, in a bipartisan way, Democrat and Republican, have sent to the Senate a larger bill with this provision in it to remove this tax on this death gratuity, and the Senate still has not taken the time to pass it.

Behind me are faces of those who have given their lives for this country. Their families next year will receive a tax bill from Uncle Sam. Mr. Speaker, I think when a family gives a loved one dying for freedom, the least that the House and the Senate can do is to repeal this tax.

The history of this is that in the early 1990s, there was a $3,000 death gratuity sent to the family. It was increased to $6,000, but the Congress did not take off the tax on the additional $3,000, so that means on the $6,000 death gratuity that is sent to the family, a tax will have to be paid. Mr. Speaker, I am going to call on the House leadership, both Republican and Democrat, the Senate leadership, and the President of the United States that we not leave here in November of this year and say to the families who have given a loved one that you are going to receive a tax bill from Uncle Sam.

I look at this young man that I hold up again, his name is Tyler Jordan. His father, Phillip, a Marine, gunny sergeant, died for this country. Yet not only did he give up his father, but also his family is going to be asked to pay a tax. This is unacceptable. There are many issues that we debate here in the House of Representatives, many issues that are so important; but is there anything more important than to say to a family, you gave a loved one for this country. The least we can do is to eliminate this tax.

So I am asking my colleagues on both sides of the political aisle to please help me encourage the House leadership, both Republican and Democrat, that we not leave this year without sending to the floor of the House H.R. 693, a bill that I have introduced supported by both sides, the military death gratuity tax repeal, get it to the floor and pass it. Because I do not want to come back here in 2004 and think that we have asked a family that gave a loved one that they had to pay a tax.

Let me give my colleagues a quick example. On September 11 of 2001, over 292 military families paid a tax on the gift of a loved one. In the year 2002, if this bill had passed last year, but since it did not pass, 1,700 families had to pay a tax on the gift of a loved one who died for freedom in America.

So, Mr. Speaker, it is my hope as I conclude tonight that as we look at the faces of these who have given their lives for America, we look at the little boy who gave his father for this country, that we will not leave here in November without passing H.R. 693 on the floor of this House and let us send it to the other body and ask them to pass that legislation. I am going to write a letter to the President of the United States, send it tomorrow, and ask the President to please get behind this legislation.

Mr. Speaker, I close as I do in my district and I did last night: I ask God to please bless our men and women in uniform, to please bless their families, and I ask God to please in his loving way in his arms to hold the families who have given their loved ones dying for freedom. I ask God to please bless the American people, to bless the House and Senate that we will do what is right in the eyes of God Almighty. I ask God to please be with the President of the United States so that he will do what is right for the future of this country. And I ask three times, God please, God please, God please continue to bless America.

EXCHANGE OF SPECIAL ORDER TIME

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUPPORT LOWER PRESCRIPTION DRUG PRICES THROUGH FREE MARKET ACCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care, yet Americans are forced to travel the world for their medications. A recent Families USA study found that the prices of the 50 drugs most commonly used by seniors in America increased by an average of 3.5 times the rate of inflation over the past year. Between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent. For too long, seniors have been paying premium prices for the same prescription drugs that are available in Canada and European countries at 30, 40, 50 percent reductions.

What we are proposing through the market access bill is allowing people here in the United States to buy medications in Canada and Europe, is free market competition, allowing the market to work. That competition will bring prices down in the United States and save our consumers and our taxpayers thousands upon thousands of dollars.

We as public officials are entrusted by the American people to represent them. We are not entrusted to ensure that they pay the most expensive price, but get the best price for the medications they paid for the research on. A recent USA Today Gallup poll showed that 71 percent of the American people showed support for allowing them to buy their medications in Canada or Europe.

I stood just Sunday with the Governor of Illinois who announced that for the first State ever in the Union, that they will now study what would be the savings to the taxpayers of Illinois if the 230,000 retirees and State employees would be allowed to buy their medications in Canada. In the last year, the cost to the State for prescription drugs increased by 15 percent. Illinois now spends $340 million a year for prescription drugs for their employees and retirees. It is projected in the Illinois budget that that will increase by 17 percent next year and another 15 percent the following year after that.

There are early predictions of what the savings will be, but I will wait for that study to be produced. The Governor asked for two actions: a, report back in a period of time for the savings to the State, if there are any; and, b, if there are savings, to then open up the health care contracts that the State has for its employees and retirees so they can cover prescription drugs bought in Canada.

That is the same program that the AARP does for its own seniors today. United Health covers 96,000 seniors who buy their medications in Canada and covers it with an insurance policy.

Now, nobody believes that the AARP would risk the health and welfare of our grandparents. Now, if there is an ability for a State government to save $50 million to $60 million, rather than lay off teachers, rather than lay off police officers, rather than close prisons, I think they have an obligation to the taxpayers and to their employees to get them those savings.

We too will face that choice. Just in July, prior to going home for the August recess, a bipartisan majority of the House Members came together and voted across party lines to allow market access, to allow Americans to buy the medications, the name-brand drugs that they need for cholesterol control, blood pressure control, arthritis, other types of medications, either in Canada or in Europe. That passed with an overwhelming majority. This is not a decision of Democrat versus Republican, or right versus left, but of right versus wrong. We can do better for the American people. We can give them the choice and the competition they deserve so that they can get the savings they deserve.

The irony of all of this situation is that Americans pay 50 percent more for the medications that their colleagues in France, Germany, England, Italy, Ireland, and Canada pay.

□ 2000

And yet what is ironic is every cancer drug, every AIDS drug, every major medication in this country was developed by the taxpayer funded research through the tax credit research and development credit or through direct funding by the National Institutes of Health.

The American taxpayers and consumers today are not only underwriting the research in this country, they are underwriting the profits of the American pharmaceutical companies. I have nothing against profits. I think they are a good thing. But they do not need to make up their profits in the United States from our seniors and our consumers when they can actually have the free market operate in the appropriate way so we can get the best price for our consumers and our seniors and for our taxpayers.

As we embark on this largest expansion of an entitlement in over 40 years, thinking of adding $400 billion to Medicare to cover a prescription drug plan, I think we owe the decency and respect to the taxpayers to ensure that we get them the best price, not the most expensive price for that $400 billion.

Now, those medications exist out there. Today you take Tamoxifen, which is a major cancer fighting drug, it costs $360 million here in the United States. In Canada that same medication for the same amount cost $33. In Germany it cost $60. You can go drug by drug and there is a major 40 to 50 percent reduction.

I would call on our colleague and I call on governors and mayors around the country to look at what we did in Illinois and see if you cannot save your taxpayers and your employees the cost that they need so we can plow that back into other health care coverage for the uninsured, to expanding our school, retaining our teachers, doing teacher training, and make sure that our police are on our street making them safe. Those are the right choices we owe to our employees, our consumers, and, most importantly, the taxpayers.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. NORWOOD).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REJECT IRAQ WAR APPROPRIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the neo-conservative media machine has been hard at work lately drumming up support for the $87 billion appropriation to extend the precarious occupation of Iraq. Opposition to this funding, according to the Secretary of Defense, encourages our enemies and hinders the war against terrorism. This is a distortion of the facts and is nothing more than destroying the messenger when one disapproves of the message.

Those within the administration, prior to the war, who warned of the dangers and real costs were fired. Yet it now turns out that they were more right, that it would not be a cakewalk, that it would require a lot more troops, and costs would far exceed original expectations.

The President recently reminded us that we went into Iraq to force Iraq's compliance with U.N. resolutions since the U.N. itself was not up to the task. It was not for national security reasons. Yet we all know that the U.N. never endorsed this occupation.

The question we in the Congress ought to ask is this: What if our efforts to Westernize and democratize Iraq do not work? Who knows? Many believe that our pursuit of nation building in Iraq will actually make things worse in Iraq, in the entire Middle East, through the entire Muslim world, and even here in the United States.

This is a risky venture and this new funding represents an escalation of our efforts to defend a policy that has little chance of working.

Since no weapons of mass destruction were found in Iraq, nor any evidence that the army of Saddam Hussein could have threatened the security of any nation, let alone the United States, a new reason is now given for the endless entanglement in a remote area of the world 6,000 miles from our homeland.

We are now told that the need to be in Iraq is to fight the terrorists that attacked us on 9/11. Yet, not one shred of evidence has been produced to show that the Iraqi government had anything to do with 9/11 or the al-Qaeda.

The American people are first told they have to sacrifice to pay for the bombing of Iraq. Now they must accept the fact that they must pay to rebuild it. If they complain, they will be accused of being unpatriotic and not supporting the troops. I wonder what a secret poll of our troops would show on whether or not they thought coming home next week indicated a lack of support for their well-being.

Some believe that not raising taxes to pay for the war is a way to pay for the war on the cheap. It is not. When deficits skyrocket the Federal Government prints the money and the people are taxed by losing value in their savings and in their paychecks. The inflation tax is a sinister and evil way to pay for unpopular wars. It has been done that way for centuries.

Mr. Speaker, I guess we shouldn't worry because we can find a way to pay for it. Already we are charging our wounded soldiers $8.10 a day for food when recuperating in a hospital from war injuries.

We also know that other soldiers are helping out by buying their own night vision goggles, GPSs, short wave radios, backpacks and even shoes. That is sure to help as well.

It does not seem like much of a bother to cut veterans' benefits. Besides, many conservatives for years have argued that deficits do not really matter, only tax rates do. So let us just quit worrying about deficits and this $87 billion supplemental.

Seriously, though, funding for this misadventure should be denied no matter how well-meaning its supporters are. To expect a better world to come from force of arms abroad and confiscatory taxation at home is nothing but a grand illusion. The sooner we face the reality, the better.

While we nation-build in Iraq in the name of defeating terrorism, we ignore our responsibilities to protect our borders at home and we compromise the liberties of our citizens with PATRIOT Act types of legislation.

There are two main reasons we need to reject the foreign policy of the past 50 years that has been used to rationalize our presence in Iraq. First, the practical: We cannot expect to force Western, U.S.-style democracy on a nation that for over 1,000 years learned to live with and accept an Islamic based legal system.

No matter what we say or believe, to the Iraqis they have been invaded by the Christian West, and whether it is the United States, U.N. or European troops that are sent to teach them the ways of the West it will not matter.

Second, we have no constitutional authority to police the world or involve ourselves in nation building, in making the world safe for our style of democracy. Our founders advised against it and the early Presidents followed that advice. If we believe strongly in our ideals, the best way to spread them is to set a good example so that others will voluntarily emulate us. Force will not work. Besides, we do not have the money. The $87 billion appropriations request should be rejected.

PROTECT EMPLOYER-SPONSORED COVERAGE IN MEDICARE CONFERENCE

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to highlight a crucial issue that is beginning to take center stage in the Medicare debate, and that is the fate of employer-sponsored health coverage for retirees.

As it currently stands, the House-passed Republican Medicare bill encourages employers who are currently providing retiree health benefits to drop that coverage. Unfortunately, the Republican bill states that any dollar an employer pays for an employee's prescription drug costs would now count towards the employee's out-of-pocket catastrophic cap. This disadvantages seniors with employer-sponsored coverage because it would be almost impossible for them to ever reach the bill's catastrophic cap over which Medicare would pay 100 percent of their drug costs. Without a doubt, many employers will simply stop offering retiree coverage.

The potential loss of this valuable benefit that many unions and employers provide today was reported today in the New York Times. According to the front page lead story by Robert Pear, "About 12 million of the 40 million Medicare recipients has retiree health benefits, usually including some drug benefits. But the Congressional Budget Office estimates that one-third of the people with such drug coverage could lose it under bills passed in June by the House."

Mr. Speaker, Republican conferees so far are unwilling to provide a final Medicare agreement that will provide seniors with an affordable, available and guaranteed prescription drug benefit that does not privatize Medicare. With the added threat of employers dropping retiree health benefits if a retiree is eligible for Medicare, we will no doubt have a public health crisis on our hands.

Mr. Speaker, Republicans are promising tax credits and subsidies to employers in order to persuade them not to reduce or deny benefits to seniors. But these approaches do not work and the answer is very simple. Employer dollars being provided for retiree coverage should contribute towards the out-of-pocket cap on the Medicare benefit. This system would allow seniors to reach the catastrophic amount earlier in the year, the amount at which point Medicare would pay 100 percent of drug costs, thereby providing relief to employers and providing an incentive for them to continue providing retiree coverage. It is simple.

I just hope, Mr. Speaker, tomorrow when President Bush plans to meet with the Medicare conferees, I would encourage him to ask the conferees to ensure that this important issue is addressed, because if all we do in passing a Medicare drug benefit is manage to basically eliminate employer-retiree coverage for drug benefits in health care, then certainly there is no point in having the Medicare agreement or the Medicare drug coverage at all.

I would hope that this could be addressed. Otherwise, I would say that the Democrats will continue to raise this as an issue while the conferees meet because it is so important. And so many of my constituents, Mr. Speaker, have already talked to me about it and are very concerned about the possible loss of their coverage.

PREVENTING UNDERAGE DRINKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I spent roughly 40 years working with young people, and over those 40 years there was a growing concern about drug abuse. Drugs such as cocaine, marijuana, heroin, methamphetamines were unheard of in 1960 and became more and more prevalent as those 40 years moved forward.

My observation was the primary drug problem that we had with young people really revolved around alcohol. Last week the National Academy of Science came out with a report on underage drinking that I think underscored this observation. The findings were as follows:

Number one, underage drinking results in $53 billion of costs to the Nation annually; $19 billion of this is for alcohol-related traffic accidents; 2,339 15- to 20-year-olds were killed in 2000 by alcohol-related traffic accidents.

Number two, availability apparently is no problem. Ninety percent of twelfth graders say obtaining alcohol is easy. Fifty percent of seniors drink each month, and 25 percent of those drink heavily.

Third, underage drinkers drink more than adults do. The report indicates that underage drinkers consume nearly twice as much alcohol on each occasion than adults. In other words, underage drinkers are more likely to drink to get drunk than adults.

Number four, underage drinking is more addictive. Due to psychological and physiological immaturity, alcohol dependency progresses much more rapidly in young people. Sometimes it progresses in a matter of weeks or months, whereas in most adults the disease may progress over a period of years.

It is estimated that there are 3 million teenage alcoholics in our country today, and those that are addicted to other drugs, it could be a fraction of that 3 million, and yet that gets most of the attention.

Number five, the average age of the first drink is decreasing. At the present time the first age of drink is about 14 on the average. Twenty percent of eighth graders use alcohol frequently.

Six, the side effects of adolescent drinking are devastating. Underage drinking leads to violence, suicide, academic failure, date rape, unwanted pregnancy, it can impede brain development, and it is a gateway to other illegal drugs such as cocaine, methamphetamine and heroin, because all of those drugs usually do not start with the drug itself but rather alcohol consumption.

Number seven, a point that I would like to bring out is why has underage drinking become such a huge problem. I would say parental factors have been a major issue. Many parents subscribe to the myth, which is false, that if a young person is using alcohol then they will not use other drugs, when the reverse is absolutely the fact. If you start using alcohol early, you are more apt to be addicted to all kinds of other drugs as well.

Oftentimes parents will purchase alcohol for children. And then, of course, there is the issue of lack of parental involvement. A recent study indicated that parents today spend 40 percent less time with their children than they did a generation ago, and of course that leads to some problems in the alcohol area.

Then of course there has been a problem with media influence. Young people are often targeted by alcohol commercials, and those of you who may watch NCAA football this next Saturday will undoubtedly come across a number of beer commercials, and these commercials will not show you an overweight 50-year-old or an automobile accident or somebody whose wife walked out on him. Rather, they will be young, they will be attractive, they will be athletic and they will be having a good time. And so NCAA sports, which should be aimed at improving things for young people, is, I think, in this case part of the problem. Also, much music targeted to young people glamorizes alcohol.

□ 2015

So some of the solutions provided by this report I think are worth noting.

I think we need to reallocate government resources. Twenty-five times more money is spent on preventing illegal drug use than preventing illegal drinking by young people, and yet if we can keep people from drinking, particularly at an early age, we are going to do a tremendous amount to cut down use of other hard drugs, and our money would be much better spent in that regard.

We need to hold alcohol advertisers accountable for targeting young people. There is no question that many of their advertisements are aimed directly at people, and some of those are underage drinkers. We need to hold the recording industry, the motion picture industry and the television industry accountable for ratings. Many of these ratings are rated G or PG and have heavy alcohol content in them.

We need to enforce regulations banning the sale of liquor to underage drinkers. Many times people who violate these rules just get a slap on the wrist. It has been proposed, also, by the NAS study that we raise the excise tax on alcohol to promote a campaign to reduce underage drinking, much as we have to reduce smoking.

So all of these things I think are worth considering, and I certainly urge the membership to take a hard look at the NAS report.

LETTERS FROM CONSTITUENTS CONCERNING IRAQ

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 165 years ago the U.S. House of Representatives passed a rule to ban discussion, debate, printing of any information or discussion of the issue of slavery. As a result, former President John Quincy Adams, who was elected to the House of Representatives after he was President, came to the House floor night after night, week after week, hoping to change the minds of people and debate the issue of slavery.

Adams, one of the Nation's leading abolitionists, one of the Nation's strongest believers in giant social justice, as a result, because he was prohibited from talking about slavery, came to the floor and read letters that he received from constituents in Massachusetts and constituents around the country. He believed that Congress should discuss slavery and debate slavery, so he allowed citizens to speak through him as the microphone, citizens through using these letters to speak directly to Congress, directly to the American people.

In a similar way, many in this Congress are unhappy that we are failing to investigate what our role in Iraq was. My friend from Texas (Mr. PAUL), Republican from Texas, has joined with many of us in questioning and asking for an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program, saying that we need to know more in order to deal with the problems at hand more, and as a result, I would like to read letters from petitioners from Ohio, from my District most of them, from all of Ohio, received from Ohio literally thousands of letters questioning, asking that Congress investigate, questioning what we are actually doing in Iraq.

From Jay from Richfield, Ohio, While listening to the speech of the President regarding Iraq last Sunday, I was struck by the fact he is asking for $87 billion for Iraqi reconstruction. What is magic about $87 billion, Jay writes. If we assume there are 290 million men, women and children in the U.S., that means that every man, woman and child will be contributing $300 to the reconstruction of a country we will never visit and whose welfare would never have affected us but for the lies of our President.

When the President sold America his enormously wasteful tax cut a few years back, his cornerstone was $300 for every family. He was full of stories regarding what a family could do with an extra $300. Jay of Richfield, Ohio, writes.

Sue of Elyria, Ohio, writes, Rather than admitting the shortcomings of his failed policy and plotting a course to get us out of Iraq, President Bush used the Sunday speech to the Nation to repeat his lies in the hopes that people will believe them if they are said often enough. There was no mention of weapons of mass destruction. Bush continued to equate Iraq with al Qaeda terrorists even though there is no factual basis for the charge. Then he asked us for another $87 billion to bail him out, and I am sure this is only the beginning. President Bush will be back asking for more.

How much is $87 billion, Sue writes. For that amount of money, America could solve the school budget crisis in every one of our communities and provide health insurance for every uninsured American child for 15 years, provide food for all six million of the children who die from hunger around the world for the next 7 years. Sue from Elyria, Ohio.

Ted from Lorraine, Ohio, where I live, asked about the $87 billion more for the invasion of Iraq. He writes, What happened to the $69 billion he spent already? Was it all given to Halliburton, the "no bid" contractor and friend of the President's? Why does not Congress write into the law giving him money that no contracts be let without fair and open bidding? His concern for the people of Iraq is heartwarming, but what of us, Americans who pay him and are suffering from a terrible loss of jobs and income? What of our schools and our roads and our bridges and constitutional rights under the Bill of Rights? Not a word from the President on that.

Jack from North Royalton, Ohio, writes, I believe that we, the American public, were manipulated by misleading statements by President Bush in order to gain support for a war in Iraq. This war is costing the American people billions of dollars. More importantly, it is costing the lives of American military personnel. This war has cost America the friendship and respect of law-abiding Nations. This is a sad period for America and for Americans. The Bush administration should be held accountable. President Clinton's lies were about a personal sexual matter. President Bush's lies are about an international issue.

Matt from Cuyahoga Falls, Ohio, writes, The costly war, which has not ended, has cost thousands of civilian lives and hundreds of American military lives. It has not improved national security. It has weakened it. It was evident, Matt writes, as the administration danced around looking for reasons to attack Iraqi men, women and children that there were conflicts of interest between members of the administration and the possible reasons for going to war.

These are five or six of the literally thousands of letters, hundreds of thousands around the Nation that we are receiving questioning what we are doing in Iraq, wanting a plan on how we are going to get out.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members to avoid personally offensive references to the President of the United States.

REPORT ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, 2 weeks ago I had the privilege of visiting Iraq with the gentleman from Virginia (Mr. TOM DAVIS), the Committee on Government Reform chairman. I am not a member of that committee, but he kindly let me accompany them.

Mr. Speaker, when I returned to this country I will have to tell my colleagues I wondered if I had gotten off a plane on the wrong planet or if my jet lag was particularly bad. I turned on the evening news and listened to one of the national news anchors, and his comments about Iraq were such that I did not recognize the country that I had just left.

Mr. Speaker, I want to tell my colleagues tonight about what I did see while I was there. It is a good story, and it is a story the American people need to hear, and unfortunately, it is a story the American people are not hearing as we have heard evidence tonight by the comments on the other side.

General Conway of the 1st Marine Expeditionary Force in Babylon told our group that what has happened in Iraq is a vivid success story. The Iraqis are not concerned that we will stay too long; they are more concerned that we will leave too soon.

Mr. Speaker, when we flew into Baghdad that first morning, I was struck by how normal life is in Baghdad. The markets are full. There are cars on the street. In fact, we encountered a couple of traffic jams. Satellite dishes have appeared on the rooftops of the apartments and houses in Baghdad, and Mr. Speaker, bear in mind that 4 or 5 months ago, possession of a satellite dish was punishable by a year in prison, and now 25 to 30 percent of the homes have satellite dishes. These are people who are hungry for knowledge, who are hungry for information.

The schools completed their school year. Agriculture in this country, in spite of the combat phase of Operation Iraqi Freedom. Just at the end of August, they had completed the wheat harvest up by Tikrit, an area that looks very similar to Kansas for all I could tell. Perhaps the Kansas of 150 years ago, but nevertheless it looked very similar to Kansas.

From a military standpoint, the combat phase of Operation Iraqi Freedom was prosecuted brilliantly, and Mr. Speaker, I would point out probably more humanely than any other military exercise in the history of the world. There is no remaining strategic threat, that is to be sure Iraq is still a dangerous country, but the Iraqi military is not going to reconstitute under Saddam Hussein and attack our forces.

Stabilization is currently the goal of our military operation, to find, contain and kill those who would hurt our troops or harm innocent Iraqi citizens.

Mr. Speaker, I would like to point out a picture that I took while I was over. This was actually taken in Tikrit in one of Saddam's old palaces. The men and women of the 4th Infantry Division, that is a Fort Hood division out of Texas, had this graphic up there to illustrate how 42 of the 54 most wanted of the former Iraqi regime are no longer a threat to the Iraqi people or the American people: Saddam's regime is gone and will not be back, can you hear me now.

Mr. Speaker, as far as the police force in Iraq is concerned, we are just now 2 years and 5 days after the 9/11 disaster, and many of us got to know Bernard Kerik on our TV screens, the police commissioner from New York City who presided over the New York Police Department during 9/11. He has been a miracle worker in Iraq. He has gone from zero to 35 precinct stations in a mere 14 weeks' time. He has stood up 37,000 Iraqi policemen and expects to have 65,000 more by next May.

Mr. Speaker, to sum up, I would like to just illustrate the 90 days of progress that have happened in Iraq. The schools have completed their academic year and completed testing and indeed will be starting, if they are not already started, a new school year this September. Over 90 percent of the major cities and towns in Iraq have functioning city councils and town councils. Over 500,000 Iraqis are contributing to their own security and border security. Prisons are on the verge of reopening, and the judicial system is up and functioning. Food distribution occurred throughout the combat phase and afterward. No humanitarian crisis grew as a result of the combat in Iraq.

Hospitals remained open and functional. To be sure, they leave a lot to be desired, but nevertheless, they remained open and most importantly to me, four and a quarter million children have been immunized since last May.

Mr. Speaker, I would point out in this 90 days of progress, none of these things were in place in Kosovo a full year after that major military operation ended.

I would like to point out some of the things that I saw within the health care industry in Iraq, which was particularly important to me as a physician. There has been no health care infrastructure improvement in Iraq for over 30 years. Pharmaceuticals manufactured in Iraq were useless, and we juxtapose this with the opulence of the palaces and the poverty of the hospitals. Mr. Speaker, this was a man who needed to be removed and deserved to be removed.

HONORING THE LIFE OF MORRIS "MOE" BILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a giant in the labor movement, a giant whose voice was silenced 2 weeks ago, Mr. Morris Biller, affectionately known as Moe. Moe Biller departed this life on September 5 at age 87.

Moe Biller's voice may be silent, but the principles for which he lived and fought for can be heard all around the world. It is often said that success in life can be measured by how many people one is able to touch in a positive way. By all accounts, Moe Biller lived a pretty successful life.

He was one of those individuals who had to swim upstream. His 20 plus years as president of the American Postal Workers Union helped to transform that union and the United States Postal Service. Moe's legacy will perhaps be that of a hero to those workers of the Postal Service who were viewed as mediocre to the mail process. He was a champion for the little people.

In 1970, he led a strike that began in his hometown of New York and spread to 30 cities involving 200,000 workers. Former President Richard Nixon called in the National Guard in an effort to move the mail. That strike led to postal reorganization in 1971 and provided workers with the right to bargain for wages, benefits and improved working conditions.

Even those who did not agree with Moe's style or message respected him for his courage and passion on behalf of the workers at the postal workers' operation.

The Postmaster General has noted that Moe Biller was a forceful, innovative leader who worked tirelessly on behalf of the American Postal Workers Union members and on behalf of the Postal Service. The Postmaster General ordered that flags at postal facilities be flown at half staff until Biller's burial, which took place on Sunday, September 7.

□ 2030

Mr. Speaker, Moe Biller's imprints on the labor movement, collective bargaining rights, and concern for humanity are attributes to be admired. Moe's work will continue with leaders like the current president of the APWU, Bill Burrus. I was pleased to join Bill Burrus and members of APWU at the Second Annual Moe Biller Postal Conference which took place at the Brookings Institute recently, and Moe's presence could be felt.

We have lost a giant in the movement. The best way we can honor Moe Biller is to keep his spirit alive by rededicating ourselves and redoubling our efforts to improve worker conditions, protect collective bargaining, expand health care to those in need, and provide adequate resources for those who are the everyday workers of our society. I ask that my colleagues, citizens of America, and the 750,000-plus postal workers join with me in extending our heartfelt condolences to the Moe Biller family and our thanks for his great work on behalf of humanity. May Moe Biller's spirit rest in peace and resonate in our actions. He was truly a representative of the working man.

HONORING PROFESSOR EDWARD TELLER

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to pay tribute to one of the great Americans of the last century, Dr. Edward Teller, who passed away on the 9th of September and said of his own accomplishments, "What I did, I did because it was necessary, not to be remembered. The little contributions I made in pure science, I am proud of those, and whomever wants to remember that, fine." But Dr. Edward Teller deserves to be remembered, and it is important that we remember him because he perhaps more than anyone else in American science believed that we could achieve peace in the world through military strength. He did everything he could to rally a community of scientists, technical people, engineers to back up the political leadership in this country when we were faced with an enormous military adversary in the Soviet Union. And ultimately as the Soviet ambassador said when he left at the end of his tenure upon the collapse of the Soviet Empire, the Reagan Strategic Defense Initiative, which was largely Edward Teller's, hastened the fall of the Soviet Empire by a full half decade.

Dr. Teller died at age 95 of a stroke at his home in Palo Alto where he had worked for the past 28 years as a senior Fellow at the Hoover Institution at Stanford, a towering source of American intellect and ideals, both literally and figuratively. Just a few days earlier, he had put in his last day of work at the Lawrence Livermore National Laboratory which he cofounded with his fellow University of California professor, Ernest Lawrence, 51 years ago this month, and where he labored prodigiously for the American cause ever since.

Characteristically on his last Livermore workday, he was reviewing recent technical developments concerning a new source of nuclear energy, an area he was deeply engaged in the past 64 years and upon which topic he coauthored a seminal scientific paper 70 years ago that is still widely referenced today.

But what makes Teller unique among all of the rest of the greats of our time is a vision and courage that he manifested in a most difficult, too-little-remembered era already a half century in our Nation's past when Americans and the other free people in the world came into serious confrontation with the empire led by the Soviet Union.

In the late 1930s, Teller and many others, more than a few being fellow refugees from Hitler's tyranny, had answered President Franklin Roosevelt's call to commit their technical talents to the defense of freedom against the clear and present danger of fascism with historic consequences known to us all. A decade later in the late 1940s when the world's free peoples faced another grave, but less clearly perceived, totalitarian threat, Teller rallied and led American scientists and engineers in providing American political leaders with the key technical means for withstanding the Soviet challenge. He continued his exemplary leadership for the following quarter century until one of our greatest Presidents, Ronald Reagan, sounded the call for the conclusive campaign of the Cold War. Then already at an age when most are content to rest, Edward Teller again rallied and marshaled his professional colleagues from all over America to create the technical core of the interlock set of philosophical, political, economic, and military challenges that Reagan launched at the Soviet Empire, resulting in its unexpectedly swift, bloodless, and utter collapse.

Mr. Speaker, Teller's technical genius and near solitary perseverance gave the United States crucial first access to the most fearsome weaponry, and the vision that he shared with Ernest Lawrence in founding the second laboratory concerned with nuclear weaponry that has endured and ensured America's weaponry excellence through its brilliantly conceived, supremely effective appeal to innate American competitiveness, and as we will do very well to remember this Teller-Lawrence lesson regarding the surpassing importance of competition-based technical preeminence in all crucial national security programs, very specifically including nuclear weaponry, for every bit as long as it takes to undergird America's national security.

It was Edward Teller's Churchillian-quality vision, his simple eloquence, and his unwaivering moral courage, and not just once but twice facing down multitudes of those less committed to the effective defense of traditional Western values, and yes to the triumph of the American cause, that we should most honor and longest remember. To be sure, Edward Teller made mistakes, and he acknowledged and regretted them; but they dwindle into complete insignificance when viewed against his monumental accomplishments on behalf of all Americans and indeed all freedom-loving people everywhere.

Mr. Speaker, I am reminded when Dr. Teller talked about going to meet Albert Einstein in 1939 and asking a little girl skipping rope if she knew where Dr. Einstein lived. She said no as she was skipping the rope. He finally asked about the guy with the big fuzzy white hair, and she directed him to the correct door. He went in with two other physicists and together with Albert Einstein they wrote the letter to FDR that changed the world. Edward Teller was a great scientist. He was also a great American.

CALIFORNIA RECALL DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am very pleased with the decision made yesterday by the 9th U.S. Circuit Court of Appeals that declared the use of older voting machines would again lead to the disenfranchisement of minority voters. I applaud the court for deciding to assure voters that the basic fundamental requirements of equal treatment and fairness are carried out. Underlying this, I quote from Justice Kennedy who wrote: "Voting is one of the most fundamental and cherished liberties in our democratic system of government." To me, the California decision highlights a painful lesson our country learned from the 2000 elections, that it is not possible to hold a fair democratic election if voters are not guaranteed their votes will be fairly counted.

I read in the paper and have heard on the news a lot of talk about hanging chads and other technical problems that led to the Supreme Court selecting George W. Bush as the President in the 2000 Presidential election; but let me tell Members that in my district, Florida's third, 27,000 votes were thrown out and never counted. Let me repeat, 27,000 votes from precincts 7, 8, 9 and 10 tossed out, never counted from minority neighborhoods that vote 98 percent Democratic.

In California, the voting machines that 44 percent of the voters were going to use in the October 7 recall election were so questionable that California's Secretary of State, a Republican, was not planning to allow this equipment to be used in future elections. And take note, the comparison he drew for the dire situation was that California should not wait for a Florida-style election problem before going ahead to replace their out-of-date voting machines.

In the court decision, the 9th Circuit stated that 40,000 citizens of California would have their votes uncounted because of old machines they were planning to use. I repeat, 40,000 votes. In addition, a quarter of the State polling places are not yet functioning because election officials did not have enough time to prepare for the recall. To me, the situation in California clearly shows that we still have quite a ways to go in reforming our voting system. And to make matters worse, even though just last year we passed an election reform bill, the Republicans have blocked full funding. Up to this moment, we still need another $2 billion before the end of the year to ensure that we do not repeat the 2000 election. Yet if we fail to provide the States with this badly needed funding, we may be headed right down the same path, to face this terrible situation that we were in just 3 years ago.

Here we are, 3 years later, the leader of the free world and at the same time the laughingstock of the free world telling other nations that we do not support them or we are going to sanction them because we consider their elections to be unfair; yet here at home we cannot get our own elections right.

I completely support the circuit court's decision and hope to see the election postponed until they get better equipment in place. We must never, ever repeat what happened in Florida. We certainly do not want to witness a repeat of the 2000 Presidential election. In closing, I think the recount in Florida, the redistricting problem in Texas, and the recall of California's Governor is part of a right wing conspiracy to politically enslave the American people.

REMEMBERING ROBERT LLOYD KELLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I rise tonight in honor and remembrance of Robert Lloyd Kelley, who tragically passed away on March 15, 2003, at the age of 57. Robert Kelley, known as Bobby, was not only an outstanding father and beloved husband, he was also a great community leader and mentor who gave freely of his time and energy.

Those who knew Bobby knew that he loved life, especially his family, his church, the Texas Aggies, his job, and his community. He was devoted to his aging parents and took care of their physical and emotional needs. Bobby was kind and generous to many in the community, but his rewards are now being reaped in the splendor of heaven.

Bobby was born on February 4, 1946, in San Antonio, Texas, to Dr. E. Lloyd Kelley and the late Mary Yvonne McGarry Kelley. He is preceded in death by his mother as well as his son, Timothy Lloyd Kelley.

Bobby played an active role in his community of Hondo, Texas, serving both on the board of directors and as president of the Hondo Area Chamber of Commerce, as well as president of the Hondo Owl Band Booster Club.

During his life, he received numerous service awards and recognitions, including Volunteer of the Year for the Hondo Volunteer Fire Department, 1986; Community EMS Service Award, 1986 to 1990; Medina County Peace Officers Association Citizen of the Year; Hondo Area Chamber of Commerce Citizen of the Year; Outstanding Band Booster Service Award; and special recognition from the San Antonio Area Chapter of the Red Cross, as well as the Boy Scouts. He was an active member of the Hondo Church of Christ. He was the chief of the Medina County Juvenile Probation Department where he worked with the troubled youth of the area, a job which he found most rewarding, and through his department he helped a faith-based program called Angels Crossing.

□ 2045

Bobby was always willing to volunteer and work on any project that was "for the kids." He always said, "If you can't do something for kids, what's the point? Kids are our future."

He also served as a Texas Department of Criminal Justice religious volunteer for approximately 8 years. He loved to sing and served as a song leader at church services held at the Joe Ney Unit in Medina County. Through his work at the Joe Ney Unit he was able to secure funds to have a chapel built, and now with his passing, a formal request has been made that the chapel to be constructed as the unit be named the R.L. Kelley Chapel. It will be dedicated to helping men find God and change their life just as he dedicated his life to helping people.

I extend my deepest condolences to Bobby's wife of 35 years, Jill, who is a seventh grade Texas history teacher at McDowell Middle School in Hondo, and his daughter, Lisa, who works for me on the House Agriculture Committee. Although he will be deeply missed, Bobby's spirit will live on in the hearts and memories of everyone he loved and inspired, especially his family and closest friends, today and for generations to come.

Mr. Speaker, please join me in honor and remembrance of Robert L. Kelley. Medina County, Texas, was indeed fortunate to have such a dynamic and dedicated community leader who willingly and unselfishly gave his time and talents to make his community a better place in which to live, to work, to call home and to raise a family.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, earlier this evening while we were voting on the House floor on a number of issues and as conversations develop among colleagues here, I had an interesting conversation that I would like to recount. A colleague of mine as we were walking across the street from our office building over here, the Longworth Office Building, said to me, you know, I know that you have had a lot of involvement with immigration-related issues and therefore I just wanted to talk to you a minute or two about some of the concerns I have. This particular individual happens to be a chairman of a committee that has oversight in a particularly important area of concern for us all and has some responsibilities that I would say overlap into the immigration area. He asked me what I thought we needed to do because he recognized the particular problem we were in, the peculiar problem we were in, I guess, in that we have a huge number of Americans who are concerned about this issue, about immigration, immigration reform, and we have a great deal of pressure developing, political pressure, I guess we could say, to do something about our porous borders and do something about the problems that exist as a result of the fact that today unfortunately even 2 years after 9/11, the event that transformed America in many ways and changed the world in many ways, we have still not been able to come to grips with one aspect of this problem and the fact is that we all know this, people in this body know this, and yet we seem paralyzed to do anything about it.

I said, well, okay, I have some ideas about this. Of course we went on to talk in-depth about what we thought should be done. Underline the word "should" be done. There was general agreement between the two of us, I guess, that much stronger action needed to be taken, that our borders are porous and that something had to be done in order to control the number of people coming across our borders, north and south, into the United States without our permission, for reasons sometimes benign, sometimes not so benign. We talked about the things that should be in place. Once again I emphasize the word "should" be in place. Some of the protections that any country would take, some of the undertakings that we as Americans should simply say we should look at as being the most basic kinds of precautions, that any government would undertake in order to protect their own citizens. We talked about the need for internal security. We talked about the need for Americans to devote more resources to trying to identify those people who are in this country, illegally for the most part, and who are here for purposes of doing us great harm. And we went through the number of problems that we have because, of course, there are many interests that are involved here, many political interests that develop that complicate the issue of simply securing our own borders.

It became apparent after a short time, after we talked about the amount of drugs that are being brought into this country, illegal drugs that are being brought into the country as a result of the fact that cartels, especially in Mexico, have realized that their ability to transport illegal drugs into this country is great and the profits are enormous and that the harm that is being done as a result of that kind of activity is well documented. And we talked about the fact that there are national security problems involved with porous borders and that terrorists, potential terrorists, are able to come into the United States, able to work within the United States because, of course, there are so many millions of people who are living here illegally, that they can blend into the society, they blend into that community, it makes it incredibly difficult for us, the Department of Justice, the Department of Homeland Security, to identify, to monitor and to interdict these people. And then we talked about, of course, just the abuse of our own laws, the fact that we recognize that our immigration policies are being constructed by States and by localities, by cities and counties throughout the United States that are developing policies and laws that actually aid and abet the criminal activity we call illegal immigration.

And all of this devolved into one common theme. Our borders are porous and we need to do something about that. As amazing as that sounds, it is still a difficult concept for many people in this body and in the administration, apparently, to get. But our borders are porous and there are consequences as a result of this situation.

I tell you about this and I relate this conversation because of the way it ended. There was, as I say, agreement between the two of us as to what the problem actually is. There was also an agreement between the two of us as to why we cannot solve that problem and that is what is amazing to me and I guess why I want to start off my discussion this evening with telling you about this conversation, because at one point this gentleman said to me, you know, we do not have the political will to secure our own borders. That is, of course, something I have said many times on this floor. It is something I have said in speeches I have given all over this Nation. But hearing this from another Member, a Member who is, I might say, not identified as being part of our Immigration Reform Caucus or someone who is very high profile but nonetheless a very respected Member of this body. As I say, a committee chairman. He said, and I want to say it again, we do not have the political will to secure the border. What a statement. And in an absolutely truthful statement, a statement we all know in our heart of hearts is accurate but a statement that we do not want exploited, a statement that we do not want to be made public. But it is public knowledge, Mr. Speaker. We may think we are the only ones here that know this dirty little secret, but I assure you that Americans know and understand that there is this problem. Many millions of Americans understand that there is a problem but perhaps they do not know why and they ask me all of the time. I get I do not know how many letters and e-mails and calls to my office. Over and over again the question is, why can't we do something about this? Day after day, week after week, month after month, year after year we talk about the problem. There are countless news reports about the fact that we cannot control our own borders, about the fact that people are coming across and that we choose to do little if anything about it. People say to me, why is this happening, Congressman? I can only tell them what my colleague said to me. We do not have the political will to secure our borders. I assure you, Mr. Speaker, we have the technical ability to do so. We have the resources. We have the technological attributes necessary, combined with human resources to secure our borders. We can do it. It is a fallacy, it is a canard to stand up in front of any group and say it is impossible, we must figure out a different way to defend America rather than defending our borders. When people say that, Mr. Speaker, what they are saying is this: I choose not to defend and secure our border, because there are political ramifications that I fear. This is what we should read into any statement given by any politician, whether they be Members of this body or the other body or running for any position, elected position in the State, in any State of the Nation, because this issue has reached that point where it is now a State and local issue, because we have States in the Nation that are trying to develop their own immigration policy, sometimes because they are attempting to fill the vacuum created by the lack of involvement by the Federal Government and sometimes because they are trying to pander to political constituencies that they believe will help them retain or obtain power, political power.

Recently we have seen something happen that points this up in a way I guess I could never have thought of. The old issue about truth being stranger than fiction, it really works here, because what if I had come to this floor, say, 3 or 4 years ago and said, Mr. Speaker and Members, I can envision a time when States will actually be doing things like giving driver's licenses which in many respects, and many times referred to as the keys to the kingdom in America, a driver's license, what if I had said, I think there are going to be States in this Nation that actually are going to give illegal aliens driver's licenses?

Of course there would have been derision, there would have been a response we all can identify with, those of us who are concerned about this issue, because we have faced that kind of reaction by the press and by even our colleagues in the past. They would have said, you are such a radical on this issue, you are so off base, you are anti-immigrant, you are racist, all of those epithets that they throw out every time we talk about immigration and immigration policy. Never could this happen that any State in the Nation would give illegal immigrants the keys to the kingdom. Yet, of course, that is exactly what is happening. Several States in this Nation have, and now the most recent, the State of California.

□ 2100

A Governor so desperate to try to retain power that he signs a bill that he had twice vetoed and vetoed with a message that said something like this: It is crazy to give people who are here illegally a driver's license because we do not know anything about them. We cannot determine their background. We do not know who they are. We do not know anything about them, and when we give a driver's license like to somebody like that, they can use it for nefarious purposes. But he forgot all of those veto messages because he is in the process of being recalled by the people of the State of California. And he says, oh, this is a great idea. Why did I not think of it before? It is absolutely necessary for us to give illegal immigrants into this country the "keys to the kingdom."

There is only one reason he did that, of course, and that was to gain the votes he hopes he will obtain in order to be retained in office. This is amazing to all of us. I mean, most Americans look at this and understand it for exactly what it is: political pandering in its worst form, and yet it has happened. And I hope that we can look at this little visual example of the problem: A California driver's license for a gentleman named Osama bin Laden, 525 Main Street, Los Angeles, California; date of issuance: 9-11. This is a dramatic, perhaps some would say overly dramatic, statement we are trying to make here, but this is what it takes perhaps to bring some people to their senses. Can we keep this from happening?

Illegal immigration poses a threat to the United States in many, many ways, certainly in a national security sense. In a recent article by Steve Brown and Chris Coon, they say, "Governor Gray Davis has opened a significant breach in the Nation's homeland security by signing a bill allowing illegal immigrants to obtain driver's licenses that bear the official seal and full governmental authority of the State of California." These driver's licenses allow people to open bank accounts, make certain purchases, and obtain jobs. "Driver's licenses also serve as the sole ID needed to travel abroad to Mexico, Canada, and some Caribbean countries. They allow easy access to air travel and car rentals. It is a requirement for obtaining a firearm. Through the convenience of the Motor/Voter Act, obtaining a driver's license even grants the right to vote, a fundamental right for which generations of American blood has been shed and the one sacrosanct facet of citizenship. But increasingly, even in the post-9/11 atmosphere of heightened security, States are giving away the keys to our country to those who aren't even citizens and are, in fact, here illegally.

"A recent Federation for American Immigration Reform report highlights how States are undermining immigration enforcement and throwing the door open wide to terrorist infiltration. Along with Sanctuary policies mandating noncooperation between local and Federal enforcement, Federation for American Immigration Reform cites the issuance of driver's licenses to illegals as one of the key breakdowns in homeland security, a conclusion shared by both the FBI and the Department of Homeland Security.

"'All 19 of the 9/11 terrorists possessed one or more of State driver's licenses, which they used to blend in, rent apartments, open bank accounts, and, ultimately, to board the airplanes they intended to crash,' the report notes. 'The decision by 13 State legislatures and Governors to give driver's licenses to people in this country'" who are here "'illegally, people about whom we know nothing, directly hinders Federal efforts to address the homeland security threat.'

"Gun Owners of America Communications Director Erich Pratt told" this magazine "that obtaining a driver's license would 'absolutely' make it easier for illegal aliens to purchase firearms throughout the country. 'The background check only bounces names against real bad guys . . . so yes, if they have what would seem to be proof that they are a legal resident,' " the driver's license, "'obviously, there would be nothing on the driver's license to indicate that'" they were here illegally. "'Then this really greases the skids of being able to purchase firearms from gun stores,' Pratt explained."

I am a Representative of the State of Colorado, specifically the 6th Congressional District. An incident occurred in my district that is often referred to as just the "Columbine incident." Columbine High School is in my district, not more than a mile or so from my own home, and we all know the tragic consequences of those children who took guns into a school and killed 13 students and died at their own hands, the two perpetrators. And there was an outcry throughout this Nation, and there was a concern raised about the availability of guns to these two individuals who committed this heinous act. We had to work through that in this body, and we had to work through it as a Nation, and time and again I have heard people come to this floor to protest against the availability of firearms. Here we have a situation now in several States where we have made it enormously easy for someone who is here illegally to obtain a firearm. What does that mean? It means that we have nothing against which to bounce off this information, as the statement here I read a minute ago indicates.

Someone presents a driver's license. They may have a criminal record in other countries. They may have obtained that driver's license illegally. They may have used a false identification to obtain the driver's license. They may have gone to the Mexican Consulate, let us say, and obtained a matricula consular. This is a document that is handed out by the Mexican Government to those Mexican nationals living in the United States illegally. In California, as a result of the bill that was signed by Governor Gray Davis, a person who has obtained one of these matricula consular, that is the name of the card, can then go and get a driver's license. So even if one is, in fact, a citizen of the United States but a felon who has a long, long history of transgressions, they can obtain this matricula consular in a different name and become a different person just like that. And then they take their card to the motor vehicle division in California, and they get their driver's license, and then they go buy a gun, and there is nothing, there is no record, of course, of who they are, who they really are, and therefore, they can obtain this weapon. Why have we not heard from the antigun lobby? Why have we not heard from all those people who raised such hell when we talk about the possession of firearms in America, and they even try to restrict the possession of firearms to law-abiding citizens? But they do not say a word about the fact that we have just opened the door to millions of people who are here illegally and to potentially millions of people who would do harm to the Nation and to others if they were able to obtain a firearm because they are now able to get a driver's license in one of several States, the most important of which, of course, is California.

Not too long ago, last week, as a matter of fact, I held a press conference here, and I had with me several family members of people who were killed in the terrorist attacks on our country on 9/11. "Families for a Secure America" convened on Washington, D.C., to air their grievances over the continued lax immigration policies supported by lawmakers concerned only about their careers and lobbyists with specious ulterior motives.

"It is clear," they say, "that the lawyers, lobbyists, ethnic power brokers, ideologues, business profiteers, and misguided do-gooders who don't care about the security of their fellow Americans will never stop working to keep America's borders open. Beyond any doubt, since the murder of . . . 3,000 innocent people on 9/11, these people have shown by their actions that they will never sacrifice their power, profits, and ideology for the safety of the American people as a whole."

This was a quote by Tom Meehan at this press conference that we held. And he went on to say: "And we 9/11 families have learned since the murder of our loved ones that this President and most Members of Congress will not do the right thing unless they are forced to do so by the 70 to 90 percent of Americans that polls show want drastic and immediate immigration reform."

Lynn Faulkner, who lost his wife in the World Trade Center, pointed to politicians "both liberal and conservative, Republican and Democrat" that continue to push for open borders and loose immigration standards.

"Though the specifics of the 9/11 attacks may have been unknown to the politicians listed above," and prior to this he listed the Members that he was concerned about, "and Bill Clinton and President Bush, they had to know that additional attacks would follow and that the only way to keep terrorists . . . out of our country was to screen the people who seek to enter," Faulkner said. "Therefore, we say without any reservation that the Members of Congress, the current President, and his two predecessors contributed to the murder of our family members and the thousands of other victims of September 11."

In a callous attempt to save his political career from recall, Democrat, California Governor Gray Davis, recently signed legislation allowing approximately two million illegals to obtain driver's licenses, legislation he has twice vetoed, as I said earlier.

With the stroke of his pen, while blatantly pandering to the Latino vote, Davis quashed his State's border with Mexico. Far from a single-handed act, he was aided and abetted by the Democrat-dominated California legislature, particularly by bill author, Senator Gil Cedillo. Cedillo has been pushing this legislation for years under the thin premise that new licenses will have increased incentive to obtain auto insurance coverage, in turn improving highway safety. An ardent member of the taxpayer funded MEChA, which is a "racist Latino student movement demanding annexation of all southwestern States," and MEChA, by the way, is as close to a Hispanic KKK as I can possibly imagine and something, by the way, that the aspiring Governor in California Mr. Bustamante belongs to. Cedillo once said, illegals have a right to stay because "they were here first." Illegal aliens, he says, have a right to stay because they were here first. Given the illegal constituency's interests, there is little doubt who they will pull the lever for in the upcoming elections at both the State and national level.

"I'd like to thank Governor Davis because up until last week, how many people in this country knew that illegal immigrants were getting driver's licenses?" the Families of Survivors member Grace Gottschalk, whose son was murdered in the World Trade Center, asked.

□ 2115

"Here and there you would see something in the press occasionally, but when Governor Davis used this as a political tool, passing a bill that he had turned down many times because he is now in jeopardy, it shows you how political this is and how immigrants are being used."

This move has not gone unnoticed by those tasked with securing our Nation from the threat of terrorism at home. Asa Hutchinson, Under Secretary of Border and Transportation Security, recently said, "Certainly we have to review our policy among inspectors on the border and their reliance upon driver's licenses. If you do not have integrity in the driver's licenses that are issued, the integrity of those documents, the securities of those documents, then it really undermines the whole premise of allowing U.S. citizens to travel abroad and come back with limited proof of U.S. citizenship without a passport. More than 160,000 people cross the border in San Diego daily here simply flashing a State license allows them to be waved through. It promises to be a focal issue in the upcoming California gubernatorial recall election."

Republican State Senator Tom McClintock, a recall candidate, said the only reason for issuing state-approved identification to illegals is "to undermine our immigration laws."

"What Gray Davis has done by signing this bill is put politics before the people of the State of California," Assemblyman Tony Strickland said.

"The California legislature failed the people of California. Governor Gray Davis has failed the people of California when he signed the bill into law. He said he didn't care about California, but he cares about his job in Sacramento. It is about a last-ditch effort to save his career," said Assemblyman Dennis Mountjoy.

The California Republican Assembly has issued a call for the referendum to stop the new driver's license ordinance. They hope to obtain 373,816 signatures of registered voters within the next 90 days to make the March 2004 ballot.

California Republican Assembly President Mike Spence commented, "To lower the standard for getting a driver's license in this era of al Qaeda and the era of identity theft is an attack on every citizen of California."

The California Republican Assembly has started a Web site to support the petition drive.

Mr. Speaker, it is, again, incredible for us today to think that this is happening in California and it is happening in other States. It is incredible to think about the fact that many States now give all kinds of opportunities and benefits to people who are living here illegally, those benefits that have heretofore been given only to people who we call citizens, or at least legal residents, of the United States, the benefit of citizenship, like having the State taxpayers pay to subsidize your child's education, both in K-12 and higher education. Now many States say let us do that for illegal immigrants, the benefits of social services, the benefits of health care, and, yes, even the benefits of voting.

What is left? What is left to define the idea or the concept of citizenship? What does it mean? Has it any value whatsoever? If everyone in this country, regardless of their legal status, can obtain all of the benefits afforded to those people who are here legally, then what does it mean to be a citizen of this country?

The distinction is erased, and that is the hope and desire of many of the people who actually push these kinds of issues. It is to eventually come to a place where borders are eliminated, where people who are here can obtain all of the benefits of citizenship by simply being a resident.

There are cities in this Nation that provide people who are here illegally with the benefit of voting. College Park, Maryland, comes to mind immediately, not too far from here. They call themselves sanctuary cities, and you can vote if you can prove you are a resident of the city. The Mayor of the District of Columbia not too long ago proposed such a thing for residents of the District of Columbia; and of course Gray Davis has done exactly the same thing by giving residents of the State of California a driver's license, because under motor-voter, they now can vote.

So, what does it matter then when we use the word "citizenship"? There is a recent flap that has developed over the fact that the Bureau of Immigration Enforcement has come up with a new oath of citizenship. I think they recalled it because there was such a response on the part of many people. They were re-writing the oath of citizenship.

But let me suggest to you that the concern about the actual words that are used in that oath, that concern is misplaced, I think, because, of course, the oath will eventually mean nothing, because citizenship, the concept of it, the reality of it, will mean nothing.

When we talk about immigration and immigration reform, many people think that we are just talking in terms of jobs, the loss of jobs, which, of course, is a real concern. Many people are just talking about the fear that we have as a result of our Nation being balkanized, being divided up into all kinds of sub-groups, of victimized groups, that refuse to become part of the American mainstream, that do not even wish to integrate into our society.

But this debate about illegal immigration is even broader than that. I believe with all of my heart, Mr. Speaker, that massive immigration into the country, both legal and illegal, combined with this cult of multiculturalism that permeates our society and tells people that they should not immigrate into the American mainstream and they should keep their own language and their own political relationship and political affiliation to country of origin, this is a dagger pointed at the heart of America.

It is as dangerous as al Qaeda; it is as dangerous as any terrorist out there who is plotting to do something terrible to this country. Because, Mr. Speaker, I will tell you now that if we do not know who we are as a Nation, if we are divided up into all these camps, into these groups, victimized subgroups in America, then we will have no strong desire to save our civilization and our way of life, because we do not know what it is, we do not know who we are, we do not know what holds us together, we do not know what binds us together as a Nation.

We can all revel in and enjoy the differences that we have in this country, the cultural distinctions that give us such a rich texture as a Nation. We can enjoy it. I certainly do. But that is a far cry from disassociating oneself from this country and actually seeking only the economic benefits that it can provide, while simultaneously trying to connect oneself, or, I should say, retain one's connections to countries of origin, which, if they were so great, if those countries of origin are so wonderful, one wonders why millions of people have sought to leave them.

In a recent Los Angeles Times article, September 15, 2 days ago, by Claire Luna, she states that "painted on the cheeks of children waiving grandly from a balcony and planted in women's hairdos, Mexican flags were on display everywhere Sunday in Santa Ana as tens of thousands of people showed pride for their home country."

Showed pride for their home country. What does that mean? What is their home country? Do they not live here? Do they not obtain the benefits of living in this land? Do they not call themselves Americans? Do they not think of themselves as Americans?

Mr. Speaker, if I asked you what is your home country, if I asked anybody in this body what is their home country, if I asked any American citizen out there, what is their home country, how many would answer to me some country other than the United States of America?

Now, I am only a third-generation American. My grandparents came here from Italy. But never, ever, ever, have I thought of myself as anything but an American. Never have I thought of my home country as anything but America.

"The Fiesta de las Americas parade commemorating Mexican Independence Day drew the largest crowd in its 15-year history," police said. For 2 hours, spectators cheered for their home states," home states, "in Mexico, as girls in traditional dress pranced among marching bands, government dignitaries and mariachi floats. It is so important that all Mexicans remember how their liberty was won."

Their liberty, if they are living here, was won by people who sacrificed their lives in the fight against Great Britain. That is how their liberty was won.

"The parade helps reaffirm our pride in our love of Mexico."

Well, Mexico is a wonderful country. I do not dispute that, and I do not suggest for a moment that anyone should, if they are from Mexico, should forget about it or not understand that they have that heritage. But there is something happening here, Mr. Speaker, that deserves our attention, because this is what I am talking about, about a country being divided into all of these sub-groups, being balkanized.

This article goes on to say that, "Corona, the vending machine stocker, was watching the parade with his brother-in-law Roberto Mundo, 38, and Mundo's two children. To shield his eyes from the sun, Corona shoved a piece of cardboard over his head and was reduced to wordless glee when passing Orange County Sheriff Mike Carona gave his headgear a thumbs-up. His power of speech returned when a dozen folks and women passed by on a Budweiser beer float. 'You are beautiful,' he screamed happily in Spanish, and when they threw him a poster. 'People used to be too scared of being deported to come to something as public as this,' Mundo said, 'but times have changed. Now people aren't scared to show their pride.' "

So what he is saying here is, of course, that many, many of the people who were on the street were here illegally, but they do not care anymore about the fact that they are here illegally. They are not afraid, they are not concerned, because they know that this government does not have the will to enforce our own immigration policy.

There is a book, Mr. Speaker, in closing, that I would certainly suggest should be mandatory reading for every American citizen. It is called "Mexifornia: A State of Becoming," by Victor Davis Hanson. I will just read something from the cover:

"Cutting through the lies of race-hacks, multi-cult commissars and their guilty white enablers, fifth generation Californian Victor Davis Hanson tells the brutal truth about Mexican immigration to California. Combining social-science fact with the personal experience of living in the San Joaquin Valley, immigration's ground zero, Hanson shows that discarding the old paradigm of immigrant assimilation in favor of the fantasies of identity politics victimhood has seriously compromised the process of turning into Americans the millions of hard-working Mexicans who desperately want the freedom and prosperity underwritten by the very values that the multi-cult industry disparages. No one concerned with immigration and its impact on America can afford to miss this tough and brilliant book."

And I certainly agree. "Mexifornia: A State of Becoming."

California is a State I guess that represents what we are all, every State in the Nation, in some stage of becoming, somewhat transformed. To some, even in this body, that is a good idea. That is something to which they look forward, a Nation that no longer understands its roots, a Nation that is divided, a Nation that is balkanized, a Nation that is just a place of residents and not of citizens.

□ 2130

Mr. Speaker, that is where we are going. That is where we are headed. And most Americans know it. And they ask their representatives in this government to do something about it. And yet I have to tell them when they ask me why we cannot and why we ignore this, I have to tell them that there is no political will to secure our own borders.

It is a shameful fact, Mr. Speaker. It is one I wish I did not have to express and did not have to state. But it is the truth. I hope it will soon change.

THE DEFICIT

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Virginia (Mr. SCOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCOTT of Virginia. Mr. Speaker, I want to begin on something we can all agree on and that is what President Bush said in August at an August fundraiser. He said, "I ran for office to solve problems, not to pass them on to future Presidents and future generations."

We can all agree on that, but, unfortunately, the reality is that instead of paying off the public debt by 2011, as we had projected in 2001, this administration will leave the future generations with a debt of almost $7 trillion as of 2011.

Now, rather than get into rhetoric and everything, let us just use a chart so we know exactly what numbers we are talking about. This shows the deficit year by year from the Johnson administration, Nixon, Ford, Carter, the deficits that were run up in the Reagan and Bush years, and also shows the surplus that was generated by the time President Clinton left office.

Mr. Speaker, in 1993 we passed a budget without any Republican votes. The Republicans, after those votes were cast, campaigned against that budget that was passed, and picked up 50 seats in the House and control of the Senate as a result.

In 1995 after the 1994 election, the Republicans, with control of Congress, passed a budget with trillions of dollars in tax cuts. President Clinton vetoed that budget. They threatened to close down the government. He vetoed the next budget. They closed down the government, and he vetoed the budget again.

Because he vetoed those budgets, this trend went up until we had a surplus of almost $100 billion projected for 2001. And that is on budget. That is without touching the Social Security or Medicare surplus.

As soon as President Bush came in, he signed the trillion dollar tax cuts. And, wait a minute, this has $500 billion in deficits. This is the February projection. This has been updated. It is no longer $500 billion. The latest figure is almost $700 billion in deficit that we will be running up.

Now, it is important to put $700 billion in perspective because if you look at the Federal budget and look on the line item revenue, individual income tax, what we get from the individual income tax in the Federal budget, it is less than $800 billion. We are running deficits now of almost $700 billion.

Now, when we run up deficits like this as far as the eye can see, one can understand how we got from where we were in 2001 to where we are now. In January 2001, we expected by 2011 to have run up a surplus of $5.6 trillion, enough to have paid off the national debt. By August of 2001, we had lost over $2 trillion of that surplus, and the surplus was projected to be $3.4 trillion. Now, most of this is Social Security and Medicare, because in August of 2001, we had actually spent all of the cash surplus and most of the Medicare surplus, and were headed into Social Security by August of 2001, before September 11; by January of 2002, the projected surplus, $1.6 trillion, almost all Social Security and Medicare surplus, or what was left of it, after we have dipped into it significantly.

By August of 2002, there is almost no surplus at all, that is, we have spent the entire Social Security, the entire Medicare surplus for the entire 10 years. By March of 2003, we are down to an actual deficit where we have spent all of the Social Security, all of the Medicare, and then $377 billion. By August of this year, we have gotten into so much deficit spending that the projected deficit, not surplus, deficit is over $2 trillion in that same 10-year period.

And what is the solution? The Republican agenda will run this up to $3.3 trillion unless that agenda is stopped. Mr. Speaker, a $5.6 trillion surplus projected when this administration came in. If their policies are followed in the next couple of months, $3.3 trillion in deficit, an almost $9 trillion difference. That $9 trillion, remember, less than $800 billion a year comes in under individual income tax; $9 trillion is $900 billion a year on average that we have deteriorated in our budget situation.

Now, as bad as that is, it is actually going to get worse, because those projections do not include some things that we expect to happen, like the tax cuts have been sunsetted; the President is expecting us to remove the sunset so that those tax cuts can continue. Protecting the middle-class families from the alternative minimum tax, that is the tax where if you have tax preference, tax cuts for the upper, very high income, high income, about a couple of percent, about 3 percent of the public pays the alternative minimum tax. That is, you cannot reduce your tax that you need to pay but by so much before you have to pay an alternative minimum tax. The effect of not protecting middle-class families from this alternative minimum tax will mean that they will lose the benefit of their child tax credit and many other tax benefits that they enjoy now. So if we protect them from that, that will cost even more, going right to the bottom line.

Providing a Medicare prescription drug benefit, all of those numbers, as bad as they look, do not include the prescription drug benefit that everybody is promising. It also assumes that we are not going to have any hurricanes or disasters or floods or earthquakes in the next few years. So it is going to get worse before it gets better. When we run up all of those deficits, we run up debt, and we have to pay interest on that national debt. Here is the interest on the national debt that we have projected to pay going down towards zero by 2011 or 2013, because there would be no debt; it would be paid off. Instead, this is the interest on the national debt that we are projected to pay. And if we look at the difference between what we have to pay and what we are going to end up paying, by 2010, that will be $1.6 trillion of additional interest on the national debt that we are going to have to spend because we have messed up the budget.

Put another way, these green bars represent the interest on the national debt that we were going to pay going down towards zero. These red bars, interest on the national debt that we are going to have to pay because we have messed up the budget and we have been running up deficits. This blue bar puts it in perspective. This is the defense budget. We are going to be spending by 2013 almost as much money in interest on the national debt as we are going to be paying for national defense. We get nothing for interest on the national debt. We do not get a single school book, we do not get a rifle for the military, we get nothing for interest on the national debt. And instead of zero, we are going to be spending almost as much on interest on the national debt as we do for national defense.

Now, to show how the interest on the national debt is affected, right now, if we take the entire interest on the national debt, divide it by the population and multiply by 4, we will see that the family of four's proportional share of interest on the national debt is now about $4,400. As the interest on the national debt goes up, by 2013, almost

$8,500, a family of four's proportional share of interest on the national debt.

Now, how did we get there? We got there with tax cuts. And who got the tax cuts? This is divided up by quintiles, the bottom 20 percent and what they got out of the tax cuts. The next 20 percent, the middle 20 percent, what they got. The share of the fourth percentile, the top 20 percent, this is what they got. Half of the tax cuts went to the upper 1 percent.

To put it another way, if you are a millionaire, you got about $89,000 out of the 2003 tax cut. If you made $500,000 to $1 million, you get a little less than $20,000, and you can see what you got. Half the people get less than $100 a year out of the 2003 tax cut.

Now, we were told that we needed to cut taxes to create jobs. The millionaires got their tax cut; we ran the budget into a deficit in order to create jobs. And here is the job creation math. Mr. Speaker, $374 billion in tax cuts through 2003 only, and we are expected, if the plan works, to create 1.5 million maximum new jobs. That is the Treasury Department's estimates. We pass all of this stuff, give $374 billion in tax cuts, we can create 1.5 million jobs. That divides out to almost $250,000 for every job that they are trying to create. Mr. Speaker, $250,000 they have to work with to create jobs, if it works.

This chart shows the jobs created by administrations going back to the Truman administration, and it shows that it did not work. This actually needs to be updated because it says 2.5 million jobs lost. It is actually closer to 3 million now. If we go back to the Truman administration, every President is creating jobs. Eisenhower lost 200,000 jobs in his second administration, but he gained 1.9 million in his first administration. So every President since Truman, more jobs when they leave office after each administration than when they came in, except after this administration's budget was adopted.

Now, as we talk about 9-11, let us remember that back to the Truman administration includes the Korean War, it includes the Vietnam War, jobs are being created; hostages in Iran, jobs are being created; Somalia, the entire Cold War, Kosovo, everybody is creating jobs until this tax plan is adopted.

Now, actually, we should have known, because the Joint Committee on Taxation evaluated the 2003 tax cut and showed that if you cut those taxes, now some taxes stimulate the economy better than others. Some tax cuts stimulate the economy better than others. According to their analysis, the taxes cut in 2003 would show a short-term spike in jobs; but depending on which economic model we use, at best, we are going to end up right back where we started.

□ 2145

You will probably end up with fewer jobs than you started off with. This analysis was presented by the Joint Committee on Taxation. It has a Republican majority. And so we knew when we voted for the 2003 and 2001 tax cuts that we were killing jobs.

Now, when you have all of these deficits and you look at this chart, and the deficits that are going by, the deficits are the worst that we have had in American history. Now, there is one thing that the Social Security crisis is in front of us, and we need to make sure that we have money for the baby boomers when they retire for Social Security.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM), who has been a stalwart on fighting for fiscal sanity.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding to me. I thank him for a very excellent presentation of the facts.

I know as often we have stood in this floor that I will get calls from some that have been watching and they will have various different opinions of what has been said and what the facts are, but let us relate it to what we are facing tonight, at least many of our fellow citizens somewhere in the North Carolina area as Hurricane Isabel bears down on the United States, and we still hope and pray that something will cause it to veer back out into the ocean. But in the meantime folks are preparing because they know the devastation that can occur when a hurricane hits.

In my opinion, we have the makings of the perfect storm in this country today, 500, now $600 billion deficit as far as the eye can see and we are ignoring it, $500 billion trade deficit as far as the eye can see and going up and we are ignoring it.

The baby boomers are set to begin retiring in 2011, and everyone admits that that will put one of the biggest strains on the economy of the United States in our history. The gentleman's chart shows it today and no one argues with that, no one. From the AARP up and down all admit we have got a problem. And what have we done about that problem? Zero. Talk about it. But nothing. The makings of the perfect storm. And every time I make this speech somebody will say, and I have heard this said, people will stand up and say if only Congress would control spending.

Well, the first thing I like to do is remind the American people that my friends on the other side of the aisle have been in charge for the last 8 years. I make no bones about it. I opposed this administration's economic game plan when they put it in place in 2001. I stood on the floor, I stood with the gentleman from Virginia (Mr. SCOTT) standing, looked at my friends on the other side and say, I hope you are right. I hope I am wrong. But I do not believe it has a chance of working. And in 2002 we said the same thing. In 2003 we say the same thing. But have we had a change in the economic direction for this country? No. The hole gets deeper and what do we do? We take another shovel and start digging. That makes no sense.

Let me put it in proper perspective. Those who say if only we would control spending, let me give another fact, if we take defense, military construction off-budget, which we are, exempt from cuts, because we cannot cut in those areas when we are at war on three fronts, and we will not cut, and we should not cut. We have got young men and women's lives at stake tonight and, therefore, we do not wish to jeopardize them further. Interest on the national debt, we cannot cut that.

The gentleman's chart shows the debt tax that is going up as the interest rates continue to spiral. We cannot cut the interest. So if you take defense and interest off-budget or off-cut it, we can cut 100 percent of the other 11 appropriations bills, 100 percent, not waste, fraud and abuse, not 1 percent here, cut it all out, zero for the rest of the government, and we would still run $160 billion deficit next year.

Now, that is the truth. That is how deeply we have dug the ditch for the American economy. Now, if it were working, as the gentleman shows the jobs charts, we have lost 2.7 million jobs. Nothing is working according to plan, and yet we have those who absolutely refuse to even consider changing the plan. In fact, they will stand on this floor and argue over the next several weeks, as they have for the last several weeks, that we just got to do more of it.

The makings of the perfect storm. Anybody that ignores the power of a hurricane, anybody that ignores the power of the perfect storm of $500 billion deficit, this next year I will predict based on the administration's own numbers, the deficit for this country will be closer to $1 trillion than it will $500 billion, and nobody cares. Nobody cares that is in charge. It is just more of the same.

I am worried about that. I wish some others would get worried about that. I thank the gentleman for taking the time tonight. I appreciate the opportunity to share in it. And I hope that this chart that the gentleman has right behind him tonight, I hope people will take a look at that because we can talk about the fiscal deficit, we can talk about the trade deficit, and they are all real. This one is too. And our grandchildren will not hold us in very high stead because this Congress and this administration have refused to address the very real problem that is facing us. Instead, we keep on with some of the economic bunk that I saw in the Washington Post by the fellow that is running, running the economic policy for this country, Mr. Grover Norquist, the expert, it is his plan and he wants more of it.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM). This is the chart he was referring to. We are enjoying surpluses in Social Security and Medicare, $165 billion projected next year in surpluses. But by 2017, 2018, that surplus is going to end. The baby boomers are going to retire, and instead of enjoying a big fat surplus, in a few years, just a couple of decades, we will have $300 billion deficit in the Social Security Trust Fund. We will be having to pay out $300 billion more than we are bringing in.

Mr. STENHOLM. Mr. Speaker, remember in the last couple of years how many times we have stood on this floor and voted to put those numbers in a lock box, and that was laughed at. But if we would have just done it, and we did for a couple of years, but we need to be doing it today because those are obligated funds, those are obligated to the retirees beginning in 2011, our military retirees, our civil service retirees, this is money that is obligated that we are again spending on current operating expenses. And it was a valid criticism and it is still an accurate statement when our friends on the other side of the aisle will stand up and say, well, you Democrats did it for 40 years. Well, that may be true but that is not a reason for us to continue to do it, because 2011 is a lot closer today than it was 40 years ago, and that is the problem we face.

Mr. SCOTT of Virginia. Mr. Speaker, I would want to point out as challenging as this chart looks, we are running up a little surplus, but we will shortly be into great deficit. And to put some of these other numbers into perspective, as we indicated, in 2001 we passed a tax cut that the top 1 percent got half of the value of that tax cut. Instead of giving the top 1 percent a tax cut, if we had directed that income flow into the Social Security Trust Fund, just what the top 1 percent got, not what everybody else got, we would have had enough money to pay Social Security benefits without reducing benefits at all for 75 years, or the top 1 percent can get a tax cut.

Guess what the majority in Congress voted for? They voted to leave this problem for another day and voted for a tax cut for the upper 1 percent. Those are the kinds of decisions that are being made and the kind of decisions that have to be changed.

Mr. Speaker, that is why I am delighted to recognize our friend from Hawaii who has been a stalwart new Member coming in fighting for budget sanity, the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I thank my colleague for giving me some time to talk tonight.

Mr. Speaker, I have been privileged to serve in this great House for about 10 months now and I am thankful that as each day passes that is one day more of experience that I have under my belt to serve my constituents and to listen to people that have been through this for so many years such as the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. SCOTT) and so many others.

But I have to state that the more time that goes by in terms of my service in Congress, the more I live in fear that in each one of those days I am taken a little bit farther away from what the person in my district thinks. When people sit around their kitchen table at night, not when they sit here in this Chamber among all of us in this closed atmosphere, but when they are back in my district of Hawaii, when they are back in Honoka'a and Ele'ele and Kahului, and when they look over those 5,000 miles of what is happening here in Washington, D.C. what do they think? And I live in fear that I am falling out of touch with them the more time that I spend here. And that is really how I feel right now as I listen to this debate. Because I came into this Congress 10 months ago thinking, perhaps naively, that there were certain truths that our Federal Government played by, certain truths about how we handle the people's money, not just today but down the road. I thought we cared about decisions that had an impact, not just now, but down the road. I thought that despite great debate in this Chamber, we actually did care about being good stewards of the people's money. I thought we were all in this together, all of us, all of America, all trying to do the right thing.

It did not occur to me that we were here just to do the bidding of some. And now as I have listened to my colleagues talk about taxes and the Federal budget and the deficit for these 10 months, colleagues on all sides of the aisle, people in the administration, great thinkers, I see indisputable evidence that what was once on the way to being a surplus is now a deficit this year in excess of $500 billion, including the Social Security surplus. We applied that $200 billion already.

Now, I see public debt climbing through the roof, 3.6 and rising. And as I come to the very slow realization that there is no way whatsoever under this approach that we will be able to meet those obligations to Social Security and Medicare when my generation needs it, I have to ask myself what is going on here? What is really going on? How do I explain this? How do I go back into Hawaii and say to them this is what is going on.

I can take disagreement, I can take policy disagreements as long as I know and understand it. I can go back and say, well, there is a dispute between us in Congress and they think this and we think that and this is why. And I can certainly go back and say this is the issue. We all agree and this is why. But this is the worst situation of all, not understanding why something is being pursued.

A few months after we passed hundreds of millions of dollars of tax cuts, we get an obviously underestimated second bill for Iraq and Afghanistan, and there is no adjustment necessary from the administration's perspective, $87 billion on top of $60 billion just a few months ago. But we do not have to adjust our policy on tax cuts. In fact, we want to add more.

The same week we get the bill I read, I hear that all of the sudden we have worked out another deal. This time we are going to cut corporate taxes for corporations that do their work overseas, overseas corporations. What is going on here?

□ 2200

I have been wracking my brain for the possibilities. I have heard that these tax cuts will regenerate the economy, and I think tax cuts can regenerate the economy under some degree if targeted, but across-the-board deep tax cuts that deny us the basic ability to fund the core functions of government upon which an economy is based, do not help economies.

I have heard the economy is picking up. I have heard in a couple of days we are all going to be told good news, the economy is picking up. Guess what? That is already in these figures. We have already assumed 3 percent growth, and by the way, what economy would not pick up if you gave it a steroid infusion of hundreds of millions of dollars in government spending on war and domestically and in tax cuts? The question is not what is going to happen to the economy next week, the question is what is going to happen to the economy down the road when we most need it to balance the books on this terrible deficit?

I have heard we have to reduce government. Of course, we have to reduce government, but by the way, this budget assumes a certain restriction on government. We are already putting it in, and to reduce government to the degree that would be necessary to balance the budget, under this scenario, would mean essentially wiping out all Federal spending other than military, defense-related, and I have heard the deficits do not matter. They are here to stay, let us just get used to them. Does anybody really believe that? People sitting around that kitchen table sure do not believe it, and I do not believe it.

So what is going on here? Why are we doing what we are doing? I am forced to conclude what I do not want to. This is not subject to explanation anywhere in the realm of reasoned thought. There is no reasonable explanation for this policy, and we have got to cross a bridge. There is no reasoned explanation. We expect Congress to be reasoned. This is not reasonable. This is haphazard. This is reckless. This is not about fiscal responsibility. It is not about economic theory, and it is not about taking care of the next generation. This is about helping part of our country now and the heck with the rest of us and the heck with the future.

It reminds me, just in conclusion, somehow I was thinking about this steroids thing, and I was remembering that back in the 1960s, when the Olympic movement suffered from an incredible abuse of substances and people would inject themselves with all kinds of stuff, and they knew at the time that by injecting themselves with these steroids and other substances they knew two things. They knew, number one, it would enhance their performance for the next 1 or 2 years, and they knew that down the road it would harm them and they would die early from these steroids, and some did it and some did not, and why did those people that do it do it? Because they wanted the gold medal next year, and they did not care and that is how I feel. That is what I think we are doing right now. Some people here just want to get through one next year, and they do not care what happens down the road, and that is wrong.

We are all responsible. We can sit here and talk about partisan politics. We can talk about Republicans versus Dems. We can talk about executive versus legislative branch. We can talk about the States, the local counties, and by the way, I think that is a useful exercise because I have heard some State Governors and some local executives who want to defend these policies say, hey, this will help, and by the way, they turn around the next day and criticize the fact that we do not have enough Federal moneys. They are at a loss to figure out how they are going to balance their State budget, and they say, well, everything is okay and then they turn around and say on the other hand, it is not okay, we need your help.

We cannot have it both ways, and I am telling people out there, this problem is all of ours. We cannot do this alone. We have sat here on this floor saying all of this for months now, and the Representative from Texas asked who is listening. I think people are listening, but it is going to take more than listening. It is going to take the people of this country saying this is wrong. It is going to take the people of this country saying, yes, we know, we cannot have it all.

I wish our President would say one thing to me: We need another $87 billion to get ourselves through the next couple of months in Iraq. We are in a pickle. We have got to get out of that pickle. I need your help but we all have to kick in. We cannot afford this next round of tax cuts. We have got to be able to provide for our foreign policy right now. We cannot have it both ways.

I would believe him and I would support him, but I cannot buy the current approach of this administration, designed only to get through another 15 short months, through one more election. That is wrong. People need to wake up and start speaking out against it.

I thank the gentleman for yielding and appreciate his time.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to ask a question since the gentleman brought up the issue of the $87 billion for Iraq. I remember back in the Persian Gulf War where the total cost of the war was about $60 billion, but because we had international cooperation, we only had to spend less than $10 billion, $7.4 billion out of that.

We have already had one supplemental already that was supposed to cover the cost of the war. Now, we are coming back with $87 billion. If we had had the international cooperation, instead of 87 would we not be talking closer to 10, and that is a direct result of this foreign policy?

Mr. CASE. There is no question about it. Certainly, when we did these budget assumptions just some short months ago, when the administration said that the cost would be $60 billion, maybe a little bit more, the assumption was international cooperation. The assumption was contribution, military assistance, international monetary policy, all of those aspects. Those assumptions were shaky. Those assumptions are part of this $87 billion today and the $87 billion is too low, and the $87 billion is not in these figures that we are talking about. We are assuming more for the $87 billion. We are not even factoring in what might come in the future. This is all part of one ball of wax.

When you run a family budget, you do not take the lowest estimate. When I project my expenses in my family, yeah, there is a temptation, sure, there is a tremendous temptation to take the lowest possible estimate. We all know that that is not responsible. You take a responsible estimate, you add yourselves a little safety factor, and then you go on into the future feeling that you have at least covered reasonable exigencies.

We are not doing that in this budget. We are not doing it, and yet we are still in trouble. That is the dilemma here. We cannot have it both ways. We all know it. We just have to wake up to it.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for fighting for fiscal sanity.

At this point, I would yield to the gentleman from North Carolina (Mr. PRICE) who has been a stalwart, helping other Members every Wednesday morning, helps us with the seminar on budgeting and other important issues. The gentleman from North Carolina has been working diligently on fiscal sanity, helping us to learn about the budget, bringing in speakers from the outside and I am delighted to yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank our colleague from Virginia for taking out this special order and for focusing attention again this evening, as he has so often in the past, on our country's economy and our fiscal meltdown which so threatens that economy in the future.

I also want to commend the gentleman from Hawaii, who talked very persuasively about the need to wake up and to speak out and to confront the situation that we face.

I am sure that I am not alone in the experience I had during the August work period in the town meetings I held in my District, and these meetings were held in some blue collar areas. They were held in some upscale, very affluent suburbs. They were held all over the 4th District of North Carolina, and I was struck at every one of those meetings, it was the economy that was the number one item on people's minds, and so many of those people were unemployed, and they often had very good training but they talked about having 100 or 200 people applying for every job they went after, and they talked about friends and family members and neighbors who are nearing desperation as they seek for work in this economy.

They ask why are we not doing more to turn this economy around? Is that not why we count on government to have a sound fiscal policy and to intervene when the economy needs a boost?

I said to my constituents, I don't have a single, simple answer to the economy's challenges, but I do know that this economy is in trouble, and I also know that we could be and should be doing a great deal more than we are doing to get this economy turned around.

Mr. SCOTT of Virginia. I would ask the gentleman if he noticed that there is a problem, is the gentleman concerned that this administration does not even recognize that there is a problem?

Mr. PRICE of North Carolina. Mr. Speaker, I am quite concerned that the administration does not recognize the problem, but when we look at the administration's record, we would think the economy would be agenda item number one with them as well.

The private sector has shed 3.3 million jobs since January 2001 when President Bush took office. That is the worst record for any President since the Great Depression. Our long-term unemployment has almost tripled in this country. Real GDP growth, the growth of the economy has averaged 1.6 percent. That is the worst performance since World War II. Real business investment has fallen 10 percent since the President was inaugurated. That is the worst economic record for any President since World War II. Our trade gap has increased to almost $100 billion. Do we need anymore indications that this economy is in trouble?

We are also running record deficits. The gentleman from Virginia and others tonight have talked in alarming terms, properly alarming terms, about the fiscal reversal we have suffered with a $5.6 trillion surplus in view when the President took office, now going way over $2 trillion in further debt. That is an almost $9 trillion reversal now, the largest in our country's history.

We might ask ourself is there any justification for the kind of deficits that we are running, and I think the answer is no, but we could at least take some comfort if we thought that we were getting some economic stimulus for all that deficit spending and for those huge deficits and the mounting debt, and yet who can say that this medicine is working. In fact, the evidence is pretty clear that it is not working.

In fact, the President has picked some of the measures that are least likely to stimulate the economy, such as the tax cut on dividends, for example. That produces a grand total of 11 cents for every dollar in lost revenue in terms of economic stimulus, and he has turned his back on some of the most effective measures such as the kind of extension of unemployment benefits that we have typically done in situations like this. This gives us $1.76 for every dollar we spend in terms of economic stimulus, and yet he turns his back on that. He champions these upper-bracket tax cuts. Yet all the analyses show that is one of the poorest ways to stimulate the economy. So we have the worst of both worlds.

Mr. SCOTT of Virginia. Mr. Speaker, by that the gentleman means for every dollar in lost revenue, what effect does that have on the GDP, and whether or not you actually stimulated the economy, and what did you say for, if you extend unemployment compensation, for those that lost their jobs, as we usually do in a recession, end of 26 weeks, we extend it another 13 weeks just routinely, how much of a stimulus is that to the economy?

Mr. PRICE of North Carolina. The figure I recall is about $1.76. That is because people who are in those straits are trying to support their families and tide themselves over until they can get work. So they are going to turn around and spend that money immediately.

Mr. SCOTT of Virginia. For every dollar in lost revenue, you stimulate the economy about a dollar seventy?

Mr. PRICE of North Carolina. That is right.

Mr. SCOTT of Virginia. Mr. Speaker, what did you say about stimulating the economy by reducing the tax on dividends?

Mr. PRICE of North Carolina. Eleven cents. Eleven cents. That is the stimulus you get for every dollar of lost revenue.

So there must be some other reason, do you not think, for that tax cut on dividends and for those tax cuts on the wealthiest people in this country. For people making over $1 million, tax cuts that average about $88,000 a year, and yet that money is largely not going to be used as an economic stimulus.

Mr. SCOTT of Virginia. When you fund the tax cuts with borrowed money, you have to pay interest on the national debt which is a drag to the economy.

Mr. PRICE of North Carolina. Absolutely. That is money down a rat hole as the gentleman very convincingly, maybe did not use quite those elegant terms, but that is what the gentleman said earlier. That is money anybody in this body could think of better public and private uses for than simply interest on the national debt.

So the economy is in sad shape, and we are getting the worst of both worlds. We are not getting an economic stimulus that is anything like what we should be getting, and yet we are over the cliff fiscally. We are undergoing a fiscal reversal that will take us and our children decades to grow out of.

The unemployment numbers are graphically demonstrated here. The unemployment rate now from a very, very low figure in early 2001, now up in the range of 6 percent, hovering here for months now, and there are a few scattered economic indicators that are looking somewhat better, but the term "jobless recovery" has entered the lexicon because there certainly are not many jobs being produced.

What I heard at my district at every meeting I had in August was that this is not just an abstract economist estimate. This is something that is affecting the real lives of real people. They are nearing desperation, and this actually underestimates the problem because there are many, many people who have good training, good experience, and yet they are taking lower-end jobs now that really cut their standard of living. So it is a tremendous challenge for our country, and one that I believe this administration barely senses.

□ 2215

Mr. HOLT. Mr. Speaker, as the gentleman points out, economists are trying to pull this apart to understand how this perfect storm occurred. This will be the subject of economic studies for years to come, but one thing that is already apparent and will be apparent is this is not something that just happened to America; this was something that was created. It was created by the budget resolutions of 2001 and 2002 and 2003 and the appropriations and the tax bills that fulfilled those budget resolutions.

Mr. PRICE of North Carolina. The gentleman is absolutely correct. We have had an economic downturn that was more severe than expected, and 9-11 and homeland security expenses and expenses associated with the war on terrorism. Those demands needed to be met, and they will continue to be met. But the large tax cuts aimed mainly at the upper-bracket taxpayers, I think that counts as self-inflicted damage. It was justified 2 years ago because we had surplus money, supposedly, and now it is being repackaged as a stimulus even though it has very little stimulative effect. It mocks the idea of self-sacrifice, and that is the centerpiece of this President's economic policy.

Mr. EMANUEL. Mr. Speaker, I think the deficit has now become the centerpiece of his economic policy.

If we look at the administration's projection over the next 6 and 7 years, on the deficit going out to the year 2011, they actually borrow money every year consistently regardless of how big or how small the deficit will be from the Social Security surplus. Every year that is done. To mask the size of the deficit, they must borrow from the Social Security trust fund.

Mr. SCOTT of Virginia. They borrow the Social Security surplus and the Medicare surplus. And depending on which projections are used, they are spending substantially more money than that every year, creating huge deficits and a $9 trillion turnaround, paying off the entire national deficit, to massive deficits and new debt and new interest on the national debt for years to come.

Mr. EMANUEL. And the irony is as these deficits mount, tuition costs are rising 11 to 15 percent annually, and the ability of college assistance like the Pell grants, which once represented two-thirds of college cost, today represents less than a third with no ability to increase that. Health care inflation is running at an average of 15 to 25 percent, and there are no resources to deal with the two most important factors driving health care costs up, that is, we now have a record uninsured of 45 million, and we have prescription drug costs running 15 to 70 percent increases. Those are contributing factors to the increase in health care inflation. Those two factors in my view are creating tremendous pressure on the middle class of this country. We do not have the resources or the means nor a plan to deal with them. The deficit will tie our hands and tie the Nation's ability to address the very things that are squeezing on the middle class family's budget.

Mr. HOLT. Mr. Speaker, the deficit ties our hands not in some theoretical way. This is very real money borrowed, mostly borrowed from other countries, from other governments and individuals overseas.

I was talking with someone from my district who was proudly telling me about how much money he is saving for his children's college education. But what he was not thinking about was how quickly his share of the national debt was growing. In fact, it turns out it is growing faster than what he is saving for his children's college education. So in a very real sense, these self-inflicted wounds, as you described the budget policies of the past 3 years, are taking this family's college savings away from them.

Mr. EMANUEL. Mr. Speaker, to add to that point, we have 45 million uninsured folks in this country with no health insurance. The bulk of them work. We have a pension crisis and retirement plan crisis where there are $330 billion in arrears in private retirement plans. We have college education where families face a choice, take a second mortgage on their home, or the child is guaranteed to graduate $30.000 to $40.000 in the hole because they borrowed to go to college. And then we have the Nation's deficit on top of that which ties our hands and our ability to meet the needs of middle class families, whether their parents are retiring, health care needs to their own families and children, as well as the education of their children.

I believe that the deficit if we look at how it grows over a period of time is actually a ticking time bomb underneath Social Security and Medicare. In the immediate time, we are not able to afford the basic services and needs that our government provides in helping families meet the dreams that they have for their children, providing health care and education so they too can do what their parents have done and build a better future for their children.

So the deficit, although sometimes we want to ridicule it and people call it an abstract thing, people understand the consequences of the deficit as they try to do what they try to do for their own family and children. They cannot afford their health care and college education; and they are scared out of their wits when they come to retire, neither Social Security nor the plan they thought they had through their employer will be there. I think people understand that the deficit is in fact damaging the ability of both their government today and their own plans for tomorrow to be met.

Mr. PRICE of North Carolina. And people certainly understand when the claim is made that the deficit spending is for economic recovery. They are very quick to see the hollowness of that promise because it clearly is not having that effect. In fact, it is deepening our problems. It has an impact on long-term interest rates.

Mr. EMANUEL. Mr. Speaker, in 2½ years, we have added $2.5 trillion to the Nation's debt and 2.5 million Americans have lost their jobs. As Ronald Reagan used to say, facts are a stubborn thing, quoting former President John Adams. In the short order of 2½ years, 2.5 million Americans have lost their jobs. 45 million Americans are without health insurance. $1 trillion worth of corporate assets have been foreclosed on, and 2 million Americans have come out of the middle class to poverty, and we have added $2.5 trillion to the Nation's deficit. A record like that is starting to give mismanagement a bad name.

Mr. HOLT. Mr. Speaker, a newspaper article put this in perspective for me. The writer pointed out when the President went before the American public a week ago to say that he would be asking for $87 billion this year to pay for rebuilding Iraq and Afghanistan, and that would require some sacrifice, the writer pointed out that those who are being asked to make the sacrifice did not hear the President because they had already been put to bed by their parents. It is those children who will bear that burden, who will be asked to make that sacrifice and not just for rebuilding Iraq and Afghanistan; it is for this multi-trillion tax cut to one segment of our society.

Mr. EMANUEL. It is interesting that the President's request for rebuilding Iraq has a $2 billion request for Iraq's electric grid, and it was America with the blackout. In our energy bill, we say we do not have the money to invest in our own electric grid.

Mr. PRICE of North Carolina. Mr. Speaker, this did not have to be. There are historical examples of other kinds of leadership. This chart indicates where we have been with the deficit and for a brief couple of years the surplus in this country as a result of some courageous decisions that were taken in this body and by the first President Bush who displayed leadership qualities which unfortunately seem to be missing at the White House right now.

There was a budget agreement in 1990 concluded on bipartisan terms, and then a budget passed entirely with Democratic votes in 1993; the economy responded positively to that discipline and it thrived in the 1990s, and we got out of deficit spending and ran $400 billion in surpluses and paid off a chunk of that national debt. Just think what would be the case if we could have continued on that path.

Mr. SCOTT of Virginia. Mr. Speaker, the projection was by 2011 and 2013, we would have paid off the entire national debt and had no interest on the national debt to pay year after year.

Mr. HOLT. I seem to recall standing here on the floor with the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. PRICE) 3 years ago saying that the majority should not be so quick to spend this surplus. They began salivating at the sight of this projected surplus. I recall my friends here saying number one, it is projected; number two, things happen. We should not spend it all down. We should not give it all back in tax cuts; there might be some unforeseen events. Well, indeed there were. It happened on September 11; it happened with a stock market bubble popping. We were caught unprepared because the budget allowed absolutely no leeway. It was built on the most optimistic of circumstances and predictions, as well as, I would say, the greediest of ingredients.

Mr. PRICE of North Carolina. Just to add to the gentleman's thought, we got off of a disciplined path toward debt reduction. Whatever else we did in the way of new investments or tax cuts, we certainly should have reserved a certain amount of that anticipated revenue to protect Social Security in the future and to protect ourselves against exactly the kind of eventuality we are now facing.

I thank the gentleman from Virginia (Mr. SCOTT) for a helpful discussion. As we face this $87 billion supplemental appropriations request, of course, we will do the right thing by our troops in Iraq and Afghanistan and meet our international obligations, but we will and we should ask some tough questions of this administration for an accounting of where we have been thus far and where we are going, and above all, how we are going to pay for this and how this fits in with the overall fiscal health of the country we love.

Mr. HOLT. The gentleman from Hawaii (Mr. CASE) said it very well, it would be easier for us to deal with this with the $87 billion, with all of the economic problems facing us, if the leadership here and the leadership down the avenue would level with the American people about how this happened. I think that is what the American people ask, is that their leaders level with them and not just go on as we go further into debt have the leadership say and now we need tax cuts more than ever. I thank the gentleman from Virginia (Mr. SCOTT) for this very useful discussion.

Mr. SCOTT of Virginia. Mr. Speaker, I want to end with this chart that reminds people of the hole that we have dug ourselves into. And when people ask what is the Democratic plan, I just point to the green because that was done without any Republican assistance, and here we are right now. As we look at how dire this situation is, we have to look forward to the Social Security situation where we will not enjoy a nice surplus year after year. We are going to have a challenge of deficits in the Social Security plan that we could have covered with just what the 1 percent got in the 2001, not the 2003, not what everybody got, but the top 1 percent got in 2001 would have been more than enough to cover all of this deficit. But we have a challenge with Social Security, and we are going in the wrong direction. I thank all Members that participated tonight because we have to remind people how bad a situation it is.

□ 2230

We can change directions as we did in 1993 and go back to fiscal sanity, go back and do a surplus, pay off the national debt, or we can continue in the direction we are going now. We will make those decisions in the upcoming weeks. I thank the gentlemen for participating.

IRAQ WATCH

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes.

Mr. HOEFFEL. Mr. Speaker, I rise tonight to start another of the Iraq Watches that we have been conducting for the past 2 months or so. The first night of each week that we are in session, a group of us come to the floor to talk about Iraq, to talk about the fortunes of our fighting forces and our relief workers who are toiling in that country. We talk about the problems that we see, we suggest changes in our national policy, we ask questions of the administration and seek answers, both for the Congress and for the American people. I have been joined each week, and I will be as well tonight, by the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Illinois (Mr. EMANUEL). We have often been joined by other Members. We would welcome all Members of the House to participate tonight or in future Iraq Watches. Democrats and Republicans are welcome to participate during this hour of discussion.

Mr. Speaker, recently the President has sought $87 billion for fiscal year 2004 to pay for our military operation and reconstruction activities in Iraq. That number is larger than rumored a couple of weeks ago, caught most Members of Congress by surprise, although we knew a big request was coming certainly, on top of the $79 billion requested and approved last April for fiscal year 2003. Many of us feel that we need more information from the administration at this point before dealing with this supplemental request for $87 billion for activities in Iraq. No one in this Congress wants to do anything that hurts the troops in the field. Of all the things going on regarding Iraq, the diplomacy, the reconstruction, the comments about weapons of mass destruction, the comments about our allies, the activities of the Ambassador, Mr. Bremer, of all the things happening in Iraq, the only truly good thing is the behavior of the troops. Our young men and women in uniform have performed brilliantly during the period of time when active warfare was under way and during the period of time after victory was declared by the President but the guerrilla war has continued and over 100 Americans have been attacked and assassinated by those guerrilla warfare tactics in Iraq, the men and women of the Armed Services have really performed brilliantly and have done all Americans proud. So the issue is not whether we support the troops in the field. We all do. Of course we do. And we also want to make sure that we live up to our commitments, that we see this challenge through. Some of us who engage in Iraq Watch, such as myself, voted in favor of the military authority sought by the President last fall. Some of us voted no. But all of us understand, now that the military activity has occurred, we have an obligation to see this process through. We cannot cut and run. We cannot leave Iraq with no functioning government. We cannot leave a vacuum, a power vacuum that would allow the bandits and the bad guys to resume power using the weapons that they have and once again subjugate innocent Iraqi civilians. But in the face of this very large request for $87 billion, about two-thirds of which would go to our military operations and about one-third of which would go to reconstruction costs, many of us in Congress feel that we need more information from the administration.

I would put into three categories the questions that we have and the information we are seeking: The first is simply more information on the cost of our activities, the length of time that the military operations would be expected to continue, the length of time that the reconstruction would last, accurate information regarding the whereabouts of the weapons of mass destruction, the casualty lists of American soldiers wounded and otherwise incapacitated in Iraq. We need more good information about what is happening over there, and we need the full truth about the problems and the bad information that is happening there. The administration has not been as forthcoming as most of us would like it to be over the past 6 months. And now that an $87 billion request has been made for the upcoming fiscal year, this is the time surely for President Bush to come clean with Congress, to level with the American people, to provide answers to these questions, to provide as much information as possible regarding not only the current activity in Iraq but what he foresees coming down the pike in terms of cost, timetable, manpower needed, resources needed, what the prospects are for being joined by allies and friends. We need more information.

Secondly, related to that but I think a second category, we need a specific plan for what will be happening in Iraq, really in two parts. One for the internationalization, if you will, of the activity there and the second half of the plan would be how to get Iraqis back in charge of Iraq. In order to internationalize the operations, we need to turn to our traditional friends and allies, to international organizations such as the United Nations, perhaps NATO, to seek their support, to seek their manpower, to seek their dollars and their resources to help rebuild Iraq, to help empower the people of that country economically and to bring a new government and a new freedom and democracy to the Iraqi people. I do not believe America should try to do that alone. I do not believe we have got the resources to adequately do that when we are facing the huge budget deficits that we already face in this country. We need our friends and allies to be involved. Of course we all remember the virtual stiff-arm that the President gave to our friends and allies in the run-up to the military activity in Iraq. There was an arrogant unilateral approach to our diplomacy, what I called at the time a cowboy diplomacy that indicated to our friends and allies that we did not need their help, that we could go it alone, that they should get out of the way, particularly the old Europe, as the Secretary of Defense characterized it, and allow us to do our thing without a lot of hassle from our pesky allies. Of course it is those "pesky allies" that we are going to now, that the President is seeking support from, that the President is hoping by going to the United Nations that he can attract into what seems to be a quagmire in Iraq.

So we need a plan here. We need more than the President saying, we're going to go to the U.N. and seek their support. We need to know how that support will be put together, how much of it we need, how much of it we have a realistic chance of securing, what it will take to get the United Nations fully engaged. It seems to me that one thing it will take is to allow the United Nations to do its job as a peacekeeper and a reconstructor and a redeveloper of nations, as a nation-builder, if you will. Because that is what the United Nations is there for, to nation-build, a concept that was disparaged by the President when he was running for office but a concept that he now embraces, although not by name, as he is urging that America, virtually alone, undertake nation-building in Iraq. Most of us would like to see this process internationalized. We need to see a plan from the President to figure out how to do it, how long it will take and how much it will cost.

The second part of the plan we need is to determine how to get Iraqis back in charge of Iraq. It will not be easy to do that. Iraq does not have a tradition of self-government. It does not have a tradition of democracy. I believe that all people in the world are capable of self-government. I think all Members of the Congress believe that, but those that do not have a tradition of it, those that have dealt with powerful elites in their country that have abused average citizens, recognize that they need assistance. They need assistance building the institutions of liberty and democracy, institutions like a free press, institutions like a free and corruption-free court system, institutions such as a civil society, documents like a Constitution, a written Constitution that all members of a country, all groups within a country have a stake in and have a role in determining. All these things have to be accomplished in Iraq and we need to know how to do that, how to build these institutions of liberty.

We need to know a timetable: How long is it likely to take to get Iraqis back in charge of Iraq? What will it cost? How much support do we need? How much training must there be? How much do we need to expand the existing interim governing committee that has been created? Who else needs to be involved in establishing that group, to give it more credibility and a greater representation from all segments of Iraq? So we clearly need, after we get more information from the President of the United States and after he develops and gives us a plan for both the internationalization of the reconstruction and how to get Iraqis back in charge of Iraq, the third thing that we need is an exit strategy, when can we leave, how long must we stay and how much will it cost us to do the things that are needed?

As I said at the outset, all of us, whether we voted for or against the war in Iraq, understand now that we have conquered the nation. In a rather crude phrase, we now own the nation. We cannot walk away. We have a moral obligation to see this situation through, to make sure that there is a stable and representative and hopefully democratic government in Iraq before we leave or the Western powers leave. But we also need to know from the President before we vote this $87 billion what that exit strategy is and how long he thinks it will take and what standards we want to accomplish in achieving the status that would allow us to leave. And how will we measure our progress toward that date when we can leave? We have to know where we are going in order to get started. At least I would recommend that. It seems like an awful lot of what has happened in Iraq got started without knowing where we are going and we should not allow that to continue any further. Keep in mind, this war was waged at a time of our choosing and it would seem to me that the American military and the administration would have done a better job with the planning for both the war and the postwar activities. One thing Congress has not done well regarding Iraq in the last year is require that information to be divulged and the plans to be articulated and the exit strategy to be set forth. The one great power Congress has, the one great constitutional power is the power of the purse. We control the pursestrings. We determine how much money is spent. That power ultimately, slowly but ultimately brought the Vietnam War to a close a generation ago. We must exercise that power of the purse now, responsibly, in a way that is true to American ideals, that keeps our commitments to the people of Iraq but nonetheless that clearly sets forth our constitutional requirements and obligations to control the pursestrings, to make sure we know how American taxpayer dollars will be spent and make sure that those dollars are spent pursuant to full information from the White House, a plan from the White House on how to internationalize the reconstruction and how to put Iraqis back in charge of Iraq, and, finally, spending money pursuant to an exit strategy.

□ 2245

When will it end and how will we know that it has ended? I call upon the President to give that information to the Congress in order for us to cast an educated vote on his request for $87 billion.

At this point I have been joined by the gentleman from Massachusetts (Mr. DELAHUNT), my colleague and senior member from the House Committee on International Relations and an eloquent member of the Iraq Watch. I welcome the gentleman.

Mr. DELAHUNT. Mr. Speaker, good evening, and I thank the gentleman from Pennsylvania (Mr. HOEFFEL) again for being the driving force behind our weekly efforts to raise questions that we believe have to be answered to educate the American people and to educate Members of Congress as to what direction prospectively we should undertake.

I think for a moment, though, we should go back and review our earlier call to the President to agree to an independent commission to examine the intelligence that was the basis for American military intervention into Iraq because there continue to be questions raised by senior members of the administration, and if the gentleman will remember, our insistence on an independent commission was to depoliticize such an effort. I think we had discussed here one evening the possibility of the commission that was chaired by two former Senators, one a highly-respected Republican from New Hampshire, Warren Rudman, and another former Democratic Senator from Colorado, Gary Hart. They chaired a commission which tragically foretold almost in a way that eerily predicted the tragedy that beset America on September 11 and the need to address it.

I think it is important to note that that particular commission filed its report some 8 or 9 months before September 11. In fact, I think the exact date was on February 15, and unfortunately no action was taken on that particular report. I do not mean to suggest that it would have in any way forestalled September 11, but I guess the answer to that rhetorical question is that we will never know if we had acted earlier, both Congress and the Bush-Cheney Administration.

But in any event, that independent commission, for example, would address such questions as to the purported links between al Qaeda and Saddam Hussein. I believe that most Americans that are conversant with the intelligence have reached the conclusion that there is absolutely no evidence whatsoever that would link al Qaeda to Saddam Hussein and that Saddam Hussein had anything to do with September 11. Was he an evil tyrant, a despot that wreaked havoc on his people? Of course. I think there is unanimity among the American people and Members of Congress on both sides of the aisle that, yes, the world is better off by having Saddam Hussein out of power. But I think it is important not to just simply accept the fact that there is linkage between al Qaeda and Saddam Hussein because, again, most intelligence reports and intelligence analysts have been very clear that no such intelligence exists.

However, this past weekend, I do not know whether the gentleman had an opportunity to hear the Vice President again suggest, not directly but suggest, that somehow Saddam Hussein was behind September 11. He raised the issue, for example, of the ring leader, the operational ring leader of al Qaeda and its attack on September 11, an individual by the name of Mohamed Atta as having met a senior Iraqi intelligence agent in Prague, Czechoslovakia, when our own FBI has indicated that there are documents that establish that Mohamed Atta was, in fact, in the United States during the time involved. And what I found particularly disturbing is that that senior Iraqi intelligence officer whom it was alleged that Mohammed Atta of al Qaeda met with in Prague, Czechoslovakia in April of 2001, 4 or 5 months before September 11, he has been captured. He has been captured by the American military, and media reports indicate that he refuted the claim, that he was very clear, he never met with Mohamed Atta. And all intelligence analysts that have spoken on this particular issue or have had conversations with Members of Congress indicate that there is no basis in fact for that allegation, and yet the Vice President, when interviewed by Mr. Tim Russert on Meet the Press, raises that issue again. I am sure there is confusion among the American people when they read well-respected journals, when they listen to thoughtful programs on these particular issues, and while not without some equivocation, the Vice President of the United States continues to use the Mohamed Atta meeting in Prague as a basis to establish a link between Saddam Hussein and al Qaeda.

Mr. HOEFFEL. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. Certainly.

Mr. HOEFFEL. Mr. Speaker, I am afraid that there is very little confusion among the American people about that. Unfortunately, the polls show that two thirds of Americans believe that Hussein was behind 9/11, even though as the gentleman from Massachusetts has correctly pointed out there is not a shred of evidence that Saddam Hussein, as evil as he is, there is no evidence that he was behind 9/11. But the administration has repeatedly suggested it. The Vice President's television appearance on Sunday was one of a long series of such suggestions. The President himself in his speech of a week ago wanted people to believe that stopping the terrorists in Iraq was part of dealing with the people that have led to 9/11, and it is a repeated theme of the administration, and it is a shame. I can only conclude that it is not only a misleading effort to make a false connection, but it is an intentionally misleading effort, and this is a tough situation. It is tough enough to try to find out what happened. It is very unfortunate that the American people have been fooled in that way. Hussein is bad enough. We should deal with him for his own evil record, and we do not need to fool people or to draw false conclusions, and I commend the gentleman for pointing out in great detail this problem.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, there was a report today, a front-page story in my hometown newspaper, the Boston Globe, and just let me read an excerpt. "Multiple intelligence officials said that the Prague meeting, purported to be between Atta and a senior Iraqi intelligence officer by the name of Ahmed Khalil Ibrahim Samir al-Ani, was dismissed almost immediately after it was reported by Czech officials in the aftermath of September 11 and has since been discredited further. The CIA reported to Congress last year that it could not substantiate the claim while American records indicate Atta was in Virginia Beach, Virginia at the time, the officials said yesterday. Indeed, two intelligence officials said yesterday that Ani himself," this senior Iraqi intelligence official, "now in U.S. custody, has also refuted the report. The Czech Government has also distanced itself from its original claim.

"A senior defense official" in this particular administration "with access to high-level intelligence reports expressed confusion yesterday." A senior defense official within the administration himself expressed confusion "over the Vice President's decision to reair charges that have been dropped by almost everyone else." He said, "There isn't any new intelligence that would precipitate anything like this,' the official said, speaking on condition he not be named."

But this underscores the need to have this independent commission. Again, the prototype is there, the Rudman-Hart Commission that did such an outstanding job in terms of depicting the threat of a terrorist attack against the United States months before September 11, statements like that that were made on Meet the Press create confusion. Let us be clear, there is no one, it would appear, in the administration other than the Vice President that would not agree that this piece of evidence has been discredited. Why create confusion? Let the case for the military intervention rise and fall on the facts. That is all we ask. And as we have said consistently among ourselves during the hour that we spend here, some of us supported the President in terms of the request for a resolution authorizing the military intervention. Others of us disagreed. But let us eliminate the confusion. Let us just get to the truth, the truth with no political overtones, the truth so that the American people can have confidence in the integrity of our intelligence. Let us not continue to reair, as the report in the Globe indicated, a piece of evidence that, yes, this administration relied on substantially as establishing a link that somehow Saddam Hussein was behind 9/11. I mean it is not right, and it is not fair to the American people. I mean prominent antiterrorism experts such as Vincent Cannistraro that many of us have observed on CNN and other news shows and is well-respected among his colleagues, he is a former CIA agent and I am quoting him, said that Cheney's "willingness to use speculation and conjecture as facts in public presentations is appalling. It's astounding."

□ 2300

Well, I do not know, but I do know this: this underscores the need to depoliticize as we go into a Presidential campaign a review of the intelligence in the information that led this administration to launch a war. And that received considerable support from Congress.

Because today at a hearing in the Committee on International Relations, a subcommittee hearing on the Middle East, Undersecretary John Bolton stated that, relative to Syria, all options were on the table, including regime change. And that was the position of the President and the administration. He was testifying relative to Syria and its weapons of mass destruction. So I presume that includes a military option.

Is this administration going to have any credibility if it goes before the international community and indicates that we will exercise that military option in the case of Syria? And what about North Korea? What about Iran?

We have got to sustain our credibility. And the best way to do it is to have an independent commission comprised of prominent Americans whose credibility is unimpeached, who are not, as we all are, impacted or influenced by the politics of an election campaign, whether we be Democrat or whether we be Republican. The American people have a right to the unvarnished truth.

Mr. HOEFFEL. Mr. Speaker, before we introduce some colleagues that have joined us, I want to echo the gentleman's comments and join his call for an independent commission to review the intelligence that was collected and analyzed before we went to war and to review the use that that intelligence was put to.

I can tell this House that I attended a briefing with about 20 Members of the House, a bipartisan group on October 2, 2002, at the White House in the Roosevelt Room where George Tenet and Condoleezza Rice briefed this bipartisan group of Members.

And the representations were made by those two leading members of the administration that with complete certainty they were sure that Saddam Hussein had an active weapons of mass destruction program, that he had an active biological weapon component, an active chemical weapons component, that he was restarting a nuclear component, that he was quite likely to be giving these weapons to terrorists and the rest. And there was no uncertainty expressed whatsoever.

We have now learned, as reports have been declassified, that the White House was being told in a September, 2002, Defense Intelligence Agency report and in an October, 2002, National Intelligence Estimate that there was great uncertainty among the intelligence agencies, including Mr. Tenet's CIA.

The parts that had been declassified have been reported in the press, phrases such as "no credible evidence existing of an Iraqi chemical weapons program."

I have read those reports that the House Permanent Select Committee on Intelligence has made available to Members that have not yet been declassified.

While none of us are free to quote what we have seen, we can talk about our conclusions. And just as the published reports have indicated, what I read was full of uncertainties, expressed hesitations, "we are not sure about this," "we are not sure about that." But that is not at all what the administration figures were telling Congress in private briefings or to the American people in public statements, repeated as recently as Sunday, as the gentleman from Massachusetts (Mr. DELAHUNT) said, the Vice President repeated.

So we need a bipartisan, independent commission to study the intelligence and its usage before the fighting started in Iraq, because it is hard to conclude anything other than the Congress and the American people were not told the full truth; that we were told things existed with complete certainty, that the administration was telling them that, when in fact when they were making those claims there was great uncertainty.

I would like to ask the gentleman from Ohio (Mr. STRICKLAND) to share a few words.

Mr. STRICKLAND. I want to thank the gentleman from Pennsylvania.

I was standing here listening to the gentleman, and I am thinking to myself, these are very serious accusations; that this administration, this President, his staff, were not fully candid with the American people, and consequently we find ourselves in a situation where today the polls tell us that a vast majority of the American people believe that Saddam Hussein was in some way responsible for what happened on September 11, 2001. There is no credible evidence to support that conclusion. The President needs to say so.

I watched Vice President CHENEY on television this past Sunday. I was stunned that even at this time, after the evidence is so crystal clear, he is still holding on to these, what I would consider, fabrications. The American people I think can be trusted with the truth. But without the truth, the American people simply do not know where to go for the truth or who to believe.

Now, I was listening to the two of you earlier in my apartment, and I wanted to come over and share something that I think is relevant to this discussion, at least in a tangential way.

Earlier today, I was over on the Senate side participating in a House-Senate joint committee meeting of the Committee on Veterans' Affairs. The national commander of the American Legion gave testimony to us today, and he told us what we all know, that we are underfunding VA health care by $1.8 billion.

Now, I think it is relevant, because the President has recently come to us and he has asked for $87 billion additional, on top of what has already been appropriated for fiscal year 2003. $87 billion.

As the gentleman has said and we all believe, we will do whatever we must do to care for our troops, to make sure they have adequate equipment and protection, and I understand $300 million to $400 million of that request from the President is to perhaps purchase body armor for our soldiers, armor that I think they should have had a long time ago, because, as I shared not many nights ago on this floor, I got a letter from a young soldier in Baghdad saying that the men in his group were concerned that they had cheap armor that was incapable of stopping bullets; and they wondered why they could not have the best protection possible under the circumstances.

But, anyway, of this $87 billion, a large part of it will go to providing for our troops, and we want to support that; but approximately $20 billion, my understanding is, approximately $20 billion is for the reconstruction of Iraq.

The question that I think the American people should be asking the President and this Congress is what are your priorities? Why is it so easy to ask for multiple billions of dollars for Iraq and for the rebuilding of Iraq, when we are underfunding our most basic needs here at home, veterans health care, by $1.8 billion?

If there are veterans listening, they may think STRICKLAND can't be telling the truth. This President would certainly not take such a position with VA health care. I would just encourage them perhaps to contact their veterans service organizations, the VFW, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Vets. All of these groups know what is happening to VA health care.

□ 2310

It just troubles me that we seem so willing to ask for so much for Iraq and for other places around this world and yet we are neglecting the most basic needs at home. And surely, if we are going to set priorities, we should put the American needs first and other needs second or third or fourth.

So I just wanted to point that out. I think it is appropriate that we ask the administration these questions: what are you going to do with that money? And one more thing before I stop. Mr. Speaker, before this last request for $87 billion, a lot of money had already been spent in Iraq, and my understanding is the Halliburton Corporation, the former employer of Vice President CHENEY, received an unbid contract in the range of $1.7 billion. I think it is appropriate that we ask the President to commit to us that if we approve this funding that he has asked for, that none of it, absolutely not a dollar of it will go to corporations, Halliburton or any other corporation under an unbid process. The American people need to know that the tax dollars they pay and the money that is appropriated for these needs are spent wisely, and we ought to have an open, transparent process. No more of this unbid contract stuff that leaves us wondering, at least I am wondering, whether or not there was some deal, whether or not there was some sweetheart arrangement that enabled this company or some other company to get access to large amounts of American tax dollars without having to go through a competitive bidding process. I think that is the least the administration can do, is to make that commitment to us.

Mr. Speaker, I appreciate my colleagues allowing me to participate tonight. I will stick around and listen to what else is going to be said here. I thank the gentleman.

Mr. HOEFFEL. Mr. Speaker, I appreciate the gentleman's comments, as always. We have been joined by our colleague, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I am glad to be here. I just want to relate to my colleagues a couple of communications that I was very impressed with that I got in the last 2 days. The first was from a letter from a marine who is from Colfax, Washington, who was very early in the operation in Iraq, who is now recovering in Colfax after he was involved in an incident where a tank basically slid off a road and came down and crushed and killed the Marine standing right next to him and totally crushed this Marine's leg. They thought they were going to have to take it off. He has kept it, and he is now trying to get some weight back on it and he is recovering. It was a remarkable letter I got from him because he talked with great pride about his service. He talked about his feeling for the Iraqi people, and he talked about the importance of the prayers and condolences he has received from all over the country. He got letters from all over the country helping him get through this time of crisis. And it was really heartening just trying to read this letter in the midst of what we have been talking about, about substantial controversy about what happened in Iraq, to read a letter from somebody who felt so proud of his service and is still in the recovery mode. Our prayers and thoughts are with him. And I will not mention his name because he is a humble person, so I will not mention his name tonight.

The second communication was on absolutely the opposite end of the spectrum of at least how I viewed the communication, and that was a communication from the Secretary of Defense, Donald Rumsfeld, who went to Iraq a few weeks ago and toured Iraq. He was asked in Iraq, Mr. Secretary, what did you find about the weapons of mass destruction upon which you based a war, upon which you sent thousands of Americans, hundreds of whom are never going to come home and many,

many are going to come home to a disability they are never going to recover from. And his answer was stunning to me. He said, you know what? I was just too busy. I did not ask about that.

Here is an official of the administration who sent our sons and daughters to war based on a premise which has obviously turned out to be false from the information we have today, who went to Iraq and who was apparently so embarrassed about this failure, this massive failure of intelligence that this administration was responsible for on multiple occasions, and he said he was too busy to ask about our search for weapons of mass destruction in Iraq. In fact, we have 1,500 people at least who have been scouring Iraq for months now to try to find evidence of weapons of mass destruction and have not turned up a gram of weapons of mass destruction.

To me, this administration has some answering to do to the American people, and this body of the U.S. Congress has an obligation to get to the bottom of why this false information led us into a war. That is why I am proud to say I am one of the Members calling for a bipartisan, bicameral investigation, led by a prominent Republican, to find out why our sons and daughters were sent into war based on this faulty information. We have an obligation to get to the bottom of that, not only for our soldiers and sailors who are at risk, but for the future of our future security efforts.

When we deal with Iran, when we face the challenge in Iran, which is a real nuclear threat, with a real nuclear program; in North Korea, which is a real nuclear threat with a real nuclear program, we cannot go to the international community under this cloud of suspicion. We must peel it away, we must get light, we must remove this wound to our Nation's credibility, and we need this commission to get that done.

Mr. Speaker, I want to tell my colleagues I am just astounded by what I heard this weekend from the Vice President, realizing that it is a tough job that we are in. But I was just shocked and I want to quote what I am told he said. I did not see the interview, but I am told he said in part, he said, "So what we do on the ground in Iraq, our capabilities here are being tested in no small measure. But this is the place where we want to take on the terrorists," meaning Iraq. "This is the place where we want to take on those elements that have come against the United States."

After we have had 1,500 people scouring Iraq for months, and the intelligence service that reported to us that the two highest al Qaeda people we had in captivity told us they did not have anything to do with Saddam Hussein, because they did not trust him because he is a seculist and they are fundamentalist Islamists; the Vice President of the United States stands before the American people and said we are just going to go after al Qaeda in Iraq. Where is the shame? We have to get to the bottom of this.

I want to make one more comment about what we are in right now. This is history, but it is something that we have to peel back to find out what happened, and that is where we go from here. I think there is some responsibility now. No matter how we got into this, there is a mess in Iraq. But I want to point out that the difficulty we face in mobilizing support for this is in part because of the administration's failure to level with the American people at the beginning about what this project was going to cost.

I was just at a charity event and I ran into a gentleman who works for the American Society of Civil Engineers. He showed me this report card that the Society of Civil Engineers just did about the status of American infrastructure in this country, and they basically gave a grade to all of our infrastructure: our bridges, our roads; wastewater had a D, drinking water had a D, dams a D, solid waste, C plus, hazardous waste, D plus, energy, D plus. Basically, America's infrastructure, GPA, D plus, with a backlog of investment needs of $1.6 trillion, $1.6 trillion to fix our electrical system and our roads and our bridges and our schools. But this President cannot afford to do it when he wants the taxpayers to shell out $20 billion for the infrastructure of Iraq, because he will not give up the tax cuts that have jeopardized our ability to move forward in this country. I yield to the gentleman.

Mr. DELAHUNT. Mr. Speaker, the estimates that we as Members of Congress were provided by the administration. If my colleagues remember, the head of the office of OMB, the Office of Management and Budget, which is an arm of the White House, informed us that the cost of the war was going to be $50 billion. Well, the truth, and this is what the American people have to understand, we are already at $166 billion, and that is the down payment.

Mr. HOEFFEL. Mr. Speaker, does the gentleman remember that Lawrence Lindsey of the White House Budget Office lost his job when he suggested that the war in Iraq would cost between $100 and $200 billion? And as the gentleman says, that is exactly what it has cost to date, yet he got fired for telling the truth.

Mr. DELAHUNT. But I would say to the gentleman, the truth is, that is a down payment.

Mr. HOEFFEL. That is right.

Mr. DELAHUNT. We are on our way, folks, we are on our way to $1 trillion.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. Mr. Speaker, I will yield on that, to my good friend from Hawaii (Mr. ABERCROMBIE) and a member of Iraq Watch.

Mr. HOEFFEL. The occasionally late, but always eloquent and passionate member from Hawaii.

Mr. ABERCROMBIE. Well, that is because we are bringing the hammer of inquiry down on the anvil of truth here, or the anvil of inquiry for sure.

□ 2320

The anvil of inquiry for sure. Part of what we are being asked to do and what you have been discussing tonight has to do with the new payment, the latest, I should say, the latest payment. But think about what happens when the Secretary of Defense says, oh, we are making progress, when the delegation from the Congress of which I was a part was the first to enter, actually enter Baghdad after the attack on Baghdad was over.

Remember, they had a group went in and stayed at the Baghdad airport. They came in. We drove in. We came down that long road from the airport into Baghdad. The last delegation that just went had to be flown from the airport into the compound where Mr. Bremer is and where the troops are because they cannot go on that road any more. I remember coming in this road. I said, We are going to have to have 10,000 troops just to guard the road in from the Baghdad airport because you have the road and you have desert and that means you can come in. Remember, I called upon Thomas Edwards Lawrence, T.E. Lawrence, where is your spirit? Where are you now that we need you? Because you cannot guard that road. All it takes is a cell phone and a trigger mechanism to be able to attack these vehicles.

So when you talk $66 billion or however you want to break this down, and I hope that we are going to break this down before we vote any money for this, we have to take into account you will need thousands and thousands of troops, longer and longer time at greater expense than even has been mentioned here tonight just to guard the road.

Mr. DELAHUNT. Mr. Speaker, I do not know if you saw "Meet the Press" this last Sunday, but again the Vice President refuted the need that was expressed by the Army Chief of Staff, General Shinseki, that several hundred thousand troops were necessary to bring stability. We have what would appear to be a position that is intransigent, that is in denial, if you will.

If I can for just one moment bring something up that I found particularly ironic, Secretary of State Colin Powell this past week visited Halabja, which is where some 5,000 Kurdish Iraqis lost their lives because of the use of chemical weapons by Saddam Hussein. The Secretary asserted that in this little farming town nestled in Iraq's barren northern mountains, this was ample evidence that former President Saddam Hussein's government possessed weapons of mass destruction and justified, and justified the U.S. decision to go to war. That occurred in 1988 and it was despicable. And what should have occurred was the international community should have responded at that point in time, convened a war crimes tribunal, affected the arrest of Saddam Hussein and brought him to justice for that.

The President at that time was this President Bush's father, or rather in 1988 it was President Reagan. The now-Secretary of State was the then-National Security Advisor to President Reagan.

I find such irony in that because it was many of the same individuals who approached Saddam Hussein to indicate that they were tilting towards the Saddam Hussein regime in its war against Iran. It is the now-Secretary of Defense Donald Rumsfeld who is the special envoy who went and shook the hand of that thug Saddam Hussein in 1982. He was then taken off the terrorist list; Saddam Hussein was taken off the terrorist lists, and that opened up opportunities for the Iraqi regime.

In 1984 full diplomatic relationships were opened between the United States and Iraq. In 1986, in 1986 we installed an embassy in Baghdad. The American people should know that. In 1988, in 1988 this heinous crime was committed against the Iraqi Kurds in the town of Halabja, and here we are some 15 years later hearing the Secretary of State suggest that this was the evidence, the predicate, if you will, to our intervention.

Now, the story does not end there. The story does not end there. Because it was the President's father, the Bush administration according to a Congressional Research Report that blocked congressional action, that blocked congressional action to impose sanctions on Iraq for committing that crime against the Iraqi people.

Let me read because I think it is important that the American people hear this. I have never heard it stated. This is our own Congressional Research Service, an independent body: "In late 1988 after reports that Iraq had used chemical weapons against the Kurds, the Senate on September 9 passed by voice vote to impose financial and trade sanctions and severe restrictions on the transfer of technology to Iraq. On September 27, the House passed a bill by a vote of 388 to 16; but the bill was not taken up by the Senate. The bill would have prohibited sales to Iraq of any munitions-listed items and called on the President to place import and export restrictions on Iraq, end credit and loan guarantees, and oppose multi-lateral assistance to that country if Iraq did not stop using chemical weapons and agree to international inspections."

Similarly, in May through July of 1990, just before the first Gulf War, the administration helped block action or defeat several measures in both Houses that would have restricted U.S. sales credits, loan guarantees, insurance support in international lending institutions, and trade preferences for Iraq.

The administration helped block action. Of course we knew that he used chemical weapons. In 1990 we knew. And what did we do about it then? We blocked congressional action, the then-administration blocked congressional action.

So the irony of the Secretary of State being in Halabja and suggesting that that was the predicate for military intervention, what irony.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I want to posit a reason why the administration is trying to reach back for this, for a justification for this war. And the reason is they refused to recognize that they used false information to lead this Nation into a war, and they have two options at this point. One is to stonewall and search for any justification they have, and now they are focusing on something that happened in 1988 during the previous Bush administration or shortly before that administration.

What they should be doing is embracing our approach, which is to find out why this happened. We think the President should be looking for the people in the administration and holding them accountable for why, when they find out why this happened.

☐ 2330

He ought to be on our side trying to find out why the administration let down the American people, but no, no. Instead, they want to stonewall this. Stonewalling is not an answer to help this country move forward into how we are going to solve this problem, but it is an indication of what problem the administration has.

This administration has always wanted to sugarcoat this war for the American people and think it was going to be roses and tax cuts for the whole way. It is about time the administration started talking the truth.

Mr. ABERCROMBIE. I think our time is probably at an end.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for joining me this evening. The Iraq Watch will be back next week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DOGGETT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, September 17 and 18.

Mr. HENSARLING, for 5 minutes, September 17.

Mr. CHOCOLA, for 5 minutes, September 17.

Mrs. BLACKBURN, for 5 minutes, September 17.

Mr. NORWOOD, for 5 minutes, today and September 17 and 18.

Mr. PAUL, for 5 minutes, today and September 17 and 18.

Mr. CUNNINGHAM, for 5 minutes, September 17.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 17.

Mr. OSBORNE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 17.

Mr. FEENEY, for 5 minutes, September 17.

Mr. HUNTER, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

ADJOURNMENT

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 17, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4278. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

4279. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Naval Air Systems Command Headquarters Administrative Support and Patuxent Administrative Support in Mechanicsville, MD; to the Committee on Armed Services.

4280. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates for P.L. 108-69; to the Committee on the Budget.

4281. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Energy and Commerce.

4282. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); to the Committee on International Relations.

4283. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c), 50 U.S.C. 1730(c) and 22 U.S.C. 2349aa-9(c); to the Committee on International Relations.

4284. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on International Relations.

4285. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) Concerning the Development of the Future Fire Control System (FFCS) for Multiple Launch Rocket System (MLRS) Upgrades between the United States and the United Kingdom as pursuant to Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4286. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4287. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Government Reform.

4288. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4289. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2002, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

4290. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made under the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services, pursuant to Public Law 106-561, section 2806(b); to the Committee on the Judiciary.

4291. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Fifth Annual Report to Congress and the activities during Fiscal Year 2002 as pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

4292. A letter from the chairman, National Transportation Safety Board, transmitting the Board's Fiscal Year 2005 Budget Estimates Request to OMB, pursuant to Public Law 93-633; jointly to the Committees on Transportation and Infrastructure and Appropriations.

4293. A letter from the Secretaries, Departments of Defense and Health and Human Services, transmitting a report on the evaluation of the Medicare Subvention Demonstration Project for Military Retirees entitled "Evaluation of the Medicare-DoD Subvention Demonstration: Final Report," pursuant to Public Law 105-33, section 4015; jointly to the Committees on Armed Services, Ways and Means, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes; with an amendment (Rept. 108–270, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2152. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program (Rept. 108–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; with an amendment (Rept. 108–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 370. Resolution providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes (Rept. 108–273). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 7 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 or rule XII the following action was taken by the Speaker:

H.R. 7. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 16, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. Nadler, Mr. Scott of Virginia, Ms. Jackson-Lee of Texas, Mr. Meehan, Mr. Delahunt, Mr. Weiner, Mr. Schiff, Mr. Langevin, Mr. Scott of Georgia, Ms. Carson of Indiana, Mr. Sanders, Mr. Crowley, and Mr. Moran of Virginia):

H.R. 3084. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mrs. Davis of California, Mr. Grijalva, Ms. Lee, Mr. Case, Ms. Jackson-Lee of Texas, Mrs. Napolitano, Mr. Serrano, Mr. Frost, Mr. Etheridge, Mr. Van Hollen, Ms. Solis, Mr. Rodriguez, Mrs. Jones of Ohio, Mr. Owens, Ms. Linda T. Sánchez of California, Ms. Woolsey, Mr. Becerra, Mr. Acevedo-Vilá, and Mr. Cardoza):

H.R. 3085. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 3086. A bill to increase penalties for obstruction of justice and false statements in terrorism cases, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Petri, Mr. Lipinski, Mr. Baker, Mr. Rahall, Mr. Coble, Mr. DeFazio, Mr. Platts, Mr. Costello, Mr. Graves, Ms. Norton, Mr. Quinn, Mr. Nadler, Mr. Bereuter, Mr. Menendez, Mr. Ehlers, Ms. Corrine Brown of Florida, Mr. Moran of Kansas, Mr. Filner, Mr. LoBiondo, Ms. Eddie Bernice Johnson of Texas, Mr. LaTourette, Mr. Taylor of Mississippi, Mr. Gary G. Miller of California, Ms. Millender-McDonald, Mr. Gilchrest, Mr. Cummings, Mr. Mica, Mr. Blumenauer, Mr. Burns, Mr. Pascrell, Mr. Porter, Mr. Boswell, Mr. Burgess, Mr. Holden, Mr. Hayes, Mr. Lampson, Mr. Chocola, Mr. Baird, Mr. Simmons, Ms. Berkley, Mr. Shuster, Mr. Carson of Oklahoma, Mr. Brown of South Carolina, Mr. Matheson, Mr. Duncan, Mr. Honda, Mr. Johnson of Illinois, Mr. Larsen of Washington, Mr. Boozman, Mr. Capuano, Mr. DeMint, Mr. Weiner, Mr. Pearce, Ms. Carson of Indiana, Mrs. Kelly, Mr. Hoeffel, Mr. Isakson, Mr. Thompson of California, Mr. Bachus, Mr. Bishop of New York, Mr. Sullivan, Mr. Michaud, Mr. Mario Diaz-Balart of Florida, Mr. Davis of Tennessee, Mr. Ney, Mr. Rehberg, Mr. Boehlert, Mr. Beauprez, Mr. Gerlach, Mrs.

Capito, Mr. Hoekstra, Mr. Kennedy of Minnesota, Mr. McCrery, and Mr. Bartlett of Maryland):

H.R. 3088. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3089. A bill to establish a program to assist States and local governments for the conduct of electronic governance transactions at libraries and elementary and secondary schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3090. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3091. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. Cannon, Mr. Larsen of Washington, Mr. Boswell, Mr. Calvert, Mr. Nunes, Mr. Kind, Mr. Ose, Mr. Bereuter, Mr. Terry, Mr. Case, Mr. Lantos, Mr. Dicks, Mr. Smith of Washington, Mr. Inslee, and Mr. McDermott):

H.R. 3092. A bill to provide grants for law enforcement training and equipment to combat methamphetamine labs; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. Davis of Florida, Mr. Cooper, and Mr. Bradley of New Hampshire):

H.R. 3093. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Pearce, Mr. Green of Wisconsin, Mr. Paul, Mr. Bradley of New Hampshire, Mr. Frost, Mrs. Blackburn, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Renzi, Mr. Cole, Mr. Mica, Mr. Foley, Mr. Mario Diaz-Balart of Florida, Mr. Gutknecht, and Mr. Jones of North Carolina):

H.R. 3094. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 3095. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 3096. A bill to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. FRELINGHUYSEN:

H.R. 3097. A bill to amend the Federal Education Right to Privacy Act to improve the access of the victims of crimes to information concerning the outcome of disciplinary proceedings by institutions of higher education; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 3098. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD (for herself, Mr. Conyers, Mr. Towns, Mrs. Christensen, Ms. Lee, Mr. Cummings, Ms. Kilpatrick, Ms. Carson of Indiana, Ms. Corrine Brown of Florida, Mr. Scott of Virginia, Mr. Frost, Mr. Payne, Mr. Clay, Mr. Meehan, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Thompson of Mississippi, Ms. Norton, Mr. Frank of Massachusetts, Mr. Tierney, Mr. Engel, Mr. Wynn, Mr. Lynch, Mr. Olver, Mr. Markey, Mr. Neal of Massachusetts, Mr. McGovern, Mr. Ballance, Mr. Serrano, Ms. McCollum, and Mr. Capuano):

H.R. 3099. A bill to amend the Small Business Investment Act of 1958 to establish a pilot program for lending to small, nonprofit child care businesses; to the Committee on Small Business.

By Mr. PALLONE:

H.R. 3100. A bill to provide health benefits for workers and their families; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. Jones of North Carolina, and Mrs. Musgrave):

H.R. 3101. A bill to amend title 5, United States Code, to provide for the establishment of a precious metals investment option in the Thrift Savings Fund; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 3102. A bill to utilize the expertise of New Mexico State University, the University of Arizona, and Northern Arizona University in conducting studies under the National Environmental Policy Act of 1969 in connection with the grazing allotments and range and continuing range analysis for National Forest System lands in New Mexico and Arizona, and for other purposes; to the Committee on Resources.

By Mr. RYUN of Kansas (for himself, Mrs. McCarthy of New York, Mr. Walsh, Mr. Payne, and Mr. Lynch):

H.R. 3103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. Simmons, Mr. Reyes, Mr. Meehan; Mr. Evans, Mr. Bradley of New Hampshire, Mr. Rodriguez, Mr. Skelton, Mr. Andrews, Mr. Bartlett of Maryland, and Mr. McGovern):

H.R. 3104. A bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself and Mr. Petri):

H. Con. Res. 280. Concurrent resolution recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. Davis of Illinois, Ms. Corrine Brown of Florida, Mrs. Christensen, Mr. Filner, Mr. Frost, Mrs. Jones of Ohio, Mr. Kucinich, Ms. Jackson-Lee of Texas, Mr. Meeks of New York, Ms. Millender-McDonald, Mr. Towns, Mr. Wynn, and Mr. McDermott):

H. Con. Res. 281. Concurrent resolution urging observance of Global Family Day; to the Committee on International Relations.

By Mr. COOPER (for himself, Mr. Ross, Mr. Gordon, Mr. Berry, Mrs. Blackburn, Mr. Boozman, Mr. Davis of Tennessee, Mr. Duncan, Mr. Ford, Mr. Jenkins, Mr. Snyder, Mr. Tanner, and Mr. Wamp):

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself and Mr. Shimkus):

H. Con. Res. 283. Concurrent resolution honoring the commitment of the individuals participating in the Free Our People March and Rally; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE (for herself, Mr. Bell, Mr. Chabot, Mr. Doolittle, Mr. Andrews, Mr. Pallone, Mr. Smith of New Jersey, Mr. Souder, Mrs. Kelly, Mr. Bilirakis, and Mr. Wexler):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress that the United States should actively support Taiwan's membership in the United Nations and other international organizations; to the Committee on International Relations.

By Mr. MANZULLO (for himself, Ms. Velázquez, and Mr. Hinojosa):

H. Res. 368. A resolution honoring the Small Business Administration on the occasion of its 50th anniversary; to the Committee on Small Business. Considered and agreed to.

By Mr. BURTON of Indiana (for himself, Mr. Visclosky, Mr. Buyer, Mr. Hostettler, Mr. Souder, Ms. Carson of Indiana, Mr. Hill, Mr. Pence, and Mr. Chocola):

H. Res. 369. A resolution expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones; to the Committee on Government Reform. Cconsidered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. Lantos, and Mr. Ackerman):

H. Res. 371. A resolution commending the people and the Government of the Hashemite Kingdom of Jordan for their political reform efforts and wishing them continued success in their democratization efforts; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 3105) for the relief of Elvira Arellano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 102: Mr. GUTIERREZ.

H.R. 106: Mrs. MUSGRAVE.

H.R. 121: Mr. GRIJALVA.

H.R. 284: Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. HULSHOF, Mr. HINOJOSA, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Ms. VELÁZQUEZ, Ms. GRANGER, and Mr. COSTELLO.

H.R. 299: Mr. TOWNS.

H.R. 303: Mr. HASTINGS of Florida, Mr. CARDIN, and Mr. PENCE.

H.R. 316: Mr. WELLER.

H.R. 339: Mr. EVERETT, Mr. UPTON, Mr. VITTER, Mr. GREENWOOD, and Mr. BRADLEY of New Hampshire.

H.R. 348: Mrs. McCARTHY of New York.

H.R. 384: Mr. HOEKSTRA, Mr. GIBBONS, Mr. HERGER, Mr. HOSTETTLER, Mr. FEENEY, and Mrs. MUSGRAVE.

H.R. 432: Mr. ROSS.

H.R. 571: Mr. HAYES, Mr. BOYD, and Mr. TOWNS.

H.R. 574: Mrs. MUSGRAVE.

H.R. 652: Mr. HOLT.

H.R. 713: Mr. RAMSTAD.

H.R. 714: Ms. DUNN.

H.R. 728: Mr. SAXTON.

H.R. 792: Ms. DUNN.

H.R. 804: Mr. CARDOZA.

H.R. 852: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.

H.R. 854: Mr. ROTHMAN.

H.R. 857: Mr. ANDREWS and Mr. LANTOS.

H.R. 869: Mr. BERMAN and Mr. WALSH.

H.R. 918: Mr. NETHERCUTT.

H.R. 920: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.

H.R. 968: Mr. STUPAK.

H.R. 980: Mr. SMITH of Washington.

H.R. 1179: Mr. WELDON of Florida.

H.R. 1229: Mr. BEAUPREZ.

H.R. 1231: Mr. BONILLA, Mr. ISAKSON, Mr. GONZALEZ, Mr. GERLACH, and Mr. LARSON of Connecticut.

H.R. 1285: Ms. ESHOO.

H.R. 1294: Mr. NEAL of Massachusetts.

H.R. 1310: Mr. McHUGH.

H.R. 1336: Mr. RYAN of Ohio, Mr. BRADLEY of New Hampshire, Mr. MENENDEZ, MR. MILLER of North Carolina, Mr. PEARCE, Mr. SERRANO, Ms. GRANGER, Mr. FEENEY, and Mr. BOEHNER.

H.R. 1345: Mr. FROST.

H.R. 1381: Mrs. MALONEY, Mr. CLYBURN, and Mr. McDERMOTT.

H.R. 1385: Ms. SCHAKOWSKY, Mr. JENKINS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mrs. LOWEY, Mr. MEEHAN, and Ms. CORRINE BROWN of Florida.

H.R. 1394: Mr. BROWN of Ohio.

H.R. 1414: Ms. SLAUGHTER.

H.R. 1508: Mr. CARDOZA and Mr. STRICKLAND.

H.R. 1547: Mr. BARTLETT of Maryland.

H.R. 1563: Ms. McCOLLUM, Mr. ALLEN, Mr. SHAYS, and Mr. BROWN of Ohio.

H.R. 1622: Mr. GUTIERREZ, Mr. RODRIGUEZ, and Mr. SMITH of New Jersey.

H.R. 1639: Ms. WATSON.

H.R. 1653: Mr. HONDA and Mr. TOM DAVIS of Virginia.

H.R. 1660: Mr. DOOLITTLE.

H.R. 1662: Mr. FEENEY and Mr. NEUGEBAUER.

H.R. 1690: Ms. LOFGREN.

H.R. 1692: Mr. PORTER, Mr. LEWIS of Georgia, and Mr. McCOTTER.

H.R. 1695: Mr. WAXMAN.

H.R. 1731: Mr. CASE, Mr. MORAN of Virginia, Mr. SPRATT, Mr. ROYCE, and Mr. FROST.

H.R. 1738: Mr. BOUCHER, Mr. GONZALEZ, and Mr. DAVIS of Tennessee.

H.R. 1813: Mr. LEVIN, Mr. MICHAUD, Mr. VAN HOLLEN, and Mr. GRIJALVA.

H.R. 1819: Mr. WAMP, Mr. SANDERS, and Mr. SHIMKUS.

H.R. 1828: Mr. TIAHRT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. NAPOLITANO.

H.R. 1900: Mr. POMEROY, Mr. EMANUEL, Mr. TANNER, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, Mr. MICHAUD, Mr. CLAY, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BERKLEY, Ms. McCOLLUM, Ms. SLAUGHTER, Mr. DICKS, Mr. EVANS, Mr. ETHERIDGE, Mr. GUTIERREZ, Mr. FARR, Ms. BALDWIN, Mrs. EMERSON, Mr. ROTHMAN, Mr. WU, Mr. LAMPSON, Mr. DOOLEY of California, Mr. HILL, Ms. DEGETTE, Mr. SNYDER, Mr. SKELTON, Ms. McCARTHY of Missouri, Ms. LORETTA SANCHEZ of California, Mr. ACKERMAN, Ms. LOFGREN, Mr. GREEN of Texas, Mr. ALEXANDER, Mr. KIND, Mr. OBEY, Mrs. TAUSCHER, Mrs. McCARTHY of New York, Mr. BERRY, Mr. ROSS, Mr. PETRI, Mr. ANDREWS, Mr. MATHESON, Mr. SPRATT, Ms. DELAURO, Mr. DEFAZIO, Mr. DINGELL, Mr. SMITH of Washington, Mr. MATSUI, Mr. McKEON, Mr. YOUNG of Florida, Ms. ROYBAL-ALLARD, and Mr. PICKERING.

H.R. 1906: Mr. GUTIERREZ.

H.R. 1939: Ms. WOOLSEY.

H.R. 1964: Mr. SWEENEY.

H.R. 1993: Mr. GREEN of Texas and Mr. McDERMOTT.

H.R. 2008: Mr. BASS.

H.R. 2032: Mr. KUCINICH, Ms. MILLENDER-McDONALD, Mr. GEPHARDT, Mr. McDERMOTT, and Mr. BISHOP of Utah.

H.R. 2034: Mr. ENGLISH.

H.R. 2047: Mr. CARDIN.

H.R. 2094: Mr. ENGLISH, Mr. HERGER, and Mr. TOWNS.

H.R. 2096: Mrs. JO ANN DAVIS of Virginia, Ms. HARRIS, Mr. LAHOOD, Mr. TANCREDO, Mr. TIBERI, Mr. HOBSON, Mr. GERLACH, and Mrs. NAPOLITANO.

H.R. 2133: Mr. TOM DAVIS of Virginia and Mr. GREEN of Wisconsin.

H.R. 2157: Mr. KENNEDY of Rhode Island, Ms. MAJETTE, Mrs. WILSON of New Mexico, and Mr. WEXLER.

H.R. 2173: Mr. KLECZKA, Mr. GRIJALVA, and Mr. SANDERS.

H.R. 2181: Mr. VISCLOSKY and Mr. HILL.

H.R. 2198: Ms. DEGETTE.

H.R. 2201: Mr. FEENEY.

H.R. 2224: Mr. PLATTS and Mr. BOEHLERT.

H.R. 2232: Mr. SANDERS.

H.R. 2269: Mr. WILSON of South Carolina, Mrs. MUSGRAVE, and Mr. HAYWORTH.

H.R. 2347: Mr. BISHOP of Utah, Mr. TIAHRT, and Mr. CRANE.

H.R. 2353: Mr. RANGEL.

H.R. 2361: Mr. DEFAZIO.

H.R. 2365: Mr. FILNER.

H.R. 2404: Mr. McINNIS.

H.R. 2426: Ms. SLAUGHTER, Mr. SANDERS, and Ms. McCARTHY of Missouri.

H.R. 2455: Mr. ENGEL.

H.R. 2459: Mrs. CAPPS.

H.R. 2490: Mrs. CAPITO.

H.R. 2504: Ms. LOFGREN and Mr. MICHAUD.

H.R. 2527: Mr. BERMAN and Mr. DEUTSCH.

H.R. 2582: Mr. ANDREWS.

H.R. 2625: Mrs. JONES of Ohio and Mr. KLECZKA.

H.R. 2626: Mr. UDALL of New Mexico.

H.R. 2665: Mr. SMITH of Washington, Mr. FILNER, and Mr. ENGEL.

H.R. 2677: Mr. BLUMENAUER.

H.R. 2685: Mr. SERRANO and Mr. WEXLER.

H.R. 2708: Mr. CALVERT.

H.R. 2709: Mr. CASE.

H.R. 2711: Mr. LINDA T. SÁNCHEZ of California and Mr. McINTYRE.

H.R. 2720: Mr. EVANS, Mr. CASE, Mr. McNULTY, Mr. FRANK of Massachusetts, and Mr. McCOTTER.

H.R. 2727: Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STARK.

H.R. 2732: Mr. BALLENGER, Mr. NORWOOD, Mr. KINGSTON, Mr. PETRI, and Mr. GOODE.

H.R. 2735: Mr. BAKER, Ms. BORDALLO, and Mr. BROWN of Ohio.

H.R. 2743: Mr. SIMPSON.

H.R. 2770: Mr. GRIJALVA, Mr. FILNER, Mr. FROST, and Mr. JEFFERSON.

H.R. 2781: Mr. KINGSTON.

H.R. 2787: Ms. BALDWIN and Mr. ACKERMAN.

H.R. 2788: Mr. BAIRD.

H.R. 2821: Mr. GEORGE MILLER of California, Mr. UPTON, and Mr. WEXLER.

H.R. 2849: Mr. UPTON and Mr. PLATTS.

H.R. 2850: Mr. DAVIS of Florida.

H.R. 2851: Mr. TANCREDO.

H.R. 2891: Mr. CROWLEY.

H.R. 2898: Mr. WAXMAN and Mr. BROWN of Ohio.

H.R. 2900: Mr. RYUN of Kansas, Mr. BOEHLERT, and Mr. SANDLIN.

H.R. 2905: Mr. FEENEY and Ms. ROS-LEHTINEN.

H.R. 2906: Mr. WAMP.

H.R. 2908: Mr. PLATTS, Mr. LUCAS of Kentucky, and Mr. FROST.

H.R. 2915: Mr. COOPER, Ms. HARRIS, and Mr. CASTLE.

H.R. 2929: Mr. EHLERS.

H.R. 2932: Ms. ESHOO and Mr. McDERMOTT.

H.R. 2934: Mrs. MUSGRAVE, Mr. COBLE, Mr. JENKINS, Mr. BARRETT of South Carolina, Mr. NORWOOD, Mr. BONILLA, Mr. THORNBERRY, Mr. WICKER, Mr. PEARCE, Mr. BURGESS, Mr. GERLACH, Mrs. CUBIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. PORTER, Mr. McCOTTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GIBBONS, Mr. EVERETT, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. BAKER, Mr. CANNON, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. COLE, Mr. KLINE, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. WELLER, Mr. PUTNAM, Mr. TANCREDO, Mr. HEFLEY, Mr. POMBO, Mr. HAYWORTH, Mr. HENSARLING, Mr. DOOLITTLE, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. DELAY, Mr. TAUZIN, Mr. BARTON of Texas, Mr. SESSIONS, Mr. REYNOLDS, Mr. AKIN, Mr. TURNER of Texas, Mr. BLUNT, Mr. BONNER, Mr. SMITH of Texas, Mr. CRANE, Mr. KELLER, Mr. SCHROCK, Mr. GREENWOOD, Mr. BEAUPREZ, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. MURPHY, Mr. NUNES, Mr. REHBERG, Mr. FORBES, Mr. MILLER of Florida, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CHOCOLA, Mrs. NORTHUP, Mr. CANTOR, Mr. SHADEGG, Mr. FROST, and Mr. GREEN of Wisconsin.

H.R. 2956: Mr. KIRK, Ms. BALDWIN, and Mr. FOSSELLA.

H.R. 2998: Mrs. JONES of Ohio, Mr. KIRK, Mrs. EMERSON, Mrs. DAVIS of California, Mrs. MYRICK, Mr. DOOLITTLE, Mr. BAIRD, Mr. UPTON, Mr. McKEON, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. ALEXANDER, Mr. CARDIN, Mr.

MOLLOHAN, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. OLVER, Mr. TIAHRT, Mr. PORTER, Mr. ROGERS of Alabama, Mr. GORDON, Mr. POMEROY, Mr. GUTIERREZ, Mr. BISHOP of Utah, Mr. PASTOR, Mr. WHITFIELD, Mr. PAUL, Mr. MCDERMOTT, Mr. BOOZMAN, Ms. WATERS, Mr. ROSS, Mr. REGULA, Ms. GINNY BROWN-WAITE of Florida, Mr. MURPHY, Mr. WAXMAN, Mr. CALVERT, Mr. MCINNIS, Mr. EVANS, Mr. LEACH, Ms. DELAURO, Mr. SERRANO, Mr. HINOJOSA, Mr. PUTNAM, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCRERY, Mr. ORTIZ, and Mr. JONES of North Carolina.

H.R. 3004: Ms. KILPATRICK, Mr. KILDEE, Ms. MCCOLLUM, Mr. MCNULTY, and Mr. LEWIS of Georgia.

H.R. 3011: Ms. WATERS, Mr. HINCHEY, Mr. CALVERT, Mr. COSTELLO, Ms. LEE, Mrs. MUSGRAVE, Ms. ROYBAL-ALLARD, Mr. EVANS, Ms. ESHOO, Mr. HALL, Mr. WYNN, and Mr. POMBO.

H.R. 3012: Mr. BISHOP of New York, Mr. ENGEL, Mr. WALSH, Mr. MCNULTY, Mr. KING of New York, Mrs. LOWEY, Mr. SERRANO, Mr. MEEKS of New York, Mr. HINCHEY, Mrs. MALONEY, Mr. NADLER, and Mr. WEINER.

H.R. 3022: Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. PALLONE, and Ms. SCHAKOWSKY.

H.R. 3034: Mrs. CAPPS, Mrs. CHRISTENSEN, and Mr. MEEKS of New York.

H.R. 3049: Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. BROWN of Ohio, Mr. SERRANO, Mr. FROST, Mr. HOEFFEL, and Mr. RYAN of Ohio.

H.R. 3052: Mr. BURTON of Indiana and Mr. GARRETT of New Jersey.

H.R. 3057: Mr. BOUCHER.

H.R. 3058: Mr. BOEHLERT, Mr. TANNER, Mr. LIPINSKI, Mr. DEMINT, Mr. LUCAS of Kentucky, Mr. KING of Iowa, Ms. HART, Mr. SHERMAN, Mr. MCHUGH, Mrs. JOHNSON of Connecticut, Mr. ETHERIDGE, Mr. EHLERS, Mr. ABERCROMBIE, Mr. HAYWORTH, and Mr. HOSTETTLER.

H.R. 3063: Mr. MCNULTY, Mr. STARK, Mr. FROST, Mr. KENNEDY of Rhode Island, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. MCDERMOTT, and Mrs. TAUSCHER.

H.R. 3077: Mr. TIBERI.

H.R. 3080: Mrs. JONES of Ohio.

H.J. Res. 62: Mr. MICHAUD.

H. Con. Res. 50: Mr. KING of Iowa.

H. Con. Res. 87: Mr. HINCHEY.

H. Con. Res. 91: Mr. SMITH of Washington.

H. Con. Res. 202: Ms. BORDALLO.

H. Con. Res. 213: Mr. GORDON.

H. Con. Res. 235: Mr. MENENDEZ.

H. Con. Res. 247: Mr. SHIMKUS and Mrs. MUSGRAVE.

H. Con. Res. 265: Mr. HOLT and Mr. PLATTS.

H. Res. 103: Ms. MCCOLLUM, Mr. MICHAUD, Mr. HOEFFEL, and Mr. HOLDEN.

H. Res. 157: Mr. WALSH, Mr. UPTON, Mr. CALVERT, Mr. LANTOS, and Ms. WOOLSEY.

H. Res. 320: Mr. HINCHEY.

H. Res. 342: Mr. TAUZIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2038: Mr. KIND.

H.R. 2225: Mr. GONZALEZ.

EXTENSIONS OF REMARKS

HONORING ARMY SPECIALIST RAFAEL NAVEA

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. DEUTSCH. Mr. Speaker, it is with great honor that I rise today to honor the life and military service of Army Specialist Rafael Navea, a soldier who was killed August 27th in Al-Fallujah, Iraq, about 40 miles west of Baghdad during his dedicated service to our nation.

Born in Michigan, Navea was raised in Caracas, Venezuela, where he attended Catholic School and later enrolled in a military school. It was a lifelong dream of his to be in the military and follow the footsteps of his Uncle Fernando, a military officer in Colombia. Navea's family later moved to Miami and later Pittsburgh, where Rafael joined the military in 1993.

Upon serving for four years in the Army, Navea transferred to reserve status in an effort to pursue an education at a technical school, specializing in the study of computers. While attending school and working at the University of Pittsburgh Medical Center (UPMC), he met his wife, Marina, a transplant nurse there at the hospital. Later, Marina and Rafael started a family, and the couple had three boys—now ages 11, 5, and 3.

A loving father and a dedicated soldier to his country, Rafael viewed his role in liberating the Iraqi people with a great sense of urgency and duty. He often spoke of the poverty he witnessed in Iraq, similar to the conditions he encountered as a young boy in South America. From this experience, Navea wanted to help the people of Iraq achieve a better quality of life. Additionally, Navea spoke to his mother about the dangers of terrorism and how something needed to be done to prevent its spread across the globe and make the world a safer and better place for his children.

Mr. Speaker, it is, indeed, truly a sad moment to stand here today and honor the life of this fallen soldier. However, I am comforted by the fact that Specialist Navea has left a lasting legacy as an exemplary father, a loving son, and a true American hero. Rafael Navea is survived by his mother Maria Lucia Kilpatrick of Weston, Florida, and his wife Marina and three children of Fort Still, Oklahoma.

HONORING THE 100TH ANNIVERSARY OF THE CALVIN UNITED CHURCH OF CHRIST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, after a decade of trying, Calvin United Church of Christ was officially organized. Thus, 2003 marks the 100th anniversary of the congregation, and I am pleased to recognize this milestone in Toledo's Hungarian community's history.

As Toledo's Hungarian neighborhood grew toward the end of the nineteenth century, Reverend Eiek Csutoros of the Cleveland Reformed Church held the first church service for Toledo's Hungarian Protestants in 1893. In 1898, 45 Hungarian Protestants came together to discuss the formation of an Hungarian Reformed Church. Reverend Csutoros, serving as an advisor, recommended they join Reformed Church in the USA. In 1901, the Toledo Hungarian Reformed Church was officially recognized as a member of the Tiffin East Ohio Classis. The church's first leaders were John Nagy, John Jakesy, Julius Simon, Gabriel Bertok, Stephen Molnar, and John Takacs. The church, still at its original site, was purchased for $1,225.00. After a rocky two years and with the installation of pastor Stephen Harsanyi, the present church was constructed and a congregation of 284 founding members was established. Many of the first names are still recognizable in the congregation today, generations later.

The following decades brought growth to the church, with the organization of a Sunday School, Ladies' Aid, Boys Athletic Club, Cherub Choir, and Youth Organization, building expansions including a parsonage, educational building, and hall, and increasing service to the neighborhood. Services were preached in both English and Hungarian, as the congregants' ties to Hungary remained strong even while they established themselves in the United States.

The recorded history of the church notes its difficult beginnings, describing the ten year journey to bring the dream of a dedicated band of believers to fruition, explaining, "The beginnings were not easy, there were many obstacles in the way. The history of our church reads like a novel; filled with pathos, drama, laughter, on the brink of defeat, then triumphant." Those early pioneers never wavered from their goal of worshiping in communion with each other, and they were guided by the words of Luke 1:37 that "With God, all things are possible." Calvin United Church of Christ stands as a monument to the perseverance and faith of its founders and all who have come after them. It tells of the struggle and success of people who achieved though starting with humble means. As our community celebrates the centennial year of Calvin United Church of Christ, we watch the century's story pass in review, but turn to the future with hope and a renewed sense of dedication. Onward!

RECOGNIZING KIMBERLY SUE ATHIE—FIRST PRIZE RECIPIENT IN THE 2003 NATHAN BURKAN MEMORIAL COMPETITION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kimberly Sue Athie, a very special young woman who has exemplified the finest qualities of citizenship and leadership. She has been honored with the award of distinction as the first prize winner in the 2003 Nathan Burkan Memorial Competition for her paper "Open Source Software Licenses: Tomorrow's Future? Are They Going to be Enforceable in Court?"

The competition is conducted to enhance interest in the impartial study and analysis of copyright and related laws and is sponsored by the American Society of Composers, Authors, and Publishers.

Kimberly graduated from the University of Missouri-Kansas City School of Law in May 2003, and received her undergraduate degree from Truman State University. While attending law school, Kimberly established herself as a well-rounded student by serving as a Westlaw Student Representative, Editorial Associate for Urban Lawyer, Academic Enrichment Teaching Assistant, was a member of Phi Alpha Delta, and by making the Dean's List.

Mr. Speaker, I proudly ask you to join me in commending Kimberly Sue Athie for her many achievements and in wishing her the best of luck in her future.

ON THE OCCASION OF PRIME MINISTER SABA AL-AHMED AL-SABAH'S VISIT TO THE UNITED STATES

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ISSA. Mr. Speaker, I rise today on the occasion of the visit of Prime Minister Sheikh Sabah al-Ahmed al-Sabah of Kuwait to express my gratitude and sincere appreciation to him and his government for their steadfast support for the United States-led coalition in Operation Iraqi Freedom.

Since its independence in 1961, Kuwait has maintained close relations with the United

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

States. Like the people of Iraq, Kuwait is in a unique position to understand the brutality of Saddam Hussein's regime. It was invaded by Iraq in August of 1990, and the Kuwaiti people experienced firsthand Saddam's brutality throughout the seven months of occupation until February of 1991, when coalition forces liberated Kuwait.

Since the terrorist attacks of September 11, 2001, Kuwait has been an active partner with the United States in the global war on terrorism. During Operation Iraqi Freedom, Kuwait provided vital assistance to the United States and its coalition partners, including access to airports, port facilities and bases.

During Operation Iraqi Freedom, Kuwait was subject to attack by twenty ballistic Iraqi missiles. Despite these attacks, Kuwait was unwavering in its support of the United States, providing us with protection and basing support for our troops. In addition, since the end of the major hostilities with the Saddam Hussein regime, Kuwait has stepped forward to provide substantial humanitarian assistance to Iraq in support of coalition goals.

I am pleased that Prime Minister Al-Sabah has this opportunity to visit. I thank him for his work in building the friendship between our two countries.

IN RECOGNITION OF PORT CLINTON, OHIO'S 175TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, on September 20, 2003, Port Clinton, Ohio will mark its 175th anniversary. The town along the shores of Lake Erie will celebrate this milestone with a daylong party featuring historic re-enactors, old-fashioned food and contests, a parade and fireworks. The city will pay tribute to its fishing and boating heritage focusing on a display of vintage Lake Erie boats, fried fish dinners, and a giant walleye shaped birthday cake.

In our nation's infancy, New York statesman and the father of the Erie Canal DeWitt Clinton suggested a canal from the Portage River in Northwest Ohio down to the Ohio River in Cincinnati. Although the canal was not built, four years later in June of 1828, Ezekiel Haines founded Port Clinton at the proposed canal's beginning. He named the town he founded in honor of DeWitt Clinton in tribute to Mr. Clinton's vision. The town lay on the Eastern edge of Northwest Ohio's Great Black Swamp and was home to many tribes of Native Americans who hunted and fished its marshes and waterways. Fishing was the mainstay of the town's first settlers, and remains so today.

The city has many marinas, and boats were built in Port Clinton until 1974. Although they are no longer built in the community, Port Clinton's marinas are home for many commercial and recreational boats and the docks of the Port Clinton Fish Company are still in service. Even though it has developed through the decades into a commercial center and home to business, industry, and tourism, Port Clinton has never lost its flavor as a small lake town. Superbly situated between Lake Erie and beautiful natural refuges, Port Clinton remains an idyllic waterfront community. I join with its residents in proudly sharing its 175th birthday.

HONORING STATE REPRESENTATIVE VINCENT PEDONE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Vincent Pedone, State Representative of the 15th Worcester District of Massachusetts, who is being honored as the "Grand Marshal" by the Worcester Columbus Day Parade Committee for 2003.

State Representative Pedone is currently serving his sixth term as a State Representative from Worcester. He serves on the House Ways and Means Committee and is Vice Chairman of the Science and Technology Committee. State Representative Pedone works hard for his constituents; whether securing funding for various economic development projects or delivering services to the most vulnerable citizens in his district. Upon his election in 1993, State Representative Pedone made the following commitment to the people of the 15th Worcester District, "I will work as hard as I can to represent you in a professional, ethical, and honorable way".

State Representative Pedone grew up in the neighborhood he now serves, the grandson of Italian and Irish immigrants. Just recently he and his wife Toby became parents for the first time. Together, they renovated the house that his grandfather built on East Park Terrace, and they plan to raise their family in the community they love so much.

Mr. Speaker, I am sure that the entire U.S. House of Representatives joins me in congratulating State Representative Vincent Pedone for this high honor.

RECOGNIZING JESSE D. McCALL, JR. FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jesse D. McCall, Jr., a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 692, and in earning the most prestigious award of Eagle Scout.

Jesse has been very active with scouting, participating in many troop activities since starting in Boy Scouts in second grade. Jesse has earned 34 merit badges, and served as a scribe, patrol leader, assistant senior patrol leader, tribesman, and a brave in the tribe of mic-o-say. He has also been involved in other activities, including student senate, youth group, sports, and band.

For his Eagle Scout project, Jesse painted 331 yellow striped lines and 8 handicap spaces for St. John La Lande Church parking lot.

Mr. Speaker, I proudly ask you to join me in commending Jesse D. McCall, Jr. for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING NORM MOLL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, for 36 years, agriculture in Lucas County, Ohio, has had a friend in Norm Moll. As 2003's harvest approaches, it seems a fitting time to look back on Norm's service with the county office of the Cooperative Extension Service, from which he has now retired.

Norm Moll's life has been spent in agriculture, from his boyhood on a livestock farm in Fulton County. He holds graduate and undergraduate degrees in horticulture, and has studied biometrics and the marketing of produce. He served as the chief of the Lucas County Extension office since 1980. Under his extremely capable tenure, the office developed the Agricultural Business Enhancement Center, Master Gardener initiative, gypsy moth suppression to save the region's oak savannah, urban horticulture opportunities, and development projects with 4–H, community garden clubs, greenhouses, and the agricultural community. His expertise was sought by people far afield, and methodical planning was his hallmark. His contributions to agricultural research and development leading to valued-added agriculture include: rebirth of the Toledo Farmers Market; innovations for new crops, tomatoes, vegetables and livestock; and initiation of the "glasshouse.com" website as a new marketing site of our region's greenhouse industry.

Now in retirement, Norm Moll will have the time to devote to his own horticultural pursuits. His Toledo, Ohio yard will bear the fruits of his labor as our community learns to move forward without his effective quiet countenance. We wish for him a retirement full of all those things he most enjoys and with those for whom he cares. We extend a deep and sincere thank you to Norm for his life of service to our country and community.

NATIONAL SMALL BUSINESS WEEK

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ISSA. Mr. Speaker, I rise today for the purpose of recognizing all small businesses as part of National Small Business Week. This week we honor the small business owners across the nation who work to make our country strong.

Small businesses represent the backbone of the American economy and are the key to economic stimulus. Small business accounts for 99.7 percent of the nation's employers, employing 52 percent of the private work force, contributing 47 percent of all sales in the country and 50 percent of the private gross domestic product.

This year, Congress has passed legislation that provides new tax incentives to make it easier for small businesses to make job-creating investments and given small business owners more power to provide health care for their employees. It is important that Congress continue to champion legislation designed to encourage this shared prosperity.

Again, it is my pleasure to recognize the men and women who run and own small businesses. Let's continue to support hardworking American workers and entrepreneurs by encouraging small businesses growth.

HONORING THE SHREWSBURY PUBLIC LIBRARY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts in celebrating the 100th birthday of the original building of the Shrewsbury Public Library.

Dedicated in September 1903, through the generosity of a trust fund established by Jubal Howe, the library has served the town well from its central location on the town common. The Artemas Ward annex was added in 1922 in memory of the Revolutionary War hero, and in 1978 a town meeting voted a major addition and renovation project. For those who could not travel to the library, Anthony and Olive Borgatti donated a bookmobile in 1959 that for many years traveled to neighborhoods with an assortment of reading materials for loan. Today, the Town of Shrewsbury is again looking at ways to expand the size of the library to keep up with a growing population.

The Shrewsbury Public Library is one of the finest in the area and includes 135,000 books, 354 art prints, over 3,500 videocassettes, and subscriptions to 14 newspapers and over 160 magazines. It has the second highest library circulation in Worcester County. The library has children's story hours, conversation circles, book discussion groups, and family activities. With 100 years history in this library building, many wonderful stories have been told and enjoyed. Many lessons have been learned and many adventures have occurred by the simple turning of a page.

Mr. Speaker, I am sure that the entire U.S. House of Representatives joins me in congratulating the Shrewsbury Public Library on 100 years of dedicated service to the people of Shrewsbury. It is an honor for me to be part of this special celebration.

HONORING THE SESQUICENTENNIAL OF THE FIRST BAPTIST CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, we in Toledo are proud to recognize the sesquicentennial of one of our oldest congregations, First Baptist Church. Now in suburban Greater Toledo, First Baptist Church was an anchor in central Toledo for more than a century. It is still known as "the friendly church with the caring spirit" and this motto characterizes its congregation. Its membership sees the church as a home and each other as a family of believers. They care for each other, our community, and our world.

During the early days of Toledo, Ohio, a hardy band of believers with a missionary zeal joined together in fellowship and formed the First Baptist Church. Right from the start, though their mission was to carry the Gospel forth into the world, the church's members have lived God's Word by example and have strived to serve our community. As Toledo grew and changed, so too did First Baptist Church. Today, its congregation can look back on a journey weathering hard times and good, tests and successes, drama and triumph. The journey continues, and First Baptist's members look forward to the future even as they celebrate their history.

In John 8:12, we are reminded of Christ's promise that "I am the light of the world: he that follows me shall not walk in darkness, but shall have the light of life." For 150 years, the faithful of First Baptist Church in Toledo have tried to follow our Lord's Word and live a Christ-centered life. The fruits of their labor may be seen in the continuity of their church, and its viability in our community over generations. I join with the congregation of First Baptist Church and our entire community in congratulating the church on reaching its milestone 150th anniversary. May these first 150 years be the inspiration for the next. Onward!

A SPEECH BY ADMIRAL JAMES O. ELLIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SKELTON. Mr. Speaker, on August 15, at the annual Military Order of World Wars and International Officers Ball, Admiral James O. Ellis, Jr., Commander of the United States Strategic Command, provided us with words that should be shared with all. I extend his remarks for fellow Members of Congress. I know that we can benefit from his words as we face international challenges.

Congressman Skelton, a true friend and colleague in shared service to our nation over nearly three decades, Major General Shirkey, Brigadier General Hirai and fellow officers, active, retired, American and allied, Jim and Pat Snyder, who created this marvelous venue, veterans and members of the Military Order of the World Wars, other distinguished guests, ladies and gentlemen. It's truly a pleasure to be with you this evening. I cannot begin to tell you how much I have been looking forward to tonight, with its camaraderie and conversation and its symbolism and spirit. I suppose I am the senior Naval Officer for a thousand miles in any direction, and if my being honored with this opportunity tells you nothing else, it tells you how far we really have come in joint and combined operations.

Congressman Skelton, thank you for your far too generous introduction. Your kind words actually remind this wonderful audience of two basic facts about me. The first is that I am old and the second is that I can't hold a job!

In all seriousness, I cannot tell you how delighted I am to have a small part in this great evening. This room is filled with a military presence that, literally, spans a wealth of experience and a world of potential.

The real guests of honor this evening are, of course, the military members from the seventy-two countries, resplendent in the cloth of their nations, who join their American colleagues in a year of personal promise and professional opportunity.

But it is also a particular honor to be in the company of veterans from what is now referred to as America's greatest generation but who would only protest they were merely doing their duty.

It is also appropriate that we remember the thousands of military professionals who have passed through the doors of Bell Hall en route to prominence in the spotlight of history or, more often, to the unlit corners of the globe and the ironically brighter glow of heroism in all its forms known only to the colleagues with whom they served. In a very real sense, they, and all of you, have brought us to this place and time in history.

It is also appropriate to recognize our hosts this evening. The Military Order of World Wars has always been active in work to support men and women in uniform. Through a long and storied history of over eighty years, the Order has stood tall. Among many other achievements, the Order successfully revived the dormant Purple Heart award for service members injured in combat and successfully lobbied Congress for creation of the nation's annual Armed Forces Day observance.

I'd like to particularly thank the Greater Kansas City Chapter of this fine organization for making tonight's event an annual tradition over the past 14 years. Jim and Pat Snyder have worked very hard to make this night a success, and I particularly want to thank them.

They are in good company, as part Kansas City chapter alumni include former Presidents and Army veterans Harry Truman and Dwight Eisenhower.

The world has changed a great deal since these two gathered in this group. Foes have become friends, prosperity and democracy have spread underneath an international security umbrella and alliances and coalitions that no one would have dreamed of a decade and a half ago have become reality. There is cause for optimism, even in the face of today's stark realities. As Secretary Colin Powell's fourth law says: "It CAN be done!"

Last March, Japan's Prime Minister Koizumi said "I am convinced that the time will come when many countries keenly realize the necessity of international collaboration for world peace, stability and prosperity." I would add only that the time is now and the obligations are ours, together.

A few years ago, I was privileged to command NATO's Allied Forces in Southern Europe during a significant period of Balkan conflict. Then, as now, I saw the value of strong alliances of like-minded nations that could, in time of crisis, find a way to both debate and act to resolve issues of international security and humanitarian crisis. It is possible to accommodate legitimate national concerns and still deal swiftly, as we must, with dictators and despots. The old saying is that "much is asked of those to whom much is given." We, all of us in this room, have been given much. Now is our time to show an understanding of the obligations that come with all those wonderful opportunities.

Every nation—large and small—must contribute to the common good, as the Bible says, "each according to his means."

Consider the words of Estonian foreign minister, Thomas Hendrik. Speaking about NATO in October 2001, he said, "The organization as a whole can only benefit from the fact that the alliance includes members whose national security is greatly dependent on the existence of a strong, prestigious, and vital defensive union. The members and the candidate states who make up this alliance, including Estonia, are not just consumers of security, but also very important producers of security".

In other words, we're all in this together. The basics remain the same.

The challenges we collectively face are not all military or political. There are opportunities to share in a host of common interests in trade, technology assistance, culture, education and athletic exchange. But none of these will be possible without collective security. Ronald Reagan once said, "There are simple answers, there are just no easy answers." And the security challenges have never been more difficult as a thousand snakes have replaced a single dragon.

One of the security opportunities that works best is what we are seeing here tonight—the faces of military men and women from many nations, brought together in common interest to learn, share and grow, both personally and professionally. The goal is to share strengths and different perspectives; to appreciate and enjoy different backgrounds and cultures, not to eliminate them. A bit of humor will often help.

Some years ago I was posted in Bahrain as Captain of the U.S. Navy regional flagship. One day a Royal Navy frigate Captain paid a call and asked if I had heard the new joke making the rounds of the UK Admiralty. A straight man to the end, I replied, "No." He said it was about the two American Naval officers whose ship was sunk, leaving them stranded on a small desert island—a mound of sand, a palm tree and just the clothes on their backs. Within two days, he said, they were working nights. . . . You can make a lot of telling points with humor!

Young men and women of 72 nations are participating in the Army Command Staff College at Fort Leavenworth, Kansas, this year. I have been privileged to grow old in the service of my country, service that has allowed me to personally visit 37 of the 72 nations represented here tonight and to serve with half again as many of your professional military forces. Even tonight, I cannot gaze on your uniform splendor without beginning a flashback recall of 34 years that included the skies over Vietnam, a decade in the Arabian Gulf, from Japan to the Taiwan Straits and from Italy into Macedonia, Albania and even a parachute jump into Kosovo. We shared dangers, opportunities, challenges, commitment and the occasional toast. I learned and laughed with friends from many nations, some of whom I can never forget and others whom I only dimly remember. But I treasure each experience as well as the friendship that remain to this day. And I envy each of you, because your excitement is here and now.

The American writer Ralph Waldo Emerson once said, "The only way to have a friend is to be one." The flags decorating this hotel ballroom represent the nations who are now friends and partners with the United States. We truly value your views and experience in this newly globalized world. Whether you come from India or Indiana, from Kazakhstan or Kansas, your participation enriches all of us.

Earlier, I mentioned the presence in this room of vast military tradition and experience. Another presence in this room is a spirit of teamwork.

I see it reflected in the faces of men and women from other nations who stand with us today. Together, we are the best hope for a civilized world as we face an ever-changing field of security challenges.

Teamwork is the mortar for the operational bricks of our military superstructure. There is an old proverb from the Czech Republic—"Do not protect yourself by a fence, but rather by your friends." The nations of our alliances must stand together against those who would threaten the peace and security of our world. We must not hide in the shadows behind ever-taller barriers but rather stride confidently into the sunlight, unafraid in the company of our friends. This is our time to make a stand. This is our time to make a difference.

One of the most encouraging developments I've seen over my 30-plus years of service is the growing strength of the alliances and coalition partnerships I've mentioned.

Immediately after the September 11th terrorist attacks in New York City and Washington, DC there were many world leaders and ordinary citizens from many nations who expressed their anger at the craven acts, and support for the United States in confronting what we now know is a global scourge. One of them was British Prime Minister Tony Blair who said, "This is not a battle between the United States of America and terrorism, but between the free and democratic world and terrorism."

Blair said his soldiers would stand shoulder to shoulder with Americans and would not rest until evil is driven from our world. He and many others have remained true to that commitment.

Just a few weeks ago, Congressman Skelton was speaking at the Truman Library as it opened a new exhibit on the Korean War. He talked about the coalition fighting the war against global terrorism and said, "What they are doing today will set the stage for the next 50 years."

I agree. And you all are the leaders of today and tomorrow who will get it done.

The best of friends, I believe, are those who have demonstrated a resilience and resolve born of their own challenges well and truly met. Those who, perhaps in a decade or generation or over a long and storied history have shown they, as a people, have what is necessary to weather any crisis and pass any test that confronts us.

That's why we look to those of you from other nations who are here tonight. The Greek warrior Thucydides said, "We secure our friends not by accepting favors, but by doing them."

It is my expectation that all of you embarking on this course of study will be challenged. It must be so if you are to learn. But think of the opportunities this year will bring and savor every moment.

It reminds me of a story about a little girl who had been eagerly looking forward to her very first day of school. That evening, when her father came in from work, he called his daughter to him and asked her what she thought of school. She looked at her father and said, very seriously, "I think I may have started something I can't finish." She was right.

The serious business of learning more about others, about this world in which we live, and about our profession of arms is a process we never finish. Congressman Skelton is a strong proponent of lifelong education, both formal and informal. Indeed, I received a letter from him just last month in which he enclosed an abbreviated fifty-volume reading list he personally recommended. This is a man who practices what he preaches! He believes, as do I, in the truth of the old maxim, "If you want a new idea, read an old book!"

When you graduate from Army Command and General Staff College, I encourage you to view your education as just the beginning or, hopefully, a continuation of what for each of you is a life-long effort to expand your horizons to include new ideas and, in so doing, deepen your understanding and appreciation of the world around you.

My background is Navy, and, as such I am arguably not the most credible spokesman in support of Professional Military Education. Perhaps as a result of our deployment mentality, the U.S. Navy has come late to understand its value. I am embarrassed to admit in front of Congressman Skelton that, despite participating in a dozen Joint Task Forces, four combined operations in crisis and conflict and now leading a major Joint Combatant Command, I am not a graduate of ANY professional military courses.

I am embarrassed, but it is true. I once noted that having me speak in favor of PME is about the same as making me the spokesman for the Hair Club For Men. But that is why the self-taught, home-schooled, on-the-job-trained warrior envies you the opportunity that this year offers.

The value of a Professional Military Education is inestimable in today's world. It accelerates your professional life, allowing you to walk in the shoes of hundreds of others, to learn from their successes and their failures and to create the incredibly valuable capability to think. It also provides a time to consider what it means to be a professional soldier, Sailor, airman, Marine or Coastguardsman. The core values of integrity, service beyond self, and excellence in all we do are not only on-duty military values, they are lifetime values.

Every one of you will gain skills as warriors, and at the same time you will enrich your lives by participating in the curriculum at Leavenworth. Those of you from other lands will enrich the American lives you touch.

And when the time comes to return home or to your respective services, I hope you will take with you a renewed confidence in your own abilities to help shape a different world. For your efforts will define, in ways large and small, our future. In the affairs of nations, no outcome is pre-destined. Your presence here is the result of clear vision, decisive choice, and unwavering commitment. The future of individual nations and our alliances will be the result not of inevitability, but of sustained collective effort.

It's effort we must continue to make every day, every week, every year, in defense of our shared freedom.

In 1999, as his nation was joining the NATO alliance, Hungarian Prime Minister Viktor Orban said, "Finding one another is a promising beginning, staying together is a process, and working together is a success."

So, tonight I challenge those of you from around the world to work together for our shared success.

Someone once said that a successful marriage is a sixty-sixty proposition. In that light I encourage each of you to strive to put more than what you think is your fair share into this upcoming year; that will, ironically ensure you get out far more than you put in. Encourage one another to gain a deeper understanding of your part of our world and ensure that when your time together is ended, you can leave with the regret that characterizes good friends parting and not the regret of tasks left undone or words left unsaid.

I would close by reminding you of something that you already know, but which you must never forget, in the words of a leader from another time and another crisis. You may not know it, but my Navy family harbors a dark secret. It concerns my son, who, despite the efforts of his mother and me to raise him properly and set him on the right path, is a graduate of West Point. He would be embarrassed to hear me speak of it, but, in all seriousness, he knows how proud we are of him, now in command of Bravo Company, Second Ranger Battalion. He has recently returned from Afghanistan where for six months he shared dirt, danger and duty with UK Paras, Italian Carabinieri and soldiers, new friends from a dozen other nations.

In the four years that his mother and I journeyed up the Hudson to that storied Point, I came to appreciate the words of a distinguished graduate of that school who, in a moving speech nearly four decades ago described the role of a military in a democratic society and also described a world whose concerns have not changed so much in the decades since. Perhaps the more things change, the more they stay the same.

General Douglas MacArthur said: "And throughout all this welter of change and development, your mission remains fixed, determined, inviolable. It is to win our wars. Everything else in your professional careers is but a corollary to this vital dedication . . . You are the ones who are trained to fight.

"Let civilian voices argue the merits or demerits of our processes of government; whether our strength is being sapped by deficit financing indulged in too long; by Federal paternalism grown too mighty; by power groups grown too arrogant; by politics grown too corrupt; by morals grown too low; by taxes grown too high.

"These great national problems are not for your professional participation or military solution. Your guidepost stands out like a tenfold beacon in the night: duty, honor, country. You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great Captains who hold the nation's destiny in their hands the moment the war tocsin sound."

He may have been Army, but I can't improve upon that! Thank you and have a good night.

HONORING HERB LEONARD ON RETIREMENT FROM THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize the work of one of the finest public servants with whom I have had the pleasure of working in the District of Columbia. After 30 years, Herbert Leonard, Jr., a native Washingtonian, will be retiring from his position as the Government Relations Officer for the District of Columbia at the Washington Metropolitan Area Transit Authority WMATA. WMATA will be losing a valued employee and I will be losing a treasured counsel and advocate.

Since 1973, Herb has worked closely with other elected and government officials in the District of Columbia as well as civic associations, advisory neighborhood commissions and businesses. Over the years, many of these groups have recognized Herb for his efforts in their communities. Today I, too, honor his work.

I cannot count the number of times that Herb has gone above and beyond the parameters of his job in order to assist me in bringing comfort and support to my constituents. Whether facilitating transportation for a constituent with disabilities or helping disadvantaged children at my annual Christmas parties, Herb has been dedicated, respectful, and responsive to the needs of the people of the District of Columbia, particularly those in the greatest need of assistance.

With his energy and intelligence, Herb Leonard could have been a success in any line of work he desired. Indeed, Herb holds several U.S. patents and in 1965, he was chosen by then-Vice President Hubert Humphrey, as one of 85 prominent black businessmen to visit predominately black colleges in order to convince minority youth of the importance of getting a good education and to encourage them to take advantage of the increasing career opportunities in business and industry. With the world at his feet, Herb chose to make public service his vocation, and for that, we should all be grateful.

Mr. Speaker, I ask the House to join me in wishing Mr. Leonard the very best in his new endeavors.

HONORING THE HUNDREDTH ANNIVERSARY OF THE IRONWORKERS LOCAL #55

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, one hundred years ago the Ironworkers Local #55 joined together in union in Toledo, Ohio. I am pleased to recognize this milestone anniversary and pay tribute to the union's courageous founders and all of the men and women who followed them over the course of a century.

In 1903 the idea of unionization was viewed as radical, and often dangerous for those who pursued it. Yet, men working to build our cities, the bridges, skyscrapers, schools and factories which were changing the American landscape worked under dangerous conditions themselves. They found themselves not only at the mercy of difficult working conditions, but subject to forces who did not respect them and the jobs they did. They worked long hours for low pay, no compensation for injury or sickness, and little if any thought was given to their general welfare. The Ironworkers Union itself was only seven years old when Toledo's Local #55 was chartered on February 16, 1903, 104 members strong. Toledo's ironworkers have been an integral part of the growth and development of the Ironworkers Union since the beginning.

The first recorded ironworker union jobs came that same year, with the Illinois Steel Company's construction of a cantilever bridge and two turntables for the Toledo Furnace Company. Just two years after its founding, Ironworkers Local #55 struck one of Toledo's largest and prominent contractors, A. Bentley and Sons. Though the strike was ultimately unsuccessful, the action showed clearly that the infant union was willing to battle even the largest, most anti-union companies. At the close of the century's first decade, Ironworkers Local #55 was firmly established and under the capable and visionary leadership of William R. "Big Bill" Walters, the union's first business agent, who went on to serve the union in various offices until 1935. Since him, many noble leaders have guided the union through both hard times and prosperity.

The union gave its members good jobs with good wages, health care and pension benefits, injury compensation, and sickness and death benefits. Just as importantly, it offered its members and their families the spirit of workers united in the common goal of bettering the lives of everyone. Out of this spirit came a sense of camaraderie, of loyalty, of protection and pride in what they were all trying to build together. I have been privileged to be welcomed into this spirit, and it is uniquely union.

A look around our region reveals the accomplishments of Ironworkers Local #55 union members. Their skill and hard work gave us signature bridges, downtown skyline, the schools which educate our children, monuments paying tribute to our efforts as community and Nation. We owe Toledo's City Hall, Ohio Building, Spitzer Building, Swayne Field, Toledo Museum of Art additions, Bell Building, Toledo Public Library, Acme Power Plant, Standard Oil, Pure Oil, Sun Oil and Gulf Oil refineries, Federal Building, Owens-Illinois Fiberglass Tower, Medical College of Ohio, Davis-Besse Power Plant, Islamic Center of Greater Toledo, Summit Center and the Valentine Theatre to Local 55 members, just to name a few of our region's significant buildings whose frameworks were formed by ironworkers. Now, as its second century dawns, Ironworkers Local #55 members are undertaking the construction of our region's largest single project to date: the new 8,800 foot long, 120 foot high Maumee River Crossing.

I join with members and friends of Ironworkers local #55 past and present in celebrating one hundred years of history. It is these "cowboys of the sky", along with fellow members of the building trades, who built America. We stand along side them and look to the future as together we continue to build our Nation.

CONGRATULATING ROBERT DYNES ON HIS SELECTION AS PRESIDENT OF THE UNIVERSITY OF CALIFORNIA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Robert Dynes on his term as Chancellor from 1996 to 2003 for the University of California at San Diego (UCSD). It is an honor to recognize the accomplishments and contributions that Bob has made to this University and the state of California during his tenure.

Over the past eight years Bob has dedicated his life to the University of California at San Diego and has had numerous challenges and accomplishments to prove it. I have personally observed Bob's term as Chancellor and seen the determined focus of his administration to uphold the integrity of this fine University. One of the missions of his administration has been to keep the quality of UCSD's faculty at a premium. Bob has maintained this excellence in addition to a 14% growth in faculty. In the past seven years, UCSD faculty has produced two Nobel Prizes, a Fields Medal, three National Medals of Science, a National Humanities Medal, the Kyoto Prize, the Enrico Fermi Award, and two MacArthur Awards.

Bob has also helped UCSD broaden the school's research and academic portfolios. This year alone, UCSD established a School of Pharmacy and Pharmaceutical Sciences, a Management School, and an undergraduate college dedicated to the integration of technology, culture and the arts. Also on the undergraduate level, under Bob's leadership, UCSD more closely integrated Scripps Institution of Oceanography into the curriculum. The University has also broadened the curriculum related to diversity, adding a Chicano/Latino Arts and Humanities Minor.

Student quality at UCSD is at a record high under the guidance of Bob Dynes. Student enrollment has grown 25% since 1996 and quality of life has remained among the highest in the University of California system. This year, UCSD received close to 44,000 applications for admissions, the second-highest rate in the system. An accomplishment he is surely proud of is the one-year retention rate of 94% of all first year students.

Bob set high standards for himself and his administration as well as innovative ways to meet them. This is the truly the sign of someone who is a special leader. I am not just saying this because I am his friend; others see this quality in him as well. Bob has recently been named the 18th president of the University of California system by the UC Board of Regents. He was selected from a national pool of more than 300 candidates. His recommendation was made by a Regental selection committee that was assisted by advisory committees of faculty, staff, students, and alumni.

I would also like to thank Bob for his service to the 50th District of California. He and his administration worked hard to ensure that my staff was well informed of the University's accomplishments, and a variety of issues and challenges they have faced over the course of his term. This University is an important part of my Congressional District and is important to all San Diegans. I could not be happier with the leadership Bob has provided.

Mr. Speaker, it is my honor to recognize Robert Dynes on this occasion of his tenure as Chancellor of the University of California at San Diego for his dedication to education and his continued role in enriching the lives of students across the country. I thank him for his service and wish him continued success in the future.

INTRODUCTION OF THE "SEPTEMBER 11TH VICTIM COMPENSATION FUND EXTENSION ACT OF 2003"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the "September 11th Victim Compensation Fund Extension Act of 2003," legislation that extends the deadline for filing a claim with the September 11 Victim Compensation Fund to December 31, 2004. I am joined by Reps. NADLER, SCOTT of Virginia, JACKSON-LEE, MEEHAN, DELAHUNT, WEINER, SCHIFF, LANGEVIN, SCOTT of Georgia, CARSON of Indiana, SANDERS, CROWLEY and MORAN of Virginia.

The current deadline for applying for compensation from the Victims Fund is rapidly approaching, but it has become apparent that many families need more time. Thus far, just under a third of eligible families have applied to the Fund for compensation—only about 1,282 death claims and 1,050 injury claims have been filed so far by victim families, according to the Department of Justice.

Ken Feinberg, the Special Master for the Fund, is doing his best to get victims families to understand their rights. Recently, he has even taken out extensive advertisements in a number of newspapers and created a series of informational meetings and claim assistance sites to assist victims' families to file for compensation with the Victims Fund instead of filing a lawsuit against the airlines industry. These efforts should be commended.

In light of this reality, however, we believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004—an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund. Several September 11 victims support groups all agree that such an extension would provide some relief during these dark days for victims' families, as they endure the grieving process.

As we continue to reflect upon the tragedy of September 11th, victims' families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. This is something we can do now for victims of September 11. We strongly encourage are colleagues to support the "September 11th Victim Compensation Fund Extension Act of 2003."

HONORING THE LIFE OF JAMES BRENNAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, our home community of Toledo and the state of Ohio lost a champion citizen and patriot with the passing of James Brennan, who passed from this life on August 11, 2003 at the age of 77.

Born in Chicago, Jim attended Drake University on a football scholarship. He left to join the Army, but upon his return from service, he attended the University of Chicago. While in Chicago, he began his lifelong career in politics in 1955. Two years later, Jim moved to Toledo and established himself as a businessman. He grew Freeman Material Handling, now Brennan Industrial Truck Inc, into a viable business, which he was able to pass down to his children. While a prominent successful business leader, Jim extended himself to the broader community, and served on Ottawa Hills Village Council from 1975 to 1979. He followed this service with three tenures as the chair of the Lucas County Republican Party. His chairmanship was marked by strong leadership, civility, honesty and cooperation across party lines, with his vision always directed toward the betterment of our region. In addition to his county chairmanship, Jim also served at the grassroots level as a precinct committeeman, state central committeeman, and convention delegate.

Jim did not limit his civic-mindedness to business and politics. He was a member of the Ohio Board of Regents and trustee of Defiance College. He served on the boards of the Salvation Army, Goodwill Industries, and St. Vincent Hospital and was president of the Toledo Opera Association. All the while Jim Brennan was first and foremost a devoted family man and caring father and grandfather. A good and kind man beneath a brusque exterior, Jim lent his talents to many endeavors, and our community will miss his wit, energy, bluster, intelligence, and devotion. He helped build the character and ethic of our community.

We extend our heartfelt sympathies to Jim's children James Jr, Christine, Kate, and Amy, his brother Robert, and his grandchildren. May they find some comfort in the gift of his life and their cherished memories. Jim Brennan will be missed.

IN RECOGNITION OF WANDA RYAN'S ACCOMPLISHMENTS IN THE EDUCATION FIELD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today in recognition of Ms. Wanda Ryan who has taught for 40 years with perfect attendance at the George Washington School located in Camden, New Jersey, in my District. Ms. Ryan is a shining example of what educators of today should be.

Ms. Ryan had only one leave of absence to give birth, 28 years ago, to her daughter. She went home from work one day and called her doctor with labor pains. The doctor admitted her to the hospital that evening and she gave birth to her daughter. She took a six week maternity leave of absence.

Barring the birth of her daughter, Ms. Ryan has not missed a day of school in her 40 years of teaching 1st grade at the George Washington School. Ms. Ryan has acted as a teacher-mentor over the years, providing wisdom and knowledge to share with her fellow educators. For Mr. Malcolm Adler, Principal at George Washington, Ms. Ryan serves as an exemplar through which he instills the values of dedication and service in new teachers.

There are no plans for retirement in Ms. Ryan's future. Her continued passion and dedication have recently earned her outstanding evaluations from her supervisor and Principal. Ms. Ryan is also well respected by her colleagues at George Washington who last year voted her "Teacher of the Year."

Mr. Speaker, please join me in congratulating Ms. Wanda Ryan on her dedicated service to the public school system, the George Washington School, the City of Camden, and the 1st Congressional District of New Jersey.

TRIBUTE TO THE DELAWARE VOLUNTEER FIREMAN'S ASSOCIATION AND THE LADIES' AUXILIARY LED BY PRESIDENTS JASPER LAKEY AND PAT McCALL ON THEIR NINTH ANNUAL CONFERENCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today as a member of the Congressional Fire Service Caucus to honor and pay tribute to leaders and foundations in the firefighting community—The Delaware Volunteer Fireman's Association and the Ladies' Auxiliary of the Delaware Volunteer Fireman's Association. The members of both organizations are outstanding, dedicated and caring Delawareans who make great sacrifices for the well-being and safety of our great State. On behalf of myself and the citizens of the First State, I would like to honor these outstanding organizations and extend to them our congratulations on serving Delaware.

Today, I recognize the Delaware Volunteer Fireman's Association and the Ladies' Auxiliary for more than just the peace-of-mind that they bring us. I recognize the groups for being leaders in the community and pillars of strength and dedication. Family, friends and fellow firefighters should take a moment to truly appreciate the world of difference the Volunteer Fireman's Association and its Ladies' Auxiliary have made.

In addition to the stature of the two organizations, their respective presidents also deserve our highest regard. President Jasper Lakey of the Delaware Volunteer Fireman's Association has served the Delaware City Fire Company for 54 years. In that time, beside the great feats and tireless dedication, he has served as Chief of the Delaware City Fire Company, Chief at the Texaco Refinery in Delaware City, President of the New Castle County Volunteer Fireman's Association and he served for 12 years as a member of the Delaware State Fire Prevention Committee. His undertakings and accomplishments are almost unmatched by anyone in his field.

Pat McCall presides over the Ladies' Auxiliary and in this capacity she has served the organization extremely well. President McCall is a 47 year member of the Christiana Fire Company Ladies' Auxiliary and her husband Jim has served the Company for 43 years. He was also President of the Delaware Volunteer Fireman's Association in 1979. The prestige of Mrs. McCall's family, of course, does not end there. Her two granddaughters are now members of the Auxiliary and they have reached a tremendous milestone of 5 generations serving the Christiana Fire Company.

With the leadership of Presidents Lakey and McCall, the Volunteer Fireman and the Ladies Auxiliary are certain to continue the great traditions of the volunteer firefighting community.

Once again, I thank the Delaware Volunteer Fireman's Association and the Ladies' Auxiliary for the service they have provided Delaware over their many years. Their commitment to fighting fires and saving lives has earned them a permanent place in Delaware's fire service history.

IN RECOGNITION OF ELEANOR KAHLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, September 2003 brings with it the 25th anniversary of the Eleanor M. Kahle Senior Center in our district. Starting life as the West Toledo Senior Center, it was renamed in 1995 upon the passing of its founder and guiding light, Mrs. Eleanor Kahle of Toledo, who passed from this life at the age of 78 years young on August 13, 1995.

In fact, a recognition of the senior center's milestone cannot be made without a tribute to its original inspiration: Eleanor Kahle, Polish-American by heritage, began her life on September 10, 1916, in what was then the small community of Sylvania outside of the city of Toledo. At the time of her death, she had become a citizen of the world. In all of the careers of her life—widowed wife and mother of six children, pastoral associate in the Roman Catholic Church, executive director of the West Toledo Senior Center, and elected official in the city of Toledo—Eleanor Kahle forged new ground. She delighted in the achievements of her sons and family. A devoted woman of the church, she became the first woman to serve as a pastoral associate, and essentially rose to the highest-ranking woman in the U.S. Roman Catholic Church at that time. In 1987, at the age of 70 when most people would not dream of making such a major change in their life, Eleanor Kahle began her stellar political career as an elected official, winning a seat on Toledo's city council, and eventually was elected the city's vice mayor. This work led to her involvement in Sister Cities International. Eleanor Kahle was a woman who drank deeply from life's cup. She was always planning, always working toward unmet horizons.

In 1977, at the suggestion of Eleanor Kahle, a group of people in West Toledo got together to determine the needs of the area's 17,000 seniors. Representatives from fourteen different service and church groups "passed the hat" and collected $12.47. On September 12, 1978, thirty founders ratified a Constitution, and West Toledo Senior People Inc. was born. They began to plan a center dedicated to meeting the needs of seniors in the neighborhoods of West Toledo. Under the Older Americans Act, such "multi-purpose centers" offered nutritional meals, learning opportunities, invigorating activities, and supportive services to elders in communities all across our Nation. Despite tremendous opposition, West Toledo Senior People doggedly pursued the creation of a senior citizens center. That dream became a reality in 1979 with the birth of the thriving West Toledo Senior Center in the renovated Willys Park Shelter House. Over the following year, 620 volunteers put in nearly 5,000 hours to make the shelter house the home of the West Toledo Senior Center. Eleanor Kahle was the center's first director, leading its growth until her retirement in 1993. Today that center stands, hundreds of seniors strong, housed in a large, expanded, pleasant building, as a true legacy to its founding members.

Immediately, the West Toledo Senior Center made its reputation as an active, involved, savvy group of people dedicated to making life better not only for themselves but seniors as a whole and our community at large. For many years the West Toledo Senior Center was the largest in Toledo. Its members include people from every walk of life, multiple generations, and all corners of West Toledo. It is truly a neighborhood center, and all who enter are immediately swept up into activity, delight, and camaraderie. The center has weathered difficult times as well, as founding members and original activists aged, passed on, and a new crop of leaders emerged to direct the center in the 21st century. Even as its founders pass into memory, the Eleanor M. Kahle Senior Center retains their light, and it continues to be a beacon in our community.

I join with the center's long time members and friends as we look back on a fruitful first 25 years, remembering old friends, special times, and inspiring moments. Yet, none will rest on the center's history nor the accomplishment of those who brought it to life, nurtured it, saw it through growing pains, and guide it into maturity. Rather, we cherish the first quarter century and look forward toward the bright horizon of tomorrow.

HONORING THE LANSING CITY RESCUE MISSION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor the Lansing City Rescue Mission for its service and devotion to the less fortunate people in my district. For over ninety years, the City Rescue Mission has been providing warm meals, warm beds and warm hearts to the people of Lansing who are unable to provide for themselves.

The Lansing City Rescue Mission opened its doors in November of 1911 and while finances were tight, the mission still managed to provide warm clothing to the needy and wholesome meals to the hungry. During the depression, the mission opened a soup line to serve the many hungry men and women who were without job, or a home. After several location changes, the mission settled in its present location in 1949. That same year, the mission was incorporated and a board of directors was selected. Throughout the 1950's, the newly incorporated mission continued to expand; and by 1960 the mission could sleep thirty-seven and feed forty-two. Today, the Lansing City Rescue Mission continues to serve the Lansing area with distinction. The mission has grown to 12 separate buildings and serves almost 1,500 needy individuals each year. In 2002, the mission provided almost 19,000 clean beds and over 53,000 nutritious meals.

In 2002, President Bush asked all Americans to devote themselves to the cause of community service and volunteerism. Mr. Speaker, The Lansing City Rescue Mission has been answering this call to service since 1911; and thanks to generous donations and hardworking volunteers, the Lansing City Rescue Mission will continue to serve for many years to come. On behalf of my constituents and the nearly 1,500 people served by the mission every year, I ask my colleagues to join me in honoring the Lansing City Rescue Mission.

REGARDING THE SITUATION IN CAMBODIA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LEACH. Mr. Speaker, this summer Cambodia held an important national election and the world is watching to see how its results are implemented under the Cambodian constitution.

Uniquely, the Cambodian constitution requires a two-thirds super majority in the National Assembly in order to form a government. In the national elections that were held July 27, the ruling Cambodian People's Party (CPP) received 73 seats, while FUNCINPEC won 26 and the Sam Rainsy Party 24 seats, respectively. King Sihanouk will convene a new session of the National Assembly in late September, at which time parliament will elect its new leadership as well as discuss the formation of a new government.

While these are issues for Cambodians to decide, it is important that the parties negotiate peacefully and in conformity with the constitution to form a new government that will advance the interests of the Cambodian people. Likewise, it is critical that the rights of the Cambodian people to assemble peacefully and express their views and grievances are respected. Nothing could be more counterproductive than resort to violence or coercion. The goal of all parties must be to realize the aspirations of Cambodian people for a time of peace and prosperity under accountable and democratic governance.

HONORING VALERIE MARTELLI, RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Valerie Martelli, who was recently honored as the 2003 Rhode Island Small Business Person of the Year by the United States Small Business Administration. Ms. Martelli is the President of CME Consultants, a nationally accredited continuing medical education company headquartered in Wakefield, Rhode Island.

Ms. Martelli is a living example of the American dream, and she shows that through hard work and perseverance, success is attainable. Several years ago, Ms. Martelli was a single mother raising two children with the assistance of welfare and food stamps. Today, she is the head of a $1.5 million-a-year company in the midst of explosive growth.

After working in Rhode Island Hospital's Medical Education Department, Ms. Martelli learned that physicians, nurses, and other providers could not always attend continuing education courses at the times they were offered by hospitals and medical schools. Recognizing an opening, she founded CME Consultants, Inc. in 1994. CME Consultants provides continuing medical education classes through live conferences, teleconferences, CD-Rom courses, and over the Internet. In addition, courses are offered for pharmacists, physician assistants, and others. The company holds more than 5,000 conferences annually around the country.

The expansion of her business can be seen through the growth of her office space and employees. She started CME Consultants in a spare bedroom in her home. Later, she added staff and moved into a 2,000 square foot office. The company recently purchased a 3,500 square foot office as the headquarters for her nine employees.

As a member of several national and local organizations, Ms. Martelli is an active participant in her community, and her business serves the medical community to the benefit of patients nationwide.

Ms. Martelli joins a distinguished group of Rhode Islanders who have been named Small Business Person of the Year. Small businesses are key to economic growth in my home state, and I wish Ms. Martelli and the 33,000 other small business owners in Rhode Island great success in the future.

COST ESTIMATE FOR H.J. RES. 63

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for H.J. Res. 63, the Compact of Free Association Amendments Act of 2003, be submitted for the RECORD under General Leave.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate for H.J. Res. 63, the Compact of Free Association Amendments Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226–2860.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director.

Enclosure

H.J. Res. 63—Compact of Free Association Amendments Act of 2003

Summary: H.J. Res. 63 would amend the Compact of Free Association Act of 1988 and subsidiary agreements between the United States and the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM). The compacts with RMI and FSM, together with the subsidiary agreements, govern the political, economic, and military relationship between the United States and these two freely associated states. Although the compact does not expire, certain provisions that authorized federal funding for RMI and FSM expired in 2001. The compact provides that expired provisions be extended until 2003 if negotiations to renew the compact had not concluded by 2001.

H.J. Res. 63 would provide financial assistance for RMI and FSM for the next 20 years. The legislation would make several changes to the compact to increase monitoring of financial assistance, create a joint oversight committee, and establish trust funds to provide funds to RMI and FSM beyond 2023. H.J. Des. 63 also would provide $30 million a year for costs related to the migration of RMI and FSM nationals to other jurisdictions and about $31 million annually for additional education grants for RMI and FSM.

Consistent with the baseline construction rules in the Balanced Budget and Emergency Deficit Control Act, CBO's baseline assumes that direct spending; for grants to RMI and FSM will continue over the 2004-2013 period-beyond the scheduled expiration date-at an average annual cost of $157 million a year. We estimate that enacting this legislation would increase direct spending by around $680 million above the amounts assumed in our baseline projections over the 2004-2013 period.

In addition, the legislation would extend the authority to appropriate funds for certain federal services for RMI and FSM for the next 20 years, for grants to pay for costs related to the migration of RMI and FSM nationals to other jurisdictions, and for costs associated with medical debt referral claims. Assuming the appropriation of the necessary amounts, CBO estimates that implementing these provisions of H.J. Res. 63 would cost $850 million over the 2004–2013 period.

H.J. Res. 63 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but relative to current law, that mandate would impose no costs on state, local, or tribal governments. The resolution contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.J. Res. 63 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
DIRECT SPENDING										
Baseline Spending for Compact of Free Association Under Current Law:										
Estimated Budget Authority	156	156	156	156	156	156	158	158	158	158
Estimated Outlays	156	156	156	156	156	156	158	158	158	158
Proposed Changes:										
Estimated Budget Authority	57	59	62	65	67	70	71	74	77	80
Estimated Outlays	57	59	62	65	67	70	71	74	77	80
Spending for Compact of Free Association Under H.J. Res. 63:										
Estimated Budget Authority	213	215	218	221	223	226	229	232	235	238
Estimated Outlays	213	215	218	221	223	226	229	232	235	238
CHANGES IN SPENDING SUBJECT TO APPROPRIATION										
Federal Program Services for RMI and FSM:										
Estimated Authorization Level	60	61	62	64	65	66	68	69	70	72
Estimated Outlays	45	61	62	63	65	66	67	69	70	71
Education Formula Grant Programs:										
Estimated Authorization Level	−13	−13	−14	−14	−14	−14	−15	−15	−15	−16
Estimated Outlays	−1	−9	−13	−13	−14	−14	−14	−15	−15	−15
Compact Expenses:										
Estimated Authorization Level	30	31	31	32	32	33	34	34	35	36
Estimated Outlays	30	31	31	32	32	33	34	34	35	36
Medical Referral Claims:										
Estimated Authorization Level	4	0	0	0	0	0	0	0	0	0
Estimated Outlays	4	0	0	0	0	0	0	0	0	0
Total Changes:										
Estimated Authorization Level	81	79	80	82	83	85	87	88	90	92
Estimated Outlays	78	82	81	82	83	85	87	88	90	92

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the start of fiscal year 2004, that the necessary amounts will be appropriated for each fiscal year, and that outlays will occur at the historical rate for grants to RMI and FSM.

Direct spending

H.J. Res. 63 would authorize and appropriate federal funds for economic assistance to RMI and FSM over the 2004–2023 period. Grant assistance would be aimed at needs for education, health, infrastructure, private-sector development, and the environment. In addition, the resolution would establish trust funds for RMI and FSM involving annual contributions for 20 years by RMI, FSM, and the federal government. Those trust funds are aimed at providing funds to RMI and FSM after federal grant assistance expires under the bill in 2023.

CBO estimates that direct spending authorized by this legislation would total $2.3 billion over the 2004–2013 period. However, consistent with the Balanced Budget and Emergency Deficit Control Act, which specifies that certain expiring provisions should be assumed to continue for budget projection purposes, CBO's baseline includes budget authority and outlays for payments to RMI and FSM totaling $1.6 billion over the 2004–2013 period. Thus, we estimate that H.J. Res. 63 would provide an increase in direct spending of about $680 million above the baseline over the 10-year period. The following paragraphs discuss the financial assistance that would be provided by this legislation.

Republic of the Marshall Islands. Over the 2004–2013 period, H.J. Res. 63 would provide RMI with grants of $356 million, $99 million in trust fund contributions, $160 million for U.S. defense operations on the Kwajalein Atoll, $20 million to compensate the Kwajalein landholders and RMI for the use of its territory by the U.S. military, and $14 million for agricultural programs.

Federated States of Micronesia. Over the 2004–2013 period, H.J. Res. 63 would provide FSM with grants of $793 million and $195 million in trust fund contributions.

General Assistance. The legislation would provide $30 million a year for health, education, social, and infrastructure costs associated with the migration of RMI and FSM nationals to Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI). This general assistance would cost $300 million over the 2004–2013 period.

Education. H.J. Res. 63 would make RMI and FSM ineligible to receive grants under any appropriated formula grant programs administered by the Secretary of Education. In place of those grants, the legislation would provide $29 million adjusted annually for inflation, or a total of $313 million over the 2004–2013 period, for education assistance.

Debt Forgiveness. Section 104 would allow the President—at the request of the Governors of Guam and the CNMI—to reduce, waive, or release all or part of any amounts owed by the respective governments to the United States. This authority would expire in February 2005. Based on information from the Office of Insular Affairs, Guam, and the CNMI, CBO estimates that the amount of outstanding debt owed to the United States by Guam and the CNMI is approximately $160 million. This amount consists of debts owed by Guam for telephone infrastructure improvements, disaster assistance, water consumption, and the construction of student housing. Based on information from the Office of Insular Affairs and the Office of Management and Budget, CBO has no expectation that this debt forgiveness authority would be exercised. If any changes were made to a federal loan using this authority, such as the $105 million loan to the Guam Telephone Authority from the Department of Agriculture for telephone infrastructure improvements, the cost would be recorded in the year that the change was effective, pursuant to the Federal Credit Reform Act, and could exceed $100 million. No costs for debt forgiveness are included in this cost estimate.

Other Programs and Services. H.J. Res. 63 also would continue to make available services currently provided by the U.S. Postal Service (USPS) and Federal Deposit Insurance Corporation (FDIC). Spending by these agencies is generally not subject to the annual appropriations process. Based on information from the Office of Insular Affairs, CBO expects that mail service to RMI and FSM costs USPS approximately $1 million annually; this cost is reimbursed by the Department of the Interior, subject to the availability of appropriations. In addition, CBO expects costs to the FDIC for continuing to insure deposits in the Bank of the Federated States of Micronesia would be offset by fees assessed on the industry, resulting in no net cost to the federal government.

Spending subject to appropriation

Federal Programs and Services for RMI and FSM. H.J. Res. 63 would specifically extend the authority to continue services to RMI and FSM provided by the National Weather Service, the Federal Aviation Administration, the Departments of Transportation and Homeland Security, and the Agency for International Development. Based on information from the Departments of State and the Interior, and the General Accounting Office (GAO), CBO estimates that continuing those programs for RMI and FSM would cost approximately $10 million annually, assuming appropriation of the necessary amounts.

Other federal agencies currently providing programs and services to RMI and FSM include the Departments of Labor, Education, Agriculture, and Health and Human Services. Most of this assistance is provided through those agencies' annual appropriations. Based on information from GAO and the Departments of State, the Interior, and Education, CBO estimates that these other programs and services for RMI and FSM currently cost about $50 million a year. Section 109 authorizes appropriations to continue federal services and programs to RMI and FSM, so these costs are included in this estimate.

Education Formula Grant Programs. H.J. Res. 63 would make RMI and FSM ineligible to receive grants under any formula grant program administered by the Secretary of Education. Based on information from the Department of Education, CBO estimates that RMI and FSM received about $13 million under discretionary formula grant programs in 2003. Assuming future appropriation acts discontinue such funding for RMI and FSM, this provision would reduce costs by an estimated $133 million over the next 10 years, including adjustments for anticipated inflation.

Compact Expenses. The legislation would authorize the appropriation of such sums as are necessary through 2023 for grants to Hawaii, Guam, American Samoa, and CNMI as a result of increased demands for health, education, social, and infrastructure services associated with the migration of RMI and FSM nationals to these areas. Based on information from the GAO, Hawaii, Guam, American Samoa, and CNMI, CBO estimates that the increased demands resulting from the migration of RMI and FSM nationals cost these areas approximately $60 million annually. Hence, CBO estimates that implementing this provision would cost an average of $33 million annually, or $328 million over the 2004–2013 period, in addition to the $30 million in annual general assistance payments.

Medical Referral Claims. FMS and RMI nationals are sometimes diagnosed with health conditions that cannot be treated at their local hospitals. In such cases, patients may be referred to hospitals in Hawaii, Guam, CNMI, or American Samoa for treatment. The cost of treatment at hospitals in other jurisdictions can exceed the insurance payment from RMI and FSM nationals. H.J. Res. 63 would authorize the appropriation of such sums as are necessary to compensate hospitals outside RMI and FSM for the cost of services provided to referred RMI and FSM nationals that have not been reimbursed prior to October 1, 2003. Based on information from the embassies of RMI and FSM, CBO estimates this provision would cost $4 million in fiscal year 2004, subject to the appropriation of the necessary amounts.

Estimated Impact on state, local, and tribal governments: H.J. Res 63 contains an intergovernmental mandate as defined in UMRA because it would explicitly prohibit states from taxing revenue generated by the trust funds established in the legislation and from treating the funds as anything other than a nonprofit corporation. Since the trust funds do not currently exist, this provision would not affect state budgets relative to current law and the threshold established in UMRA ($59 million in 2003, adjusted inflation) would not be exceeded.

If H.J. Res. 63 were enacted, affected jurisdictions, including; Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, would continue to incur costs for services to migrants; however, such costs would not be the result of enforceable duties imposed by the federal government. The joint resolution would provide $30 million per year and would authorize the appropriation of additional sums as may be necessary to offset the impacts of migrants on social services and infrastructure of affected jurisdictions.

H.J. Res. 63 also would require affected jurisdictions to report each year on the impact of the compact; the costs of complying with the requirement would be funded from the $30 million in general assistance. As defined by UMRA, such a requirement is not a mandate because it is a condition for receiving federal assistance. Further, the joint resolution would authorize the President to forgive certain debts owed to the United States by Guam and the Mariana Islands.

Estimated Impact on the Private Sector: H.J. Res. 63 contains no private-sector mandates as defined in UMRA.

Previous CBO Estimates: On September 15, 2003, CBO transmitted a revised cost estimate for H.J. Res. 63 as reported by the House Committee on International Relations on September 4, 2003, and an estimate for H.J. Res. 63 as ordered reported by the House Committee on the Judiciary on September 10, 2003. All three versions of this legislation would amend the Compact of Free Association. The versions approved by the Committees on International Relations and the Judiciary are identical. In contrast, the version of H.J. Res. 63 approved by the Committee on Resources would provide significantly more funding for RMI and FSM. Our estimates for the different versions of the legislation reflect those differences.

Estimate prepared by: Federal Costs: Matthew Pickford (226–2860) and Donna Wong (226–2820); Impact on State, Local, and Tribal Governments: Sarah Puro (225-3220); and Impact on the Private Sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

A PROCLAMATION RECOGNIZING COMMANDER LORIN C. SELBY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. NEY. Mr. Speaker, Whereas, Commander Lorin C. Selby has completed his tour in the Navy's House Liaison Office; and

Whereas, Commander Lorin C. Selby has demonstrated a commitment to meeting challenges with dedication, confidence, and outstanding service; and

Whereas, Commander Lorin C. Selby will continue in his service to the United States of America as Commanding Officer of the USS *Greeneville*; and

Whereas, in this post Commander Lorin C. Selby will protect our great nation and play an important role in the War on Terrorism;

Therefore, I am honored to join with Members of Congress and Congressional Staff in recognizing a true patriot, Commander Lorin C. Selby.

PUT AMERICANS BACK TO WORK: PASS THE REBUILD AMERICA ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. OBERSTAR. Mr. Speaker, on September 1, we celebrated Labor Day, a day to honor America's working men and women. On that same day, America's most respected journalist, Walter Cronkite, wrote a newspaper column reminding us all of the millions of Americans who are unemployed and the need to put them back to work.

Mr. Cronkite recalled how public investment in our national infrastructure, through programs such as the Works Progress Administration, once created jobs by building new public facilities: highways, bridges, airports, libraries, schools, courthouses, even New York's Lincoln Tunnel and the Overseas Highway linking the Florida Keys.

"The W.P.A. built what in many ways is the America we know today," Mr. Cronkite wrote.

I salute Mr. Cronkite for once again reminding us who we are, where we came from and how we got here. I further commend him for recognizing that the same approach that helped America recover from the worst economic disaster in its history, the Great Depression, can and will work today.

Mr. Speaker, a few short weeks ago, I joined the gentleman from Illinois, Mr. COSTELLO, and the rest of my Democratic colleagues on the Transportation and Infrastructure Committee, in introducing H.R. 2615, the Rebuild America Act of 2003. This bill is designed to put Americans back to work now—within 90 days of the bill's enactment. It invests $50 billion in our national economy by building and improving roads, bridges and transit systems, expanding airport capacity and enhancing safety, rebuilding wastewater systems and treatment plants, upgrading beds for high-speed service and many other projects.

Over the 10–year life of this bill we can generate $310 billion in economic activity and, most importantly, create 2.3 million jobs.

The Rebuild America Act is built for speed. It gives priority to projects that are ready for construction, thereby creating jobs immediately and giving our economy a quick jumpstart. Mr. Speaker, if we were to enact this bill by the end of September, we could be putting Americans to work by Christmas.

And next Labor Day, Mr. Cronkite can write about all the new jobs we created.

I call upon my colleagues to bring up and pass the Rebuild America Act without any further delay, and I commend to you all the complete text of Mr. Cronkite's column, as published in the Sioux City Journal, and I ask unanimous consent to include in the RECORD a summary of the Rebuild America Act:

LITTLE TO CELEBRATE FOR UNEMPLOYED

So Labor Day comes again. Many will celebrate this annual recognition of the dignity of our American labor force.

But there is little to celebrate for 9 million Americans on the unemployment rolls and somewhere around 1 million others, our invisible unemployed, who we are told have yielded to soul-searing despondency and no longer even seek work. Maybe we should make them visible. We could put yellow ribbons on their homes in the same manner we recognize our heroes, for those civilians who, through no fault of their own, have fallen on outrageous fortune.

As they get jobs, the yellow ribbons would be removed. Perhaps that would make it harder for administration representatives to disguise how serious the unemployment problem really is.

We might note here that the frightening number of unemployed does not include the tens of thousands of others who have lost good jobs in industry and commerce and have only been able to find work in menial or low-paying temporary jobs. At the same time, we see a rise in the U.S. productivity data, an important economic indicator. However, that improvement is in part because thousands of jobs have gone overseas, where wages are lower.

A few days ago, the Labor Department reported that the number of persons filing new unemployment claims last month was the lowest in six months. Good news that things aren't getting worse, but the numbers still leave millions unemployed, an unacceptable figure in a caring society.

With that and some other favorable economic indicators, the Bush administration finds cause to boast. It sees justification of its contention, when it was negotiating its $1.6 trillion tax cut, that the rich who immediately benefited eventually would put their tax savings back into the economy and thus feed its recovery and gradual re-employment. This trickle down theory might work in time, but the thousands of unemployed don't have that time as their families do without life's essentials—food, clothing and shelter.

To speed their re-employment, there recently have been suggestions, mostly by Democrats, that what is needed is the resurrection of Franklin Roosevelt's formula to deal with the Great Depression he inherited in 1933.

Roosevelt's brain trust believed in "trickle up" rather than trickle down—give people work, and the vast payroll spread widely across the country would speed recovery from the Depression.

His program, called the Works Progress Administration, almost instantaneously put one-third of the country's unemployed back to work—some 8.5 million people. The WPA built what in many ways is the America we know today.

In the eight years of its existence (until wartime demands created a labor shortage), the government-subsidized workers built 116,000 buildings—including schools, libraries, hospitals and courthouses—78,000 bridges and 651,000 miles of highways, and improved 8,000 airports. Among the WPA's other monumental achievements: the Golden Gate Bridge, New York's Lincoln Tunnel, Virginia's Skyline Drive and the Florida Keys' Overseas Highway.

A similar project today could answer the urgent need to repair and upgrade the nation's crumbling infrastructure—our electric power grids, our bridges and highways, our dams and waterways, our schools.

Such a program would cost billions of dollars, which our Treasury does not have, thanks to the Bush tax cut and disastrous underestimation of the costs of the Iraq war and reconstruction. What is required now is political leaders courageous enough to defy the maxim that no one ever gets elected proposing higher taxes. They would call for repeal of the Bush tax cut and the imposition of the new taxes that will be necessary not only to put our unemployed to work but to begin reducing the national debt, that financial burden that we are unconscionably about to unload on future generations.

A BILL TO REBUILD AMERICA BY INVESTING IN TRANSPORTATION AND ENVIRONMENTAL INFRASTRUCTURE AND SECURITY

[Introduced by Cong. Costello, Cong. Davis, Cong. Oberstar and other Democratic Members of the Committee on Transportation and Infrastructure, June 12, 2003]

$50 BILLION FOR INFRASTRUCTURE INVESTMENT

Provide $50 billion for infrastructure investment to enhance the safety, security, and efficiency of our highway, transit, aviation, rail, port, environmental, and public buildings infrastructure. By leveraging Federal investments, the ten-year cost to the Treasury of this bill is less than $34 billion.

Highways, $5 billion; transit, $3 billion; aviation, $3 billion; high-speed rail, $14 billion; passenger and freight rail, $7.5 billion; port security, $2.5 billion; environmental infrastructure, $11.5 billion; water resources, $1.5 billion; economic development, $1.5 billion; and public buildings, $500 million.

The bill requires these funds to be invested in ready-to-go projects. Priority shall be given to projects that can award bids within 90 days of enactment. The bill also requires funds to be obligated within two years.

The bill includes a maintenance of effort provision to ensure that recipients continue their current investment levels, particularly with regard to infrastructure security.

Finally, the bill allows recipients an extended period of time to meet their state and local match requirements.

TRIBUTE TO E. LARRY ST. LAURENT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to E. Larry St. Laurent who is retiring after 15 years as Director of the Ocean County Veterans Service Bureau. Although still suffering injuries suffered during the Korean War, Mr. St. Laurent has devoted countless hours to Ocean County's veteran population. Those injuries have given him a special insight into the problems of veterans who are trying to navigate through the bureaucratic maze and receive the benefits they have earned and to which they are entitled.

Larry was a leader in the effort to raise $3 million to erect a memorial to the men and women from New Jersey who died during the Korean War. The New Jersey Korean War Memorial was dedicated in 2000, thanks in great part to his efforts.

A lifelong public servant, Larry has devoted his life to his fellow veterans, beginning in 1952 as Service Officer for Jackson VFW Post 4703. He has been an officer in several veterans organizations, including Disabled American Veterans and the Military Order of the Purple Heart, as well as his current position as Director of the Ocean County Veterans Service Bureau.

His understanding of the needs of our veterans has enabled him to provide veterans with the opportunity to improve their lives. I have enjoyed working with Mr. St. Laurent and his Veterans Service Bureau over the years, and I salute his commitment to Ocean County and its veterans, for whom he will continue to advocate even in retirement. His will be difficult shoes to fill.

TRIBUTE TO FOREIGN MINISTER OF SWEDEN ANNA LINDH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to deliver a short message both to the American people and to my good friends in Sweden and, indeed, to all the people of Sweden.

Mr. Speaker, last week, the foreign minister of Sweden was brazenly assassinated. I hope the people of Sweden will accept Congress' heartfelt sympathy for the passing of their Foreign Minister, Anna Lindh. I had the greatest respect for this very talented woman. I certainly agree with British Foreign Secretary Jack Straw's comment that "she represented everything that was wonderful about Sweden and about Europe."

Anna Lindh's devotion to all of the citizens of Sweden and to the betterment of our world was very laudable. That she was considered a possible future prime minister is not surprising. Her reputation as one of Sweden's most popular government officials was recognition by you of her unimpeachable integrity and great vision. Anna Lindh saw all that was good about a nation already held in high regard around the world and strove to polish its image even more.

Everyone who considers government service a noble calling had an excellent role model in this wonderful woman. Far from putting an end to the goals she had set for herself and her people, her death will encourage others with similarly high ideals to continue and expand on her work, taking it to new heights. That would be the best way to honor her memory, and Sweden deserves nothing less.

We are all much poorer for this terrible tragedy. Sweden has lost a great leader, and the world has lost one of its finest citizens. After our period of grief, all of us, government leaders and common citizens alike, must rededicate ourselves to the work of making our nations and our world the kind of places Anna Lindh wanted for us. As we go forward, her spirit will be guiding us.

IN REMEMBRANCE OF SEPTEMBER 11

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. TURNER of Ohio. Mr. Speaker, it is hard to imagine how much our world has changed in the past 2 years. New challenges have been met with great courage and the commitment of a strong Nation. Out of the ashes of the twin towers has emerged an America with a renewed sense of pride and appreciation for our country.

Americans love freedom. We cherish our way of life and the values that make us Americans. Our Founding Fathers stood with "the flame of freedom in their souls, and light of knowledge in their eyes", and created a country unlike that of any other. A country where people do not live in fear; a country where ideas, education and imagination are endless; a country where children can dream of things never before achieved, and grow up to actually do them.

It has been 2 years since the terrorist attacks, yet when I look around, I see an even greater America than had existed before. Our love of freedom and the American way of life cannot be shaken. We stand together—a United America—so that one day, others may know the joy of freedom.

CALLING FOR TAIWAN'S RETURN TO THE UNITED NATIONS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HINCHEY. Mr. Speaker, as the 58th session of the United Nations General Assembly convenes this week, I rise to recognize the accomplishments of the Republic of China on Taiwan and call for its rightful return as a member of the U.N.

Taiwan has become a stable, democratic presence in Asia, a bulwark of support for human rights and a world economic power. It is a thriving multi-party democracy, with free and fair elections held at all levels of government. Taiwan also has a thriving capitalist economy. It is now the United States' eighth largest trading partner and a major investor in East Asia.

The R.O.C. has long demonstrated its commitment to the well being of the international community. It has a history of heeding calls by the U.N. for emergency relief and assistance to countries that suffer disasters and wars. Its generosity and humanitarianism have included Kosovar refugees, Afghanistan reconstruction, Iraqi food supplies, the Global Fund to Fight AIDS, and victims of natural and man-made disasters in El Salvador, Turkey, Nicaragua, and New York City in the wake of the September 11, 2001 terrorist attacks.

Denying Taiwan U.N. membership is not in the best interests of the world community. The memberships of the now unified East Germany and West Germany and the divided Republic of Korea and the Democratic People's Republic of Korea are examples of parallel representations of divided nations in the U.N. The U.N.'s role in exchanges between East and West Germany assisted in the eventual unification of the country in 1990.

Taiwan's membership in the UN will have enormous benefits for the international community and it is imperative that this unfair and untenable situation be resolved.

CITRUS COUNTY INDUSTRY APPRECIATION WEEK

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in honor of Citrus County Industry appreciation Week; A 21 year-old tradition that originated in my Fifth Congressional District to honor our industries and recognize their contributions to our communities.

Last Thursday, industry executives and employees, along with community activists and residents kicked off the week-long celebration. Upcoming events include a Thursday afternoon barbecue to wrap up the week and an awards luncheon, to take place today, to recognize outstanding local businesses and business professionals for outstanding public service, employee relations, and contributions to the community.

Awards being given at the event will go to Citrus County's Most Outstanding Small Business, Most Outstanding Employer or Corporate Citizen, and Person of the Year. I wish all those in the running for these awards well—and send this year's organizers my regrets! I am surely missing a great event.

We all know that industry creates jobs—which no one will argue is a bad thing—and it broadens the tax base of an area, meaning cities and municipalities take in more revenue to spend on public works projects, on our schools, and on a whole host of other things vital to the community. Industries also regularly contribute charitably to citizen groups and organizations, volunteering time and resources to improve the area where they do business and where their employees live.

Recently, following Citrus County's lead, the State of Florida has begin celebrating a statewide Industry Appreciation Week as well, giving the entire Sunshine State the opportunity to realize just how much we all benefit from having the industries that we do.

Mr. Speaker, I am pleased to represent an area of Florida that started the trend, if you will, of honoring local businesses and recognizing their place in our communities. I ask that you and my colleagues in this body join me in congratulating Citrus County and wishing them well as they conclude their Industry Appreciation Week.

HONORING REVEREND FATHER KEVORK ARAKELIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Reverend Father Kevork Arakelian on the occasion of his 30th Anniversary of Ordination and Consecration into the Sacred Priesthood of the Armenian Apostolic Orthodox Church. Father Kevork will be recognized at an event held in his honor on September 28th in Fresno, California.

Born in 1943, Father Kevork and his family moved from New York City to Pasadena, California, after World War II. He attended Pasadena City Schools and became very active in sports. Father Kevork played baseball, football, and handball both for school and outside local teams. After graduating from Pasadena High School, he attended San Antonio College and received his A.A. degree. He then earned his B.S. degree in Business Administration at California State Polytechnic University, and attended Saint Vladimir's Orthodox Theological Seminary in 1971.

Father Kevork's religious activities have been as far-reaching as they have been significant. He was ordained to the Diaconate in 1967 and to the Priesthood in 1973. Father Kevork served as Church School Associate Director in Pasadena for two years; Counselor and teacher at St. Nersess Summer Study Program; Chaplain at Susquehanna Valley home; and held many other positions of great value to churches and schools. He is currently the Parish Priest of St. Gregory the Illuminator Armenian Church in Fowler, California, where he serves on several different levels.

Father Kevork has served at St. Gregory's since 1980. St. Gregory the Illuminator is the fourth largest Armenian Church in the United States. He has been the Committee member for the 1700th Anniversary of the acceptance of Christianity in Armenia; Secretary to the first Alumni Association of St. Nersess Seminary; Chairman of the first Camp Board of Directors; and has taught various classes at retreats, camp programs, and workshops. St. Gregory's has grown considerably in people and extracurricular activities since Father Kevork has presided there.

Mr. Speaker, I rise today to honor Reverend Father Kevork Arakelian for his years of service and to thank him for his dedication to the congregation of St. Gregory and to the Armenian community of the Central Valley. I invite my colleagues to join me in extending him best wishes for his future.

HONORING ORCHARD RIDGE REHABILITATION AND NURSING CENTER

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Orchard Ridge Rehabilitation and Nursing Center in my Fifth Congressional District. The staff at Orchard Ridge was recently awarded the American Healthcare Association's Quality Award, for excellence in service, performance, and of course quality to patients, customers and communities.

The American Healthcare Association is the trade association for the longterm care industry and, in that role it promotes nursing and rehabilitation centers across the country and recognizes outstanding achievement and quality in that sector.

I am proud, Mr. Speaker, to have such a distinguished nursing and rehabilitation facility in my district and am happy to be able to honor Orchard Ridge before you and my colleagues today.

On October 15, in San Diego, CA, the rest of the industry will have the opportunity to honor Orchard Ridge for attaining this award when they convene for the AHCA's national convention.

I commend Orchard Ridge Rehabilitation and Nursing Center and my colleagues in this body to do the same. I am proud to be the representative of many of its patients and employees in Congress.

Congratulations to a hard-working team for a much-deserved award.

HONORING SIERRA TEL COMMUNICATIONS GROUP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Sierra Tel Communications Group in honor of California Small and Rural Telecommunications Week. An event was held in Sierra Tel's honor on Sunday, September 14th in Oakhurst, California.

Small and rural telephone companies will be participating in National Small Telecommunications Week from September 15th through September 21st. Rural telephone companies will acknowledge and reflect on the great advancements made in their industry. For more than 100 years small, country telecommunications companies have provided high-quality services to rural America. These companies have long been known for their state-of-the-art technology and superior, cutting-edge services. Over 1,100 small rural companies are in existence serving areas the larger companies choose not to serve due to factors such as topography, population, and profitability.

Independent rural telephone companies, like Sierra Tel, play an important role in the telecommunications industry as well as their local communities. They ensure that large telecom interests do not override the needs of rural America, and they work on behalf of the people to keep rates affordable. The local telecommunications company is vital to the economic development efforts of the community, often providing jobs and local leadership.

Mr. Speaker, I rise today to recognize Sierra Tel Communications Group for its commitment and service to their community. I invite my colleagues to join me in honoring Sierra Tel during California Small and Rural Telecommunications Week.

HONORING BOB HINTON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a constituent of mine, Bob Hinton. Bob bravely served this country in Korea. After his service left him disabled, he continued giving to his community by producing a video warning teen drivers of the dangers of drunk driving.

Bob Hinton is an honorable and caring, public servant. However, he is not a public servant in the traditional sense. Rather than seeking acclaim in public office, Bob follows a passion; his greatest pleasure is giving to others.

In August of 1948, Bob enlisted in the United States Air Force where he gallantly served his country and received several accolades in the process. After retiring with 100% disability, Bob moved to Florida. There, he joined the American Legion Post 139 where he volunteered his services, which won him the "Unsung Hero's Award" in 1984.

As an ameatuer videographer, Bob began covering news events in Hernando County and central Florida for several local and national TV programs including "Good Morning America."

Driven by his continuing zeal to help others, Bob transformed his new found skills into an instrument of service. He has voluntarily created training videos for the Highway Patrol, the Red Cross, and sheriffs' offices in Hernando and surrounding counties. Additionally, Bob has donated copies of his drunk driving videos to various schools hoping to save teenage lives.

Even though Bob has recently been diagnosed with prostate cancer and undergone several radiation treatments, he has continued to film throughout his tribulations and says if he can keep busy helping others he won't feel his pain. Bob is never happier than when he is helping someone. Thus, he is a shining example of what individuals should strive to become.

Mr. Speaker, I am proud to call Bob Hinton a constituent and I ask you to join with me in thanking him for his continued service.

SAVE CANCER CARE

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HINOJOSA. Mr. Speaker, I rise today on behalf of cancer patients in my district.

I would like the conferees working to craft a final Medicare prescription drug benefit to know what the cancer community in the 15th District of Texas is saying.

Mr. Speaker, the cancer community is united in saying that the deep cancer care cuts, in the form of reductions in reimbursements to community-based clinics for cancer drugs, will catastrophically dismantle the cancer care delivery system we have built in this country.

If passed, the cancer community fears these cuts will turn back the clock on cancer care at least 30 years:

Community-based cancer centers nationwide, where 80 percent of patients receive treatment, will be forced to stop seeing Medicare patients or close their doors all together.

This will force cancer patients back into hospitals or large academic cancer clinics—and those institutions have said they cannot handle the influx of patients.

Patients in rural America—like in parts of my South Texas District—will be severely burdened as they will have to travel great distances to receive care.

Family members and friends who would have to accompany a loved one on those long trips, would face the economic burden of missing work as well as the psychological hurdle of helping someone through treatment, if this bill passes in its current form.

These cancer cuts will not only affect today's treatments, but tomorrow's medical cures. That's because more than 60 percent of clinical trials of promising cancer treatments occur in the community-based setting. Without community treatment centers to provide care, patient access to clinical trials—and the hope they represent—would be significantly curtailed.

These cuts appeared at a critical time in the war against cancer. Just last month the National Cancer Institute reported that mortality rates from the four most common types of cancer—breast, colorectal, lung and prostate—appear to have declined. That marks eight years in a row that cancer deaths have declined. But even with that good news, we still face many challenges in the War on Cancer.

According to the American Cancer Society, 1-in-2 men and 1-in-3 women will be diagnosed with cancer at some time in their lives.

And an estimated 60 percent of new cancer cases are predicted in people aged 65 years and older.

Prescription drug coverage is a noble cause, and one which I hope we can provide to seniors. But we cannot provide seniors drug coverage on the backs of cancer patients—many of whom are fighting for their lives.

Seniors deserve a Medicare prescription drug bill, not a $16 billion cancer care cut.

TRIBUTE TO MOE BILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a friend, Moe Biller, former president of the American Postal Workers Union, who passed away last Friday.

Morris "Moe" Biller headed APWU for more than twenty years, fighting for the workers he represented. From his beginnings as a part-time clerk to eventually becoming president of the APWU, Moe committed himself to helping those who were underrepresented.

Born November 15, 1915, Moe attended high school and college in New York City. In 1937, he began his postal career on the Lower East Side of Manhattan. Making less than one dollar per hour with no vacation benefits or sick pay, Moe was committed to his job and to improving conditions for his fellow employees.

He held several positions including chairman of the Membership Committee, Sergeant-at-Arms, and Executive Vice-President before being elected as president of the Manhattan-Bronx Postal Workers Union in 1959. In 1971, Moe served on the committee that oversaw the merger of the five postal unions that now comprise the APWU. An early supporter of civil rights, Moe championed the cause of greater equality for women in the workplace.

He was also a longtime member of the Coalition of Labor Union Women and the NAACP.

Moe's other achievements include serving on the New York City Central Labor Council, the Executive Council of the AFL–CIO, the labor federation's Public Employee Department, and the Executive Committee of the Postal, Telegraph and Telephone International. He also served on the boards of several charitable and civic organizations, including the Muscular Dystrophy Association, United Way International, the National Advisory Council to the March of Dimes Birth Defects Foundation, and the Federal Executive Committee of the Combined Federal Campaign.

Among his many accolades were the 1979 Community Service Award from the New York City Central Labor Council, the 1982 Spirit of Life Award from the City of Hope National Medical Center, the 1999 Ellis Island Medal of Honor, and the 1999 Lower East Side Tenement Museum Urban Pioneer Award.

Moe's spirit will always be strong in those who knew him, and in those whose lives he touched but who never had the opportunity to meet him. Through Moe's life, we all benefit from his tireless efforts to help those who could not help themselves.

I express my deepest condolences to his family during this difficult time.

Thank you.

MURDER OF UKRAINIAN HEORHIY GONGADZE STILL UNSOLVED AFTER 3 YEARS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SMITH of New Jersey. Mr. Speaker, the murder of Ukrainian investigative journalist Heorhiy Gongadze remains unsolved—three years after he was murdered. On September 16, 2000, Gongadze, editor of "Ukrainska Pravda", an Internet news publication critical of high-level corruption in Ukraine, disappeared.

Ukrainian President Kuchma and a number of high-ranking officials have been implicated in his disappearance and the circumstances leading to his murder. Audio recordings exist that contain conversations between Kuchma and other senior government officials discussing the desirability of Gongadze's elimination. Over the last three years, the Ukrainian authorities' handling, or more accurately, mishandling of this case has been characterized by obfuscation and stonewalling.

Last month, a prime suspect in the case, former senior militiaman Ihor Honcharov, who allegedly headed a gang of ex-police accused of several kidnappings and murders, died in police custody under mysterious circumstances. His posthumous letters—which give a detailed account of events surrounding Gongadze's death and which name names—are now being investigated by the Prosecutor General's office. A few days ago, Prosecutor General Svyatoslav Piskun indicated that some facts in the letters have proved to be true. Reportedly, warrants have been issued for two suspects in the killing.

Mr. Speaker, a credible investigation of this case by Ukrainian authorities is long overdue. At the same time, it is important to stress that not only those who committed the actual crime, but those who ordered it—no matter who they may be—need to be brought to justice.

Unfortunately, the Gongadze case is not an isolated one. The murder, and deaths in suspicious car accidents, of journalists and opposition figures, have become commonplace. Earlier this year, Ukraine's Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, and many more have been beaten, including several within the last few months. This past July, Volodymyr Yefremov, a journalist critical of president Kuchma who worked with the press freedom group Institute of Mass Information (11/41), died in a suspect car accident. Just two weeks ago, Ivan Havdyda, who was head of the Ternopil region branch of the democratic opposition "Our Ukraine", was found murdered in Kyiv under questionable circumstances.

Over the last three years, the Helsinki Commission, Members of the House and Senate, Department of State, the OSCE, the Council of Europe and other international institutions repeatedly have raised the Gongadze murder case and urged the Ukrainian authorities to undertake a serious investigation into the this case. The response from Ukrainian officials has done nothing but cast doubt about the Ukrainian Government's commitment to the rule of law. Last year—just to cite one example—Ukrainian authorities blocked FBI experts from examining evidence gathered during the initial investigation, even after promising to accept U.S. technical assistance in the matter.

I also hope that the Ukrainian parliament will take determined action in encouraging governmental accountability for solving the Gongadze and other murders, and bringing those involved to justice.

The lack of a resolution of the Gongadze and other cases of those who have perished under suspicious circumstances has tarnished the credibility of the Ukrainian authorities in dealing with fundamental human rights.

Mr. Speaker, as Chairman of the Helsinki Commission and in the strongest possible terms, I once again urge Ukrainian authorities to take seriously the many enduring concerns regarding the circumstances that led to Heorhiy Gongadze's murder and the subsequent investigation.

A PROCLAMATION RECOGNIZING MICHAEL RUTAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. NEY. Mr. Speaker:

Whereas, Michael Rutan has demonstrated professionalism and a dedication to safety; and

Whereas, Michael Rutan has logged 1 million miles, the equivalent of circling the earth's equator 40 times, without a single preventable accident; and

Whereas, Michael Rutan must be commended for the hard work and dedication he put forth over his years at Yellow Transportation;

Therefore, I join with the Motor Freight Carriers Association and the residents of Ohio 18th Congressional District in congratulating Michael Rutan for his outstanding achievement.

TRIBUTE TO HOLY FAMILY PARISH ON THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th Anniversary of the Holy Family Parish in Sugar Notch, Pennsylvania on their centennial celebration on Sunday, September 14th.

One hundred years ago, Holy Family Parish was established when Bishop Michael J. Hoban named Father Stanislaus A. Dreier as the first pastor. The parish consisted of approximately 150 families. Life was hard, with many men working in the mines from dawn to dusk. With knowledge of the many accidents and various mine disasters, the strong roots of their Catholic faith helped them to endure their personal hardships.

In 1911, Father Franciszek Kasaczun, the second and most influential, pastor was named. His 31 years as pastor was during a time of heightened influx of immigrants from Europe who were looking to a church to meet their spiritual needs. These new immigrants established strong ties to the church, showing their loyalty to their new country, and keeping their ties with Poland. Because of his fluency in Polish, Lithuanian, and English, Father Kasaczun was just the man to accomplish this. He recognized the importance of education to help the immigrant families better themselves. The school began as just four rooms operating in the church basement, but through Father Kasaczun's efforts moved into the rectory. In 1916 Father Kasaczun invited the Bernadine Sisters of Reading, Pennsylvania to take over the work of teaching and caring for the Sanctuary and Sacristy.

Father Kasaczun organized many humanitarian efforts benefiting the community. Among many other accomplishments, he organized the Children's Relief Fund for Poland, helped WWI veterans with their transition back to civilian life, remodeled company homes, covered the swamps with clean fill, fixed the main street, and convinced the Lehigh and Wilkes-Barre Coal Company to build a playground for the children in the community.

On July 7, 1992, Father John S. Terry was named the sixth, and current pastor of Holy Family Parish. Father Terry, in addition to overseeing the renovation of the church, introduced new practices and devotions to the parish. Children's masses were celebrated monthly and on holidays. A special mass for the deceased would be held on All Soul's Day with the participation of family and friends. Meals were delivered to the shut-ins and needy during Christmas, Easter, and Thanksgiving.

The past one hundred years has brought many changes to the Holy Family parish and community. Gone are the coal, rail and garment industries that employed their parish members. They held together during the tragic world events that brought them unity and emotion. Today, The Holy Family Parish has become an important historical landmark in Sugar Notch, Pennsylvania, and a home to their growing population of parish members.

Mr. Speaker, on their 100th Anniversary, I recognize both the efforts and positive impact of Holy Family Parish and Father John S. Terry in Northeastern Pennsylvania.

CELEBRATING 25 YEARS OF SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RANGEL. Mr. Speaker, the enactment of the Employee Retirement Income Security Act of 1974 (ERISA) was an important step toward protecting retirement benefits for millions of American workers. Over the years, ERISA has developed into a complex legislative framework. Congress regularly revisits this important area of law in a effort to perfect it.

In its efforts, Congress may be making it better as it seeks to enhance the protections provided to many workers and their beneficiaries, but this is not without added complexity. For those of us who are not comfortable making casual conversation on such topics as actuarial assumptions and technical funding rules we have valued the service EBRI has provided over these many years. EBRI is a nonpartisan research organization that specializes in employee benefits. It collects and analyzes the relevant data and make it available in a format that is easily understood by all of us.

The service EBRI provides is invaluable. Many of us in Congress find it particularly useful because of the balanced format in which the information is presented. This makes the information EBRI distributes acceptable by all sides in the debate. In addition, it provides a common base of knowledge that helps us evaluate conflicting proposals.

EBRI has now been doing this important work for a quarter of a century. As EBRI celebrates its 25th anniversary, I want to take this opportunity to wish the valuable organization well. It is my hope that they keep these analyses coming. We will need them more than ever in the months ahead.

CONGRATULATING THE NEW BEGINNING CENTER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HENSARLING. Mr. Speaker, today I rise to congratulate the New Beginning Center on the recent groundbreaking and renovation of their domestic violence shelter in Garland, Texas.

For almost two decades, the New Beginning Center has been a silver lining for the victims of domestic violence in the North East Dallas area.

Through crisis intervention, counseling, education and advocacy programs, the New Beginning Center provides a safe environment for women and children fleeing life-threatening situations. But the services they provide go well beyond shelter or legal services. The Center's staff and volunteers are responsible for rebuilding lives, restoring hope and opening up new opportunities for families under some of the most difficult and dangerous circumstances imaginable.

I recently had the opportunity to tour the New Beginning Center to learn more about the important service they provide to our community. I was touched by the stories I heard from the staff and volunteers. During my visit I was able to see firsthand how we can pull together to help end the scourge of domestic abuse.

With the help of HomeAid Dallas and Beazer Homes, the New Beginning Center's new 1,300 square foot Shelter Service Building will expand the center's capacity by 38 percent so they can provide safety to more families.

Mr. Speaker, today I congratulate the New Beginning Center, HomeAid Dallas, Beazer Homes, and the 31 other local sponsors who made the beginning of this new facility possible. I thank the hard working staff and volunteers there. Most importantly, I applaud the Center's efforts to put and end to domestic violence in our community.

A TRIBUTE TO AMBASSADOR RICHARD SCHIFTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Ambassador Richard Schifter, one of America's finest champions of international justice and global cooperation. Ambassador Schifter celebrated his 80th birthday on July 31st, marking a milestone in a lifetime of distinguished public service.

Ambassador Schifter's passion for human rights bears deep roots, as it reflects his personal experience with totalitarianism and bigotry. Dick's childhood in Vienna was rudely interrupted by the Nazi take-over of Austria in 1938. A Jewish Austrian, his life was in peril before his 15th birthday. Dick was able to escape to the United States that December; his parents, however, were not then eligible for immigrant visas, and they were forced to remain in Vienna. They were later murdered in the Maidanek death camp along with dozens of Schifter family members.

Ambassador Schifter arrived in our great country alone, a young man barely in his teens in a totally unfamiliar land. Yet, in the finest American tradition, Dick built his life anew. He graduated summa cum laude from the College of the City of New York and Yale Law School, served in the U.S. Army in Europe during World War II, and embarked on a highly successful legal career. Dick and his charming wife, Lilo, started a family that now includes 5 children, 5 children-in-law, 9 grandchildren, and 1 grandchild-in-law.

Mr. Speaker, while the young Ambassador Schifter had a great number of professional and personal obligations, he never neglected his responsibilities to his Maryland community. Dick served for twenty years on the Maryland State Board of Education, and he chaired both the Governor's Commission on Funding the Education of Handicapped Children and the Governor's Commission on Values Education. He stood up for his progressive convictions as the Chairman of the Montgomery County (MD) Democratic Committee. As President of the Washington, DC, chapter of the American Jewish Committee, he fought to ensure that the fate of his family in Austria would never be repeated.

When Ambassador Schifter retired from his legal career during the early 1980's, he devoted himself to public service on a full-time basis. Dick's passion, energy, and undeniable brilliance proved invaluable in a wide array of positions. He represented his country as U.S. Representative to the United Nations Human Rights Commission (1983–1986, 1993), Deputy U.S. Representative in the United Nations Security Council (1984–1985), Assistant Secretary of State for Human Rights and Humanitarian Affairs (1985–1992), Special Assistant to the President and Counselor to the National Security Council (1993–1997), Special Advisor to the Secretary of State (1997–2001), and in numerous other important roles. Dick served Presidents from both political parties, reflecting his commitment to a bipartisan foreign policy as well as his clear and unambiguous passion for advancing human rights and American values around the world.

Ambassador Schifter's service as Special Advisor to the Secretary of State for the Southeast European Cooperative Initiative (SECI) bears particular significance. SECI's principal goal—to enhance regional cooperation among the countries of Southeastern Europe by encouraging joint and cooperative solutions to shared economic and environmental problems—could not have had a more principled champion than Dick Schifter. His agile mind and diplomatic skills added immeasurably to the progress of former Communist nations transitioning to democratic, free market structures. The success of this evolution added strength and stability to America's transatlantic partnerships.

Leaders from around the world have recognized Ambassador Schifter's record of achievement. He is a recipient of the Secretary of State's Distinguished Service Award, Austria's Golden Honor Insignia with Star, the

Order of Commander of Romania's Star, and Bulgaria's Order of Stara Planina, First Class.

Mr. Speaker, Richard Schifter is a genuine example of the American Dream, and he has devoted his life to extending its values to every corner of the world. He is an idealist and an optimist. Four years ago, at a conference in the Bulgarian capital of Sofia, he concluded a speech by quoting the unforgettable words of President Franklin D. Roosevelt: "The only limit of our realization of tomorrow will be our doubts of today." Indeed, few public servants have done as much to build a global future of peace, prosperity, and morality. I am honored to be Ambassador Schifter's friend, and I urge my colleagues to join me in recognizing his tremendous service.

HONORING MORRILL ELEMENTARY AND RAYBURN ELEMENTARY FOR BEING RECOGNIZED AS BLUE RIBBON SCHOOLS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. RODRIGUEZ. Mr. Speaker, it is always an honor to recognize our public schools and their wonderful accomplishments. Today, I rise to honor two schools from the 28th Congressional District of Texas, Morrill Elementary and Rayburn Elementary, for being selected as 2002–2003 National Blue Ribbon Schools. These two schools are among an elite number of elementary and secondary schools recognized this year by the United States Department of Education for their success in educating our next generation of leaders.

Morrill and Rayburn Elementary Schools, both in San Antonio, join only 325 Texas schools that have received Blue Ribbon status since 1982. I am proud to have them in my Congressional District, as they reflect the South San Antonio working family community. They are proof that tight knit communities such as ours can foster quality institutions. In addition, they realize it is important to involve parents in the education process. Through their parent/teacher programs, they bring closer the relationship between the home and the school so parents may cooperate intelligently in the education of our children.

I would like to recognize Principal Linda Aleman of Morrill Elementary and Principal Shannon Allen of Rayburn Elementary for their leadership and commitment to making their respective schools exemplary. They both recognize that our children are America's most valuable resource and, as such, their education is of the utmost importance.

Most importantly, I would like to recognize the students of these two schools who have persevered to obtain success. Many of them have had to overcome various obstacles in the course of their educational career. I am proud of their efforts and I know they will continue to succeed in their future endeavors, including the lifelong pursuit of education.

Congratulations to the Morrill Elementary and Rayburn Elementary communities for achieving the coveted Blue Ribbon Award.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, because of a family medical emergency, I was unable to be present for this week's votes on H.R. 2989. Had I been present, I would have voted for its passage.

I did have a number of concerns about the bill, and about the process under which it has been considered. In particular, I was very disappointed that the Republican leadership refused to allow the House to consider an amendment to suspend the cost-of-living increase for Members of Congress. I thought the House should have the chance to vote on that question, especially now when the unemployment rate is so high and the federal budget deficit is so large.

Overall, however, I think the bill's good provisions outweigh its flaws.

The bill includes substantial funding for a number of transportation projects in Colorado, including ongoing work to upgrade highways in the Denver metropolitan area and other parts of our state.

I strongly support these provisions, which will help Colorado address some of its most pressing transportation needs and will also help our state's economy not only by a shortterm stimulus of jobs and purchases of supplies but also by infrastructure improvements that will yield big dividends in the years ahead. I commend Chairman ISTOOK, Ranking Member OLVER, and the other members of the appropriations committee for including these items in the bill.

Another reason I support the bill is because it also provides for other forms of transportation such as rail and buses. Highways are important, but highways alone do not constitute a sound or balanced transportation system, in Colorado or anywhere else. That is why I favor continued support for Amtrak's service to our state and other parts of the Nation and why I also support having a portion of federal transportation funding go for such "enhancements" as pedestrian, bike, and trail facilities.

In addition, the bill provides essential funding for other Transportation Department purposes as well as for the Treasury Department, the Executive Office of the President, and other important parts of the federal government.

Among other things, it includes funds for continued implementation of the Help America Vote Act. I strongly supported enactment of that measure, and am glad that the bill includes provisions that will allow the General Services Administration to distribute grants under that Act if the new Federal Election Assistance Commission—which is supposed to perform that function—is not in operation by the start of the next fiscal year.

The bill also includes funds for the Scholarship and Excellence in National Environmental Policy Trust Fund and for the United States Institute for Environmental Conflict Resolution. These are the accounts associated with the Morris K. Udall Foundation, and I am sure our colleagues understand why I have a particular interest in them and why I want to extend my thanks to the Members of the Appropriations Committee for their support for these programs.

JOAN HOLMES, PRESIDENT OF THE HUNGER PROJECT, BRIEFS THE WOMEN'S CAUCUS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, earlier today the Women's Caucus received an outstanding briefing from Joan Holmes, the President of the Hunger Project. The focus of her briefing was to help us understand the essential and often overlooked role that women play in ending hunger around the world.

As we look towards the real needs that people face, it is vital that programs we fund through the instrumentalities of the Departments of Agriculture and State, as well as the Agency for International Development, I encourage all of our colleagues to take the time to read this most helpful presentation. The Hunger Project works to empower women in many countries around the world, and in my view is deserving of our support and understanding.

I ask unanimous consent to insert in the RECORD at this point the statement by Joan Holmes, entitled "Women and Ending Hunger: The Inextricable Link".

WOMEN AND ENDING HUNGER: THE INEXTRICABLE LINK

(By Joan Holmes)

INTRODUCTION

Madame Chairperson and Distinguished Members of Congress, it is an honor to testify before the Women's Caucus today. I commend the Caucus for focusing on the inextricable link between women and ending hunger.

My name is Joan Holmes, and it's been my privilege to be the president of The Hunger Project since its inception in 1977.

In my testimony I will address:

First, Chronic Hunger and who is most affected;

Then, the three distinct ways women are essential to ending hunger and achieving sustainable development;

Next, what happens to a society when women are empowered; and

Finally, where the world is now—in recognizing the vital role of women.

AN UNDERSTANDING OF CHRONIC HUNGER

Chronic hunger continues to be the greatest failure of our age. It takes the lives of 20,000 of us each day. Eight hundred and forty million of us are chronically undernourished. The largest number of hungry people are in South Asia, but the most severe hunger is in sub-Saharan Africa.

When most of us think of hunger, we think of famine—sudden shortages of food due to war, drought or natural disasters. Less than 8% of hunger deaths are due to famine—the rest are due to chronic hunger.

The persistence of hunger is not an issue of the quantity of food. The world produces more than enough food for everyone. Hunger persists when people—particularly women—are systematically denied the opportunity to produce enough food—to be educated—to learn the skills to meet their basic needs. Hunger persists when the poor—mostly women—have no voice in the decisions that affect their lives.

WOMEN MOST AFFECTED BY HUNGER

When we speak of hungry people—we are literally speaking of women and children. The vast majority of the world's poor are women. The gap between women and men caught in the cycle of poverty has continued to widen in the past decade.

An estimated 80 percent of the world's refugees are women and girls. Two-thirds of the world's illiterates are female. Of the millions of children kept out of school—2/3 are girls.

WOMEN ARE AT THE CENTER OF THE DEVELOPMENT PROCESS

The fundamental thesis of my testimony is—women are at the center of the development process, and until and unless we make the empowerment of women a central strategy in ending hunger—hunger will persist. Until and unless we empower women, none of the UN Millennium Development Goals will be met.

My testimony today does not come from the perspective of empowering women to achieve gender equality as a matter of social justice—even though that has my unequivocal support.

The analysis I am presenting today comes from looking strategically at what needs to happen to end hunger and achieve sustainable development. In this analysis, I am going to use the phrase "women's empowerment". It is important that we know what that phrase means.

Although there is no country where there is gender equality, in the countries that have the persistence of hunger—the subjugation, marginalization and disempowerment of women is particularly severe.

So, when we say empowering women—what this means is to lift some of the shackles that constrict and suppress their lives.

THREE DISTINCT WAYS WOMEN ARE FUNDAMENTAL TO ENDING HUNGER

Let's examine three ways in which women are fundamental to the end of hunger:

First, the inextricable link between women's well-being and the overall health of a society.

Second, the enormous, yet largely unrecognized and unsupported role of women as producers.

Finally, women's leadership—a necessary component of ending hunger.

WOMEN'S WELL-BEING AND THE HEALTH OF A SOCIETY

Girls and women are deprived

With regard to women's well-being and the link to the health of a society, let's look to South Asia. India and Bangladesh account for more than 1/3 of the remaining hunger, and their malnutrition rates are among the highest in the world. One-third of all babies in Bangladesh and 1/4 of the babies in India are born underweight and malnourished. This compares to 12 percent in Africa.

The question is—Why are these rates so high in Bangladesh and India, countries which are food self-sufficient? In fact, India has more than 40 million tons of surplus food in storage.

Why are the rates of malnutrition higher in South Asia than in Africa, which we know is considerably less developed? In 1996, UNICEF commissioned a landmark study to answer that question. In a report called, "The Asian Enigma", they concluded, "The exceptionally high rates of malnutrition in South Asia are rooted deep in the soil of inequality between men and women."

Women eat last and least. They eat only the food that is left over after the males have eaten. Often men and boys consume twice as many calories—even though women and girls do much of the heavy work. Girls in India are four times more likely to suffer from acute malnutrition than boys.

When women and girls are deprived, society suffers

Next, let's examine the effects this deprivation has on society.

We've always been clear that the health of the mother is the single most important factor in determining the health of her child. New scientific data makes it clear that it is not just her health when she is pregnant, or even throughout her entire life, but going back to when she herself was in the womb. And so, let me describe for you the insidious "cycle of malnutrition" that persists in South Asia.

A baby girl in India and Bangladesh is born underweight and malnourished. She is nursed less and fed less nutritious food than her brother. She is often denied health care and education. She is forced to work even as a child. Her work burden increases significantly as she gets older—even when she is pregnant. She is married and pregnant when she is young, often just a teenager. She is underweight and malnourished when she gives birth to her children who are born underweight and malnourished. And the cycle continues.

Even in the Punjab, the region of India where the green revolution was most successful, this cycle and these high rates of malnutrition still persist.

New Research

It has been clear for some time that maternal deprivation and subsequent fetal deprivation cause children to be highly susceptible to infectious diseases like tuberculosis and malaria.

New research shows that maternal deprivation also makes the body susceptible to diseases we associate with affluence—hypertension, cardiovascular diseases, type 2 diabetes, among others. In the next 20 years, India will have the largest number of diabetic patients, and coronary heart disease will become the leading cause of mortality.

This new research underscores that what begins as the neglect and discrimination of women ends in causing adversity for the health and survival of all.

WOMEN AS PRODUCERS

Now as to the role of women as producers: just as we must learn to think "women" when we think "hungry people"—we must think "women" when we think food producers in the developing world. And, I regret to say, we do not. Women have been largely bypassed by development assistance and programs focused on agriculture.

Rural women are responsible for half of the world's food production and produce 60 to 80 percent of the food in most developing countries.

In sub-Saharan Africa, women food farmers produce 80 percent of Africa's food, do the vast majority of the work to process, transport, store and market Africa's food, and they also provide 90 percent of the water, wood and fuel. Food processing alone creates a heavy work load for women. In parts of Africa, women spend four hours a day grinding grain.

They do all this, despite the fact that they own 1 percent of the land, receive less than 7 percent of farm extension services, and receive less than 10 percent of the credit given to small-scale farmers.

Effects of HIV/AIDS in Africa

If this reality weren't challenging enough, we must also recognize that the impact of HIV/AIDS on agricultural production and food security has been devastating. Families affected by HIV/AIDS see their food production cut by 40%.

This epidemic in Africa is spiraling out of control because men have multiple partners and unsafe sex, and women because of their low status are kept uninformed about prevention and powerless to protect themselves. Twice as many young women as men are infected.

Bottom line—there is a direct correlation between women's low status, the violation of their human rights, and HIV transmission. In epidemiological terms, persuading 10 men with several partners to engage in safe sex has far greater impact than enabling one thousand women to protect themselves from their only partner. The 10 men are at the beginning of the chain of infection; the 1,000 women are its last link.

Violence against women impedes development

The other health hazard is violence against women. Violence against women continues to devastate millions of women worldwide, destroying families and impeding development.

In this new century—in the year 2003—it is sobering to acknowledge that many societies still find it acceptable and justifiable to beat—rape—stone—burn—disfigure and murder women. When one group of people in society is treated as inferior to another—the only way to keep that lie in place is by violence and the threat of violence.

Women's invisible work in the informal sector

The majority of women in the developing world work in agriculture. But a significant portion also work in the informal sector. Their work remains largely invisible in official statistics, because it takes place outside the formal economic structure.

Women work as—vendors, weavers, potters, handicraft workers, laundry workers, and manual laborers. Women may be poor, illiterate and undernourished, but they are economically active. They contribute significantly to the economy and society with their labor.

Let me give you a specific example of the importance of women's work—regardless of how invisible it is:

In India, young girls and women include in their daily work collecting and drying of cow dung which is used primarily as fuel in most of rural India where 75 percent of the population lives. Their work saves India at least $10.5 billion a year that would otherwise need to be spent on petroleum. It is estimated that, if the Indian women went on strike and no longer collected cow dung, India would be in an economic crisis in three weeks.

WOMEN'S LEADERSHIP

The third critical link—between women and ending hunger is women's leadership. In countries with the persistence of hunger, women bear full responsibility for the key issues in ending hunger: family health, nutrition, sanitation, education and increasingly—family income. Yet women are systematically denied the information, education and freedom of action they need to fulfill these responsibilities.

When women have more voice in decision making in the home, their families are healthier, better nourished and better educated. In Brazil, as well as other countries, research shows that income in the hands of mothers has four times the impact on child nutrition as the same income in the hands of fathers.

When women gain voice in decision making in their villages, they have the opportunity to alter the development agenda to address issues critical to meeting basic needs. They take action against dowry, domestic violence, child marriage and child labor. Women in positions of leadership begin to transform gender relations and to call into question the deeply entrenched patriarchal system. They help other women to know their rights.

In India and Bangladesh, there is now an extraordinary opportunity. New laws guarantee that ⅓ of all seats in elected local government are reserved for women. As a result, in the region of the world where women have been the most subjugated—more than 5 million women have engaged in the political process by standing for elections and 1 million women have become elected local leaders—more elected women than in all the other countries of the world combined.

I consider this transfer of power to these one million elected women—who themselves are often illiterate and malnourished—to be a potent and direct intervention in the persistence of hunger.

WHEN WOMEN ARE EMPOWERED—SOCIETY BENEFITS

Now let's examine what happens to a society when women are empowered. The evidence is overwhelming—women's empowerment has the most far-reaching effects on the lives of all—men, women and children. Let's examine some of this evidence:

A recent analysis of development by the World Bank indicates that countries with smaller gaps between women and men in areas such as education, employment and property rights have lower child malnutrition and mortality, they also have less corruption in governance and faster economic growth.

Cross-country studies report that if the Middle East, South Asia and Africa had been as successful as East Asia in narrowing the gender gap only in education, the Gross National Product (GNP) per capita in these regions would have grown by an additional 16 to 30 percent from 1960 to 1990.

In sub-Saharan Africa, if women farmers were given the same support as that given to men their yields could increase by more than 20 percent. And, it is now clear that women's empowerment is more influential than economic growth in moderating fertility rates, thereby slowing population growth.

Bottom line: women are at the center of the development process. When they are empowered these are the results: faster economic growth, less corruption in governance, lower childhood malnutrition, lower child mortality, increased agricultural production, more children in school, including girls, health hazards are reduced, and the overall health and wellbeing of a society is greatly improved.

THE GAP BETWEEN RECOGNITION OF WOMEN'S VITAL ROLE AND POLICIES, PROGRAMS AND ACTION

Even though the evidence is overwhelming and there is increasing recognition that women are the key to sustainable development—the gap between this recognition, and policies, programs, and action is enormous.

Now let's look at 3 examples:

First, the International Conference on Financing for Development—known as the Monterrey Summit. The Monterrey Summit did address issues like good governance, people-centered development, and global responsibility—but the vital role of women in achieving sustainable development was not recognized. The words "gender sensitive" made it into the final Monterrey Consensus document, but the four people who control the world's purse-strings—President Bush, the heads of the World Bank, IMF and the European Commission never once mentioned the vital role of women. In fact, the word "woman" was used only once among these four keynote speakers and that was in reference to micro credit.

Regarding the 2001 New Partnership for Africa's Development (NEPAD)—we need to know that this charter does not come close to recognizing that women are key to development. In fact, women are not adequately included in any section of its analytical framework or its plan of action.

Now let's look at the constitutional amendment which guarantees women ⅓ of the seats in local village councils in India. It was passed by one vote. The amendment continues to be under attack, and is in danger of being repealed.

RECOMMENDATIONS

Given that women are at the center of the development process:

1. I recommend that women be placed in high level decision-making positions in all international organizations.

2. All legislation—budget allocations—and programs related to development must specifically empower women as the key change agents to achieve sustainable development.

JOSEPH A. PICHLER HONORED BY HEBREW UNION COLLEGE JEWISH INSTITUTE OF RELIGION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Joseph A. Pichler, a constituent and friend, who will be honored by Hebrew Union College-Jewish Institute of Religion at its 21st Annual Cincinnati Associates Tribute Dinner on November 2, 2003. Joe will be honored for his exemplary civic and philanthropic leadership.

Joe is a member of the Corporate Council of Hebrew Union College-Jewish Institute of Religion. Founded in Cincinnati in 1875, the College-Institute is the oldest institution of higher Jewish education in the western hemisphere. The College-Institute prepares rabbis, cantors, religious school educators and Jewish communal workers at its four campuses in Cincinnati, New York, Los Angeles and Jerusalem. The College-Institute also awards Masters and Doctoral degrees to men and women of all faiths.

Joe brings leadership, hard work and energy to every assignment. Currently Chairman of the Board of the Kroger Company, he also served Kroger as Chief Executive Officer; President and Chief Operating Officer; and Executive Vice President. Joe joined Dillon Companies in 1980 as Executive Vice President and was elected to Kroger's Board of Directors when Dillon merged with Kroger in 1983. For fifteen years, he taught at the University of Kansas School of Business, and served as Dean from 1974 to 1980. From 1968 to 1970, he was Special Assistant to the U.S. Department of Labor's Assistant Secretary for Manpower. Joe is a member of the Board of Directors of Federated Department Stores, Inc., and Milacron, Inc.

In a career consistently marked by high points and achievements, Joe has pursued service to our community with equal enthusiasm. He is a member of the Board of Directors of the Cincinnati City Development Corporation; Member of the Board of Trustees of Xavier University; Member of the Advisory Board of the Cincinnati Chapter of the Salvation Army; CoChairman of the Greater Cincinnati Scholarship Association; and a Member of the Catholic Commission of Intellectual and Cultural Affairs. In 2000, he was presented with the Distinguished Service Citation by the National Conference for Community and Justice.

A magna cum laude graduate of Notre Dame University, Joe received an M.B.A. and Ph.D. from the University of Chicago. He and his wife, Susan—who is also a dedicated community volunteer—have four children.

All of us in Cincinnati congratulate Joe on receiving this prestigious award.

TRIBUTE TO KELLEY GREEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Frances M. "Kelley" Green, a citizen of Colorado, who dedicated her life to preserving and protecting Colorado's and the nation's environment and human rights. As a dedicated attorney, philanthropist and teacher, Kelley committed her life to social causes that improved the conditions of others and the greater community.

A native of Georgia, Kelley graduated from Wellesley College and received her law degree from George Washington University Law School. Following law school, she clerked for U.S. District Judge Frank M. Johnson, a key jurist in civil rights cases in the '50s and '60s. As a child of the '60s, Kelley's passions became the focal point for her life of public service, and her vision propelled forward two environmental organizations that will shape the lives of Colorado's citizens for decades to come.

Following law school and her judicial clerkship, Green practiced law at Wilmer, Cutler and Pickering in Washington, D.C. In 1976, she was tapped to serve as a member of President Carter's transition team and was appointed deputy assistant attorney general for the Carter Administration from 1977–1979.

Colorado was lucky to gain Kelley as a permanent resident in 1982, when she moved to Boulder to work for the National Wildlife Foundation at the University of Colorado. In 1989, while running her own private practice, Green founded the Land and Water Fund of the

Rockies, an environmental law and advocacy organization, dedicated to developing solutions tailored to the unique environment of the interior American West. The group strives to consider the economic, environmental, and cultural implications of all its actions and now has more than 20 employees.

In 1999, Kelley's passion for the long term sustainability of the Rocky Mountain West inspired her to create Earth Walk, an environmental science-learning program. Geared to low-income inner city children, Earth Walk's goal is to increase 9 to 12 year olds awareness of the world around them and inspire them to become environmentalists. With after school programs in Northeast Denver and a summer camp in Utah, Earth Walk is achieving its mission.

Her personal philanthropy was demonstrated through the Green Fund, a private foundation supporting environmental projects, programs serving women and children and efforts to educate women in Afghanistan. She was also a distinguished board member of the Southern Poverty Law Center in Alabama.

Colorado and the Rocky Mountain West will miss Frances Kelley Green, an outstanding woman who inspired us all to be advocates for environmental justice, to be passionate about our lives and the world we live in, and to act with wisdom and compassion about the future of our fragile environment.

For the information of our colleagues, here is a copy of a news article on Kelly's passing:

[From the Denver Post, Sept. 9, 2003]

Boulder Lawyer a True Friend of the Environment

(By Claire Martin)

She was baptized Frances M. Green but was destined to be Kelley Green, an environmental lawyer and advocate and a philanthropist who made sure that her passion for the environment endured beyond her lifetime.

Kelley Green, 57, died of uterine cancer Aug. 25 in Boulder.

Green was 44 and a lawyer with a private practice in Boulder when, in 1989, she founded the Boulder-based Land and Water Fund, now known as Western Resource Advocates.

"As a lawyer, she handled these environmental cases, and there was a real absence then of competent environmental lawyers who were available to grassroots environmental organizations—not only in Colorado but throughout the interior West," said Bruce Driver, Western Resource Advocates' executive director.

Over the next 10 years, the organization became both a resource for budget-challenged environmental groups and an influential advocate of campaigns to protect natural environments in Colorado, New Mexico, Arizona, Utah, Nevada and Idaho.

"She was tenacious, very smart, and street-smart," Driver said. "She was the kind of person who could sidle into a room and not say much for a while. But you could tell she'd been listening, because she'd come out and say something that kind of wrapped everything up in five sentences. She was very, very intelligent."

Green graduated from Wellesley College and earned her law degree in 1972 from George Washington University Law School, where she was notes editor of the law review.

After graduating, she worked as a clerk for U.S. District Judge Frank M. Johnson, who made key decisions in civil-rights cases of the 1950s and '60s. She became a passionate advocate of civil rights and served on the board of the Southern Poverty Law Center in Montgomery, Ala.

She also was a member of the 1976 transition team for President Carter and served as a deputy associate attorney general in 1977-79.

She never married. She threw her energy into the work she saw as vocation and avocation. If she joined an organization as a volunteer, not much time passed before she was helping run things.

Green first came to the Satyana Institute, a nonprofit training and service organization in Boulder then known as Shavano, to volunteer twice a week to file, handle the accounting and other clerking tasks. She went on to become the first chairwoman of the organization's board of directors.

Green invested her own money, along with her time, in the causes she adopted. In 1997 she founded Denver-based Earth Walk, an environmental education program offered to urban fourth-, fifth- and sixth-grade students in classrooms and wilderness camps. After she died, friends and associates learned that she had also created The Green Fund, a private philanthropic foundation that she used to anonymously donate to environmental projects, women and children's organizations, and to the education of women in Afghanistan.

TRIBUTE TO BO DIDDLEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, in tribute to Bo Diddley, one of the true pioneers of rock and roll, who has influenced generations, I would like to submit the following excerpt from the article entitled "Pioneer of a Beat Is Still Riffing for His Due" written by Bernard Weinraub for the New York Times on February 16, 2003:

[From the New York Times, Feb. 16, 2003]

Pioneer of a Beat Is Still Riffing for His Due

(By Bernard Weinraub)

Every morning at 4 a.m., Bo Diddley walks into a ramshackle studio on his 76-acre property outside Gainesville to write music. Several electric guitars are scattered on the floor. The studio, a double-wide trailer, is crammed with recording equipment, a synthesizer and electronic gadgets of obscure types. Piled in every corner are boxes of tapes of Bo Diddley songs never released.

Mr. Diddley, 74, sat forward on a hard chair and lifted a blond-finished guitar, made for him by a music store in Gainesville. His enormous fingers, wrinkled and strong, grazed the strings. Hooked into an electronic gadget, the strums became the sounds of a small orchestra: strings, chimes, a brassy horn, an organ and a gospel piano, providing a thumping echo of Bo Diddley songs.

"I'm still jumping, doing all right," he said, grinning. "I'm just trying to figure out how to stay in the game. America will drop you like a hot potato, I don't care how big you are. You're big one day and the next day, right away, you're a has-been. Just trying to figure it all out. Maybe I just began."

Bo Diddley is a musical pioneer who has influenced generations of rockers, and with electrifying stars like Chuck Berry and Little Richard, he reshaped popular music half a century ago. But despite helping build rock's rhythmic foundations, he has never enjoyed quite the success and recognition of his two contemporaries. Last May all three received the first Broadcast Music Inc. (BMI) Icon Awards as founders of rock 'n' roll. But as a patriarch, Mr. Diddley rivals and in some ways surpasses his two contemporaries.

Performers as diverse as Elvis Presley, Buddy Holly, Jimi Hendrix, Mick Jagger and Bruce Springsteen have been inspired by the syncopated Bo Diddley beat—bomp ba-bomp bomp, bomp bomp—which has been traced to myriad sources, including the drumbeats of the Yoruba and Kongo cultures. At the Beatles' first American news conference in 1964, a reporter asked John Lennon, "What are you most looking forward to seeing here in America, John?" He replied, "Bo Diddley."

Mr. Diddley's uses of the electric guitar, creating special effects like reverb, tremolo and distortion, influenced funk bands in the 1960's and heavy metal groups in the 1970's. His strutting and powerful presence onstage, his sly, wisecracking songs ("Hey, Bo Diddley"), his cocky attitude, jive dialogue, lyrics of sexual prowess ("I'm a Man") and ritualized bragging predate rap, which sometimes disgusts him with its language.

"I opened the door for a lot of people, and they just ran through and left me holding the knob," he said with pride and anger.

Mr. Diddley is still struggling, still creating, still reinventing his career, even though he released few albums in the 1980's and 1990's. "Every weekend I'm booked somewhere, someplace," he said. "You got to change, you got to roll with the punches and come up with something new."

Mr. Diddley is hardly shy about proclaiming his importance. "Have I been recognized? No, no, no. Not like I should have been," he said. "Have I been ripped off? Have I seen royalty checks? You bet I've been ripped off."

Mr. Diddley's sense of grievance is justified. Like many other musicians of the 1950's, 60's and earlier, white and black, he was exploited by record companies who took care of car payments and home bills but never provided an accounting of record sales. Beyond this, his stature and impact as a composer, arranger, performer, singer and even humorist have been overlooked.

Praise From His Peers

"Still the most underrated rock 'n' roller of the century," Phil Everly of the Everly Brothers once said.

Robert Santelli, chief executive of the Seattle-based Experience Music Project, the interactive music museum, concurred. "Bo is the most misunderstood and the least appreciated pioneer of rock 'n' roll," he said. "That beat—that signature Bo Diddley beat—is essential to the rhythm of rock 'n' roll."

Mr. Santelli, a former official at the Rock 'n' Roll Hall of Fame in Cleveland, can find it in every tributary of rock. "You hear it from Springsteen on down—you hear it in the Rolling Stones, the Who, the Yardbirds and those first-generation British bands," he said. "They were trying to find a balance between black blues and rhythm-and-blues and rock 'n' roll, and Bo Diddley was the living embodiment of that balance."

Joe Levy, the music editor of Rolling Stone, says he is undervalued in another way. "He's still out there, still making music," he said. "Here's this guy who made great records and could still make great records if he was given the chance."

Why Mr. Diddley has never quite succeeded on the level of Mr. Berry or Little Richard is in large measure a consequence of the racial thicket that black Rock 'n' roll performers traversed in the 50's and 60's to gain acceptance by a broad white audience.

Mr. Diddley still speaks of what he calls the most humiliating moment of his life. In 1959, the singer recalled, he and some of his band members, who were black, began swimming in a pool on a scorching day at the Showboat Casino in Las Vegas. As soon as the band members jumped into the pool, the white families in it climbed out. A pool attendant put up a sign that said "contaminated water," he recalled.

Mr. Berry achieved enduring success partly because adolescent white audiences found his buoyant, somewhat naughty enthusiasm as appealing as black teenagers did. Similarly, Little Richard, in contrast to Mr. Diddley, went out of his way to appeal to white audiences. But even though his original lyrics to "Tutti-Frutti" were bluntly sexual, his silver-lame suits, pancake makeup, thick eyeshadow and high, slick processed pompadour gave him a high-camp sexual ambiguity that rendered him unthreatening to white teenagers and parents.

Bo Diddley never quite conquered the racial divide. As George R. White, author of "Bo Diddley: Living Legend" wrote: "Diddley remained firmly rooted in the ghetto. Both his music and his image were too loud, too raunchy, too black ever to cross over." His records were frequently played on jukeboxes and at dances but far less on the radio. Television appearances were rare. There were no movie offers.

Mr. Diddley was often uncompromising. In his dressing room before a 1955 appearance on "The Ed Sullivan Show," on which he was set to sing "Bo Diddley," Mr. Diddley said that the show's producers asked him to sing Tennessee Ernie Ford's "Sixteen Tons," then a huge hit. Mr. Diddley claimed not to know it, so cue cards were quickly written. Mr. Diddley said he thought he was now to perform two songs, not one, and he began with "Bo Diddley." Later he drawled, "Man, maybe that was 'Sixteen Tons' on those cards, but all I saw was 'Bo Diddley.'" Sullivan was enraged, Mr. Diddley recalled.

"He says to me, 'You're the first black boy'—that's a quote—'that ever double-crossed me,'" Mr. Diddley recalled. "I was ready to fight. I was a dude from the streets of Chicago, and him calling me a black boy was as bad as him saying 'nigger.' They pulled me away from him because I was ready to fall on the dude." He said Mr. Sullivan told him that he would never work in television again. "I was scared," Mr. Diddley acknowledged.

The final insult, he said, was that he was told to return his $750 fee for the show.

In fact, Mr. Diddley's next television appearance was seven years later on "The Clay Cole Show" on WPIX-TV in New York. He didn't appear again on a network show for a decade, until he performed on "Shindig" on ABC in 1965.

Mr. Diddley was named Otha Ellas Bates at birth on Dec. 30, 1928, in McComb in southwestern Mississippi, a violent civil rights battleground in the 1950's and 60's. His mother, Ethel Wilson, was 15 or 16; he never knew his father, Eugene Bates. His family were sharecroppers; he was raised by his mother's first cousin, Gussie McDaniel. "In fact, Momma Gussie raised my Momma," he said.

The death of Mrs. McDaniel's husband, Robert, in 1934 and the harshness of the Depression-era rural South led the family to Chicago, where they had relatives.

In Chicago, destination for so many other Southern blacks, the family changed the boy's name to Ellas Bates McDaniel. Mr. Diddley said he thought Chicago schools wouldn't accept him unless Mrs. McDaniel was seen as his legal guardian.

Ellas soon showed an an aptitude for music. At 8 he saw a boy playing violin and asked Mrs. McDaniel to buy one. The family was on relief. So their church, the Ebenezer Missionary Baptist Church on the South Side, began a collection, bought him a violin and paid for lessons—50 cents each—by a classical teacher, O. W. Frederick. Bo played classical music until he was 15, when he broke a finger. (He can no longer play the violin because his fingers are too thick, the result in part of a short teenage career as an amateur boxer.)

But more important, the music of the South Side was the blues, thanks to Muddy Waters and many others who had also moved to Chicago from Mississippi.

His First Guitar

Mr. Diddley began playing the drums but yearned to play guitar and sing like his idol, the Mississippi-born John Lee Hooker. Mr. Diddley's stepsister, Lucille, gave him a guitar for Christmas in 1940, when he was about to turn 12.

Bo taught himself to play, experimenting and duplicating the sound of his bow on the violin by rapidly flicking his pick across the guitar strings. (He also played trombone and the drums in the church band.)

He did not treat the guitar gently. "I couldn't play like everyone else," he said. "Guitarists have skinny fingers. I didn't. Look at these. I got meat hooks. Size 12 glove." He came to approach the guitar as if it were a drum set, thrusting the music forward. "I play drum licks on the guitar," he said. The result was an unusual sound—later played on his hand-built, exotically shaped guitars—that evolved into a distinctive backbeat, described by music historians as the meter of "shave-and-a-haircut, two bits." In the background he added maracas, which he built from toilet-tank floats, giving the music a Latin texture, and he gave more rhythm to the drum beat. The lyrics were often delivered staccato, adding to the pounding rhythm.

The Bo Diddley beat can be traced to West Africa via Cuba. It is also firmly rooted in African-American culture. In rural Mississippi and elsewhere in the South, slaves were denied access to traditional drums because slaveholders feared they could be used for communication. So they patted out rhythm on their bodies. This became "Hambone," an African-American musical tradition of stomping and slapping once used by shoeshine men and still affecting tap dance, cheerleading and a host of other disparate pursuits. At the same time, the guitar beat in the rural fields of the South was a common rhythm played by children on homemade single-string instruments rooted in Africa called diddley bows.

And that, of course, was how Bo Diddley got his name.

XEMA JACOBSON—2003 JOHNS LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. FILNER. Mr. Speaker, I rise to salute Xema Jacobson on receiving the 2003 Johns "Labor Leader of the Year" Award in recognition of her outstanding contributions to the working men and women of our community.

Xema is a native San Diegan, a graduate of Patrick Henry High School and San Diego State University, where she earned a Bachelor's Degree in Political Science. After graduating from college, she went to work for Congressman Jim Bates, where she served as a Casework Supervisor and Field Representative in his Chula Vista District office.

In 1990, Xema became actively involved in the Labor Movement when the San Diego County Building and Construction Trades Council hired her as its Director of the Public Works Task Force. In this role, she worked with the affiliated building and construction trade unions monitoring public works projects in San Diego County for compliance with relevant labor laws. In addition, she was responsible for filing complaints for violations, contracting Awarding Agencies regarding the public contracting process and representing the Council on issues involving public works within the County.

In 1993, the International Brotherhood of Electrical Workers Local 569, Laborers Local 89 and Sheet Metal Workers Local 206 hired Xema to monitor public works projects on their behalf. She has spent seven years monitoring public works projects throughout San Diego and Imperial Counties and working with the San Diego-Imperial Counties Labor Council in creating the Labor to Neighbor political education program.

From 2000–2003, Xema served as Business Manager of the San Diego County Building Trades Council, serving as the only female Business Manager in the nation. Representing 24 affiliated building and construction trade unions throughout the county, she administered the building trade agreements at San Onofre Nuclear Generating Station, the Padres Ballpark, the Olivenhein Dam and the Otay Mesa Generating Facility. She was also the Chairman of the Board of the National City Parks Apartments; a 150–unit non-profit apartment community for low-income residents built owned and operated by the Building Trades. In addition, Xema was elected 2nd Vice President of the San Diego-Imperial Counties Labor Council and served on its Executive Board from 2000 to January 2003.

In December 2002, Xema was appointed by Governor Gray Davis to serve a four-year term as a member of the Executive Committee for the San Diego County Regional Airport Authority. The newly created Airport Authority oversees the operations of the San Diego International Airport. The Executive Committee is charged with hiring key Airport Authority personnel and, along with the full Board, recommending an airport site to County voters.

Xema has been active in Democratic politics, serving as Assemblyman and Senator Steve Peace's appointee to the State Democratic Party from 1990 to 2000. She also served one term on the State Democratic Party Executive Board, working on the party platform committee.

In her community, she serves on the Board of Directors of the United Way of San Diego, the Holiday Bowl Committee, and is a member of the Stan Foster Construction Tech Academy at Kearny High School Advisory Committee. She has previously served as President of the Board of the San Diego Food Bank and as the first woman President of the Kiwanis Club of Chula Vista.

Xema makes her home in Casa de Oro in eastern San Diego County with her husband, Johnny Simpson and their children, Alexandra and Cody.

Xema Jacobson exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to her on her recognition as the 2003 "Labor Leader of the Year Award."

HONORING TOM BAKER OF BASALT, CO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of Mr. Tom Baker, the Town Manager of Basalt, CO. Mr. Baker is the recipient of the University of Colorado's Leo. C. Riethmayer award for the "outstanding public administrator of 2003".

Mr. Baker has proven his dedication to the Roaring Fork Valley since 1983, having held a variety of local government positions during his residency. In particular his tenure as Town Manager has provided him with the authority to restructure Basalt's local government process by downplaying the role of elected officials in the town's decisionmaking processes, which has successfully promoted increased citizen involvement.

Specifically, Mr. Baker has created citizen committees, in which ten percent of Basalt's residents participate, to ensure broad constituent involvement in the decisions of the town government. The utilization of these committees has enabled the town to avoid failures that are often associated with uninformed policy decisions. The dedication, vision, and selflessness with which Mr. Baker has pursued his work deserves our most sincere thanks. Thus, I ask that my colleagues join with me in thanking Tom Baker for his service and many contributions to his community. He is much appreciated.

For further information on our colleague, I am attaching a copy of a recent story about Mr. Baker that appeared in The Aspen Times newspaper on July 25, 2003.

BAKER NAMED "OUTSTANDING" TOWN MANAGER

(By Scott Condon)

Basalt Town Manager Tom Baker has received a top honor in Colorado as the "outstanding public administrator of 2003."

The Colorado Chapter of Pi Alpha Alpha and the Graduate School of Public Affairs at the University of Colorado, Denver, selected Baker as the winner of the Leo C. Riethmayer award. It is given annually in Riethmayer's memory as the founding father of public affairs studies at CU.

While Baker was honored to receive the recognition, he was characteristically humble about his role in earning it.

"To be singled out for recognition is almost uncomfortable," he said. "The whole community is really being acknowledged."

Baker was a finalist for the award last year, when his nomination was coordinated by Basalt Town Councilwoman Jacque Whitsitt. The selection committee contacted Basalt Mayor Rick Stevens this year and urged him to re-nominate Baker because he was such a strong candidate.

Baker has drawn accolades for helping create a "horizontal, informal" type of governing in Basalt that downplays the role of the elected officials as decisionmakers and promotes citizen involvement.

Town officials estimated 10 percent of Basalt residents, roughly 220 people, are working directly with the town government on one of many citizen committees. There are currently 14 citizen committees working on issues ranging from the water rate structure, to how property along the Roaring Fork and Fryingpan rivers should be developed.

The idea of drawing so much community participation is to empower individuals in the decisionmaking process, Baker said. It is meant to avoid the "us versus them" trap politics often falls into when a handful of elected officials make decisions in a vacuum.

Baker was hired as the town manager in late 1998, and from the start he nurtured the idea of the town building "social capital." Instead of just reviewing land-use applications, the Town Council and town staff work to strengthen civic organizations and causes, both permanent and ad hoc.

Baker received his Bachelor of Science degree in City and Regional Planning from the Illinois Institute of Technology, and his Master of Public Administration from CU Denver.

He has been a resident of the Roaring Fork Valley since 1983 and has held a variety of local government positions, including Aspen Assistant City Manager, Executive Director of the Aspen/Pitkin County Housing Authority, and Assistant Planning Director for Aspen and Pitkin County. He received the Leadership Aspen Alumni Award in 2001 and serves on The Aspen Institute's Community Forum Board. He is an accomplished facilitator and serves as an advisor to the Institute of Social Ecology and Public Policy at Monterey, California.

The official presentation and celebration of the Riethmayer Award will take place on Tuesday, August 12, in Basalt. This event usually happens on the Front Range, but this year the Pi Alpha Alpha Colorado chapter board members will come to Basalt to honor Baker in his hometown.

HISPANIC HERITAGE MONTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. KAPTUR. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which runs through October 15, 2003. In our district across Northern Ohio, the community has organized events to honor our fellow citizens with Hispanic heritage. In our communities, Hispanic citizens have long made lasting contributions to all aspects of civic life, including business, education, religion, labor, and politics.

Ohio's ninth district Hispanic community is comprised of a large and vibrant Mexican American community, a spirited Puerto Rican community and many other countries in Central and South America and the Caribbean whose ancestry is represented. We celebrate many important holidays such as Dia de los Muertos and Puerto Rico's Independence, musical and artistic celebrations such as LatinoFest and support the existence of organizations such as Latins United, Club Taino and many others.

Congress first resolved the celebration of Hispanic heritage through Public Law 90–498 in 1968. At that time the President was asked to issue annually a proclamation designating the week including September 15–16 as National Hispanic Heritage Week and calling upon the people of the United States, especially the educational community, to observe the week with appropriate ceremonies.

It was not until 1988, however, that the Congress drafted and approved a joint resolution to approve a month-long commemoration.

Hispanic Heritage Month affords us a special opportunity to celebrate the contributions of Hispanic Americans, now 38 million strong and the nation's largest minority group. It gives us the opportunity to thank them for enriching the quality of life in America. It gives us the opportunity to learn more about Hispanic Americans and their lives in America. It gives us an opportunity to pause and take note that no fewer than 40 Hispanic Americans have been awarded the Medal of Honor, our nation's highest honor for valor in action. It gives us an opportunity to reflect on the commitment to social justice exemplified by such leaders as Cesar Chavez and Dolores Huerta. It gives us an opportunity to resolve to fulfill the dream of "si se puede" of eradicating poverty and injustice and ensuring that all Hispanic Americans enjoy a full stakehold in American society of the 21st Century.

So, during this Hispanic Heritage Week, while we celebrate so many extraordinary achievements, we are also mindful of the challenges ahead and the bright future for Hispanic Americans in our changing American culture.

TRIBUTE TO ALEX MACHASKEE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize Alex Machaskee, President, Publisher and Chief Executive Officer of The Plain Dealer in Cleveland, Ohio. Alex will be honored as the International Business Executive of the Year by the World Trade Center Cleveland on September 18, 2003. This award recognizes leading Northeast Ohio business executives for achievements in international business.

Alex was born in Warren, Ohio. He is a graduate of Cleveland State University with a bachelor's degree in marketing. He joined The Plain Dealer in 1960. Before being named Publisher in 1990, he served five years as Vice President and General Manger. He also served as Director of Labor Relations and Personnel, Assistant to the Publisher and Promotion Director.

In addition to his service at The Plain Dealer, Alex has been active with a number of local and national organizations. He is Chairman of the Board of United Way Services, and served as Chairman of the United Way Campaign from 2000 to 2001. He is past Chairman and a member of the Greater Cleveland Roundtable, an organization of community leaders that works to promote racial amity and diversity. Alex also is Vice President of the Musical Arts Association (the Cleveland Orchestra), serves on the Board Governance and the Finance and Administration Committees of the Cleveland Foundation and is a member of the Museum Council of the Cleveland Museum of Art. Nationally, he is a member of the Labor Relations Subcommittee of the Newspaper Association of America and a member of the American Society of Newspaper Editors.

Alex's success has not gone unnoticed. He was awarded the honorary degree of Doctor of Humane Letters from Cleveland State University in 1995 and from the University of Akron in 1998. He also was inducted into the Northeast Ohio Business Hall of Fame in 2001.

Mr. Speaker, Alex's leadership has been integral to promoting the economy of Northeast Ohio, and I hope my colleagues will join me in recognizing his accomplishments as he is honored as the International Business Executive of the Year. All of us in Southwest Ohio, the area I represent, congratulate him for his outstanding service, including his commitment to our friends in Northeast Ohio.

HONORING THE 112TH ANNIVERSARY OF THE OXFORD HOTEL OF DENVER, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 112th Anniversary of the Oxford Hotel in Denver, Colorado.

Mr. Speaker, 1891 was a tremendous year. Fueled by the Silver Rush, it was a time of great promise for the fledgling State of Colorado, and in September of that year, the Oxford Hotel opened its doors for the first time. With its beautiful artwork and antique furniture, the Oxford offered its patrons class and luxury in the heart of the American Frontier. It provided its patrons with world-class dining facilities. The Oxford also was one of the first hotels in the West to have an elevator.

Located in the historic Lower Downtown district of Denver, the Oxford is only a walk away from the city's most cherished landmarks: The Denver Mint, the State Capital, Larimer Square, and the Denver Center for the Performing Arts, just to name a few. It's history and location helped build the Oxford's reputation as a cultural beacon in Colorado. This was reinforced in the 1960's and 70's when the hotel became renowned for as a jazz center.

For years I have had the privilege of knowing the owners of the Oxford Hotel: Walter and Christie Eisenberg and Dana Crawford. And I must commend them for their fabulous preservation of the Oxford as a piece of Colorado history and for maintaining its reputation as one of the West's best hotels.

The Oxford has seen a city, a state, and indeed a whole region grow around it in its 112 years. Even though the country around the Oxford has changed dramatically, the hotel has not. This wonderful hotel remains a unique visiting experience for its patrons. It still provides world-class services to all who stay there. And it is, and shall be, one of Colorado's most cherished landmarks for as long as it stands.

Mr. Speaker, I encourage my colleagues to join me and show support for the Oxford Hotel and its 112 years of greatness.

INTRODUCTION OF A RESOLUTION URGING OBSERVANCE OF GLOBAL FAMILY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CONYERS. Mr. Speaker, I am pleased today to introduce the Global Family Day Resolution.

For several years leading up to the turn of the new millennium, a small group of children and mothers patiently petitioned the Congress and the United Nations, asking that a special day of peace and sharing be established and celebrated on January 1, 2000—a day without violence, a day when citizens and nations would lay down their arms and extend their hands in friendship and caring for all the peoples of the earth. This would be a day when all people regardless of race, culture, religion or economic status might celebrate life on earth together.

"One Day in Peace January 1, 2000" as designated by the United Nations General Assembly, and supported by a thousand organizations, a hundred governments, and twenty-five U.S. governors, did indeed become a day of peace, a twenty-four hour period in which violence was rare and kindness and cooperation commonplace.

Despite the very real dangers of riot, terrorism, out-of-control celebrants, and panic over expected failure of computer systems worldwide, through cooperation and responsible actions by nearly every nation and literally billions of individuals, the first day of the 2000's also became the world's first deliberate day of peace.

Noting that rare accomplishment, in 2000, the 106th Congress unanimously recommended that every year begin with a day of peace and sharing, and asked that the President annually lead in promoting its observance.

Late in 2001, the United Nations General Assembly also recommended that all member nations and all the peoples of the world join in its commemoration.

Following the tragedy of 9/11, Congressional leaders joined me in requesting that the President issue his annual proclamation early that year, in order that Americans and others around the world could prepare, with food drives and pledges of nonviolence, for a celebration intended to help reduce both hate and hunger, locally and globally. However, citing the ongoing conflict in Afghanistan at the time, the White House declined.

At this time of intense international tensions, a time when Americans' true motives are misunderstood around the world and escalating conflicts threaten, we again implore the President to take a leadership position in the promulgation of One Day in Peace, now to be known as Global Family Day.

For as long as half of our human family must live on less than two dollars a day, as long as innocent civilians are dying in Iraq and disease devastates Africa, as long as children are starving in North Korea or go hungry in American schools, we know there is room for improvement in our global family values. And that is what Global Family Day was created to do.

I ask all members to join me in supporting this cause.

CHARLES R. FOUQUETTE—2003 JOHNS FELLOWSHIP AWARD WINNER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. FILNER. Mr. Speaker, I rise to salute Charles R. Fouquette on receiving the 2003 Johns "Fellowship Award" in recognition of his outstanding contributions to the working men and women of our community.

Charley is a 10th generation Californian who was born and raised in the San Diego area. After high school, Charley went to work for the Santee Water District, beginning as an installer then serving as an equipment operator, running bulldozers, loaders and graders, and building Santee Lakes 2 through 6.

In 1965, Charley took a job as a labor foreman for a union company, building tilt-up and lift-slab buildings for the Navy at Camp Pendleton. When the job was completed, he worked with a number of ironworkers on a job in Port Hueneme, California. Charley admired these ironworkers strong work ethic and dedication to delivering the best possible product for the contractor and themselves. He went to work for Rawlins Steel, a Local 416 company. While at Rawlins, he worked on projects in Tehachapi, along the coast from Santa Barbara down to Malibu, and on the offshore islands.

He returned to San Diego in 1967, and for the next dozen years worked as an ironworker for Brawley Steel, Wilson Steel, Bechtel Power Corp., and finally Saafco Inc. In addition, he taught the Local 229 Ironworkers Apprenticeship Classes for 18 years, and served as Local 229 Trustee, Executive Board Member, JATC Committee Chairman, Vice President, President and Business Representative. He was the Building and Construction Trades Delegate for 16 years and the San Diego and Imperial Labor Council Delegate for 12 years. For 18 years, he was one of three delegates from Local 229 to the District Council of Iron Workers of the State of California and Vicinity, and Contract Negotiator until he retired in May 2002.

Charley has been a member of Johns for 18 years, working to help the Leukemia Society and raising money for medical research. He makes his home in Fletcher Hills with his wife, Sue, and shares in the activities of their 10 grandchildren. Sue and Charley are active members of the San Diego County Orchid Society and the San Diego Horticultural Society, and he has written the monthly orchid column in the California Garden Magazine for 30 years.

Charles R. Fouquette exemplifies the high values, standards, and principles of the late John S. Lyons. I offer my congratulations to him on his recognition as the 2003 Johns "Fellowship Award winner."

INTRODUCING THE SOCIAL SECURITY EARNINGS TEST REPEAL ACT OF 2003

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce legislation that will allow our nation's seniors to keep more of their hard-earned money.

Many seniors prefer to remain active in their retirement, even though they may have chosen to leave their career jobs. Some seniors find second careers later in life which enrich their lives and supplement their income.

Unfortunately, the Social Security Earnings Test prohibited these individuals from receiving full Social Security benefits if their incomes exceeded a certain amount. The earnings test was especially unfair for seniors who relied on that additional income to supplement their Social Security checks, because they would, in effect, lose half of their Social Security benefit.

Recognizing the unfairness of this situation, the Congress passed, and on April 7, 2000, President Clinton signed H.R. 5, the Senior Citizens' Freedom to Work Act. This law eliminated the Social Security earnings test for recipients between the "full retirement age" (currently age 65 and eight months) and age 70.

While this law was a great victory for seniors who chose to work once they reached retirement age, it does not eliminate the earnings test for seniors who choose to retire early at age 62. These individuals, who might also rely on employment income to supplement their Social Security checks, are simply out of luck.

This situation unfairly penalizes many seniors who need to continue to work after they reach retirement age. The Bureau of Labor Services compiled an experimental Consumer Price Index for the elderly, which found that the prices of goods bought by the general public rose by 66.5 percent, while it rose by 72.6 percent for seniors. This difference of over six percent is significant for someone living on a fixed income, as most seniors do. By penalizing individuals who work in addition to receiving Social Security benefits, we are hurting those most in need of assistance. Seniors should not be forced to choose between their Social Security benefits and earned income.

Additionally, forcing seniors to leave the workforce early signifies a valuable loss to our country in terms of skilled and experienced workers. More than ever America is in need of skilled workers. We should be encouraging these individuals to continue contributing to our economy through their tax dollars, and the additional goods they can consume thanks to their added income.

That is why I am introducing the Social Security Earnings Test Repeal Act of 2003. This legislation would amend title II of the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving benefits under such title.

Social Security is a right earned by workers through their hard work. The Social Security Earnings Test Repeal Act of 2003 will allow retirees to rejoin the workforce without the fear of a loss of benefits. We have no right to forbid or difficult someone's desire to work. I urge my colleagues to support this legislation. Thank you, Mr. Speaker.

RECOGNIZING THE LIFE OF JAMES GEORGE LEATHERS FOR HIS OUTSTANDING SERVICE AND DEDICATION TO HIS COMMUNITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of a leader in our community, James George Leathers.

Born in San Francisco on September 4, 1918, Jim passed away on Monday, September 1, 2003, with his wife Dorothy Worth Leathers and his family by his side in Woodland, California. Jim graduated from the University of California at Davis in 1939. After successfully beginning both their farming operation and their family, Jim and Dorothy built their dream home in Woodland in 1950, planted their garden and joined the community. Jim and Dorothy had 5 sons and 1 daughter and were blessed with 20 grandchildren and 5 great grandchildren.

Jim was loved in Woodland for his unstinting community dedication. His service encompassed youth activities, both sports and scouting and included the chairmanship of the Woodland Memorial Hospital Foundation board. He dedicated himself to the agricultural community as well and was instrumental in forming the Farmers Rice Cooperative and the California Rice Research Committee. In 1968 he was named the Agriculture Businessman of the Year for Yolo County and later served for 5 years on the California Air Resources Board during the Jerry Brown administration.

Mr. Speaker, Jim's generosity and example of service inspires us all and it is appropriate that we celebrate and honor his life. He will be missed in our community but his dedication to others and his life example will never be forgotten.

HONORING JOAN McCAFFERY KUPERSMITH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Joan Anne McCaffery Kupersmith of Wilton, Connecticut, who will be feted at Patsy's Restaurant in New York City on Sept. 18, 2003, on the occasion of her fortieth birthday.

Mrs. Kupersmith was born in Teaneck, New Jersey on Sept. 18, 1963, and was raised with her five terrific siblings in Harrington Park, New Jersey. She is a graduate of Boston College and Harvard Law School. An accomplished attorney, Mrs. Kupersmith has chosen to represent children in the courts of her community, providing expert counsel as a court-appointed attorney for children who need and deserve sage support as they navigate our legal system.

Mrs. Kupersmith's work is made possible in part by the strong support of her husband, Ken, and her loving children, Ryan, Caroline and Nicholas. Public service is a tradition in the Kupersmith and McCaffery families, and I applaud Joan Anne's humanitarianism.

Mr. Speaker, it is a pleasure to acknowledge such a fine individual, and I am certain the entire House of Representatives joins me in extending our very best wishes to Joan Anne and her entire family at this festive time.

TRIBUTE TO HAROLD GEBHARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of this Nation's most distinguished and dedicated Postmasters, Mr. Harold L. Gebhard. After 50 years of faithful service to our Nation, the past 28 years of which he has served the Northwest Florida communities through the United States Postal Service, Mr. Sutton deserves to be recognized as an outstanding public servant.

Mr. Gebhard began his devotion to our beloved Nation in 1952, when he enlisted in the United States Air Force. He continued with valor in Vietnam from 1968 to 1969 and was awarded both a Bronze Star and a Vietnam Cross of Gallantry when he returned home. Mr. Gebhard served 22½ years in the armed services, achieving the rank of Chief Master Sgt., E–9.

In 1975, Mr. Gebhard came to our community and began as a mail handler in the Pensacola Mail Processing Plant. A short 5 years later, he was promoted Postmaster in McDavid, FL and in 1983; Mr. Gebhard was again promoted to Superintendent of Postal Operations in Cantonment, FL. For the past 8 years he has kept watch as Postmaster and continues his tenure there today. Over the course of his remarkable career, Mr. Gebhard has remained focused on maintaining impeccable customer relations while serving area residents.

Upon his 50th anniversary of Federal service, his wife Leigh Gebhard, and both those he has helped serve and those he has worked with, appreciate and respect the work he has accomplished over the years. I feel confident in saying that Mr. Gebhard truly has an impact in the lives of those around him.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to Mr. Harold L. Gebhard on his 50th anniversary in serving the public. For the past 50 years, he has dedicated himself towards helping the residents of Northwest Florida and for that we will be forever grateful. Mr. Speaker, on this such occasion, we honor one of America's greatest public servants.

DR. JOSE LUIS GARCIA PANEQUE—CUBAN SURGEON, HUMAN RIGHTS ADVOCATE, AND POLITICAL PRISONER

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I come today to the floor of the House to speak about Cuban political prisoner Dr. Jose Luis Garcia Paneque. Surely few of my colleagues are aware of the case of Dr. Jose Luis Garcia Paneque, but that does not make his imprisonment by the Castro dictatorship any less brutal and inhumane, or any less deserving of our attention.

Mr. Speaker, more of my colleagues need to know the names of Cuba's many political prisoners.

Dr. Garcia Paneque is 38 years old, married, with four young children. He is a talented medical professional with an entire life and future ahead of him. However, he was born after the Castro dictatorship's take-over and into the totalitarian nightmare that some Castro sycophants say has improved the lives of the Cuban people. Dr. Garcia Paneque does not see it that way, because he is not free. He is a young doctor in jail because of his belief in freedom.

Dr. Garcia Paneque was arrested, along with more than 100 others, in the March 2003 crackdown, on the internal opposition. What was his crime? He provided free medical care independent of the government, opened a private library, defended human rights, and worked with the independent media.

Imagine, Mr. Speaker, there are Members of Congress who have dined with Castro and actually point to the dictatorship's health care system as a model, yet I am sure they do not even know the name of this man who was arrested because he was the leader of a regional branch of the unofficial Independent Medical Association. Dr. Garcia Paneque gave medical treatment to Cubans who were denied that treatment by the system run by the dictatorship.

You see, Mr. Speaker, the Castro dictatorship uses access to medical treatment, food, education, and other things we take for granted, as a tool of political control. Dr. Garcia Paneque's association of medical professionals is nothing more than a group independent of the government controlled medical association. On Capitol Hill, we meet with dozens of associations representing medical professionals, but under the Castro dictatorship, there can only be one medical association in Cuba and it is controlled by the dictatorship.

Dr. Garcia Paneque was detained March 18, sentenced on April 4 to 24 years in prison, and transferred on May 17 to Villa Clara Provincial Prison with his hands and feet tied behind his back. It was a 7-hour ride by truck. According to what his wife has been told by his jailers, he was transferred to a prison 300 miles from where she lives to deny her and their four children regular visitation.

Dr. Garcia Paneque's wife, Yamile Llanez, is a lawyer and also a member of the opposition movement. Because of her activities in support of human rights, she has been stripped of her job and her food ration card. She and her children are dependent on charity to survive.

Dr. Garcia Paneque has lost 30 pounds since he was detained on March 18. He is currently held in something worse than solitary confinement: a dark 2.5 by 5 foot punishment cell. In his cell, he cannot move or exercise, and there are absolutely no sanitary facilities. He suffers from currently untreated asthma, allergies, and skin fungus.

Mr. Speaker, I ask my colleagues to know Mr. Garcia Paneque's name. And know the name of his wife, Yamile Llanez. I ask Members to learn the names of the other political prisoners I have spoken about from the floor of the U.S. House of Representatives: Ibarra, Rivero, Leyva, Antunez, Espinosa, Roque. I ask Members who visit with Castro to also raise the names of these brave political prisoners, to demand to visit them, and to demand their release.

Mr. Speaker, I ask for my colleagues to believe what Dr. Garcia Paneque believes: that Cuba should be free.

RESOLUTION SUPPORTING UNITED NATIONS MEMBERSHIP FOR TAIWAN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to introduce a resolution calling for Taiwan to become a member of the United Nations.

The resolution states that it is the sense of Congress that "(1) Taiwan and its 23 million people deserve full and equal membership in the United Nations and other international organizations; and (2) the United States should take a leading role in gaining international support for Taiwan's participation in these organizations."

Taiwan, a strong advocate of human rights and fundamental freedoms, and a bastion of economic strength, deserves the same privileges as all other thriving democracies. With the election of its President, Mr. Chen Shuibian, in a free and fair election in March 2000, Taiwan continues to strengthen its democracy by improving safeguards for human rights and contributing to the international community.

Taiwan was driven out of the United Nations in 1971 and, since then, has continually tried to regain admission. The People's Republic of China (PRC) has blocked those efforts. The PRC, one of the five permanent Security Council members, which determines new UN membership, continually pressures other nations not to support Taiwan's membership.

The 23 million people of Taiwan have much to contribute, both intellectually and financially, to many international organizations, including the UN. Clearly, the people of Taiwan should also benefit from any positive work these organizations engage in as well.

It is unreasonable for the people of Taiwan to be excluded from full participation in international institutions. Denying Taiwan membership in the United Nations and other international organizations, such as the World Health Organization, is unacceptable.

For the past several years, both Houses of the U.S. Congress have consistently introduced and passed legislation supporting Taiwan's meaningful participation and membership into the United Nations and the World Health Organization. This important legislation restates our support and our commitment to the progress of Taiwan's democracy.

I believe that Taiwan's full and equal membership in the United Nations and other international organizations is long overdue. Now is the time to right the wrong committed in 1971, by granting Taiwan the status it deserves.

INTRODUCTION OF THE STRENGTHENING SCIENCE AT THE ENVIRONMENTAL PROTECTION AGENCY ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. EHLERS. Mr. Speaker, today I am pleased to introduce legislation that will strengthen the role that science plays within the Environmental Protection Agency. This legislation is precisely the same bill that passed the House in April of last year (H.R. 64 in the 107th Congress).

I introduce this today on the heels of the Administration's renewed interest in passing legislation that would promote EPA to a cabinet-level department. I still support efforts to elevate EPA without significant structural changes, yet I strongly believe that the scientific and regulatory arms of the Agency should be more integrated. The Administration has recently shown a new willingness to accept some restructuring proposals as part of legislation to elevate EPA. In fact, during a recent congressional hearing the acting EPA Administrator testified that, "the time has come to establish EPA as a permanent member of the Cabinet, modernizing its structure in a straightforward way to ensure it can respond effectively to future environmental challenges."

If restructuring proposals are included in elevation legislation, then the most fundamental and straightforward reform needed at the EPA is to strengthen the role that science plays in the Agency's regulatory decision-making process. Science must infuse this process.

Too often it is used as a cudgel to win a legal battle, or as an afterthought to the regulatory process, rather than as the foundation of a regulatory decision.

The need to strengthen science at the EPA is well-documented. The most recent report, issued by the National Research Council, made two major recommendations. First, that the EPA create a new Deputy Administrator for Science and Technology to serve as an advocate for and reviewer of science at the most senior levels of the Agency. Second, that EPA set a fixed term for the Assistant Administrator of the Office of Research and Development. These changes would help elevate the role of science in the decision-making process at the Agency, as well as provide more stability to existing research efforts inside of the Agency. The legislation I am introducing today captures both of these ideas and will help ensure that science informs and infuses the regulatory work of the EPA.

I urge the Administration not to go too far down the road of "structural changes" and to tightly adhere to their goal of accepting only straightforward ones. This legislation is one of the simplest, straightforward, and yet most effective structural changes Congress can make. It will truly improve the decision-making process at EPA. Additionally, this proposal has already passed the House and garnered the support organizations from the scientific and business community. I look forward to working with the Administration on this legislation and urge my colleagues to support it.

THRIFT SAVINGS IMPROVEMENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Thrift Savings Fund Improvement Act. This legislation to expand the investment options available to congressional and other federal employees by creating a precious metals investment fund in the Thrift Savings Plan (TSP). Adding a precious metals fund to the TSP will enhance the plan's ability to offer congressional employees a wide range of investment options that can provide financial security even during difficult economic conditions.

All of us recognize the importance of maintaining a professional congressional staff and promoting longevity of service in order to enhance stability in the operations of Congress. This is why we have recently enacted legislation authorizing new benefits, such as a student loan forgiveness program, and have taken other measures to improve staff compensation and benefits.

The Thrift Savings Plan is one of the most important benefits offered to congressional employees. A strong TSP can obviously play a key role in attracting and retaining talented individuals to serve in the legislative branch. However, the three stock index funds in the Thrift Savings Plan have not recently performed well, especially when measured against inflation. In 2002, for example, losses from these funds were greater than three, four, and five percent, respectively, in the month of December and, more than 15, 18, and 22 percent, respectively, for the entire year!

In contrast, increases in gold spot prices more than offset the losses experienced by even the worst performing stock-indexed fund in the Thrift Savings Plan in 2002, with the price of gold increasing by nearly 25 percent in the year and by more than nine percent in December!

Recent gains aside, precious metals have a number of features that make them a sound part of a prudent investment strategy. In particular, inflation does not erode the value of precious metals is not eroded over time. Thus, precious metals can serve as a valuable "inflation hedge." Precious metals also maintain, or even increase, their value during times of stock market instability, such as what the country is currently experiencing. Thus, investments in precious metals can help ensure that an investment portfolio maintains its value during times of economic instability.

Federal employees could greatly benefit from the protection against inflation and economic downturns provided by prudent investments in precious metals. I, therefore, once again urge my colleagues to cosponsor the Thrift Savings Fund Improvement Act.

COMMEMORATING THE RETIREMENT OF ANNE S. KIEHLE, PH.D, SUPERINTENDENT OF FORT SAM HOUSTON ISD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. GONZALEZ. Mr. Speaker, I rise today to commend Dr. Anne S. Kiehle, Superintendent of Fort Sam Houston Independent School District (ISD). Dr. Kiehle's many contributions to education over her distinguished 36 year career has been recognized by her fellow educators. She has served as president of the Texas Elementary Principals and Supervisors Association (TESPA) as well as an active member of numerous educational organizations including the National Association of Federally Impacted School (NAFIS), Military Impacted Schools Association, and American Association of School Administrators (AASA). Additionally, she participates in the National Center for Educational Research and Technology (NCERT), the Association of Supervisors and Curriculum Development (ASCD), and the Texas Association of School Administrators (TASA).

Dr. Kiehle, who assumed top leadership role at Fort Sam Houston ISD in May 1996, has guided the school district to its current "Exemplary" status as designed by the Texas Education Agency which rate student performance, drop-out rates, and attendance.

Dr. Kiehle is also responsible for Fort Sam Houston ISD's involvement in the Military Child Education Coalition, an international organization whose mission is to establish partnerships and provide networking of schools and military installations regarding educational issues related to the military child. She has worked with MCEC officials on local arrangements for a Department of Defense Roundtable Discussion for education of military students.

Technology has been one of Dr. Kiehle's major initiatives beginning with networking of the school district, providing district personnel and students with computer hardware and software for instruction, record keeping, and increased communication with families both here and overseas. Distance learning capabilities have been added for student and district personnel.

Fort Sam Houston ISD schools have experienced major facility renovations and new construction as part of the Long-Range Facility Plan developed under Dr. Kiehle's leadership. Early in her administration, a new JROTC Building was built on the Cole campus, with the existing building renovated into a multipurpose Professional Development Center.

Mr. Speaker, it is my distinct pleasure to commend Dr. Anne S. Kiehle for her hard work and dedication to Fort Sam ISD. It is the perseverance and dedication of women like her that have made Fort Sam Houston ISD a great institution for students to attend.

IN MEMORY OF ANDREA MARTIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. PELOSI. Mr Speaker, I rise to pay tribute to the inspirational life and work of Andrea Martin, who died peacefully at her home on August 6. A loving wife, devoted mother, and treasured friend, Andrea was a woman of incomparable courage. A champion in the fight against breast cancer both locally and nationally, she used her resources and creativity to expose a national health crisis and fight a critical battle. She fought for all of us by advocating for safer and earlier detection, less toxic treatments and research into environmental causes. Andrea's memory will be cherished by her friends and loved ones and by those countless women whose lives she touched through her relentless advocacy.

Born in New York City and raised in Memphis, Tennessee, Andrea graduated from Tulane University and received her master's degree in French while on a fellowship at Tufts University. She moved to San Francisco in 1969, where she taught French at a local high school. Six years later, Andrea earned a law degree from Hastings College at a time when few women had the opportunity to attend law school. Five years after she joined the law firm of Crosby, Heafey, Roach, and May, Andrea left the practice to open Hog Heaven, a Memphis-style barbeque restaurant.

In 1989, Andrea was diagnosed with breast cancer and told that she had little chance of survival. Andrea's determination and strength of character motivated her to overcome this challenge. After a difficult year of treatment, she joined DIANNE FEINSTEIN's gubernatorial campaign in California and became a top fundraiser for Senator FEINSTEIN.

After being diagnosed with breast cancer for a second time in 1991, Andrea chose to take the offensive. She founded the Breast Cancer Fund in the living room of her San Francisco apartment. Through her dedication and hard work, she transformed the Fund into one of the most influential breast cancer research advocacy group in the nation.

For the rest of her life, she would be an important national leader in the fight against breast cancer. Andrea was a relentless advocate who helped convince elected officials, health officials, and scientists to spend more time and money discovering and eliminating the environmental causes of breast cancer. Her conviction to educate the public on the environmental links to breast cancer inspired the CDC bio-monitoring legislation that I sponsored.

Andrea "climbed against the odds," literally and figuratively. Leading other survivors in the extraordinary mountain-climbing expeditions of Mt. Aconcagua in the Andes, Alaska's Mt. McKinley, and Japan's Mt. Fuji, she helped increase public awareness and raised over a million dollars for breast cancer research. She taught us that "working together with daring, dedication and determination, we can not only climb mountains one step at a time, but we can move them."

Andrea helped change how we talk and think about breast cancer—from a private challenge to a public health crisis that must be surmounted. She fought her battles like a fierce warrior, but lived her life with serenity and grace.

To Andrea's husband, Richard Gelernter, her daughter, Mather, her father and stepmother, Irwin and Becky Ravinett, and to all her family and friends, thank you so much for sharing Andrea with us, and with the countless breast cancer survivors who relied on her indomitable spirit. As Andrea's friend and colleague, Wanna Wright, so movingly wrote, "her vision, like light, illuminated our lives."

THE CHILD CARE LENDING PILOT ACT OF 2003

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to talk about an important issue for many working families in this country—access to affordable childcare.

As all parents know, quality childcare is very hard to find, and it is also very expensive. It is especially expensive for families with low and moderate incomes. According to the Children's Defense Fund, childcare for a four-year-old child averages between $4,000 and $6,000 per year in cities and states around the nation.

With so many families comprised of two parents who are working, the need for childcare has increased dramatically over the last few years, and we as a nation need to ensure that the children of these hardworking Americans have a safe, reliable, and moderately priced place to learn and grow.

Mr. Speaker, it is for these reasons that I am pleased to introduce today, with over twenty-five of my colleagues, the "Child Care Lending Pilot Act of 2003." This legislation will create a three-year pilot program that allows small, non-profit childcare businesses to access financing through the Small Business Administration's Certified Development Company (CDC)/504 loan program.

As a Ranking Member of the House Committee on Small Business, I believe the SBA's 504 loan program is the perfect vehicle to expand the availability of affordable, quality childcare in this country.

Currently, only for-profit childcare businesses are eligible for 504 loans, yet in many states, the majority of childcare is delivered through nonprofit providers. In addition, nonprofits are often the only daycare providers in low-income communities.

Mr. Speaker, The Child Care Lending Pilot Act will provide licensed nonprofit childcare providers access to desperately needed funding to start new centers with loan dollars that may not ordinarily be available without the incentive of a guarantee from the SBA.

The 504 program is an appropriate vehicle for this initiative because it was created to spur economic development and rebuild communities.

Financing through the 504 program will encourage the establishment and viability of childcare businesses because the program requires the borrower to only put down between 10–20 percent of the loan, with fixed interest rates for up to 20 years.

Furthermore, the borrowers and lenders who participate in the 504 program cover the costs through program fees, which means there is no appropriation required to cover these loans.

Mr. Speaker, our children, all of our, children, deserve the same quality of care no matter where they live, and I know that this legislation is a strong step in leveling the playing field for parents in low-income communities who simply wish the best for their children.

I hope that my colleagues would support this effort, and ensure that affordable childcare is available to all families.

TRIBUTE TO THE NASHUA LIONS CLUB

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. BASS. Mr. Speaker, I rise to pay tribute to the Nashua Lions Club in recognition of their 80th anniversary on September 22 of this year.

Eighty-six years ago, insurance executive Melvin Jones and his fellow business associates gathered and formed Lions International. Originally, the Lions International was formed to perform humanitarian service. In 1925, Helen Keller spoke at one of their conventions where she challenged Lions International to become her "Knights of the Blind in the crusade against darkness." From this time, Lions clubs have been actively involved in service to the blind and visually impaired.

In the fall of 1923, a similar group of Nashua business leaders gathered at the old YMCA and were chartered as the Nashua Lions Club. The men and women of the Nashua Lions have since heeded the call of Helen Keller and have lived by the Lions motto "We Serve."

This year marks an important milestone for the Nashua Lions Club. For the past 80 years, the Nashua Lions has served the greater Nashua community by raising over $1 million that has gone to purchase eye examinations, eye glasses, eye surgery, and hearing aids for needy children and adults.

But the true measure of their impact on Nashua is not in the dollars they have raised, but in the many lives they have touched.

During the last year and with the help of the New KidSight camera, the Nashua Lions have tested more children between the ages of 3 months and 4 years than any club in the entire state.

In the early 1950s, the Nashua Lions led by former Mayor Mario Vagge built the Friendship Club—a place for handicapped Nashua residents to go and socialize. The club is still in use today and has been a home away from home for many, including the famous author Richard Chaput of Nashua.

Whether working with school nurses, local hospitals, Lions Camp Pride, Camp Carefree, or the Lions Haunted House, the Nashua Lions have responded to Helen Keller's call to service.

In addition to their numerous community and charity efforts, the Nashua Lions have also provided leadership to the entire Lions International Organization. During their 80 year history, Nashua has had three district Governors: Clifford Sloan, Joseph Bielawski, and most recently Edward Lecius.

Mr. Speaker, the Nashua Lions are a true example of America's volunteer spirit. Their leadership, compassion, and hard work have helped make the Gate City a wonderful place to live, work, and raise a family. It is with great pleasure that I rise to express my thanks and congratulations for their 80 years of devoted services to their community and state.

HOUSE OF REPRESENTATIVES—*Wednesday, September 17, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 17, 2003.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Father of us all, by the power of Your spirit You fill our hearts with gifts of love for family and friends.

Hear our prayers for those in most need of our loving concern.

Help us bind up wounds of the past by forgiveness and strengthen our relationships in the future with new life.

As Members of the House of Representatives we pray for those who elected us to office and we ask the grace to serve them well.

You make us Your instrument of leadership and unity in this Nation now and for years to come.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. HOLT) come forward and lead the House in the Pledge of Allegiance.

Mr. HOLT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 one-minute speeches on each side.

CONGRESSIONAL BASKETBALL GAME

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I am here to report on our fifth annual Congressional basketball game last night, a hard fought contest against the American League of Lobbyists. I am happy to report that the Members in the House were winners for the third time in a row. We have won four out of five games. The score was 49 to 48 in overtime.

Mr. Speaker, some would call these lobbyists enlightened to allow a win in overtime by one point by the Members of the House. However, Mr. Speaker, I want to report that the game last night broke all records and raised over $40,000 for Horton's Kids, bringing the grand total to over $120,000 over the 5 years of the tournament.

I want to thank the American League of Lobbyists and Mr. Paul Miller, who put an awful lot of time into the event, George Washington University for our use of their facilities. Our Congressional pages attended last evening as well. I want to thank all the Members who might be a little bit sore getting to the floor this morning, but thank them for their efforts for a great cause.

SUPPORT FOR CONGRESSIONAL RESOLUTION TO HONOR JOHNNY CASH

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, I rise today to ask for my colleagues' support of a resolution that I have introduced to honor the memory of one of America's greatest musical heroes, Johnny Cash. The music of Johnny Cash has literally touched the lives of millions of people in America and around the world, and that has spanned several generations.

In my hometown of Nashville, Music City, U.S.A., he is revered as a legend among legends. With a career spanning some 5 decades and with 70 recording albums and with 1,500 recorded songs, Johnny Cash was clearly a defining force in American music.

We will miss him for much more than the long list of songs that he added to the American classics. We will miss him as a great human being, a champion of the poor, the hopeless, the downtrodden, and the imprisoned. Because he was raised in poverty himself, the Man in Black spoke to everyone and for everyone.

So I ask my colleagues to join me in supporting H. Con. Res. 282 to honor the memory of Johnny Cash.

CONSTITUTION DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on September 17, 1787, 216 years ago today, the final draft of the Constitution was signed in Philadelphia.

The day after a woman asked Benjamin Franklin what sort of government we have, he answered, "A republic, if you can keep it."

Beginning on December 7 of this year, five States, Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut, ratified it in quick succession; but other States opposed the document saying it failed to provide basic protections like freedom of religion, speech and the press.

In February of 1788 a compromise was reached under which Massachusetts and the other States would agree to ratify the document with the assurance that the amendments would be immediately proposed: The Bill of Rights.

Nearly a year later the Constitution was ratified by the required 9 out of 13 States.

Mr. Speaker, today we celebrate the rule of law and the success of a great experiment, representative democracy, the core principles upon which this Nation was built, laid out in a single document: The Constitution, the oldest enduring written national Constitution in the world, the granddaddy of them all.

WE NEED A NEW TRADE POLICY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, congratulation to President Bush on a perfect record: 32 straight months of job loss; 32 straight months of industrial manufacturing job loss and yet another record trade deficit. This is something that will be hard for anybody to match, the disastrous trade policies of this Nation.

We are hemorrhaging $1.5 billion a day of wealth from the United States

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overseas, $1 million a minute, more than 1,000 jobs a day are being exported. The President likes to talk about the wealth and benefits of exporting. Yes, there are tremendous wealth and benefits in exporting, particularly exporting jobs at the bidding of multi-national corporations who are so generous when campaign time comes around.

Yes, they are feigning concern down there at the White House because they know there is an election coming and the money cannot take care of all the problems. So they are pretending they do not know where these jobs have gone and they have decided to change the flow chart at the Commerce Department and make one politically appointed bureaucrat responsible for finding out where they went and rectifying the situation.

All we need now is a new trade policy.

AMERICAN MILITARY PROVIDES HOPE TO IRAQIS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday I returned from a delegation to Iraq organized by the Committee on Armed Services' ranking member, the gentleman from Missouri (Mr. SKELTON).

We visited with troops from Baghdad to Al Hillah in the south to Mosoul in the north, hearing directly from the heroes who have won the war and are now winning the peace in the war on terror.

These dedicated warriors have trained over 60,000 new Iraqi security forces and initiated over 6,000 community development programs for hospitals, schools, electrical transmission, business development and road improvements. Led by Lieutenant General Ricardo Sanchez, they are allied with over 20,000 personnel in Iraq from nations all over the world.

I was inspired by the development of democracy promoted by courageous mayors, governors, council members, and an Islamic religious university dean who is a descendent of Mohammed.

We also met with Ambassador Paul Bremer, who clearly has recruited a competent team, including Colombians George Wolfe and Chris Harvin, to successfully promote democracy.

A vital part of the war on terror is success in Iraq, and we have the right components of capable troops, local stalwarts for democracy, and a visionary Coalition Provisional Authority.

In conclusion, God bless our troops.

WINNING THE PEACE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my great concern over the Bush administration's continued failure to broker an alliance with the international community and to win the peace in Iraq.

Week after week administration officials have continued to reiterate that heightened international involvement is forthcoming. During his address on September 8, President Bush stated that we are committed to expanding international cooperation and reconstruction and security for Iraq.

But week after week, it is American taxpayers who are shouldering the financial burden of our military engagement, and it is American servicemen and women who are paying with their lives.

Since the war began on March 20, 456 service members have been killed, both in combat and noncombat operations, and more than 2,400 have been wounded, many of them very seriously. But we know now that this cannot be sustained. Just last week the Congressional Budget Office released a report that stated the Army lacks sufficient active duty forces to maintain the current 150,000 troop strength in Iraq beyond next spring.

Mr. Speaker, it is imperative that we internationalize the Iraqi campaign by presenting a viable U.N. resolution. Every passing week means billions of dollars and more American lives.

CELEBRATING CONSTITUTION WEEK

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, this is Constitution Week. What should we celebrate?

The purpose of America's Constitution is to establish a government based upon the rule of law, a republic.

Our Constitution was designed to secure the rights and liberties of the people by specifically defining what the Federal Government can and cannot do.

I always carry a copy of the Constitution. It is a short document. Read the Constitution and you will search in vain for most of what the Federal Government does. Activities not in the Constitution are supposed to be reserved to the States and to the people.

Estimates by the Congressional Budget Office predict that the amortized budget deficit this year will exceed $500 billion. The actual deficit is about $200 billion higher because under the unified budget we are spending the trust fund surpluses.

My bill, H.R. 1725, would increase the accountability of the Federal Government and encourage more Americans to vote. H.R. 1725 would move the IRS filing deadline to the first Monday in November. That is the day before elections. I believe that Americans would choose smaller government as specified in the Constitution if they filed their tax return on Monday and voted on Tuesday.

AMERICA SUFFERS WHEN BAD DECISIONS ARE MADE

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I marvel at the degree of party discipline in the majority and the degree to which they insist on the correctness of their positions. The majority does not want to admit that fighting terrorism requires sacrifice. They do not want to admit that the U.N. can actually help us. They do not want to admit that we may have to go hat in hand to other countries to ask for financial and diplomatic help. They do not want to admit that our leaders did an inadequate job of planning for the post-Saddam occupation and transition to democracy in Iraq.

They do not want to admit that exorbitant tax cuts are not stimulating the economy and, in fact, are costing Americans jobs.

Some may think it is weakness to admit mistakes, but many Americans instead think it is arrogance and a lack of touch with reality.

I ask myself why I would even want to give the majority party advice to do better if, in fact, the electorate is likely to make them pay for their arrogance. But I must say the longer they persist in this denial, the harder it will be for America to correct their course. Maybe the majority party will suffer for their arrogance, but the U.S. will suffer more.

□ 1015

TRADE MUST BE FAIR

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I was one of the Members down in Mexico this past Thursday, Friday and Saturday and Sunday at the WTO negotiations. I think a lot of Members of Congress were concerned that, again, this country might give in to what other countries wanted just for the sake of more world trade.

I would like to commend the Bush administration, and Robert Zelnick, our trade ambassador, for holding the line and not giving away things just for the sake of more world trade that eventually might have hurt our manufacturing business and our agriculture. I think no longer can we afford to have world trade just for the sake of world trade. It has got to be fair. It cannot be to the long-term disadvantage of America.

STOP DEFICIT SPENDING

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Mr. Speaker, it has been 860 days since President Bush and the Republican party embarked on their economic plan for our country.

During that time, the national debt has increased by $1,167,994,451,600.72. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern daylight time the Nation's outstanding debt was $6,808,319,837,959.49. Furthermore, in fiscal year 2003, interest on our national debt or the debt tax, D-E-B-T tax, is $304,978,878,641.11. That is through August 31.

Mr. Speaker, we must stop deficit spending and pay this debt down.

LIMITS ON MEDICAL LIABILITY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this weekend on Saturday, Texas, my home State, passed a constitutional amendment to limit and cap noneconomic damages in medical liability lawsuits. Texas now, as a result of passing this bold constitutional amendment, will enjoy lower liability premiums. In fact, my old insurer of record, Texas Medical Liability Trust, announced they would reduce premiums by 10 to 12 percent beginning this week.

Texas will control costs in medical care by this bold legislation and keep themselves competitive in the world market. One might ask, Mr. Speaker, do we then still need H.R. 5, the bill that was passed by this House that now languishes in the other body? I would submit that very strongly we do.

Mr. Speaker, this summer I was in Nome, Alaska, and talked to the medical staff at the hospital there, a medical staff that cannot hire an anesthesiologist because they cannot afford the liability premium. This means that doctors who practice obstetrics have to send their patients to Anchorage for cesarean sections, a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is sometimes bad.

At Columbia University in New York, they cannot attract good medical students into their residency program. In fact, I was told by their residency director they are taking applicants that they would not have even interviewed 5 years ago.

Mr. Speaker, it is time for the Senate to pick up and pass limits on medical liability.

WE NEED TARGETED TAX CUTS

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, we lost another one. WCI Steel, Incorporated, in Warren, Ohio, filed Chapter 11 bankruptcy just yesterday, one of the last major steel mills in the old "steel valley" that ran through Ohio and Western Pennsylvania. 1,740 workers are just going to hope they get a paycheck on Thursday. They have been bleeding cash for the last 3 years. Losses in 10 of its last 11 quarters produced $163.6 million in red ink.

The ultimate irony, this happened just a few days within the anniversary of 1977 when the closing of Youngstown Sheet and Tube's Campbell Works that wiped out nearly 5,000 jobs in one day.

This has been going on since 1977. It is time for this country to adopt a manufacturing policy that is going to start creating jobs back in the good old U.S. of A, not tax cuts for the top 1 percent but targeted tax cuts to allow investment here in the United States of America.

It is not going to happen with smoke and mirrors. It is not going to happen with the press conference. We are getting our clock cleaned by China, and it is time the United States wakes up just before it is too late.

TIME TO FOCUS ON ENFORCEMENT OF TRADE AGREEMENTS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I support free trade in principle, but I am troubled about its practice in America today. The State of Indiana has lost more manufacturing jobs than any other State in the Union. Virtually every major manufacturer in my eastern Indiana District has shed jobs since this recession began in the latter months of 2000, with one exception, and this week that company announced the elimination of 600 jobs in an entire foundry in central Indiana.

I just came from a meeting with the Secretary of Commerce, Don Evans. I commend the Secretary and the President for the appointment of a new Assistant Secretary of Manufacturing for establishing an unfair trade practices team. It is time for this administration to focus on enforcement of our trade agreements, with special emphasis on China and Mexico. Make them be as good as their word, Mr. Speaker, and it is also time to explain to American industry that shifting jobs overseas for short-term profits serves neither them, their shareholders nor their Nation in the long term.

HONORING JIM SHEEHAN

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in memory of a man who dedicated his life to public service and once sought to become a Member of this House as well. Mr. Speaker, the people of Bergen County and the rest of New Jersey lost a dedicated public servant, a devoted father and husband and family man and a friend of mine when Jim Sheehan lost his battle to cancer.

Mr. Sheehan spent the majority of his career in public service. He worked for a while for the people of Bergen County for a period of time. In 1976 and 1978 he was the Mayor of Wyckoff, and after that he became a freeholder, from 1991 to 2002, the Board of Chosen Freeholders of Bergen County.

After serving as freeholder for the county, he took on the very difficult task of being the chairman of the Republican party in Bergen County. Bergen is the last largest Republican organization in the State of New Jersey, and though he worked very hard and tirelessly strengthening the party of Lincoln, he did so while remaining friends and having the respect of people on both sides of the aisle.

So, Mr. Speaker, on behalf of the people of the 5th Congressional District, particularly the folks over in Bergen County, I offer my prayers and condolences to the friends and family of Jim Sheehan.

CONGRESSIONAL OVERSIGHT ON ADMINISTRATION'S REQUEST FOR $87 BILLION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, all of us who have had the both pleasant and unpleasant experience of seeing our wounded young at our military hospitals, pleasant because they are so brave and so encouraging, and unpleasant because we see lives that have been so severely damaged, want us to be successful in the rebuilding and the democratization of Iraq. But I think it is imperative that the oversight responsibilities of this Congress be used now more than ever before maybe in our history and, that is, to determine the utilization of the administration's request of $87 billion.

It would be unconscionable for us to move forward on this request without understanding and persisting that the United States secures a U.N. resolution to include our allies both in burden sharing in the amount of money and troops, that we have a detailed exit strategy and we begin to work with our NATO allies, that we have full public congressional hearings for all of America to hear on the basis of the existence of the weapons of mass destruction and nuclear weapons, and finally, Mr. Speaker, that we protect and take care of our returning soldiers and veterans, as well as their families.

We hope that we can vote on this, but we must vote on it separately and not together.

MANUFACTURING MUST BE PROTECTED

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, manufacturing is an endangered species that we must work now to protect. Some say manufacturing is no longer vital to our economy, the service industries will compensate.

I agree with Henry Kissinger when he says, "I think that a country has to have a massive industrial base in order to play a significant role in the world. And to that extent, outsourcing of jobs concerns me." What made the American economy strong was industrial innovation. America led the world in new production methods and increased efficiency. How can we be innovators if we have no industry left?

With our strong industry, we built the most impressive fighting force the world has ever seen, a military that keeps us safe and the world free, but when our satellites are made in China, bomb parts made in Switzerland, night vision crystals in France and the Pentagon now wanting to buy 30,000 flight jackets with Pakistani goat hair, as opposed to U.S. goat hair, are we defending our economy or supporting the economies of other countries?

In some sectors of defense, we have been forced to recognize foreign technology is now vastly superior to our own. We must, we must stand by U.S. manufacturing to maintain a strong defense base.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HOSPITAL MORTGAGE INSURANCE ACT OF 2003

Mr. NEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospital Mortgage Insurance Act of 2003".

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z–7) is amended to read as follows:

"(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

"(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C.1715z–7) is amended—

(1) in subsection (b)(1)(B), by inserting ", unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))" after "tuberculosis"; and

(2) by adding at the end the following:

"(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

"(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

"(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

"(A) the provision of mortgage insurance to hospitals under this section; and

"(B) the General Insurance Fund established under section 519.".

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

This morning we are considering H.R. 659, the Hospital Mortgage Insurance Act of 2003. This legislation will make substantial improvements to the FHA Hospital Mortgage Program, making it easier for hospitals to obtain mortgage insurance.

This vital program provides credit enhancement, merges public and private resources, and makes available billions of dollars in new hospital construction and improvements.

Hospitals, Mr. Speaker, face significant financial challenges when providing care to patients, we all know that, who are covered by Medicare and Medicaid. At the same time, improvements in technology and health care knowledge necessitate capital improvements such as additions and renovations to existing buildings. It is generally accepted that modern health care facilities will improve the quality of life and the health of the population.

In an effort to assist States to provide modern health care facilities, Congress enacted section 242 of the National Housing Act in 1968.

Section 242 permits FHA to insure mortgages of hospital sponsors used to finance the replacement, modernization and rehabilitation of inefficient existing facilities. Low interest rate costs attributable to FHA insured financing, as well as the development of more cost-efficient facilities, substantially reduces both provider and Federal and State reimbursement.

To be eligible for section 242 financing, a hospital must obtain a Certificate of Need from a designated State agency, or in the absence of a Certificate of Need authority, a State-commissioned feasibility study. In addition, the hospital must demonstrate that there are reasonable State or local minimum licensing and operating standards already in effect.

However, as a result of continuing Federal policy encouraging deregulation, Certificate of Need authority has "sunset" in some States. In fact, over the last 20 years, at least 18 States have repealed their Certificate of Need process and programs.

The problem has been further compounded by at least two other factors. In some States retaining Certificate of Need authority, some projects will not qualify for the CON process. In others, the relevant State agency often lacks the authority to commission alternative feasibility studies.

I remember addressing the Ohio Certificate of Need program for indigent care while serving in the State Senate in Ohio. Ohio was not alone in reforming that program. For example, several States repealed their Certificate of Need program, including Arizona, California, Indiana, Kansas, Minnesota, Missouri, Oregon, Pennsylvania, Texas and Utah.

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One unintended consequence of those changes was to make it more difficult for hospitals in these States, particularly in rural areas, to obtain FHA insurance. This raised the cost of lending for hospitals, making it more difficult for them to improve existing facilities or build desperately needed new facilities.

This bill addresses that problem by giving HUD the freedom to devise new requirements for hospitals to be eligible for FHA mortgage insurance. It will significantly reduce the cost to providers of complying with expensive, pre-deregulation Certificate of Need eligibility requirements; and it will provide major economic stimulus to State and local communities as well as construction and permanent employment opportunities.

Two noncontroversial amendments have been added to the bill. One exempts critical-access hospitals from meeting the 242 statutory requirement that 50 percent of the patient-days in the facility be for acute care.

This will allow FHA to insure mortgages for small, rural hospitals with long-term care nursing facilities, an important change for communities in which there is not a large enough population to support two separate entities. This exemption will last for 3 years, during which time HUD will submit a report to the authorizing committees concerning its effect on the fund and eligibility.

The other amendment requires HUD to perform a study on the barriers to insuring mortgages for federally qualified health centers. The original amendment, to make them eligible for section 242 insurance, was dropped and this was inserted.

In order to ensure our health care system remains the best in the world, we must support continued advances in technology and improvement in medical care. The Hospital Mortgage Insurance Act of 2003 seeks to do just that by helping hospitals around the country, and especially in our rural areas, to continue modernizing their facilities and improving the quality of life for their patients.

Mr. Speaker, I urge Members to support this important piece of legislation. I thank the gentleman from Ohio (Mr. OXLEY), and I thank our ranking member, the gentleman from Massachusetts (Mr. FRANK), and our staff for the work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to be here to support this effort to make sure that the Federal Housing Administration is fully able to support hospitals. I wish it were as available to support housing, but we will deal with that in other settings.

As the gentleman from Ohio (Mr. NEY) has made clear, changes in Certificate of Need and other changes at the State level dealing with health care have put obstacles in the way of hospitals using FHA mortgage insurance. This is not a cost to the Federal Government; it is an example of trying to make medical care less expensive in ways that do not drain the Federal Treasury. It is a matter really that leverages the Federal system in ways that will help slow the increase in hospital costs and makes a great deal of sense. It is the kind of technical fix that is not terribly controversial, but is very important and will have enormous benefit.

I am pleased that we are going to be doing this in this quick fashion. I hope that this goes all of the way through the process; and the sooner the President can sign this bill, the better we will have treated the important cause of medical care.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and insert extraneous material thereon.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I thank the ranking member of the committee, and I also thank the ranking member of the subcommittee, the gentlewoman from California (Ms. WATERS). There has been a great bipartisan spirit on this bill and others, and we appreciate Members working together for the betterment of the people.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) will later be managing on the Democratic side a bill from the Subcommittee on Immigration dealing with religious workers which I sponsored, and I would now like to express my appreciation to the gentlewoman and to the majority on the Committee on the Judiciary for bringing it forward. I will be back at a hearing on the Committee on Financial Services on the Sarbanes-Oxley bill, and so I take this opportunity to thank the gentlewoman.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I will take just a moment to thank the gentleman from Massachusetts (Mr. FRANK) for his leadership on the religious immigration bill that will be brought up later. Without the gentleman's leadership, we would not be here, and he is helping thousands of religious communities and others serve this Nation in a humanitarian way.

Mr. Speaker, I think the biggest point of this S. 659 is that it affects the Nation's health insurance program for 34 million seniors and 5 million disabled persons. Every Member in our congressional districts deals constantly with the need for increased and improved benefits for senior citizens and disabled persons.

A particular case I am grappling with in my office now is a young man injured severely a few years ago in the prime of his life and needs the kind of resources that can be provided by the enhancement of this legislation. My words are that this is an important move, and we thank the Committee on Financial Services for this amendment, as well as to emphasize that it is imperative that we move the Medicare logjam in the United States Congress so we can begin to holistically address the needs of those in nursing homes, senior citizens who have prescription drug needs, and how we deal with those who are least able to provide for themselves.

Mr. Speaker, I rise in support of H.R. 659, amending the National Housing Act. I support this legislation in the name of safeguarding Medicare and Medicaid. This bill affects a program that is the nation's health insurance program for 34 million senior citizens and 5 million disabled persons; therefore, I must contribute to every effort to sustain it. When hospitals, especially rural facilities, assess the need to make improvements and renovations to existing buildings or structures, the more relaxed feasibility standards for approving mortgage insurance will allow investors and hospital board members to more comfortably initiate proposed improvements without contemplating an impact on the federal healthcare assistance programs that we have worked so hard to preserve.

Specifically, H.R. 659 will allow for a uniform set of eligibility requirements that will protect FHA insurance funds while also spurring insurance premium revenues which, in turn, translate into improvements to hospital facilities. It will also further the cost reduction goals of the federal regulation scheme. Furthermore, this bill will provide protection for hospitals in states where there is neither "sunset" or state-authorized deregulation by way of the certificate of need (CON) requirements. Most importantly, H.R. 659 will provide significant economic rejuvenation to state and local healthcare communities.

In our troubled economy, it is not surprising that many hospitals struggle to secure its capital. For smaller, rural hospitals, it is almost impossible to do so.

The Department of Housing and Urban Development's Section 242 mortgage bond program has been drafted and amended this legislation to help hospitals in this area, but 80 percent of its clients have been from New York and 10 percent from New Jersey, according to the Greater New York Hospital Association. We must ensure that the help reaches areas like the Greater Houston area.

Since its start in 1968, Section 242, which provides Federal Housing Administration insurance to back hospital capital improvement bonds, has secured over 300 hospital loans in 40 states and Puerto Rico. In practice, however, that has meant hundreds of loans in the Northeast and very few elsewhere.

However, the program has recently insured a tax-exempt proposal in Texas, and others are beginning the process. Applications are currently under review in Oklahoma and Wisconsin, and facilities in California, Colorado, and Minnesota will soon turn their interest into action.

Hospitals want Section 242-protected loans, in part, because the lenders have made the application process less cumbersome. The Department streamlined its business processes during the late 1990s to make the program easier for hospitals and their bankers. Therefore, states that don't require certificates of need have become more willing to accept commissioned studies of need and feasibility. As a result, the program is now accessible to many more hospitals nationwide.

Rural hospitals, long cut off from capital, are now using a program that could make a dramatic difference. Under the Medicare Rural Hospital Flexibility Program, part of the Balanced Budget Act of 1997, Medicare can designate critical-access hospitals—hospitals that receive cost-based rather than formula-based reimbursements from Medicare for inpatient and outpatient services. That allows the hospitals to recoup capital costs and improve their bottom line. HUD has streamlined the Section 242 process for them by covering financial feasibility studies and working with the hospitals to ensure success by hiring consultants to develop transition plans.

Many rural hospitals were build during the 1950s and 1960s with loans and grants from the Hill-Burton Program (Title VI of the Public Health Service Act). But appropriations for the program ended in 1974, and since then the hospitals have had trouble getting access to capital.

The loans under Section 242 may be used for construction refinancing, remodeling, or expansion of new and existing facilities. Architect fees, planner fees, title and recording fees, and other costs normally associated with a capital improvement project are also eligible. Also, up to 4.5 percent of the loan amount may be used for financing and placement fees, and 2 percent for working capital.

An FHA-insured mortgage can cover up to 90 percent of the replacement value of the assets pledged as security for the debt. Because the pledged assets include all of the hospitals' assets, not just the current project, the insured mortgage may cover the full costs.

The threshold qualification for the program is a certificate of need (CON) issued or pending for the project. If a state does not have a CON process, HUD will work with the state to establish guidelines for conducting an independent feasibility study.

With respect to the Baptist Hospitals of Southeast Texas, the Texas Department of Health conducted a feasibility study under guidelines it established in an agreement with the FHA. Pursuant to this agreement, the borrower is responsible for the cost of the feasibility study, which can be paid directly by the borrower or from the mortgage proceeds. During construction, the annual insurance premium is charged on the full amount of the approved mortgage and is capitalized in the loan for the full construction period.

The Section 242 program is of paramount importance because it is a credit-enhancement vehicle that can be of tremendous use to large health systems. This program has distinct applications which can be used by a whole litany of hospitals—community and critical-access hospitals, proprietary institutions.

Mr. Speaker, for the above reasons, I support H.R. 659.

Mr. OXLEY. Mr. Speaker, I'd like to thank Housing Subcommittee Chairman BOB NEY for introducing this important legislation. This bill is a great example of common sense triumphing over bureaucratic impediments.

The Federal Housing Administration has been helping Americans buy homes for nearly 70 years. This backing helps American families struggling with the costs of homeownership to obtain lower interest rates on their mortgages and for many, may be the difference between securing a home loan or not.

Today we're here to ensure that these same benefits are available for hospitals across the country. In the 1970s, Congress enacted legislation to provide mortgage insurance to hospitals making capital improvements, provided they submitted an approved certificate of need from their state government. Too many hospitals are unable to take advantage of the significant benefits incurred by FHA insurance because their states no longer provide the certificates of need necessary to qualify for FHA-backed mortgages. This bill responds to the changes in state programs over the past twenty years.

By allowing the Department of Housing and Urban Development to craft guidelines for qualifying hospitals without certificate of need programs, this bill will improve healthcare in communities across America. This legislation will build new maternity wards, modernize facilities and put hospitals in communities that do not have reasonable access to these services locally.

With this bill, we can move toward ensuring that quality, affordable medical care is readily available in rural and urban communities where financing is most needed.

I command Congressman NEY for his leadership and thank Committee and Subcommittee Ranking Members Congressman FRANK and Congresswoman WATERS for their help and support with this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 659.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

KOREAN WAR VETERANS RECOGNITION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 292) to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

The Clerk read as follows:

H.R. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans Recognition Act of 2003".

SEC. 2. DISPLAY OF FLAG ON NATIONAL KOREAN WAR VETERANS ARMISTICE DAY.

Section 6(d) of title 4, United States Code, is amended by inserting "National Korean War Veterans Armistice Day, July 27;" after "July 4;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 292.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill adds the National Korean War Veterans Armistice Day to the list of days upon which the American flag should especially be displayed. Currently, title 4 of the U.S. Code provides that the flag should be displayed on all days, but specifically mentions 10 permanent Federal holidays on which the flag should be displayed. This bill would amend title 4 to include July 27, the National Korean War Armistice Day.

Nearly 1.8 million American soldiers fought bravely in harsh weather and foreign terrain over the course of 3 years to defend democratic South Korea from an offensive invasion launched by communist North Korea when its armed forces crossed the 38th parallel. On July 27, 1953, an armistice was signed and North Korea withdrew to its side allowing South Korea to remain an independent democratic nation. At the war's conclusion, over 103,000 American soldiers had been wounded, and 36,577 were killed.

The 10 permanent Federal holidays that are currently listed in law serve to recognize the people and events that have shaped the character of our Nation. By adding this day to this list, the bill will ensure that those who fought and died so bravely in the Korean War are recognized for their contribution to our Nation. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is certainly appropriate in the backdrop of the Operation Iraqi Freedom when our young men and women are facing danger in supporting and uplifting the values of this Nation to be able to expand our recognition of all of those who have offered themselves on behalf of the values of this Nation.

I rise to support the Korean War Veterans Recognition Act of 2003, H.R. 292, and I urge my colleagues to support it. The legislation was reported unanimously by the Committee on the Judiciary and deserves support. The bill is very straightforward. It would add the commemoration of the Korean War Armistice designated by Congress as National Korean War Veterans Armistice Day to the list of important occasions on which the flag is specially displayed. These holidays now include the birthdays of Reverend Dr. Martin Luther King, Presidents Washington and Lincoln, Memorial Day, and July 4, among others.

Clearly in the backdrop of the 50th anniversary or commemoration of the Korean war and our tribute over the past year of the United States to the Korean war veterans, it is certainly appropriate to be able to acknowledge and to rephrase the terminology "the forgotten war." Sometimes the Korean war is called the forgotten war. The courageous service and sacrifice of our Korean war veterans must never be forgotten, and I emphasize that. It deserves to be commemorated and honored.

This commemoration deserves to be among those days upon which the flag is especially flown in honor of that service. Again, to all of our service men and women serving now and our veterans, it is certainly our responsibility and challenge to continue to respect you and admire the work and service you have given and to commit to you again as veterans that we will never allow any undermining of our commitment to you for lifetime care. This particular recognition acknowledges the veterans of a war that will not be forgotten. I urge the adoption of this bill.

Mr. Speaker, I rise in support of the Korean War Veterans Recognition Act and urge my colleagues to support it. This legislation was reported unanimously by the Judiciary Committee and deserves every member's support.

This bill is very straightforward. It would add the commemoration of the Korean War Armistice, designated by Congress as "National Korean War Veterans' Armistice Day," to the list of important occasions on which the flag is specially displayed. These holidays include the birthdays of the Rev. Dr. Martin Luther King, Presidents Washington and Lincoln, Memorial Day, and July 4th, among others.

Although sometimes called the "forgotten war," the courageous service and sacrifice of our Korean war veterans must never be forgotten. It deserves to be commemorated and honored. This commemoration deserves to be among those days on which the flag is specially flown in honor of that service.

I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the bill before the House today makes certain that the heroes of America's forgotten war are not forgotten. It is important because if we look at the Korean War Veterans Memorial here in Washington, D.C., we will see the words "Freedom is not free." We need to remind ourselves that over 36,000 Americans lost their lives in a war that has been essentially simply forgotten by many, many people.

Flying the flag on this day makes a difference because people will look at it, young people will look at it, and they will say why is the flag flying especially today. The flag is flying because it is a reminder and a recognition of the Korean War Veterans Armistice Day. It is a day when we all should stop and remember a tremendously difficult hard-fought war. We had an armistice there, and 1.8 million members of the United States Armed Forces fought bravely to preserve freedom and democracy in Korea; and we need to take time out to honor them.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership and his assistance in bringing this measure to the floor this morning, and I urge all Members to support H.R. 292.

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Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge my colleagues to support this bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, our Korean war commemoration, which began on June 25, 2000, on the 50th anniversary of the invasion of South Korea, continues through Veteran's Day this year.

This past July 27th held special significance because it marked the 50th anniversary of the Korean war armistice.

Begun only 5 years after the end of World War II, the Korean war was, in many ways, the first reminder that America must remain the world's leading force for peace, prosperity and freedom—a responsibility we still hold today.

Called to fight back the brutal forces of communism, 1.8 million Americans courageously participated in the Korean war. The United States suffered over 36,000 dead and over 100,000 wounded in some of the most horrific conditions in the history of warfare. And even today there are still over 8,000 unaccounted for.

The service and sacrifices of our Korean war veterans 50 years ago saved a nation from Communist enslavement and gave South Korea the opportunity to develop and flourish under freedom and democracy.

Sadly, the Korean war is sometimes referred to as the "forgotten war."

Perhaps it was the mood of a nation wanting to return to peace after the Second World War. But for the U.S. men and women who served, and for the families and friends of those who paid the ultimate price, the Korean war can never be forgotten.

By adding the Korean war veterans Armistice Day, July 27, to the list of days on which the United States Flag should be displayed, this Congress is sending a message, loud and clear, that "we will never forget."

All Americans must know, as the words etched on the Korean War Memorial reminds us, that "freedom is not free." It cannot be taken for granted.

Should this great country wish to preserve its freedom, we must pay tribute to those who paid the price for it.

Korean war veterans, I salute you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 292.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENDING SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2152) to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

The Clerk read as follows:

H.R. 2152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "2003," each place it appears and inserting "2008,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2152, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a rather lengthy statement on this bill which in the interest of saving time and allowing the Members to leave Washington before the hurricane shuts everything down, I will not read extensively. I will insert it into the RECORD pursuant to the leave just granted.

However, I will say that this bill extends an immigrant visa program for religious workers that is set to expire. The current visa program allows American religious denominations to sponsor and bring in religious workers from overseas for both ministers and nonministers. The program is highly restricted and many religious denominations have taken advantage of this program in the years past basically to provide additional personnel to do not only their religious work but some of their charitable work as well. It is a program that has not been abused. It is a program that has been found extremely useful and necessary by many of the religious denominations. It is set to expire on September 30. The passage of this bill will extend the authority for this program an additional 5 years. I urge its adoption.

Mr. Speaker, the immigrant visa program for religious workers allows American religious denominations to benefit from the assistance of both ministers and non-minister religious workers from overseas. However, the two visa categories authorized under program for nonminister religious workers are set to expire at the end of this fiscal year and must be extended for these benefits to continue.

Under the immigrant visa program, an alien (along with spouse and children) can qualify for a special immigrant visa if they are a member of a religious denomination closely associated with a bona fide nonprofit, religious organization in the United States.

To be eligible, they must seek to enter the United States to serve either as a minister or in a religious vocation or occupation at the request of the associated organization. Additionally, they are required to have been carrying out such work continuously for at least the preceding two years.

The two non-minister religious worker categories were added by the 1990 immigration act. Because of the fear of fraudulent or excessive use of these categories, a maximum of 5,000 visas a year was allowed for the two categories. However, the number has stayed well below the cap as 1,413 religious workers (and 1,714 spouses and children) received these visas in fiscal year 2002.

The non-minister religious worker categories were originally set to expire in 1994. After two extensions, the categories now will lapse on October 1st of this year. H.R. 2152, introduced by Representative BARNEY FRANK, would extend the special immigrant visas for religious workers until October 1, 2008.

The Judiciary Committee has received a letter signed by organizations representing many religious denominations supporting an extension of these visas. The letter provided a number of examples of how various religious denominations rely on the religious worker visas. For example, "Catholic dioceses rely heavily upon religious sisters, brothers, and lay missionaries from abroad. . . . Some fill a growing need in the Catholic Church for those called to religious vocations. Others provide critical services to local communities in areas including religious education, and care for vulnerable populations such as elderly, immigrants, refugees, abused and neglected children, adolescents and families at risk."

In addition, "Jewish congregations, particularly in remote areas with small Jewish communities, rely on rabbis, cantors, kosher butchers, Hebrew school teachers, and other religious workers who come from abroad through the religious worker program. Without them, many Jewish communities would be unable to sustain the institutions and practices that are essential to Jewish religious and communal life."

And, "[o]ther religious denominations, such as the Baptist Church, the Church of Christ Scientist, the Church of Jesus Christ of Latter Day Saints, the Lutheran Church, and the Seventh Day Adventist Church, also rely on the visas to bring in non-minister religious workers, who . . . work in areas as diverse as teaching in church schools, producing religious publications, sustaining prison ministries, training health care professionals to provide religiously appropriate health care, and performing other work related to a traditional religious function."

These visas serve a valuable role and contribute to Americas' vibrant religious life. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, this is a very fine example of the Committee on the Judiciary working together in a bipartisan effort on immigration policies. Let me thank the chairman of the full committee, the gentleman from Wisconsin, and the gentleman from Michigan, the ranking member, because most often we have found an opportunity to try and cure problems and to work on legislation as relates to immigration in a bipartisan way. Let me also thank the gentleman from Massachusetts for his persistence. Representing a very diverse district, he was very much an advocate, a proponent of this legislation and an author of this legislation to extend the opportunities for these very special immigrant religious workers. We acknowledged him as he is presiding over a hearing, but I do want to indicate to this body that he introduced this important legislation and we thank him for doing so.

This bill is extremely relevant to many of our religious institutions and communities. It clearly is an act that has shown the effectiveness of using immigrant workers where there is no abuse. It allows religious organizations to sponsor both ministers and non-minister religious workers from abroad to perform services in the United States. The non-minister religious workers category includes a variety of occupations, such as nuns, religious brothers, cantors, pastoral service workers, missionary and religious broadcasters.

The real aspect of this bill that should be heard is that these religious workers provide a very important spiritual function in the American community in which they work and live, in addition to performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor force. This is not a sidebar step to intrude immigrant workers into issues and positions that are not tied to the spiritual impact. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.

As the new Department of Homeland Security has come in place, they have made sure that religious workers do not include janitors, maintenance workers, clerks, fund-raisers, solicitors of donations or similar occupations. This is truly a spiritual work. I believe that the extension of this legislation will be particularly important.

The Catholic Church in the United States has heavily utilized this program to serve the increasing diversity of its membership which includes parishioners from countries throughout the world. Religious workers from abroad assist the church here in a variety of ways. They come as religious brothers and nuns, counseling members of ethnic communities. I think that they have a very important role as relates to the existing immigrant community and their responsibilities there have been very much utilized by communities to help with the refugee community and the immigrant community.

As I indicated and in closing, Mr. Speaker, we have been able to work together on many issues that deal with immigration policies in the Committee on the Judiciary. Let me also hope as we move toward this whole issue of dealing with Patriot Act II that we will likewise have the opportunity to respond to the needs and concerns of Americans and assess the fact that we must balance our civil liberties as we move forward to protect this Nation. This is a very fair legislative initiative. I again thank the gentleman from Massachusetts.

Mr. Speaker, thank you for considering this bill, H.R. 2152, To Amend the Immigration and Nationality Act to Extend for an Additional 5 Years the Special Immigrant Religious Worker Program, and thank you to Mr. FRANK for having introduced this important legislation. As the Ranking Member of the Judiciary Committee's Subcommittee on Immigration and Claims this bill has much relevance to my ongoing immigration initiatives on a national and constituent-based scale.

The special immigrant classification of the Immigration and Nationality Act (INA) allows religious organizations to sponsor both ministers and non-minister religious workers from abroad to perform services in the United States. The non-minister religious workers category includes a variety of occupations, such as nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters.

We consider today legislation that would amend the INA to extend the Special Immigrant provisions which otherwise are set to expire on October 1, 2003. This bill, H.R. 2152, which I cosponsor and support, would extend the special immigrant religious worker program for an additional 5 years.

Religious workers provide a very important spiritual function in the American communities in which they work and live, in addition to performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor force. Historically, religious workers have staffed hospitals, orphanages, senior care homes, and other charitable institutions that provide benefits to society without public funding.

According to the Department of Homeland Security, the term "religious worker" does not include janitors, maintenance workers, clerks, fundraisers, solicitors of donations, or similar occupations. The activity of a layperson who will be engaged in a religious occupation must relate to a traditional religious function. The activity must embody the tenets of the religion and have religious significance, relating primarily, if not exclusively, to matters of the spirit as they apply to the religion.

Prior to the enactment of the Immigration Act of 1990, non-profit religious organizations that requested the services of foreign-born, non-minister religious workers were forced to fit their needs into the business, student, or missionary visa categories. This was problematic for religious organizations, as the established visa categories were created primarily for the needs for profit-making businesses. As a result, religious organizations were frequently unable to sponsor foreign non-minister religious workers.

The Catholic Church in the United States has heavily utilized this program to serve the increasing diversity of its membership, which includes parishioners from countries throughout the world. Religious workers from abroad assist the Church here in a variety of ways. They come as religious brothers counseling members of ethnic communities, religious sisters providing social services and care to the poor and ill, and lay persons assisting with religious education. While supporting the Church in its spiritual mission, these workers also mend the spirit of those in need in our local communities by working in schools, hospitals, homes for the aged, and homeless shelters.

I acknowledge that fraud and abuse are concerns with this program. Nevertheless, restricting the religious worker provision is not the way to resolve this problem. The provision requires non-minister special immigrant religious workers to meet stringent qualifications before they enter the country. Any attempt to impose stricter criteria could hurt religious organizations and hinder their performance of humanitarian and community service-related projects.

A failure to extend this program in a timely fashion would be a disservice not only to religious organizations but to local communities and individuals in distress who depend on the work of their members.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2152.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNET TAX NONDISCRIMINATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. PERMANENT EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d).

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "unless" and all that follows through "1998".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) CLARIFICATION.—The second sentence of section 1104(5), and the second sentence of section 1101(e)(3)(D), of the Internet Tax Freedom Act (47 U.S.C. 151 note) are each amended by inserting ", except to the extent such services are used to provide Internet access" before the period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 49, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. Over the last several years, the Internet has revolutionized commerce, become an economic engine and is a major source of information for Americans in virtually every segment of the population. It has expanded consumer choices, enhanced competition and enabled individuals as well as brick and mortar retailers to participate in a national marketplace once reserved to a privileged few.

In 1998, Congress passed the Internet Tax Freedom Act to facilitate the commercial development of the Internet, and in 2001 this body voted to extend the moratorium through this year. This act prohibits States from imposing multiple and discriminatory taxes on electronic commerce and shields consumers from new Internet access taxes. However, it does not exempt Internet retailers from collecting and remitting sales taxes to the States.

Introduced by the gentleman from California (Mr. COX), H.R. 49 makes permanent the ban on taxes that target the Internet for discriminatory treatment as well as all taxes on Internet access by States and localities. This sound policy reflects the experience and insights gained over the last 5 years and represents the position of a wide bipartisan cosponsorship.

The Subcommittee on Commercial and Administrative Law conducted a hearing on this bill in April. On July 16, the full Judiciary Committee reported the bill favorably by voice vote with one bipartisan amendment in the nature of a substitute offered by the subcommittee's ranking member, the gentleman from North Carolina, and its chairman, the gentleman from Utah. This amendment ensures that the original intent of the law, to provide tax freedom for all forms of Internet access, is preserved. I commend the gentleman from Utah and the gentleman from North Carolina for their work to clarify in this amendment that tax freedom must be tech neutral.

If H.R. 49 is not passed, Internet commerce will be subject to State and local taxes in thousands of jurisdictions. Failure to make the moratorium permanent could result in the imposition of a complex web of taxes that would create uncertainty for the information technology industry, a sector of the economy which can ill afford further setbacks.

Further, we must encourage equal participation in the digital age by keeping Internet access as affordable as possible. A recent survey confirmed that poorer Americans and those in rural or urban areas are most likely to cite cost pressures as a major reason why they would not avail themselves of the resources found online. Taxes on Internet access would only deepen the digital divide between those who have access to the Internet and those who do not. This bill has had virtually unanimous support in the Committee on the Judiciary and it has more than 130 bipartisan cosponsors. It is supported by the administration and has garnered the endorsement of numerous IT businesses and organizations.

Last Congress, the House and Senate passed a temporary extension of the moratorium by voice vote. These limited protections expire November 1 of this year. It is now time to make the benefits created by the moratorium permanent. Doing so will vitalize the IT economy, assist consumers and stimulate equal access to the invaluable resource that is the Internet.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. H.R. 49 would permanently extend the existing moratorium against taxes on Internet access by all State and local governments, including those that were previously grandfathered by the Internet Tax Freedom Act. Although this bill will necessarily result in the loss or potential loss of revenue to some States, it will promote the continued development, emergence and widespread access to the Internet and it will do so in a fair and technologically neutral manner.

During the full committee markup of H.R. 49, I, together with the chairman of the Subcommittee on Commercial and Administrative Law, the gentleman from Utah, offered an amendment to help clarify the meaning of Internet access and to put an end to the current confusion that has led to discriminatory and inconsistent State taxation on Internet access. The bill before us today incorporates that amendment and is the product of industry-wide and bipartisan negotiations. The principle I pursued in offering the amendment was simple. If we are to prohibit taxes on Internet access, we must do so regardless of how that access is provided. Otherwise, we would give a competitive advantage to those providers covered by the moratorium over those providers that remained subject to taxation. This would limit the choices of consumers and raise the costs of alternative means of accessing the Internet, such as DSL. By making the moratorium applicable to all Internet service providers, we have created a level playing field for the consumer. In the process, we have had no intention to otherwise undermine State and local telecommunications tax bases.

Indeed, I, along with the gentleman from Massachusetts (Mr. DELAHUNT) and other colleagues on the subcommittee, have insisted throughout that we remain mindful of the fiscal crisis currently confronting many of our States. Toward that end, Chairman CANNON has agreed to conduct hearings this month on the States' attempt to establish a unified tax system that would enable them to impose and collect sales taxes on transactions over the Internet in a manner that is fair and manageable. I commend Chairman CANNON for his commitment to those hearings and look forward to working toward a solution to the streamlining issue.

In closing, I believe that H.R. 49 ensures that the ban on Internet access taxes is neutral as to technology, speed and provider.

□ 1100

I believe that the bill will lower costs to the consumer, enhance competition, clarify for State and local governments the type of services subject to tax, and facilitate narrowing the digital divide that presently impedes access to the Internet in disadvantaged communities. I urge my colleagues to support H.R. 49.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the chairman of the subcommittee.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me this time. I would also like to thank the gentleman from North Carolina (Mr. WATT), the distinguished ranking member of the subcommittee, for his long hours and hard work on this issue. We appreciate that very much. Also, the gentleman from Massachusetts (Mr. DELAHUNT), who has been very clear and very helpful in setting up the issue of the Streamlined Sales Tax Project, and others who have worked on this bill who I will mention during my speech; but I also want to mention the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, who for years has worked on this issue.

Mr. Speaker, I rise in support of H.R. 49. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of this committee, the Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS) for their constant support of preventing taxation on Internet access. I also want to thank the gentleman from California (Mr. COX) for championing this issue since he, together with Senator WYDEN, first introduced this legislation.

I also wish to recognize the efforts of my friend from Virginia, Senator ALLEN, on companion legislation in the other body. I look forward to working with him and others to guide our product to the President's desk for signature.

This body has debated Internet tax moratorium bills several times since 1998. In the past, efforts were made to link these moratoria to consideration of whether Congress should adopt legislation authorizing States to compel the collection of sales taxes from remote vendors. This effort, known as the "Streamlined Sales Tax Project," or SSTP, has made progress without Federal intervention. But as we know, before interstate compacts can become effective, the Constitution requires congressional approval.

I thank the gentleman from Massachusetts (Mr. DELAHUNT) for his attention to the SSTP and assure him of my cooperation in considering all facets of this effort. My subcommittee has scheduled a hearing on the project for October 1 in order to give Members an opportunity to examine this issue fully.

Mr. Speaker, I support H.R. 49. This bill would broaden access to the Internet, expand consumer choice, promote certainty in growth in the IT sector of our economy, and encourage deployment of broadband services at lower prices.

The bill puts to rest the "grandfather" clause and makes tax-free

Internet access a national policy. As I stated during committee consideration of this bill, the amount of tax revenue that certain States collect as a result of the grandfather clause pales in comparison to the amounts of aid these States receive under President Bush's economic package. We established a consistent national policy of not taxing Internet access through this bill.

H.R. 49 was amended in the Committee on the Judiciary to ensure that the moratorium is equally applied to all forms of Internet access. The gentleman from North Carolina (Mr. WATT), my good friend, and I were alerted to the fact that since 1998, the ITFA tax protections were not being fairly applied by the States. In particular, some States have begun to tax DSL Internet access in plain circumvention of the intent of the ITFA.

I supported the gentleman from North Carolina (Mr. WATT) in an amendment at the committee to achieve what we believe is a fair and sound policy; parity of tax treatment for all forms of Internet access. This bipartisan effort, led by the gentleman from North Carolina (Mr. WATT) and the gentleman from Michigan (Mr. CONYERS), underscores the importance of the Internet to our economy. The result is a thoughtful and necessary clarification restoring the ITFA to its original intent. It strikes a careful balance between those who tax and those who are taxed.

I want to emphasize that telecommunications services not used to provide Internet access remain outside the moratorium and that voice services over traditional telephone lines, therefore, remain taxable. Not taxable are the DSL, cable, dial-up, or other Internet access technologies that may run over those lines.

This bill, cosponsored by more than 130 Members of this body, is endorsed by administration and supported by numerous technology companies and organizations. Mr. Speaker, this bill makes sense for an economy that, while improving, needs clarity of tax policy by encouraging investment in broadband.

Finally, I want to thank again the gentleman from Wisconsin (Chairman SENSENBRENNER) for his consistent support as we move toward permanent tax freedom for Internet access. His work has been invaluable. I urge my colleagues to support H.R. 49 as amended.

Mr. WATT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the full committee.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT), ranking member, for yielding me this time, and to the members of the Committee on the Judiciary.

I rise on the point of a simple principle in terms of the bill under discussion. I rise against multiple and discriminatory taxes of any kind and especially in this area of the Internet. Secondly, I congratulate the authors of the Watt-Cannon amendment that attempts to clarify the ban on Internet access taxes, and it applies not only to dial-up Internet service, but also to high-speed cable. When we passed the ban on access taxes in the mid 1990's, no one considered that we could access the Internet over other than the telephone. This bill resolves the ambiguity, and I have other reasons to commend the authors of Watt-Cannon, but right now I support the bill.

Mr. Speaker, I rise in support of this legislation. This bill makes permanent a moratorium on internet access taxes as well as multiple and discriminatory taxes on the internet that we first passed as part of the Telecommunications Act of 1996. It is difficult to justify multiple and discriminatory taxes under any circumstances, on the Internet or otherwise, so I am glad to join in bipartisan support of this legislation.

In addition to making the moratorium permanent, the bill before us incorporates the Watt-Cannon amendment to clarify that the ban on internet access taxes applies to not only dial up internet service but also high speed cable, "DSL," and other technologies. When we passed the ban on access taxes in the mid-90's, none of us considered that we could access the internet other than over the phone. This bill resolves that ambiguity. It is in no way intended to otherwise undermine state and local tax bases.

My support for this bill is premised in part on commitments made by the majority that we will be able to turn to another issue involving interstate taxes—streamlining the sales tax system. Under current law, the traditional brick and mortar sellers are required to collect sales tax while the electronic retailers have no such requirement, creating what many believe to be an unlevel playing field between the two.

I am pleased to note that both Chairman SENSENBRENNER and Subcommittee Chairman CANNON have slated hearings on the streamlining hearing for October. I am hopeful that we will then be able to consider provisions to provide states that simplify their sales tax systems with the authority to collect sales taxes equitably from all retailers. I believe that a simplified streamlined tax compact would increase our nation's economic efficiency, facilitate the growth of electronic commerce, and help our states maintain financial support for public education, health and safety.

So I am glad we are able to pass this bill today, and look forward to working on the streamlining issue in the not too distant future. I urge a "yes" vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX), the author of the bill.

Mr. COX. Mr. Speaker, I thank the Chairman for yielding me this time. I thank the gentleman from Michigan (Mr. CONYERS). I thank the gentleman from Utah (Chairman CANNON) and the gentleman from North Carolina (Mr. WATT), ranking member.

This is an extraordinary moment because the Internet Tax Freedom Act, which was originally enacted 5 years ago, was something of an experiment. We debated it aggressively in both Chambers. We were not sure whether it was going to work as intended. It clearly has. And so having extended it twice, we are now back here to make it permanent. The benefits to our economy are manifest. It is estimated that the expansion of the Internet, the anticipated continued rollout of broadband and perhaps the next generation of broadband will add as much as $500 billion in gross domestic product every year in each of the next 10 years for our country. This is an extraordinary potential.

The University of California at Los Angeles, UCLA, in a January, 2003, survey has found that for consumers in the 21st century, right now the Internet is the most important source of information, but not everybody can afford it. Not everybody yet has the Internet. It is still expensive. There is about a $10 difference, perhaps more or less in some areas, between dial-up and broadband, and people have not been converting from dial-up to broadband, in part, because of that price point. It is just a little bit too expensive for a lot of people. Adding new taxes to Internet access, taxing e-mails, taxing the bits transmitted or the bandwidth would be a profoundly bad idea for our country. And as the gentleman from Michigan (Mr. CONYERS) mentioned, there is such a potential for multiple taxes from many jurisdictions, all claiming that because there is a server located in their jurisdiction, they can tax a piece of this, that even a nick here and a little bit of nickels and dimes there would add up to a very serious amount of taxation for most people, and it would destroy what the Internet can become.

We are now going to put this behind us. We are going to move on. We are going to find that this becomes one of the invisible parts of the legal infrastructure that makes our economy great. It is going to help consumers. It is going to help technological innovation. It is going to help our economy and our country. And having worked for so long with Senator WYDEN on this, I want to thank him, Senator ALLEN, Senator MCCAIN as well. In this Chamber, though, there has been such leadership from the Committee on the Judiciary, from the gentleman from Wisconsin (Chairman SENSENBRENNER), from the gentleman from Utah (Chairman CANNON), from the ranking members of the full committee and the subcommittee, as I mentioned, the gentleman from North Carolina (Mr. WATT) and the gentleman from Michigan (Mr. CONYERS), and from the gentleman from Virginia (Mr. GOODLATTE), whom I think we will hear from next that, I can safely say without that kind of leadership in this House, the American people would not be seeing this victory today.

Mr. WATT. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and the chairman of the subcommittee both for their very fine work and the work of this committee, and I certainly do believe that the Internet is a major component to the development or further development of America's economy and the utility of the Internet in American lives is very vital.

However, I am concerned that this bill removes the moratorium as relates to a number of States who have already been in the process of an effective way of assessing the utilization of the Internet. I disagree with my colleagues to suggest that this would add to multiple taxation because it is also possible for this Congress to provide direction and streamlining of the process of taxation or assessment. The effect of this bill would be to remove a grandfather clause that applies to a number of States that have utilized these resources for revenue. It is crucial to consider the rights of State legislatures that develop measures to generate revenue that may steam from Internet use which is beginning to take the place of retail purchases.

Let me suggest that anyone's understanding of the difficulty of State bottom-line budgets today would be living, I guess, somewhere out of the United States. We are in a crisis with our budgets similar to the crisis we have here in the United States Congress as we seek to fund the Federal Government and looking for resources where we can get them even in the backdrop of taxation cuts or cuts in taxes that certainly are not prudent. In this instance, we are trying to judge the minds of those in our State legislatures and governments, State governments, who are attempting to balance their budgets.

The other aspect that I think would warrant consideration of an extension of the moratorium is the lack of competitiveness or the unfairness for those retail stores who themselves have to assess taxes. The biggest day in my community and State, in terms of sales, was when they did not have to tax. I grant the Members that. But that makes it unequal for one to be able to shop on the Internet with no taxes but not in going to their retail stores.

I would ask my colleagues, as we move this legislation forward, to consider the Senate bill, which is for more reasonable, giving opportunity for these States to be able to move out of this by finding other revenue sources, giving them some time, as opposed to cutting them off and, therefore, their not having the time to be able to find other revenue sources.

This bill has as an unfair aspect to it, and I ask my colleagues to vote against it.

Mr. Speaker, I rise in strong opposition to the bill before the House today, H.R. 49, to permanently extend the moratorium enacted by the Internet Tax Freedom Act.

I participated in the markup of this bill in the Judiciary Committee, and I maintain the posture that I expressed at that time with respect to the bill's deleterious effect on an important source of revenue for Texas and my district. The committee had considered this legislation beforehand as well, and an amendment that I offered was not accepted by the committee, unfortunately. When we once again considered this bill, I admonished that we continue to be mindful of the importance of the Internet to the development of the American economy, and the utility of the Internet in Americans' lives; however, the effect of this bill would be to remove a grandfather clause that applies specifically to the State of Texas. It is also crucial for the distinguished Members of the United States House of Representatives to consider the right of State legislatures to develop measures to generate revenue that may stem from Internet use.

H.R. 49 amends the Internet Tax Freedom Act by imposing a permanent moratorium on "multiple and discriminatory taxes" and by prohibiting any tax on Internet access. The bill also eliminates the grandfathering of State Internet access taxes that were "generally imposed and actually enforced prior to October 1, 1998," before ITFA became law.

By so doing, H.R. 49 will have an impact on consumers and also on the States, particularly Texas. The convenience of the Internet is beneficial to our economy and welcomed by consumers. As such, prohibiting Internet taxes is openly sought by our citizens. For many of our State governments the issue is more complicated. State governments must strike a balance between easing the financial burden on their constituents and generating revenue. Many State and local government officials have maintained that continuing the debate on the Internet tax collection issue was critical because of the financial plight of many States. The officials believe that if the State and local governments face continued shortages, a moratorium bill that did not advance the sales and use tax collection issue would force States to increase taxes in other areas. Thus, State and local government officials urged that a prolonged continuation of the moratorium without resolution of the simplification issue be viewed as a tax increase, most likely on individual taxpayers and in-state businesses.

Presently, my home State of Texas is one of only seven States that imposes taxes on Internet access consistent with the grandfathering clause of ITFA. My State has struggled with this issue. When the ITFA bill was first introduced in March of 1998, Texas was one of 10 States and the District of Columbia that were taxing Internet access. By June 1998, Texas elected to suspend our collection of Internet access taxes. Due in part to budgetary concerns, in October of 1999, Texas resumed a modified Internet tax collection system wherein we rendered exempt from tax the first $25 of a monthly access charge.

If H.R. 49 becomes law, Texas and the seven other States that presently collect taxes on Internet taxes will be prohibited from doing so upon passage of the bill. This is a substantial loss of revenue for many States that are struggling financially in our sluggish economy and in the aftermath of September 11.

Mr. Speaker, H.R. 49, has serious implications on our burgeoning electronic economy, on our constituents, and on all of our State governments. I oppose H.R. 49, because it will preclude those States, like Texas, who have legitimate Internet taxation systems to continue to make use of this valuable source of revenue. It imposes upon consumers and our growing electronic economy an undue burden.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of H.R. 49, the Internet Tax and Nondiscrimination Act, and commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Utah (Chairman CANNON) for their leadership in moving this legislation forward, the gentleman from California (Mr. COX), who has been leading this effort for many years, and my colleagues on the other side of the aisle for working together on this.

I would point out that this has absolutely nothing to do with the collection of sale taxes on the Internet, which is an issue to be dealt with on another day in another way.

As cochairman of the Congressional Internet Caucus and Chairman of the House Republican High Technology Working Group, I have long supported efforts to eliminate Internet access taxes and other discriminatory taxes on electronic commerce. During the 107th Congress, I introduced the Internet Tax Fairness Act, legislation that sought in part to permanently ban Internet access taxes and discriminatory taxes on electronic commerce.

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In 2001, the ban on these taxes was temporarily continued until November of 2003. Now it is with great pleasure that I stand here today to urge support of this legislation to permanently ban these burdensome taxes.

Excessive taxation and regulation will hamper the Internet's tremendous growth and stifle investment in small businesses that utilize this tremendous medium. The last thing that consumers need is for the puzzling array of taxes on their phone bills to be repeated on their Internet service bills.

In addition, excessive taxation of Internet access will increase the costs of households going online and result in a greater disparity between those households that can afford to go online and those that cannot.

H.R. 49, the Internet Tax Nondiscrimination Act, will encourage continued investment in and utilization of the Internet by permanently banning all Internet access taxes and eliminating the grandfather clause in the current law that allows certain States to continue imposing these crippling taxes on the Internet. The bill also contains language that makes it clear that protections in the bill apply equally to all providers of Internet access, regardless of the technologies used to provide that access.

This bill is forward-looking and will provide the certainty that businesses need to make calculated decisions regarding the ways in which they will utilize and invest in Internet technologies. I urge each of my colleagues to support this important legislation to permanently ban all Internet access taxes and discriminatory taxes on electronic commerce.

Mr. WATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of H.R. 49 for the reasons that have been enumerated by the subcommittee Chair and the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chair of the full committee. I want to acknowledge the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chair of the full committee.

I also want to express my appreciation to the subcommittee Chair, my good friend, the gentleman from Utah (Mr. CANNON), for his kind words and his sincere efforts to see that Congress gives full consideration to the issue of taxation of remote sales. I thank him for scheduling a hearing on this issue and look forward to working with him to see that it is a productive exercise. As the gentleman knows, I will be introducing legislation in the near future, together with the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Alabama (Mr. BACHUS), which would authorize the States that have worked so hard to simplify their sales taxes to collect sales taxes on remote sales to in-state purchases.

As we all know, the States are confronting their worst budget crises since the Great Depression. A declining economy, spiralling Medicaid costs, and the erosion of their tax base have left them with a collective deficit of some $100 billion. Governors of both political parties face a difficult choice between unpopular tax increases and drastic cuts in Medicaid, education, public safety and other essential services, or all of the above.

I appreciate the concern of the sponsors of the bill, that without a continuation of the moratorium on Internet access taxes, some States might be tempted to help make up their shortfalls by enacting such taxes. At the same time, we should be as concerned about the fact that States are losing tens of billions of dollars each year because taxable transactions on which they rely for half their revenues are increasingly taking place over the Internet. Some are not concerned, such as one individual, Mr. Grover Norquist, who testified at a hearing in support of this bill, and said that he wants to "shrink government until we can drown it in the bathtub." He stated, "I hope a State goes bankrupt."

Well, unless you agree with him, the money has to come from somewhere. Uncollected sales taxes on Internet purchases cost the States more than $16 billion in 2001. Unless there is a system in place that enables States and local governments to collect these taxes, their annual losses from online sales will grow to some $45 billion by 2006 and $66 billion by 2011, with total losses coming to nearly half a trillion dollars by that date.

What does this mean for individual States? Well, just to cite a few examples, my home State of Massachusetts lost $256 million in 2001, and its losses will climb to over $1 billion by 2011. Tennessee lost $450 million in 2001, and by 2011 its annual losses will grow to $1.8 billion. Florida, which relies on the sales tax for more than one-half of its annual revenues, lost $1.2 billion in 2001, with its losses estimated to quadruple to nearly $5 billion just 10 years from now. Texas lost $1.4 billion in 2001 and stands to lose $5.6 billion by 2011.

These losses are magnifying the fiscal problems of the States, which are already experiencing, because of increased costs and shrinking revenues, losses. Additionally, by failing to ensure sales tax equity and fairness between remote sellers and Main Street merchants, we are putting at risk the thousands of small businesses that sustain our economy and contribute so much to our neighborhoods and our communities.

As former Governor Engler of Michigan said the last time we considered this issue, "It is time to close ranks, come together and stand up for Main Street America. Fairness requires that remote sellers collect and pay the same taxes that our friends and neighbors on Main Street have to collect and pay."

So, Mr. Speaker, while I support the moratorium on Internet access taxes and I support H.R. 49, I think it is important that we get our priorities straight. The Quill decision, which prompted this particular proposal, prohibited a State from collecting sales taxes from out-of-state businesses that do not have a physical presence in that State. But the court said that Congress could authorize the States to collect these taxes once they have modified their taxing systems to alleviate the burdens placed on Internet commerce by multiple taxing jurisdictions.

The States have made substantial progress over the past year in developing a simplified, efficient, and technologically neutral system for the taxation of goods and services that can meet that test. Once a sufficient number of States have implemented the streamlined sales and tax agreement, Congress should move expeditiously to consider our legislation authorizing them to require remote sellers to collect and remit sales and use taxes on in-state sales. The States, I believe, are meeting their responsibilities, and hopefully we will meet ours.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the support of the gentleman from Massachusetts (Mr. DELAHUNT) on this bill. Lest people only heard part of his statement, let me say very clearly that this legislation has nothing whatsoever to do with the issue of the assessment and collection of sales taxes on remote sellers. It only has to do with banning multiple and discriminatory taxes on Internet access. The sales tax issue will be dealt with another day and in the context of another bill.

Since the gentleman from Massachusetts has raised this, I would like to make the following observations:

First, most States that assess sales taxes also assess use taxes, so an in-state resident who purchases goods out of state and is exempt from the sales tax because the goods are shipped from one State to the other, the sales tax of the State where the seller is located, is still liable for a use tax in his or her State of residency.

There is a line on the Wisconsin State income tax form that asks how much in use taxes you have to pay to the State of Wisconsin. If you put down zero and you really owe taxes, you filed a false tax return. I am sure that is the case in practically every other State that has got a sales or a use tax.

So when we are dealing with this issue, we are dealing with the failure of States to adequately and efficiently enforce their own use tax law. I do not know why States have failed to do this. That is something that Governors and legislators and State taxation department officials ought to explain.

But I can see the two-step being put on the Congress, that if we pass what the gentleman from Massachusetts wants us to at a later date, then that becomes our sales tax increase of billions of dollars on the taxpayers of Massachusetts and Texas and North Carolina.

I have told my Governors, Republican and Democrat, that have talked to me about this, as I said, your laws are already on the books. Why do you want us to enforce your law through an act of Congress, when you have the means to enforce your law by yourselves as responsibilities of the State government?

I hope that when we debate this issue of how to tax remote sales, we do not forget that.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, I support H.R. 49, the Internet Tax and Nondiscrimination Act. This legislation would permanently extend the current moratorium on Internet access taxation, as well as taxes on electronic commerce. It would not prohibit States from imposing sales tax on sales conducted over the Internet. However, it does prevent States or localities from imposing a sales tax that only applies to Internet transactions.

Mr. Speaker, Internet commerce is still relatively new and has yet to reach its full potential. The imposition of taxes would threaten the future growth of e-commerce and would discourage companies from using the Internet to conduct business. Internet taxation would create regional and international barriers to global trade.

The Internet is also a major source of information for many individuals and families. Taxes would reduce the number of Americans who could afford Internet access. Our goal in Congress should be to encourage and promote Internet access, rather than to widen the digital divide.

Mr. Speaker, Americans should be able to access the Internet without being subject to State and local taxes.

Mr. WATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today in opposition to H.R. 49, the Internet Tax Nondiscrimination Act. My opposition stems not from wanting to tax the Internet access or to impose dual taxes on e-commerce. I oppose the bill because it does not follow the precedent set by previous Internet tax moratorium legislation in holding harmless States that have enacted access taxes previous to 1998.

This bill would have what I consider an enormous impact on the State of Texas. The effect of this bill would be felt as early as November of this year. I do not need to remind my colleagues of the fiscal crises that our States are currently finding themselves in, including the State of Texas.

The State of Texas is one of those States facing a budget problem, and I cannot support legislation that would take away $45 million in annual revenue in our State, that my State has been depending on for the last 5 years. The $45 million in funds are needed for critical State programs, such as children's health care. Our last legislative session, because of our budget problem, dropped 175,000 children off of children's health care. So what are we going to do about taking a hit from this, drop even more children?

My State is not the only one. Connecticut would lose $15 million; Ohio, $12 million; Wisconsin, $7.5 million; Tennessee, $4 million; North Dakota, $2.5 million; South Dakota, $1.7 million; and New Mexico, $1 million.

I oppose the bill for procedural reasons, because I hoped to be able to consider this under an open rule that would allow Members from these States adversely affected by the grandfathering provision to allow amendments to protect their State laws. Without that opportunity, I have no choice but to vote in the best interests of my own State, as I assume a lot of other Members from States losing money will, and, again, taking away the States' ability to do it, to tax what they have already done.

I guess my frustration is that in Texas we in 1999 changed our taxes to where everything under $25 is exempt for your access to Internet service. But for some reason we still have State taxes and Federal taxes on access to our telephones.

□ 1130

On the point I am concerned about, I hope we can adopt the 3-year extension language that is similar to the Senate bill so that we can continue to hold harmless those States that are depending on this crucial revenue, particularly in this time of budget shortfalls and the disaster that is happening to some of our State programs because of State budget cuts.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. WATT. Mr. Speaker, I also yield to the gentleman from New Hampshire (Mr. BASS) for 1 minute.

The SPEAKER pro tempore (Mr. OSE.) The gentleman from New Hampshire (Mr. BASS) is recognized for 2 minutes.

Mr. BASS. Mr. Speaker, I rise in opposition to this bill. I am against taxation of the Internet. There is no question about that. What concerns me is the fact that this legislation eliminates the grandfather clause of those nine States that currently collect a communications tax.

In my State of New Hampshire we have a 7 percent tax on access for intrastate communications, not interstate but intrastate. It does not matter whether it is fax, Internet communications, any other mechanism.

What this bill does is eliminate the ability of the State of New Hampshire and eight other States to collect revenue on what is justifiably a State-centered tax.

Now, we do not regulate sales taxes or State income taxes, what they should do. There is a provision in this bill that would allow sales taxes to be collected but New Hampshire does not have a sales tax. So we get hit twice through the passage of this.

Mr. Speaker, the Senate bill has a 3-year extension of this moratorium and there is no such extension in the House. Ultimately what this bill does is it creates $100 million unfunded Federal mandate to States.

I am not for taxation of the Internet, but what the bill is doing is it is proposing to affect tax policy within States and their ability to tax within their open telecommunications system. And, as I said a minute ago, it is an unfunded Federal mandate.

I hope that the Committee on the Judiciary will look carefully at what the Senate has done with this 3-year extension and will include that 3-year extension in the House version of the bill.

It is a solution that is bad for New Hampshire and it is unfair. I plan to vote against this bill and I urge my colleagues in the States of Texas, Connecticut, Ohio, Wisconsin, Tennessee, North Dakota, South Dakota, New Mexico and Washington, those States that will be losing revenue on this with no balancing make-up from the Federal Government, to join me in opposition to this bill.

Mr. WATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in response to the gentleman from New Hampshire, the States have been on notice for 5 years that national policy disfavors taxing access to the Internet. While it is true that the grandfather clause is repealed by this bill, in the State of New Hampshire in 2002 $2½ million was collected through Internet access taxes. That is 13/100ths of 1 percent of the total revenues of the State of New Hampshire.

Obviously, getting rid of this multiple and discriminatory and regressive tax is something that should be a national policy.

I think the Internet is interstate commerce, not intrastate commerce. And, thus, I believe that the bill ought to be approved.

Ms. LOFGREN. Mr. Speaker, earlier this year, I introduced H.R. 1481, which would have extended the Internet tax moratorium for another 5 years. I introduced a 5-year extension because at the time, I believed that politically, it was the longest extension that we could get. But I am now convinced that we must make every effort to extend the moratorium permanently. That's why I am a strong supporter and cosponsor of H.R. 49.

Let's be clear on what H.R. 49 does and does not do. It prohibits states from taxing people for simply logging onto the Internet. This is absolutely essential to the growth of the Internet. It is also important because access taxes hit those with lower incomes the hardest. We need to find ways to bridge the digital divide in this country, not make it harder for lower income Americans to get online.

H.R. 49 also prohibits multiple and discriminatory taxes on Internet transactions. This is simply a matter of fairness. If I buy a CD on the Internet, it should not be taxed at a higher rate than if I buy that CD in a store. There should be an even playing field.

That's what H.R. 49 does. What it doesn't do is affect the ability of a State to impose and collect sales taxes on Internet transactions. Over the years, there has been a lot of confusion on this point. Some have tried to link the moratorium with the sales tax issue. But they are separate and distinct issues. The ability of states to impose sales taxes is not limited by H.R. 49, it is limited by the Supreme Court's Quill decision, which prevents taxes on remote sellers unless they have a "substantial nexus" to the taxing authority.

We cannot risk harming the future of the Internet by conditioning an extension of the moratorium on resolution of the sales tax issue. Let's deal with the separate sales tax issue separately.

A toll to enter the information superhighway is not good policy today, and it won't be good policy in a year, two years, or 5 years. I urge my colleagues to support a permanent extension.

Mr. DREIER. Mr. Speaker, as an original co-sponsor of H.R. 49, the Internet Tax Nondiscrimination Act, I want to congratulate Chairman Cox and Chairman SENSENBRENNER for their work in bringing before us this very significant electronic commerce bill. After two temporary moratoriums in the last 5 years, we have the opportunity today to finally pass a permanent ban on Internet access taxes, as well as multiple and discriminatory State and local taxes on electronic commerce.

It is important to note that the primary reason it took us 5 years to make this moratorium permanent was the linkage between two issues that are truly unrelated: (1) keeping down the cost of consumer access to the Internet; and (2) the issue of streamlined sales taxes and remote tax collection authority by States. H.R. 49 now moves us away from that linkage.

However, during Judiciary Committee debate on this bill, a number of Members continued to voice their belief that we still need to address the State tax simplification issue and "level the playing field" between brick-and-mortar and online sellers.

While the State sales tax simplification debate should be considered in Congress—and I know that Chairman CANNON will be holding hearings on that issue—I want to caution my colleagues who believe that leveling the playing field between offline and online sellers is a quick and easy policy decision. We need to be very careful that we do not create a precedent that would allow States and localities to tax a transaction, simply because the seller sells something to a purchaser in their jurisdiction.

One of the fundamental principles motivating America's struggle for independence from Britain was the idea that citizens should to face taxation without representation. To require that sellers pay taxes to a governmental body that in no way represents its interests is contrary to that basic premise of our democracy. In continuing to pursue a resolut8inon of the streamlined State sales tax issue, it is important that we continue to be guided by that principle.

Mr. LANGEVIN. Mr. Speaker. Today, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. This bill is the result of a bipartisan compromise to the benefit of consumers in Rhode Island and around the country.

H.R. 49 makes permanent the current moratorium on Internet access taxes, which was scheduled to expire on November 1, 2003. This moratorium, in effect since October 1998, has greatly contributed to the rapid expansion of the Internet.

For the second quarter of 2003, e-commerce accounted for only 1.5 percent of total goods and services sold in the country, but this is an increase of 28 percent from the previous year. By 2005, worldwide online sales are expected to total $8.6 trillion online, up from $3.6 trillion this year. This bill will maintain the United States' position as a leader in online commerce because H.R. 49 protects consumers from double taxation of online purchases, which would slow the growth of Internet sales.

I am pleased to see that the Judiciary Committee adopted the Watts-Cannon amendment, which ensures that all technologies, including traditional modem, cable modem, DSL, wireless, and future access methods, are subject to the same tax treatment. In addition, this bill ensures a nondiscriminatory tax system, which neither encourages nor discourages purchases online. The legislation is fair to existing brick and mortar businesses, while continuing to foster the expansion of e-commerce.

I urge my colleagues to support H.R. 49, this bipartisan legislation that benefits consumers and businesses.

Mr. KIND. Mr. Speaker, I am pleased to support H.R. 49, the Internet Tax Non-Discrimination Act. This bill would make permanent the national moratorium on Internet access taxes and multiple and discriminatory taxes on e-commerce.

The United States has made great strides in the goal of achieving Internet access for all Americans. As I travel throughout my district in western Wisconsin, I am constantly amazed to see the continued use of the Internet in public libraries, schools and hospitals, as well as individual homes and businesses. As the telephone did 100 years ago, the Internet is improving our lives and bringing us closer together as a world community.

Mr. Speaker, the previous legislation dealing with Internet taxation grandfathered existing laws in 10 states, including Wisconsin that imposed taxes on Internet access. The revenue from the taxes was used to pay for police officers, firefighters, hospital personnel, and elementary and secondary school teachers.

In these times of tight state budgets and fiscal uncertainty, every tax dollar is crucial to deliver needed services to citizens throughout the country. However, when the Federal Government unilaterally removes tax revenue by superceding state laws, state budgets take the hit. Congress must take state government needs and budget schedules when passing laws that supercede state taxation laws.

Mr. Speaker, the language in the Senate version of this bill includes a provision providing for a 3-year delay in the implementation of the law in those states with previous Internet access tax laws. This provision will afford those states the opportunity to plan for the loss of revenue from H.R. 49.

I am voting for H.R. 49 because I believe it is important to keep Internet access affordable so all Americans across the economic spectrum. However, I think it is only fair to state governments that they have proper notice about the lost of tax revenue dollars. Thus, I will be urging conferees to adopt the Senate language allowing for a 3-year delay of this law in those 10 states with Internet access tax laws.

Mr. SENSENBRENNER. Mr. Speaker, I urge support for the bill and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 49, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHARITABLE GIVING ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Cardin of Maryland or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 370 is a modified, closed rule that provides one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. H. Res. 370 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means, as modified by the amendment printed in Part A of the Committee on Rules report accompanying the resolution, shall be considered as adopted.

The rule also provides for the consideration of the amendment in the nature of a substitute printed in Part B of the Committee on Rules report, if offered by the gentleman from Maryland (Mr. CARDIN) or his designee, which shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of the report.

Finally, H. Res. 370 provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge my colleagues to join me in approving this fair and balanced rule, so that the full House can proceed to consider the underlying bipartisan charitable giving legislation.

The basic thrust of H.R. 7 is to make a number of changes to the Tax Code in order to provide incentives for individuals and businesses to make charitable contributions. I suspect that we would all agree that the Tax Code should not discourage taxpayers or businesses from seeking to help others. H.R. 7 is designed to ensure that charitable contributions of many different kinds can flourish by providing a variety of tax incentives for people and employers to help those in need. I applaud the hard work and leadership of my friend and colleague, the majority whip, the gentleman from Missouri (Mr. BLUNT), and his principal Democrat cosponsor, the gentleman from Tennessee (Mr. FORD), in bringing this legislation to the House floor today.

I urge my colleagues on both sides of the aisle to join me in voting for this rule so that we can move on to consideration of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I am pleased the body is considering legislation to increase tax incentives for charitable donations. Charitable organizations across the country are responsible for improving the lives of individuals and entire communities. These dedicated, hard-working groups provide shelter to those without homes, provide food and clothing to families in need, and care for the sick and the dying. They work with our children, providing opportunities for them to develop through art and music programs, teaching them to read, and so much more.

In east Buffalo, the tenacity and leadership of Sister Mary Johnice and others created the Response to Love Center. This community outreach center is a family center. The thrift shop clothes the needy. The kitchen feeds the hungry. The food pantry stretches families' thin budgets. The food stamp worker helps those in need to fill out the applications. The visiting nurse takes blood pressures and addresses health care issues with a client. It is right and good that this body seeks to support these great works by increasing the donations of individuals and community-minded companies.

I am also gratified that the bill before us today is without provisions allowing religious organizations that receive Federal funds to discriminate. Discrimination is not charitable. Discrimination should neither be allowed nor encouraged, particularly by the Federal Government. The invidious evil of discrimination erodes groups' charitable mission.

During these bad economic times, when millions of jobs have been lost and millions of people suffer unemployment, the demand for the charitable work rises.

It is my hope that this legislation will provide additional assistance to meet the additional demand. The women and men who lost jobs at local manufacturing plants are not the only ones suffering. The Federal Government's fiscal house is in complete disorder. The enormous tax giveaways to millionaires and the mounting costs of rebuilding Iraq are draining the Federal coffers, and the ailing economy has yet to generate enough revenue. In fact, the budget deficit for this fiscal year is going to be over $400 billion, and the deficit for next year should be around $500 billion, one-half trillion. The predicted $5.6 billion surplus has become an anticipated $2.3 trillion deficit.

So how are we going to pay for the $12.7 billion cost of this bill? H.R. 7 does not address this issue, but the Democrat substitute does, fortunately. The substitute amendment would add revenue offsets by closing tax loopholes and curtailing abusive tax shelters. It would even increase funding for community programs that, among other things, prevent child abuse and provide child care to low-income families. This is a fiscally responsible approach for encouraging charitable giving and providing assistance to vulnerable families during these particularly difficult times.

Mr. Speaker, I want to express my personal displeasure and sorrow that the Committee on Rules did not make in order the amendment by my colleague, the gentlewoman from New York (Mrs. MALONEY) that would have forgiven the one-time tax on the CDBG grants for the businesses in Lower Manhattan who suffered so much on 9/11.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on so many important issues before this body.

I rise in strong support of the underlying bill, but in opposition to this closed rule, a rule that does not allow a straight up-or-down vote on an amendment that the New York delegation supported that would not have taxed grants to individuals and businesses that suffered because of 9/11. It is really beyond me to understand why the majority continues to block efforts to correct what is an injustice and why they continue to unfairly tax the victims of 9/11. We have heard many discussions before this body on taxes, taxes that they want to eliminate and make permanent, on estate taxes, on this, that, and the other. Well, now the majority has found a tax that they do like, and that is taxing the people who took a hit for the country, the victims of 9/11.

I want to share with my colleagues that this is the latest in a series of actions by the New York delegation. The New York delegation has written the IRS and the Secretary of the Treasury. We have written the President. We have written to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the leadership of the other body. We have introduced bipartisan legislation. The Committee on Ways and Means is aware of the challenge, and the Congressional Research Service has issued a memo on this unfair tax.

We went in front of the Committee on Rules before and tried to add it as an amendment to H.R. 1308, the increased child tax credit bill. And just last week, the gentleman from New York (Mr. NADLER) and myself tried to add this amendment to the Transportation-Treasury bill, and it was ruled not germane. But in the Committee on Rules last night, when they discussed it, the Parliamentarian had made a statement that it was entirely germane and could have been taken up by this body.

□ 1145

So the end results continue to remain that the victims of 9/11 are still being taxed, and it is just unfair for these cash-strapped individuals and businesses to take another financial hit from this disaster, a financial hit that the Joint Committee on Taxation estimated to be over $268 million.

The IRS is taking back $268 million in Federal aid that the President pledged to New York City and Congress appropriated. We should be sending aid to victims, not taking it away.

The IRS decision has also had a ripple effect on other Federal benefits that survivors of 9/11 may receive. Since many agencies rely on the IRS's definition of gross income, some recipients' eligibility for programs like Medicare, Medicaid and Social Security, these programs likewise may be in jeopardy and taxed.

I would like to bring it down to what it means to an individual life with my constituents. I would like to take the example of Olga Diaz. She was the owner of a hair salon in the World Trade Center. She estimates that she lost $300,000 in the attacks and received a Federal grant of $37,000, a fraction of her loss. She now owes over $10,000. She owes a third of her grant of $37,000 back to the Federal Government. And she states that she learned about the taxation of the grant "after I invested it in rebuilding my business and I am now struggling to find ways to pay."

Mr. STARK. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I would ask, how much was the New York delegation asking, does the gentlewoman recall, for the help of the 9/11 victims?

Mrs. MALONEY. We, as a body, as the gentleman knows, appropriated and approved with the President $21.4 billion.

My office issued a report along with the Speaker of the City Council last week that 7 billion of those dollars have come to New York City, and that allocated or planned is roughly $19 billion. So we are short from the $21 billion.

Mr. STARK. So that was over 10?

Mrs. MALONEY. Yes.

Mr. STARK. So that would be about 200 million a year that you are short. I wondered if the gentlewoman was aware that in this bill there is $61 million for the State of Washington and the Weyerhaeuser Timber Corporation to do a kind of experiment in how to save trees by cutting them down, and none of the other States were allowed to participate in this, including New York State where they have major timber and pulp. So all through this bill there are special little interests gifts. Think of the Weyerhaeuser Timber Corporation and how badly they need an extra $61 million as compared to the people of 9/11.

Mrs. MALONEY. Reclaiming my time, I am outraged by this information. I thank the gentleman for letting me know about it. Certainly investing in human lives and trying to make them whole again after they have lost so much, in my opinion, is far more important than a timber subsidy.

I repeat, $268 million is being taken from the individuals and the businesses, most of which are small businesses, back into the Federal government. And to make matters worse, the IRS did not tell these people until the eve of the tax date so that they spent the money, as Mrs. Olga Diaz did, investing in trying to get her business going again. Now they are coming in and taking a third of her grant, which is just a fraction of the grant that was owed to her in her $300,000 loss.

So this is very unfair, and I do not believe that it is the intent of this body to tax these grants. I hope that in a subsequent bill or amendment it will be made in order or the bill from the delegation may come to the floor to correct this.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time and I rise in strong support of this rule.

As we all know, this rule does in fact make in order the Democratic substitute, which was offered by the gentleman from Maryland (Mr. CARDIN), and I believe that the rule itself should enjoy broad bipartisan support as I hope at the end of the day the legislation will.

This is bipartisan legislation authored by our good friend, the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip, and the gentleman from Tennessee (Mr. FORD), who have worked forming a bipartisan compromise on this. I will say that the goal is a very simple one, and that is to encourage greater philanthropy in contribution.

My friend, the gentleman from Georgia (Mr. LINDER), regularly points to the fact that people in this country were contributing large amounts before the Internal Revenue Code was put into place in 1913, and we do have many people who do step up and voluntarily provide large contributions. We have a lot of foundations that, frankly, do not take the tax ramifications of their contributions into consideration. But there are also incentives that do exist and we need to recognize that and the idea of saying to people who do not itemize, meaning those who are lower, middle income taxpayers, that they should have an opportunity to qualify for a deduction for their charitable contribution is the right thing to do.

This measure also goes a long way towards encouraging corporate philanthropy by increasing from 10 to 20 percent the cap on corporate contributions, so we want to see even greater support from the business community.

Also, the legislation does go a long way towards addressing private foundations, and I think that is an important thing and it deals with the 5 percent minimum for contributions and distributions from those private foundations.

Mr. Speaker, I think that we have here a piece of legislation which will allow us to do something that is very important. We have so many people looking to the Federal Government to provide assistance in a wide range of areas and we, according to Article I, Section 7 of the Constitution, have the responsibility to appropriate dollars. It seems to me that rather than constantly focusing on appropriating the hard earned tax dollars of the American people, what we should do is we should provide an incentive for every American to participate philanthropically by making contributions to meet societal needs that are out there, and I believe that H.R. 7 will go a long way in our quest to do just that.

I urge my colleagues to support the rule and to support the underlying legislation at the end of the day so that we once again can get even more and more people involved in the very, very important decision making process of meeting the needs in their communities and in our Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I will say that I am not a member of the Committee on Ways and Means so I thought I would take this opportunity to say what I have to say on the rule itself.

There are some things in this bill that cause me some heartburn and there are some things in this bill that I think are very valuable. And I am not sure exactly which one is taking precedence for me on the bill itself, but I did want to thank the Committee on Ways and Means for addressing a concern that had been raised about the administrative expense part of this bill by the Morehead Foundation, which is a major scholarship giving foundation in North Carolina. The Committee on Ways and Means addressed their concern, and I wanted to acknowledge that and thank them for doing that.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), our colleague on the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to encourage my fellow Members to support H.R. 7. There are lots of provisions in the bill which I think are good and I appreciate the comments by the former speaker in terms of what the Committee on Ways and Means has done; but there is a particular provision that would help many Americans who are literally struggling to stay alive.

This provision would expand the current deductions to all businesses, not just C corporations, and I believe this expansion would substantially increase the donation of food to food banks and other organizations. It is that simple.

What these groups do is to provide the obviously daily nourishment to homeless and others that are down on their luck and just cannot provide for all their needs themselves.

The bill also includes the provisions of H.R. 807. This is something that I introduced with the gentleman from Georgia (Mr. LEWIS) and previous to last year Tony Hall. As many know, Tony Hall is now in Rome doing a wonderful job for the United Nations agencies for food and agriculture.

But this bill would open up the deduction for all businesses, as I mentioned earlier, not just the larger corporations, and allow those businesses a deduction for the fair-market value of the food at the time they donate it.

This is a good provision. I urge everybody to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman for yielding me time. I thank the members of the Committee of Ways and Means for bringing this debate of H.R. 7 to the floor of the House.

Let me first of all add my support to the Cardin substitute. It is an equalizing substitute in terms of adding to this legislation a provision to restore the Social Services block grant funding level to $2.8 billion from $1.7 billion. It helps to support the State, local government and community based organization programs intended for the same population as the foundations benefiting from the tax provision that we are now providing or discussing on the floor of the House; additionally, as the entire cost is offset with a set of corporate loophole closures similar to those included in other House Democratic substitutes.

Let me also say that I would hope that in the weeks to come that we could discuss on the floor of the House the repeal of the President's very, if you will, misdirected tax cut in the light of the need for funding for our soldiers in Iraq and as well in light of the very huge budget crisis that we have.

We are bringing this bill to the floor because we are trying to help people. We are trying to create an opportunity for smaller businesses and others to be able to give monies to these social agencies in order to provide for a better quality of life.

Well, Mr. Speaker, I think we can start right here in the United States Congress to create an opportunity for a better quality of life by immediately repealing the President's tax cut so that we can in fact fund the necessary resources that are needed for our troops, and, as well, that we can provide the social services that our appropriators are now struggling to provide because they are in a crisis as to the amount of dollars that we will have.

Mr. Speaker, I think that the Cardin substitute is a great enhancement of H.R. 7. I rise to support that substitute and certainly will consider its impact on H.R. 7 as I consider my vote on this legislation dealing with the Charitable Giving Act of 2003.

Mr. LINDER. Mr. Speaker, does the gentlewoman from New York (Ms. SLAUGHTER) have any further speakers?

Ms. SLAUGHTER. Mr. Speaker, I did have speakers requesting time but they are not on the floor.

Mr. LINDER. Is the gentlewoman prepared to yield back?

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 370, I call up the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 370, the bill is considered read for amendment.

The text of H.R. 7 is, as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Charitable Giving Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.
Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Permitted holdings of private foundation where corporation is publicly traded and publicly controlled.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.
Sec. 304. Maternity group homes.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize deductions for any taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

"(2) TERMINATION.—This subsection shall not apply to any taxable year beginning after December 31, 2005.".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) Conforming amendment.—Subsection (d) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(c) Study.—

(1) In general.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) Report.—By not later than December 31, 2005, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) In General.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) Distributions for charitable purposes.—

"(A) In general.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) Qualified charitable distribution.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan—

"(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70 ½, and

"(ii) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) Contributions must be otherwise deductible.—For purposes of this paragraph—

"(i) Direct contributions.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) Split-interest gifts.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) Application of section 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement plans treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) Special rules for split-interest entities.—

"(i) Charitable remainder trusts.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) Pooled income funds.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) Charitable gift annuities.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) Denial of deduction.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) Split-interest entity defined.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) Modifications Relating to Information Returns by Certain Trusts.—

(1) Returns.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) Trusts Described in Section 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) Trusts Claiming a Charitable Deduction Under Section 642(c).—

"(1) In general.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

"(A) the amount of the deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

"(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) Exceptions.—Paragraph (1) shall not apply to a trust for any taxable year if—

"(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

"(B) the trust is described in section 4947(a)(1).".

(2) Increase in penalty relating to filing of information return by split-interest trusts.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) Split-interest trusts.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.".

(3) Confidentiality of noncharitable beneficiaries.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) Applicable Percentage.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

"(3) Applicable percentage defined.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

“For taxable years beginning in calendar year—	The applicable percentage is—
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.”.

(c) Conforming Amendments.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking “10 percent” each place it occurs and inserting “the applicable percentage (determined under section 170(b)(3))”.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking “10-percent limitation” and inserting “applicable percentage limitation”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) Special rule for contributions of food inventory.—

“(i) General rule.—In the case of a charitable contribution of food, this paragraph shall be applied—

“(I) without regard to whether the contribution is made by a C corporation, and

“(II) only for food that is apparently wholesome food.

“(ii) Limitation.—In the case of taxpayer other than a C corporation, clause (i) shall not apply to any contribution of apparently wholesome food from a trade or business of the taxpayer to the extent that such contribution exceeds the applicable percentage (within the meaning of subsection (b)(3)) of the amount of net income of the taxpayer from the trade or business with respect to which such food is inventory. For purposes of the preceding sentence, the amount of net income of the taxpayer from a trade or business is the excess of—

“(I) the aggregate amount of gross income from such trade or business received or accrued by the taxpayer during the taxable year, over

“(II) the aggregate amount of any deductions allocable to such trade or business allowed to the taxpayer under this chapter for the taxable year.

“(iii) Determination of fair market value.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(iv) Apparently wholesome food.—For purposes of this subparagraph, the term ‘apparently wholesome food’ shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.”.

(b) Effective Date.—The amendment made by section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) Reduction of Tax on Net Investment Income.—Subsection (a) of section 4940 (relating to excise tax based on investment income) is amended by striking “2 percent” and inserting “1 percent”.

(b) Repeal of Reduction In Tax Where Private Foundation Meets Certain Distribution Requirements.—Section 4940 is amended by striking subsection (e).

(c) Modification of Excise Tax on Failure to Distribute Income.—

(1) Administrative expenses not treated as distributions.—Subparagraph (A) of section 4942(g)(1) is amended by striking “including that portion of reasonable and necessary administrative expenses” and inserting “excluding administrative expenses”.

(2) Exclusion not to apply to certain private foundations.—Paragraph (3) of section 4942(j) is amended—

(A) by striking “(within the meaning of paragraph (1) or (2) of subsection (g))” each place it appears, and

(B) by inserting at the end the following: “For purposes of this paragraph, the term ‘qualifying distributions’ means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g), except that ‘including that portion of reasonable and necessary administrative expenses’ shall be substituted for ‘excluding administrative expenses’ in subsection (g)(1)(A).”.

(3) Conforming amendment.—Subsection (g) of section 4942 is amended by striking paragraph (4).

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

“(c) Taxation of Trusts.—

“(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

“(2) Excise tax.—

“(A) In general.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

“(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

“(C) Character of distributions and coordination with distribution requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

“(i) subsection (b),

“(ii) determining the value of trust assets under subsection (d)(2), and

“(iii) determining income under subsection (d)(3).

“(D) Tax court proceedings.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—

(1) In general.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting “or assembled” after “constructed”.

(2) Conforming amendment.—Clause (iii) of section 170(e)(4)(B) is amended by inserting “or assembling” after “construction”.

(b) Computer Technology and Equipment for Educational Purposes.—

(1) In general.—Clause (ii) of section 170(e)(6)(B) is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(2) Special rule extended.—Section 170(e)(6)(G) is amended by striking “2003” and inserting “2005”.

(3) Conforming amendments.—Subparagraph (D) of section 170(e)(6) is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

“The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.”.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

“(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

“(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

“(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

“(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

“(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

“(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

“(ii) such Executive order refers to this subsection.

“(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

“(A) begins on the later of—

“(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

“(ii) the date of the enactment of this subsection, and

“(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

“(4) Denial of deduction.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

“(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

“(6) Erroneous designation.—

“(A) In general.—If—

“(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

“(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

“(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

“(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

“(7) Notice of suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.”.

(b) Effective Date.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking “or” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “, or”, and by inserting after paragraph (5) the following:

“(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.”.

SEC. 203. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after “509(a))” the following: “or as a private operating foundation (as defined in section 4942(j)(3))”; and

(2) by amending subparagraph (C) to read as follows:

“(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or”.

(b) Court Jurisdiction.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking “United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia” and inserting the following: “United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),”.

(c) Effective Date.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) In General.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

“(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

“(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

“(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

“(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).”.

(b) Excludable Portion.—Subparagraph (A) of section 126(b)(1) is amended by inserting after “Secretary of Agriculture” the following: “(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)”.

(c) Effective Date.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) In General.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

“(E) Paragraph to apply only to excess payments.—

“(i) In general.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

“(ii) Addition to tax for valuation misstatements.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

“(I) such excess determined without regard to any amendment or supplement to a return of tax, or

“(II) such excess determined with regard to all such amendments and supplements.”.

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) Payments subject to binding contract transition rule.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) Repeal of Grassroots Expenditure Limit.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

“(1) General rule.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.”.

(b) Excess Lobbying Expenditures.—Section 4911(b) is amended to read as follows:

“(b) Excess Lobbying Expenditures.—For purposes of this section, the term ‘excess lobbying expenditures’ means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.”.

(c) Conforming Amendments.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking “limits of section 501(h)(1) have” and inserting “limit of section 501(h)(1) has”.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking “limits of section 501(h)(1) are” and inserting “limit of section 501(h)(1) is”.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking “limits

of section 501(h)(1)" and inserting "limit of section 501(h)(1)".

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting "and" at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PERMITTED HOLDINGS OF PRIVATE FOUNDATION WHERE CORPORATION IS PUBLICLY TRADED AND PUBLICLY CONTROLLED.

(a) IN GENERAL.—Paragraph (2) of section 4943(c) (relating to the permitted holdings in a corporation) is amended by adding at the end the following new subparagraphs:

"(D) PERMITTED HOLDINGS WHERE CORPORATION IS PUBLICLY-TRADED AND PUBLICLY CONTROLLED.—A private foundation shall not be treated as having excess business holdings in any corporation in any calendar year in which it (together with all other private foundations which are described in section 4946(a)(1)(H)) owns not more than 5 percent of the voting stock and not more than 5 percent in value of all outstanding shares of all classes of stock if—

"(i) the common stock of the corporation, and any other class of stock of which shares are held by the private foundation, are regularly traded on an established securities market (within the meaning of section 897(c)(3)),

"(ii) more than 50 percent of—

"(I) the total combined voting power of all classes of stock of such corporation entitled to vote, and

"(II) the total value of the stock of such corporation,

is owned directly or indirectly by persons other than the private foundation and persons who are disqualified persons with respect to the private foundation,

"(iii) the Board of Directors of such corporation consists of a majority of persons who are not disqualified persons with respect to the private foundation, and

"(iv) any undistributed income (within the meaning of section 4942(c)) of the private foundation for such year (determined after substituting '6 percent' for '5 percent' in section 4942(e)(1)) shall have been distributed within the required period under section 4942(a) so as to avoid application of the initial tax on such undistributed income.

"(E) EXCEPTION TO PERMITTED HOLDINGS WHERE CORPORATION IS PUBLICLY-TRADED AND PUBLICLY CONTROLLED.—No stock of a corporation held by the private foundation shall be considered permitted holdings pursuant to subparagraph (D) to the extent such stock was acquired by the private foundation by purchase in a taxable transaction or was acquired from a disqualified person who acquired such stock by purchase in a taxable transaction within the 5 years immediately preceding the transfer of such stock to the private foundation. Solely for purposes of applying the preceding sentence—

"(i) any such stock acquired by purchase in a taxable transaction by such disqualified person within such 5 year period shall be treated as included in such transfer to the extent of such transfer,

"(ii) all stock acquired by such disqualified person by purchase in a taxable transaction during the 24 month period beginning on the date of the transfer to the private foundation shall be treated as held by such disqualified person on the date of such transfer and included in such transfer, and

"(iii) the private foundation may specifically designate any shares of stock not considered permitted holdings for purposes of allowing such private foundation to dispose of such stock.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601-679b) is amended by adding at the end the following:

"PART F—COMPASSION CAPITAL FUND

"SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

"(a) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

"(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

"(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

"(1) providing the other entity with—

"(A) technical assistance and information, including legal assistance and other business assistance;

"(B) information on capacity-building;

"(C) information and assistance in identifying and using best practices for serving persons and families in need; or

"(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

"(2) supporting research on the best practices of social service organizations.

"(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

"(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

"(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2007.".

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking "and 2003" and inserting "2003, 2004, 2005, 2006, 2007, and 2008".

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans "to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation".

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and nonsectarian organizations.

(6) As President Bush has stated, "It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.".

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, "to give more and to give better" by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

SEC. 304. MATERNITY GROUP HOMES.

(a) PERMISSIBLE USE OF FUNDS.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting "(including maternity group homes)" after "group homes"; and

(2) by adding at the end the following:

"(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides—

"(1) young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children; and

"(2) pregnant women with—

"(A) information regarding the option of placing children for adoption through licensed adoption service providers;

"(B) assistance with prenatal care and child birthing; and

"(C) pre- and post-placement adoption counseling.".

(b) CONTRACT FOR EVALUATION.—Part B of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

"SEC. 323. CONTRACT FOR EVALUATION.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a public or private entity for an evaluation of the maternity group homes that are supported by grant funds under this Act.

"(b) INFORMATION.—The evaluation described in subsection (a) shall include the collection of information about the relevant characteristics of individuals who benefit from maternity group homes such as those that are supported by grant funds under this Act and what services provided by those maternity group homes are most beneficial to such individuals.

"(c) REPORT.—Not later than 2 years after the date on which the Secretary enters into a contract for an evaluation under subsection (a), and biennially thereafter, the entity conducting the evaluation under this section shall submit to Congress a report on the status, activities, and accomplishments of maternity group homes that are supported by grant funds under this Act.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 388 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) in subsection (a)(1)—

(A) by striking "There" and inserting the following:

"(A) IN GENERAL.—There";

(B) in subparagraph (A), as redesignated, by inserting "and the purpose described in subparagraph (B)" after "other than part E"; and

(C) by adding at the end the following:

"(B) MATERNITY GROUP HOMES.—There is authorized to be appropriated, for maternity group homes eligible for assistance under section 322(a)(1)—

"(i) $33,000,000 for fiscal year 2003; and

"(ii) such sums as may be necessary for fiscal year 2004."; and

(2) in subsection (a)(2)(A), by striking "paragraph (1)" and inserting "paragraph (1)(A)".

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in part A of House Report 108–273, is adopted.

The committee amendment in the nature of a substitute, as modified, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Charitable Giving Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.
Sec. 109. Charitable organizations permitted to make collegiate housing and infrastructure grants.
Sec. 110. Conduct of certain games of chance not treated as unrelated trade or business.
Sec. 111. Excise taxes exemption for blood collector organizations.
Sec. 112. Nonrecognition of gain on the sale of property used in performance of an exempt function.
Sec. 113. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Extension of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.
Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Pilot project for forest conservation activities.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.
Sec. 304. Maternity group homes.
Sec. 305. Authority of States to use 10 percent of their TANF funds to carry out social services block grant programs.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

"(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

"(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70½, and

"(ii) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) Direct contributions.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) Split-interest gifts.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) Application of section 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) Special rules for split-interest entities.—

"(i) Charitable remainder trusts.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) Pooled income 'funds.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) Charitable gift annuities.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) Denial of deduction.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) Split-interest entity defined.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) Modifications Relating to Information Returns by Certain Trusts.—

(1) Returns.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) Trusts Described in Section 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) Trusts Claiming a Charitable Deduction Under Section 642(c).—

"(1) In general.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

"(A) the amount of the deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

"(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) Exceptions.—Paragraph (1) shall not apply to a trust for any taxable year if—

"(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

"(B) the trust is described in section 4947(a)(1).".

(2) Increase in penalty relating to filing of information return by split-interest trusts.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) Split-interest trusts.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.".

(3) Confidentiality of noncharitable beneficiaries.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) Applicable Percentage.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

"(3) Applicable percentage defined.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.".

(c) Conforming Amendments.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking "10 percent" each place it occurs and inserting "the applicable percentage (determined under section 170(b)(3))".

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking "10-percent limitation" and inserting "applicable percentage limitation".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Special rule for contributions of food inventory.—

"(i) General rule.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only to food that is apparently wholesome food.

"(ii) Limitation.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

"(iii) Determination of fair market value.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(iv) Apparently wholesome food.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) Reduction of Tax on Net Investment Income.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking "2 percent" and inserting "1 percent".

(b) Repeal of Reduction in Tax Where Private Foundation Meets Certain Distribution Requirements.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) Modification of Excise Tax on Self-Dealing.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking "5 percent" and inserting "25 percent".

(d) Modification of Excise Tax on Failure To Distribute Income.—

(1) Certain administrative expenses not treated as distributions.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

"(4) Limitation on administrative expenses treated as distributions.—

"(A) In general.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

"(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

"(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

"(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

"(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

"(B) Adjustment for inflation.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.".

(2) Disallowance not to apply to certain private foundations.—

(A) In general.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking "(within the meaning of paragraph (1) or (2) of subsection (g))" each place it appears, and

(ii) by adding at the end the following new sentence: "For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).".

(B) Conforming amendment.—Section 4942(f)(2)(C)(i) is amended by inserting "(determined without regard to subsection (g)(4))" after "within the meaning of subsection (g)(1)(A)".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—

"(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) Excise tax.—

"(A) In general.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) Character of distributions and coordination with distribution requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

"(i) subsection (b),

"(ii) determining the value of trust assets under subsection (d)(2), and

"(iii) determining income under subsection (d)(3).

"(D) Tax court proceedings.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—

(1) In general.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(2) Conforming amendment.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembling" after "construction".

(b) Computer Technology and Equipment for Educational Purposes.—

(1) In general.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(2) Special rule made permanent.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) Conforming amendments.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

"The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) Treatment of Organizations Making Collegiate Housing and Infrastructure Improvement Grants.—

"(1) In general.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

"(2) Housing and infrastructure grants.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

"(3) Grants to certain organizations holding title to property, etc.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.".

(b) Effective Date.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) In General.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

"(1) In general.—The term 'unrelated trade or business' does not include—

"(A) any trade or business which consists of conducting bingo games, and

"(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.".

(b) Qualified Games of Chance.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

"(3) Qualified games of chance.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

"(A) such organization is licensed pursuant to State law to conduct such game,

"(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

"(C) the conduct of such game does not violate State or local law."

(c) CLERICAL AMENDMENT.—The subsection heading of section 513(f) is amended by striking "BINGO GAMES" and inserting "GAMES OF CHANCE".

(d) EFFECTIVE DATE.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking "and" at the end of paragraph (3), by striking the period in paragraph (4) and inserting "; and", and by inserting after paragraph (4) the following new paragraph:

"(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.".

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking "or" at the end of paragraph (4), by adding "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use.".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking "Paragraphs (4) and (5)" and inserting "Paragraphs (4), (5), and (6)".

(B) Section 6421(c) is amended by striking "or (5)" and inserting "(5), or (6)".

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.".

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking "or (j)" and inserting "(j), or (k)".

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;".

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking "Subparagraphs (C) and (D)" and inserting "Subparagraphs (C), (D), and (E)", and

(ii) by striking "(C), and (D)" and inserting "(C), (D), and (E)".

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting "sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use," after "for its exclusive use,".

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

"(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—The term 'qualified blood collector organization' means an organization which is—

"(A) described in section 501(c)(3) and exempt from tax under section 501(a),

"(B) registered by the Food and Drug Administration to collect blood, and

"(C) primarily engaged in the activity of the collection of blood.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) IN GENERAL.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

"(D) NONRECOGNITION OF GAIN.—

"(i) IN GENERAL.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

"(ii) STATUTE OF LIMITATIONS.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

"(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

"(II) the organization does not intend to meet such requirements, or

"(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) "$15,000,000" shall be substituted for "$40,000,000" in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term "continuing care retirement community" means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section

212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by inserting after paragraph (5) the following:

"(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.".

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after "509(a))" the following: "or as a private operating foundation (as defined in section 4942(j)(3))"; and

(2) by amending subparagraph (C) to read as follows:

"(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or".

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking "United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia" and inserting the following: "United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

"(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

"(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

"(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).".

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after "Secretary of Agriculture" the following: "(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

"(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

"(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

"(I) such excess determined without regard to any amendment or supplement to a return of tax, or

"(II) such excess determined with regard to all such amendments and supplements.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

"(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.".

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

"(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.".

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking "limits of section 501(h)(1) have" and inserting "limit of section 501(h)(1) has".

(4) Paragraph (1)(C) of section 4911(f) is amended by striking "limits of section 501(h)(1) are" and inserting "limit of section 501(h)(1) is".

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking "limits of section 501(h)(1)" and inserting "limit of section 501(h)(1)".

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting "and" at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term "qualified forest conservation bond" means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term "qualified project costs" means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term "qualified harvesting activity" means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term "qualified conservation plan" means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term "qualified organization" means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term "unrelated person" means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting "25 percent" for "50 percent" each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee

on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

"PART F—COMPASSION CAPITAL FUND

"SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

"(a) Grant Authority.—

"(1) In general.—The Secretary may make grants to support any private entity that operates a promising social services program.

"(2) Applications.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

"(b) Contract Authority, etc.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

"(1) providing the other entity with—

"(A) technical assistance and information, including legal assistance and other business assistance;

"(B) information on capacity-building;

"(C) information and assistance in identifying and using best practices for serving persons and families in need; or

"(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

"(2) supporting research on the best practices of social service organizations.

"(c) Guidance and Technical Assistance.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

"(d) Social Services Program Defined.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

"(e) Limitations on Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.".

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) In General.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking "and 2003" and inserting "2003, 2004, 2005, 2006, 2007, and 2008".

(b) Removal of Economic Literacy Activities From Limitation on Use of Amounts in the Reserve Fund.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: "The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).".

(c) Eligibility Expanded To Include Individuals in Households With Income Not Exceeding 50 Percent of Area Median Income.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

"(1) Income test.—The adjusted gross income of the household—

"(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

"(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.".

(d) Extension of Time for Account Holders To Access Federal Funds.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking "When Project Terminates"; and

(2) by striking "upon" and inserting "on the date that is 6 months after".

(e) Verification of Postsecondary Education Expenses.—Section 404(8)(A) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting "or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity" before the period.

(f) Authority To Use Excess Interest To Fund Other Individual Development Accounts.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking "any interest that has accrued" and inserting "interest that has accrued during that period"; and

(B) by striking the period and inserting ", but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual."; and

(2) by adding at the end the following:

"(f) Use of Excess Interest To Fund Other Individual Development Accounts.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development account of any individual or into any such parallel account maintained by the qualified entity.".

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) Findings.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans "to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation".

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and non-sectarian organizations.

(6) As President Bush has stated, "It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.".

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) Corporations Encouraged To Contribute to Faith-Based Organizations.—The Congress calls on corporations in the United States, in the words of the President, "to give more and to give better" by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

(c) Sense of the Congress.—It is the sense of Congress that—

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

SEC. 304. MATERNITY GROUP HOMES.

Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting "(including maternity group homes)" after "group homes"; and

(2) by adding at the end the following:

"(c) Maternity Group Home.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides—

"(1) young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children; and

"(2) pregnant women with—

"(A) information regarding the option of placing children for adoption through licensed adoption service providers;

"(B) assistance with prenatal care and child birthing; and

"(C) pre- and post-placement adoption counseling.".

SEC. 305. AUTHORITY OF STATES TO USE 10 PERCENT OF THEIR TANF FUNDS TO CARRY OUT SOCIAL SERVICES BLOCK GRANT PROGRAMS.

Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) Limitation on amount transferable to title XX programs.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.".

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Maryland (Mr. CARDIN), or his designee, which shall be considered read, and shall be debatable for one hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. STARK) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to compliment the cosponsors of the bill, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD). The fact that they decided on a bipartisan approach, I think set the tone for the changes that result in the bill we have before us.

The President had indicated that one of his top priorities, as he said, to rally the armies of compassion, to help the underprivileged in the United States is, in fact, to a certain extent a uniquely American structure dealing with the creation of foundations, charitable trusts and other structures to assist those in need in a private plan from those who have wealth.

These plans, approaches and foundations are governed, especially in terms of a privileged position, under the tax code as those who, when they conduct these activities, are exempt from various taxable consequences. Periodically, we really do need to review the structure, the relationships and the way in which these foundations and other structures relate to the tax code.

In addition to that, there is nothing wrong with this society, through the tax code, influencing in a positive way a people's willingness to carry on contributions and charitable acts. That really is the core of H.R. 7, and I am pleased to say, notwithstanding the fact that the minority will offer a substitute for the bill, those portions that I have just discussed are identical between H.R. 7 and the substitute that will be offered.

The difference is about other actions, other money, other funding arguments. Those will be examined in terms of the substitute versus the underlying bill, but I want to underscore, this bill came out of the Committee on Ways and Means by a voice vote. What that means is that, basically, it was supported by all of the Members. The compromise that was achieved that produced this result is an excellent example of people who are going to be governed working with those people who are empowered to do the governing and resolving differences.

I do believe the core portion of H.R. 7 is not controversial and should be passed.

Mr. Speaker, last week H.R. 7, the Charitable Giving Act of 2003 passed the Committee on Ways and Means, as amended, by voice vote.

The Charitable Giving Act is one of President Bush's top priorities, and will—as he has said—"rally the armies of compassion" to help the underprivileged in the United States. The bill encourages charitable contributions by individuals, businesses and foundations, while improving the effectiveness and efficacy of the government's delivery program for these important donations. The tax incentives in H.R. 7 will encourage and promote philanthropic donations by removing barriers that restrict giving.

H.R. 7 allows those taxpayers who do not itemize, which accounts for roughly two-thirds of returns, the opportunity to deduct a portion of their charitable contributions.

The bill provides an exclusion from gross income for otherwise taxable withdrawals from traditional or Roth IRAs that are made for charitable purposes. IRAs represent a major untapped source of charitable contributions, and it is estimated that Americans have used these plans to save roughly $2.3 trillion. By allowing taxpayers who have reached age 70½ to make tax-free transfers of IRA assets for charitable purposes, this provision represents a key source of increased charitable giving while also providing safeguards to ensure that IRA owners have ample assets for retirement.

H.R. 7 increases incentives that encourage benevolent contributions by corporations and other business. The bill increases the cap on corporate charitable contributions from 10 to 20 percent of modified taxable income and allows all businesses, rather than just C corporations, to take advantage of an extension of enhanced deductions for donations of food inventory. In addition, H.R. 7 better allows corporations to donate scientific property, computer technology and equipment to enhance research, and allows a shareholder in an S corporation to receive the benefit of a full charitable deduction for charitable contributions made by the S corporation.

In addition, this bill includes legislation to authorize a new compassion capital fund to support propitious social programs while extending and strengthening current efforts that urge low-income families to save in hopes to pay for school, start a business, or purchase a home. Furthermore, the enhanced State flexibility outlined in H.R. 7 allows States to transfer 10 percent of annual Federal cash welfare funds to the Social Services Block Grant in order to better help low-income families.

Mr. Speaker, this legislation is very important for two reasons: (1) it will help Americans help those who need it the most—whether it is through initiatives to end substance abuse and gang related violence, or to improve the health of the neediest; and (2) it will ensure uniformity exists in how charitable foundations operate. I urge my colleagues to vote in support of H.R. 7.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. BLUNT) and ask unanimous consent that he control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume to address not just this bill but all the things that the bill either ignores or demeans by suggesting that these charitable acts will solve some of the major problems in our country.

The bill suggests that it is going to spend $13 billion, when any reasonable assessment would suggest that it is a $23-billion bill because it sunsets the tax deduction in the second year, and we know that as night follows day, the next request will be to make it permanent, and I think it is rather deceptive to suggest to the public that it is, in fact, 13 when it is arguably substantially more, if one believes that the bill does the right thing to begin with.

The bill ought to be noted for what it does not do. What it does not do is deal with 12 million children whose parents will not receive a tax credit, which the President supports, the other body supports, and for some reason, my Republican colleagues in this House feel that because their parents pay little or no income tax, while they may pay substantial payroll taxes, they ought not to receive this money.

So many of the parents who are such low income, including the parents of 250,000 or more children who are children of our brave troops who will not receive this money, many of those same families will be importuned and given $6 a month in tax deduction for contributing to various causes. One imagines the United Crusade or whatever.

Many of us suspect that that will not generate very much charitable giving, and it would seem to me to be much more direct to deal with tax credits for families under $25,000 a year who have children to raise wherein health care is limited, wherein there is no help for housing or clothing or school subsidies which we have talked about on this floor. So, again, this bill is notable for what it does not do.

Then it has a certain amount of arrogance in what it does do. For example, it is almost cute, there is a college housing project, as it is called, in this bill, and what that basically does is help Delta Kappa Epsilon and Phi Beta Kappa and Kappa Kappa Alpha. It is a gift to fraternity and sorority houses on college campuses.

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Now, I have no quarrel with fraternities and sororities; but they are, indeed, private social clubs; and it seems to me that we are taking the first step in giving taxpayer dollars to private clubs that have every right to restrict their membership by race, by religion, by ethnicity, or any other reason. And there is no quarrel, but we have never before in the history of our Tax Code of our country given taxpayer dollars to golf clubs or tennis clubs or any other types of clubs.

And then we are going to go and have an experiment, and this is an experiment for a very limited group of Americans. We are going to give $61 million to create experiments to show that by cutting down trees we are going to save trees. Now that may work, but if it works, it is only going to work in the State of Washington because the $61 million in experiments cannot be used in any one of the other 49 States.

I noticed that the two distinguished sponsors of this bill are from Tennessee. To my knowledge, there is a timber industry in Tennessee. What is so shabby about the timber industry in Tennessee that we cannot help them do an experiment in ecological management of our forests? There happens to be a timber industry in California where the chairman of the Committee on Ways and Means resides. Why would we not like to help preserve the redwoods in California with some of this money, or the State of Oregon or the State of Maine? Why is it that only one State gets to participate in this experiment? And I might add it adds up to one timber company, the Weyerhaeuser timber company, which is owned by a very rich family, so we maybe could say it is only one family that participates. That is not right. It is not the proper thing to do.

If these programs are good, in every other experiment, we let people apply and we try and award these not as pork and a reward to some individual politician, but we try to reward them to the program which shows they have the most potential for benefiting the most Americans. That is the way a democracy ought to work; and in this new administration which tends to interpret democracy any way that the Attorney General chooses on that particular day, we seem to be redefining in this bill how we should apply charity and what are charitable organizations, how we should apply the largess of the Federal Government with rifle-shot approaches to individual corporations.

Mr. Speaker, this is a bill that is fraught with help for individual companies and individual interests; and it is most notable, as I would like to repeat once again, for what it does not do. It does not help those 12 million children in low-income families who most need assistance and which this House has repeatedly turned its back on due to the Republican leadership's refusal to bring up the child tax credit extension.

So it is with heavy heart, Mr. Speaker, that I say that charitable giving here has been politicized to the extent that under the guise of helping low-income people with $6 a month, we are giving humongous rewards to fraternities and sororities, to the Weyerhaeuser timber company in the State of Washington, and to people who arguably do not need that charity today.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to be here to talk about this bill. This is a tax bill. It is a tax bill that really is an important step toward what we do for charities in this country. It is an important step in the President's faith-based agenda; but certainly as a tax bill that encourages charitable giving, all that giving is not necessarily done to faith-based institutions. This has broad bipartisan support. I am pleased with the way the Committee on Ways and Means dealt with this bill and brought this bill to the floor without any dissenting votes on Tuesday of last week.

The gentleman from Tennessee (Mr. FORD), a cosponsor of the bill, worked hard on this bill; and we have over 80 bipartisan House cosponsors working with us on this bill.

The truth is our charities need some encouragement. They have faced some difficult times. 2001 was the first year that charitable giving in this country was lower than the year before. Giving in 2002 seems to continue to reflect that trend. Corporate giving fell by almost 15 percent between 2000 and 2001.

As we look towards what this does for charities generally, we can also look at what it does for faith-based charities which are so important in providing services in the country. Seventy-five percent of the food pantries in America are run by religious organizations, 71 percent of the food kitchens are faith based, 43 percent of the shelters are run by the faith-based community.

This act really allows those who give to charity more ways to give and encourages them to give in new ways. This is a change in the Tax Code that has impact. In fact, the Congressional Budget Office estimate of the impact of this bill would indicate that $45 to $50 billion more will be given to charities over the next 10 years if this bill becomes law than would be given to charities if this bill does not become law.

There are many things, particularly as charities reach out to individuals in need, food kitchens, shelters, food pantries, where the charity has proved to be such a compassionate way to deal with this problem with the most impact. Clearly the family unit intact is the best way to provide services to people. After that I think we could have a debate that my side would win advocating that when charities step in, they are almost always more compassionate, quicker, more cost effective, and get out more of the money available to them, and get help sooner and quicker and more effectively than any other way to do this. Of course, where both the family has failed, where individuals through the church and community have not been able to do the job, there is a place for government programs. But there is a clear place for charities.

Let me talk about two or three things in this bill that make a difference in terms of how millions of Americans are affected. Eighty-six million Americans do not itemize their taxes, but of those 86 million Americans, many give money every week, every month, every year to a church or charity. The bill of the gentleman from Tennessee (Mr. FORD) and my bill changes the Tax Code in a way that lets those people who give to church and charity have credit for some of the giving that they do to church and charity. Just like people who itemize their taxes, they have to demonstrate that they did make that gift, but this treats them differently from the people who do not itemize their taxes and do not give. This really does reward giving for individuals and couples.

The second big area of impact of the bill, I believe, will be the changes we make in those resources and how we deal with those resources that people have in IRAs. There are $2.5 trillion in the country today in IRAs. Many people, as they begin to utilize their IRAs, suddenly realize they do not have enough money in their IRAs to do all of the things that they would like to do; but many people realize through some good fortune in investing, an extraordinary commitment to funding their IRA, through that and the other things they have done providing for their retirement, their IRA is a big resource of money that they do not need or are not likely to need all of.

Today, the tax consequences of gifting IRAs are such that almost none of that money is given to charity or faith-based charities. The change in this bill removes the tax obstacle from giving that money. After people reach the age of 70½ and begin to evaluate their resources and the need for those resources, suddenly that $2.5 trillion out there in IRAs is available for gifting potential.

If we talk to our friends who raise money for their local college or university, for the Red Cross, for the blood center, for whatever it would be, they would say that this portion of the bill is the portion that they look to which has the greatest opportunity to change giving in the future.

We raise the cap on corporate charitable contributions over the next 10 years from 10 percent that could be gifted of profits to 20 percent of profits. We extend current incentives for food donations to apply to even more farmers, more restaurants, more retailers, more wholesalers. We allow value added to those products to have a greater value in gifting than it has today.

This bill reauthorizes a program which allows low-income working Americans the opportunity to build assets through matching savings accounts, known as IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business.

This bill provides $150 million a year for a compassion capital fund to assist small community and faith-based organizations who want to start a charitable outreach to do that, to set up their organization or to expand their capacity to serve. This encourages conservation by private landowners by requiring certain Federal grant money for conservation be treated as tax free.

Mr. Speaker, I yield 1⅓ minutes to the gentleman from Wisconsin (Mr. RYAN) to respond to one statement made by the gentleman from California (Mr. STARK).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for his tireless work on a bipartisan basis to bring this bill to the floor.

I want to quickly address some of the inaccuracies dealing with the collegiate housing issue. The claim is the collegiate housing issue only helps sororities and fraternities. Let me tell Members exactly what this does and does not do. Number one, for many of us who represent colleges and universities in our districts, we realize that there is an undersupply of off-campus housing and an overcrowding on campus in our Nation's colleges and universities.

What this simply does is it allows off-campus housing be built by nonprofit organizations to address this need, to bring up to code, to fire code, off-campus housing because right now if you are going to invest tax-deductible dollars into a nonprofit, you can deduct those and invest them on campus for university housing; but you cannot take tax-deductible dollars to invest in building collegiate housing off campus even though they are nonprofit, not-for-profit foundations.

So this goes well beyond sororities and fraternities. It goes to religious organizations, Hillel; it goes to nonprofits and fraternities and sororities, and only to university students who have academic careers, not to country clubs or anything else. It is tightly defined, and it puts the need where it is required and that is to address this critical shortage of bringing buildings up to code and addressing this housing shortage need.

Mr. STARK. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. CARDIN), the author of our proposed Democratic substitute, who can speak to the issue of how we might pay for this bill.

□ 1230

Mr. CARDIN. Mr. Speaker, first let me compliment the gentleman from Missouri (Mr. BLUNT), the sponsor of this legislation, and the gentleman from Tennessee (Mr. FORD) for reaching, I think, a fair compromise on some very controversial issues so that we really do have a chance to enact a bill this year that can help our faith-based institutions, our nonprofit institutions in carrying out their very important responsibility. Major compromises were reached along with Senator LIEBERMAN and Senator SANTORUM in the Senate that would provide our sponsors in the House to eliminate from the bill a very controversial provision dealing with employment discrimination. I know that many of our Members have been concerned about that. Those provisions are not included in this legislation, and I want to compliment all involved who were responsible for the removal of that provision.

I also want to compliment the architects of this legislation for working out a fair compromise as it relates to a foundation's administrative costs. We have a fair compromise on that issue that puts some Federal controls on administrative costs but also allows the foundations to be able to do their business in the most cost-effective way.

In my view, this legislation is a positive help to faith-based institutions, nonprofit institutions and is consistent with the tradition of our country to maintain the church-state separation. There is help here for those who want to privately give, whether they be individuals or corporations, to our nonprofit community through the use of direct contributions or their IRAs.

Mr. Speaker, let me also agree with the gentleman from Wisconsin (Mr. RYAN) in regards to the provisions relating to housing.

I think this bill is a positive bill. I agree with the distinguished Republican whip that this bill has moved in a bipartisan way through this body and through the other body and we therefore have a good bill before us. I would urge my good friend to continue that process and let Members vote their convictions on the amendment that I will be offering a little bit later.

It includes two more provisions. It builds on the underlying bill but adds two more provisions that has strong bipartisan support not only in this body but also the other body. It provides an extra $1.1 billion for the social services block grant program. In 1996, we were financing the social services block grant program at $2.8 billion a year. We cut it in the welfare bill to $2.38 billion a year but we made a commitment in that legislation that we would restore that cut in 2003. That is exactly what the Cardin amendment will do. And it has strong bipartisan support. Many Members on the Republican side of the Committee on Ways and Means support that change. I hope they will vote that way today. It is vitally important to our faith-based institutions.

Let me just give my colleagues one example. Catholic Charities relies upon public programs for 62 percent of their support. The social services block grant program is a very important part of that. It provides day care for low-income families, offers counseling services to at-risk youth, provides nutritional assistance to the elderly and provides community-based care to the disabled. This is their number one priority as far as help in order to be able to carry out their very important mission.

The second change is that the bill is fully paid for by closing corporate loopholes through tax shelters. I know that a document was sent out that says this is extremely controversial. If it is extremely controversial, why did 95 members of the other body vote in favor of it? It passed 95 to 3 or 4 in the Senate. It is not controversial. It is controversial to add $13 billion more to the national debt and not pay for it. So this amendment pays for the cost of the bill through a provision that is good tax policy.

Our deficit this year is projected to grow by over $500 billion. That does not even include the $87 billion that the President has asked us to pass by a supplemental appropriation to prosecute the war in Iraq and Afghanistan. What my amendment will do is close tax shelters by codifying the practice of the courts that will bring in moneys from activities that have no economic value. It is what the other body did to pay for it.

There is one more thing I might add. We are in the closing days of this first session of this Congress. Major differences between the House and Senate will have difficult times being reconciled in conference. The adoption of my amendment gives us a much better chance to get this bill to the President this year. I urge my colleagues not only to support the underlying bill, support the Cardin amendment so that we can get a bill to the President and that we can also accomplish two more important factors that I think are supported on a bipartisan basis. I urge support for the amendment that will be offered later and I hope that we can continue to work in a bipartisan way to get this bill to the President's desk.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman from Maryland's work on getting this bill out of committee unanimously and the fact that it is totally included in his substitute.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 7 and I call for its swift adoption by the House. I think this is a piece of legislation that shows that all of us care and we are delighted to have it before the body today.

I do want to respond to a mistaken and outdated characterization that came up in previous comments about one of the provisions on forestry bonds in this piece of legislation. This is a provision that was passed by this House last March. Forestry bonds as included in H.R. 7 are a new and collaborative approach to preserving sensitive lands that are close to major population areas. Instead of wasting millions of dollars on lawsuits, which has been the case often in the past between members of the conservation community and timber owners, this proposal enables a board of trustees made up of timber executives, of conservationists and people representing the Contract Logging Association to purchase property through tax-free bonds from a willing seller. Twenty percent of the property is immediately put into conservation easements, probably the most sensitive portion of the property, around lakes and rivers and streams, for example. There is a continuation, however, of timber harvests, because the purpose of the harvests must be to pay off the bonds that are granted by an organization within the involved State. It is a broadly supported provision, broadly supported by the conservation community and also the timber community. I think it is an ideal way to provide a collaborative approach, one that will be an experiment and I think will yield great returns certainly out of this experiment, perhaps eventually something that could be used by folks all over the United States to preserve these important properties.

Mr. STARK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I always thought that charitable giving came from the heart and not through tax breaks in the Federal Tax Code. I come to the floor today to oppose this bill and I feel somewhat like the skunk at the picnic, but I think it is time that this Congress act more responsibly.

Let me give my colleagues a little background as to where we are as far as the Federal deficit. This administration took over and inherited a $236 billion surplus. In 4 short years, they have turned it into a deficit, and the Congressional Budget Office indicates that deficit will be $580 billion. Yes, there has been a downturn in the economy, but more importantly over the last few years, this Congress has given almost $3 trillion in tax cuts. If these cuts were affordable, one would say fine. But they are not, my friends. For every tax cut we give today, it goes on the deficit and your kids and your grandkids are going to pay for it. Not us, your kids and grandkids will.

So here we have a bill that costs $13 billion and it is geared to enhance charitable giving. What a noble purpose. If the economy was different, if the fiscal picture for the country was different, I probably would be supporting the bill, also. But, my friends, the plain, simple fact is, it is nice but we cannot afford it. My constituents would like to go and buy a new car and a new refrigerator, and those things are nice, but they cannot afford it, so they do not do it. But this Congress just cannot stop giving away money.

Let us look at the bill itself. In the bill, we double the corporate charitable giving deduction. Currently corporations can give away and take a tax credit for 10 percent of their gross income. This bill doubles it. Are the corporations so overtaxed? A lot of them are running offshore to escape all taxation. In 1996, corporate taxes made up 12 percent of all the revenue the Federal Government takes in. In 2002, that shrunk to 8 percent. So do not tell me corporations are in need of another tax break. Their liability is drastically being reduced. And to tell me that if we do not double their charitable giving to 20 percent, instead of 10, they are not going to give the excess food to the food pantry, they are going to throw it in the dumpster, that is nonsense.

Another provision in the bill tells nonitemizers, those people who do the short form, that they can, after giving individually $500, take a $250 above-the-line credit. That seems well and good. However, the standard deduction that filer gets already includes a portion for charitable giving. So if we want to increase it, let us increase the standard deduction. But know full well 80 to 90 percent of those filers are going to claim the $250 credit and that is why we do not trust them because that provision is only good for 2 years. They are going to have a little study. But we do not have enough auditors to audit that and I suspect that almost all the filers will take that credit.

Mr. Speaker, it is a great bill, but the fact of the matter is the taxpayers cannot afford this bill. And as I look at the various portions of it, even including the lumber company giveaway, those might be nice in better times. Another portion of the bill decreases the taxes for charitable foundations in half. That costs some $2.8 billion. Today charitable corporations pay 2 percent Federal tax on their income. That is not a heck of a lot. Boy, I wish my constituents only paid 2 percent. But we feel so generous today, we are going to cut that in half to 1 percent. And that $2.8 billion goes smack on to the deficit.

One other item I think we should mention, I indicated that the Federal deficit is slated by the Congressional Budget Office to be $580 billion. That is without the $87 billion the President has asked for the war in Iraq. That goes right on it. That means the deficit is going to be over $650 billion.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), the former Speaker of the House of Florida.

Mr. FEENEY. Mr. Speaker, I rise in support of this great bill. I want to thank and congratulate the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) for this bipartisan effort.

America is the most charitable country in the history of planet Earth. We ought to rejoice in the American great tradition of charity. The problem is that unfortunately, taxpayers, businesses and individuals, are punished through the Tax Code even when they use after-tax dollars to contribute to the well-being of their fellow citizens. For all of the reasons that the critics dislike this bill, one critic suggested he is opposed to this bill because it does not do everything that we should be doing to help America. The last speaker just suggested that what we have is a problem in that the Federal Government is losing money. Well, the whole presumption is that somehow this is the Federal Government's money in the first place. I would suggest that people in Oviedo, where I live, think it is their money and that they are best able to determine how to help the well-being of their neighbors and charities.

This is a wonderful bill because it allows the two-thirds of us that do not itemize our deductions to participate in a tax deduction when we help our fellow citizens. I think that is a great idea. It levels the playing field. You do not have to be a wealthy, complicated tax filer in order to enjoy the deduction. This bill levels the playing field. All of us will get the deduction. It allows people that have built up assets in their IRA that maybe will not be necessary for their retirement to take advantage of a provision so that they will be able to contribute to important charities in their neighborhoods and communities. Finally, it adds additional help to businesses that want to provide food or shelter or well-being for the needy.

I will end with the fact that there are two approaches to how we can help our fellow man. Some people, well-meaning, think we ought to confiscate as much tax dollars as we can from individuals and businesses in order to have a one-size-fits-all government program to help the needy. My experience is that the best way to help people is through local charitable giving where you can help people not become dependent on government but you can help them reform their lives, get back on their feet and help themselves. That is what this bill does.

□ 1245

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I came rushing over here to make a public service announcement. There is a hurricane coming. But the name is not Isabel. The name is George.

Ever since President Bush got elected, this Congress has rubber-stamped every single tax cut he came up with. In fact, I got over here in such a hurry, I forgot my rubber stamp. But the fact is that, at some point, the President has to be brought to reality. I saw the gentleman from Maryland (Mr. CARDIN) out here all exercised over this. This is only $12 billion he is giving away this time. This is chump change. I do not know. I think he has lost his nerve maybe. Because he comes in here one day and asks for $87 billion, and then he says, by the way, let us give away another $12 billion to people. I hope Americans, if they just remember that I gave them all that money and put them $44 trillion in debt in the future, they will reelect me.

You say where do I get that number? Well, the Financial Times, and this is no liberal newspaper I want the Members to understand, they revealed that the Bush administration shelved a report commissioned by the Treasury Department that shows that the U.S. economy faces a future of chronic budget deficits totaling $44 trillion, the study's most comprehensive assessment of how the U.S. Government is at risk at being overwhelmed by the baby boom generation's future health and retirement costs.

This President does not care about anything except if he can trick the people with a tax cut, he thinks he can get elected. They will forget about the mess he has created in Iraq. They will forget about the mess in Afghanistan. I have got $12 billion more for you, folks, that is our President's plan, and they are going to keep trying to give money away. They act like the $480 billion is nothing. They put on another $100 billion this week, 87 for Iraq and $13 billion in this bill. Is there any end? One would say this was somebody who was addicted if one was talking in any other terms. I mean they cannot get off the needle of tax cuts. And if the Congress does not stand up, when are the people going to be taken care of? Is this bill saving our country? Is it going to make more jobs? I think not. There is no plan to spend any money on making jobs, no. This is just give $12 billion more away so that companies will give more to charity because the Government is not doing its job.

Mr. BLUNT. Mr. Speaker, I yield myself 45 seconds.

I would just remind the Members in the debate that this is about not $12 billion; it is really about $50 billion, $50 billion that the American people decide they want to give to charities to help their fellow citizens, and certainly that makes a difference in the character of the country. Anytime we individually reach out, frankly, that is more character developing than seeing the Government reach out. It does not mean there is not a place for the Government to reach out, but to suggest that it is a bad thing in any way to encourage people to reach out or to suggest that people who give money to church and charity every month will lie about whether they gave that money is inappropriate.

I want to say how much I have appreciated the opportunity to work with the gentleman from Tennessee (Mr. FORD), my good friend. We came to Congress at the same time. We developed a bill here that has broad bipartisan support. That was voted unanimously out of the Committee on Ways and Means.

Mr. Speaker, I yield 3½ minutes to the gentleman from Tennessee (Mr. FORD).

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair first announces to Members the gentleman from Missouri (Mr. BLUNT) has 14 minutes remaining, and the gentleman from California (Mr. STARK) has 8½ minutes remaining.

Mr. FORD. Mr. Speaker, I thank the gentleman from Missouri (Mr. BLUNT) for yielding me this time. And I thank the leadership on my side, the gentleman from California (Mr. STARK) and the gentleman from Washington (Mr. MCDERMOTT) and, of course, the gentleman from New York (Mr. RANGEL).

I rise today in support of H.R. 7. It has been a pleasure to work with the gentleman from Missouri (Mr. BLUNT) and the leadership on his side. I thank him for the new friendship, or the strengthened friendship, we now have, and I appreciate the bill we have been able to put together.

The intent of the Charitable Giving Act, which has already been stated, is pretty simple. We want to help churches and charities and places of faith and nonprofit groups across the country who are committed to making a difference, and I dare say, making our communities better. With this slow economy, with some 3 million jobs lost and the end of a bull market now, it seems more important than ever to find new ways to encourage giving, charitable giving.

As generous as our Nation is, we all know we face challenges, for many of my colleagues on my side of the aisle have highlighted how some of the decisions we have made here in this Congress have impacted our ability to grow. But as the Speaker knows, millions of Americans give a portion of their paychecks or their savings to help those less fortunate than them. In my community of Memphis and communities across America, nonprofit groups, volunteer organizations work every day to fill those vital needs. Often these efforts can do more to help than what we do here in Government. And at a time of mounting budget deficits in Washington and in almost all 50 State capitals, charities are carrying a heavier burden. States are cutting back money to hospitals, health clinics, schools, drug and alcohol rehab programs, preschool and afterschool programs. Because of the deep wells of compassion that exist in our communities, we cannot let any people fall through the cracks.

But money is tight for millions of families. They want to give, but they also want to have money to pay the bills. This bill is one way we can empower people to give more to charity for it empowers those whose compassion runs deep, especially those who do not have deep pockets. As the Members know, many in Congress and in this country raised constitutional concerns about many aspects of the President's faith-based agenda. We share the President's goal of rallying the armies of compassion, but we were concerned about the faith-based component. Our bill will encourage giving and help charities without regard to religious affiliation.

What this bill does is remove obstacles to charitable giving in a tax code. First, the bill allows some 86 million Americans who do not itemize the opportunity to deduct a portion of their charitable contribution, between $250 and $500, $250 for individuals and $500 for married couples. It raises the cap on corporate charitable contributions from 10 percent to 20 percent over 10 years. It also provides for tax-free contributions from IRAs for charitable purposes, which will help a wide range of charities, especially education institutions. It provides $150 million a year for a Compassion Capital Fund to assist small community and faith-based organizations with technical assistance and to expand their capacity to serve.

In closing, Mr. Speaker, I want to commend the gentleman from New York (Mr. RANGEL) and the gentleman from Maryland (Mr. CARDIN) for the substitute to H.R. 7, which I intend to support. The substitute includes the entire original bill, and it makes it better by increasing the authorization levels for the Social Services Block Grant by $1.1 billion. The Senate companion of this bill includes funding for SSBG as well.

I also commend the gentleman from Texas (Mr. DOGGETT) for working to make this bill revenue neutral. The revenue effect of H.R. 7 is tiny compared to the positive benefits, as the gentleman from Missouri (Mr. BLUNT) has already stated, that will come out of it, and certainly compared to other bills that we have considered in this Chamber in recent years.

In closing, I urge all of my colleagues, particularly my Democratic colleagues, to support this bill on final passage. I look forward to working with many here and others in the Chamber to reconcile whatever differences there may be and realize that when we support this bill, despite its minor cost, as the gentleman from Missouri (Mr. BLUNT) and others have stated, it will help so many of our Nation's charities, places of faith, and educational institutions.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time and I congratulate him and the gentleman from Tennessee (Mr. FORD) for this piece of legislation.

The previous speaker asked rhetorically what does this bill do? By spurring investment in America's charities, this bill will help lift lives and heal neighborhoods. It sounds like a pretty good deal to me.

I would like to talk about a very specific provision in this bill because this bill also rightly points to a problem that we have in charitable giving, one that Congress cannot by itself solve. As section 303 of this bill points out, many of our Nation's largest foundations have a bias against giving to the community of faith. As so many people have noted, every day all across America, faith-based organizations help people, help them recover from drug and alcohol addiction, provide food and shelter to the homeless, teach people skills that they need to move from poverty to productivity, and so much more. And yet foundations, especially corporate foundations, will not give help to these groups. Corporate foundations give roughly $2 billion a year to charities, but a mere fraction of that goes to the community of faith. Of the ten largest corporations in America, six have restrictions either banning or greatly limiting contributions to faith-based organizations and not one of them gives more than 5 percent of its donations to these groups. The leading 1,000 foundations in America have targeted just 2.3 percent of their grants to faith-based organizations. The leading 100 have given just 1.5 percent. Shame on them. They are missing a chance to do so much good.

Let us hope that the public, let us hope that shareholders demand a change. This legislation shines a spotlight on this problem and encourages them to rethink their restrictions. It is time for us to reach out. It is time for corporate America to reach out to the community of faith. There are so many needs and so many opportunities. There is so much good that we can do if corporate America, if foundations, if we all reach out and partner with those who are on the frontlines each and every day.

I am proud to support this legislation. I think this is going to make a historic difference, and once again, I congratulate the authors.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on January 29, 2002, President Bush stood at this podium, and he told this Congress and the Nation "our budget will run a deficit that will be small and short term." He had hardly gotten out of the room before the deficit began soaring, soaring so much that this year, we have the largest deficit in the history of the United States. Soaring so much that over the course of this year and next year, we will probably exceed $1 trillion in additional national debt. Any honest projection shows that these deficits will continue rising throughout this decade. We have the largest fiscal reversal in the history of the United States, if not the history of the world, moving from the surplus the Bush Administration inherited to the unending debt with which we are now being burdened.

We begin to understand why they call this a "faith-based" initiative because despite this devastating fiscal record, they ask us to have faith that somehow their speeches will balance the budget even while they continue depleting the national treasury with one good cause and some not so good causes after another, taking out $10 billion here, $20 billion there, $50 billion some other place.

If you have faith in the bill that you are advancing today, have the good faith to deal straight with the American people instead of just giving them another IOU. And I commend the gentleman from Tennessee (Mr. FORD) for having the courage to support the substitute paying for this chartible giving initiative to which I know he is so committed. The Republican sponsor in the last Congress of this measure (Mr. WATTS) was willing to do the same until he found out paying for it requires more than a speech.

We can pay for this initiative today, and then some, by correcting a considerable inequity in our tax system. The Founding Fathers believed that there should be no "taxation without representation," and certainly we all agree. But some taxpayers, as a result of the inaction of the House Committee on Ways and Means and the leadership of this House, are today turning that on its head. They believe that we should have no "taxation through misrepresentation." Too many corporations have misrepresented to their shareholders, their investors, to the tax collector the true nature of their income. They give new meaning to Leona Helmsley's claim that "only the little people pay taxes." And today my colleagues talk about charity. Charity is when Congress ignores $10 billion a year, according to some estimates, in losses due to sham corporate tax shelters—shelters that are abuses of our current legal system. Charity is when the Republican leadership persists turning a blind eye to that abuse.

Since 1999, we have had a way to solve this problem. We have been asking for approval of a tax shelter measure that has had broad support in this body and is so "controversial" that almost every Republican Member of the United States Senate has voted for it. It passed 95 to 5 as a part not of some other bill, but of this very chartible giving bill. So what happens when it gets to the House Committee on Ways and Means? The same people that have been protecting these corporate tax abusers all this time have again offered them a little "charity" by removing all of the tax shelter language.

□ 1300

They stripped out the "pay-for" in this bill, a "pay-for" that brings equity to our tax system, that ensures that these corporate tax abusers get a little fair treatment. When such tax evaders dodge their taxes, guess who has to pay for national security and homeland security? All of the small businesses and large businesses and taxpayers large and small, who are already doing their fair share, already paying their fair portion of taxes.

Mr. Speaker, we have an opportunity today through the Democratic alternative to end this abuse of corporate tax shelters and at the same time pay for this charitable bill giving instead of incurring more public debt.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first I want to thank the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) for their leadership on this bill. It is something that I have long waited to see, an actual change in our Tax Code to give more incentive to charitable giving.

It is unfortunate that partisan politics has been, again, injected into this. Because as we have been holding a series of faith-based hearings around the country, one thing that we recently heard in Texas in San Antonio from the most effective faith-based drug addict rescue group in the State of Texas, and, really, in America, said, where do you think the financial support of our ministry comes from? The people who have come through the front door of that home.

This bill will give those people a chance to get a tax break, many who have very little funds who have been ignored because of the way our Tax Code is structured in charitable giving. This is one small step, and I hope we can expand it in the future, but an important step and the most important step.

We have been on the floor arguing over charitable choice. I said from the beginning that the Tax Code was the most important and the second most was the Compassion Capital Fund, which is also in this bill to help these little usually urban or rural organizations get an ability to do a 501(c)(3) corporation. And this bill also covers that. I am thrilled with this bill.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I think it is important to speak about what is not in this bill as well as what is in it. This bill is in stark contrast to the bill which passed 2 years ago in that it does not include the provision that would allow employment discrimination with Federal dollars. In fact, the bill preserves current civil rights protections.

Faith-based organizations willing to comply with civil rights laws will be able to get funding under this bill just as they can today. And organizations which refuse to comply with the 60-year tradition of no discrimination with Federal funds will not be able to get funding under this bill.

When we talk about discrimination, let us remember that there was a time in America when people of certain religions were routinely denied jobs solely because of their religious beliefs, but we passed laws to end that invidious discrimination.

All of us can be supportive of the work of faith-based organizations and recognize that many can successfully sponsor federally funded programs, but we do not have to sabotage anti-discrimination laws to do that. And it is insulting to suggest that we can get investments in needy areas only if we turn back the clock on civil rights.

This bill allows us to support the work of faith-based organizations without sacrificing our hard-won civil rights protections. The language in the original bill that will allow faith-based organizations to proselytize to beneficiaries in public services and use Federal money to convert people to their own religion has likewise been dropped from this bill as well.

An individual in a homeless shelter should not be required to have to consider changing his religion in order to get a meal if that meal is paid for with Federal funds. The Constitution does not permit this and neither should we.

I hope this bill can be a positive step in the right direction, but all of us should be cognizant that although the old H.R. 7 is gone, there are currently several bills, individual bills, that would allow faith-based organizations to discriminate in employment based on religion with Federal funds.

We have already seen these provisions in the reauthorization of the Head Start bill that passed the House and the Workforce Investment Act, and I am sure that there will be others.

Mr. Speaker, this bill shows that we can do better than that. We can support good community organizations that do good work without sacrificing either civil rights protections or the Constitution.

We can accomplish this by providing them more money to do that work and providing guidance and navigating the Federal bureaucracy, and we do not have to undermine constitutional and anti-discrimination laws to do that.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me time and want to congratulate him and the gentleman from Tennessee (Mr. FORD) for their good bipartisan work on this legislation.

The legislation does have a cost, as it is analyzed by the Joint Tax Committee, and I believe that is $12.6 billion. Guess what? Over that same period of time, the estimates are there will be about $50 billion more in contributions to our charities. These are faith-based charities, community organizations, those who are out there doing the good work to help those most in need.

I love the provision on the nonitemizers, because it helps people who are nonitemizers now not only give more money to charity and gives them a break for it, but gets them more engaged as volunteers in their communities in helping out, having an investment in these charities.

I like the provision on the IRA rollover. We ought to do the same with some other retirement accounts. With the IRAs, we are able to say if you are 70½, you can then roll over into a charity without having the tax consequences. That will help not only this year, but going forward, as baby boomers begin to get these big lump sums in their IRAs, to be able to give those to charities. There are a lot of assets there, and it is a great policy.

The gentleman from Texas raises a substitute; and I just have to say, codifying this very complicated issue of economic substance doctrine is a very difficult thing to do. The Treasury Department is dead set against it. They instead believe what we ought to be doing is providing more disclosure and tightening the rules. That is going to be in a bill coming to the floor, we hope soon, out of the FSC-ETI bill. That is a better way to approach it.

Finally, the codification of economic substance, to my understanding, is retroactive, so you are actually changing the rules of the game after the fact. So those who have entered into transactions and arrangements are now being told after the fact, guess what, the rules all change; now we have this new rule to be applied.

I am afraid what will happen is you will see tax shelters going underground. You will not see what we ought to be seeing, which is more disclosure and tightening of the rules.

So I think this is a great bill. I would urge my colleagues to support it, because it does the right thing on policy grounds; and I would be very skeptical about this substitute. I think it is bad tax policy; and it will result, perhaps inadvertently, in more problems in our Tax Code.

Mr. BLUNT. Mr. Speaker, I am pleased that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Michigan (Mr. CAMP), the next speaker, have done such a good job to get this bill to the floor.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the majority whip for his hard work on this bill; and I lend my strong support to H.R. 7, which passed the committee by voice vote. I think all members on the committee agreed that this policy was an appropriate way to increase philanthropy among individuals, corporations, and foundations. I think it contains the right mix of tax incentives to spur individual giving, business and foundation giving, for example, the nonitemizer provision for low- and middle-income taxpayers. In my view, the Tax Code should provide a tax incentive to all taxpayers to give to charity, not just those who itemize; and this bill does that.

Another important feature is those who have reached 70½ can make tax-free contributions from their IRAs.

Last, I want to thank the majority whip and the committee for their hard work in making sure that we also do what we can to increase giving from charitable organizations and foundations. I think we have the right mix in this bill to do that.

I lend my strong support to this legislation.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I just want to rise in strong support of this legislation. I want to highlight a charitable organization in my community, Jacksonville, Florida, called the Jessie Ball duPont Fund. Last year they gave away about $13.5 million. They gave it to over 300 different organizations, everything from the Boys Clubs to the Girls Clubs to the United Way.

What this legislation does is encourages foundations like the duPont Fund and other charitable organizations, it gives them technical advice, it gives them guidance, and, more than anything, maybe holds them to public accountability.

The bottom line, Mr. Speaker, is this kind of legislation encourages people to be good stewards in their own community. America is great because America is about people helping people; and any time that people want to give money, in terms of charity, we ought to do everything we can to pave the way. So I urge support of this legislation.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise with a deep sense of gratitude to our majority whip, the gentleman from Missouri (Mr. BLUNT), and to his colleague, the gentleman from Tennessee (Mr. FORD), for their yeoman's work in crafting the Blunt-Ford Charitable Giving Act. It is an extraordinary piece of legislation that will encourage the investment by everyday Americans into the organizations that make our communities great.

While this bill is targeted to all charities, its impact will be profound, especially in the faith-based community. It is worthy of noting that 75 percent of food pantries are religious-based, 71 percent of food kitchens are faith-based, and 43 percent of shelters in this country are faith-based providers. Today's Blunt-Ford Charitable Giving Act is part of President Bush's vision of a faith-based initiative encouraging everyday Americans to come along side those who each and every day do for the least of these.

I strongly support this legislation and strongly urge its passage today.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, without a doubt there are many good features of this proposal. That is why so many people support it. Perhaps the benefits are a bit exaggerated in the suggestion there will be $40 billion or $50 billion in additional money motivated by tax considerations instead of the heart. That probably overstates the case. But the important argument in favor of the Democratic substitute is that this proposal is presented as just another free lunch, like so many other allegedly pain free measures that keep rolling through this House.

As proposed, this bill will add to the burden of our children and our grandchildren billions of dollars that could and should be paid for now. That is why one of the cosponsors, the gentleman from Tennessee (Mr. FORD), has said he supports the substitute. He is ready to pay for his bill, he has that much confidence in it. The only argument against paying for it was the unusual suggestion of the gentleman from Ohio (Mr. PORTMAN) that it would be "difficult."

I agree, it has proven very difficult for the Committee on Ways and Means to do anything about corporate tax cheats. They have known about this problem since at least 1999, and they have chosen to sit on their hands.

Most people have heard about something called Enron, a Texas corporation. The Committee on Ways and Means was afraid though to look under the rock for all the Enron dirty tax secrets, about how much it avoided paying of its fair share of taxes, for fear of what Republicans might find, and they have still not, until this very day, found it possible to overcome what they call the "difficulties" of dealing with the Enron tax transgressions, nor those of any other corporation.

Pay for this bill. The Democratic substitute does.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

I want to commend the chairman for crafting a bill that will reward average taxpayers for their generosity and eliminate unnecessary barriers to giving. This is a bipartisan bill that will expand our communities' ability to help each other. However, there are some additional provisions that I hope we will be able to work on with the Senate.

First of all, the social services block grant enables communities to address special needs in a very flexible and very local manner, and I am thrilled that this bill reinstates the 10 percent right of transferring money from the TANF block grant to the social services block grant. But more needs to be done, and the Senate bill does offer us that opportunity in the conference.

Secondly, I hope that it will look at some of the charitable incentives for conservation in the Senate bill, a higher deduction for donating land to qualified land trusts, for example, that will enable small landowners to be part of conservation and preservation in their communities.

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Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, charitable organizations are vital to the health and well-being of American citizens. Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver; the act of receiving elevates the condition of the recipient. Charity is a blessed act that should suffer no discouragement from something so punitive as the Tax Code.

Mr. Speaker, I am very pleased that two major components of H.R. 7 are based upon legislation I have introduced for almost 20 years, the Charitable Giving Tax Relief Act and the IRA Charitable Rollover Incentive Act. The Charitable Giving Tax Relief Act allow nonitemizers to deduct 100 percent of any charitable contributions up to the amount of standard deduction.

Secondly, under H.R. 7, individuals age 70½ or older will be able to contribute amounts currently held in IRA accounts directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction.

We now have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities.

I congratulate all, and I urge everyone to vote for the bill.

Mr. BLUNT. Mr. Speaker, I would just like to say as I yield myself the remainder of my time that I appreciate the character of the debate, I appreciate the opportunity to work with the gentleman from Tennessee (Mr. FORD) and the members of the Committee on Ways and Means in bringing this bill to the floor. We look forward to passage today and a quick effort to work with our friends in the other body and see this bill on the President's desk become law and make a difference in the way people are encouraged to do things for others in their community and in our country and around the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 7, the Charitable Giving Act of 2003 along with the Democrats' Substitute Amendment Agreement. The Democrats' Substitute Amendment has three parts. First, the Substitute would include all the provisions of the underlying bill, H.R. 7, as reported by the Committee on Ways and Means. Second, the Substitute would add a provision increasing the funding for the Social Services Block Grant, SSBG, by $1.1 billion next year. Third, the Substitute would add revenue offset provisions to curtail abusive tax shelter schemes. The Substitute is a fiscally responsible approach for encouraging charitable giving and providing assistance to vulnerable families during these particularly difficult times.

Considering that the federal deficit is projected to exceed $500 billion next year and the President's request for an additional $87 billion for Iraq, I urge all House Members vote for the Democratic Substitute Amendment.

The Substitute increases funding for the Social Services Block Grant, SSBG, by $1.1 billion next year. This increase is included in S. 476, the Senate-passed CARE Act of 2003. The SSBG funds community programs to protect abused children, provide day care to low-income families, offer counseling services to at-risk youth, provide nutritional assistance to the elderly, and provide community-based care to the disabled.

The Substitute provides immediate resources to States to address program cuts in these important areas. Rep. CARDIN offered such a provision as an amendment during Committee markup of H.R. 7.

The Substitute includes provisions to curtail abusive tax shelter schemes. These provisions would prevent tax shelter transactions that have no economic substance, without affecting legitimate business transactions, and would tighten penalties for egregious behavior. The provisions would offset the costs of the Substitute (including both the underlying bill and increased funding for the SSBG).

Congressman DOGGETT offered such an offset during Committee markup of H.R. 7. Corporations increasingly are engaged in aggressive tax avoidance transactions. Those transactions often are very complicated transactions that lack little, if any, business purpose or profit motive. The transactions are very similar in their structure with the accounting gimmicks used by Enron. They both pretend to technically comply with complicated rules, but create results that cannot be justified.

Not surprisingly, large accounting firms, the same people who assisted Enron, sell corporate tax shelters. The Joint Committee on Taxation recommended many of anti-tax shelter provisions in the Substitute.

The major provision of the Substitute would codify and slightly strengthen the "economic substance doctrine." The economic substance doctrine is a court-made rule of law that disallows claimed tax benefits if the benefits arise out of a transaction for which there is no business purpose or profit motive.

The other major provision of the Substitute would not permit legal opinions to be used in order to avoid penalties when courts disallow tax benefits using economic substance analysis. (Under current law, legal opinions provide protection against penalties even when the legal opinions are fairly poor.) All of Enron's tax shelter transactions had legal opinions supporting them.

Mr. Speaker, for the above reasons, I support this bill with the Substitute Amendment.

Mr. TURNER. Mr. Speaker, I rise today in strong support of H.R. 7, the Charitable Giving Act, and to urge my colleagues to do the same.

Let me begin by saying that I value the role of charitable organizations in the delivery and provision of social services. Our country has been made stronger through the good works of people who dedicate their time, efforts, and skills to helping those in need. These organizations have long fed the hungry, clothed the poor, given shelter to the homeless, and helped heal the sick. Their contributions have been absolutely essential for millions of Americans throughout the history of our great nation.

It is time now that we help these charitable organizations continue to help those in need. The bill before us today contains many important provisions that work toward a single goal of encouraging charitable giving in the United States. The bill does this by making it easier for individuals to deduct their charitable contributions from their income taxes, by allowing tax-free distributions from IRAs for charities and by encouraging donations of important items such as food and computers.

I know firsthand about the important role that charitable organizations play in every community. In my own district the Matile Family Foundation, the Dayton Foundation, and the Iddings Foundation have a long and distinguished record of giving and serving the Dayton community. Similarly our community is home to numerous faith-based organizations that also provide important services to those in need, including the Gospel Mission, Revival Center Ministries and St. Mary's Neighborhood Development Corporation.

In May I convened a community and faith-based forum where over 80 individuals from charitable organizations met to discuss partnering with the Federal government on the delivery of social services. I believe the bill before us will help these and many other organizations throughout my congressional district.

As a cosponsor of this important legislation, I am proud to join my colleagues in expressing support for H.R. 7 and urge all Members to vote in favor of it. This critical measure will help ensure that charitable organizations can continue to attract the resources necessary to help our most vulnerable populations by improving the incentives for individuals and corporations to donate to charitable entities.

Mr. EMANUEL. Mr. Speaker, I rise proudly as an original cosponsor of the Charitable Giving Act and also in strong support of Cardin-Doggett substitute.

I signed on as an original cosponsor of H.R. 7 because our Nation's charities are struggling in this weak economy to meet increasing demands with diminishing resources. In response, this bill delivers tax fairness and strong incentives for America's donors to give generously, even those with modest means.

I am pleased that the substitute makes this bill even stronger by taking this opportunity to shut down tax avoidance schemes built into the Tax Code that encourage dishonest corporate transactions and bookkeeping practices. Another improvement is that the substitute pays for the bill. This is critical since the President has asked Congress for another $87 billion for rebuilding Iraq, twice the amount originally anticipated.

I am as pleased as the next person when corporations earn profits. But there is something wrong when tax breaks for working families are outnumbered by corporate subsidies for oil drilling, insurance, nuclear power, commercial real estate, equipment purchases, drug manufacturing, ethanol production, and more.

President Reagan criticized corporate tax subsidies as wasteful and in direct conflict with free market principles and economic growth. In 1986, he issued executive orders to cut back many of these subsidies. Republicans and Democrats should continue working together to follow his lead.

In recent years, however, subsidies have made a comeback. At the same time, corporate income taxes are virtually the lowest among the world's developed countries. The Bermuda scheme is the tip of the offshore iceberg now costing U.S. taxpayers $50 billion or more a year. Taxpayers subsidize overall corporate subsidies worth $125 billion. This amount is equivalent to the income taxes paid by 60 million individuals and families.

Many of these subsidies fail to serve any worthwhile economic or social objective. But since 2001, more loopholes and breaks for special and corporate interests have been added to the code. It is replete with sunsets, phase-ins, phase outs, and gimmicks that encouraged Enron, Tyco, and WorldCom to circumvent tax law. But nothing has been done to make it easier for working families to navigate the Code. There is something wrong when more than 60 percent of Americans found it necessary to pay an accountant or tax preparer to file their taxes in 2002.

Ending offshore havens, gimmicks and tax shelters should go hand in hand with simplification in any tax reform initiative. The Cardin substitute is a first step toward reforming a tax code that's proven more user-friendly to corporations and the wealthy than America's working families. Another important step would be for Congress to consider my proposal to create a Simplified Family Credit that merges the EITC, the child tax credit and the dependent exemption into one easy-to-claim credit. I will continue supporting legislation that simplifies the Code for reward working families as much as corporate interests.

Mr. Speaker, to that end, I am please to vote for the Cardin-Doggett substitute, and in support of the Charitable Giving Act of 2003. This important legislation, in addition to closing unfair tax loopholes, will recreate new incentives for Americans to make charitable donations for an array of worth and important social services in our Nation.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 7, the Charitable Giving Act of 2003. I commend Whip BLUNT and Chairman THOMAS for their diligent efforts on this important legislation.

As a cosponsor, I have supported this bill for several reasons.

The American people are the most generous people in the world. It is estimated Americans gave more than 183 billion dollars last year to charitable organizations. Foundations, bequests, and corporations brought charitable giving up to 241 billion dollars.

These donations advanced noble causes in religion, health, science, the environment. To alleviate pain and suffering. To promote culture and world understanding.

For example, in my own district, The Durham Research Center at the University of Nebraska Medical Center, a $77 million, 10-level facility, was completed without tax dollars. It will enable UNMC to enhance its research in a number of areas including cancer, cardiovascular diseases, neurosciences, transplantation biology, genetics and eye research.

Charities and institutions often serve purposes that exceed government efforts to promote the health, safety, and well-being of its citizens, and often with lower costs.

The purpose behind this act is simple. We must ensure the best policies to encourage people to donate to charities. Whether the goal is collecting food for the hungry, shelter for the indigent, or treatment for the addicted, this bill strengthens the existing tax code to encourage charitable donations.

For example, this bill:

Provides 86 million Americans who do not itemize the opportunity to deduct a portion of their charitable contributions—representing more than two-thirds of tax returns filed.

Provides incentives for individuals to give tax-free contributions from their Individual Retirement Accounts (IRAs) for charitable purposes, which will help a wide range of charities.

Raises the cap on corporate charitable contributions from 10% to 20% over 10 years.

Extends current incentives for food donations to apply to even more farmers, restaurants, and corporations to help those in need.

Anne Frank once wrote: "No one has ever become poor by giving." We recognize this sentiment with H.R. 7 and I urge my colleagues to join me in supporting the Charitable Giving Act.

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 7, the Charitable Giving Act. This legislation takes an important step to help further the efforts begun nearly 40 years when President Johnson declared war on poverty and hunger. Sadly, according to the U.S. Department of Agriculture reports that 13 million kids live in households that do not have an adequate supply of food.

In 2001, the USDA says there were 33.6 million Americans—20 million adults and 13 million children—who were hungry or at risk of hunger. In Matthew 25, Jesus talks about the obligation to feed the hungry. In a world, and especially a nation, as plentiful as ours, it is tragic that even one child is hungry.

Barriers need to be eliminated to allow businesses to do the morally conscionable thing and donate their surplus food. It's outrageous that it is more "cost effective" for a business to throw out or destroy surplus food rather than donate it to a local soup kitchen. The Charitable Giving Act takes important steps to ensure that more of America's abundant food supply ends up in the mouths of America's hungry families, not in landfills. The USDA estimates that 96 billion pounds of food are thrown away each year.

I would like to submit for the RECORD a recent article from the Chicago Tribune titled "Hunger has a new face." This article points out that many of these hungry children live in households in with working parents. As the cost of living in many urban areas continues to increase, the number of working poor is expanding rapidly, hitting single moms particularly hard. As the face of hunger in America changes, we must make sure that our policies continue to meet the needs.

The Charitable Giving Act provides incentives to farmers and small businesses, whose resources are also constrained in these economic times. I applaud the authors of this bill for their dedication to building a greater America. But our work is not yet done. I want to encourage my colleagues appointed to conference this important legislation to consider the food donation provision contained in the Senate bill—the same food donation provision, I might add, that was introduced earlier this year by my colleague Mr. BAKER from Louisiana.

America's Second Harvest estimates that the Senate version would produce over 878 million new meals by 2013—that's over three times the number of new meals than the House bill will provide. Make no mistake, the bill we have in front of us today is a very good start and is a victory for all those who have hope for a better America. Let us now move forward, and show America that fighting hunger isn't about what side of the aisle you stand on, but rather what kind of humanity we seek to be.

[From the Chicago Tribune, Sept. 1, 2003]

HUNGER HAS A NEW FACE

(By V. Dion Haynes)

BEND, ORE.—Despite working full time as a waitress at an International House of Pancakes restaurant, Crystal Carter regularly must turn to charities and generous friends to feed herself and her three small children.

Likewise, Leslie Ramaekers finds it difficult to stretch the wages from her full-time auto-detailing job to buy enough food. She often skips breakfast and lunch to ensure that her four children can eat.

Randy Malone has it even worse. Laid off 1½ years ago, he has to use his sparse resources to feed his two nieces and nephew, who live with him. Forced to skip meals, Malone has lost 25 pounds.

"I don't normally eat breakfast or lunch. Sometimes for dinner I might get a peanut butter sandwich or a piece of bread," said Malone, 42, who was picking up a bag of free groceries from a food pantry in northeast Portland one day this summer.

"I'd rather them eat it than me," he added, referred to the children, age 7 to 12.

In a survey, 25 U.S. cities reported on average a 19 percent increase in demand for emergency food assistance from 2001 to 2002. Some city officials say Carter, Ramaekers and Malone represent the new face of hunger in America.

SINGLE MOMS AFFECTED

The ranks of the hungry more and more include single mothers stuck in low-wage jobs, married couples who can't keep up with soaring housing costs and able-bodied people who can't find jobs.

Their predicament forces them every month to grapple with vexing trade-offs: Pay the rent or child care? Buy that prescription for a sick child or pay that overdue electric bill? Put gas in the car or food on the table?

"We're seeing Depression-era food lines in 21st Century America. . . . This is the most food productive nation on the planet, and we should not have hunger," said Doug O'Brien, vice president for policy and research at Chicago-based America's Second Harvest, the umbrella organization for the nation's food banks and the largest hunger relief organization in the U.S.

The previous profile of a hungry person, O'Brien said, was "a homeless, chronically unemployed, mentally ill substance abuser."

But by 2001, "we were as likely to see a single mother who's employed as we would a homeless man," he added. "Nationwide, 40 percent of the people we serve come from households where at least one person is working."

Agriculture Department experts peg the number of hungry or "food insecure" people at about 34 million, up from about 30 million in 1995. Hunger and food insecurity are defined broadly—when people are forced to skip a meal or cut back on what they eat because they lack money, when people don't know where their next meal is coming from or when people must visit a soup kitchen or food pantry for emergency assistance.

Demand for emergency food rose dramatically from 2001 to 2002 in about 25 cities polled late last year by the U.S. Conference of Mayors. Requests for food jumped 52 percent in Kansas City, 49 percent in Miami, 28 percent in Chicago, 25 percent in Los Angeles, 14 percent in Cleveland and 10 percent in New Orleans.

STATES STEP UP OUTREACH

The issue has been receiving attention in recent months. Oregon, Wisconsin, Virginia and West Virginia have stepped up their outreach to hungry people who might qualify for assistance from food stamp programs. And two bills have been introduced in Congress to expand the number of children eligible for free school meal programs.

A study released in July by the Center on Hunger and Poverty at Brandeis University suggested that hunger is released to the epidemic of obesity. The study said that low-income families "may consume low-cost foods with relatively higher levels of calories per dollar to stave off hunger" rather than more nutritious food when their resources run short.

No state better exemplifies the crisis than Oregon, which has been ranked by the U.S. Department of Agriculture as No. 1 in hunger and food insecurity.

Oregon, which prospered in the 1990s from the dot-com boom and has an image as a recreation-friendly and environmentally conscious state, hardly seems a candidate for hunger capital of the nation.

But the state, which also ranks at or near the top in unemployment, has been grappling with an economic meltdown. If has made drastic spending cuts for schools, health care, social programs and courts to relieve a nearly $3 billion deficit.

As serious as the budget problems are, according to experts, the current crisis is the product of a systemic shift as low-paying, low-skill jobs in the service industry replaced high-paying, low-skill jobs in the timber and fishing industries.

Bend, Ore., reflects that wage gap and economic metamorphosis.

For generations, this region was timber country, with an abundance of family-run mills. But from 1989 to 1997, jobs in the forest industry declined by 47 percent in central Oregon. Now only one family-run mill is left in the region.

During the same time, dozens of golf courses, spas, mountain lake and ski lodges and new housing developments sprang up, transforming central Oregon into a resort and an upscale retirement area.

"A lot of people say it's going to be another Aspen, Colo.," said Carter; the IHOP waitress, who often visits an area food pantry to feed her two daughters and son.

"There's no middle class here," added Carter. "Either you have money or you don't."

Instead of making $17 an hour in a mill, the most people can get around here [in serviced industry jobs] is around minimum wage," said Sweet Pea Cole, a coordinator for the Central Oregon Community Action Agency, where Carter gets her free food.

Advocates for the poor say Oregon officials largely were in denial about the state's hunger problem—until this year:

When Gov. Ted Kulongoski took office in January, he made fighting hunger a priority. Kulongoski, a Democrat, is appearing in TV public service announcements to raise awareness.

The governor also is calling for more affordable housing. And he recently signed legislation to refurbish crumbling bridges and highways, which would create 5,000 jobs annually for 10 years.

But some people struggling to put food on the table say the efforts will do little to help them.

"There has to be some way of training people, people who are stuck and struggling and want to do something with their lives," said Ramaekers, 28, of Tualatin, Ore., the auto-detail worker and mother of four who skips meals and frequents food banks.

"You're working harder but always staying in the same place."

Mr. SOUDER. Mr. Speaker, for several years now we have been having the discussion on how best to help faith-based organizations. Very few clear answers have emerged. Today we are here to discuss H.R. 7, the Charitable Giving Act, which addresses the two areas where I believe the government can best assist faith-based and community organizations in their work.

A few months ago I initiated a series of field hearings to talk directly to the faith-based providers of social services. We've put the cart before the horse in this debate, and what we're trying to do with these hearings is to take a step back, and ask the providers what qualities they possess that makes them unique. Time and time again, they are telling me that it is their faith that drives them to do the work that they do, often in undesirable conditions for little or no recognitnition. Our second hearing was held in San Antonio, where Freddie Garcia has built a very successful drug treatment program that is not only faith-base, but faith-saturated. Jack Willome is a San Antonio businessman who volunteers his time to help Victory Fellowship with financial planning. During his testimony at our hearing he recounted a conversation he had had with a friend prior to his involvement with Victory Fellowship. His friend counseled him, "Jack, when you're giving money away, your first objective should be to try to do no harm."

When we as the Congress are debating how we can best support the scores of faith-based organizations working in our neighborhoods, we need to heed that same advice. Do no harm. We know that organizations like Victory Fellowship, Lutheran Social Services, Prison Fellowship, Chicago's Emmaus Ministries and T.E.A.M. III in my hometown of Fort Wayne, Indiana, are helping people every day, and they do not apologize for the role faith plays in their programs. As we start attaching restrictions and qualifications to the money government is wiling to give faith-based organizations, we put ourselves in the position of asking those charities to drain their programs of the very qualities that make them effective providers of social services.

So how can we best help these organizations without asking them to dilute or eliminate their religious character? The Charitable Giving Act, is a good step in the right direction. Research shows that individuals who receive a tax deduction for charitable giving contribute more than individuals who do not receive such tax benefits. By allowing the 86 million Americans who currently do not itemize on their tax returns an opportunity to deduct a portion of their charitable contributions, we are recognizing that the best way to help the private sector is to encourage more charitable giving by individuals. We know that there are limits on how much money the government is able to spend on social services. Unfortunately, the demand for social services far exceeds the money government is able to spend. It doesn't matter who is in office, the dollars just aren't there.

So, we need to turn to the neighborhood organizations that are providing services, with or without government aid. Americans know which organizations in their communities are making a difference. By encouraging individuals to increase their charitable giving, we improve the likelihood that the dollars are going to go to the organizations that will produce the best results. Jack Willome also testified about the fundraising and fiscal accountability of Victory Fellowship. He said that that 90 percent of Victory Fellowship's budget comes from the giving of people who have benefited from the ministry. As he testified,

> It's the only project I have ever been involved in as a donor where I have total confidence that the organization has the ability to sustain the operations in the new facility, and I don't have to worry about that because of their track record. The financial support of the ministry, guess where it comes from? The people who have come through the front door of that home after—as their characters are being transformed and they become involved in Victory Temple Church and they give financially to the work of the church."

It makes no difference if the government is involved with a faith-based organization or not. Those charities will be accountable, first and foremost, to their clients and to their donors. The support of the community is perhaps our best indicator of how successful an organization is at improving the lives of their clients.

I believe that the best way we can help the faith-based community is to encourage private sector philanthropy for all individuals who contribute to charitable organizations, not just those who itemize. Approximately two-thirds of tax returns filed do not claim itemized deductions; therefore those taxpayers are not eligible to deduct their charitable contributions. The majority of non-itemizers are low- and middle-income taxpayers—the very taxpayers who would benefit from this piece of legislation.

Here are a few examples of who would benefit from this bill. A non-itemizing, single taxpayer with a taxable income of $45,000 owes about $8,060 in federal income taxes. This legislation would reduce the individual's taxes owed by $62.50 if he or she donated $500 to a charity of his or her choice. Likewise, a family of four with a taxable income of $65,000 would save $125 in taxes for a donation of $1,000 to a local charity. While the savings may seem small, it is certainly better than the current tax policy of providing no benefit to non-itemizers. It is my hope that Congress will revisit this issue in the future to further expand tax relief for individuals and families who contribute financially to the valuable work of faith-based organizations.

The second thing we can do to help the countless faith-based and community organizations serve their communities is to provide these organizations with the training and technical assistance they need in order to serve their clients more effectively. Mark Terrell, CEO of Lifeline Youth and Family Services in Fort Wayne, a program that provides prevention, intervention, and aftercare service for families and children in the Fort Wayne community testified at our Chicago field hearing that

> there needs to be a system put in place that will help both small and large agencies meet the financial reporting requirements that are necessary when using public funds. The desire and ability of these organizations to do great work within a community that desperately needs their help can be undermined or undone when they don't have the skills or resources necessary to meet high-maintenance reporting requirements.

The authorization of a Compassion Capital Fund recognizes the unique contributions of faith-based and community organizations to the provision of social services by providing the resources necessary for these smaller organizations to improve and expand their services. Last year, the Department of Health and Human Services created a Compassion Capital Fund funded with $30 million appropriated by Congress. HHS then took $24.8 million of that appropriation and awarded it in grants to 21 intermediary organizations whose purpose was to help smaller organizations operate and manage their programs more effectively, train staff, and expand the types and scope of the social services they provide to their communities.

Two years ago I stood in this Chamber and told you about Pastor Jesse Beasley. Pastor Beasley was trying to start a youth program for kids to protect them from the drug problem and high murder rate affecting Fort Wayne. Now, two years later, that desire to help improve the lives of his neighbors has led Pastor Jesse Beasley along with several other Fort Wayne clergy to begin a program called T.E.A.M. III, which is an acronym for Touching and Equipping All Mankind. T.E.A.M. III now provides mentoring, a summer feeding program, a workforce development program and other social services. As T.E.A.M. III is working to provide services, they would benefit from the training that a Compassion Capital Fund would provide. They know where the need is, they have the faith to tackle any problem that comes their way, but they may need additional assistance if they desire to apply for a federal grant. There are a lot of small faith-based and community organizations in this country that have the heart for service but lack the finances to hire a CPA or attorney on their staff.

I commend the Ways and Means Committee for including a $150 million Compassion Capital grant fund in this bill. This authorization level will enable the Health and Human Services Department to expand their technical assistance services to greater numbers of faith-based organizations.

The Charitable Giving Act of 2003 is the culmination of several years of hard work, and I am proud to be a cosponsor of this important bill. It contains, in large part, what I believe are the most effective ways the federal government can lend its support to faith-based organizations. As Jack Willome said, it does no harm. It encourages individuals and businesses to make private contributions to organizations that are truly transforming people's lives—not just through assisting people with their physical needs, but also their spiritual needs.

While government can be helpful in alleviating some of the problems our society faces today, it will never have the answers for some of our country's neediest people—people who need more than their physical needs met. They need help spiritually; they need God to fill the void in their lives. Community and faith-based organizations are critical to the stability and health of our country, and they rely on the support of private donations, not government aid. I encourage my colleagues to vote for this legislation. The return on the dollar from private donations resulting from this legislation will be immeasurable. Not only will individual lives be changed, but our entire society will change as crime rates do down, unwed pregnancies decrease, drug rates and suicides diminish and, in time, those same people begin to give back to their communities as others once helped them.

Mr. CRANE. Mr. Speaker, from spiritual counseling to rape crisis centers, charitable organizations are vital to the health and well-being of American citizens. Charity benefits both the giver and receiver in like proportions. The act of giving elevates the heart of the giver; the act of receiving elevates the condition of the recipient.

Charity is a blessed act that should suffer no discouragement from something so punitive as the tax code, which contains absurd, yet very real, disincentives to individuals willing and able to exercise the gift of charity. Such disincentives have terrible consequences in reducing the resources available to private organizations. If our tax code were not so laden with peculiarities and oddities, this legislation would not be needed. Unfortunately, in many cases under current law, a contribution results in a loss of some portion of the charitable deduction.

Mr. Speaker, I am very pleased that two major components of H.R. 7 are based upon legislation I have introduced for many years, the Charitable Giving Tax Relief Act and the IRA Charitable Rollover Incentive Act. The Charitable Giving Tax Relief Act allows non-itemizers to deduct 100 percent of any charitable contributions up to the amount of the standard deduction. Under current law, while non-itemizers receive the standard deduction, only itemizers can take a deduction for their charitable contributions. Approximately two-thirds of tax returns filed do not claim itemized deductions; therefore those taxpayers are not eligible to deduct their charitable contributions. the majority of non-itemizers are low- and middle-income taxpayers. The tax code should provide a tax benefit to all taxpayers, not just those who itemize.

Secondly, I am pleased that H.R. 7 includes language based upon the IRA Charitable Rollover Incentive Act. Under H.R. 7, individuals age 70½ or older will be able to contribute amounts currently held in Individual Retirement Accounts (IRAs) directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction.

The IRA was intended to encourage individuals to save for retirement, but due to the general increase in asset values over the years, many individuals have more than sufficient funds to retire comfortably. Thus it is a common practice for retirees to transfer some of their wealth to charities and, in some cases, that wealth is held in an IRA. Unfortunately, in many cases under current law such a simple arrangement results in a loss of some portion of the charitable deduction. This legislation will give individuals more freedom to allocate their resources as they see fit while providing badly needed resources to churches, colleges and universities, and other social organizations.

We now have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities. I commend the authors of this legislation and urge all of my colleagues to support this vitally important bill.

Mr. BLUNT. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Charitable Giving Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of s corporation stock for certain charitable contributions.
Sec. 109. Charitable organizations permitted to make collegiate housing and infrastructure grants.
Sec. 110. Conduct of certain games of chance not treated as unrelated trade or business.
Sec. 111. Excise taxes exemption for blood collector organizations.
Sec. 112. Nonrecognition of gain on the sale of property used in performance of an exempt function.
Sec. 113. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Extension of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.
Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Pilot project for forest conservation activities.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

Sec. 401. Restoration of funds for the social services block grant.
Sec. 402. Restoration of authority to transfer up to 10 percent of TANF funds to the social services block grant.
Sec. 403. Requirement to submit annual report on State activities.

TITLE V—ABUSIVE TAX SHELTERS

Sec. 501. Short title.
Sec. 502. Findings and purpose.

Subtitle A—Provisions Designed to Curtail Tax Shelters

Sec. 511. Clarification of economic substance doctrine.
Sec. 512. Penalty for failing to disclose reportable transaction.
Sec. 513. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 514. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 515. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 516. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 517. Disclosure of reportable transactions.
Sec. 518. Modifications to penalty for failure to register tax shelters.
Sec. 519. Modification of penalty for failure to maintain lists of investors.
Sec. 520. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 521. Understatement of taxpayer's liability by income tax return preparer.
Sec. 522. Penalty on failure to report interests in foreign financial accounts.
Sec. 523. Frivolous tax submissions.
Sec. 524. Regulation of individuals practicing before the Department of Treasury.
Sec. 525. Penalty on promoters of tax shelters.
Sec. 526. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 527. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

Sec. 531. Affirmation of consolidated return regulation authority.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

"(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection

(h) and by inserting after subsection (f) the following new subsection:

"(g) Direct Charitable Deduction.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) Conforming amendment.—Subsection (d) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(c) Study.—

(1) In general.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) Report.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) In General.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) Distributions for charitable purposes.—

"(A) In general.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) Qualified charitable distribution.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

"(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70 ½, and

"(ii) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) Contributions must be otherwise deductible.—For purposes of this paragraph—

"(i) Direct contributions.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) Split-interest gifts.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) Application of section 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) Special rules for split-interest entities.—

"(i) Charitable remainder trusts.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) Pooled income funds.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) Charitable gift annuities.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) Denial of deduction.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) Split-interest entity defined.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) Modifications Relating to Information Returns by Certain Trusts.—

(1) Returns.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) Trusts Described in Section 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) Trusts Claiming a Charitable Deduction Under Section 642(c).—

"(1) In general.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

"(A) the amount of the deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

"(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) Exceptions.—Paragraph (1) shall not apply to a trust for any taxable year if—

"(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

"(B) the trust is described in section 4947(a)(1).".

(2) Increase in penalty relating to filing of information return by split-interest trusts.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) Split-interest trusts.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.".

(3) Confidentiality of noncharitable beneficiaries.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) Applicable Percentage.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

"(3) Applicable percentage defined.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.".

(c) Conforming Amendments.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking "10 percent" each place it occurs and inserting "the applicable percentage (determined under section 170(b)(3))".

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking "10-percent limitation" and inserting "applicable percentage limitation".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Special rule for contributions of food inventory.—

"(i) General rule.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only to food that is apparently wholesome food.

"(ii) Limitation.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

"(iii) Determination of fair market value.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(iv) Apparently wholesome food.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) Reduction of Tax on Net Investment Income.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking "2 percent" and inserting "1 percent".

(b) Repeal of Reduction in Tax Where Private Foundation Meets Certain Distribution Requirements.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) Modification of Excise Tax on Self-Dealing.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking "5 percent" and inserting "25 percent".

(d) Modification of Excise Tax on Failure To Distribute Income.—

(1) Certain administrative expenses not treated as distributions.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

"(4) Limitation on administrative expenses treated as distributions.—

"(A) In general.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

"(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

"(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

"(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

"(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

"(B) Adjustment for inflation.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.".

(2) Disallowance not to apply to certain private foundations.—

(A) In general.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking "(within the meaning of paragraph (1) or (2) of subsection (g))" each place it appears, and

(ii) by adding at the end the following new sentence: "For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).".

(B) Conforming amendment.—Section 4942(f)(2)(C)(i) is amended by inserting "(determined without regard to subsection (g)(4))" after "within the meaning of subsection (g)(1)(A)".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—

"(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) Excise tax.—

"(A) In general.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) Character of distributions and coordination with distribution requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

"(i) subsection (b),

"(ii) determining the value of trust assets under subsection (d)(2), and

"(iii) determining income under subsection (d)(3).

"(D) Tax court proceedings.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—

(1) In general.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(2) Conforming amendment.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembling" after "construction".

(b) Computer Technology and Equipment for Educational Purposes.—

(1) In general.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(2) Special rule made permanent.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) Conforming amendments.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

"The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) Treatment of Organizations Making Collegiate Housing and Infrastructure Improvement Grants.—

"(1) In general.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

"(2) Housing and infrastructure grants.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

"(3) Grants to certain organizations holding title to property, etc.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.".

(b) Effective Date.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) In General.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

"(1) In general.—The term 'unrelated trade or business' does not include—

"(A) any trade or business which consists of conducting bingo games, and

"(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.".

(b) Qualified Games of Chance.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

"(3) Qualified games of chance.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

"(A) such organization is licensed pursuant to State law to conduct such game,

"(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

"(C) the conduct of such game does not violate State or local law."

(c) Clerical Amendment.—The subsection heading of section 513(f) is amended by striking "Bingo Games" and inserting "Games of Chance".

(d) Effective Date.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) Exemption From Imposition of Special Fuels Tax.—Section 4041(g) (relating to other exemptions) is amended by striking "and" at the end of paragraph (3), by striking the period in paragraph (4) and inserting "; and", and by inserting after paragraph (4) the following new paragraph:

"(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.".

(b) Exemption From Manufacturers Excise Tax.—

(1) In general.—Section 4221(a) (relating to certain tax-free sales) is amended by striking "or" at the end of paragraph (4), by adding "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,".

(2) Conforming amendments.—

(A) The second sentence of section 4221(a) is amended by striking "Paragraphs (4) and (5)" and inserting "Paragraphs (4), (5), and (6)".

(B) Section 6421(c) is amended by striking "or (5)" and inserting "(5), or (6)".

(c) Exemption From Communication Excise Tax.—

(1) In general.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) Exemption for Qualified Blood Collector Organizations.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.".

(2) Conforming amendment.—Section 4253(l), as redesignated by paragraph (1), is amended by striking "or (j)" and inserting "(j), or (k)".

(d) Credit for Refund for Certain Taxes on Sales and Services.—

(1) Deemed overpayment.—

(A) In general.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;".

(B) Conforming amendments.—Section 6416(b)(2) is amended—

(i) by striking "Subparagraphs (C) and (D)" and inserting "Subparagraphs (C), (D), and (E)", and

(ii) by striking "(C), and (D)" and inserting "(C), (D), and (E)".

(2) Sales of tires.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting "sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use," after "for its exclusive use,".

(e) Definition of Qualified Blood Collector Organization.—Section 7701(a) is amended by inserting at the end the following new paragraph:

"(48) Qualified blood collector organization.—The term 'qualified blood collector organization' means an organization which is—

"(A) described in section 501(c)(3) and exempt from tax under section 501(a),

"(B) registered by the Food and Drug Administration to collect blood, and

"(C) primarily engaged in the activity of the collection of blood.".

(f) Effective Date.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) In General.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

"(D) Nonrecognition of gain.—

"(i) In general.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

"(ii) Statute of limitations.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

"(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

"(II) the organization does not intend to meet such requirements, or

"(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) "$15,000,000" shall be substituted for "$40,000,000" in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term "continuing care retirement community" means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by inserting after paragraph (5) the following:

"(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.".

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after "509(a))" the following: "or as a private operating foundation (as defined in section 4942(j)(3))"; and

(2) by amending subparagraph (C) to read as follows:

"(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or".

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking "United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia" and inserting the following: "United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph

(10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

"(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

"(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

"(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).".

(b) Excludable Portion.—Subparagraph (A) of section 126(b)(1) is amended by inserting after "Secretary of Agriculture" the following: "(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)".

(c) Effective Date.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) In General.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Paragraph to apply only to excess payments.—

"(i) In general.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

"(ii) Addition to tax for valuation misstatements.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

"(I) such excess determined without regard to any amendment or supplement to a return of tax, or

"(II) such excess determined with regard to all such amendments and supplements.".

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) Payments subject to binding contract transition rule.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) Repeal of Grassroots Expenditure Limit.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

"(1) General rule.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.".

(b) Excess Lobbying Expenditures.—Section 4911(b) is amended to read as follows:

"(b) Excess Lobbying Expenditures.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.".

(c) Conforming Amendments.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking "limits of section 501(h)(1) have" and inserting "limit of section 501(h)(1) has".

(4) Paragraph (1)(C) of section 4911(f) is amended by striking "limits of section 501(h)(1) are" and inserting "limit of section 501(h)(1) is".

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking "limits of section 501(h)(1)" and inserting "limit of section 501(h)(1)".

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting "and" at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) Tax-Exempt Bond Financing.—

(1) In general.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) Qualified forest conservation bond.—For purposes of this section, the term "qualified forest conservation bond" means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) Limitation on aggregate amount issued.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) Qualified project costs.—For purposes of this subsection, the term "qualified project costs" means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) Special rules.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) Treatment of current refunding bonds.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) Effective date.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) Items From Qualified Harvesting Activities Not Subject to Tax or Taken Into Account.—

(1) In general.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) Limitation.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) Qualified harvesting activity.—For purposes of paragraph (1)—

(A) In general.—The term "qualified harvesting activity" means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) Exceptions.—

(i) Cessation as qualified organization.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) Exceeding limits on harvesting.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) Termination.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) Partial recapture of benefits if harvesting limit exceeded.—If, as of the date that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) Definitions.—For purposes of this section—

(1) Qualified conservation plan.—The term "qualified conservation plan" means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) Conservation restriction.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) Qualified organization.—The term "qualified organization" means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) Unrelated person.—The term "unrelated person" means a person who is not a related person.

(5) Related person.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting "25 percent" for "50 percent" each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) Report.—

(1) In general.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) Submission of report to congress.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

"PART F—COMPASSION CAPITAL FUND

"SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

"(a) Grant Authority.—

"(1) In general.—The Secretary may make grants to support any private entity that operates a promising social services program.

"(2) Applications.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

"(b) Contract Authority, Etc.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

"(1) providing the other entity with—

"(A) technical assistance and information, including legal assistance and other business assistance;

"(B) information on capacity-building;

"(C) information and assistance in identifying and using best practices for serving persons and families in need; or

"(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

"(2) supporting research on the best practices of social service organizations.

"(c) Guidance and Technical Assistance.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

"(d) Social Services Program Defined.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

"(e) Limitations on Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.".

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) In General.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking "and 2003" and inserting "2003, 2004, 2005, 2006, 2007, and 2008".

(b) Removal of Economic Literacy Activities From Limitation on Use of Amounts in the Reserve Fund.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: "The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).".

(c) Eligibility Expanded to Include Individuals In Households With Income Not Exceeding 50 Percent of Area Median Income.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

"(1) Income test.—The adjusted gross income of the household—

"(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

"(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.".

(d) Extension of Time for Account Holders to Access Federal Funds.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking "When Project Terminates"; and

(2) by striking "upon" and inserting "on the date that is 6 months after".

(e) Verification of Postsecondary Education Expenses.—Section 404(8)(A) of such

Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting "or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity" before the period.

(f) AUTHORITY TO USE EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking "any interest that has accrued" and inserting "interest that has accrued during that period"; and

(B) by striking the period and inserting ", but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual."; and

(2) by adding at the end the following:

"(f) USE OF EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development account of any individual or into any such parallel account maintained by the qualified entity.".

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans "to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation".

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and nonsectarian organizations.

(6) As President Bush has stated, "It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.".

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, "to give more and to give better" by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

SEC. 401. RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) FINDINGS.—Congress makes the following findings:

(1) On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was signed into law.

(2) In enacting that law, Congress authorized $2,800,000,000 for fiscal year 2003 and each fiscal year thereafter to carry out the Social Services Block Grant program established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(b) RESTORATION OF FUNDS.—Section 2003(c)(11) of the Social Security Act (42 U.S.C. 1397b(c)(11)) is amended by inserting ", except that, with respect to fiscal year 2004, the amount shall be $2,800,000,000" after "thereafter".

SEC. 402. RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS TO THE SOCIAL SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to amounts made available for fiscal year 2004 and each fiscal year thereafter.

SEC. 403. REQUIREMENT TO SUBMIT ANNUAL REPORT ON STATE ACTIVITIES.

(a) IN GENERAL.—Section 2006(c) of the Social Security Act (42 U.S.C. 1397e(c)) is amended by adding at the end the following: "The Secretary shall compile the information submitted by the States and submit that information to Congress on an annual basis.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to information submitted by States under section 2006 of the Social Security Act (42 U.S.C. 1397e) with respect to fiscal year 2004 and each fiscal year thereafter.

TITLE V—ABUSIVE TAX SHELTERS

SEC. 501. SHORT TITLE.

This title may be cited as the "Abusive Tax Shelter Shutdown and Taxpayer Accountability Act of 2003".

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that:

(1) Many corporate tax shelter transactions are complicated ways of accomplishing nothing aside from claimed tax benefits, and the legal opinions justifying those transactions take an inappropriately narrow and restrictive view of well-developed court doctrines under which—

(A) the taxation of a transaction is determined in accordance with its substance and not merely its form,

(B) transactions which have no significant effect on the taxpayer's economic or beneficial interests except for tax benefits are treated as sham transactions and disregarded,

(C) transactions involving multiple steps are collapsed when those steps have no substantial economic meaning and are merely designed to create tax benefits,

(D) transactions with no business purpose are not given effect, and

(E) in the absence of a specific congressional authorization, it is presumed that Congress did not intend a transaction to result in a negative tax where the taxpayer's economic position or rate of return is better after tax than before tax.

(2) Permitting aggressive and abusive tax shelters not only results in large revenue losses but also undermines voluntary compliance with the Internal Revenue Code of 1986.

(b) PURPOSE.—The purpose of this title is to eliminate abusive tax shelters by denying tax attributes claimed to arise from transactions that do not meet a heightened economic substance requirement and by repealing the provision that permits legal opinions to be used to avoid penalties on tax underpayments resulting from transactions without significant economic substance or business purpose.

Subtitle A—Provisions Designed to Curtail Tax Shelters

SEC. 511. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there are any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 512. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

"(A) IN GENERAL.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) DEFINITIONS.—For purposes of this section—

"(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) AUTHORITY TO RESCIND PENALTY.—

"(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) PENALTY REPORTED TO SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 513. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

“SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

“(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

“(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘reportable transaction understatement’ means the sum of—

“(A) the product of—

“(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

“(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

“(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

“(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

“(A) any listed transaction, and

“(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

“(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

“(1) IN GENERAL.—Subsection (a) shall be applied by substituting ‘30 percent’ for ‘20 percent’ with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

“(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

“(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

“(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

“(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms ‘reportable transaction’ and ‘listed transaction’ have the respective meanings given to such terms by section 6707A(c).

“(e) SPECIAL RULES.—

“(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

“(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

“(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

“(2) COORDINATION WITH OTHER PENALTIES.—

“(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

“(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

“(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

“(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term ‘noneconomic substance transaction understatement’ has the meaning given such term by section 6662B(c).

“(5) CROSS REFERENCE.—

“For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).”

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

“The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.”

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

“(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

“(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

“(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

“(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

“(B) there is or was substantial authority for such treatment, and

“(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

“(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

“(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

“(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

“(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

“(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

“(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

“(I) the tax advisor is described in clause (ii), or

“(II) the opinion is described in clause (iii).

“(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

“(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

“(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

“(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

“(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

“(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

“(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

“(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

“(III) does not identify and consider all relevant facts, or

“(IV) fails to meet any other requirement as the Secretary may prescribe.”

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting “FOR UNDERPAYMENTS” after “EXCEPTION”.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking “section 6662(d)(2)(C)(iii)” and inserting “section 1274(b)(3)(C)”.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking “(as defined in section 6662(d)(2)(C)(iii))” in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

“(C) TAX SHELTER.—For purposes of subparagraph (B), the term ‘tax shelter’ means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 514. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 515. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

"(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

"(ii) $10,000,000."

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

"(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or".

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

"(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 516. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

"(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

"(1) between a federally authorized tax practitioner and—

"(A) any person,

"(B) any director, officer, employee, agent, or representative of the person, or

"(C) any other person holding a capital or profits interest in the person, and

"(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 517. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

"(1) information identifying and describing the transaction,

"(2) information describing any potential tax benefits expected to result from the transaction, and

"(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MATERIAL ADVISOR.—

"(A) IN GENERAL.—The term 'material advisor' means any person—

"(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

"(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

"(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

"(ii) $250,000 in any other case.

"(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

"(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

"(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

"(2) exemptions from the requirements of this section, and

"(3) such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6111. Disclosure of reportable transactions."

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

"(a) In General.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

"(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

"(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction."

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting "written" before "request" in paragraph (1)(A), and

(ii) by striking "shall prescribe" in paragraph (2) and inserting "may prescribe".

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

"Sec. 6112. Material advisors of reportable transactions must keep lists of advisees."

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions."

(c) Effective Date.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 518. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) In General.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) Listed transactions.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) Rescission Authority.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

"(d) Reportable and Listed Transactions.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) Clerical Amendment.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) Effective Date.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 519. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) In General.—Subsection (a) of section 6708 is amended to read as follows:

"(a) Imposition of Penalty.—

"(1) In general.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) Reasonable cause exception.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause."

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 520. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) In General.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Authority To Seek Injunction.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) Adjudication and Decree.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) Specified Conduct.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708."

(b) Conforming Amendments.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions."

(c) Effective Date.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 521. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) Standards Conformed to Taxpayer Standards.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "Unrealistic" in the heading and inserting "Improper".

(b) Amount of Penalty.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) Effective Date.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 522. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exception.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 523. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law."

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A)."

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review."

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 524. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) Censure; Imposition of Penalty.—

(1) In general.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure."

(2) Effective date.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) Tax Shelter Opinions, etc.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion."

SEC. 525. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) Penalty on Promoting Abusive Tax Shelters.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed."

(b) Effective Date.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 526. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) In General.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

"(C) Listed transactions.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011."

(b) Effective Date.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 527. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c))."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

SEC. 531. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns."

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 370, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment adds two important provisions to the underlying legislation. As I mentioned during general debate, I support the underlying bill. I think a good compromise has been reached on some very important issues, including the elimination of the employment discrimination provisions and a compromise in regards to foundations' administrative costs. I think this bill will help nonprofit, faith-based organizations consistent with our tradition of church and State.

The two additions that my amendment adds are very important to this legislation. The Republican whip pointed out that this legislation has been developed among Democrats and Republicans in a bipartisan way and in cooperation with the other body, particularly Senator LIEBERMAN and Senator SANTORUM. All I ask is that the Members consider this amendment and vote on it by their convictions. Both provisions have bipartisan support.

The first provision adds an additional $1.1 billion to the next fiscal year for the social services block grant, taking it from $1.7 billion to $2.8 billion. This is not a novel concept. I see the gentlewoman from Connecticut (Mrs. JOHNSON) here who was very instrumental in the social services block grant program and in the welfare reform legislation. When we passed welfare reform in 1996, we reduced the social services block grant from $2.8 billion to $2.38 billion, but we also included in that legislation a commitment to our States that in 2003 we would reinstate the level at $2.8 billion. That is exactly what this amendment would do.

Number two, this amendment is consistent with the other body. They have already put the money in their reported bill. It puts us together with the other body at $2.8 billion for next year.

Now, what is the social services block grant? Why is it so relevant to the legislation that is before us? If we ask the faith-based groups as to what is the most important funding source for them to be able to do their work, they will tell us it is the social services block grant program. It provides funding for day care for low-income families, for offering counseling services to at-risk children, nutritional assistance to the elderly, and providing community-based care to the disabled.

I need not tell my colleagues the fiscal restraints that our States are currently confronting, with record deficits, and they are forced to cut these very programs that the social services block grant program helps them to fund. For my own State of Maryland, this amendment will mean $20 million; for the State of California, $132 million; for the State of Texas, $81 million; New York, $73 million; Florida, $63 million. If we take a look at our major faith-based institutions such as Catholic Charities, United Jewish Community, Lutheran Services, Salvation Army, in each one of those cases they rely in large part on government assistance to fund these community-based programs. For Catholic Charities it is over 650 percent; 62 percent of their support comes from governmental grants. The social services block grant program is key. This amendment allows us to live up to our commitment that we made in 1996 to restore the level to what it was in 1996.

The second part of this amendment is for fiscal responsibility. I think there is not a person in this body who has not lamented the fact that we now have over $500 billion annual deficit that we are adding to the national debt, and that does not include the $87 billion the President has requested for Iraq and Afghanistan. We have a fiscal responsibility as legislators to make sure we do not add more to that national debt. That is why the other body reached out to find a revenue offset to the bill that they reported.

My amendment is not original. We have taken basically the provisions that were included in the other body to say that if you are doing a tax shelter you should not get the benefit. The courts are already doing that, and the revenues that it will generate will offset the revenues that are lost under this bill so that we do not add to the deficit.

Now, I have gotten some material this morning and I have listened to the debate as to why this would not be a good idea. I have heard that there was a sheet put out that said this was extremely controversial. I then listened to why it was extremely controversial, considering it received 95 votes in the other body. The first reason that my colleague said is that it would be administratively difficult. Well, this is currently being done by the courts on a case-by-case basis. We have a responsibility as the legislature to clarify this law. We should not be doing tax policy in our courts. That is our responsibility.

I have not heard one complaint against the fact that tax shelters should be outlawed and there should be penalties for tax shelters. This bill deals with it in a responsible way.

The second point I have heard is that it is retroactive. Now, let me tell my colleagues, the date in this bill is what we have done by tradition in this body since I have been here and well before that. When a bill is noted by a committee, they use that as the effective date, and that is exactly what is in the bill that was reported by the other body. We incorporate that same date. Now, if that is retroactivity, the other side has been guilty of it many, many times. So let us be at least straightforward in the debate. Let people vote their convictions. We should pay for the bill and we should provide help to the faith-based organizations in our States through the social services block grant that many of us have supported in the past.

Mr. Speaker, I urge my colleagues to support the amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the substitute, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Speaker, perhaps I should address the gentleman from Maryland's last point first. This is not about the date of enactment. Pick any date one wants. What normally happens is that if we now say something that was legitimate is no longer legitimate, we do it on what we say is a prospective basis. From now on, you are put on notice; you cannot do this any more. That is not what his amendment, or his substitute, says.

What his substitute says is that it is applicable to taxable years beginning before, on, or after the date of enactment. It is not the date of enactment that we are concerned about; it is the fact that if this language is adopted in the substitute it means that when it does become effective, behavior that has already taken place, which was legitimate at the time that it took place, is now no longer allowed. That is called retroactive. As a matter of fact, if it were in the area of criminal law, it would be unconstitutional. But since it is in the area of civil law, it may be immoral, it may be unfair, it may be wrong, but the government can do that.

I personally think in the area of tax law, we should never have a retroactive procedure. It is one of the primary reasons I voted against the 1986 tax bill. It had a number of retroactive provisions.

How in the world are citizens supposed to trust the actions of government if when they conduct perhaps an irrevocable decision of a financial nature under the Tax Code, the time at which it was carried out was legal, several years later the Congress says it is no longer permissible, and we can go back and deal with it retroactively? How more fundamentally unfair can government be than that?

That is what is in here. It is not over the date; it is over what happens when the date becomes effective. Prospectively, we can go to the substance of what the amendment contains, which is unacceptable, but the fact that it can reach back and deal negatively with behavior which was acceptable at the time that it was carried out on its face should be rejected.

In addition to that, there is much discussion about how we need to make sure that these various lifesavers are available to the States in carrying out very useful and needed purposes dealing with those individuals who are in need. So if we are talking about lifesavers, the question is this: are we talking about lifesavers or are we talking about orange lifesavers, or perhaps cherry lifesavers, or perhaps lime lifesavers? I think we have to really visit what we have done in this year alone.

In the tax bill, we have already passed at the insistence of the Senate a tax bill which contains $20 billion of gifts distributed to the States. Half of it, $10 billion, was to go to Medicaid. The other half, $10 billion, was totally flexible. It is available for social services block grants or any other services that States might want to use it for within their jurisdiction. They got $5 billion of it in July, they are getting another $5 billion this month.

But in addition to that, earlier money that we had provided, almost $6 billion, is still unspent in Federal TANF money that is available for welfare, child care, other social services. And to make sure that it would be available and could be used, we did not limit ourselves to the modest percentage under the appropriations bill, we passed a welfare bill that said you get the full 10 percent. The welfare bill may hit rocky shoals in the Senate; we are providing it here again. Not a 4 percent, not a 5 percent, but a full 10 percent transfer capability. If, in fact, what we are now doing is not arguing that the States need lifesavers, they want a particular flavor of lifesaver; Members have to ask themselves is it really something that we need to do when there is more than enough money in the system, transferability is not a question; it is just that they want a particular flavor of lifesaver their way. And, if, in fact, they are going to fund it under a structure which reaches back and penalizes taxpayers when at the time they conducted the behavior it was legal, I would say, boy, that is overreaching, especially when the underlying bill, the key part that we are looking at, not welfare payments or social services block grants, but the charitable giving which is at the heart of the bill, is the same in both bills.

□ 1330

The stuff they are adding is really beyond the narrow focus of what this bill is all about and that is charitable giving.

So for all those reasons, I would urge Members, notwithstanding the appeals that are going to be made to tell you that there is more than enough money in the system, underscoring more than $6 billion in TANF money that still has not been spent by the States available to be transferred for the very purposes, they argue they want to force more money on the States.

Mr. Speaker, I reserve the balance of the time, and I ask unanimous consent that the remainder of my time be controlled by the gentleman from Missouri (Mr. BLUNT), the cosponsor of the underlying bill.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I will yield to the gentleman for purposes of a colloquy on my time.

Mr. Speaker, I am sure the gentleman intended no deceit of the House in complaining of one of the 16 effective dates listed in the bill, the only one of the 16 that has a date that is retroactive; isn't that correct?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, is the gentleman referring to the effective date on page 76 of his substitute?

Mr. DOGGETT. There are effective dates throughout the bill. There is one effective date that applies on February 13 of this year. They are all specific dates on transactions this year with the exception of the last one, which is totally retroactive. The very last one on page 121 is totally retroactive and copies, as I understand it, verbatim language that the gentleman from California (Mr. THOMAS) introduced last year in his international tax bill. It was not, apparently, "fundamentally unfair" last year when you introduced it.

There is one thing that is consistent because whether it is retroactive, prospective, past, present or future, the indifference of the Committee on Ways and Means to corporate tax abuse is consistent.

Mr. THOMAS. Might I respond or was the gentleman simply making a statement while the gentleman from California stood? The gentleman indicated in his opening statement that he would yield time for colloquy.

Mr. CARDIN. Mr. Speaker, I believe I control the time.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CARDIN) controls the time.

Mr. CARDIN. Mr. Speaker, I have no objection to the gentleman from California (Mr. THOMAS) getting time from the gentleman from Missouri (Mr. BLUNT) to respond.

Mr. THOMAS. I tell the gentleman that the gentleman from Texas (Mr. DOGGETT) rose and said he would yield to me on his time. That tells you about the way they operate.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds.

To clarify some of the points that my chairman made, when he referred to the States having all this TANF money that is left over, let me point out that the States are currently spending more money every year in TANF funds than they currently receive and that they have obligated almost all of their money. The 10 percent transfer authority has been approved every year. That is nothing new. So when he mentions these issues I think we need to clarify that. And on the effective dates we are following the tradition of this House under Republican leadership. There is really nothing new this year.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to review the history of this block grant. I am sorry that tempers have been lost.

I really think we need to spend a few minutes looking at the history of this block grant because what happened was this: It was $2.8 billion before welfare reform, and then we reduced it as part of a welfare reform. Many of us were unhappy about that, those of us who were able eventually to be able to improve welfare reform with child care and also with health care. The promise then was made that this money would be returned to the States after 5 years. Then a few years later it was reduced to $1.7 billion.

Money was taken from this block grant to pay for transportation, totally unrelated. So we have a commitment to the States to return the money for this block grant, money that goes for child abuse prevention, Meals on Wheels, home care for the disabled, child care, adoption services and domestic violence programs. The Senate has done this. And now apparently the leadership on the Republican side is urging everybody within your ranks to march once again in unison in opposition to the gentleman from Maryland's (Mr. CARDIN) proposal.

That is inconsistent with what we have pledged, inconsistent with the bill that the gentlewoman from Connecticut (Mrs. JOHNSON) and I and others have introduced year after year, inconsistent with the position taken by a majority of the Republicans on the Committee on Ways and Means.

So why are you today again not fulfilling a promise that you essentially made? Oh, the argument is there is money in TANF. The gentleman from Maryland (Mr. CARDIN) has already answered that. What is happening in TANF now is that more is being spent than is being provided. It is not a good excuse.

The excuse is given, well, we provided billions to the States recently. They needed this money, not for the block grant but for other purposes. So I urge support for the Cardin amendment for these important purposes; and I close with this in terms of fiscal responsibility. Look, we try to pay for this. You are digging a deeper hole.

If you do not like everything that is in the Cardin proposal, come up with your own. But you insist time after time bringing up bills that cost billions of dollars, and you have sunset the provision for the deductions for those who do not itemize. You know that sunset will never be allowed to persist. We are not going to take away from deductions from nonitemizers after 2 years. You know that. So this bill is really going to cost $20 billion more or less, and the Democrats have said we will step up to the plate and we will be fiscally responsible. And you as part of the leadership are again asking the Republicans to march in lockstep against fiscal responsibility.

You should be in support of this bill, in support of the Cardin amendment.

Mr. BLUNT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am very pleased that the underlying parts of the Cardin substitute is of course the bill that we have on the floor today. The bill is provided for in the budget document we voted on some time ago. This is well within the amount that we had set aside for tax reduction. But this tax reduction multiplies many times the good things that are done for people with the money spent and the good things are done for society when you encourage people to give their money to others, to help others.

Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in opposition to the substitute amendment and in strong support of the underlying legislation which will help provide necessary relief for our Nation's charities.

Our tax code should encourage, not hinder individuals from giving generously to organizations to help people in need.

In the wake of September 11, more Americans than ever answered the call to help a neighbor in need even while many were facing financial hardships on their own.

Americans are a generous people. Our laws should help people to keep more of their money so they can invest it in charitable organizations that reflect their values. But we also need to take practical steps to help make it easier for individuals and corporations to give, and this legislation accomplishes this goal by helping nonitemizers to deduct charitable contributions, by raising the cap on corporate charitable contributions and allowing people to donate their individual retirement accounts to charity tax free.

I am also pleased the underlying bill includes the reauthorization of a program that allows low income working Americans the opportunity to build assets through matched savings accounts, known as Individual Development Accounts, to purchase a home, expand educational opportunity, or start a small business. IDAs have been very effective in Pennsylvania and other States in helping lower income individuals to access the American dream.

The underlying bill is a good bill and I urge my colleague to oppose the substitute amendment and support the bill.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I support this substitute. We have the largest deficit in American history which just 2 years ago was the largest surplus in American history, and we ought to do something about it, and this substitute helps pay for the cost of this bill.

Let me just say that I think, Mr. Speaker, the Republican leadership in this House has very misplaced priorities. I think the American people would agree with me.

If you in America this year make $1 million sitting safely at home here in the continental United States in dividend income, you will get a $230,000 tax break. But under this bill the Republican leadership would say to servicemen and women serving in Iraq and to their families that if you are killed in Iraq this year and in service to your country and if Congress happens to increase deaths benefits to your family, to your widow, then we want to tax those benefits.

The bill on the other side of this Capitol did not do that. I am puzzled and perplexed and, frankly, deeply disappointed and somewhat angered that the Republican leadership would be willing to give a $230,000 tax break to somebody making $1 million a year in dividend income, but they want to have higher taxes on death benefits for servicemen and women who might be killed in Iraq.

Secondly, those same folks who want to give that huge tax break, $230,000 worth, to someone sitting here safely in the U.S., actually wants to put a cap on the amount of money that can be deducted for tax purposes for National Guardsmen and Reservists, the costs that they incur trying to serve their country as they travel to and from places where our Nation has asked them to travel to, they will only be able to deduct $1,500 in taxes under this bill, according to the Republican leadership.

Now, Mr. Speaker, we are at war today, a war on terrorism, and I think it sends a horrible message to our servicemen and women in harm's way today that if you are in the Guard or Reserves we will be stingy on letting you get tax benefits to cover your cost of serving the country, but let us help those folks making $1 million a year on dividend income.

Mr. BLUNT. Mr. Speaker, I am sure the gentleman knows we sent that legislation to the Senate already.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON from Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

This is a very important bill that we are considering today. It allows people to contribute more to their local United Way agencies, their local YWCAs, their local church programs, that it can be very effectively focused on serving the families and individuals, meeting the needs of people in their own community. That is what is so wonderful about charitable giving. So this is an important bill that we need to move forward.

I am a very strong advocate of the social services block grant. I am glad in this bill we do reaffirm by law that States will have the right to transfer 10 percent of their TANF money to other purposes. Now, in the appropriations bill earlier this year, we dropped that to 5 percent. So it is significant that we beef that back up in this law and the States do routinely use this transfer capability to better fund whatever programs they think are important to them. And for many States this is the way they use all of their TANF money and for many States they actually do not use all of their TANF money.

There are some that use all of their TANF money and this social services block grant expansion is extremely important for that reason. On the other hand, the Senate bill does have an expansion in it and in conference we will be able to work on that. The problem with this bill is that it moves forward on an issue that we need to move forward in conference on, but it does it by adopting a pay-for that is real an unwise pay-for.

The provisions in this bill that try to deal with tax shelters would put forward a whole new concept as one of its tests, the concept of a risk-free rate of return. Now, we have had trouble implementing the tax shelter law. The States at first interpreted some of the provisions of that law in varied ways. They are now moving toward consistent interpretation. We are now moving toward consistency in the courts, and so this is a particularly bad time to now change the law, putting in a concept that has had no judicial interpretation and is not in and of itself clear; that is, the concept of a risk-free rate of return.

□ 1345

In addition, our own Assistant Secretary of the Treasury, Pam Olson, has stated that codifying the economic substance doctrine could be counterproductive and would drive tax shelters further underground.

We have a solution to this problem in the American Jobs Creation Act, H.R. 2896, and I urge the body to solve this problem at that time and oppose the motion to recommit.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just point out to my friend from Connecticut that the transfer authority will have no impact on her State since her State's obligated all of their TANF funds.

Let me point out to my friend from Missouri (Mr. BLUNT), if we want to do something for the military, the bill is sitting at the desk from the other body. We could take it up and get it done before we leave here this afternoon.

Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to add a word of caution to my colleagues about this legislation and to support the Democratic substitute. Everybody in this body supposedly supports charities and the important work that they do.

At the same time, however, the Federal Government is currently projected to run the largest deficits in history. The need for assistance in education and health care and housing among low and moderate income Americans is great, and unfortunately, there is little evidence that this bill is going to do anything to address those needs. I fear that larger deficits are going to occur and the result of this bill is going to serve as an excuse to cut programs already inadequately funded.

At a minimum, this bill should contain an offset. In analysis of a similar bill that is in the Senate, the Congressional Research Service report estimated that the charitable deduction for nonitemizers would yield only 12 cents of additional giving for every dollar of revenue lost to the Treasury, 12 cents. CRS concluded that the vast majority of the cost of the deduction would go to subsidizing existing donations rather than generating new gifts.

The charitable donations generated by this bill will support many good causes, but that same Budget and Policy Priorities report indicated that no more than 10 percent of all charitable giving will directly benefit the poor. The largest recipient of the funds by far would be religious institutions, and while religious giving is commendable, the Center for Budget and Policy Priorities also reported that only 6 percent of donations to religious institutions end up in services to the poor.

My point is that this bill proposes to reduce Federal revenues by $13 billion over the next 10 years. Yet only a few cents of each dollar will actually translate into charitable works to help the neediest Americans. Given the projected $500 billion deficit next year and well over $3.3 trillion debt over the next 10 years, I think colleagues need to decide whether or not this is the best way to spend $13 billion rare dollars.

This country has tremendous needs. America's charities can obviously help, but it is unrealistic to think that America's charities are going to feed the hungry, house the homeless and heal the sick left behind by this Congress. No Child Left Behind, underfunded by $8 billion; housing assistance that served 20,000 less families for the first time in 30 years; Head Start only serves 60 percent of the children who need it and only 3 percent of the children who need early Head Start; and Americans without health care number 42 million.

We are in a tough fiscal time, Mr. Speaker, as a result of the failed economic policies of this administration. The need is great. We have to decide if this is the best way to spend $13 billion.

Mr. BLUNT. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HERGER), a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I respectfully oppose the substitute to H.R. 7 offered by the gentleman from Maryland (Mr. CARDIN). I oppose the tax increases included in the substitute. As the Subcommittee on Human Resources chairman, I also oppose increased funding in the substitute for the Social Services Block Grant.

First, such funding is really a welfare, not a charitable giving, issue. In the House welfare reform bill passed in February, we continued record welfare funding despite 50 percent caseload decline since 1996. We even proposed more than $2 billion in increased funds for child care to support more parents in work and other activities. We already have proposed increased funding for welfare and related benefits in our welfare bill.

Second, Members will recall we just gave States $20 billion in May in the jobs and growth tax relief bill. Of that, $10 billion can be spent however States choose, including for social services.

Third, last week the General Accounting Office reported that States have $5.6 billion in unspent welfare funds today.

Mr. Speaker, this Congress has been very generous in terms of funding, including for the very types of services my good friend from Maryland (Mr. CARDIN) addresses as part of the welfare reform bill.

One final point, we know many are insisting on more funds in exchange for continued welfare reforms. Providing more funds without achieving such reforms would inadvertently undermine the potential for getting a welfare reform deal done this year. We should resist anything that does that.

I urge opposition to the substitute and support for the underlying bill.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

I am curious why my friend from California points out that the Social Services Block Grant is not part of this legislation, even though all the faith-based nonprofit groups say it is very important to them, why the underlying bill provides transfer authority to the Social Services Block Grant from TANF if it is not relevant to this legislation. Maybe the gentleman from California will try to answer that.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank my good friend for yielding time to me.

I rise today in support of the substitute to H.R. 7. This bill permits taxpayers who do not itemize deductions on their tax returns to deduct up to $250 in charitable donations, which is a good thing. It permits tax-free charitable contributions from IRAs, another good thing to do. It increases the amount corporations may contribute to charity, a good thing to do, and it reduces the administrative expenses that foundations may count towards a required charitable contribution, a good thing to do. This bill also cuts in half the current excise tax on foundations' investment, a good thing to do.

Charitable organizations provide life-enhancing programs that Oregonians and Americans would otherwise do without: soup kitchens, food pantries, health care clinics, domestic violence shelters. The list is endless. These organizations make the lives of millions of Americans a little better and a little easier. This bill helps charities carry out their missions.

It lessens the tax burden on charitable trusts, will allow more money to be focused on helping people. Providing tax incentives to individuals and corporations will encourage giving to charity. These are both great and noble goals.

However, these tax incentives come at a cost, and given the current budget outlook, Congress should show fiscal responsibility by passing a bill with an offset provision for the cost. This substitute does that by simply stopping abusive tax shelter schemes. So we get two good things out of this.

First of all, we are going to close loopholes in the current tax law, and we are going to give charitable organizations incentives, and we can make this a revenue-neutral bill by doing both of those. At a time when our budget deficit is out of control, this offset provision is imperative.

The Democratic substitute allows us to encourage charitable giving and stop tax shelter schemes at the same time. Both good things to do.

I urge my colleagues to vote yes to help charitable organizations and yes to stopping abusive tax shelters.

Mr. BLUNT. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. WILSON), my colleague and assistant whip.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. Speaker, as a long-time volunteer for charitable organizations, I rise in opposition to this amendment and encourage all of my colleagues to vote no.

The proper level of Social Services Block Grant funding is a welfare reform question, not a charitable giving issue. The House-passed welfare bill holds SSBG funding constant at $1.7 billion but allows States to transfer up to 10 percent of annual Federal Temporary Assistance for Needy Families, TANF, funds to the SSBG.

This same 10 percent transfer provision has been included in H.R. 7. Adding more funds for the SSBG will make welfare reauthorization, as indicated by the gentleman from California (Mr. HERGER), even less unlikely by providing more funds without updating work requirements.

GAO estimates States today have almost $6 billion in unspent Federal TANF funds available for welfare, child care, and other social services. The 1996 welfare reform law has already resulted in more SSBG spending.

I strongly support the underlying bill, H.R. 7, and want to thank the gentleman from Missouri (Mr. BLUNT), our majority whip, for his leadership on this critical issue. This bill gets to the heart of what it means to be an American. We are a compassionate Nation where neighbors look out for one another. This bill helps institutions that have been historically successful in helping the less fortunate and encourages all Americans to increase their charitable giving.

H.R. 7 is an important bill for America we should pass without this amendment. I urge my colleagues to support H.R. 7 and vote no on the amendment.

Mr. CARDIN. Mr. Speaker, may I inquire as to the time that remains?

The SPEAKER pro tempore (Mr. WHITFIELD). The gentleman from Maryland (Mr. CARDIN) has 10½ minutes remaining. The gentleman from Missouri (Mr. BLUNT) has 15 minutes remaining.

Mr. CARDIN. Mr. Speaker, I reserve the balance of our time.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the distinguished majority whip for recognizing me, and it is a real pleasure for me to be able to rise and speak in support of the underlying bill and against the substitute.

One of the things that I have learned over and over again as I traveled around my congressional district, and indeed throughout the State of Florida and within the United States, and that is that some of the greatest work helping the needy and the unfortunate in our Nation, and indeed throughout the history of our Nation, has always been performed by a whole host of different charitable groups; the most significant of which, of course, is religious groups, but many nonreligious groups or groups with very loose religious affiliations.

I think one of the most important provisions in our tax law, which has been the ability to tax deduct charitable donations, has encouraged a lot of people. It has encouraged me to give and to give generously, and I think it has helped strengthen our Nation, make our Nation a better place and extending one of the provisions of this bill, and that is one of the main things I rise and speak in support of, extending that provision to nonitemizers I think is something actually long overdue.

Regarding the issue that is under debate in the substitute regarding the Social Services Block Grant, while indeed this may be a very worthwhile issue, as I understand it we are increasing the funding in this in the underlying appropriation and to tack on an additional amount of this magnitude I think is, at this time, unnecessary and inappropriate, and therefore, I would strongly encourage all of my colleagues on both sides of the aisle to vote no on the substitute and vote yes on the underlying bill.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me the time.

I believe there are three very important issues in this debate. First, the gentleman from Maryland (Mr. CARDIN) has proposed a bipartisan initiative to complement the good intention of the sponsors of this measure to help children, especially abused children, in the State of Texas. This proposal was good enough for every one of our Republican colleagues across the Capitol to support as a part of this bill. It was in the bill when it came from the Senate, and it is being stripped out today in a way that I think is indifferent to the needs of many children and many others who the sponsors of this bill say they want to help.

The second issue is: is the bill good enough to be paid for? When this bill arrived from the Senate it was paid for. It was a fiscally-responsible bill, and that responsibility has also now been stripped from the bill. How will our children and our grandchildren pay for the debt to which this bill contributes, piled upon, more debt atop even more debt? Our Nation is headed in the direction of the economic disaster of Argentina. We are mortgaging our prosperity—leaving our children and our grandchildren the hope of holding out a tin cup and begging for charity themselves to pay off this National debt unless we pay now for proposals like this.

□ 1400

Mr. Speaker, that is why the bipartisan sponsor of this measure, the gentleman from Tennessee (Mr. FORD), says he is ready to pay for it. That is why Mr. J.C. Watts, the Republican sponsor of this measure in the last Congress, told our committee he was willing to pay for it. Why do today's Republican sponsors of this bill not put their money where their mouth is? If they are so concerned about charity, how about financing this bill instead of shifting more of the burden to future generations?

And the third equally important issue: we can pay for this and at the same time correct a gross injustice in our tax system.

In 1999 an Austin constituent drew my attention to Forbes magazine. It proudly bears the title proudly "The Capitalist Tool," and it published this cover story, "Tax Shelter Hustlers, Respectable Accountants Are Peddling Dicey Tax Loopholes."

In 1999 after I introduced legislation and we had a hearing great sympathy was expressed by the Republican members of the Committee on Ways and Means, but no action. Absolutely nothing was done about a problem that one Texas multinational told my office was receiving at one point a cold call every day trying to con them into these abusive corporate tax shelters. It had become an industry for major accounting firms like Arthur Andersen to engage in promoting these corporate tax shelters.

With the passage of several additional years and one corporate scandal after another, still no remedial action in the House, there has been some hope that this problem might be addressed because this year, not in a Democratic bill, but in the tax bill that President Bush offered, the Republican Members of the Senate added essentially the same tax shelter language that the gentleman from Maryland (Mr. CARDIN) and I are offering today in that tax bill. The Republican Senate passed it overwhelmingly. Yet it was stripped out by the same House Committee on Ways and Means that has consistenly turned a blind eye to this abuse since at least 1999.

So the Senate put it in again in this charitable giving bill to pay for it—to be fiscally responsible. They sent legislative language over here similar to that the gentleman from Maryland (Mr. CARDIN) and I are proposing, and today we hear Republican colleagues in the House tell us that although it was good enough for all of the Senate Republicans it is not good enough for us. "We think it is difficult." "We think it is challenging." "We think it is confusing."

Well, it is not "confusing" to anyone other than to those who are the so-called respectable accountants, who choose to use challenging, confusing tax gimmicks so their well-healed clients can avoid paying their fair share of taxes. This unfairly doged "fair share of taxes" is believed to run as high as $10 billion a year. When one of those corporations does not pay its fair share, the rest of us have to pay the difference and this is wrong. We can correct this abuse today in the same way that the Republican Senate corrected it, and on behalf of all honest taxpayers, I hope we will.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means and a leader on this issue.

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is disconcerting when someone from the other side tries to tell us we are not taking care of problems when we are. Members will find that what was just stated was taken care of in a different bill. But I rise to support the basic bill, H.R. 7.

It contains a provision to permit restaurant owners to deduct cost of food donated to hunger relief charities. The United States Department of Agriculture estimates that 96 billion pounds of edible food are wasted and dumped in landfills each year. If even 1 percent of that food was redirected from landfills to local charities, it will significantly reduce the number of people who have a difficult time getting food on their table. We are talking about wholesome and nutritious food that is left over at grocery stores and restaurants, and even those trays of foods that are left at the end of the night at receptions that we all attend. It is a shame for that food to go to waste.

With the tax incentives included in this bill, companies will have an added incentive to make sure that this food goes to a good cause, the hungry. I also want to talk about the provisions in the bill that help foundations. I work with many of the Texas-based foundations to make sure this bill does the good it is supposed to do without harming foundations like the Meadows Foundation in Dallas, which has allocated $25 million for grants for 2003, including a $3 million emergency loan fund available to assist agencies that are facing crises. That is a lot of money from one foundation. I am glad to say the money pretty much stays in the State of Texas.

One of my favorite projects of the Meadows Foundation is the Wilson District, which is a nonprofit community established by the foundation in 1981 to restore and preserve some of the last Victorian structures in Dallas. Its mission is to provide rent-free office space. We need to pass this bill and help our foundations and our charities.

I also want to talk about the provisions in this bill that help foundations. I worked with many of the Texas-based foundations to make sure that this bill does the good it is supposed to do without harming foundations like the Meadows Foundation based in Dallas.

The Meadows Foundation has allocated $25 million toward grants for the year 2003, including a $3 million emergency loan fund available to assist those agencies that are facing crisis situations.

This is a lot of money from one foundation and I'm glad to say that the money pretty much stays in Texas.

One of my favorite projects of the Meadows Foundation is the Wilson district.

It is a nonprofit community established by the foundation in 1981 to restore and preserve some of the last Victorian structures in Dallas but its mission is to provide rent-free office space to nonprofit charitable organizations.

Groups like the Greater Dallas Community of Churches, the Suicide and Crisis Center, the United Negro College Fund, the Center for Housing Resources, and Dallas Reads are all able to have office space that lets them focus on the good and charitable works they do without having to worry about the rent, the light bill or other office space concerns.

It is this direct charitable work by foundations that I felt needed to be protected in this bill.

I thank Chairman THOMAS and the majority whip for working to be sure that necessary changes were made to this bill.

Mr. BLUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say, as we look at this substitute again, that this is a substitute that really encompasses the bill and that suggests we add other things to the bill that I think can be better handled in other pieces of legislation.

The effort to work with the Treasury Department and the administration on tax shelters is in a bill which should be before the committee at any time.

The social services block grant, I think, better fits another bill.

This is a bill about charitable giving. It is a tax bill. We specifically eliminated the things about program delivery from a similar bill that the House passed last year because we wanted to focus on charitable giving. We did not want to focus on other programs. We wanted our focus to be on those things that changed the character of our communities because they encouraged people to assist others in their community.

The House passed bills that really give the States $20 billion already, $10 billion is for Medicare costs, and $10 billion is totally flexible to the States. There is another $9 billion that is available to the States because of unspent TANF funds and welfare reform funds. That is $19 billion States could spend for these purposes.

This bill is well within the amount of money we set aside this year in the budget, which I think all of the proponents of the substitute probably also oppose the budget; but the budget did pass, and it set aside money for tax relief. This is tax relief that does not just cost the Federal Government money, but it truly does encourage people to invest their money in the things they care about, in the charities they care about, in the communities they care about, in the individuals and families they care about that are assisted there. That is what this bill is about.

This bill is not about trying to codify some very technical tax policy retroactive or not that, as I understand it, not being a member of the Committee on Ways and Means, as I understand the tax policy, would suggest that it is interpreted differently in almost every circuit of the country, you cannot invest money or spend money if you are a business that you would not invest in if the Tax Code did not exist.

Most businesses wish the Tax Code did not exist, but it does exist and it does affect the bottom line. It does affect decisionmaking. How many Americans would buy a home if there was no Tax Code incentive to buy that home?

Do we want to say we cannot make any decisions in the country, make it illegal to make any decisions in the country based on tax policy? How many decisions are made by Americans every single day based upon the tax policy of the country? This is a very complicated thing. It does not belong on this bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), and that as a member of the Committee on Ways and Means, he may control that time.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Missouri that the gentleman from Texas control the balance of the time and be given the right to close debate?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I support the substitute because I think we ought to be sensitive about the largest deficit in American history. I would also like to go back to something mentioned that the gentleman from Missouri (Mr. BLUNT) responded to. I said I have a concern about this bill. It limits the amount of money that National Guardsmen and Reservists can charge off as tax deductions when they have expenses serving their country, such as going overnight to their local reserve location.

I also object to the fact that this bill will actually provide increased taxes on military death benefits if we increase those benefits, for example, for our Iraqi troops today.

The gentleman from Missouri (Mr. BLUNT) responded by saying that bill we have sent to the Senate. I would like to clarify the rest of that story. That bill, to my knowledge, is sitting at the Speaker's desk today, and it has been sitting there since March. I would be happy to yield to the gentleman if he would be willing to work on a unanimous consent basis to bring that bill from the Speaker's desk today, and before we leave because of the impending rain, we could actually provide increased tax benefits to our servicemen and -women. If the gentleman would agree to a unanimous consent request, we could do it that way; or the Republican leadership can vote for our motion to recommit, which would provide those increased military benefits today.

What bothers me is the reason that bill is being held up there is it seems some in the Republican leadership have more interest in tax breaks for people who renounce their citizenship than in tax benefits to Guardsmen and Reservists and men and women serving very patriotically and at great risk to their lives in Iraq and Afghanistan today. I do not think that reflects the values of the American people.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, first let me reiterate what I said earlier. I support the underlying bill. I think the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) have done an excellent job in bringing forth an excellent bill, and I compliment them for that.

I noticed that many of the speakers on the opposition side of my amendment were speaking in support of the underlying bill which I support and which is incorporated in the amendment that I offer. I want to make it clear if Members support the underlying bill, they can certainly support this amendment, as the gentleman from Tennessee (Mr. FORD) supports this amendment.

So let me deal with the points which have been made in opposition to this amendment. I hope Members will take this into consideration when voting on the amendment.

First, the issue of relevancy has been waged as to why the social services block grant is included in this underlying bill. As pointed out, the underlying bill includes the TANF legislation giving authorization for the transfer of social services block grants. If it is relevant for the body of the bill, it is certainly relevant for our amendment.

Secondly, if we ask the charitable groups as to what will help them the most in carrying out the social functions that we want them to do, they all support the increasing of the social services block grant. The next issue which has been raised is do the States really need this and are the funds really necessary? After all, we have TANF reserves.

As I pointed out, the States are spending more every year in TANF funds than they are receiving from the Federal Government. They are running deficits right now.

□ 1415

In regards to the multiyear authorization, almost all those funds have been committed. If you look at the deficits our States are currently confronting in their budgets, it is just intuitive that we know they need the money. Lastly, this was a commitment we made when we passed welfare reform, that we would restore the social services block grant funds in 2003. Congress should live up to its commitment. They should adopt that amendment.

Then I hear criticisms about the offset. I hear that it is going to be hard to enforce. It is our responsibility to clarify the law. Currently it is being implemented by the court on a case-by-case basis. That is certainly not in the best interest of tax policy. It is our responsibility to do that. The way that we have drafted this in regards to effective dates, et cetera, is consistent with the prior policy of this body in passing tax legislation. We frequently note dates and that is exactly what the other body did. This is very consistent.

Then lastly, Mr. Speaker, I have heard just about every Member lament the fact that we are adding to the national debt and we have to do something about it, that we have to exercise fiscal restraint. When are we going to do it? Here is an easy one, my colleagues. This is an easy one. Closing a loophole that if you ask any tax accountant or tax attorney, they will tell you it is the right thing to do. Shelters do not help our economy. That is why the courts are taking it on when we should be taking it on and that is why the other body passed it in their legislation. It is time for us to stand up to our responsibility, to do the right thing. This is a bipartisan bill. Both of these recommendations have been brought forward with bipartisan support, both the increase in the social services block grant and the funding mechanism. It passed the other body by a vote of 95 to 5.

The last point I make, Mr. Speaker, is that we have a lot of work to do between now and adjournment. The more work we put in conference, the less likely it is going to come out of conference. Here is our chance to really make it likely that we could enact a bill that is going to help our charitable groups by moving closer to the other body consistent with the policy of this body, consistent with both Democrats and Republicans. I urge my colleagues to continue the tradition of this legislation which has moved in a bipartisan manner and look at this amendment objectively. I hope you will vote with me. Vote your conscience. Vote in support of the Cardin amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

It is impossible for me to figure out why we need an amendment when this bill passed the Committee on Ways and Means unanimously. Our country's charities are facing a crunch. This bill is targeted for all charities. So it does not need amending. This is a tax cut with a punch and it will spur investment in organizations that make a difference in the places we live and work. The basic bill is what we should vote for, not the amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman from Texas (Mr. SAM JOHNSON) for yielding me this time and for being here to represent the committee on this bill. I want to thank the committee for voting the bill out of committee unanimously and my chief cosponsor the gentleman from Tennessee (Mr. FORD) and all of the other bipartisan cosponsors that have gotten behind this bill. This will make a difference in the charitable community. I am confident that our commitment to this bill will be so great today that we will be able to move quickly to a conference, quickly to the President's desk and begin to see the impact of this bill right away. Certainly I urge my colleagues to reject the substitute, reject any further efforts to delay this measure. Let us get this bill passed today, get it headed toward a final conclusion and toward the President's desk.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 370, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 203, nays 220, not voting 11, as follows:

[Roll No. 506]

YEAS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berry
Cubin
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1447

Ms. ROS-LEHTINEN, Mr. LoBIONDO and Mr. TAUZIN changed their vote from "yea" to "nay."

Mr. MOLLOHAN and Mr. MURTHA changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TANCREDO. Mr. Speaker, on rollcall No. 506. I inadvertently voted "yea." I would like the RECORD to reflect I meant to vote "nay."

The SPEAKER pro tempore (Mr. TERRY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEAL of Massachusetts. I am opposed to this bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NEAL of Massachusetts moves to recommit the bill HR. 7 to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment:

At the end of the bill insert the following new titles (and conform the table of contents accordingly):

TITLE IV—TAX RELIEF FOR WORKING FAMILIES

Subtitle A—Child Tax Credit

SEC. 401. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking "(10 percent in the case of taxable years beginning before January 1, 2005)".

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking "and"

at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.".

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: "For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.".

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 402. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting "($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)" after "$110,000", and

(2) by striking "$55,000" in subparagraph (C) and inserting "½ of the amount in effect under subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Subtitle B—Uniform Definition of Child

SEC. 411. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

"(1) a qualifying child, or

"(2) a qualifying relative.

"(b) EXCEPTIONS.—For purposes of this section—

"(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year,

ed as having no dependents for any taxable year of such individual beginning in such calendar year.

"(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

"(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

"(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

"(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

"(ii) the taxpayer is a citizen or national of the United States.

"(c) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

"(C) who meets the age requirements of paragraph (3), and

"(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

"(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

"(A) a child of the taxpayer or a descendant of such a child, or

"(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

"(3) AGE REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

"(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

"(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

"(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

"(i) a parent of the individual, or

"(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

"(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

"(i) the parent with whom the child resided for the longest period of time during the taxable year, or

"(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

"(d) QUALIFYING RELATIVE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

"(A) who bears a relationship to the taxpayer described in paragraph (2),

"(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

"(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

"(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

"(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

"(A) A child or a descendant of a child.

"(B) A brother, sister, stepbrother, or stepsister.

"(C) The father or mother, or an ancestor of either.

"(D) A stepfather or stepmother.

"(E) A son or daughter of a brother or sister of the taxpayer.

"(F) A brother or sister of the father or mother of the taxpayer.

"(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

"(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support,

"(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

"(C) the taxpayer contributed over 10 percent of such support, and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

"(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

"(ii) the income arises solely from activities at such workshop which are incident to such medical care.

"(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

"(i) which provides special instruction or training designed to alleviate the disability of the individual, and "(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

"(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

"(A) a child of the taxpayer, and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

"(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

"(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

"(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(e) SPECIAL RULE FOR DIVORCED PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

"(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and

"(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

"(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

"(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

"(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

"(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

"(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

"(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

"(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

"(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

"(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

"(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

"(1) CHILD DEFINED.—

"(A) IN GENERAL.—The term 'child' means an individual who is—

"(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

"(ii) an eligible foster child of the taxpayer.

"(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

"(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

"(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

"(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

"(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

"(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

"(5) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under section 151(c),

"(ii) the credit under section 24 (relating to child tax credit),

"(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

"(iv) the earned income credit under section 32.

"(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

"(6) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).".

SEC. 412. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

"(I) is married at the close of the taxpayer's taxable year, and

"(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or".

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

"(i) subparagraph (H) of section 152(d)(2), or

"(ii) paragraph (3) of section 152(d).".

SEC. 413. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking "In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))" and inserting "In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual".

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

"(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.".

(c) Conforming Amendment.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) Place of abode.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.".

SEC. 414. MODIFICATIONS OF CHILD TAX CREDIT.

(a) In General.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) In general.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.".

(b) Conforming Amendment.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking "the first sentence of section 152(b)(3)" and inserting "subparagraph (A) of section 152(b)(3)".

SEC. 415. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) Qualifying Child.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) Qualifying child.—

"(A) In general.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

"(B) Married individual.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

"(C) Place of abode.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

"(D) Identification requirements.—

"(i) In general.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

"(ii) Other methods.—The Secretary may prescribe other methods for providing the information described in clause (i).".

(b) Conforming Amendments.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking "(3)(E)" and inserting "(3)(C)".

(3) Section 32(m) of such Code is amended by striking "subsections (c)(1)(F)" and inserting "subsections (c)(1)(E)".

SEC. 416. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) Additional Exemption for Dependents.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.".

SEC. 417. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking "paragraph (2) or (4) of" in subparagraph (A), and

(B) by striking "within the meaning of section 152(e)(1)" and inserting "as defined in section 152(e)(3)(A)".

(3) Section 21(e)(6)(B) of such Code is amended by striking "section 151(c)(3)" and inserting "section 152(f)(1)".

(4) Section 25B(c)(2)(B) of such Code is amended by striking "151(c)(4)" and inserting "152(f)(2)".

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking "paragraphs (1) through (8) of section 152(a)" both places it appears and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(B) Section 51(i)(1)(C) of such Code is amended by striking "152(a)(9)" and inserting "152(d)(2)(H)".

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(10) Section 120(d)(4) of such Code is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(11) Section 125(e)(1)(D) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(12) Section 129(c)(2) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking "151(c)(3)" and inserting "152(f)(1)".

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(16) Section 170(g)(3) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(17) Section 213(a) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(18) The second sentence of section 213(d)(11) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(19) Section 220(d)(2)(A) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(20) Section 221(d)(4) of such Code is amended by inserting "(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)" after "section 152".

(21) Section 529(e)(2)(B) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(22) Section 2032A(c)(7)(D) of such Code is amended by striking "section 151(c)(4)" and inserting "section 152(f)(2)".

(23) Section 2057(d)(2)(B) of such Code is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(24) Section 7701(a)(17) of such Code is amended by striking "152(b)(4), 682," and inserting "682".

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking "paragraphs (1) through (8) of section 152(a)" and inserting "subparagraphs (A) through (G) of section 152(d)(2)".

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking "151(c)(3)" and inserting "152(f)(1)", and

(B) by striking "paragraph (2) or (4) of".

SEC. 418. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

Subtitle C—Customs User Fees

SEC. 421. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) In General.—Subtitle A of the Internal Revenue Code of 1986 is amended by inserting after chapter 55 the following new chapter:

"CHAPTER 56—FEES FOR CERTAIN CUSTOMS SERVICES

"Sec. 5896. Imposition of fees.

"SEC. 5896. IMPOSITION OF FEES.

"(a) In General.—The Secretary shall charge and collect fees under this title which are equivalent to the fees which would be imposed by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) were such section in effect after September 30, 2003.

"(b) Collection and Disposition of Fees, Etc.—References in such section 13031 to fees thereunder shall be treated as including references to the fees charged under this section."

(b) Clerical Amendment.—The table of chapters for subtitle A of such Code is amended by adding at the end the following new item:

"Chapter 56. Fees for certain customs services."

(c) Effective date.—The amendments made by this section shall take effect on October 1, 2003.

TITLE V—ARMED FORCES TAX FAIRNESS

Subtitle A—Improving Tax Equity For Military Personnel

SEC. 501. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) In General.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) Members of uniformed services and foreign service.—

"(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 502. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 503. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 504. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "or contingency operation" after "combat zone".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 505. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 502, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 507. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 508. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of deduction.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) Erroneous designation.—

"(A) In general.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) Notice of Suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) Effective Date.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 509. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) Deduction Allowed Whether or Not Taxpayer Elects To Itemize.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 510. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) Income Tax Relief.—

(1) In general.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) Conforming amendments.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) Clerical amendments.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) Effective date.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) Death Benefit Relief.—

(1) In general.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) Clerical amendment.—The heading for subsection (i) of section 101 is amended by inserting "or Astronauts" after "Victims".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) Estate Tax Relief.—

(1) In general.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) Clerical amendments.—

(A) The heading of section 2201 is amended by inserting "**, DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) Effective date.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

Subtitle B—Other Provisions

SEC. 521. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) General Rule.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) Program Criteria.—

"(1) In general.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) Exemptions, etc.—

"(A) In general.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) Exemption for certain requests regarding pension plans.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

“(i) made after the later of—

“(I) the fifth plan year the pension benefit plan is in existence, or

“(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

“(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

“(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

“(i) PENSION BENEFIT PLAN.—The term ‘pension benefit plan’ means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

“(ii) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

“(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

“(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

“Category	**Average fee**
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

“(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7528. Internal Revenue Service user fees.”.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 522. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking “satisfy liability for payment of” and inserting “make payment on”, and

(B) by inserting “full or partial” after “facilitate”.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting “full” before “payment”.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

“(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 523. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) GENERAL RULES.—For purposes of this subtitle—

“(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) EXCLUSION FOR CERTAIN GAIN.—

“(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

“(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

“(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary’s interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer’s trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary’s trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate’s income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual’s citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).”.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General’s delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—

(i) Technical amendments.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) Conforming amendments.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) Effective dates.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) Technical amendments.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961).

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) is recognized for 5 minutes in support of his motion.

Mr. NEAL of Massachusetts. Mr. Speaker, my motion is indeed very simple. It adds two matters to this charity tax bill: tax benefits for our military families and an enhanced child tax credit.

Both the Senate and House versions provide much-needed military tax relief, including the expansion of combat zone filing rules and clarification of dependent care benefits, as well as relief for families of as the *Columbia* Space Shuttle astronauts. But the Senate bill is better in several ways. It would not tax any increase in death benefits, whereas the House bill would; it provides a 10-year extension of tax relief from the gains on the sale of a residence by a military member, whereas the House bill only provides 5 years; and the Senate bill has no limit on the deduction for overnight travel expenses of the National Guard and Reserve members, whereas the House limits this deduction.

Mr. Speaker, at a time when our Reservists are being told that 1-year deployments will quickly turn into 2, when our brave soldiers are facing even longer periods of absence from family and home, this Congress should, at a minimum, provide some relief for those families. The delay is inexcusable.

Secondly, Mr. Speaker, this motion to recommit will add the Senate-passed child tax credit bill. Since June we have debated whether 12 million children in low-income families are worthy of the same enhanced tax credit as children of wealthier families, and one, indeed, that they have already received. While President Bush said the child credit must be given to low-income Americans as well, there has been resistance from the majority in this institution. In fact, I might quote two: "Ain't going to happen," said one of the leaders. "All but dead," said another, in a quote last week.

The conferees have never even met, and every vote to revive this legislation thus far has failed. But today we have a chance to pass the Senate version, which eliminates one terrible flaw. Under the House bill, 200,000 military families who were formerly ineligible for enhanced tax credit would receive it, even though they served honorably in Iraq and Afghanistan and other combat zones.

Before we leave here today in anticipation of Isabel, let us resolve ourselves to do something good for these families. Let us encourage more charitable giving, let us provide much-needed tax relief to the families of our brave soldiers, and let us heed President Bush's call to help those struggling families at the bottom of the ladder with the same benefits that those at the top have already received.

I hope there will be broad support for this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this issue is simple, but important, to our military families. If you want to support increased tax benefits for the loved ones who have lost a soldier, sailor, airman or Marine in Iraq, then you should vote for this motion to recommit. If you want to help Guardsmen and Reservists who take money out of their own pocket to serve our country to travel over 100 miles and stay in hotels to do the duty that our country asked them to do, if you want to help those people with tax benefits on those expenses, then you ought to vote "yes" on this motion to recommit.

Mr. Speaker, I think the American people would be offended to find out why we have to support this motion to recommit. For 6 months there has been a bill sitting in this Chamber at the Speaker's desk that would provide these benefits, earned benefits, to our servicemen and -women and to the families of servicemen and -women killed in combat.

But do you know why that bill has been held up by the House Republican leadership? Because the military tax benefits are paid for by closing the loophole of tax benefits for those who leave this country and renounce their American citizenship in order not to pay taxes.

Let me repeat that. A bill has been held up for 6 months at the Speaker's desk. We could pass it by unanimous consent today if the Republican leadership would work with us on it. But for 6 months it has been held up. We are holding up military benefits because the Republican House leadership is more interested in protecting tax benefits for those who would renounce their American citizenship.

Mr. Speaker, that offends every American value that I have ever been taught. I think that goes against the grain of every patriotic speech that has been given on the floor this year saluting the sacrifices of our servicemen and -women.

I know we all intend to support our servicemen and -women, but in Congress we should be judged not by what we say, but by what we do.

Right now, on a bipartisan basis, we can vote to provide increased military tax benefits to those who have not only served our country, but the families of those who have died for our country.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, first of all, I want to compliment the gentleman from Massachusetts for structuring this motion to recommit actually as a motion to recommit, rather than one which cannot be honored. So what we do is we look at the content of the motion to recommit, rather than the key words that determine whether or not he is serious. The gentleman from Massachusetts, by the way he has structured his motion to recommit, is serious.

If in fact the House is judged on what we do, rather than what we say, all you have to do is go back to last March when this House passed the provisions which deal directly with this issue. Way before hurricane season, the House of Representatives said a child credit should be $1,000 and it should stay at $1,000 for the rest of the decade. If the Senate bill is better, why does the Senate bill contain a snap-back to $700 in December of 2004, right after the election?

If the Senate bill is better, the House bill said marriage penalty, now, for the rest of the decade. The Senate bill says marriage penalty eliminated in 2010. They say, therefore, helping the military. The bill we passed last March offers more help dollar-wise and substance-wise to the military than the one they are proposing now.

So I think it is fairly ironic that they are asking us to do what we have done.

The argument that the conference on this bill has not met should not be directed to the House; it should be directed to the other body, because the other body chairs that conference. No call has been made.

What we need to do for the rest of the afternoon is simple: vote "no" for 15 minutes, vote "yes" for 5 minutes, and we can beat the hurricane home.

Ms. JONES of Ohio. Mr. Speaker, I want to take this opportunity to support my colleague from Massachusetts who has offered this motion to recommit H.R. 7 to the Ways and Means Committee with instructions to incorporate provisions that have not received the attention they deserve from this Congress.

I am speaking of course about the child tax credit that Democrats have been calling to strengthen, only to see our calls fall on deaf ears, despite the clear benefits such action will have on strengthening our stagnant economy.

This plea was ignored while Congress went on vacation, it was ignored while a tax cut that increased our Federal deficit to new highs was signed into law, it was ignored while young men and women were sent to fight in Iraq, and is being ignored while the Congress is being asked to consider authorizing even more money for Iraq operations. It is being ignored while those very men and women who we sent to Iraq could benefit from action expanding the child tax credit to lower income families.

In a time where a saying like "I support the troops" is a common mantra among Congressional leaders on both sides of the aisle, in both chambers of Congress, and among all walks of life and ideologies, I call on my colleagues in the House of Representatives to put your money where your mouth is and support this motion to recommit that will bring much needed, much appreciated, and much deserved tax relief to Americans who will most benefit from it.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEAL of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 12, as follows:

[Roll No. 507]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry

Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berry
Cubin
Forbes
Gephardt
Hoyer
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes in this vote.

□ 1515

Mrs. MYRICK changed her vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLECZKA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 13, not voting 13, as follows:

[Roll No. 508]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Doggett
Hill
Kanjorski
Kleczka
Kucinich
McDermott
Mollohan
Murtha
Pascrell
Stark
Stenholm
Taylor (MS)
Tierney

NOT VOTING—13

Berry
Blumenauer
Cubin
DeFazio
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1526

Ms. JACKSON-LEE of Texas changed her vote from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. THOMPSON of California. Mr. Speaker. I was not present for rollcall votes 506, 507, and 508, held earlier this afternoon on the Charitable Giving Act (H.R. 7). Had I been present, I would have voted "yes" on the Cardin Substitute (No. 506). I would have voted "yes" on the Motion to Recommit (No. 507). I would have voted "yes" on Final Passage (No. 508).

AUTHORIZING SPEAKER TO POSTPONE VOTES ON MOTIONS TO INSTRUCT CONFEREES CONSIDERED TODAY UNTIL TUESDAY, SEPTEMBER 23, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to postpone further proceedings on any record vote ordered on the question of agreeing to a motion to instruct conferees considered today until Tuesday, September 23, 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY), the distinguished majority leader, for the purposes of informing the House for the following week and perhaps thereafter.

Mr. DELAY. I appreciate the distinguished whip, the gentleman from Maryland (Mr. HOYER), for yielding to me.

Mr. Speaker, I would like to make all Members aware that the House has completed voting for the day and for the week. We will take any votes called for on the three pending motions to instruct next week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules, and any votes called on those measures will be rolled until after 6:30 p.m.

On Wednesday the House will meet for legislative business at 10 a.m. We expect to begin consideration of H.R. 2557, the Water Resources Development Act of 2003.

Members should also be aware that we may be considering conference reports at any time next week. We have a growing list of bills that could be ready. These include but are not limited to the fiscal year 2004 Homeland Security Appropriations Act, the fiscal 2004 Department of Defense Appropriations Act, and the Department of Defense authorization bill for fiscal 2004.

In addition, I would like to note that despite the great efforts of the House to complete all appropriations bills by the end of the fiscal year, we will have to consider a continuing resolution next week.

Finally, I would like to note for all Members that we do not plan to have votes next Friday, September 26.

Mr. Speaker, I thank gentleman for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

If I might, I would like to start with the general and then go to the specific for next week. I know that there are some of our colleagues who are trying to plan schedules for not only next week but weeks out and I know there has been a lot of discussion going on.

Can the leader tell me what he anticipates the schedule will be generally speaking in the month of October? My presumption is that we are going to be here through the end of October, as the Senate has not passed some of the bills and sent them to us. Our anticipation is that we will be here at least that long.

Can the gentleman tell us what he anticipates to be the schedule for the weeks of October? We know that the Senate is taking off one of those weeks. I think the first full week of October they will be taking off. I think Members would find it very useful if the gentleman could give us his thoughts on what our schedule would be.

Mr. Speaker, I yield to the gentleman.

□ 1530

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

I do not want to prejudge the Committee on Appropriations' work, but I think in dealing with the Senate, the House and with both sides of the aisle it looks like everybody is coming together in a consensus around a continuing resolution that might run us to October 31, and that should be a very real signal to our Members that we will probably be in session to at least October 31.

However, trying to figure out exactly what weeks we will and will not work depends a lot on the work that we still have pending. Any day now we anticipate receiving from the administration a supplemental appropriations bill. Obviously, the Committee on Appropriations will go immediately to work on that, but I am informed that it may take at least two, three, even four weeks with hearings and things that need to be done, I think all Members want to really look at that supplemental and make sure that we are doing the right thing, and I cannot say today that, definitively, we would be off the week that the Senate has taken off, but I am hoping that working over the weekend and through the week next week, we ought to be able to give Members some sort of idea as to what the month of October might look like.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the leader's comments, and I understand when we get down towards the end of the session you are not sure exactly how the business will flow and you have got to make decisions as that occurs.

I understand the week of October 6, which is I guess a week and a half from today, I hate to try to pin the gentleman down, but Members obviously are trying to figure out when they get requests in their districts to do things, whether or not that October 6 date, again because the Senate's going to be off, is a probable time that they may be able to work in the District or whether it is too problematic for them to make any kinds of plans. I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding. Let me just correct the gentleman. The week of October 6 is 2½ weeks from today, and I really believe that it is going to hinge on what the supplemental looks like and what the Committee on Appropriations thinks that their schedule might be in order to get the supplemental to the floor as quickly as possible, giving the Members every opportunity to look at the bill and participate in it.

My thinking is that if we can get that supplemental to the floor of the House by that week of October 6, we could very well be here voting on that supplemental.

Mr. HOYER. I understand. I thank the gentleman. Would it be fair for Members to presume, absent further notice, that we will be meeting, as we have been meeting, on the Tuesday evening, Thursday night schedule? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentleman knows, the House has been very active this year, and we have gotten a lot of our business done, and there is very important business left, but the requirement for floor time is getting less and less, and we do not want to keep Members here any longer than they have to be. So, yes, we anticipate that the schedule would run at least Tuesday through Thursdays in the weeks ahead, but that could be adjusted, too.

Mr. HOYER. I thank the gentleman for his comments. Now, if I could go to the specifics.

Mr. DELAY. Mr. Speaker, would the gentleman yield?

Mr. HOYER. I am glad to yield.

Mr. DELAY. I do not want Members to misunderstand me. Also, it is coming to the end of the session, and as the gentleman knows, I would not encourage Members to make a lot of plans for Mondays and Fridays, plans that cannot be broken because as we get to the end of the session, the weeks could very well get longer.

Mr. HOYER. Reclaiming my time, I understand what the leader is saying.

On the appropriations conference reports, the gentleman mentioned a number of conference reports, Homeland Security and DOD and the DOD authorization. Is there a possibility that the legislative branch appropriation conference report could come to the floor next week as well or any other conference reports?

Mr. DELAY. If the gentleman would yield, the gentleman is correct. We are in conference on legislative branch, and we also are in conference on the military construction. Both of those could very well be ready for action next week. The appropriators are working hard, and it looks like they are doing their business once we get into conferences. So, yes, military construction and legislative branch could very well be up next week.

Mr. HOYER. I thank the gentleman. The other conference report, there are many others, but one that we are very interested in is the labor-health-education conference report. Does the leader have any insight as to when that might be considered on the floor?

Mr. DELAY. If the gentleman would yield, we certainly want to try to get moving on this most important piece of legislation as soon as possible. Unfortunately, the other body has trampled on the constitutional prerogatives of the House in initiating tax provisions in their bill.

The bill that the other body has passed has been blue-slipped appropriately by the Committee on Ways and Means, and until this blue-slip issue is resolved, I just cannot give the gentleman any sort of prediction as to when we would appoint conferees.

Mr. HOYER. Reclaiming my time, is that on the issue of overtime pay for working Americans?

Mr. DELAY. No. If the gentleman would yield, my understanding is it is over the issue of raising Customs fees.

Mr. HOYER. Mr. Speaker, I understand. Reclaiming my time, there is another conference report that we have been talking about now for a couple of weeks, and that is the FAA conference report, the reauthorization, which the authorization I think expires on September 30, if I am correct. Can the gentleman tell the body and the Members the status of that conference report?

Mr. DELAY. If the gentleman would yield, the current FAA authorization, as the gentleman knows, expires at the end of this month, and obviously we need to keep that program going. The best way to do this would be to pass the FAA conference report, and we hope to find a way. We have been working very hard on it for the last 2 weeks. We still hope to find a way to do that conference report next week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for his observation on that, and we want to try to help him find a way, but as the gentleman knows, one of the provisions in that, which suggests privatizing the air traffic controllers, is a very controversial item I think on both sides of the aisle very frankly, but giving my colleague the information I think it is appropriate for him to have, I think beyond that and perhaps the training of the attendants, which we think is also very important for our homeland security and air traffic security purposes, but for those two I think we are pretty much in agreement.

So if we can facilitate perhaps on that which we are in agreement, moving the bill, we would be glad to try to help on that effort.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, the gentleman is absolutely correct, and the chairman and ranking member of the Committee on Transportation and Infrastructure are working very hard, and hopefully, we will have a resolution by next week.

Mr. HOYER. I thank the gentleman for his comments.

There is another bill, as we all know, that the authorization of which is expiring the end of this month, and that is the Transportation Efficiency Act 21. TEA-21, as we refer to it, is expiring. That has been in consideration. I know there is a lot of controversy about how much investment ought to be authorized in that bill. Can the gentleman tell us the status of that particular piece of legislation, which is so critical to the welfare of our country? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

It is my understanding that two bills were introduced today extending the funding for transportation infrastructure for the next 5 months in one bill and 6 months in another bill. We hope to have one of those bills to the floor by next week. The Committee on Transportation and Infrastructure is working very hard to prepare that bill for floor consideration, and the gentleman is absolutely right. It is critical to keep highway funding flowing, particularly going into the winter season. We want to get as much construction finished in the northern States now before the winter completes, and there are a lot of contracts of construction out there right now.

So it is vitally important for us to extend the highway program while we are working on a more comprehensive 6-year highway bill.

Mr. HOYER. Mr. Speaker, so the gentleman thinks that may be on the floor next week?

Mr. DELAY. We are working hard to get it to the floor next week because we only have, starting off next week, I think we have 10 days before the end of this fiscal year.

Mr. HOYER. Mr. Speaker, reclaiming my time, next to last issue I would bring up, I think I heard the gentleman say this, but I want to make sure the Members understand, is it the gentleman's understanding, and is it his intention, that if we adopt a CR, is it next week that he thinks we may do that, that the date set in that CR for continuing funding would be until the 31st of October? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

While I heard there is growing support for a CR that carries us through to October 31, to my knowledge no final decisions have been made on that, but a decision on it is getting closer and closer.

Mr. HOYER. Mr. Speaker, last question, and I know it would disappoint my colleague if I did not pursue this issue, but Senator GRASSLEY in the other body was quoted as saying he expects the Democrats to keep the heat on on this issue, so we do not want to disappoint him either.

I say that facetiously, but we really do care about the child tax credit. It appears that the conference is meeting. It appears that there is significant disagreement between the House and the Senate, but there appears that there is, in this limited area, that is, extending the child tax credit to those families who are making between $10- and $26,000, of which there are some 6½ million families, 12 million children affected by this and 200,000 military families, there appears to be agreement on this issue.

One of the disagreements is apparently that there are some of us who are willing to make it permanent, but want to at least see it active this year, but one of the problems apparently that the gentleman expressed last week was if we cannot make it permanent, we apparently cannot do it. I would hope, because I think we could do it very quickly on this floor and would not take much time of the body, that the gentleman would bring to the floor the Senate bill, which has the child tax credit, and that we might pass that or, alternatively, simply do a limited bill, send it to the Senate, and they could take it off the desk and pass it, but in either event, it would facilitate getting to those 6½ million families the same kind of assistance that we have already given to others who have received a refund of the child tax credit. I know the gentleman anticipated that question. I know he has an answer.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I have enjoyed my time in this institution working with the gentleman on institution matters, and I know the gentleman has strongly-held beliefs of protecting the prerogatives of this institution and the will of the House, and I just say to the gentleman under this issue, his words "extending the child tax credit" are critical. This House has spoken on that issue. This House has considered the Senate bill he mentions. This House has rejected that Senate bill as flawed, and this House has expressed itself because it wants to extend the child tax credit beyond the next election, and we expressed it in passing with a very good vote a bill and sent it to the other body.

I just would recommend that the gentleman direct his comments and his strategy toward the other body. All they have to do is pick up the House bill and the gentleman will get everything that he has asked for.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand what the gentleman said, but when one really addresses this issue in a way that reflects I think an honest analysis of it, there is disagreement between the two bodies on the proposal we made in the House and the proposal that has been made in the Senate. There is, however, no disagreement, not a scintilla of difference, between the two houses on whether or not assistance ought to be given to these 6½ million people, families and 12 million children, 200,000 military families this year. The only issue is do we want to do it further and keep it. Very frankly, I would want to do it at least this year, and then I will fight to do it next year and the year after, and our side of the aisle will fight side by side with the gentleman trying to make that permanent, but because there is no disagreement on that issue but there is disagreement, as the gentleman points out, between our body and the other body on other issues included in the bill to which the gentleman refers, these 6½ million families are paying the price.

What I am saying respectfully to the leader is that on the issue that I have brought up, there is no disagreement, as I understand it, with Republicans, with Democrats in the House or with Republicans or Democrats in the Senate, and because we have agreement on that, we ought to act, and I would urge the majority leader to seriously consider requesting that the chairman of the Committee on Ways and Means, and we ought to protect our jurisdiction, we ought to initiate that bill but because we have agreement, I would hope we would do so. I would yield.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, I would just mention to the gentleman we do have a disagreement. The gentleman is correct. Everyone in this House wants to accelerate the child tax credit that is already on its way for the 6½ million families. The disagreement in this House is on my colleague's side. They would like to allow that to expire, and these 6½ million families would have their taxes increased the following year. We think that is a horrible policy, and we would like to, if they get this tax break, that they can count on this tax break for more than 1 year. This tax credit. It is not a tax break. This tax credit for more than a year.

Mr. HOYER. Mr. Speaker, reclaiming my time if that, as the gentleman posits, is the disagreement, then I would say to the leader that I think I can in the next 96 hours get my side of the aisle to agree with his side of the aisle to pass that as a permanent extension. The problem we have is not between our bodies on that issue as I said. I think my party would join. These are folks who make between $10- and $26,000 who are trying to support their children, put them into school, get them through and make them good citizens. We want to help that, my colleague wants to help that, but we are not doing it. We are not doing it because there is a disagreement between the two bodies.

I think it is incorrect to characterize our side of the aisle as wanting this to expire. What we want to do is pass, and if there is disagreement between the bodies, we at least want to take one step, even if we cannot take five steps, because that one step will help those families. I would be glad to yield to the distinguished chairman of the Committee on Rules.

□ 1545

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding, and I simply would like to say at this moment we have seen the distinguished majority leader and the distinguished minority whip in their first year in these important positions go through an exchange of issues on which there was quite a bit of agreement and the most recent one some disagreement.

I would like to point out to my colleagues that 216 years ago today, the framers signed the U.S. Constitution and began that laborious task of ensuring its ratification. And to hear the distinguished majority leader talk about exercising our constitutional prerogatives as the first branch of government is very inspiring to me, and I know will continue to inspire all of those who have worked so hard to ensure the success of this, the greatest deliberative body known to man.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want the gentleman to know as the representative of the original adopters of that extraordinary document who were then later pleased to welcome to our ranks those who serve under that Constitution our distinguished citizens from Texas and distinguished citizens that California. And I had the opportunity of hearing the majority leader speak today at a ceremony at the National Archives at which we unveiled the newly ensconced and protected charters of freedom, the Constitution of the United States preceded by the Declaration of Independence and followed closely by the Bill of Rights, those three extraordinary documents which stand as probably the most powerful statements of a free people and of liberty and justice and a government of laws and not of men. They will be preserved from the elements as they have been preserved from those who would undermine their principles and their reality.

I want to congratulate the leader for his comments today at that ceremony.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I know I speak on behalf of my colleague from Texas when I say we both appreciate that the gentleman from Maryland (Mr. HOYER) welcomed us into the Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair reminds Members it is inappropriate for Members of the House to characterize the actions of the Senate in their remarks.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week, the week of September 22, to grant a rule which could limit the amendment process for floor consideration of H.R. 2557, the Water Resources Development Act of 2003. The Committee on Transportation and Infrastructure ordered the bill reported on July 23, 2003, and filed its report with the House on September 5, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room 312 here in the Capitol by 1 p.m. by Tuesday, September 23. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Mr. Speaker, Members are reminded that earlier in the year the Committee on Transportation and Infrastructure set forth a specific process regarding the submission of projects for inclusion in the Water Resources Development Act. The Committee on Rules does not intend to accord priority to amendments that have not gone through the aforementioned process.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 367

Mr. WALSH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 367.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. AKIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. RYAN of Ohio. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. RYAN of Ohio moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included

in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. RYAN of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Ohio (Mr. RYAN) and a member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Today I am offering a motion to instruct conferees on the child tax credit. I thank all Members of Congress, especially the gentlewoman from Connecticut (Ms. DELAURO), for initially offering her leadership on this motion.

Mr. Speaker, the tax bill that was passed by Congress neglected 12 million children in America's low-income working families by cutting them out of the child tax credit plan.

My motion to instruct does a few things. It instructs the conferees to agree to the Senate language that provides for tax credit checks to be mailed immediately to low-income families. It also provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere; and the conferees could easily accomplish these changes and bring up a final bill within 2 days which is what the motion calls for.

In Ohio, the House Committee on Government Reform and Oversight states that over 25,000 working families were cut out of this provision. These are families who work hard. They do pay taxes. Unlike what many Members have said during the debate in the last few months, these individuals may not pay income tax, but they pay property tax, sales tax, they pay user fees, they pay tolls to get on the roads; and so they do contribute to the economy. They do pay taxes.

I was having an interesting conversation with a Republican friend who was listening to this debate happen because this is not the first time we have had this debate in the Chamber, and he said they do not pay taxes. I said they do pay taxes. They pay sales tax and property tax. He said give them a rebate on their property tax. My question to him is what is the difference?

Mr. Speaker, these people need help, and we have not done enough for them in this Chamber. We have an opportunity with this bill to make and have real impact on low-income families.

One last example that this bill, this motion, would help those military families that we talk so much about. One example that we have, an E–5 or E–6 sergeant, 6 years of service, two children, making $29,000 a year. If he does not serve in combat, both of his children qualify for the credit. They get the thousand-dollar credit. If he is in combat for 6 months, his or her credit drops to $450. I do not think there is a person in this Chamber who would say we are doing enough to help our military personnel in combat.

Mr. Speaker, I reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was indicated earlier in the debate, or the colloquy, between the majority leader and the minority whip, this House on June 12 passed a tax relief measure which provided for the extension of the child tax credit. Let us look at the current law and see what we would be extending if that particular measure were to pass the other body and go on to the President for his signature.

Who is getting that child tax credit under current law: any family that pays income tax as long as their income does not exceed certain levels, and even families who do not pay income taxes receive the child tax credit so long as they earn at least $10,500. These families receive a check from the government equal to 10 percent of their income over $10,500.

Military families serving overseas also get the child tax credit subject to the same rules. So-called wealthy families do not get the child tax credit. The child credit is reduced and eventually eliminated for single parents with incomes over $75,000 and for married couples with incomes over $110,000.

Mr. Speaker, this House has acted, and on June 12 of this year passed a bill which calls for the extension of the child tax credit through 2010. It does other things as well. Along with passing the extension of the child tax credit, we eliminated the marriage penalty in the child credit, celebrated the increase in the refundable child credit, provided tax relief and enhanced tax fairness for members of the Armed Forces. We suspended in that same piece of legislation the tax exempt status of designated terrorist organizations, and provided tax relief for astronauts who die on space missions.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. RYAN) that the call for action belongs and should be focused and aimed to the other side of this building. They are in the chairman's seat of the child tax credit conference, and it is they who should act.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I know of no issue that most clearly shows the differences between the Republican and the Democratic parties than does this issue.

President Bush came to Ohio on Labor Day. He stood and he talked about the child tax credit. It was reported in the paper that he said folks here in Ohio can use this $400 per child tax credit to buy clothing for their children, to buy school supplies. What the President did not say to the citizens of Ohio is that the Republican Party is excluding 500,000 children in Ohio, children from low-income families, children from families who are most in need of help, and yet they apparently do not count. We are told that they should not get this benefit because their parents do not pay income taxes.

□ 1600

Well, they pay payroll taxes. They pay property taxes. They pay all sorts of other kinds of taxes. Why is it that my Republican colleague focus only on the income tax? Do they not know that a dollar being given for the payroll tax is just as difficult for that poor family to pay as a dollar on an income tax?

Mr. Speaker, 500,000 children in the State of Ohio. Now, people need to be very clear. These are children whose moms and dads work. Sometimes they may work two or more jobs. They just simply do not make enough to have to pay income tax. Think about that. If you are a resident of Ohio and you make $60,000 a year and have two children, you get $800, $400 per child. But if you are a family that lives next door to the $60,000 family and you only make $25,000 and you have got two children, they get nothing. They get zero under this plan. It does not make sense. I think it is cruel hearted. I think it is hard hearted to react to the children in this manner.

Mr. Speaker, I call upon the President to exert his influence so that the next time he comes back to Ohio he can say he cared about all of Ohio's children, even the poor kids.

I think this is a matter of values. And for those of us in this Chamber who support family values, I would like to quote from the New Testament. Jesus said, "As often as you have done it unto the least of these, you have done it unto me.''

What we are talking about here today are the poorest kids. We are talking about the poorest kids, the kids whose moms and dads work but who struggle. We are talking about the kids who need clothing for school, who need school supplies, who need all kinds of other essentials that their moms and dads may not be able to provide to them unless we do the right thing in this Chamber and provide this rebate, this tax credit for all the children.

Mr. CANTOR. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself as such time as I may consume.

Mr. Speaker, I have a couple points that I would like to make in addition to thanking the gentleman from Ohio (Mr. STRICKLAND) for his comments and his leadership on this particular bill.

The child tax credit of which we are talking about adding on to, the additional funding that it would take only accounts for 1 percent of the final bill that we passed, 1 percent out of a $350 billion bill. This would have been $3.5 billion. And when you take a step back and you look at the overall picture, you will see that this type of investment of only 1 percent of the entire bill would have much more value to the economy, would put more back per person that would receive the money than the money that we were giving in the same amount, actually much, much more, to the top 1 or 2 percent.

These people are actually going to go out and spend the money. They are going to go out to the store, as Mr. STRICKLAND stated, and they are going to spend it because they do not have a lot. But if you give $93,000 back to someone who makes a million dollars, they are not going to buy anything new that they do not already have.

So I think it is important when we talk about this also to talk about the portion that is an economic stimulus part of this bill.

Mr. Speaker, I reserve the balance of my time and the right to close.

The SPEAKER pro tempore (Mr. LINDER). The gentleman has that right.

Mr. CANTOR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I think this is the nineteenth time that we have been through this discussion on a non-binding motion to instruct conferees. And at this time, again, I would reiterate the need to focus the urging of action towards the other side of this Capitol that chair the conference committee on the child tax credit.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to say we will be asking for your help and your support to encourage the leaders in the United States Senate to also help us with this particular provision. I think it is a good piece of legislation. I think there are thousands and thousands and thousands of young kids throughout the United States of America today, Mr. Speaker, who this would benefit.

It would be a direct impact into our economy. We still need a boost. There are still not jobs being created. It is still a jobless recovery. And this is an opportunity for all the campaign speeches about being compassionate. I cannot think of a better opportunity for the President of the United States to use his power, for the leaders in this Congress to use their power, for the leaders in the other body to use their power to make sure that this motion passes and that we inject some more money back into the economy and start giving it to people who will go out and spend it.

I believe there is a real slant in the policies that are coming out of not only this Chamber, but the other Chamber, and also coming out of the administration.

One example that I would like to use, not necessarily affecting this particular piece of legislation, but one similar, the earned income tax credit. One, the audits of working poor in 2001 from the IRS increased by 48.6 percent. Those applying for the earned income tax credit had a 1 in 47 chance of getting audited. Those making more than $100,000 a year had a 1 in 208 chance of getting audited. I think this is indicative and illustrates the point that the policies we are getting out of this Chamber and out of this Congress and from the President are clearly slanted towards the top 1, 2, 3, 4, 5 percent and against those people who are working poor or living in poverty.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. RYAN).

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RYAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of earlier today, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. STENHOLM. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. STENHOLM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all of us in this body have an enormous responsibility to the American people as we put together a bill that will shape the lives of 40 million current Medicare recipients and the millions more that will be retiring in the near future. This bill will make changes that will have profound effects on all Medicare beneficiaries and particularly on the one in four who live in rural America. Rural beneficiaries have different health care needs and delivery systems than those living in urban areas and Congress has a responsibility to pass a Medicare prescription drug reform bill that is responsive to their needs.

The motion to instruct conferees that I am offering today will put the House on record in support of a conference report that addresses the unique challenges facing seniors and health care providers in rural areas as much as possible. The motion would instruct conferees to agree to the following:

Guaranteed prescription drug coverage through a Medicare fallback option in areas where private drug plans are not available.

The best provisions improving Medicare payments to health care providers in rural areas that were included in the Senate bill or the House bill.

Reject the cut in payments to hospitals in the House bill which will adversely affect hospitals in rural areas and undercut the benefits of the rural health care improvements.

Rural beneficiaries have consistently had less access to Medicare managed care plans. Since 2000, rural beneficiaries have been four times more likely than urban beneficiaries to lack a private plan option. This problem of low market penetration in rural areas by private insurance plans may be even more pronounced for a drug-only insurance plan. This motion would address this problem by calling on the conferees to accept a guaranteed fallback plan be offered through traditional Medicare that would be offered in areas where fewer than two private plans have entered to ensure that all seniors have access to this benefit.

The House bill does not include a fallback provision to ensure that seniors have prescription drug coverage in areas where private plans choose to not participate. Instead, the House bill allows the Secretary to pay the drug-only plans whatever it takes to entice them to offer plans. Because premiums for prescription drug coverage are based on what the plans are paid, plans that take the bribe to participate may have significantly higher premiums than those operating in more competitive areas. With one in four seniors residing in rural areas, it is extremely important that we not exclude rural seniors from having a prescription drug benefit, which is a very real risk if we do not provide a guaranteed fallback plan for seniors in areas where private plans are not available. To deny seniors in rural America the prescription drug benefit option is to deny them access to quality health care.

The motion also calls on conferees to provide the strongest package possible for rural health care by taking the best of the House and Senate bills. Because of the very high proportion of elderly in rural areas, Medicare is a very large and critical source of payment for rural health care providers. Both the House and Senate bills would provide many important improvements in payments to rural health care providers. Unfortunately, there have been reports that assistance to rural health care providers is being held hostage in conference negotiations for leverage on other issues. This motion will send a clear message that the health care needs of rural America should not be used as leverage to advance an agenda on Medicare.

The House bill offers assistance to health care providers in rural areas with one hand but takes away that assistance with the other hand through a reduction in payments to hospitals, which will be particularly harmful to rural hospitals. I am sure that all of us in this body who have talked to our local hospitals as I have done have heard about the challenges that our hospitals face, higher medical malpractice premiums, an increase in the uninsured population, and uncompensated care and cutbacks at the State and local levels. Reducing payments to hospitals could jeopardize the financial life of rural providers and undercut the benefits of the rural health care improvements in the bill. The benefits of improving payments to rural health care providers and increasing access to health care in rural areas will be negated if the hospital in a rural community is forced to close its doors. We must provide equal access to care for all Medicare beneficiaries, regardless of where they live. A vote for this motion is a vote to make sure that seniors and health care providers in rural America are treated fairly by the current Medicare system and the new prescription drug benefit.

Mr. Speaker, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion would allow the Department of Health and Human Services to offer a Medicare prescription drug plan. There is no need for this type of government-run fallback because the House-passed legislation already guarantees that every Medicare beneficiary will have a choice of at least two Medicare prescription drug plans. My colleague represents rural Texas. I represent rural Illinois. We know that one of the problems in the past was Medicare plans leaving rural areas. I think the benefit of what we have crafted is that it broadens the scope of the region, so it brings in urban and suburban and rural areas.

The motion also instructs conferees to recede to the Senate and remove the hospital market basket update adjustment contained in the House bill.

□ 1615

I would note for my colleagues that we are not cutting hospital reimbursement. We are reducing the increase they are going to receive. According to the Medicare Payment Advisory Commission, MedPAC, the nonpartisan panel of experts that advises Congress on Medicare policy, hospitals make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients. MedPAC unanimously advised Congress to increase payments by 3 percent, which is what the House bill does. This is often referred to as market basket minus 0.4 percent.

Finally, this motion would instruct conferees to accept every rural provider increase contained in both bills. This budget-busting motion would mean the cost of the entire package would greatly exceed the $400 billion allocated under the budget resolution for Medicare prescription drugs which would jeopardize our ever getting to a final bill. Obviously, in our budget resolution we passed a bill for prescription drugs at $400 billion. If we go above that amount, we will raise to a point of order, and really we will have no resolution to this.

This motion is unnecessary. The House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House-passed bill contains a $24.9 billion increase in payments to rural providers which would help rural hospitals and physicians, among others, continue to provide care to rural Americans. Let me just say that again. I traveled all through the August break to many of the rural hospitals. They do not have the numbers to be able to bring to bear all the benefits; so they really need this increase, and this rural increase of $24.9 billion is real dollars to rural hospitals, and I know my colleague knows the need for an increase in rural hospital coverage.

I would also note that conferees have reached agreement in a bipartisan, bicameral basis on a number of issues that will be reopened under this motion. Do we really want to tell the conferees to start over all from scratch? I do not because we want to see success in this Medicare prescription drug bill, and we want to finally get help to the seniors who have asked for it.

Mr. Speaker, we should allow the conferees to work out the differences between both bills. Since both Chambers have made a significant commitment on helping rural providers, I have every confidence that they will develop sound policy.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time, a real hero and champion of rural health care, especially in west Texas.

Mr. Speaker, I join my colleagues in instructing the Medicare prescription drug conferees to remember our Nation's 9.3 million rural Medicare beneficiaries as they continue their critical deliberations. The way this bill currently stands is nothing more than the old bait and switch. The Republican leadership has used smoke and mirrors to trick our seniors into thinking that they are getting a Medicare prescription drug plan, when in reality they are forcing them to seek medication from private insurance companies and HMOs that will set the price and set the benefits. This HMO enrichment plan does not even pretend to address the needs of rural America.

Mr. Speaker, as my colleagues know, over 80 percent of rural health care beneficiaries today live in an area that insurance companies do not and will not serve, and it is worse than that in my district. Not one single insurance company in the United States of America has signed up for the plan that is being proposed by our friends on the other side of the aisle.

Just what has history shown us about what happens when insurance companies get involved in Medicare? Medicare+Choice, the great managed care experiment of our Nation's seniors, should have been named Medicare Minus Choice. After all it has been a total disaster. Between 1998 and 2003, the number of Medicare+Choice plans dropped in the United States by more than half. And in Texas, in our State, over 313,000 Medicare+Choice seniors have been dropped by insurance companies since 1999 alone, dropped straight in the grease in Texas because they do not want to serve rural America. Rural seniors do not have access to private insurance plans, not the same as our urban seniors, and knowing this, we must include a Government fallback option for areas served by less than two plans. And there are no plans in east Texas, no plans in rural America.

Mr. Speaker, we also need to eliminate the premium support provisions in H.R. 1 that are scheduled to take place in 2010. It is unconscionable to market this prescription drug bill as an equitable bill and universal, when these folks who stay in traditional fee-for-service Medicare will see significant premium increases under the competition program. There is no competition in rural America, and there is no service in rural America.

Rural seniors have not gotten a fair deal. On average, they are in poorer health, have lower incomes, face higher out-of-pocket medical spending than seniors in urban areas, and they are not addressed. They need our help, and yet, all we are doing with this bill is compounding the inequity rural seniors already endure.

I implore my colleagues to join me in instructing the Medicare conferees to honor our rural seniors. Rural seniors need health care. Rural seniors need our representation. The HMOs already have all that covered.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Let me just respond to my colleague. The private sector already does manage the Medicare system. The private sector is already involved in Medicare. They have been doing the job now. They can do it again. If we mandate, as in our bill, that there would be two providers and, again, expand the area of coverage from cities to suburbs out to the rural areas, we will have coverage. I would remind folks $24.9 billion for rural hospitals is real money.

Mr. SANDLIN. Mr. Speaker, will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Texas.

Mr. SANDLIN. Mr. Speaker, how can we assume that coverage would be available in my district or in rural America when it is not available now, and countrywide it is not available in 80 percent of rural districts covered where we have Medicare-covered folks?

Mr. SHIMKUS. Mr. Speaker, reclaiming my time. Mr. Speaker, it is my time.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Illinois (Mr. SHIMKUS) controls the time.

Mr. SHIMKUS. Mr. Speaker, reclaiming my time, it is because it is on a county-by-county basis. What this Medicare bill does is set up at least at a minimum two coverage areas that would cover the cities, the suburban areas, and out to the rural areas. That way we bring in a bigger pool. But I will also say again $24.9 billion to rural hospitals we jeopardize if we go off in an opportunity to start instructing conferees and distract from this debate.

Let me say one other thing about this legislation. I know my good friends and colleagues are budget watchers, and the idea is that we have a budget that has $400 billion for prescription drug benefit coverage. Anything other than what we have going down the track would probably be risen to a point of order because what they are going to do is expand the cost structure.

Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. SAM JOHNSON) be allowed to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I cannot believe we are arguing over this because there are some misnomers here, I think. When they come up with this motion to instruct, we are asking to accept the Senate's position on a government-run prescription drug delivery structure, and the CBO has estimated that that government-run provision will lead to higher prices for beneficiaries and taxpayers in over $8 billion in higher costs. That is a giveaway to the pharmaceutical industry.

This talk about seniors not having a benefit in rural areas is just not right. Both CBO and CMS agree that numerous drug plans will be available and more than 95 percent of the beneficiaries will voluntarily sign up for the benefit. These nonpartisan actuaries have no axe to grind and are in agreement on that point.

Furthermore, any action to approve the other body's position provides unprecedented inflationary increases to hospitals and other health care providers which will force the conference, as my colleague has said, to exceed the $400 billion allocation in the budget resolution, thereby jeopardizing the whole program. It will also undo bicameral, bipartisan decisions that conferees have already resolved. The motion is completely unnecessary because both bills already require prescription drug plans to assume financial risk in delivering prescription benefits to provide a fallback to guarantee all seniors have access to prescription drug plans. It does not matter whether they live in a city or in a country. Both CBO and CMS, as I said, agree that more than 95 percent of beneficiaries will voluntarily sign up.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself 1 minute.

To respond to my friend from Texas, this is not a budget-busting amendment. We fully expect the conferees to live within the $400 billion. We have a different idea of the prioritization than what the majority party has, and we are just expressing that today. And also, when the House has a chance to vote, Members on both sides can see whether or not the priorities we believe are the most important should be considered by the conferees. And also with the emphasis on government-run, let me remind my friend from Texas that it is only if the private system fails in rural America, will we have a return to a Medicare plan. Only if it fails. We worry because of the past history of private plans in rural America. We worry that they may not work, and we think it would be irresponsible for us not to provide a fallback. That is our opinion. It is not government- mandated, and these little speech lines that keep flowing out, this is a different idea, a different opinion, and we just expressed it today.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

The premise behind the Stenholm motion is simple. One fourth of all Medicare beneficiaries live in rural areas, and they are getting the short end of the stick. Rural hospitals are closing, and there are not enough rural hospitals to begin with. Twenty-five percent, as I said, 25 percent of all Medicare beneficiaries live in rural areas; 90 percent of all physician specialists practice in urban areas. Senior and disabled Americans who need care simply are not getting it in time. That is more than a problem. It is a tragedy. Because of the high proportion of elderly in rural areas, Medicare plays a particularly important role in those areas. Inadequate Medicare reimbursement means inadequate access. There is no cushion. Our responsibility to rural Medicare enrollees is the same as our responsibility to urban Medicare enrollees. They paid in Medicare throughout their working years in exchange for health care security during their retirement. It is the covenant between the Government and its people.

Now that those people are retired, their health care should be reliable. It should be affordable. It should be easily accessible. To meet that responsibility, we need to pay rural providers enough to stay in business. It is that simple.

Unfortunately, Mr. Speaker the House bill tries to have it both ways. It invests in rural hospitals. That is good. Then it squeezes blood from them by cutting reimbursement across the board. One cannot do it both ways. It makes no sense, no sense, to undermine our own efforts to help rural providers and by extension rural beneficiaries, the whole point, by simultaneously increasing and then cutting hospital reimbursement, not to mention the negative impact on urban and suburban hospitals.

This motion, the Stenholm motion, simply instruct conferees to eliminate the hospital cut. This motion instructs conferees to ensure that no senior ends up without access to prescription drug benefits. That is what this whole exercise is all about. H.R. 1 sets the stage for two scenarios when it comes to areas traditionally underserved by HMOs. Neither of those scenarios is acceptable from a public health perspective or, as the gentleman from Texas (Mr. STENHOLM) points out, a fiscal perspective.

First, to lure an HMO to provide drug coverage in a rural or other underserved area, in a sense this Congress bribes them. Knowing the Federal Government is prepared to cover virtually all of an insurer's risk in order to attract them to a rural area, I wonder how many private plans will not hold out for this sweetheart deal? Of course they will.

□ 1630

Of course, they will. But if no plan takes the bait, then seniors in that area just do not get drug coverage.

There are many provisions in H.R. 1 and S. 1 about which Members can reasonably disagree, but do any of us really want to pass a bill that plays that kind of game? The possibility that some seniors would not have access or they will have to shower almost unlimited tax dollars on HMOs to ensure that access, why would we ever think of going down that road?

Fundamentally, the Stenholm motion instructs conferees to take the best of both bills when it comes to bolstering access to care and ensuring access to coverage in our Nation's rural areas. It warns that the hospital cut included in H.R. 1 short-circuits the bill's provider provision, rural provider provisions, and the Federal fallback omitted from H.R. 1 is crucial if our goal truly is to fill the drug coverage gap in Medicare.

Mr. Speaker, I urge my colleagues to vote for the Stenholm motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am kind of getting worried about us wanting to spend more money. It seems like every time I turn around, we do that. This particular proposal spends more money. In fact, I think my colleagues forget over there that we put in $27 billion extra for rural, just for rural, and if you look at some of the statistics, Iowa, for instance, has a 5.5 percent increase and plus-up on Medicaid. I think Iowa is rural. Oklahoma has a 5.7 percent increase and a 5.9 percent increase on Medicaid. I think that is rural, for the most part.

As I go through these notes, it seems to me that the States that you call rural and are not getting anything, they are getting more. Montana gets a 5.7 increase. It is impossible for me to figure out why you think the rural areas are getting stiffed. South Dakota, 5.4 percent increase; Tennessee, 5.3 percent, and so on. I can go on and on.

But the thing is that the Senate provision, or the provision, that you are trying to affirm results in higher costs; and it is a complete and utter giveaway. I think that it is time that we got a little bit of fiscal responsibility in this House and stopped spending money.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 3½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is my pleasure to be here. This is a very dear thing to people in my State. The gentleman made a reference to Iowa. I think if you get into the print though, you will find out that we give the 5-whatever percent, but then we take a piece of it back in the market basket thing.

So what happens here? When we are in the last position, it is a bad place to be. It is my understanding that no matter where you live, you pay the same as we go into this. We pay the same, but we do not get the same benefit.

This is doing us a lot of harm. We understand the impact this has on the older folks. Everybody thinks that just applies to them, but it applies to the whole community. When you cannot recruit doctors, you cannot retain doctors; you cannot recruit nurses, you cannot retain nurses; you cannot get technicians, you cannot retain them. You just go right on down to the mess halls, as we used to say in the Army and the Air Force. It affects the whole community, from the oldest to the youngest. You cannot buy equipment. It does not cost any less in Iowa and the rural areas than somewhere else. It is a very serious matter, and it needs attention.

So I hope that this will be accepted, that we will instruct to go and make sure that reimbursement rate is taken care of, and some equity, fairness, will take place. It is unfair discrimination, pure and simple, against States like mine, which rank last in the Nation in reimbursement, and many other areas throughout the Nation.

I find out down in Texas, there are areas out there that are as bad as we are. Yet overall, as we put all the numbers together, we go to the bottom, a rate that is less than half what the top rate is in the Nation. Something is awry. Something is wrong. We pay the same, but we cannot have the same.

Wait a minute, this is the United States of America. If we all pay the same, why do we not have the same treatment? That is not going on, and here is a chance to make that right.

So I am very hopeful, I am very hopeful, that we will not pass up this opportunity. We get to the underlying bill, the prescription drug side, that is another argument, and it affects everybody across the country. It does not affect just those of us getting a very bad shake on the reimbursement rate for Medicare. It affects everybody. I think we will keep that out in front of us for some time. I do not think that is going to go away.

But this might be the chance, this might be the chance for some parity, some equity, an opportunity to have some fairness when it comes to Medicare reimbursement.

I hope that those that have the last say on this when it comes back to us to either vote it up or vote it down will take this very, very seriously and try to treat all Americans alike. We need fairness. We pay the same, we ought to have the same result. It is a national program; it is not just for individual areas.

It is kind of interesting, I would say to the gentleman from Texas (Mr. STENHOLM), talking to you and realizing out in some of the rural areas in Texas, and I am sure it is the same in parts of your district as well, that, no, it is not so. But, anyway, it certainly is in some of the rural areas, and Texas is Texas.

Mr. Speaker, it is time for fairness. We are all Americans. We are 50 States, and we are not getting treated the same. Iowa would like to be treated as everybody else. We do not want anything extra. Just treat us the same. We stand up and pay the same; we ought to be treated the same.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will tell you what: let us correct the record. You did get a market basket adjustment of minus 0.4 percent, but the number I quoted you was the number at the end, which was a 5.5 percent increase. That is 2.1 percent more than current law. That does not count the 5.5 percent increase in additional allotments for Medicaid. Iowa is not being mistreated. When I hear talk about let us treat everybody equal, I think of Canada and their socialist program of medicine, which has not worked; and that is why Canadians come down here for medicine.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am just amazed when I listen to the Republican side, because they are just so bent on the ideology of this, and I think that the motion of the gentleman from Texas (Mr. STENHOLM) and what the Democrats are saying is look at this situation practically.

If you listen to what the gentleman from Texas (Mr. STENHOLM) has said in the motion to instruct, it essentially says, look, we know those of us who are in rural areas, I am not, but we know these HMOs and these private plans are not working, for the most part, and if someone tries to get their prescription drugs through an HMO or managed care private plan, in many cases it is not going to be available, and they are not going to have access to it.

It is the Republicans that basically are trying to impose an ideology and saying we must privatize, we must go this route, this is no alternative. All the gentleman from Texas (Mr. STENHOLM) is saying is in a situation where the HMOs or the private plans are not available, we still have to guarantee drug coverage for those seniors in those rural areas that cannot get it through these private HMOs or other private plans. So let us have the Senate fallback that says you can get your prescription drugs through traditional Medicare.

Now, I just do not understand why the Republicans keep insisting from an ideological point of view, well, we cannot do that; you have to privatize. They went so far as to suggest we have private contractors that provide Medicare services now, but that is the Federal Government as the ultimate insurer contract with some private company to provide the service.

What you have done in this House bill is say that if you as an individual cannot find a private plan, you are out of luck. All the gentleman from Texas (Mr. STENHOLM) is saying with this motion to instruct is let us have a fallback. Let us have an alternative for these people in rural areas when they cannot get the HMO to provide the service. What could make more sense?

Mr. Speaker, it is the same thing as far as the reimbursement rate is concerned. I heard the colleagues on the Republican side say there is no cutback effectively in the reimbursement rate. Certainly there is. Many of us went to meet with the oncologists today, the cancer doctors; and they were talking about the negative impact on cancer victims because of this reimbursement rate. We have got to change that as well. Just follow the gentleman from Texas (Mr. STENHOLM). It is the practical way to do this, with this motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what we are talking about here is no less than a matter of life and death. All of the medical technology in the world is not going to help somebody who cannot access the system. When you are talking about Tennessee, you are talking about 47 percent of the acute care hospitals in rural Tennessee are losing money. In the House bill you cut the market basket to those hospitals.

There is no way that one can deny the fact that somebody is going to die needlessly because they do not have a hospital or an emergency medical room within 50, 60 or 70 miles, simply because they live in a rural area. You can argue about it, but there is no denying that it will happen. Somebody will die in rural America, because if this House bill goes through, you are going to see acute care hospitals in rural areas close, not to mention the fact that there are people involved.

I think my friend, the gentleman from New Jersey (Mr. PALLONE), talked about the fallback provision. Because we live in a place where you do not need a blinker signal on your car because the guy behind you knows where you are going to turn off, we do not have a lot of choice. And that is what we are talking about here. We are talking about life and death in rural America.

You may not live in rural America; but you have a cousin, an aunt or uncle, a brother, sister, or somebody that does; and these people are going to be irreversibly adversely affected if we do not accept the motion of the gentleman from Texas (Mr. STENHOLM).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Tennessee is kind of an interesting State, because they get a 5.3 percent increase; and it does not include six Tennessee critical access hospitals which are rural which are paid exactly what their costs are. Now, this bill is all-encompassing. It takes care of people. It does not let people die, and it does not spend the Treasury of the United States to zero.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me first of all say that what we have before us is two bills. Neither one is worth the paper they are written on, and they are not going to respond to the issues that confront us.

The approach that the gentleman from Texas (Mr. STENHOLM) is providing is to try to look at what is best and try to make something happen. The gentleman from Texas (Mr. SAM JOHNSON), I know he is from Texas also, and I am from Texas, and I have counties that right now do not have any access to any type of health care because they have chosen to leave, they were not making the profits they wanted, and we are having a rough time.

That bill is not going to be responsive. You are saying you are concerned about being fiscally responsible. My God, you are taking money from cancer, which is kind of robbing Peter to pay Paul. You are taking money from people dying from cancer to try to fill another need. We are here to tell you there are needs on both sides. That bill does not meet those needs.

So one of the things we have to come to grips with is we have a problem before us, and you are choosing not to deal with it directly, and you are choosing to play games with Americans.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make a couple of observations. The hospitals' payments include some of the payments for beneficiaries. It is not just all hospital costs. I think that we have to consider the fact that the United States Senate, which according to what this proposal embodies, puts the government fully at risk.

□ 1645

There is little incentive to control costs, and I think that the provisions have to lead to higher prices for beneficiaries and taxpayers, and it is a complete and utter giveaway. I think that we have to defeat this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct conferees is not a budget buster. It is a red herring to suggest that we are going to bust the budget at $400 million. I support that, and those of us who support this resolution support that. It is a red herring.

One of the things my friend from Texas does not seem to want to acknowledge is that there are many hospitals, as the gentleman from Iowa (Mr. BOSWELL) pointed out, there are many hospitals that have not enjoyed the increases that hospitals in the bigger towns have enjoyed over the last 20 years. And when you have not gotten the increases that some have gotten and you have gotten a lesser amount of reimbursement, you are hurting. That is why we believe the Senate provisions are fairer to those hospitals.

The gentleman is totally correct when he says they get less of an increase, no one is getting cut; but when you have a baseline that is too low, it is important that you get a chance to compete on a level playing field with those hospitals who enjoy a little better situation. We have argued for that for years, but unsuccessfully. Now we notice that there is bipartisan support for acknowledging that rural hospitals and many inner city hospitals have the same problem and that we should, in fact, recognize and begin to correct that disparity.

Regarding the pharmaceutical benefits and the going back to a government program, only if it fails will we go back to a Medicare government program. But some of us, myself included, are very skeptical that private businesses are going to be as interested in rural areas with less people as they are in urban areas; and, therefore, a fall-back is critical to us. But it does not do what the gentleman said it did. It is only if it fails; only if it fails will we have a fall-back.

Now, in conclusion, it is difficult for me, and I will not miss the opportunity to say that to be lectured by my friend from Texas on fiscal responsibility, I say to the gentleman, that is a joke. For the gentleman to have supported and continue to support the economic game plan of his side of the aisle that has given us the largest deficits in the history of our country, $689 billion and going up, and I know this because my friend from Texas voted for the last bill that increased the deficit another $12 billion. I did not, and I will get criticized. But I think it is time for us to be fiscally responsible, but I find that it is only when it is convenient. If it is a tax cut, it is great. But if it is being fair to rural hospitals, that is a no-no.

As to the child tax credit, the debate that went on before this, let me point out that every single dime of tax dollars that have been collected on the Social Security system are being spent for current operating expenses. Really, we are borrowing, in addition to that, $560 billion. Differentiating between Social Security taxes and income taxes is a joke, a joke. Just because it was done for 40 years is no longer reason for us to continue to do it.

But do not lecture me on fiscal responsibility. Do not let staff feed the little notes in saying here is what it does and here is what it does not, because this motion does not bust the $400 million budget. We live within it. We only ask the conferees to make the changes. Yes, it will be difficult. Yes, you cannot do what you want to do. You cannot do the things that you want to do in total, but it is a reasonable compromise; and that is what conferences between the House and the Senate are all about. It is taking the differences and working them out in a very, very good and concise way. But do not lecture us on budget. Go somewhere else. Argue the philosophical. That is a fair shot. The gentleman and I philosophically disagree apparently on the direction that this ought to be. That is a fair shot, and we will argue that. But this amendment does not bust the budget. It offers some, we hope, constructive suggestions; and I hope that the House will in an overwhelming vote say to the conferees, we believe this has merit, take a look at it, and let us pass it.

Mr. Speaker, this amendment is not what is important. It is what comes back, because that is what is, in fact, going to be affecting lives. And in rural areas, this is a critical difference from a hospital's standpoint. If we cannot do what this amendment does, we are going to continue to have real problems in rural areas, and anybody that represents a rural area needs to take a good hard look and hopefully join in support of this amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of earlier today, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. RODRIGUEZ. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. RODRIGUEZ moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in subtitle F of title VI of the Senate amendment (relating to naturalization and family protection for military members).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. RODRIGUEZ) and a member from the majority party each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join my colleagues in expressing my support for the brave men and women who are risking their lives to defend our Nation. I rise to urge my colleagues to express that support by voting in favor of my motion to instruct conferees.

When hostilities broke out in Iraq, the first military member to die in combat was Marine Lance Corporal Jose Gutierrez, an immigrant from Guatemala who volunteered to serve his adopted country. He died an American hero, but he did not die an American citizen.

Lance Corporal Gutierrez was only the first of 13 noncitizen soldiers killed in Operation Iraqi Freedom. Thousands of noncitizen soldiers are currently serving in Iraq, and only 37,000 are noncitizen soldiers who serve in the Nation's Armed Forces.

The motion I am offering today expresses the continued support of the House for the Armed Forces Naturalization Act which passed, by the way, on June 4 by a vote of 414 to 5. The House has already gone on record in support of the bill to give immigrants serving in our Armed Forces more rapid naturalization and to establish protections for their families if they are killed in action.

The 37,000 immigrant soldiers have already met the same rigorous evaluation as U.S. citizens before their enlistment. In fact, the military's criteria are more challenging than the naturalization requirements demanded by the Department of Homeland Security.

Besides meeting the qualifications for military service, noncitizen soldiers have passed an even more important test: they have proven their loyalty to the United States by pledging to defend our Nation and our values with their bodies, their minds, and their lives. Their service in defense of our Nation and our country and their willingness to put their lives on the line speaks to their devotion to the United States.

Mr. Speaker, I urge my colleagues to support this small token of gratitude as a demonstration to these 37,000 Americans who are brave soldiers, to show that we appreciate their patriotism.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I claim the time in opposition to the motion, and I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct conferees addresses the military naturalization provisions that were included in the Department of Defense authorization bill.

On June 4, this Chamber passed H.R. 1954, the Armed Forces Naturalization Act of 2003, with overwhelming support from both sides of the aisle. This military naturalization measure has a number of good provisions. It was sent to the Senate for consideration where it was passed favorably out of the Senate Judiciary Committee. While the Senate has not taken up H.R. 1954, similar provisions were included in the Senate-passed DOD authorization bill.

The motion before us today urges conferees to adopt the provisions contained in the Senate-passed DOD authorization bill. I think this motion underscores the importance of this military naturalization legislation to both Houses and to Republicans and Democrats alike.

However, the Senate should move this bill separately rather than include it in the DOD authorization. This would give the committees with relevant jurisdiction an opportunity to fully examine the differences between the House- and the Senate-passed version and to make informed decisions about these naturalization provisions.

Most of us agree that we should expedite the naturalization process for those who have served our country and provide immigration benefits to family members of those who died. I believe H.R. 1954 accomplished those goals.

I would like to point out, however, some of the reasons why I am concerned about supporting the Senate version contained in the DOD authorization bill. First, H.R. 1954, as passed by the House, grants permanent resident status to the immediate relatives of U.S. citizen soldiers and soldiers granted posthumous citizenship if they die as a result of injuries incurred during active duty. The provisions supported by this motion to instruct conferees would only grant benefits to immediate family members if a soldier died in combat. The family of a soldier who died in training or in being transported to the front would not be granted these citizenship provisions.

Second, H.R. 1954, as passed by the House, allows the spouse of a soldier granted posthumous citizenship to immediately naturalize. This is another important provision omitted from the Senate provisions supported by this motion.

Third, H.R. 1954, as passed by the House, does not grant expedited naturalization during peacetime to a soldier who is discharged less than honorably. I do not believe we should extend the benefits of expedited naturalization to an individual discharged less than honorably, yet the Senate language does not make this distinction.

Finally, Mr. Speaker, I would like to add my concerns about the provisions that benefit illegal aliens in the Senate language supported by this motion. By contrast, H.R. 1954, as passed by the House, does not grant benefits to illegal aliens. By adopting the motion to instruct conferees, we would grant benefits to those illegal aliens, and I do not think this sets a good precedent.

I am heartened that many of us agree on providing important reforms to the naturalization process for military personnel. However, it is my hope that the Senate will take up this legislation separately so that we can resolve some important policy differences between these bills in an appropriate context.

Mr. Speaker, I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for yielding me this time.

Throughout the United States' history of armed conflict, noncitizens have worn our military uniforms and fought in our battles. In fact, one of my uncles served in the Korean War while a legal permanent resident.

Today, approximately 3 percent of our military are legal permanent residents, but not citizens. Of that 3 percent, more than 37,000 noncitizen soldiers are currently serving on active duty in the U.S. Armed Forces. Many of the U.S. casualties in Operation Iraqi Freedom and many of the soldiers who continue to risk their lives to bring stability to Iraq are noncitizens.

I am a strong supporter of measures that provide opportunities for legal permanent residents serving in our military to become U.S. citizens. These individuals are making enormous sacrifices. Without being citizens and without having the protection that that status gives them, these immigrant men and women are willing to risk their own lives to defend this Nation.

□ 1700

The least we can do is give them something in return. What this motion to instruct does is instruct the conferees to accept the Senate provisions that expedite the naturalization process for members serving in the U.S. military and the selected reserves.

The Senate provision also protects spouses, children, and parents of soldiers killed in action by preserving their ability to file for permanent residence in the United States.

The provisions are an effective way to show those noncitizens serving in our Armed Services that their efforts are appreciated. The provisions provide noncitizen soldiers with the opportunity to apply for citizenship after 2 years of military service instead of the 3-year requirement currently in law.

The provisions waive naturalization fees and provide for naturalization proceeds to take place overseas. It also allows for the spouse, children, and parents of legal permanent resident soldiers killed in action to apply for citizenship.

I am pleased that the Senate provisions deem the parents of soldiers killed in action to petition for immediate family status. When the House version of this bill was considered, I was concerned that parents of legal permanent resident soldiers killed in combat were not eligible for citizenship if they were outside the United States at the time their child was killed. Those same parents would be eligible if they were here in the United States and it made no sense. A parent is a parent whether they happen to have gone to their home country for a short time or whether they are in the process of waiting for a visa application renewal or whether some other circumstance prevented them from being in the United States when their child was killed in combat.

I am pleased the Senate provision of this bill made these provisions an important part of their bill.

Again, I support the motion to instruct conferees on the National Defense Authorization Act for Fiscal Year 2004. I urge my colleagues to support this legislation and benefit noncitizens who are serving in our Armed Services and protecting the freedoms that we hold so dear.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. SOLIS), who has also authored legislation in this area.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for putting this motion to instruct conferees on H.R. 1588, which I am in strong support of.

Earlier in the year several Members of this House came together to work on legislation because we knew immediately that we were seeing many of our young soldiers coming back in body bags. But one thing that differentiated some of the soldiers, and I wanted to point out a photograph of one of the soldiers that was fallen in my district, Francisco Martinez Flores. He was 2 weeks shy of his citizenship.

They granted him posthumous citizenship which means nothing. It stays there in the grave. It does nothing for his family who now has to go through hurdles to make sure that they at least get some semblance of assistance for their well-being here in our country. But if you ask their parents they did not say for one minute, son, do not go and serve your country. He took that upon himself, and they are very proud of him, and we are all very proud of him.

We want to protect all of our soldiers. But there should not be any barriers when we send young men and women, as this 19-year-old went abroad in Iraq. In the first 2 weeks he was there he fell. That was it. His tank fell over the Euphrates River there and his parents never saw him again.

We are working hard to see that these families stay whole, and one of the things that we can demonstrate through this legislation or this motion to instruct is to help preserve that family unit, that they also get the respect that their sons and daughters may not have. In this case, this young man.

I have another picture over here that illustrates a family who is also in that predicament. They have a son who is serving right now in Iraq. The parents are not totally naturalized but they are going through the process. If their son is not returned, who knows what their fate will be as well. But we have thousands of soldiers like that.

Our bill that we had originally proposed would have covered 37,000 men and women who are legal permanent residents that are currently serving in the war, and a good number of our soldiers are also serving as reservists, over 23,000. Nobody is asking them why is it that you are serving? You are not here legally.

They are here legally. They have their green cards. But one thing differentiates them. They do not have that citizenship. They leave their jobs as teachers, as firefighters, as plumbers, as people who helped to build our country. They do not know if they are going to come back and their families are contacting us.

What we would like to see is that there is some assurance, that there is some guarantee for them and their families that they are granted the ability to become naturalized citizens. When I hear the word "illegal" it breaks my heart because we do not ask these soldiers to come forward whether or not they are illegal. They were legal residents. They are technically legal residents. And if their families give us the opportunity for their sons and daughters to serve, should we not at least give them the opportunity to grant them some protections that our great country can offer because they are fighting for our freedom every single day. At this moment we know that there are many that are in harm's way.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) from the Committee on the Judiciary for his work in recognizing this issue. We worked very hard with several other Members of this House on a bipartisan level, and I would like to thank him for his concerted effort in working with us.

I am also concerned now that this bill or components of the bill are now being placed on hold. And I would ask that Members of our House consider the bigger picture here, and that is these soldiers that are waiting to see that we take action on this motion, and that we do something, that we do the right thing. We sent them out in harm's way, and now it is time for us to take care of them.

Mr. RODRIGUEZ. Mr. Speaker, I reserve the right to close.

Mr. SMITH of Texas. Mr. Speaker, I do not have any further speakers, and I yield back the balance of my time with the understanding that the gentleman from Texas (Mr. RODRIGUEZ) has the right to close.

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity first of all to thank the gentleman from Texas (Mr. SMITH). I want to appeal to him. I know that even in the case of the example that I had indicated and that is Marine Lance Corporal Jose Gutierrez, who came here illegally, who was one of the first killed, he came here illegally. We also have another young man, the majority of who are here, by the way, legally.

We have another young man, and I want to pinpoint in case because this is a sad story. This is Army Private Juan Escalante. It just came out in the paper in Seattle. The young man served in Iraq, and I want to give the gentleman a copy of the article because I think it is important to note. He is a 19-year-old. And I will read part of this.

He is like many of the other soldiers, sailors and airmen settling into civilian life except for the one key fact that Private Escalante is an illegal immigrant. Unlike the tens and thousands of noncitizen soldiers, of which we have 37,000 soldiers that have served our country with so-called green cards, military folks, President Bush has also praised their service, by the way, according to the newspaper. And Escalante fits into an entirely new separate area and I would hope that you would kind of take these cases into consideration.

Here we have a soldier who at the age of 4, at the age of 4 he was brought here by his parents. So he has been here and he is now 19 serving our country in Iraq. He has gotten the combat patch and the whole thing. And now his parents and himself are being looked at for being sent back.

When he graduated from high school he bought a fake green card and joined the Army. And you might say, well, that is fraudulent. But we have had a lot of other fraudulent cases in which people have joined the Army and lied about their age. And he trained as a mechanic, and he later on was deployed to Iraq. Escalante says that he has volunteered and he has enjoyed the work and is extremely proud to have served our country during Iraq and during that particular war. And now he finds himself in a situation where his family is being sent back.

Immigration lawyers and experts argue that the law has long allowed noncitizens who have served honorably during a time of combat, and I know the gentleman is familiar with this, to be eligible for naturalization under Executive Order 13269 signed by President Bush on July 3, 2002. It provides for expedient naturalization for those active during Operation Enduring Freedom.

I would ask the gentleman on that particular case that he please look at and see if he can help that young man, in addition to helping the 37,000 that are here. But I would also want to just go back and say that Mr. Escalante indicated that in the dialogue on this issue is something that is extremely of concern to a lot of other veterans that are out there.

So as we postpone and continue to postpone this, it is important.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I think we ought to clarify for the record that only a legal permanent resident can serve in the Armed Services. Someone who is in the country illegally cannot serve in the armed forces. They have to be a legal permanent resident. We may have given the impression that some individuals were here illegally and were allowed to serve but that is not government policy.

Mr. RODRIGUEZ. Mr. Speaker, I know that might not be government policy, but we do have them and we do have the cases. I mentioned to the gentleman Mr. Escalante who served and defended and he has been here since the age of 4. His parents might have violated the law but he has been here since the age of 4. And wherever he came from, I am not sure if he is from Mexico or Central America or whatever, but I know that when you look at a person at the age of 4, are you going go to say that he violated the law?

Mr. SMITH of Texas. If the gentleman would continue to yield, we have looked at some of those cases and have found in almost every instance they had taken advantage of some legalization program so that when they actually enlisted they were legal permanent residents. I just would not want us to give the false impression that people who were in the country illegally can expect to enlist in the Armed Services.

Mr. RODRIGUEZ. I understand that, but the fact is the reality is that we do have and there is 37,000. By the way, that is nothing new. For example, similar action has been taken in past history where we had 143,000 noncitizen military participants in World War I and World War II. We had 31,000 members in the Korean War. We had an additional 100,000 who fought in Vietnam and in the Persian Gulf. These have all been noncitizens.

Mr. SMITH of Texas. If the gentleman would continue to yield, that is exactly right, but they are all legal permanent residents. They are not illegal immigrants.

Mr. RODRIGUEZ. But the majority of them, those 37,000, are still not citizens.

Mr. SMITH of Texas. I understand that, I acknowledge that. They are legal permanent residents. They are not citizens, but they also are not in the country illegally.

Mr. RODRIGUEZ. The gentleman is correct in that, but I did want to mention this, too. But for all the others, the 37,000 that are here, the legal permanent residents that are here and fighting and defending, we want to be able to not give them anything extra except expedite what everyone else has to go through. That is to also help them through their waivers in allowing them an opportunity to waive the fees, and I think the gentleman would be supportive of that. The gentleman would also, I think, be supportive of reducing the waiting period for citizenship, and I think the gentleman would also be supportive of allowing them to proceed as quickly as possible when they are overseas.

One of the problems when they are overseas is that they cannot move forward on their citizenship. So it is important for us to do that. I think we owe them at least that amount to be able to do that. I would hope the gentleman would help us out in that way, in terms of that.

□ 1715

Mr. SMITH of Texas. Mr. Speaker, we will be happy to help out, and I have to point out to the gentleman that all of the provisions which we support were in the House-passed bill, and I am surprised that this motion we are considering now would actually endorse some provisions that I consider to be not as good for individuals who are serving in the military who we want to grant citizenship to.

I mentioned in my opening statement a while ago, for example, that the Senate bill that is endorsed by this motion requires them to have served in the military 2 years. The House bill that I support requires them to have only served 1 year. The House bill says that they could be killed while in training, while on their way to the front lines. The Senate bill that this motion endorses says they have to be killed in combat, and the Senate bill that this motion supports says they can be awarded citizenship even if they were dishonorably discharged.

Mr. RODRIGUEZ. Mr. Speaker, reclaiming my time, I know what the differences are, but there is a game that is being played, and the reason why we are doing this is we need to push forward on this, both the Senate and the House is controlled by Republicans, and so my colleagues can make it happen. We can move forward on this, and we can push forward on this, and the importance is to look at those 37,000, and as the gentleman indicated, these are persons, the majority, with the exception maybe of one or two or three of the two that I mentioned, that are all permanent residents and here now legally but need to move forward on the citizenship.

What we are saying is we have got to go and do everything we can to help them out since they have been willing to come forward. The reason why we have this motion is to basically also indicate the importance of moving forward on this act instead of playing games with the Senate and arguing that the Senate has 2 years and we have 1 year, et cetera.

The bottom line is that will not get them the opportunity to move forward and become citizens, and we have got to make that happen.

So the responsibility falls on the leadership both in the House and in the Senate, and in this case, they are both controlled by Republicans. So it becomes real important that we move forward.

The other thing is that the Senate version contains the reservists. We have 12,000 reservists that also fall in that category, and as my colleague well knows, we have reservists doing full-time duty now, and it is important for us to also recognize that. So we have soldiers that we have asked to be weekend soldiers, but they are spending time down there all year. So it becomes real important that we move forward on this as quickly as possible, and I want to ask that my colleagues consider the motion and ask that we come because when all is said and done, if this does not occur, then the only ones we can hold responsible is both the House and the Senate and, in this case, controlled by the Republican party and the administration.

So I would ask my colleagues for serious consideration of some passage that would allow expediting the citizenship process because they have to qualify even more so. To be in the military, they have to have had a GED or high school diploma. They have to have, as I already indicated, the leadership and loyalty to this country and demonstrated that, and so I think we have a unique opportunity to send a real positive message to both the people that are serving our military, and both the reservists as well as the active duty, because they have all been out there for us and are willing to continue to defend our country, and we ought to be willing to move forward, and if they served honorably, then we ought to see what we can do to help them out in the process of becoming citizens and to have 37,000 people in the military that are not citizens yet and have trouble as the case that I have here before on Private Escalante, then we need to see how we can make some exceptions in those cases, and I would hope that we have that flexibility in order for that to happen.

Mr. FROST. Mr. Speaker, I am here today to join my colleagues in asking the House conferees of the Defense Authorization bill (H.R. 1588) to accept the Citizenship for America's troop's provision that Senator KENNEDY included in the Senate's bill.

Ever since the war against Saddam Hussein began, politicians and commentators have noted that many brave soldiers were risking their lives for America despite the fact that they are not citizens. As many have pointed out, some of these non-citizen soldiers were among the first brave men and women to fall. Some were born in Mexico before joining the U.S. military—like Pfc. Francisco Martinez Flores, Cpl. Jose Angel Garibay and Lance Cpl. Jesus Suarez del Solar. Others were born in Guatemala—like Lance Cpl. Jose Gutierrez. But all died fighting for a country where they couldn't even cast a vote.

Of course, this is not a new problem. In the last Congress—in May of 2002, to be precise—I first introduced legislation to help remove the obstacles these brave soldiers face on their path to citizenship. And I re-introduced my bill in this Congress one week before our country went to war in Iraq.

But months and months have passed, and still this Congress has not acted. So while the citizenship provision in the Senate bill is not identical to my original legislation, I fully support it. It is the quickest way to honor the brave soldiers who have shown the willingness to make the ultimate sacrifice for the country they dearly wish to be citizens of. Members of the military who risk their lives to defend this Nation deserve better than the bureaucratic and financial burdens that now stand between them and citizenship. And they deserve better than the waiting game they've had to endure since I first proposed legislation like this more than a year ago.

So, Mr. Speaker, I again urge the House managers to not play politics with this issue. Accept the Kennedy language and do the right thing for our troops.

It is the only way to get this done in a timely fashion. Our legal permanent resident troops have already waited for far too long.

Mr. BACA. Mr. Speaker, I rise in support of the Rodriguez motion to instruct the conferees on the Defense Reauthorization Act.

I support his motion because I strongly believe that we must expedite the citizenship process for immigrants that serve in the United States military.

If they wear the American flag on their uniform everyday and proudly fight for this nation then I believe offering them citizenship is the least we can do.

Thirty-seven thousand immigrants soldiers risk their lives everyday in defense of our Nation. These patriots may be of different nationalities but they share the same commitment to defend the United States.

As a Nation, we must respect and honor those who are willing to fight and die for ideals of democracy and the ideals of the United States of America, regardless of their nationality. If we trust immigrants to die protecting this Nation then we must trust them to become American citizens.

The Senate bill has provisions to allow these immigrant soldiers to become citizens after two years, rather than three and I support that.

The Senate provision also allows immigrant soldiers to fulfill citizen requirements at U.S. facilities abroad and I support that.

Currently, immigrant soldiers serving overseas are required to take leave, spend their own money and travel back to the U.S. to fulfill their citizenship requirements. The process is slow archaic, and wrong. No one should be punished for serving this Nation.

I served this Nation proudly and I am the child of immigrants. I know the love that my parents had for this Nation, and I know the love that I have for this Nation, and no one should be punished for wanting to proudly serve this country. No one should be punished simply because they were not lucky enough to be born on United States soil.

We owe anyone who is willing to fight for this Nation the opportunity to quickly and expeditiously become a United States citizen.

We are asking something simple—allow these proud immigrants to become citizens. At a time when we are fighting enemies abroad and at home, why deny those that are the most loyal their wish to become Americans.

On behalf of the 37,000 immigrant soldiers and families, I urge my colleagues to support the Rodriguez motion to instruct.

Mr. RODRIGUEZ. Mr. Speaker, I yield back the remainder of the time.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. RODRIGUEZ).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RODRIGUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the earlier order of the House of today, further proceedings on this motion will be postponed.

ADJOURNMENT FROM THURSDAY, SEPTEMBER 18, 2003 TO MONDAY, SEPTEMBER 22, 2003

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, September 18, 2003, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 2003

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to speak in honor of Historically Black Colleges and Universities.

HBCUs are indeed special to me, since it was when I was 16 years old that I left home to attend the University of Arkansas at Pine Bluff, which was AM&N College at that time. The University of Arkansas at Pine Bluff ended up being very significant to my entire family. As time went on, my six brothers and sisters also attended the University of Arkansas at Pine Bluff, as well as nieces and nephews and a number of cousins. When I look around my office, there are a number of individuals who have attended Historically Black Colleges and Universities, such as Wilberforce, UAPB, Morehouse, Howard, and Jackson State. The reality is that for thousands and thousands of individuals, without these institutions being available, well equipped, ready, and prepared, many of the individuals who have managed to rise above the individuality of their circumstances would have never been able to do so.

Before the Civil War, higher education for black students was virtually non-existent, except for a minor few like Frederick Douglass, who did receive schooling but often in hostile, informal settings or were forced to teach themselves. But as Frederick Douglass said, "If there is no struggle, there is no progress." And progress was made. The Morrill Land-Grant Act gave federal lands to the States for the purposes of opening colleges and universities and with great success many institutions were created. However, only a few were open to African Americans. In 1890, 28 years later, this issue was addressed and the second Morrill Land-Grant Act was passed and specified that states must either make their schools open to both blacks and whites or allocate money for segregated black colleges to serve as an alternative to white schools. A total of 16 exclusively black institutions received 1890 land-grant funds.

Today, there are 103 black colleges, recognized by the Department of Education, because they were founded before 1964. Today, there are about 270,000 students attending black colleges and universities and thousands of students graduating annually from black colleges. The Historically Black Colleges and Universities have produced 35 percent of all black lawyers, 50 percent of all black engineers and 65 percent of all black physicians. No school sends more blacks to medical school than New Orleans' Xavier University, and, while HBCUs constitute only 3 percent of the country's institutions of higher education, 28 percent of all blacks who receive bachelor's degrees earn them from black institutions.

As it is evident by the number of African Americans who receive a degree from one of the Historically Black Colleges and Universities, these institutions also play an important role in the communities which they serve. Black Colleges are the social, economic and political beacon within the communities in which they are located. For instance, the University of Arkansas at Pine Bluff has a bell tower on the campus, which is the tallest structure in that area. It stands as a symbol of educational opportunity and hope for the African Americans growing up around the University, in that area. HBCUs are necessary, not just for young African Americans, not just for the communities where they are, but also because they are an incredibly important part of American history. During the next few weeks as the Committee on Education and the Workforce address the issue of Higher Education as we reauthorize the Higher Education Act, I shall endeavor to ensure that the Historically Black Colleges and Universities are not forgotten and receive the attention they deserve.

Mr. Speaker, education is the great equalizer, and, in the last few decades, having a college degree has been more than important to finding a job with a livable wage and reasonable benefits. HBCUs have made it possible for thousands of African Americans, including myself, to grasp and take part in seeking the American dream.

HONORING MR. OSCAR PETERSLIE AS WISCONSIN'S OUTSTANDING OLDER WORKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, tonight I rise to honor my good friend Oscar Peterslie who received the Outstanding Older Worker award in the State of Wisconsin for 2003 by the Experience Works Prime Time Awards Program. Experience Works, a nonprofit focused on employment, training and community services for older workers, began the Prime Time Awards Program 6 years ago, and Oscar is the first winner from La Crosse, Wisconsin.

I applaud Oscar who, at the age of 81, currently works more than 40 hours per week as an assistant manager for the Pearl Ice Cream Parlor at 207 Pearl Street in La Crosse, Wisconsin. The La Crosse community is fortunate to have an old-fashioned ice cream parlor such as Pearl's. I cannot think of a better place to bring my two sons, Johnny and Matthew, on a warm summer evening to enjoy their special homemade ice cream and candy.

Oscar, his son TJ, daughter-in-law Michelle and their daughters always offer a warm greeting to customers that walk through their door. Moreover, for several years I have had the pleasure of living down the block from the ice cream parlor on historic Pearl Street, allowing me to frequently stop over for my favorite homemade chocolate ice cream, a convenience that has put considerable pressure on my belt line.

The work that Oscar, TJ, and Michelle do in the La Crosse community helps make western Wisconsin a special place to live and to raise a family.

In addition to Oscar's work at the ice cream parlor, he has contributed significantly to our country and local businesses in Wisconsin. During World War II, he was a Marine sergeant in the Pacific Theater. After the war, he managed the A & P grocery store in La Crosse for 21 years and then became a real estate agent until 1993.

It is apparent that service to our community has always been important to Oscar Peterslie. He remains active in numerous community activities and services as a member of the La Crosse Masonic Temple, Badger Lodge number 345. He is also widely known as a Shriner's clown, brightening the faces of both young and old as he works the parades with his infamous 3-foot harmonica.

Mr. Speaker, may everyone learn from the service and dedication shown by this noble and honorable man, Oscar Peterslie, Wisconsin's Outstanding Older Worker for 2003. Oscar has made a difference in the La Crosse community and created a chocolate ice cream addiction I do not think I will ever be able to break.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

CONGRATULATING THE WOMEN'S NATIONAL BASKETBALL LEAGUE CHAMPION DETROIT SHOCK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, I rise today to commend the Women's National Basketball Association Championship team the Detroit Shock. Last night, over 22,000 people came to our stadium in Auburn Hills and watched the women's national basketball team win the championship in beating the two-time champions Los Angeles women's team.

I just want to say how important Title IX is in the rearing of these young women all over America who participate in women's sports and how important it is.

I want to commend Bill Laimbeer, the coach of the team, and for bringing them forward and to bringing another spirit to our team.

So you go get them, women. We are proud of you all over the country. Let us move forward the Women's National Basketball Association that will give young women opportunities to move forward and have the confidence they need to tackle the problems of the world. Congratulations to you, Detroit Shock. We look forward to your next year. You go, girls.

UPDATE ON THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to address disturbing developments in the Middle East, including setbacks on the Israeli-Palestinian road map, as well as new information on serious efforts to undermine peace and threaten American troops.

Mr. Speaker, despite international efforts to corral his influence, it is no secret that Yasser Arafat continues to exert enormous influence over the Palestinian government. Israel has come to grips with Arafat's ability to derail the peace process and recently issued a decision to take steps to remove Arafat from power.

In response, several Arab Nations yesterday introduced a resolution at the United Nations aimed to condemn Israel for this decision to thwart these efforts. The United States was forced to use its veto power and reject the resolution.

Mr. Speaker, the world must recognize that Arafat is a roadblock to peace and that no peaceful settlement is a possibility between Israelis and Palestinians as long as he remains in power. I commend my government and specifically U.N. Representative John Negraponte for recognizing the threat Arafat poses and the importance of

Israel's decision and then vetoing the damaging U.N. resolution.

Unfortunately, while the U.S. diplomatic corps was working yesterday to support Israel and her interests, the Bush administration or at least it has been reported, Mr. Speaker, that the Bush administration announced it would reduce loan guarantees to Israel. This reported decision comes in protest to Israel's decision to build a barrier wall to prevent suicide bombers from crossing into Israel from the West Bank.

□ 1730

This is a careless decision by the administration and only undercuts Israel's authority and ability to protect its citizens from suicide attacks.

Furthermore, the loan guarantees will allow Israel to rebuild after years of violence and economic decline and are critical to Israel's future.

Mr. Speaker, I hope that the report of this decision by the administration is either not accurate or, if it is, it is a decision that would be reversed. Because I do think it is a tremendous mistake; and I would oppose, and I hope that my colleagues in the Congress would oppose, any cut back in the low guarantees as suggested.

In related Middle East news, evidence has surfaced that Syria is continuing its efforts to incite violence against Israel and is turning a blind eye to Islamic militants who slip across Syrian borders to kill American soldiers in Iraq.

Yesterday, during testimony before a House Committee on International Relations subcommittee, U.S. Under Secretary of State for Arms Control John Bolton reiterated concerns that Syria refuses to cooperate with U.S. forces in the Middle East and has continued its support of terrorist groups in pursuit of weapons of mass destruction.

However, Under Secretary Bolton stopped short of recommending specific punitive action against Syria. When questioned by Members of the subcommittee, Under Secretary Bolton stated that the administration has "no opinion" on legislation introduced here in the House that would place economic sanctions against Syria.

While I commend Under Secretary Bolton for his strong statements on Syria, the administration cannot stand by and continue to allow Syria to harbor and support terrorists without economic penalty.

Mr. Speaker, I urge the President to step forward and throw his support behind H.R. 1828, which is a bipartisan bill I have co-sponsored along with Democrats and Republicans, the Syria Accountability and Lebanese Sovereignty Restoration Act. This legislation holds Syria accountable for its actions and would give the President the tools to impose penalties on Syria unless it corrects its behavior immediately.

The Bush administration must show Syria that there are consequences for supporting terrorism and undermining peace in the region.

Mr. Speaker, in closing, I urge the Bush administration to continue to serve as a strong ally to Israel both at the U.N. and here at home. It is critical to our role in the region that the United States maintain its steadfast support of Israel and efforts to protect Israeli citizens from harm and terrorism. And as part of that role, the United States must take decisive action against Nations who seek to corrode peace talks and promote violence against American soldiers stationed in Iraq.

THE BATTLE OF ANTIETAM (SHARPSBURG), SEPTEMBER 17, 1862, "THE BLOODIEST DAY OF THE CIVIL WAR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise this evening to commemorate the single bloodiest day in American combat history—the Battle of Antietam—September 17th, 1862. We are a product of our history and we can learn a lot from this terrible day in 1862.

On this day 141 years ago, nearly 100,000 Americans met at Antietam creek near Sharpsburg, Maryland. In a battle that lasted less than twelve hours, over 23,000 Americans lay dead or wounded.

More than twice as many Americans were killed or mortally wounded in combat at Antietam as in the War of 1812, the Mexican War, and the Spanish-American War combined. Amazingly more Americans were killed or wounded at Antietam than on June 6, 1944—D Day on the Normandy beaches in World War II.

	Union	Confederate	Total
Killed	2,100	1,550	3,650
Wounded	9,550	7,750	17,300
Missing	750	1,020	1,770
Total	12,400	10,320	22,720

CHRONOLOGY OF THE BATTLE—WHAT HAPPENED

On September 17, Union Major General George McClellan confronted Lee's Army of Northern Virginia at Sharpsburg, Maryland. At dawn, Hooker's Corps mounted a powerful assault on Lee's left flank. Attacks and counterattacks swept across Miller's cornfield and fighting raged throughout the day around the Dunker church. After repeated delays a Union corps under Burnside finally got into action and attempted to cross the stone bridge over Antietam creek and roll the Confederate right.

Union General Ambrose Burnside's corps of 12,000 men tried to cross the 12 foot wide bridge over Antietam creek for 4 hours. About 450 Georgian sharpshooters took up positions behind trees and boulders on a steep wooded bluff overlooking the bridge. Greatly outnumbered the Confederates drove back several Union advances toward the bridge.

CONFEDERATE EYEWITNESS: BURNSIDE BRIDGE

Lieutenant Theodore T. Fogle, 2nd Georgia Infantry: "At a bridge on the Antietam Creek our Regiment and the 20th Ga., in all amounting to not over 300 muskets held them in check for four hours and a half and then we fell back only because our ammunition was exhausted, but we suffered badly, eight cannon just 500 yards off were pouring grape shot, shell and canister into us and our artillery could not silence them. We held our post until Major William Harris ordered us to fall back. Our Col. (Col. Holmes) . . . was killed about half an hour before. . . .

"We went into the fight with only 89 muskets and had eight officers and 35 men killed and wounded. So many of the men were shot down that the officers filled their places and loaded and fired their guns."

After horrific losses the Union forces finally punched through and moved on Sharpsburg. But General McClellan had hesitated too long, allowing General Lee to consolidate his vulnerable forces and counterattack into Burnside's flank and rear. McClellan then hesitated once again, failing to pursue a retreating Lee. The opportunity for total victory was gone.

The Union's General McClellan hesitated many times that day. He lacked the courage to accept short term sacrifice even when it meant the long term salvation of the nation. As a result, the Confederate Army escaped that day and the war lasted another three bloody years.

This day in history reminds us that decisive leadership can save lives, end wars and prevent future attacks.

Today, we must continue to recognize that the survival of our nation is again challenged. President Bush and our military leaders have shown that they have the courage to face the reality of our world.

Last Friday at Fort Stewart Georgia President Bush said: "We are not waiting for further attacks on our citizens. We are striking our enemies before they can strike us again. Wars are won on the offensive—and America and its friends are staying on the offensive."

By taking the fight to our enemies we are diminishing our foes, securing our people and building the hope of people across the globe.

We owe the security of our nation and our way of life to the hosts of Americans who have unselfishly served and died. We are blessed to have those soldiers in our ranks once again and we are blessed that their leaders understand what is at stake for the nation and the world.

IRAQ PRINCIPLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon to begin the Congressional Black Caucus's Special Order to address the President's proposal to spend an additional $87 billion for the war in Iraq.

Mr. Speaker, since the President addressed the Nation on September 7 regarding the war in Iraq, the Congressional Black Caucus has carefully evaluated the current state of where we are in Iraq and established a set of principles that we believe should be our guide as we move forward.

Before I get into the substance of our principles, I want to recognize the diligent work of the Congressman from North Carolina (Mr. WATT) for his leadership in drafting these principles and working very carefully with other members of the caucus to come to consensus. He willingly took on the task of synthesizing and framing the views of 39 Members of Congress. That is not an easy task. The Congressman from North Carolina (Mr. WATT) handled it masterfully. I also want to thank all the members of the Congressional Black Caucus who helped us to get where we are today. It truly was a team effort.

Mr. Speaker, in October of last year, the Congressional Black Caucus issued a statement of principles with respect to any decision to go to war with Iraq. Although most of us were prepared to support broad-based international action sanctioned by the United States National Security Council, we opposed the unilateral first strike by the United States without first receiving clearly demonstrated evidence of an imminent threat of attack upon the United States.

At that time the Bush administration had not presented us with the evidence that we needed, both constitutionally and morally, to support its plan. It has not done so, I must note, to this day.

We argued last year that absent clear evidence of an imminent threat to the people of the United States, a unilateral first strike against Iraq would undermine the international moral authority of the United States that is so critical in our struggle against terrorism.

We were deeply apprehensive that the Middle East would be destabilized, that unilateral U.S. action would commit this Nation to a long-term and, perhaps, indefinite foreign engagement that would cost America dearly both in American lives and in national resources.

Last year's concerns have now become this year's harsh realities, realities that we must face as a Nation and that we must overcome.

On almost a daily basis we hear regretfully about American soldiers who are being killed or injured in Iraq. The Bush administration has been unable or unwilling to truly internationalize the process toward restoring control of Iraq to the Iraqi people. As a Nation, we are already scores of billions of dollars poorer than we were last October. Now the Bush administration has presented the Congress with another $87 billion check that it is asking us to sign. There is no question that we, along with our other colleagues in the Congress, will do everything within our power to support and protect our troops and provide for their families. That is a paramount concern for us, always has been and always will be. Our duty in this regard is clear.

Nevertheless, before the Congress of the United States provides the President with the authority to spend more of the American people's money on Iraq, we have a constitutional responsibility to demand a clear, comprehensive, and publicly articulated analysis of the Bush administration's management of our involvement both past and present.

The administration does not even pretend that this $87 billion proposal will be its final request for funds. Before I proceed, I would like to make two points that I recently read in The Washington Post. In this particular piece it was noted that the $87 billion request by the President is three times the amount of money the Federal Government will spend on elementary and secondary education this year, and two times as much as the budget for homeland security. The article also noted research from Yale economic researcher William Nordhaus, which noted that the $166 billion that has been spent, or requested, exceeds the inflation-adjusted cost of the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish American War, and the first Persian Gulf War combined, and approaches the $191 billion inflation-adjusted cost of World War I.

Mr. Speaker, I note these facts and the professor's research to say if left unquestioned, approving this $87 billion would amount to another blank check. That cannot be allowed to happen.

To state the matter gently, the administration has suffered serious damage to its credibility on the subject of Iraq. As a first step toward repairing this loss of trust, the American people and their elected representatives deserve to know in far greater detail the information that convinced the President to go to war.

In addition, the President must provide us with a far more detailed game plan for the future. He should outline his reasoned predictions as to the personnel and funding that will be required to complete our involvement in Iraq and the manner in which these burdens and the authority to address them will be shared with the United Nations. The President should provide an accounting of the previously appropriated funds which this administration has expended in Iraq, including details of all Federal contracts. The President should explain to the Congress and the American people how the additional $87 billion in funding that he has now requested will be spent.

The Bush administration should provide the Congress with the information that will allow us to evaluate and vote separately upon the funding requested for the protection and support of our troops as distinguished from the funding that the President wishes to apply to the rebuilding of Iraq. We also deserve a full accounting of the Iraqi resources, both recovered and anticipated, that properly can be utilized to reduce the U.S. burden.

Above all, our troops and the American people as a whole deserve to know the President's exit strategy. We need to know the criteria for success that must be met before the President will agree to bring our men and women home.

We ask these questions of the Bush administration with the respect that should exist between coequal branches of our government. Those in the world who oppose America should not underestimate either our national unity or our resolve. Nevertheless, both in Baghdad and in my hometown of Baltimore, these are hard times for the American people, times that demand hard answers to hard questions.

Mr. Speaker, we who serve the people in the Congress of the United States would not be fulfilling our constitutional responsibility if we were to hand the President another blank check. We must have some accountability for the American people's money.

Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), chairman emeritus of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to voice my concerns about the President's request for $87 billion to pursue the administration's aims in Iraq. While I strongly support our troops and I stand here as a strong American, and I support the President when it is reasonable and I will continue to support those brave Americans who are getting themselves in harm's way to defend our Nation, I think we must ask ourselves some fundamental questions.

To this end, the Congressional Black Caucus has issued a statement of principles as to the war in Iraq. I embrace these principles fully. I was Chair of the caucus when we adopted our principles concerning the war, and we still hold those principles dear. I am deeply concerned about the cost of the war and the cost of the psyche of the people of this Nation. I am also concerned about the economic price tag the war is exacting on the taxpayers. We are shifting the cost of engagement to our children and grandchildren. We are burdening ourselves with a debt that is not only mind boggling; it is also unconscionable.

Mr. Speaker, keep in mind that the $87 billion in new funding that the President is requesting from Congress includes more than twice the 2004 budget for the Department of Homeland Security. It is also roughly triple the proposed appropriations for highways and roads. Keep in mind that the combined projected costs of the theaters of operations in Iraq and Afghanistan through September 2004 is $166 billion. That includes the $87 billion.

□ 1745

The President has not provided Congress with sufficient details about how the proposed funding will be spent. The information we have been given is vague, perhaps purposely so. Therefore, we are not able to separately evaluate the proposed funding for the protection and maintenance of our troops and proposed funding for rebuilding Iraq. In my view, Congress should vote on these funding proposals separately.

Back home, people think that the greatest attention we can give the troops is to bring them home. They really do not want more money spent in Iraq. Moreover, the administration has not articulated an exit strategy, nor has it given us a blueprint or a plan for bringing our troops home. That is what the people want. It was said in the days of old, "My people perish for a lack of knowledge." We are left in that position. Without the information, we are groping in the dark. The American people deserve better and so does Congress. We should not give a blank check one more time for the President to spend with his friends.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to put some of the numbers in perspective. I serve on the Committee on the Budget and have looked at these numbers from the perspective of the budget. To put these in perspective, let us begin with the first Persian Gulf war, Desert Storm. The total cost of that war, $61.1 billion. Because we had international cooperation, we paid 12 percent of that cost, $7.4 billion. 12 percent. The first supplemental that we have already spent in the current Iraqi conflict, $79 billion. We have been asked for $87 billion more, a total of $166 billion. If we had had international cooperation, 12 percent of $166 billion is $20 billion. Because of the administration's decision to go it alone and attack unilaterally, a $20 billion problem has become a $166 billion problem. And so I commend the chairman of the Congressional Black Caucus for asking what efforts will be made to develop the multilateral force that can share in this burden.

In addition, because we are already into deficit spending, this administration should articulate how the costs of the war will be borne. If we are going to just borrow the money, then we have to recognize the context of borrowing additional money. In early 2001, budget projections were that within 10 years, we would run up a $5 trillion surplus, enough to pay off the entire national debt, meaning that we would have no interest on the national debt after about 2013. Because we have gone back to deficit spending instead of paying off the national debt, we have increased the national debt such that the interest on the national debt that we will be paying by 2013, instead of zero, will be about as much as we are spending for national defense. In that context, if we are going to borrow the money, let us recognize that we are going to have to pay interest on $166 billion at around 4 percent interest. That equals to over $6.5 billion a year, over $100 million every week, just in interest, without paying off the principal, just in interest for as far as the eye can see.

Let us put some of these numbers also in perspective as to what we spend on other priorities. $166 billion between the supplemental we have spent and the request that is before us. $166 billion. The Department of Education every year, we appropriate less than $60 billion. Transportation, $51.5 billion. Homeland Security Department, $35.8 billion. Those three departments combined, Education, Transportation, Homeland Security, less than $166 billion.

Let us put it into another perspective. In our budget, we expect this year to receive $790 billion in individual income tax. That is everybody's individual income tax, $790 billion. About 20 percent of the request and the supplemental, prior supplemental, amount to 20 percent of the entire individual income tax revenue. With these numbers in hand, the CBC's request for a coherent accounting of the funds is appropriate. It is especially appropriate when you consider the prior claims by this administration, such as the cost of the war will be paid by the oil revenues. Those projections turned out to be false. Therefore, this request needs to be supported by specific plans and documentation detailing how the prior supplemental was spent, exactly how this request will be spent, how it will be paid for, including the question of whether we will get multilateral help, what likelihood there will be for future supplemental appropriations to support the war effort. Those questions need to be answered before we can intelligently consider the request before us.

I want to thank the chairman of the Congressional Black Caucus for bringing these questions to the forefront to make sure that we have this information before we vote.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I am so glad that we have this hour to be able to let Americans know the things they need to know about their government. I think it is important since the gentleman from Virginia just finished talking about what this effort and what I call mismanagement has cost the American people and that it will cost the American people. We need to make sure that we understand that we are deficit spending. This is not surplus money. This is deficit spending money. It is like for some of us Americans that are receiving these credit cards through the mail saying that all you have to do is sign the back and call this 1-800 number, you are automatically qualified for $2,000 and you go out and you spend that $2,000 at a rate of like 23 percent interest rate. That is the kind of deficit spending that we have right now. We need to continue to have a dialogue on this.

I am very disturbed by some of the things that I am hearing out of this White House and out of the majority party as it relates to the efforts in Iraq. At the top of the week, we had the majority leader of this House on the Republican side saying that he is upset that the White House has not said more and the Defense Department has not said more about the accomplishments in Iraq. I would beg to differ. Yes, there have been some accomplishments in Iraq, but I would beg to differ by the fact that we have troops that do not even have armor in Iraq. I serve on the Committee on Armed Services. We authorize billions, $480 something billion annually to the Department of Defense. I remember asking some of the individuals in the Department of Defense, Secretary Wolfowitz to be exact, do our troops have adequate body armor? I was told, yes, the front line troops will have adequate body armor. Right now we have troops that are at Walter Reed Hospital and at Bethesda Hospital with wounds that went through the body armor, bullets that went through the body armor that were supposed to protect them.

I think it is also important for us to understand that if this Congress does not start asking the hard questions to this White House and to the Department of Defense we are going to continue to have these special appropriations. We just gave $78 billion 6 months ago. We are giving $87 plus billion very soon and it will be more to come. When I say that this is going on, this is just not a convenience issue, this is hurting Leave No Child Behind in education, this is hurting social services. I have seen people brought to the table and called out for mismanagement for far less than the billions of dollars that have been mishandled in this war as it relates to contract services. I think it is important that we have to ask the tough questions. I am so glad that the media and some Members of this Congress have called Vice President CHENEY out on the fact that the connection he claimed in the Sunday show this past Sunday, saying that Saddam Hussein had something to do with 9/11. I am glad to hear that the President said that is not true today at a press conference before I came on the floor. The reason why that was corrected in a 3-day period or in a 4-day period is that this Congress questioned that. Democrats questioned what the Vice President said. That is why it is important that we have a democracy. That is why it is important no matter what party you are in if you are a Member of this Congress that you must speak out on issues that you know when that information is inaccurate. Intelligence in the past has been stated about chemical weapons, things of that nature. It has been several months now since we have been in Iraq and there are very little chemical weapons to show for our efforts. We have to ask the hard questions on what is the real rebuilding plan for Iraq. We have yet to see that. Our minority leader the gentlewoman from California (Ms. PELOSI), the gentleman from Pennsylvania (Mr. MURTHA), who is ranking member on the Committee on Appropriations, asked for that yesterday. As of right now, the last I checked, we still have not received it. That is the reason why we have to continue to push for these questions so that it is not a rubber stamp.

The reason why this administration went to the U.N. before they took their preemptive strike or before we took our preemptive strike on Iraq is because the American people said that they wanted them to go to the U.N. Even though they went to the U.N. and we danced and we changed the name of French fries here in the Capitol to freedom fries and did all of these peripheral things, we still went in by ourselves and now we are paying the price. We are now having to go back and say, oh, we like the French. Oh, we feel that Germany and others, we feel that you are good people. We need your help.

If we do not replace diplomacy on the executive branch, then we are in for a costly, costly, long stay in Iraq. It is no longer good enough, Mr. President, for you to say, we're going to be in Iraq as long as we have to be in Iraq. That is not an appropriate answer. An appropriate answer is saying, we are having real negotiations with the Security Council at the U.N., that I am instructing the Secretary of State that we are going to do everything in our power to continue to get more troops in our coalition. You may ask and there are, give or take, 115,000, 125,000 U.S. troops right now on the soil in Iraq. Some 13,000 coalition forces. But last night I saw Secretary Rumsfeld said, oh, we have 60,000 Iraqi police officers that are a part of our security force now. We have to make sure that we are clear. We cannot use metaphors. We cannot allow the Department of Defense nor this White House nor the leadership of this Congress to wiggle out of the tough questions.

I am just as patriotic as the next person. And just because we ask the question of this government that every last one of us have been voted on to be here to represent our constituents, individuals should not be called out. General Shinseki had to resign because he said this war would cost anywhere from $120 billion to $130 billion. Others who have said of an accurate account if we went into this thing by ourselves of what it would cost had to resign. We in this Congress are the only individuals who cannot be fired. We only can be fired by the people, by the American people, and not by an executive action.

So I ask you, and I implore, and I am so glad that the Congressional Black Caucus has taken this stand to be the conscience of this Congress once again. It may not be the appropriate thing in the light of those individuals who consider themselves self-appointed patriots on behalf of our men and women in uniform, but it was this caucus, Democratic Caucus, that are fighting for those individuals who make under $26,000 to be able to receive a child tax credit, including those individuals that are over there fighting, their children. Republicans said no and are still saying no and say that the bill will not come up. We are saying that we are willing to put the facts and figures here.

I almost feel like a member of the other party who always talked about deficit spending, or used to talk about it. We no longer talk about it now because it is not important. I think it is important that we continue to raise the tough questions, that we continue to be able to ask for an accounting as it relates to private contracts that are being let. This peripheral, this information that is generic about maintenance and reconstruction and turning on the power and making sure they have water and schools, without defining it, can no longer be accepted by this Congress. So it is important that we focus on the fine details. I am so glad that we are here.

Mr. CUMMINGS. I am glad the gentleman raised the issue of the opportunity, that we must take the opportunities that we have to speak out with regard to what is happening in our country.

□ 1800

And the fact is that he is right. Before the war the Congressional Black Caucus raised some very crucial questions, some folks were hollering the word "unpatriotic," and we made it very clear, as we make it clear today that we support our troops 1 million percent. We want them to be at their very best. We want them to be well-equipped. At the same time, we want to make sure that the crucial questions are asked because after all, the people that we represent are the ones who will end up paying the bill. But not only them but their children and their children's children and their children's children's children will be paying this bill.

Mr. Speaker, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, to our distinguished chairman, who continues to keep us focus in speaking to the needs our constituents, I thank the gentleman from Maryland (Mr. CUMMINGS).

I rise as one of the 39 members of the Congressional Black Caucus. We represent over 26 million Americans all over this country. The majorities of our districts are not African American. Some are. Most are not. And collectively we call ourselves the conscience of the Congress and the conscience of these United States.

Over the last 10 days after the President's announcement, my office has been inundated with my constituents asking me, What are you going to say? What are you going to do? Are you going to give them a blank check? You already did that. Will you speak up?

And I am so proud of my colleagues in the Congressional Black Caucus for organizing this action tonight because it us who have been charged by God to speak out, to work in a bipartisan way in the interests of the people of this great country. I represent over 680,000 people, as many of my colleagues do, and 11 different communities in the State of Michigan. Some of God's finest. Some have served in the Armed Forces. Some have families who have died in the Armed Forces. All of them want us to fight to protect our right of democracy that so many have fought and died for in this country. We come here today and I as a member of the Committee on Appropriations where I hope much of this discussion will be had, and I want to say just from the outset the President proposes and the Congress disposes, and that is our constitutional right; that we as Members of this House, 435 of us, must demand that the committees of jurisdiction receive the supplemental request, that we are able to hold hearings on this request, and that we be able to get information so that we can make those intelligent decisions that our constituents sent us here to do. We have the time. We must act, as the Constitution allows us to, that the appropriate committees, the Select Committee on Homeland Security, that the appropriate committees, the Committee on

Appropriations, Defense Subcommittee, authorization, all those committees that are involved, the members, and some of those committees have 60 or 70 people on them, must have an opportunity to hear and see and act on this supplemental request. I implore our leadership to make sure that that happens. Eighty-seven billion dollars now. Less than 6 months ago we gave them $79 billion because we said we had to do that. The President requested it and we were at war. Unilaterally first striking a country. We have never done that in the history of our country. We call it the Department of Defense because we defend our country. We do not strike a country. Somebody said we ought to change that to the War Department. I am not quite there yet. We must solve this crisis. And it is an international crisis. It was then and it still is. That, as my colleague has mentioned, is why we are footing much of the bill, and we know this will not be the last supplemental unless we are able to bring in the international community.

There was no intelligence given to this Member and others before our unilateral first strike that said Osama bin Laden and Saddam Hussein were connected. Osama bin Laden, we already know we must find and rid out the terrorists and the terrorism that he has perpetuated on the world, which is why this is an international crisis that we find ourselves in. Osama bin Laden on the one hand, Saddam Hussein on the other, never at all before this unilateral first strike was there any connection, intelligence-wise, that connected the two together. Now, 5½, 6 months later, we are not sure.

The President says that Iraq is the epicenter of terrorism now. The way that we have disrespected the Muslim religion and any religion in this country, we have to think about that. To them it is a religious war. There is something different about a religious war. They think they are in jihad as we read and discuss.

It is so critical at this time that we, as the world leaders, sit down and try to work out in an international way the problems of the world. Terrorism has to stop. No one in the world is safe as long as terrorism is allowed to rear its ugly head wherever it must strike. We already heard $166 billion should they be successful in getting this. As was mentioned, that is three times more than we spend on education for our children. It is two times more than the Department of Homeland Security has today, and it is nearly three times more than we spend on our transportation budget today.

We have got to protect our troops. We have got to make sure that they are safe. And the parents are saying bring their children home, 18 to 25 years old. Some not properly trained. Some do not have the proper equipment. We are a better Nation than that. That is why the Congressional Black Caucus have come together tonight to talk to America about what we think must happen, and we want the people to fax, write, call, and e-mail their Congresspeople and let them know how they feel. We want the people to fax, call, e-mail and write the White House, let them know how they feel. The power is in the people of America. It always has been and always will be.

So I want to put in the RECORD at this time the principles, the principles that the Congressional Black Caucus adopted on March 18, 2003, and the reassuring of the principles we adopted today and present to the people today. These are the principles that the Congressional Black Caucus must see as we talk about this $87 billion of the people's tax dollars.

We affirm our stated principles from March of this year. We also affirm our principles from October of 2002. Despite the President's failure to follow our original statement of principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families. We, the members of the Congressional Black Caucus, believe that the administration should provide an accounting of all funds expended to date that were provided previously appropriated by the Congress, which is the $79 million for Iraq and Afghanistan, including details about all contracts for work related to Iraq and Afghanistan. We know that there is a problem with many no-bid contracts given out right now, billions of dollars. We want an accounting of that money.

We believe that the President should provide sufficient details about how the proposed funding will be spent to enable Congress and its committees to evaluate separately funding proposed for the protections and maintenance of our troops and funding proposed for rebuilding Iraq. We, the members of the Congressional Black Caucus, as was mentioned, believe our troops should be protected and secure. We also believe that the humanitarian assistance that we are contemplating, some $20 billion, needs further scrutiny. The investment in their infrastructure when our electric grids are breaking down, we need that here. We need it for our schools. We need it for our health centers.

We, the members of the Congressional Black Caucus, believe that the President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources, recovered and anticipated, and how the President proposes to use those resources to reduce or to reimburse the U.S. obligation.

We, the members of the Congressional Black Caucus, believe the President should provide full details about the future obligations of the United States personnel, funding, and decision-making and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

We, the members of the Congressional Black Caucus, believe the administration should provide to Congress full details of information relied on by the President in his decision to go to war in that first unilateral strike earlier this year.

We believe the President should provide details of the criteria he will expect to be met before bringing U.S. troops home and what the exit strategy must be.

Those are the principles that 39 members of the Congressional Black Caucus today present to the President and to our American citizens across this country. They are simple. We want a response. We want it timely. And the 26 million people that we represent want to hear from him.

I thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership.

The Congressional Black Caucus Principles Regarding President Bush's $87 Billion Supplemental Request

We reaffirm our Statement of Principles issued in October 2002.

Despite the President's failure to follow our original Statement of Principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families.

The Administration should provide an accounting of all funds expended to date that were previously appropriated by the Congress, including details about all contracts for work in or related to Iraq.

The President should provide sufficient details about how the proposed funding will be spent to enable Congress and its Committees to evaluate separately funding proposed for the protection and maintenance of our troops and funding proposed for rebuilding Iraq. Congress should vote on these funding proposals separately.

The President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources (recovered and anticipated) and how the President proposes to use those resources to reduce or reimburse the U.S. obligation.

The President should provide full details about the future obligations of the United States (personnel, funding and decisions making) and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

The Administration should provide to Congress full details of information relied on by the President in his decision to go to war.

The President should provide details of the criteria he will expect to be met before bringing US troops home and of his exit strategy.

Congressional Black Caucus Principles on Military Action in Iraq

1. We oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

2. Only Congress has the authority to declare war.

3. Every diplomatic option must be exhausted.

4. A unilateral first-strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region and undermine the ability of our nation to address unmet domestic priorities.

5. Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her statement. And we reiterate that these questions that have been raised are basic questions that if anybody were dealing with a family issue, a serious family issue, these are the kinds of questions, Mr. Speaker, that anybody, any reasonable person would ask, and we reiterate that we hope the President will answer these questions as soon as possible.

Speaking of common sense, I yield to the gentleman from South Carolina (Mr. CLYBURN) who hails from South Carolina and also is a previous chair of the Congressional Black Caucus and now serves as a vice chairman of our Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding. I want to thank the chairman for the tremendous leadership he has given to the Congressional Black Caucus on this and other issues.

Earlier today, I joined the House Democratic leadership in sending a letter to the gentleman from Illinois (Speaker HASTERT) requesting a detailed accounting of the money being spent on the Iraq War effort. The public disclosure that we are requesting must include shining the light on closed-door lucrative contracts being awarded to Halliburton, Bechtel and other friends of this administration.

In today's Washington Post, there is an article that says that $1.7 billion has already been awarded to Bechtel, and they stand to receive millions more in no-bid contracts.

Mr. Speaker, I think that this is outrageous. Outrageous not just because of the issue itself but because there are two underlying issues that I think that this administration must confront before we send any additional money to conduct this effort in Iraq. And I want to share with the public those two concerns of mine.

First of all, I do not know if the public realizes it or not, but a law that we authorized last April provides for imminent danger pay of $75 a month and $150 a month in family separation allowances for our soldiers serving in Afghanistan and Iraq. That law expires on September 30. I do not believe that we ought to give one moment of consideration to any additional funding to conduct this war in Iraq until we extend this law so that those men and women who are putting their lives on the line, who are in imminent danger, who have been separated from their families receive compensation for doing so.

□ 1815

The Defense Department is saying that we cannot afford to continue this pay. I believe that the troops serving overseas ought to be our top priority, and we ought not talk about any additional expenditures until we make sure that they are taken care of.

The second thing I want us to consider before we start discussing any additional funds for Iraq is this issue involving disability pay for our veterans.

Mr. Speaker, it is interesting to me that if you were to look at a 20-year veteran who may have served 1 year in Iraq or Afghanistan and comes home unharmed, that veteran will receive retirement benefits. But the 20-year veteran who serves for 20 years and gets injured in Iraq, comes home with a missing limb and becomes eligible for disability pay, that disability pay is deducted from his or her retirement pay; and, therefore, he or she stands in the same light as a person who never got injured in the first place, though that person's ability to make a living for himself or herself and his or her family diminishes greatly because of that injury.

We in this Congress need to correct that issue before we send one additional soldier to fight in Iraq or Afghanistan, and this Congress is refusing to deal with that. Yet we hear that those of us who disapprove spending additional expenditures until we do this do not support our troops.

This is not supporting our troops, when we put them in harm's way and we bring them back home and do not adequately support their life's existence. Something about this is bad wrong. I get the phone calls in my office. I have a young lady spending almost full time dealing with this issue. We believe that until it is resolved, we ought not be talking about any additional funds for Iraq.

So until this administration faces up to these three issues, gives us a light shining on these contracts, does something about extending eminent pay allowances and family separation for our men and women, and does something about this disabled American veterans tax that we are putting on these people returning home with their injuries, I am not going to support any additional expenditures in Iraq.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman, the chairperson of the Congressional Black Caucus. I am honored to join my colleagues in a very thoughtful presentation and edification of our principles.

I rise to say two things, that Congress has to be, if you will, the arbiter, the moral compass, the standard by which we make determinations to save lives in America. It is imperative before we vote for the $87 billion that we have full congressional hearings, that we separate the vote on the support for the troops as well as distinguishing that from the rebuild on Iraq.

We are truly committed to our troops and saving lives, protecting them and responding to their family needs; but we cannot give a blank check of $87 billion to this administration without a detailed plan and exit strategy, as well as an understanding of who our allies will be.

Lastly, I believe it is imperative that we not give up on understanding where the weapons of mass destruction are and what was the nuclear capacity or threat at the time that we all made a conscious decision or one of conscience to protect this land in voting for the resolution in 2002. The American people have to have hearings on the understanding of the weapons of mass destruction.

So I support my colleagues and thank them very much for giving me the opportunity to share in support of this Special Order on very important decisions that this Congress will make over the next weeks and days. I look forward to a town hall meeting in my community on this very issue.

Mr. CUMMINGS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the Chair of the Congressional Black Caucus for yielding. We all owe him particular gratitude for the way in which this entire session he has brought this caucus together on this floor on important issues, none more important than the issue before us today.

If I were to summarize what I have to say today, it would be that the troops have become an abstract concept. I want to deconstruct the concept. The proposition that I want to put forward is that two inexcusable errors by the administration are endangering our troops in Iraq: first, the rush to war without allies, and, secondly, the inexcusable failure to plan for the peace.

The context of what I want to speak about further is a young man whose funeral I went to a couple of weeks ago, Darryl Dent, 21 years old, due home several times, extended each time. Dead.

I believe that the Darryl Dents, who are mounting up every day, are unnecessarily mounting up; and I want to make that case today.

I want to congratulate the Chair once again on his "Statement of Principles as to War against Iraq" that the caucus issued before that war. The most important principle has been vindicated, that a unilateral first strike action by the United States without a clearly demonstrated and indicated threat of attack on the United States, that notion that you do not do that kind of strike unless you know you are in imminent danger, has been fully vindicated by multiple failures of the administration.

I want to spell out what those failures are. First, the failure to form a pre-war and a post-war alliance to provide adequate civilian and military assistance to our troops in the field and to the people of Iraq after the war; the failure to secure the peace; the failure to prepare for the probability of an Iraqi resistance. What did we think they were going to do, just melt into the woodwork? Or, finally, to understand that once there was the chaos of war, we would draw in terrorist elements following the war, the failure to prepare for what U.S. commanders now themselves now call a guerilla war in Iraq. Was all of this necessary, Mr. Speaker? I think not.

It comes up now in the context of an astonishing request. Nobody expected $87 billion more. What is that, for this year alone?

I want to talk about the troops through Darryl Dent, because I think the words need to be humanized. The only people who have been asked to sacrifice for this war are the military. We certainly have not been asked to sacrifice a thing, whether we are rich or poor, since we are getting tax cuts thrown at us.

The greatest hardship has been on the people we call the Weekend Warriors. You will notice that the Congressional Black Caucus does not feel defensive at all about indicating that we support the troops. We do not need to come forward and let everybody make sure you know we support the troops. That is a truism, particularly since the troops are disproportionately African American.

Mr. Speaker. Yes, we do support them. That is a given as well.

We also believe that once you destroy somebody's country, you invade somebody's country, you ought to fix it up and not simply leave it in chaos. That is the obligation that comes once you invade somebody's country. That is an obligation, by the way, under the U.N. charter.

Winning the war in Iraq was a virtual given. But we had a special obligation not to engage in a war of choice unless we were in imminent danger the moment we decided to have a volunteer Army, because that Army we knew from the outset would be composed disproportionately of Weekend Warriors.

We were under a particular obligation to make sure that we did not call people who we gave to understand that, yes, in the event of a war of last resort you will be called up, but basically there was not much chance that you would be called up. We had no right to go into a war of choice unless we had no other choice. They were prepared to fight a defensive war, they were prepared to fight this war of choice, but it is unfair that we have asked them to do that. They are all surprised. They are as astonished as anybody is. And we are having a snowball effect.

We are having a snowball effect on the troops, on their families, on small businesses, and on employers. We know it, because employers and families are beginning to escalate their use of the mechanism in the Defense Department that allows you to ask for particular troops to come home because of emergency or hardship. Businesses are using that as well. We know it because families are organizing to bring the troops home, for goodness' sake.

And we know one other thing: we had better not get up ever again and declare that we can fight a war on two fronts. We now know we cannot fight a war on two fronts without substantial aid from substantial allies using a military force composed so disproportionately of Weekend Warriors, of people in the Reserves, of people in the National Guard. Nobody can fail to understand that now, particularly when the commanders are calling for troops. They call them "foreign troops," but what they mean is they need reinforcements.

We know they need reinforcements because of the horror stories we are hearing, for example, of people coming home after a year of service and being called back after a few weeks on the job. How long do you think you will have a volunteer Army when you are treating troops this way? How long? Not long.

In particular, we ought to remember who the National Guard is. They perform triple duty: homeland defense now in the age of domestic terrorism, which is what Americans are truly afraid of; natural disasters, like the hurricane that is bearing down upon us; and, of course, the regular military duty that so many of them are engaged in now. We had better hope and pray we do not need the National Guard at home, because they simply are unavailable to us at the moment.

The administration changed the rules of the game once these young people were signed up and in the field. Now they find that commanders can decide when and if they will go home. They are getting extension after extension of duty, and they are getting back-to-back service, all of which they were promised would almost never happen.

Where does this spring from? From the go-it-alone attack on Iraq that this administration did, against all of the advice of our allies, indeed, of the whole world. The way in which we have handled Iraq has already wrecked American foreign policy and its relations with its allies.

Yes, I support the Congressional Black Caucus statement of principles. I also believe it is time to do more than ask tough questions. It is time to do more than talk about the troops, as if they were some inanimate body. It is time to come to grips with our duty to protect the troops, not only in the field, but here at home, against policies that could wreck the volunteer forces on which we have become so dependent in an age when we do not use the draft.

Mr. Speaker, I again thank the chairman for his leadership.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman and all of the members of the Congressional Black Caucus for participating in this discussion this evening.

□ 1830

Mr. CUMMINGS. Mr. Speaker, I believe that history will be the judge, and I think it will shine a very favorable light on the Congressional Black Caucus for raising the questions that have been raised. These are basic, fundamental questions.

It is interesting that the gentlewoman from the District of Columbia (Ms. NORTON) raised the issue of our troops. It just reminded me that one of the first soldiers to die in the war just so happened to live a few blocks from me, a young man who simply wanted to be the best that he could be; and he joined the Marines, and the reason why he joined the Marines was because he could not get scholarship money to go to college. But he joined the Marines and gave the best that he had, and he became one of the best helicopter specialists in the entire Marine Corps.

So we must never forget the young people who are suffering in 120 degree-plus weather. We must never forget those who have given the ultimate sacrifice, their lives, for this country. We must never forget them, ever. We must never separate them from what is going on here today, for they are the people that we care so much about and we love so dearly.

At the same time, I think we owe them a certain level of support, the highest level of support. We must do that. At the same time, we must be, this country, that is the President, must answer crucial basic questions about the taxes that are paid. I have often said, Mr. Speaker, that one can get Republicans and Democrats to agree on one thing, and that is for sure, and that is that the tax dollars of our citizens must be spent in an effective and efficient manner. I do believe that it is our duty. It is not only our duty; it is our responsibility to ask the questions of how those dollars are spent. It is the duty of every citizen to require of us in town hall meetings, and when they meet us at the supermarket, to be able to ask us the question of how are our dollars being spent.

And as we stand here today and as we look at this total $166 billion, I promise my colleagues that I do not think that one of us can truly say how they are being spent, because our President has not told us. This Chamber should be packed with Members trying to get answers to those very crucial questions.

CELEBRATING HISPANIC HERITAGE MONTH

The SPEAKER pro tempore (Mr. RENZI). Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, on behalf of the majority in the Congress, I take the well this evening to, of course, celebrate Hispanic Heritage Month, to celebrate the independence day for our Central American allies. It is my privilege to be before the House of Representatives today to discuss these important events.

Hispanic Heritage Month is September 15 through October 15. It is a month-long national celebration in recognition of the countless contributions and sacrifices that our Nation's largest minority community has bestowed upon our country over the last 4 centuries. This week we not only recognize Central American independence from Spain, but we also celebrate the common bond of democracy our countries share that allows us all to be here today.

Es gran mes de celebracion porque elogiamos la independencia de cinco paises centro: El Salvador; Costa Rica; Honduras; Guatemala; y Nicaragua. Nuestros amigos y companeros.

As with every July 4th, when we celebrate our Nation's independence from Great Britain, it is fitting to note that while the five Central American nations declared their independence from the Spanish crown on September 15, 1821, the quest for independence actually began 11 years earlier on that exact date when the then Viceroyalty of New Spain, today Mexico, declared her independence from la Madre Patria, the Mother-Fatherland, as Latinos sometimes affectionately refer to Spain.

When independence finally came to Spain's largest American colony in 1821, its vast territory stretched all the way south to the present Costa Rican-Panamanian border and continued northward to the present day California-Oregon border and included the American Southwest.

In addition, the future of the Philippines, Guam, as well as the other Spanish island possessions in the Pacific, which were administered directly from Mexico City before the end of Spanish sovereignty on the American mainland, would also be directly affected by the independence movement that began on this date, September 15 in 1810.

In the years that followed Mexico's independence, which was officially celebrated on the 16th of September, and not on Cinco de Mayo, like some believe, five of the six Central American provinces would also come together in 1823 to form the United Provinces of Central America. Subsequently, Mexico's northern provinces of Alta California, Nuevo Mexico, and Tejas y Coahuila would later come under the Stars and Stripes as a result of the Mexican-American War. Out of these three immense territories, the present-day borders of 10 American States would later be carved out. Hence, there are 10 stars out of the 50 on our national flag, one out of five on our national flag that has a direct tie to this specific date, September 15, the independence day of the former provinces of New Spain. Somos todos hermanos y hermanas.

It is clear that our Nations share many common bonds and values. It is also evident that we stand together, committed to freedom and democracy, proud that all five nations have freely elected governments committed to democracy and the rule of law. There is no better system than democracy, and we in the Republican Congress stand ready to work with the freely elected leaders of our Central American allies to strengthen democracy throughout the Western Hemisphere.

All five nations in Central America are well led by able leaders who again are freely elected. The Republic of El Salvador is President Flores and is represented well here in Washington by His Excellency Ambassador Leon. Republic Costa Rica is well led by a freely elected President, His Excellency President Pacheco and is well served and well represented here in Washington by His Excellency Ambassador Daremblum. The Republic of Honduras is ably led by a freely elected President, His Excellency President Maduro and is well represented here in Washington by Ambassador Canahuat.

The Republic of Guatemala is ably served and well led by a freely elected and democratically elected President, His Excellency President Partillo and well represented here in Washington, Guatemala is, by Ambassador Arenalas. And last, and of course equally important, is the Republic Nicaragua, a country that is well led by a freely elected and democratically elected President, His Excellency President Balanos and is well represented here in Washington by Ambassador Marias.

Again, El Salvador, Costa Rica, Honduras, Guatemala, Nicaragua, all led by freely elected, democratically elected presidents and well represented here in Washington by their diplomatic corps; but they share our values. They share our values and support for democracy.

Last, recognizing that we have a great opportunity, an opportunity to integrate the economies of the five nations of Central America and the United States with the Central American Free Trade Agreement. It is a great opportunity for all of our nations.

Central America represents the United States' largest export market. There are 34 million people who live in Central America, with a combined gross domestic product of almost 57 billion U.S. dollars. The United States exports to Central America total over $9 billion, which includes such product items as machinery, high-tech goods, motor vehicles, chemicals, energy, food, agricultural products, textiles, apparel, paper, and fertilizer. In fact, it is important to note that the five Central American nations today represent more trade for the United States' trading partners than the trade we currently have with the nations of India, Russia, and Australia combined. Clearly, our allies are a key part of our economy and important trading partners.

U.S. services exports to Central America today total over $2 billion and include such top services such as aviation, telecom, tourism, banking and financial services. Such exports to the region have grown by 42 percent since 1996. Think about that. Service exports to Central America have grown by 42 percent in 7 years. Every dollar today that we as Americans spend on a good produced in Central America has yielded $1.36 in demand for American goods from and purchases by our Central American allies and friends.

The Central American Free Trade Agreement offers tremendous opportunity for American workers and businesses, but it also stands to offer a model for a regional trade agreement and will be a key building block for the Free Trade Agreement of the Americas. We must align ourselves with our Latin American friends to compete in today's global economy.

Es claro que tenemos gran oportunidad para todos los paises en Centro America y los Estados Unidos para integrar mas nuestras economias con el Acuerdo de Libre Cambio Americano Centro. Esta semana sus negociadores y nuestros negociadores tienen un reunion en Managua, Nicaragua, para clarificar este acuerdo y para terminarlo para la ratificacion temprano en dos mil cuatro por el Congreso de los Estados Unidos.

Our nations have much to gain by reducing barriers between our economies. We agree that free trade will create jobs and new opportunities for the citizens of all our nations. We agree that CAFTA, the Central American Free Trade Agreement, must be mutually beneficial and fair to all six nations, ours as well as theirs. We in the Western Hemisphere can and must work together to compete in the global economy.

Again, my colleagues and I extend our congratulations to our Central American neighbors on their independence day and recognize our Hispanic and Latino citizens during this monthlong celebration of Hispanic Heritage Month. We stand with you in solidarity for freedom; we stand with you in solidarity for democracy; we stand with you in solidarity for trade.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STEARNS (at the request of Mr. DELAY) for today after 1:00 p.m. and the balance of the week on account of attending his son's wedding.

Mr. MILLER of Florida (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. PLATTS (at the request of Mr. DELAY) for today on account of attending a memorial service in the district for a soldier killed in Iraq.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. DOGGETT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Texas) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KIRKPATRICK, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon sighed by the Speaker:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

ADJOURNMENT

Mr. WELLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4294. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions From New Marine Diesel Engines [AMS-FRL-7561-4] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4295. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona [AZ-094-FOAa; FRL-7561-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999 [AD-FRL-7562-1] (RIN: 2060-AJ28) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4297. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Asbestos [OAR-2002-0082, FRL-7561-2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4298. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction [FRL-7560-9] (RIN: 2060-AF36) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4299. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotment, FM Broadcast Stations, (Sonora, Texas) [MB Docket No. 03-88, RM-10464] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4300. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations, (Port St. Joe and Eastpoint, Florida) [MB Docket No. 03-21, RM-10632; RM-10696] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4301. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule -- Table of Allotments, Digital Television Broadcast (Anchorage, Alaska) [MM Docket No. 00-99, RM-9858] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4302. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Arms Export Control Act on the export of goods or technology; to the Committee on International Relations.

4303. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a report strengthening certain sanctions against missile technology proliferation activities; to the Committee on International Relations.

4304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the status of consultations on the imposition of sanctions for chemical weapons; to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes (Rept. 108–261, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2572. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006, and for other purposes (Rept. 108–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002 (Rept. 108–275). Referred to the Committee on the Whole House of the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3034. A bill to amend the

Public Health Service Act to reauthorize the National Bone Marrow Donor Registery, and for other purposes; with an amendment (Rept. 108–276). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. Forbes, Mr. King of Iowa, Mr. Feeney, Mr. Carter, Mr. Gallegly, Mr. Goodlatte, Mrs. Blackburn, Mr. Bartlett of Maryland, Mr. Jenkins, and Ms. Hart):

H.R. 3106. A bill to strengthen the law enabling the United States to expeditiously remove terrorist criminals, to add flexibility with respect to the places to which aliens may be removed, to give sufficient authority to the Secretary of Homeland Security and the Attorney General to remove aliens who pose a danger to national security, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Mrs. Jones of Ohio, Mr. Watt, Ms. Waters, Ms. Kilpatrick, Mr. Meeks of New York, Mr. Fattah, Ms. Kaptur, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Lantos, Ms. Watson, Mr. Wynn, Mr. Emanuel, Ms. Millender-McDonald, Ms. Eddie Bernice Johnson of Texas, Mr. Lewis of Georgia, Mr. Ford, Ms. Jackson-Lee of Texas, Mr. Van Hollen, Mr. Kucinich, Ms. Solis, Mr. Conyers, Ms. Majette, Mr. Thompson of Mississippi, Mr. Jefferson, Mr. Cummings, Mr. Payne, Mr. Towns, Mrs. Christensen, Ms. Lee, Mr. Rangel, Mr. Jackson of Illinois, Ms. Carson of Indiana, Ms. Corrine Brown of Florida, and Ms. Norton):

H.R. 3107. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. Thomas, Mr. George Miller of California, Mr. Rangel, Mr. Sam Johnson of Texas, and Mr. Portman):

H.R. 3108. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Ms. Ros-Lehtinen, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Nunes, and Mr. Menendez):

H.R. 3109. A bill to require the Secretary of the Treasury to mint coins in commemoration of Celia Cruz; to the Committee on Financial Services.

By Mr. BONILLA:

H.R. 3110. A bill to specify locations where certain citizens and nationals of Mexico may be removed from the United States into Mexico; to the Committee on the Judiciary.

By Mr. BURR (for himself, Ms. Eshoo, Mr. Upton, Ms. DeGette, Ms. Slaughter, Mr. Rush, Mr. Inslee, Mr. Abercrombie, Mr. Simmons, Mr. Deutsch, Mr. Case, Mr. Shays, Mr. Jackson of Illinois, Mr. Lewis of Georgia, Mr. Linder, Mr. Norwood, and Mr. Ehlers):

H.R. 3111. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 3112. A bill to amend title 23, United States Code, to establish programs to facilitate international and interstate trade; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE:

H.R. 3113. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 3114. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 3115. A bill to prevent a State or unit of local government from using Federal funds to assist prosecutors unless the State or unit provides information to the Department of Homeland Security on individuals convicted of crimes for use by the Department in identifying immigration violations by such individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3116. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3117. A bill to amend certain provisions of title 5, United States Code, relating to disability annuities for law enforcement officers, firefighters, and members of the Capitol Police; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. LaTourette, Mr. Burr, Mr. Turner of Ohio, Mr. Coble, Mr. Isakson, Mr. Oberstar, Mr. Taylor of North Carolina, Mr. McIntyre, Mr. Ballance, Mr. Hobson, Mr. Holden, Mr. Pearce, Mr. Beauprez, and Mrs. Myrick):

H.R. 3118. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself, Mr. Pomeroy, Mr. Nussle, Mr. Young of Alaska, Mr. Oberstar, Mr. Stenholm, Mrs. Emerson, Mr. Graves, Mr. Skelton, Mr. Akin, and Mr. Boehner):

H.R. 3119. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for biodiesel used as a fuel; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 3120. A bill to provide for the dissemination of information on irradiated foods used in the school lunch programs and to ensure that school districts, parents, and students retain the option of traditional, non-irradiated foods through such programs; to the Committee on Education and the Workforce.

By Mr. McINNIS:

H.R. 3121. A bill to override the income tax treaty with Barbados; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan:

H.R. 3122. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Secretary of the department in which the Coast Guard is operating to issue a regulation prohibiting a vessel with a ballast water tank from entering the Great Lakes if more than 5 percent of the capacity of the tank contains ballast water; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. Jackson-Lee of Texas, Mr. Rodriguez, Mr. Serrano, Mr. Dooley of California, Mr. Case, Ms. Schakowsky, Mr. Frank of Massachusetts, Mr. Delahunt, Mr. Green of Texas, Ms. McCollum, Mr. Berman, Mr. Tierney, Mr. Weiner, and Mr. Engel):

H.R. 3123. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. OTTER:

H.R. 3124. A bill to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building"; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Duncan, Mr. Goode, Mr. Franks of Arizona, Mr. Sessions, Mr. Feeney, Mr. Miller of Florida, Mr. Otter, and Mr. Norwood):

H.R. 3125. A bill to protect the Second Amendment to the United States Constitution; to the Committee on International Relations.

By Mr. PEARCE:

H.R. 3126. A bill to provide that no court or judge shall dismiss any part of the Constitution or Bill of Rights as a legal defense in court; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself and Mr. Murtha):

H.R. 3127. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 3128. A bill to amend title 49, United States Code, to ensure that States do not use certain information to suspend or revoke a commercial driver's license of an individual; to the Committee on Transportation and Infrastructure.

By Mr. SCHIFF:

H.R. 3129. A bill to permit States to require insurance companies to disclose Holocaust-era insurance information; to the Committee on Financial Services.

By Mr. SULLIVAN (for himself, Mr. PITTS, Mr. DeMINT, Mrs. MUSGRAVE, and Mr. BURGESS):

H.R. 3130. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself and Mr. BELL):

H.R. 3131. A bill to require a report on reconstruction efforts in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. HILL):

H.R. 3132. A bill to require amounts appropriated under any Act making emergency supplemental appropriations for the reconstruction of Iraq and Afghanistan and the war on terrorism for fiscal year 2004 to be made available in allotments and in accordance with certain reporting requirements; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SHAYS):

H.R. 3133. A bill to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment by affording them discretion as to whether or not to implement new source review revisions promulgated by the Environmental Protection Agency on August 27, 2003; to the Committee on Energy and Commerce.

By Mr. WALSH (for himself, Mr. JONES of North Carolina, Mr. LIPINSKI, Mr. GILLMOR, Mr. LaTOURETTE, Mr. UPTON, Mr. QUINN, Mr. GOODE, Ms. KAPTUR, and Mr. CARSON of Oklahoma):

H.R. 3134. A bill to amend title 10, United States Code, and title III of the Federal Property and Administrative Services Act to require certain prospective government contractors to employ at least 50 percent of their employees in the United States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 3135. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER (for himself and Mr. RANGEL):

H.R. 3136. A bill to amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 3137. A bill to prohibit assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, and Syria; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. STENHOLM, Mr. ROGERS of Michigan, Mr. HILL, Mr. GREEN of Wisconsin, and Mr. HINOJOSA):

H. Con. Res. 285. Concurrent resolution expressing the concern of the Congress regarding the detrimental impact on the United States economy of the manipulation by foreign governments of their currencies; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H. Con. Res. 286. Concurrent resolution congratulating Fort Detrick on 60 years of service to the United States; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BEREUTER, and Mr. WEXLER):

H. Res. 372. A resolution expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mrs. CAPITO):

H. Res. 373. A resolution expressing the sense of Congress with respect to the Women's United Soccer Association; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BARTLETT of Maryland, Mr. BURGESS, and Mr. OTTER.

H.R. 290: Mr. SANDERS, Mr. CANTOR, and Mr. ROSS.

H.R. 299: Mr. HINCHEY.

H.R. 303: Mr. LATHAM.

H.R. 331: Mrs. CAPITO.

H.R. 339: Ms. PRYCE of Ohio, Mr. SAXTON, Mr. TOWNS, Mr. HENSARLING, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. SIMMONS, Mr. RYAN of Wisconsin, Mr. PETRI, Mr. KNOLLENBERG, Mr. McINNIS, Mr. SHAW, and Mrs. EMERSON.

H.R. 369: Ms. PRYCE of Ohio and Mr. COSTELLO.

H.R. 371: Mr. ROGERS of Alabama and Mr. GOODE.

H.R. 391: Ms. GINNY BROWN-WAITE of Florida.

H.R. 490: Mr. DeFAZIO.

H.R. 548: Mr. SMITH of Texas and Mr. RUPPERSBERGER.

H.R. 571: Mrs. MUSGRAVE, Mrs. NORTHUP, Ms. JACKSON-LEE of Texas, and Mr. GALLEGLY.

H.R. 673: Mr. JENKINS.

H.R. 677: Ms. LINDA T. SÁNCHEZ of California, and Mr. MATSUI.

H.R. 687: Mr. LATHAM, Mr. SHIMKUS, and Mr. TURNER of Ohio.

H.R. 728: Mr. McINNIS.

H.R. 742: Mr. CRAMER, and Mr. HOSTETTLER.

H.R. 745: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 785: Mr. CASE, Mrs. MUSGRAVE, Mr. PRICE of North Carolina, Mr. MARSHALL, Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. GOODE.

H.R. 791: Mr. McCRERY, Mr. FOLEY, Mr. DOOLITTLE, and Mr. VITTER.

H.R. 819: Mr. CALVERT.

H.R. 833: Mr. PLATTS and Mr. BOYD.

H.R. 834: Mrs. CAPITO and Mr. CLAY.

H.R. 837: Mr. NUSSLE.

H.R. 839: Mr. MENENDEZ and Mr. STENHOLM.

H.R. 844: Mr. DOGGETT and Mr. ISRAEL.

H.R. 870: Mr. UPTON, Mr. BLUNT, Mr. MICA, and Mr. BISHOP of Georgia.

H.R. 872: Mr. COLLINS and Mr. TAYLOR of North Carolina.

H.R. 876: Mr. BARTON of Texas, Mr. MATHESON, Mr. NUSSLE, Mr. KING of Iowa, and Mrs. TAUSCHER.

H.R. 969: Mr. FROST.

H.R. 1005: Mr. MATHESON.

H.R. 1078: Ms. SLAUGHTER.

H.R. 1093: Mr. SCHIFF.

H.R. 1102: Mr. TURNER of Texas.

H.R. 1105: Mr. KLECZKA and Mr. BRADY of Pennsylvania.

H.R. 1108: Mr. STARK.

H.R. 1117: Mr. McCOTTER.

H.R. 1151: Mr. BLUMENAUER.

H.R. 1155: Mr. BACHUS and Mr. GERLACH.

H.R. 1162: Mr. LANTOS.

H.R. 1205: Mr. SANDERS.

H.R. 1207: Mr. McNULTY.

H.R. 1306: Mr. ISRAEL.

H.R. 1359: Mr. GUTIERREZ.

H.R. 1421: Ms. SLAUGHTER.

H.R. 1422: Ms. BERKLEY.

H.R. 1430: Ms. KILPATRICK, Ms. BERKLEY, and Mr. MATSUI.

H.R. 1448: Mr. GUTIERREZ.

H.R. 1472: Mr. HOEFFEL.

H.R. 1478: Mr. UDALL of Colorado.

H.R. 1500: Mr. NETHERCUTT.

H.R. 1501: Ms. McCOLLUM, Mr. HONDA, Mr. LANTOS, Mrs. TAUSCHER, and Mr. STARK.

H.R. 1508: Mr. WEINER and Mr. PASTOR.

H.R. 1513: Mr. MICHAUD.

H.R. 1551: Mrs. LOWEY.

H.R. 1626: Mr. JENKINS.

H.R. 1634: Mr. UDALL of New Mexico and Mr. MILLER of North Carolina.

H.R. 1689: Mr. MEEKS of New York.

H.R. 1708: Mr. HALL, Mr. STENHOLM, and Mr. HONDA.

H.R. 1726: Mr. ACKERMAN, Mr. CALVERT, and Mr. McGOVERN.

H.R. 1738: Mr. RAHALL.

H.R. 1752: Mr. SANDERS.

H.R. 1760: Mr. ANDREWS, Mr. FALEOMAVAEGA, Mr. McGOVERN, Ms. LINDA T. SÁNCHEZ of California, Mr. WEXLER, Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, Mr. STARK, and Mrs. JONES of Ohio.

H.R. 1784: Mr. SOUDER and Mr. DOGGETT.

H.R. 1828: Mr. CHABOT, Mr. ROYCE, and Mr. CUMMINGS.

H.R. 1892: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. WEXLER.

H.R. 1900: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. KIRK, Mr. ALLEN, Mr.

Crowley, Mr. Doggett, Mr. Engel, Mr. Fossella, Mr. Hayworth, Mr. Kleczka, Mr. Lynch, Mr. Rogers of Kentucky, Mr. Quinn, Mr. Stark, Mr. Walsh, Mr. Gonzalez, Ms. Pelosi, Mr. Pastor, Mr. Hinojosa, Ms. Solis, Mr. Ortiz, Mr. Deutsch, Mr. Baker, Mrs. Napolitano, Mr. Menendez, Mr. Chabot, Mr. Reyes, Mr. Shimkus, Mr. Boswell, Mr. John, Mr. Mollohan, Mr. Taylor of Mississippi, Mr. Bass, Mr. Edwards, Mr. Foley, Mr. Hoeffel, Ms. Kaptur, Mr. Murtha, Mr. Honda, Mr. Hulshof, Mr. Van Hollen, Mr. Weldon of Pennsylvania, Mr. Camp, Mr. Collins, Mr. Kildee, Mr. Sam Johnson of Texas, Mr. Saxton, Mr. Sessions, Mr. Stupak, Mr. Brady of Texas, Mr. Burns, Mr. Osborne, Mr. Sullivan, Mr. Kline, Mr. Doolittle, Mr. King of Iowa, Mr. Boozman, Mr. Nethercutt, Mr. Bonilla, Mr. Simmons, Mr. Boehner, Mrs. Miller of Michigan, Mr. Shuster, Ms. Harris, Mr. Rogers of Michigan, Mr. Cantor, Mr. Porter, Mr. Rogers of Alabama, Mr. Gerlach, Mr. Barrett of South Carolina, and Mr. Inslee.

H.R. 1914: Mr. McKeon, Mr. Hoekstra, Mr. LaTourette, Mr. Rehberg, Ms. Ros-Lehtinen, Mr. Shuster, Mr. Tiberi, Mr. Osborne, Mr. Porter, Mr. Thornberry, Mr. Tiahrt, Mr. Cunningham, Ms. Ginny Brown-Waite of Florida, Mr. Boozman, Mr. Gingrey, Mr. Kennedy of Minnesota, and Mr. Linder.

H.R. 1934: Mr. Van Hollen.

H.R. 1943: Mr. Toomey, Mr. Shuster, Mr. Weldon of Pennsylvania, Mr. Murphy, Mr. Greenwood, Mr. Kind, and Mr. Aderholt.

H.R. 1951: Mr. Udall of New Mexico and Mr. Van Hollen.

H.R. 1958: Mr. Capuano.

H.R. 2034: Mr. Saxton, Mr. Towns, Ms. Berkley, Mr. Simmons, and Mr. Gallegly.

H.R. 2094: Mr. Gallegly.

H.R. 2118: Mr. Sandlin, Mrs. Biggert, Mr. Collins, Mr. Berry, Ms. Dunn, and Mr. Lewis of Georgia.

H.R. 2178: Mr. Hayworth.

H.R. 2182: Ms. Linda T. Sánchez of California and Mr. Green of Texas.

H.R. 2246: Mr. Moore and Mr. Bishop of New York.

H.R. 2256: Mr. Holt.

H.R. 2295: Mr. Holden.

H.R. 2314: Mr. Serrano, Mr. George Miller of California, Mr. Payne, and Mr. Frost.

H.R. 2321: Mr. Grijalva.

H.R. 2329: Mr. Filner.

H.R. 2371: Mr. Kucinich, Mr. Michaud, Mr. George Miller of California, Mr. Stark, Ms. Norton, Mr. Lantos, and Mr. Grijalva.

H.R. 2385: Mr. Bishop of Utah.

H.R. 2394: Ms. Corrine Brown of Florida, Mr. Ford, Ms. Linda T. Sánchez of California, Mr. Udall of New Mexico, and Mr. Cooper.

H.R. 2418: Mr. Rangel and Mr. Kucinich.

H.R. 2470: Mr. Cummings and Mr. Andrews.

H.R. 2494: Mr. Clyburn.

H.R. 2510: Mr. George Miller of California, Mr. Waxman, Mr. Becerra, Mr. Lantos, Ms. Millender-McDonald, Mrs. Tauscher, Mr. Matsui, Mr. Berman, Mr. Cardoza, Mr. Pombo, Ms. Harman, Ms. Loretta Sanchez of California, Mr. Filner, Mr. Stark, Ms. Lofgren, Ms. Eshoo, Ms. Watson, Ms. Solis, Mr. Farr, Mrs. Capps, Mr. Honda, Ms. Roybal-Allard, Mr. Baca, Mr. Thompson of California, Mr. Schiff, Mr. Dooley of California, Mr. Dreier, Mrs. Napolitano, Ms. Linda T. Sánchez of California, Ms. Woolsey, Mr. Sherman, Mrs. Davis of California, Ms. Pelosi, Mr. Doolittle, and Ms. Waters.

H.R. 2553: Mr. Ruppersberger and Ms. Linda T. Sánchez of California.

H.R. 2577: Mr. Bonilla.

H.R. 2579: Mr. Hulshof, Mr. Jenkins, Ms. Slaughter, and Mr. Filner.

H.R. 2632: Mr. Ford and Mr. Pascrell.

H.R. 2665: Mr. Holden.

H.R. 2670: Mr. Hinchey.

H.R. 2702: Mr. Wexler and Ms. Woolsey.

H.R. 2703: Mr. Greenwood, Mr. Platts, and Mr. Hoeffel.

H.R. 2704: Mr. Greenwood, Mr. Platts, and Mr. Hoeffel.

H.R. 2705: Mr. Boucher.

H.R. 2719: Mr. Jefferson, Mr. Bonner, Ms. Kaptur, Mr. Green of Texas, Mr. Holden, Mr. Ballenger, Mr. Thompson of California, Mr. George Miller of California, Mrs. Jones of Ohio, Ms. Lofgren, Mr. Baird, and Mr. Smith of New Jersey.

H.R. 2720: Ms. Kaptur, Mr. Gutierrez, and Mr. Doggett.

H.R. 2722: Ms. Hart.

H.R. 2724: Mr. Grijalva and Ms. Norton.

H.R. 2759: Mr. Holden, Mr. Kennedy of Rhode Island, Mr. Dooley of California, and Ms. Corrine Brown of Florida.

H.R. 2768: Mrs. Lowey, Mr. Nadler, Mr. Lynch, Mrs. Cubin, Ms. Velázquez, and Mr. Udall of New Mexico.

H.R. 2830: Mr. McHugh and Mr. Quinn.

H.R. 2839: Mr. English and Mr. Hayes.

H.R. 2843: Mr. Hastings of Florida.

H.R. 2850: Mr. Schiff.

H.R. 2871: Mr. Platts.

H.R. 2885: Mr. Kingston, Mr. Platts, and Mr. Beauprez.

H.R. 2898: Mrs. Wilson of New Mexico.

H.R. 2902: Mr. Beauprez, Mr. Hefley, and Mr. Kind.

H.R. 2903: Mr. Beauprez, Mr. Hefley, and Mr. Kind.

H.R. 2906: Mr. Bishop of Utah.

H.R. 2924: Mr. Peterson of Minnesota.

H.R. 2928: Mr. DeFazio, Mrs. Kelly, Mr. Shuster, and Mr. Ackerman.

H.R. 2978: Mr. Graves, Mr. Sandlin, Mr. McHugh, Mr. Rehberg, Mr. Paul, and Mr. Scott of Georgia.

H.R. 2998: Mr. Emanuel, Mr. Lipinski, Mr. Brown of Ohio, Mr. Strickland, Mr. Snyder, Mr. Franks of Arizona, Mrs. Johnson of Connecticut, Mr. Ney, Mrs. Lowey, Ms. Woolsey, Mr. Osborne, Mr. George Miller of California, and Mr. Baker.

H.R. 3002: Mr. Isakson.

H.R. 3004: Ms. DeLauro.

H.R. 3011: Mr. Doolittle, Mr. Matsui, Mr. Honda, Ms. Lofgren, Mr. Dreier, Mrs. Napolitano, Ms. Linda T. Sánchez of California, Mrs. Bono, Mr. George Miller of California, Mr. Nunes, Mr. Radanovich, Mrs. Davis of California, Mr. Farr, Mr. Filner, Mr. Dooley of California, Ms. Loretta Sanchez of California, Mr. Issa, Mr. Cox, Mr. Gary G. Miller of California, Mr. Sherman, Mr. Rohrabacher, Mrs. Tauscher, and Mr. Royce.

H.R. 3015: Mr. Ramstad, Mr. Jefferson, Mr. Wexler, Mr. Sandlin, Mr. Nethercutt, Mr. Vitter, Mrs. Napolitano, Mr. Weldon of Florida, and Mr. Kildee.

H.R. 3042: Mr. English.

H.R. 3054: Ms. Norton and Mr. Schiff.

H.R. 3061: Mr. Deutsch and Mr. Wexler.

H.R. 3078: Mr. Berman, Mr. Nadler, Mr. Davis of Illinois, Mr. Brown of Ohio, Mr. Baca, Mr. Stark, and Mr. Rodriguez.

H.R. 3079: Mr. Cantor, Mr. Foley, and Mr. Feeney.

H.R. 3083: Mrs. Cubin.

H.R. 3099: Mr. Delahunt, Mr. Lantos, Mr. Grijalva, Mr. Marshall, and Mr. Hastings of Florida.

H.J. Res. 46: Mr. Cole, Mr. English, and Mr. Lucas of Oklahoma.

H.J. Res. 62: Mr. Rothman.

H. Con. Res. 56: Mr. Frost and Mr. Kind.

H. Con. Res. 155: Ms. Linda T. Sánchez of California.

H. Con. Res. 165: Ms. Linda T. Sánchez of California, Mr. Stark, and Mr. Frank of Massachusetts.

H. Con. Res. 176: Ms. Lofgren.

H. Con. Res. 194: Ms. Eshoo and Mr. Schiff.

H. Con. Res. 196: Mr. Stark and Ms. Slaughter.

H. Con. Res. 240: Mr. Engel, Mr. Owens, and Mrs. Tauscher.

H. Con. Res. 254: Mr. Lipinski and Mr. Kleczka.

H. Con. Res. 267: Mr. Brown of Ohio.

H. Con. Res. 269: Ms. Schakowsky, Ms. Lee, Mr. Kucinich, Mr. Payne, Mr. Sanders, and Mr. Crowley.

H. Con. Res. 280: Mr. Baker, Mr. Quinn, Mr. Simmons, Mr. Gary G. Miller of California, and Mr. Brown of South Carolina.

H. Res. 60: Mrs. Biggert and Mr. Smith of Washington.

H. Res. 157: Mr. Stark and Mr. Farr.

H. Res. 300: Mr. Hall and Mr. Beauprez.

H. Res. 355: Mr. Isakson.

H. Res. 357: Mrs. Miller of Michigan, Mr. Calvert, Mr. Carson of Oklahoma, Mr. Lewis of California, Mr. Wicker, Mr. Hayworth, Mr. Schrock, Mr. Waxman, Mr. Costello, Mrs. Musgrave, Mr. Weldon of Pennsylvania, and Ms. Granger.

H. Res. 362: Mr. Etheridge, Mr. Otter, Mr. Putnam, Mr. Gilchrest, Mr. Boucher, Mr. Gordon, Mr. Tiberi, Mr. Strickland, Mr. Bartlett of Maryland, Mr. Oberstar, Mr. Terry, Mr. Quinn, Mr. Coble, Mr. Boyd, Mr. Weller, Mr. Upton, Mr. Green of Wisconsin, Mr. Abercrombie, Mr. Holden, Mr. Bishop of Georgia, and Mr. Burns.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. Akin and Mrs. Musgrave.

H. Res. 367: Mr. Walsh.

SENATE—*Wednesday, September 17, 2003*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, ruler of all nature, enlist our strength today to make a good and just world. Give us moral courage that will produce clear thinking and clean living. Stimulate our minds so that our affections will reside in heavenly places. Lord, lead us so surely that one day we may stand before You unashamed. Give Your Senators today fresh vigor to meet the challenges of our time. Give them Your wisdom to choose the hard right. May we never think of You as absent from our world. We pray in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will resume consideration of the House message accompanying S. 3, the partial-birth abortion ban bill. The Senate will continue that debate until 10:30 this morning. At 10:30, the Senate will begin consideration of the Interior appropriations bill. Amendments are expected on that legislation. Therefore, rollcall votes will occur throughout the day.

In addition, the Senate may consider judicial nominations that are on the Executive Calendar cleared for action. Therefore, if necessary, rollcall votes will be scheduled on those nominations throughout the day as well.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

> Message from the House of Representatives to accompany S. 3, an act to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from California, Mrs. BOXER, or their designees.

The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank my colleague for agreeing to a time split this morning where I will speak for 30 minutes and, at the end of that time, Senator SANTORUM will speak for 30 minutes, and then we each expect to have other Senators speaking. We will figure out at that point how to divide the time.

We are here this morning because there is a strong disagreement between the House and the Senate on the issue of Roe v. Wade, a Supreme Court decision that occurred in 1973 which ruled that it was unconstitutional to take away a woman's right to choose and that found a privacy right in the Constitution.

The Senate has gone on record several times supporting the Roe decision. In S. 3, the bill that was brought to us by the Senator from Pennsylvania and others, which for the first time banned an approved medical procedure—the first time ever—without a health exception, Senator HARKIN added an amendment to support Roe. I will show you what that amendment was and what the debate is about.

Senator HARKIN's language in S. 3 that was disagreed to by the House is the following:

> It is the sense of the Senate that—
>
> (1) the decision of the Supreme Court in Roe v. Wade—

And it cites the ruling—

> was appropriate and secures an important right; and
>
> (2) such decisions should not be overturned.

This is the simple language that the Senator from Iowa, who spoke quite eloquently last night, made part of S. 3.

The Senate had a debate about the Harkin amendment. It was an extensive debate about why it is important that a woman's right to choose remain the law of the land, why it is important that the Court not overturn it.

The House, which says it very much wants to ban the procedure that is banned in S. 3 without a health exception, could have simply taken the Senate bill and sent it off to the President, and we would have had the argument about this underlying bill in the Supreme Court, where it is going to go, by the way, where I believe it will be ruled unconstitutional because the centerpiece of Roe is that a woman's health and life must always be protected.

Let's look at the language in Roe which provides for the woman's health to always be protected and why, to those of us who believe Roe v. Wade was rightly decided, it is so important.

The important point about Roe, which people sometimes don't get, is that it is a very modest decision, a very moderate decision. It balances all the interests in a way that is fair. It says that in the early stages of a pregnancy, a woman has a right to decide whether to carry this child to term. She makes that decision after searching her soul, talking to her family, her doctor, her God.

Guess what. Government isn't in the picture, Senators are not in the picture, Congresspeople are not in the picture, Senator BOXER is not in the picture, when a woman is making this decision. Neither is Senator SANTORUM nor Senator FRIST nor Senator STEVENS nor Senator DASCHLE. As far as this Senator is concerned—and I represent the largest State in the Union—that is the way it should be.

I support everyone making their own decision as Roe states they should have the right to do in the early stages of a pregnancy. In the late stages of a pregnancy, after viability—that is when a fetus can live outside the womb—this is what the Court said in Roe:

> The State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe—

Meaning ban—

> abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

It is a very sensible law. After viability, any State in the Union can ban abortion but always making an exception for the life and health of a woman.

We have a decision, that I believe was very carefully thought out, that balances everyone's views, or let's say the majority of views, and indeed the majority of the people support Roe. In my particular State, it is overwhelming, but it is a strong majority across the country.

Here is why it is so important. I guess my colleagues said: Why is Senator BOXER having us vote to disagree with what the House did? The House tossed out the support of Roe in S. 3 and said: We don't want it. Therefore, the two bodies will go to conference.

Why do I want to take the time and have a debate about Roe? First of all, it is a very serious worry to many people in this country that with the Supreme Court at roughly a 5-to-4 vote on Roe, we could lose this right, and with the Senate now only having 52, 53, or 54 people in favor of Roe, which is diminishing, this is a problem. With the House anti-choice, this is a problem. They believe that making sure people understand what Roe actually did, what the decision actually did, is very important. So I think for that reason, to remind all of us what Roe v. Wade actually said and actually did, it is important.

The other reason is, the underlying bill goes completely against Roe. Why? Because Roe v. Wade said, yes, the State—meaning the Government—can even go so far as banning abortion but always having an exception for the life and health of the mother. This bill makes no exception for the health of the mother.

Now, why is this important? What could happen to a woman if she cannot have the particular procedure that is being banned, as Members of the Senate and the House play doctor, and for the first time decide that they are going to outlaw a procedure?

Let us look at what could happen to a woman's health. The night before last I put in documentation, letters, that laid out these problems. This is what doctors tell us could happen if the procedure that is banned in this bill cannot be used to save the health of a woman. I want everyone to think about whether they want their wife, their daughter, their sister, their friend, their aunt, or anyone else they love to go through this.

A woman might have a hemorrhage, a hemorrhage that could get worse and worse and could lead to serious, long-term damage. Her uterus could rupture, meaning she may well never have another child. She could get blood clots, and everyone knows how serious that is. She could have an embolism, a stroke, damage to nearby organs, even paralysis. This is what doctors tell us.

We do not have one OB/GYN in the Senate. The OB/GYNs tell us these are the things that could happen if a safe procedure that is recognized is not available to a woman, and yet this bill, S. 3, bans this procedure, does not give a whit about this in the end because there is no health exception. Believe me, my colleagues tried to offer very tight health exceptions and oh, no, the other side would not give an inch—no health exception.

This is what could happen to a woman, and the only saving grace of S. 3 is that it has the Roe language in it that we support in Roe. What does that say? It says to the Supreme Court across the street that even though the Senate passed S. 3 and banned a procedure, it also at the same time said, do not overturn Roe. Roe has a clear statement that the health of the mother must always be protected.

I hope everyone on the other side votes for this. I have heard it is possible because there is a technicality here. If this amendment or this motion to disagree goes down, then there will be no conference and the bill cannot go forward. I hope all my colleagues on the other side vote for this, I really do, because I want a strong signal to go out that this Senate disagreed with what the House did when they said strip out the Roe language.

If everyone on the other side, or a lot of my colleagues on the other side, vote with us and we get a strong vote, that sends a message to the conferees that most of the people wanted to keep the Roe language. I trust they will come back after conference with the Roe language. Send this bill into conference with a strong vote for Roe, and we expect Roe will come back in the bill.

I think it is important to look at what happened before Roe so I am going to read a couple of statements. Dr. Douglas Black, Concord, NH, was then—pre-Roe, pre-1973—an OB/GYN. He did his specialty training in New York City from 1959 to 1963. During that time he saw hundreds of botched back-alley abortions, and many women died. But that was only the tip of the iceberg. For every one woman who died, there were many others who were rendered pelvic cripples. He said it was not a pretty sight, and he remembers doing hysterectomies on 13-year-old girls. Also, he and others were often unable to treat women until the women told police where they had gotten the abortion.

Dr. Black says:

> I can vividly remember pot-bellied, cigar-chomping detectives picking on some young, very sick kid, bleeding excessively, with shaking chills of fever and a high temperature.

That is what it was like pre-Roe. That is why Senator **HARKIN** offered this amendment. That is why the Senate voted for it and that is why we disagree with the House stripping out this amendment supporting Roe.

Let me read another one. This one is from Philadelphia, PA, Dr. Louis Gerstley. Dr. Gerstley has been an obstetrician and gynecologist since the early 1950s. From 1956 through 1967, he worked at the Philadelphia General Hospital, where a 32-bed ward was kept purely for the end results of badly botched abortions. Imagine that, they had beds set aside for women who had to go to the back alleys and sneak and pass dollar bills across a table to some back-alley abortionist. The beds were constantly filled, and Dr. Gerstley saw women who were sick, who were dying, and who died.

He remembers one 22-year-old woman in particular who came into the ward suffering from septic shock from a botched abortion. He and others worked on her for 6 hours and finally decided to give her a hysterectomy to save her life. The procedure was performed without anesthesia because she had no blood pressure and no pulse. The patient died. Dr. Gerstley has said:

> I never want to see that again.

He opposes the criminalization of abortion. That is why we are here, because we want a strong vote going into conference that Roe v. Wade should not be reversed.

Let us look at Senator **HARKIN**'s language again. It is very temperate, very clear, and very important. It is worth a debate. I appreciate the fact that we have a debate about Roe.

> It is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right; and such decisions should not be overturned.

It is very simple, very elegant.

We do not want back-alley people, who are not doctors, who are not trained, to touch a young girl in trouble, or anyone who deserves to have their health protected. Their health must be protected. That is why Roe is so important.

Dr. Robert Prince from Dallas, TX, has been an OB/GYN since 1958. At the end of his third year of medicine, he did a research fellowship in Nashville, TN. One of his duties was to perform autopsies. Since abortions were illegal, any death attributed to an abortion required an autopsy. In his own words:

> My first case was that of a 20-year-old college student, who had been brought into the emergency room by her boyfriend for vaginal bleeding. She had gone to a nurse's aide, who had attempted to place a catheter in the cervix to effect an abortion. A vital blood vessel was damaged, and the patient was in shock when she arrived at the emergency room. . . . In a clinic setting, this patient would have survived in spite of the injury . . . if abortions were legal, she would have survived. How often did this happen in the pre-Roe years? Multiply the scenario by a thousand.

Rollyn Carlson, Austin, TX, was 20 years old in the summer of 1971 and pregnant. She decided to have an abortion and found an office in Mexico on the other side of the Texas border. After the abortion, she bled heavily and ran a high fever for 3 days. She was one of the lucky ones. She married and had two children. She now has a teenage daughter and is concerned about her. What if she got pregnant? What if she needed an abortion? Rollyn worries that if abortion is illegal, her daughter would have to have an illegal abortion and could die.

Here is the point. People in our country can make their own decisions in a personal, private, difficult moral, sometimes religious, decision. Some will decide to have the child, to keep the child, to love the child. Some will decide to put the child up for adoption. Some will decide to have a legal abortion in the early stages.

Under Roe v. Wade, if a person waits until the end, that is a time when the State can step in, always, and say, no—but always protecting the health and the life of the woman. Again, that is why Roe is so important. That is why being pro-choice is so important, because it says that I respect you. I will do anything I can to protect your right to decide however you want to decide. I will not force you to decide the way I want you to decide.

I wasn't elected to be God. I am a Senator. I was elected to respect you and respect your freedom and to pass laws that balance your rights with other rights. Roe v. Wade was that type of decision. It is very important that it not be overturned. It is very important that it be part of this law that is in front of us because the law that is in front of us makes an exception for the health of a woman.

If we have the Roe language, we are sending a signal that, yes, a majority wants to ban this procedure. They couldn't get the votes to have an exception for health, but we still support Roe. That is why this is important. This is not some technical matter that we voice vote. This is a moment in time where we can discuss and debate the wisdom of the Harkin amendment, which is very clear and simply says Roe is important.

I want to read this. Some of the stories are very hard. This woman's name is Romanita, from Pittsburgh, Pa. Romanita married and had three children, one, her daughter Norma, with spinal bifida. Her husband was a heroin addict and had left the home. One day he showed up and he raped her. He then disappeared and she found that she was pregnant. She sought an illegal abortion and experienced bleeding for 2 weeks. She lived to tell the tale.

Again, our being here is not frivolous. I hope the other side will not paint it as such. We have so many issues facing our country today that are so important. We have an economy that has lost 3 million jobs in the last couple of years. We have deficits as far as the eye can see. We have to deal with that. We have environmental laws that have been rolled back. We have to deal with that. We have our young men and women in Iraq in terrible danger, without much help from the international community, unfortunately. We have a request for $87 billion. We have to deal with that. We have to work that out in a way that protects the troops and yet makes sure we have some kind of exit strategy and we are not turning our back on the needs of our own people. We want to make sure procurement reform is done, so when Iraq is rebuilt it is done in a way that is fair.

All those issues are before us. I don't come to the floor in a frivolous manner because I am working on all those issues. I have an important hearing today that involves a big industry in my State that is in some kind of trouble. We are having a hearing about that. So, no, I have come here early in the morning because I want to make the case to my colleagues as to why we are calling for a vote on this issue of Roe v. Wade. We are asking our colleagues to strongly disagree with what the House did when they stripped out the Harkin language. We want to send a strong message—hopefully, a very large number of votes will come our way on this one—to the conferees: Keep the Harkin language in the bill, please. We know we differ with the House. But we are right on this one.

I thank you, Mr. President, and I thank my colleague from Pennsylvania for being so gracious as to allow me to open this debate. I know he will have a vigorous dissent, and I respect that. I suspect we will dissent on this matter many times in the future if we are both here to be able to do that. Of course that is up to the people of our States.

I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Pennsylvania.

Mr. SANTORUM. I would like to ask a question of the Senator from California. I know she has to leave, so I will not take long. The Senator from California and the Senator from Iowa for the last few days have been using the figure 5,000 women a year who died from abortion prior to Roe v. Wade. I have before me, which I will enter into the RECORD, a chart titled "Maternal Mortality, Vital Statistics of the United States, 1942 to 1974." This chart tracks the total maternal deaths in the country and total abortion deaths in the country.

I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 2.—MATERNAL MORTALITY: VITAL STATISTICS OF THE UNITED STATES, 1942–1974*

Year	Total abortion deaths			Other maternal deaths			Total maternal deaths		
	White	Non-White	Total	White	Non-White	Total	White	Non-White	Total
1942	917	314	1 231	4,598	1.438	6.036	5,515	1,752	7.267
1943	853	312	1.165	4,610	1,422	6,032	5,463	1,734	7,197
1944	695	201	986	3,953	1,421	5,473	4,468	1,622	6,369
1945	602	286	888	3,520	1,260	4,780	4,122	1,546	5,668
1946	535	225	760	3,272	1.121	4,493	3,807	1,346	5,253
1947	385	200	585	3,170	1.223	4,393	3,555	1,423	4,978
1948	321	175	496	2,432	1,194	3,626	2,753	1,369	4,122
1949	236	158	394	1,863	959	2,822	2,099	1,117	3,216
1950	193	123	316	1,680	964	2,644	1,873	1,087	2,960
1951	170	133	303	1,608	901	2,509	1,778	1,034	2,812
1952	196	124	320	1,428	862	2,290	1,624	986	2,610
1953	162	132	294	1,317	774	2,091	1,479	906	2,385
1954	156	131	287	1.124	694	1,818	1.280	825	2.105
1955	150	116	266	984	651	1,635	1,134	767	1,901
1956	138	83	221	880	601	1,481	1,081	684	1,702
1957	126	134	260	871	615	1,486	997	749	1,746
1958	136	123	259	802	520	1,322	938	643	1,581
1959	138	146	284	789	515	1,304	927	661	1,588
1960	147	142	289	789	501	1,290	936	643	1,579
1961	163	161	324	734	515	1,249	897	676	1,573
1962[1]	149	148	305	658	467	1,160	807	615	1,465
1963[1]	161	107	280	636	512	1,186	797	619	1,466
1964	117	130	247	634	462	1,096	751	592	1,343
1965	106	129	235	550	404	954	656	533	1,189
1966	96	93	189	509	351	860	605	444	1,049
1967	76	84	160	495	332	827	571	416	987
1968	58	75	133	426	300	726	484	375	859
1969	65	67	132	398	271	669	463	338	801
1970	57	71	128	388	287	675	445	358	803
1971	43	56	99	337	232	569	380	288	668
1972	38	32	[2] 70(83)	342	200	542	380	232	612
1973	15	21	[2] 36(51)	259	182	441	274	203	477
1974	13	14	[2] 27(47)	244	191	435	257	205	462
1975					Not yet available				

*Statistics in Table 2 are published by the National Center for Health Statistics (NCHS) of the Department of HEW in Vital Statistics of the United States, Part II—Mortality. These figures are derived from death certificates.

[1] In 1962 and 1963 New Jersey did not report race classification. The white and non-white figures do not include the state of New Jersey, but the totals for each category do.

[2] Beginning in 1972 CDC in Atlanta has kept records on abortion-related maternal mortality (figures in parentheses). The CDC figures are slightly higher because of special investigative work into particular cases and causes. For the years 1972, 1973, and 1974 these figures are subdivided into legal at, respectively, 21, 24 and 23; illegal at 40, 19 and 6; and spontaneous at 22, 8, 18. See CDC Abortion Surveillance, 1973, Figure 6; CDC Abortion Surveillance, 1974 (in press).

Mr. SANTORUM. In the year prior to Roe v. Wade, 1972, the total maternal deaths in the United States—total maternal deaths from all causes—was 612. According to the Centers for Disease Control, the total abortion-related deaths were 83. So I ask the Senator from California how they can continue to use the number 5,000, when the official statistics of the United States say the total number of maternal deaths in the country were 612, and those related to abortion were 83?

Mrs. BOXER. Let me say to my friend, one death is too many, if it is your wife. We could debate the numbers. I gave you cases, cases, cases here. A woman who was raped and had to go get an illegal abortion. I have so many more of these.

I have the data and I have the sources. I will, before the end of the morning, have them printed in the RECORD. But, again, there are varying estimates. I have never heard the one, 83, as being a serious estimate.

Be that as it may, Roe v. Wade says that you always protect the life and health of a woman. That is a basic disagreement you and I have.

Mr. SANTORUM. I appreciate the basic disagreement. I think we are allowed to disagree on our opinions. We are not allowed to argue and disagree with the facts. The facts are what they are. This is from the Centers for Disease Control. These are numbers out of the abstract. I will be happy to give them to the Senator. But these are from the National Center for Health Statistics of the Department of HEW. This was in 1975, so that is from the Department of Health, Education and Welfare at the time. These were the official statistics of the United States.

Again, I am not challenging the remarks of the Senator that every life is important. But I think presenting accurate evidence is also important if we are going to have a discussion about what the case was. Let's look at the case of abortion-related deaths. In 1942 there were 1,231; total maternal deaths were 7,267. Every single year, without fail, every single year, the total number of maternal deaths went down because medicine improved. The total number of abortion-related deaths went down. Why? Every year, I believe, without fail—there are 1 or 2 years where it popped back up and dropped back down—it went down almost in a direct line and was continuing to go down. So the idea that Roe v. Wade is saving even—in 1973 there were 36. The bottom line is that very few—given the number of pregnancies that were occurring in those years—very few women died as a result of "botched" abortions. The idea that thousands and thousands were—well, I will quote for you Bernard Nathanson, who was an abortion doctor at that time. He says:

> How many deaths are we talking about when abortion was illegal? In NARAL [that's the National Abortion Rights Action League] we generally emphasize the drama of the individual case.

You heard the Senator from California come back when I said the statistics are wrong.

> We talk about the individual case, not the mass statistics. But when we spoke about the latter it was always 5,000 to 10,000 deaths a year. I confess I knew these figures were totally false and I suppose the others did too if they stopped to think about it. But in the morality of our revolution it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

The bottom line is we are making a policy decision based on, hopefully, factual evidence. I want to make that clear.

A couple of other things about what the Senator from California said and last night the Senator from Iowa said, that a majority of Americans support Roe v. Wade. Maybe if you asked the question, "Do you support Roe v. Wade?" a majority of Americans would say, "Yes, it is the law of the land." Most people, if it is the law, generally comply with the law and so most people say it is probably fine, although if you describe what the law is without saying it is Roe v. Wade and ask if they agree, you find that a majority of Americans do not agree with Roe v. Wade.

In fact, there was a study done a couple of months ago by the Center for the Advancement of Women. Faye Wattleton, a very well known abortion rights advocate, formerly affiliated with Planned Parenthood—I believe the head of Planned Parenthood—instituted a study this summer, and they asked the question about abortion to women—not to men, to women. They found that 17 percent of women in America—this is a pro-choice group—17 percent of women in America said abortion should be banned, period—never legal. Another 34 percent said it should be against the law except in the case of rape, incest, and life of the mother. If you add 17 and 34—I will get one of the pages to add that up for me—it is 51; 51 percent of American women are either against abortion, period, or only in the case of rape, incest, and life of the mother, which if you ask people in this Chamber if you are against abortion except in the case of rape, incest, and life of the mother, you are considered pro-life. Most people in this Chamber who are pro-life are for the exception of rape, incest, and life of the mother.

So the majority of American women, according to an abortion rights group—who, by the way, described the results of this as "disappointing"—don't agree with Roe v. Wade. A majority of American women do not agree.

Let me broaden that even further. They asked this question, as an option: It should be available but under stricter limits than now. In other words, it should be less available than Roe v. Wade allows. Add another 17 percent to that. Now we are up to 68 percent of women in this country who believe Roe v. Wade is wrong; 68 percent of women disagree with Roe v. Wade.

Now, the fourth category was: It should be generally available to those who want it. This is a very tricky thing. It should be generally available. It did not say, it should be what Roe v. Wade is, the law: It shall be available for any reason at any time. That is what Roe v. Wade is. This idea that this is a moderate, reasonable provision, Roe v. Wade, is nonsense.

Roe v. Wade and its subsequent decisions have established an absolute right to an abortion at any point in time. The Senator from California says the State can prohibit abortions, late-term abortions. I asked the Senator, and I have asked her more than once in these debates, and today—she has not provided any evidence—I asked her to give me one example where an abortion was stopped in this country under Roe v. Wade, an example where someone wanted an abortion and, because of the Supreme Court decisions, was barred. It does not happen. Why? The Senator says, well, there is this health exception that is very important. There always has to be a health exception.

Look at the Supreme Court cases that define what a health exception is. According to Doe v. Bolton, the companion case to Roe v. Wade, health means any health: Mental health, physical health, economic health, stress, distress. Anything that could possibly affect mental or physical health is a health exception.

What does that mean? This is an exception that swallows the rule. The health exception means that abortion is legal, period, up until the moment that the child is completely separated.

The point of the partial-birth abortion debate is the child is all but separated. The child is completely delivered except for the head. And you do not believe Roe v. Wade is extreme? Under Roe v. Wade, this Supreme Court said that 3 inches from separation still is covered by Roe v. Wade. At 38 weeks, 3 inches from being born, you can still kill your child.

It was interesting, when the Senator from California went through the different options a woman has. She said you can deliver your child and take it home, you can deliver your child and give it up for adoption, or you can terminate the pregnancy. She did not say—she used the term "child" in the first two instances, but in the third instance it is "terminated pregnancy," as if the child does not exist.

The third option is to kill your child. That is the option. It is very stark. It sounds rather cold, chilly, but it is.

In the extreme nature of Roe v. Wade, if really known by the American public, these numbers I have been reading would be even higher—this 30 percent that says it should be generally available.

If you ask the question, Should it be available for all circumstances at any time up to the moment of separation, including up to 39½ weeks, I daresay the number of people who would be supportive of Roe v. Wade, which is the law, would be in the very low double digits and, I would hope, single digits. But I don't know that. I have not seen any polling on that because no pollster asks the question of what the law really is. They put it in fuzzy terms to gather more people. But even with this fuzzy language, even written in a way for the pro-choice groups to get the best number they possibly can, two-thirds of the American people oppose Roe v. Wade.

I find it remarkable the Senator from Iowa last night got up and called my opposition to this extreme when two-thirds—I said of people, two-thirds of American women—say what the Senator from Iowa is doing is extreme, is wrong, is not what they believe. He does not represent them. His extreme views—and they are extreme, not by my definition, not by my morality, not by my theology, but looking at what the American public believes. Extreme means out of the mainstream, on the edge.

If you look at the polling data now on abortion, Roe v. Wade is on the edge; it is not where the American public is. One of the reasons for that, I happen to believe, is medical science. I saw a TV commercial the other day of what I think is called the 4-D sonogram, where you can actually see these 3- or 4-D images—I don't know what they are—but color images of a child in the womb. I saw an article in the paper talking about how they can see a baby in the womb smile and have facial expressions. It gave rise to a study or discussion as to whether children of the womb feel pain, or how much.

It is very hard for the American public—and I know this is a battle that people usually internalize, and most people do not talk about abortion—when they see those images, see this little baby in the womb. There is a commercial. It is a GE commercial, and I thank them for the courage to run the commercial. I know it was incredible the amount of heat they got. From whom? From these organizations that call themselves women's rights organizations, pressuring General Electric to pull the ad.

These are women's rights organizations that don't want women to know what is going on within their own body, but they are women's rights organizations. They want to hide facts from the very people they want to, "give rights to." They don't want them to see. They want to keep the deception to the very people whose rights they say they are protecting.

But General Electric, to their credit, kept the ad about this incredible new technology. At the end of the ad, you see this closeup of this baby in the womb—this little face—and then it dissolves into the face of the baby, subsequently, after the baby is born—the same face. It is not a different baby. It is not one baby in the womb and another baby in its mother's arms a couple months later. It is the same baby.

But the other side, the "women's rights" organizations, don't want you to know that. They don't want you to see that. They don't want you to understand what abortion is.

The reason I have been so passionate about the issue of partial-birth abortion is because, for a long time in this country, the whole debate about abortion was about the rights of women only—only. You never saw the baby because in an abortion, you do not see the baby. In partial-birth abortion, you cannot miss the baby. It is a baby. It is moving. This baby would otherwise be born alive because of the late-term nature of when these abortions are done. We are being called extreme because we do not want to allow a procedure which allows the baby—who would otherwise be born alive, who in 99 percent of the cases is healthy, with a healthy mother—to be delivered in a breach position, and have a pair of scissors thrust into the back of the baby's head, when they are literally inches away from being born? We are extreme if we want to stop that?

George Orwell, in 1984, could not have thought we could twist the English language so much that such horrendous actions would be twisted to somehow we would be the extremists in trying to defend the rights of these little children not to be treated in such a horrible fashion.

No. No. We are going to proceed. And we are going to proceed with this debate on the motion to disagree with House amendments. And I make a request of every one of my colleagues from both sides of the aisle to vote to disagree with the House amendment. Why? Because that is the way you get to conference.

This is a procedural motion. I never, in my 9 years, recall that we ever had a debate about what is strictly a procedural motion to go to conference. But some point is trying to be made, which, frankly, escapes me, that somehow if we vote for the disagreement, somehow we are arguing that we are for the Senate version versus the House version. What we are for is a bill that will be passed by both Chambers and signed by the President, and that will be the original contents of S. 3, which I suspect will pass here and pass, hopefully, by a very large margin.

I want to go through some of the points the Senator from California made. She talks about the medical evidence, and she put a chart up of all of the things that could go wrong with a woman in the cases of not having a partial-birth abortion available. I think we just need to review the facts. Again, you are entitled to your own opinion. You are not entitled to your own facts.

Five thousand people dying from abortion prior to Roe v. Wade a year—factually incorrect, unsupportable. We have people who were involved in the movement, as I commented earlier, who said they made up the number. Yet 30 years later, they are still using the number in spite of the National Center for Health Statistics, the Federal agency at the time that was responsible for keeping track of the number of maternal deaths, deaths of mothers due to abortion, saying—actually, there were two organizations. One was the Center for Disease Control. They said 83. They just began that year keeping track. And then the National Center for Health Statistics said 70. So somewhere between 70 and 83, not 5,000.

You are not entitled to your own facts to influence the decisionmaking of the American public or Members of Congress. If you are going to make your argument, you are entitled to your opinion. I can respect your opinion. A lot of people hold that opinion in this country, and it should be represented here, but it should be represented honestly. It should be an honest debate about what the case was before Roe v. Wade, and an honest debate as to what the case is now. I would argue that neither has been put forward by the other side.

They exaggerate claims of what was going on before. They minimize what is going on now. They minimize the real effects of Roe v. Wade. You never hear them talk about the 1.3 million abortions a year that go on. I am not talking about 5,000 or 83. I am talking about 1.3 million children die from abortion in this country—a third of all pregnancies; somewhat less than a third now. Thankfully, it has come down. But for roughly a third of all children conceived in this country, their lives end before they have a chance to enjoy the freedoms this country provides.

Last night, I had a discussion of how this country on this issue is out of whack, how we have put the liberty rights of a woman above the life rights of her child. As I said last night, the last time we did that in this country was back in the early 1800s. We put the liberty rights of the slave owner above the life rights of the slave.

I refer and have referred to the Roe v. Wade decision as Dred Scott II because it is the second time in the history of this country we have taken the fundamental premise of our country—the founding document of our country, the Declaration of Independence, which said, "We hold these truths to be self-evident"—back then we actually used very lofty terms such as "truths," absolute things that we all agreed on, the truth. They believed there was a truth and that you could actually find what that truth is.

We said: We hold these truths to be self-evident that all men are created equal—all—and that they are endowed by our Creator with certain inalienable rights. And they listed three—the three foundational rights upon which this country was founded—life, liberty, and the pursuit of happiness—not liberty, happiness, life; not happiness, life, liberty—life, liberty, happiness. Why? Because it sounded better? Life, liberty, pursuit of happiness sounds better than happiness, liberty, life? Is that why they did that? It sounded better? Jefferson was good at writing, and he just said: Boy, this sounds better. I will put life, liberty, pursuit of happiness. That sounds nice?

How many people think that is the reason they did it that way?

Of course not. He wrote it that way because that is the way you have to write it. You can't have happiness without freedom and liberty. How can you truly be happy, how can you truly pursue what God has called you to do in this life if you are not free to do it, if someone tells you what you must do or what you must say, what you must believe. Likewise, how can you be free, how can you have liberty if you are dead or the equivalent of dead in the case of the slave? They are there for a reason, and they are in that order for a reason. Roe v. Wade scrambles them, just like Dred Scott scrambled them. It was wrong then. It is wrong now. It was legal then. Why? Because the Supreme Court said so. It is legal now. Why? Because the Supreme Court said so.

Back then a bunch of people stood up on this very floor and said no. Millions of people across America said no. We had great leaders in our country, including President Lincoln, who said no. Remember the mainstream view was, who are we to tell others how they should live their life? Who are we? I am not God. How can I tell a slaveholder they can't do something they did in the Bible, own slaves? That has been the tradition of this country. Who am I to make those choices for other people? I trust them. I trust their judgment. I trust their morality. How dare you not trust these people that they are not treating these people kindly, that they aren't doing the right thing for them? How uneducated of you to feel that way.

Do these arguments have a somewhat familiar ring to them? It is the same debate. It is just as wrong. For it is our job here to say what is right and what is wrong. That is what laws are. Laws are the reflection of the collective morality of our country. Roe v. Wade was a usurpation of that collective morality. It was a hijacking of the collective morality of this country by nine Justices of the Supreme Court who decided they would play God. Now we just follow along as so many did in the early 1800s. They just followed along. Why? Because it was the law. And who are we to judge these people who own these slaves? Who are we? Who are we? That is a question all of us need to ask: Who are you? How much are you standing up for what you believe is right and what, in many cases, we know is right, and how often do you just sort of turn away and say: Well, that is the law? It is an uncomfortable issue and we will just leave it alone. And so we pass language, sense-of-the-Senate language that says this law, Dred Scott II, is something that should continue in America.

I believe, as much as I believe that I am standing right here today, that this law will be overturned, not by the courage of Senators, not by the courage of Governors or judges, but by the wisdom of the American people. We are seeing it happen. The more people find out about the injustice that abortion is and the extremeness of Roe v. Wade, people are changing. That is why there is this desperate attempt to hang on, to codify Roe v. Wade or to support Roe v. Wade, to prop it back up, this wretched decision that is affecting so much of society.

We are going to have a chance in a few weeks, once we pass this resolution of disagreement, to vote on the conference report on S. 3, which is the partial-Birth Abortion Ban Act. We will have an opportunity—I hope it will not be filibustered—to vote straight up or down on whether to send this bill to the President, which he said he will sign, and send it across the street. That is where it is going to end up. Across the street from the Senate happens to be the Supreme Court of the United States. They will have another opportunity to look at this procedure based on the factual record.

Again, I challenge any Member on either side of the aisle to come forward with a reason why this procedure needs to be legal for the health of the mother. Not one piece of evidence has been entered in the record ever that this procedure was ever necessary to protect the health of the mother. No one even makes an argument that it protects the life of the mother, but there has never been a case introduced that has not been refuted 30 different ways that suggests that this procedure is necessary for health. So the health exception of Roe v. Wade, as a result, is not applicable here because there is no medical reason why this procedure needs to be legal.

In addition, we have tightened the language. The other concern in the Court was that it was vague and could have included other late-term abortion procedures. There are many in this Chamber who would like to ban all late-term abortion procedures. That is not what this bill does. It simply bans a procedure which the vast majority of the American public, anywhere from 70 percent to 80 percent, believe should be banned. By the way, if you are with 70 or 80 percent of the American public, you are hardly on the extreme. By definition this can't be extreme if 70 to 80 percent of the American public support what you are doing.

We have tightened the language to ban a procedure, just one—this one. So there is no doubt now that the Court had before, because of the language in the Nebraska statute, that we might include other abortion techniques. We are including one technique, this one, a technique that is never used to protect the health or life of the mother. Roe v. Wade is as expansive a right as there exists today. Let me repeat that: The right to an abortion in America is more absolute than the right of free speech, than the right of freedom of assembly, than the right of freedom of the press. Under constitutional interpretation, there is no limitation on the right to abortion—none—where these others all have limits. I would argue not great limits, but they are all limited in some fashion by the Court and by statutes that have been found constitutional by this Court. Except abortion, there is no limit. There is no practical limitation on the right to an abortion.

This—candidly and unfortunately, in some respects—is not a limitation on abortion either because if it were a limitation on abortion, the Court would find it unconstitutional. But it is not.

It is a rogue procedure that candidly is unhealthy. We have mountains of evidence from experts in the maternal field of medicine who say this procedure is the least healthy option for women. Obviously, it is the most horrendous and brutal to the child.

That is our plea. It is a modest one. It is so modest that many people do not understand why we are even pursuing it on both sides of this issue. They ask, Why are you suggesting this? It is not going to do anything. It will bar one procedure that is not used very much—a few thousand times a year. But, as the Senator from California says, every life matters. Every case is a tragedy. So we should do it if we can. We should, and we will, hopefully in a few weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I have gone to one meeting. And I have another hearing. I appreciate my colleague from Pennsylvania being so gracious as to work the time so I could continue to come back and forth.

Before I left the floor, I promised him I would put in the RECORD the various publications that have stated that approximately 5,000 women a year died from illegal abortions before Roe.

Mr. SANTORUM. Mr. President, will the Senator yield for a question?

Mrs. BOXER. In a moment.

The Senator read from the CDC figures. I realized as I left the floor that at the time women were having these illegal botched abortions and were dying—it made some of them infertile, and they were suffering from trauma—they were not supporting the CDC or any government entity because they would have been put in prison because abortion was illegal. Any claim that the CDC would know the accurate number of illegal abortions just flies in the face of all common sense. Women were not cooperating with the Government. They were in fact standing up to the Government which had outlawed the procedure.

I am glad to yield to the Senator.

Mr. SANTORUM. In how many States in 1972 were abortions illegal?

Mrs. BOXER. I could tell you it was illegal in my State. I will be happy to give you all of that. That isn't the point. At the point in time when the CDC was collecting these numbers, many of the women were having abortions. In my State—probably the most populous State at that time—they were not reporting these things.

My friend challenged me. I come back with the fact that I don't believe the Senator could say the United States Government knew. But I will tell you who did know.

Mr. SANTORUM. Will the Senator yield for a question.

Mrs. BOXER. I have a book that has stated that number.

I am glad to yield.

Mr. SANTORUM. I can't imagine that—first of all, this number was derived from death certificates. If a person is dead, they are not going to report an abortion. There is no concern about a woman reporting her own death because she fears being prosecuted. These numbers were derived from death certificates from hospitals and the cause of death of the women who died. It has nothing to do with self-reporting. They are dead. The idea that somehow these women aren't reporting because they are afraid of being prosecuted—with all due respect, they are dead.

Mrs. BOXER. I am talking about the number of illegal abortions.

Mr. SANTORUM. That is not the number used. The Senator used the number of 1,000 deaths.

Mrs. BOXER. Excuse me. I don't interrupt the Senator, if he would allow me to respond.

I am saying to the Senator that the collection of data at that time would not be done by someone who feared prosecution. If a person dies, I can tell you that right now doctors weren't reporting these things. Families didn't want to say their child did something illegal. The Senator is the only one I have ever met in the movement to outlaw Roe who would put the number of deaths at 83. But I want to tell the Senator that 83 deaths of women—and I have read stories and my friend has heard them, and they are brutal stories about 13-year-old girls, and women who were raped who were afraid—these people died. You can take your number of 83 which is the CDC and which would, I say, make no sense because people were afraid to death, frankly, and families were afraid to report that. Or you can take the number of 5,000 which has been written about quite a bit in science magazines, or you can take some other number in the middle. My friend can pick whatever number he wants. He has chosen the number of 83 women who died. That is 83 families destroyed. But you can belittle. That is fine.

The bottom line is that Roe v. Wade said the Government has a right after viability to ban abortions. But there is always an exception for the health of the woman.

My friend can sugar-coat his bill any way he wants. But the fact is even the people who want to ban abortions have written—and I just read an account today where one gentleman who was a big leader in this movement to overturn Roe said this bill is unconstitutional.

That is the reason why it is important for us to say we support Roe, because this Senate shouldn't be reporting language that is unconstitutional and which jeopardizes the health of a woman.

Mr. SANTORUM. Will the Senator yield?

Mrs. BOXER. I yield for one more question. I appreciate having a chance to finish my remarks.

Mr. SANTORUM. I want to clarify and put a question to the Senator. Using my numbers—these are not my numbers; these are the numbers from Department of Health, Education and Welfare back in 1975. The Senator says people didn't want to report that. I want to clarify for the RECORD that these are figures derived from death certificates. My question is, Is the Senator suggesting that doctors lied on death certificates about the reason for the death? That is what the Senator is suggesting.

Mrs. BOXER. I am suggesting to my friend that when people could go to prison because a woman had an abortion in the early stages of her pregnancy—this is my opinion—I don't believe there is going to be accurate reporting. I think it had a terrible impact on people. People were so frightened.

We have testimony from a doctor who said that while a woman was on the table bleeding to death, the doctor was afraid to perform an abortion because—he was allowed to do it because the woman was raped, but he was afraid until the police cleared it.

The bottom line is this was a period in our history where women were made to feel like criminals. I remember those days. Women's lives were lost. The number of illegal abortions is hard to determine. It is hard to determine the cause of death. The fact of the matter is I don't know too many people who believe the number of 85. There are people who lived in those days who saw how many women were having these abortions. Perhaps they were raped. Perhaps it was a situation where they wanted a family, and that wasn't to be. Whatever the reason, it was happening. They weren't reported, and I don't believe the deaths were accurately reported.

The point is, Why are we here having this debate? Would I still be standing here if I believed that "only" 85 women a year died? Yes, I would be, because that is too many deaths, if it is your friend, if it is your mother, if it is your sister, or if it is your aunt.

The question isn't only how many illegal abortions there were and how many women died. The Senator made no reference to how many women became infertile. Then the Senator says something that is totally untrue—that we have never placed into the RECORD at all any statement that shows that by banning this procedure which is banned in this bill with the health exception there could be health damage.

There is testimony of Anne Davis before a hearing of the Subcommittee on the Constitution of the House Judiciary Committee. She is a physician licensed to practice medicine in New York, and she is a board-certified OB/GYN. She got her education at Columbia. She is a fellow of the American College of OB/GYN.

With all due respect to my colleague from Pennsylvania—and I totally respect his right to his opinion and would fight for his right to have it—I trust an OB/GYN more than I do him on matters pertaining to a woman's health and her body.

She says this bill will severely limit physicians' ability to provide the best medical care to their patients. She says it is confusing; it is contradictory; it would be difficult for physicians to interpret. And she says she believes after reading it, the bill appears to ban safe and common abortion procedures used well before fetal viability. By the way, this was another ground on which the Supreme Court overturned a similar Nebraska statute. It said it was vague.

She says the bill leaves physicians with an untenable choice of not being able to provide the appropriate medical care and, she says, it poses grave risks to the patient. Let me repeat that. My colleague said there was not one bit of evidence that the procedure that is banned—not one bit of evidence—that it could hurt a woman and that I put none in the RECORD.

I refer to my colleagues the testimony of Anne R. Davis, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, she says it puts patients at risk, and she goes on about it. She goes into great detail. I will not take the Senate's time because it is highly technical and it has to do with medicine, and this is not, as I said, a doctor's office. It is the Senate floor.

It goes on for pages and pages. The bottom line is, she is saying there are times when this procedure that is banned is the one that is necessary to protect women. As a matter of fact, she has a whole section titled: "The bill lacks necessary exceptions to protect women's health and their lives." And she goes through that.

This is the first document for the RECORD. It is 11 pages. I hope Senator SANTORUM will take the time to look at that.

Then I have a very important letter from another OB/GYN. As a matter of fact, she is an adjunct professor in the Department of Obstetrics, Gynecology, and Reproductive Sciences at UC-San Francisco where she directs the Center for Reproductive Health Research and Policy. She says she represented the United States at the International Conference on Population and Development. She served on a number of boards of organizations that promote emergency contraception and new contraceptive technologies and supports reducing teen pregnancy. I hope my friends agree that is a good idea. Her area of expertise is family planning and reproductive health.

Very clearly in her four-page letter to us—again, a lot of which is technical—she lists these very problems of what could happen to a woman if there is no health exception in the bill. Here is what she says: Death, infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

The Senator from Pennsylvania said I never put anything in the RECORD that said if they cannot use this procedure that is banned in this bill there would be problems. Here is another, Felicia Stewart, M.D., with the highest qualifications you would ever want to have if you ever needed to go to an OB/GYN, which none of my male colleagues would ever have to do, but my female colleagues would have to do.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider "deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus. . . ." The criminal ban being considered is flawed in a number of respects: it fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options; hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as "intact d&e), dilation and evaculation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome it this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. *Williams Obstetrics*, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy "option" that the bill leaves open:

Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy. (original in bold). Cunningham and McDonald, et al., *Williams Obstetrics*, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal health. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,
FELICIA H. STEWART, M.D.

Mrs. BOXER. Mr. President, I have another letter from the American Public Health Association. The American Public Health Association opposes the bill because it fails to include adequate health exception language and where certain procedures may be determined by a physician to be the best way to preserve the health of the woman.

There we go, the American Public Health Association is concerned about women's health.

I ask unanimous consent that this letter from the American Public Health Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 31, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA) the largest and oldest organization of public health professions in the nation, representing more than 50,000 members from over 50 public health occupations, I write to urge your opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

APHA has long-standing policy regarding the sanctity of the provider-patient relationship and has long advocated for a woman's right to choose from a full range of reproductive health options. We believe that a physician in consultation with the patient should make the decision regarding what method should be used to terminate a pregnancy.

We are opposed to H.R. 760 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. APHA also opposed the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. We urge members of the House of Representatives to oppose this legislation.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely

GEORGES C. BENJAMIN, MD, FACP,
Executive Director.

Mrs. BOXER. Mr. President, I have another letter from Lynn Epstein, president of the American Medical Women's Association in Alexandria, VA. They strongly oppose this ban, and they say it fails to protect the health and safety of women and their children. So that is another.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL WOMEN'S
ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the "Partial-Birth Abortion Ban Act of 2003." While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in *Steinberg v. Carhart*, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703-838-0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

Mrs. BOXER. Mr. President, here is another letter from the Physicians for Reproductive Choice and Health. They are located in New York. They say the legislation is dangerous because it is vague and there is no health exception. They also add something I think they are absolutely right on about. Politicians should not legislate medicine.

This is the first time any Congress has ever outlawed a medical procedure that is supported by the medical community. You may find a few doctors who don't, but the organizations all do. They are very concerned that women's health is not being respected or cared about.

I ask unanimous consent to print this letter from Physicians for Reproductive Choice and Health in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS FOR REPRODUCTIVE
CHOICE AND HEALTH,
New York, NY, March 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called "partial birth" abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We *all* want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called "partial birth" abortion does not exist.

There is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial birth" abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban all abortions. "What this bill describes, albeit in non-medical terms, can be interpreted as any abortion," stated one of our physician members. "Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient." The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 obgyns, agrees: "The intervention of legislative bodies into medical decision making is inappropriate, ill advised and dangerous."

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it "represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients."

THE SCIENCE

We know that there is no such technique as "partial birth" abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is that the cervix must be further dilated. Morbidity and mortality studies acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages. Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damages to thousands of women and families. We can safety assert that without D&E and D&X, that is, an enactment of S.3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called "partial birth" abortion.

Sincerely,

NATALIE E. ROCHE, MD,
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.
GERSON WEISS, MD,
Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

Mrs. BOXER. Mr. President, here is another one. Senator SANTORUM said we had no documentation that the ban would hurt women's health. This is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood. She is a board-certified OB/GYN with a master's degree in public health and business administration. She talks about the fact that this bill prevents doctors from exercising necessary discretion and how that is dangerous. She says it outlaws techniques that are critical to the lives and health of American women.

Mr. President, I refer to my colleagues the testimony of Vanessa Cullins, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, then there is the UCSF Center for Reproductive Health Research and Policy. Their first objection to the bill: It fails to protect women's health by omitting an exception for women's health.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, CENTER FOR REPRODUCTIVE HEALTH RESEARCH & POLICY
San Francisco, CA, March 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon, and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health Program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider "deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus. . . ." The criminal ban being considered is flawed in a number of respects: It fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as "intact d&e"), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul on the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy "option" that the bill leaves open: "Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy." (Cunningham and McDonald, et al., Williams Obstetrics, 19th ed., (1993), p. 683.)

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy, if necessary, in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: Death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

Mrs. BOXER. Here you go. We have all of these documents that clearly say the problem with this bill is it makes no health exception; it is vague; it is dangerous for women.

The fact is, the bill passed the Senate. We had these arguments and the bill passed the Senate, but the great news about that debate is that TOM HARKIN offered his amendment, and that is the subject of the vote we are going to have, where I hope everyone votes to disagree with what the House did because what the House did is it stripped out of the bill this very important language that deals with Roe v. Wade.

What did it say? The decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right and such decisions should not be overturned.

It just shows you the real desire of the anti-choice Members of the Congress. They could have taken this language, which has no force of law—it is a basic statement, an important statement, a crucial statement, in my opinion, but it has no force of law. It doesn't say we say Roe v. Wade shall never be overturned and we pass legislation which embodies Roe. We have not done that. I wish we could, I hope we will, and I think some day we will. I think it is going to take a pro-choice President, but I think some day we will make Roe a law that is actually signed rather than just a court decision. I have offered bills to do that. We have not moved forward because we have had to fight off so many other attempts to restrict Roe.

Indeed, the House could have taken the bill which bans this procedure without a health exception with this language, and it would have been on the President's desk. But they are so against Roe—that is what this is all about—that they had to strip it out, even to slow down the bill.

That is what we are here today discussing: whether the House was right to strip out this sense-of-the-Senate Harkin amendment. We have had a good debate so far. We have some time left. Senator DEWINE is going to speak for the rest of the time this morning, and we will have more time to finish our debate, whether it is before the storm comes or after the storm comes. I don't know how we will resolve that situation.

We will have more debate. It is a very important debate. It is an important debate because before Roe became the law of the land, women died. One could argue how many. I am not going to get into the argument. I have evidence it was 5,000. Senator SANTORUM says his evidence is it is 85. One is too many.

Abortion should be legal in the very early stages, as Roe says. After that, the State should be able to come in and set rules and to say after viability one cannot have any abortion, except to save the life and health of the woman. That is the bottom line of Roe, and that is why we are arguing so strongly that this Senate should go on record disagreeing with what the House did so that when this bill goes over across the street to the Supreme Court they can look at this record, which we will make sure they look at, and see that the Senate, while voting to ban this procedure without a health exception, also said do not overturn Roe.

To me, that is a signal to the Supreme Court that they should rule the bill unconstitutional. We would have been happy to vote for that bill with the health exception. I do not understand why a group that calls itself pro-life will not stand up for the life and health of a woman. I do not understand it.

Look, I respect it because this is America and everyone has a right to his or her opinion, as strong as it may be. I do not mind that. I think it is great. It is what makes our democracy great, that we can have these debates and discussions, but I do not understand how a movement that calls itself pro-life can be that disinterested in the health and the lives of women.

Women are not just vessels that carry babies to term. Women are human beings who deserve to be respected, admired. They need dignity. A woman does not just say, oh, I woke up one morning; I do not want this baby at the late stage; I think I will change my mind. If my colleagues think that about women, they do not know women. We are the nurturers.

Roe v. Wade was a decision that weighed the rights of women with all the other rights that compete, and it came up with what I consider to be a very wise and moderate decision, which is before viability a woman has the right to choose and Senator BOXER, Senator DEWINE, Senator SANTORUM, no Senator, no matter how powerful, no House Member, no President has a right to get involved in the decision that she makes with her doctor, her God, and her loved ones.

We are not her loved ones. I know we want to be loved by everyone—most politicians do—but I can guarantee, we are not. We do not belong in the lives of our citizens at a point where the Court has clearly stated that they have the right and respect to make that choice themselves.

So what did Senator HARKIN do? He said: Let us have an amendment that says Roe v. Wade should not be overturned. We did it. We passed it and the House stripped it out. We are saying we want to vote to disagree with the House. This is Roe:

> . . . the preservation of the life or the health of the mother—

Must always be considered.

I am very happy I was able to place into the RECORD the scientific articles which stated that, in fact, there were 5,000 women who died every year of illegal abortions. I pointed out that I do not trust numbers from the Government when the Government was about prosecuting people who had abortions. So I do not trust those particular numbers at that time.

I also was able to place into the RECORD a number of articles, a number of letters, testimony from doctors who deal with these issues every day, not Senators who make up and do this for politics but doctors who take the Hippocratic oath to do no harm to their patients, who are telling us, please, do not go down this path; you are jeopardizing the lives of women.

The Supreme Court is going to get this case, but I hope the Supreme Court also will note that we voted overwhelmingly to disagree with what the House did by stripping out the Harkin amendment that simply says Roe should not be overturned.

I yield back my time, and I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I would like to thank my colleague from Pennsylvania, Senator SANTORUM, as well as Senator BROWNBACK, Senator GRAHAM of South Carolina, and Majority Leader FRIST for their unending and unwavering efforts to put a permanent end to this horrible partial-birth abortion procedure.

During the time we have served together in this body, they have never given up hope that this Congress and this country would put an end to this barbaric procedure.

Let me also thank my colleague from the State of Ohio, Congressman CHABOT, for his tremendous work in this area as well. He has remained dedicated and continues to be focused on this effort.

It is time that this Senate, this Congress, this country banned a procedure that is inhumane and that has absolutely no medical purpose and that is, quite simply, morally reprehensible. There is no debate about these facts. There is no debate about what takes place during a partial-birth abortion. I submit to my colleagues that the more we know about this procedure, the worse it is. The more we know about it, the clearer it is that we must oppose it. The more we know about it, the easier it is to ban it once and for all.

This is a procedure in which the abortionist pulls a living baby feet first out of the womb and into the birth canal, except for the head, which the abortionist purposely keeps lodged just inside the cervix. As many of us have explained in detail on this Senate floor before, the abortionist then punctures the base of the baby's skull with a long scissors-like surgical instrument and then inserts a tube into the womb removing the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby.

These are the essential facts. No one has ever come to the Senate floor to dispute these facts. This is what a partial-birth abortion is. No one can deny the facts. I can think of nothing more inhumane and indifferent to the human condition.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent as the procedure is performed all over this country. It is also, of course, performed in my home State of Ohio and actually performed within 20 miles of my home in Ohio. I have spoken on the Senate floor many times before about two particular partial-birth abortions that occurred in Ohio, and I will take a few minutes to recount these tragedies again. They were two typical partial-birth abortions, typical except for the way they turned out.

On April 6, 1999, in Dayton, OH, a woman entered the Dayton Medical Center to undergo a partial-birth abortion. This facility was and tragically continues to be operated by Dr. Martin Haskell, one of the main providers of partial-birth abortions in this entire country. Usually, the partial-birth abortion procedure takes place behind closed doors where it can be ignored, where people do not really know much about it, but in this particular case the procedure was different. There was light shed upon it.

This is what happened, and this is how light was shed upon it: This Dayton abortionist inserted a surgical instrument into the woman to dilate her cervix so the child could eventually be removed and then killed. We have to understand that this procedure usually takes 3 or 4 days. This is not a quick procedure. It takes 3 days to do it. The woman went home to Cincinnati, expecting to return for the completion of the procedure in 2 or 3 days.

In this case, though, her cervix dilated too quickly and, as a result, shortly after midnight of that day she was admitted to the Bethesda North Hospital of Cincinnati, in her hometown, and the child was born. The medical technician pointed out the child was alive but, sadly, apparently the chance of the baby's survival was slim and after 3 hours and 8 minutes the baby died.

The baby was named Hope. On the death certificate, of course, there is a space for cause of death or method of death. In the case of baby Hope, the method of death is listed as "natural."

We, of course, know that is not true. We know all the facts. There was nothing natural about the events that led to the death of this tiny little child because baby Hope did not die of natural causes. Baby Hope died the victim of a barbaric procedure that is opposed by the vast majority of the American people. In fact, a Gallup poll conducted in January of this year shows well over 70 percent of the American people want to see this procedure permanently banned because the American people know it is wrong. They feel strongly about it. We as a Senate, Members of the Congress, should listen to the American people. But more importantly, besides listening to the American people, we need to listen to our own conscience. We know this is wrong.

To almost underscore the inhumanity of this procedure, 4 months later it happened again: again in Ohio, again with the same abortionist. This time, though, something quite different occurred. Once again, in Dayton, this time on August 18, 1999, a woman who was 25 weeks pregnant went to Dr. Haskell's office for a partial-birth abortion. As usual, the abortionist performed the preparatory steps for this barbaric procedure by dilating the mother's cervix. The next day, the woman went into labor and was rushed to Good Samaritan Hospital—again, not what was expected.

Remember, the procedure normally takes 3 full days, but she was rushed there in labor. This time, however, despite the massive trauma to this baby's environment, a miracle occurred and, by the grace of God, this little baby survived and, quite appropriately, she is today called baby Grace.

These types of tragedies have been recounted by medical professionals who have been shocked by the events. There are other stories I would like to tell the Members of the Senate.

Brenda Pratt Shafer, a registered nurse, was assigned to an Ohio abortion clinic in the early 1990s. She was assigned to the same Dr. Haskell abortion clinic.

Nurse Shafer observed Dr. Haskell use the procedure, this procedure, to abort babies. In fact, she testified about it before our Senate Judiciary Committee in 1995. I would like to share with my colleagues what she said because she gave—this nurse did—very gripping, very telling testimony. Nurse Shafer described a partial-birth abortion she witnessed on a child of 26½ weeks. This is what she observed:

> The young woman was 18, unmarried, and a little over 6 months pregnant. She cried the entire 3 days she was at the abortion clinic. The doctor told us I am afraid she is going to want to see the baby. Try to discourage her from it. We don't like them to see their babies.

Nurse Shafer continues:

> Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and arms, everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping, his little feet were kicking. The baby was hanging there and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arm jerked out with a flinch, a startle reaction like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out.
>
> Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby into a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked the other nurse and she said it was just reflexes. The baby boy had the most perfect angelic face I think I have ever seen in my life.
>
> When the mother started coming around, she was crying. "I want to see my baby," she said. So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms, and when she looked into his face, she started screaming: "Oh, my God, what have I done? This is my baby. This is my baby."

It is my prayer that there will come a day when I don't have to retell Nurse Shafer's story, that there will come a day when my colleagues, like Senator SANTORUM and Senator BROWNBACK, the Presiding Officer, Majority Leader FRIST, and the rest of us who have fought this battle will not have to come to the Senate floor and talk about partial-birth abortion. Nobody wants to talk about this. But until that day comes when this procedure has been outlawed in our country once and for all, we will have to continue to fight against this ghastly procedure.

Now is the time to ban this awful procedure. It simply is the right thing to do. This Senate must do that.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1629 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to have the time until Senator BOXER returns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I am pleased to join with Senators BOXER and HARKIN in the debate to reaffirm the protections guaranteed to women in the landmark Roe v. Wade decision.

Let's be clear: The Republican leadership is trying to do something extraordinary on the Senate floor, something everyone who cares about the Constitution and women's rights should pay attention to. They have already done it in the House. The Senate, now, is the last line of defense.

It is helpful if we look at the history of this debate to see why the Republican approach is a threat to women's constitutionally protected rights. Earlier this year, the Senate debated the so-called partial-birth abortion ban. I joined with many of my colleagues in speaking against that proposal. I noted the bill was unconstitutional based on the Supreme Court's ruling in Stenberg v. Carhart. In that case, the Supreme Court struck down a similar law in Nebraska because it was too broad and because it did not include an exception for women's health.

We made that case in the Senate, but we were repeatedly turned back. We also offered reasonable amendments to make sure this legislation would not threaten the lives or the health of women and to reduce the number of abortions in America. Opponents rejected almost all of our amendments. That showed me their real goal was not to reduce the number of abortions or to protect women but to use the power in Congress to overturn Roe v. Wade.

As the debate continued in the Senate, my suspicion was confirmed. For example, I introduced a prevention amendment to reduce the number of abortions. My amendment would have provided contraceptive equity in health plans, expanded education about emergency contraceptives, made emergency contraceptives available in the emergency rooms for victims of rape, and would have offered CHIP health insurance coverage to protect women. My amendment was defeated on a budget point of order.

Senator FEINSTEIN offered an amendment to protect the health of a woman. That amendment was defeated as well. That brings us now to the Harkin-Boxer amendment and the reason we are having a debate today. That amendment reaffirmed the Senate's support for the Roe v. Wade decision. It passed the Senate with a bipartisan vote of 52 to 46. The Senate was firmly on the record supporting the Roe decision. Eventually, that so-called partial-birth abortion bill passed the Senate, including the language supporting Roe.

Then something happened, something completely undermined the will of this Senate. The Republican leadership tried to bring up the House version of the bill and send it to conference. Many Members objected. That is why we are here today, to completely disregard the will of the Senate. To disregard the fundamental rights afforded all women in this country by the United States Supreme Court is unacceptable.

I urge my colleagues to support this motion and send the amendment back to conference. The Senate needs to send the right message to the Supreme Court and to women across this country—that their inherent right of privacy and their right to make reproductive health care decisions will not be jeopardized. This is another attempt to circumvent the Supreme Court's ruling in the Stenberg v. Carhart case. The authors of this bill tried to get around the law of the land by inserting a section of congressional findings in their unconstitutional bill. These findings dispute the basis for the Supreme Court's decision, and they state that Congress finds the partial-birth abortion ban legislation to be constitutional.

The authors of this legislation claim that congressional findings are all that is necessary to ensure a law is constitutional. That is a bit optimistic on their part, and it ignores past congressional findings that were ignored by the Court.

The Court struck down the Nebraska law for one reason. It did not contain any consideration for the health of the woman as prescribed in the original Roe decision.

Telling the Court that Congress does not find women's health to be important does not meet the constitutional test.

It is somewhat surprising that opponents of this motion would now argue that talking about Roe or the constitution protections provided in Roe is not relevant.

One of the reasons I opposed S. 3, the so-called Partial Birth Abortion Act, was because I know this legislation is unconstitutional. It simply does not meet the constitutional test that requires providing some consideration for the health of the woman.

The Court has been extremely clear on this point.

We are voting to ban a legal, safe medical procedure that is used to save the life and health of women. Proponents of this legislation will argue that S. 3 does not undermine Roe, that it does not jeopardize a woman's life or health, and that it simply bans one procedure. I think we all know the true objective here. It is to overturn Roe piece by piece.

The other side claims they are not seeking to overturn Roe but, rather, to protect women and the unborn. If they really believe this and they are not concerned with a constitutional challenge, they should support the Harkin-Boxer amendment. This amendment should be part of any final legislation.

I think it is important to discuss what Roe did and did not say.

I often hear that Roe allows for abortion on demand at any stage of the pregnancy. That is simply not true. The Justices worked very hard to achieve a balance between the privacy of the woman and the interests of the state. They found this balance by distinguishing between pre- and post-viability. The underlying issue in Roe was privacy.

The Roe case built on the precedent established in Griswold v. Connecticut, which outlawed State laws that criminalized or hindered the use of contraception because they violated the right to privacy.

In the Roe decision, the Supreme Court used this same right of privacy to prohibit laws that banned abortions performed before viability. After viability, the Court did rule that the State does have a prevailing interest to restrict abortion, which is why so few abortions are performed late in pregnancy. Eighty-eight percent of abortions are performed before the end of the first trimester of pregnancy, and 98 percent occur during the first 20 weeks.

What the Court said regarding post-viability is that the State could restrict access, but the law must include a health and life exception. The Supreme Court found that the State's right to restrict or regulate abortion could not—and let me repeat, could not—jeopardize the life or health of the woman.

It is disheartening to me that efforts to overturn or restrict the rights afforded in the Roe decision often exclude any consideration for the life or health of the woman.

I have heard supporters of S. 3 claim that so-called partial-birth abortions jeopardize a woman's health and are never necessary to protect the health of the woman. If anyone doubts that Roe was not important for the life and health of a woman, they should consider the world before Roe.

In 1973, abortion, except to save a woman's life, was banned in nearly two-thirds of our States. An estimated 1.2 million women each year were forced to resort to illegal abortion, despite the risks associated with unsanitary conditions, incompetent treatment, infection, and hemorrhage.

Because the procedure was illegal, there is no exact figure on the number of deaths caused by illegal abortions in the U.S. One estimate that was made before 1973 attributed 5,000 deaths a year to illegal abortions.

According to a 1967 study, induced abortion was the most common single cause of maternal mortality in California. The number of deaths per 100,000 legal abortion procedures declined from 4.1 percent to 0.6 percent between 1973 and 1997. The choices women had prior to 1973 were often the choice between life and death.

The Roe decision, coupled with the Griswald decision that gave women the right to contraceptives, finally gave women full and just reproductive choice.

But again the Roe decision does not allow for abortion on demand. The decision placed the appropriate restrictions on late-term abortions without forcing women into the back alleys.

Currently, 41 States have laws that restrict or ban post-viability abortions, except to save the life and health of the woman. This is consistent with Roe. Clearly, Roe did not result in abortion on demand at any stage in the pregnancy.

Today we are ready to turn back much of what was achieved in Roe by banning a safe medical procedure at any stage of the pregnancy regardless of the threat to the woman. S. 3 removes any consideration of the health of the woman. Personally, I believe the Court will strike down this misguided legislation when it passes. However, we should send the right message to the Court that the U.S. Congress supports the Roe decision and believes that the right of privacy is an important protection for all Americans.

I am fortunate to represent a State that has twice voted to reaffirm Roe and to protect a woman's right to reproductive choice. In fact, in 1998, a similar effort to ban a safe and legal abortion procedure was defeated in Washington State. People in Washington State understand the need to provide for the health and the life of a woman.

In fact, a recent ABC News poll shows a majority of Americans support a health exception for the woman for late-term abortion. The poll—which was just conducted in July—asked, if a late-term abortion would prevent a serious threat to the woman, should it be legal? Twenty percent said it should be legal in all cases, 41 percent said it should be legal if health is threatened—a total of 61 percent. This poll shows what many of us believe, that a woman's health is an important factor and consideration.

This motion will give Members the chance to cast their vote either in support of Roe or in support of overturning this landmark decision. If you believe that women in this country should be afforded full reproductive choice, then you must vote to ensure that the Harkin-Boxer amendment remain part of any final conference agreement on S. 3. If you oppose this amendment, you are saying that you do not believe that the Constitution provides women with the right of privacy and that there should be no consideration for the health and life of the woman.

I hope we don't turn back the clock on the floor of the Senate and place women in this country at risk again.

Mr. DODD. Mr. President, I express my cooperation, sense of solidarity with my colleague from California, Mrs. BOXER, and others under very unusual procedural circumstances. In my almost 24 years in the Senate, I cannot recall ever rising to speak on a motion to disagree with a House amendment on a Senate bill and request a conference. As all of my colleagues know, these motions are rarely if ever debated. They are routinely adopted. And while this particular motion may well be adopted today or tomorrow there is nothing routine about it, because what we're discussing is one of the most divisive issues this country has ever faced—the issue of abortion, and specifically, the issue of whether or not the decision reached in Roe v. Wade should be the prevailing law of the land.

When this legislation was initially before the Senate, Senators HARKIN and BOXER introduced a simple sense of the Senate amendment that stated Roe v. Wade was a fair and balanced affirmation of a woman's constitutional right to privacy and self-determination. Of course, as Senator BOXER has pointed out, a woman's right to choose is not unlimited. As Roe v. Wade held, once a fetus becomes viable from a medical point of view, abortions may be regulated, although States must allow abortions when necessary to preserve a woman's life or health. Perhaps that's why a majority of Americans continue to support Roe v. Wade. Most Americans believe that this most difficult of decisions is, as an initial matter, best made in private by a woman and those with whom she chooses to share in the making of her decision—her doctor, her family, and her loved ones.

Most Americans believe that politicians are ill-equipped to understand the unique, complex, and often wrenching factors that so often bear on whether or not a woman decides to terminate a pregnancy. And most Americans believe that abortion should be as it has consistently been for the past 30 years—safe, legal, and rare.

There are those among my colleagues in the House and Senate who do not support the Harkin-Boxer language because they do not support Roe v. Wade. That is certainly their right, and they are entitled to the views they hold. In this Senator's view, however, eroding Roe v. Wade or repealing it outright would be a mistake of historic proportions, with devastating consequences for American women.

The history of our Nation is one of securing and protecting freedoms and inalienable rights that we are all entitled to as American citizens. Eviscerating the rights annunciated by Roe v. Wade would run counter to this historic trend in our Nation's life. I look back on history and think about other times when attempts were made to repeal civil and privacy rights our citizens possessed. Obviously, prohibition comes to mind. We all know it was a social failure that resulted in the unregulated production of distilled spirits and other alcoholic substances that jeopardized the health of countless Americans. I think of the internment of Japanese-Americans during World War II, when tens of thousands of citizens were taken forcibly from their homes and livelihoods, and stripped of nearly all their possessions simply because of their ethnicity. And, of course, I think of our country in the aftermath of the Civil War, when the thirteenth, fourteenth, and fifteenth amendments to the Constitution—promising the full blessings of equality to all Americans regardless of race—were followed by a century of Jim Crow laws designed to deny those blessings to tens of millions of Americans.

Surely, eroding or repealing Roe v. Wade would be considered a step of equal gravity and error because it would deprive half our population of a right that, while not unlimited, is fundamental to being an American.

What would the implications of denying this right be? One need not look further than when abortions were deemed illegal in this country—before Roe v. Wade was decided in 1973. Women were forced to seek abortions in back alleys and basements. Women were forced to seek abortion by many people wholly unqualified to perform the procedure. And we all know the results were disastrous to women in this country—untold numbers of whom suffered sickness, permanent disability, and death.

Surely, this not the kind of America we want for the women of our country, nor is it the kind of America we want for men who have wives, daughters, sisters, and nieces. Therefore, as this bill moves forward, I hope a majority of our colleagues will continue to support the constitutional protections given to women under Roe v. Wade.

Mr. FEINGOLD. Mr. President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post-viability abortions unless the woman's life is a risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere and strongly held views. I respect the deeply held views of those who oppose abortion under any circumstances. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by Government mandates.

I support Roe v. Wade, which means that I agree that the Government can restrict abortions only when there is a compelling State interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court. That is why I supported the inclusion of language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on the Harkin amendment, and a majority of the Senate agreed to support the Harking amendment.

The House was wrong to remove this language during its consideration of the bill. I sincerely hope that the final version of this bill that goes to the President's desk for his signature contains this important reaffirmation of Roe v. Wade.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the bill before us, S. 3. I voted against this bill and I do not intend to support the House position.

When the Senate passed this bill, we added an important amendment offered by our colleague Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The only difference between S. 3 as the Senate passed it and then as the House passed it is Senator HARKIN's amendment. The House stripped Senator HARKIN's amendment from the bill.

Since the Harkin amendment was a sense of the Senate and does not have the force of law, I must ask, why did the House remove this language? It does nothing to fix the harmful policy the underlying bill would establish.

The Republican leadership and their anti-choice friends would like you to believe that removing the Harkin language is just a procedural motion. Don't be fooled. Stripping S. 3 of the Harkin amendment reaffirming Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade; S. 3 puts them on that path.

A woman's right to choose is in greater danger now than it has been at any other time since the Supreme Court issued Roe v. Wade 30 years ago. The House's action neatly comports with an overtly anti-choice administration striving to undermine reproductive freedom.

I thank Senator BOXER for offering the motion to disagree to the House action so that, at a minimum, we have an opportunity to talk about what is really going on.

The underlying bill makes a pretense of protecting women but really, what we have here is a bill that takes away rights while doing nothing to help anyone. There is no such medical term as "partial-birth" abortion, and that is intentional. The anti-choice zealots who drafted that term want the bill to be ambiguous so it will have a chilling effect on physicians.

If S. 3 is ultimately passed and President Bush signs it into law—he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective of S. 3 to chip away at a woman's right to choose, to criminalize legal and safe abortion procedures.

This bill isn't even constitutional. There is no exception for the health of the mother. When we debated this bill back in March those of us who are pro-choice said we will accept this bill if you make an exception for the life and health of the mother. Yet sponsors have repeatedly resisted pro-choice lawmakers' attempts to include a health exception such as the Feinstein substitute, which was defeated.

Five members of the current Supreme Court have invoked Roe to invalidate a State ban on so-called partial-birth abortions.

During last night's debate, the junior Senator from Pennsylvania characterized the Harkin amendment—a reaffirmation of current law—as extreme. That is absurd. Not being will to protect a woman's health is extreme. It is extreme and it is wrong.

Taking away the freedom of women to make choices about their own reproductive health—that sounds like one of the reasons why we kicked the Taliban out of Afghanistan.

I urge my colleagues to defeat this ill-disguised attempt to overturn Roe v. Wade.

Ms. MIKULSKI. Mr. President, I rise today in support of the Harkin/Boxer motion and the Roe v. Wade decision that was made by the Supreme Court over 30 years ago.

The Supreme Court's acknowledgment of the fundamental "right to privacy" in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services.

In March, the Senate passed a resolution supporting Roe v. Wade during the debate of the partial birth abortion bill. The resolution should be retained in the bill during conference. The Roe v. Wade decision is important to women's rights, women's health and public health.

Because efforts have been made over the years to educate and inform women about their choices, unwanted pregnancies are at their lowest levels since 1974. Teenage pregnancies have declined almost 50 percent since 1987.

While Roe v. Wade is still the law of the land today, it has been systematically challenged and weakened. What stands today is a hollowed version of one of our Nation's most important accomplishments for women. What keeps Roe from vanishing altogether is our unwavering commitment to protect a women's right to choice.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring Federal quality standards for mammography, I will continue the fight to improve women's health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago.

This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to retain the resolution in support of Roe v. Wade in the final bill.

Mr. VOINOVICH. Mr. President, I rise in strong support of the motion to proceed to conference on the Partial Birth Abortion Ban Act. We passed the legislation to ban this barbaric procedure on March 13, 2003, by a vote of 64 to 33, and I am shocked that we are back on the Senate floor in September, still debating whether to send this bill to conference. Just imagine the number of lives we could have saved if we had sent this bill to the President 6 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both Chambers, but never made it to conference. We cannot let this happen again. Now is the time to get this done.

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. We can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial birth abortion.

The victims of the partial birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain. When partial birth abortions are performed, these babies are just 3 inches away from life and, for that matter, seconds away.

I strongly urge all of my colleagues to vote to send this bill to conference and stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote to eliminate a horrible procedure that should be outlawed in this country. In his State of the Union Address this year, President Bush again pledged to support the legislation and said, "We must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth and end the practice of partial birth abortion."

I urge my colleagues to vote in favor of this motion so we can send a bill to the President that will finally ban partial birth abortions in the United States of America.

Ms. CANTWELL. Mr. President, I rise today to speak to the issue of protecting a woman's right to choose. I am here to reiterate what the majority of us in the Senate clearly expressed this spring on behalf of women when we voted on an amendment to S. 3, sponsored by the good Senator from Iowa, my colleague Senator HARKIN.

That amendment—in no uncertain terms—reaffirmed the sense of the Senate that No. 1, abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and No. 2, the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

Let me repeat that. A majority of my colleagues voted for the Senator HARKIN amendment. That the House remove the amendment from S. 3 is a travesty and I must vehemently disagree with that action. It is incumbent upon the majority of those of us in this chamber who affirm the constitutional right to choose to send a clear message to the House as the bill goes to conference that Roe is still—and will continue to be—the supreme law of the land. My colleague from the State of California, Senator BOXER, has been a true champion on this issue. She is an unwavering and tireless advocate for women, the country—and the world over. On Monday, she revisited how we found ourselves in the position we are now. As Senator BOXER explained, the House returned S. 3 to the Senate without the Harkin amendment affirming Roe.

Because S. 3 is at the heart of this issue, I would like to spend some of my time speaking to this underlying bill, which is undoubtedly and unfortunately going to end up on the President's desk and which the President will most assuredly sign.

If the President signs S. 3, he will be signing an unconstitutional measure into law. As I have said before, and at the risk of sounding like a broken record, Roe v. Wade held that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortion as long as they allow exceptions when a woman's life or health is in danger. Yet the legislation that comes before us and will go to the President lacks that important health exception and, therefore, fails to provide for a woman when her health or her life is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stanberg v. Carhart, which determined that a Nebraska law banning the performance of so-called "partial birth" abortions violated the Roe ruling by the Supreme Court.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called "partial birth abortion," must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger.

That is exactly what the legislation before us today does as well: It places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

I fundamentally believe that private medical decision should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor, but this bill would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called "partial birth" abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the women of America have the right to privacy and receive the best medical attention available.

I urge my colleagues to disagree with the actions of the House and demand that the amendment expressing the Sense of the Senate that Roe v. Wade was rightly decided be included in S. 3.

Mrs. FEINSTEIN. Mr. President, I rise today to support the motion to disagree with the House message accompanying S. 3, the late-term abortion bill, and to speak today about a very important Supreme Court decision: Roe vs. Wade.

A provision was included in the late-term abortion bill that passed the Senate in March recognizing the importance of Roe v. Wade in securing the constitutional right to choose and stating that this decision should not be overturned.

This provision was a simple Sense of the Senate resolution. Let me read its exact language:

> (1) the decision of the Supreme Court in Roe v. Wade (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and
>
> (2) such decision should not be overturned.

I am pleased that this amendment was added on a strong bipartisan vote of 52 to 46.

Unfortunately, though, the similar House-passed late-term abortion bill lacks this language. Indeed, the House refused to agree to it.

While I oppose both the House and Senate late-birth abortion bills because I believe that they are too broadly written, lack an exception for women's health, and are flagrantly unconstitutional, I strongly support the Roe v. Wade language we added to the Senate-passed bill. That is why I plan to vote for the motion to disagree today.

The past 30 years, since the Supreme Court upheld a woman's right to choose, have brought a great deal of change for women in America. Some of that has been good, while some has not been so good.

But now, in 2003, the right to choose is under attack—and more so, I believe, than any other time during the last 30 years. It's easy to take the right to choose for granted. For many women, it is all they have ever known. The option has always been available. I lived during a time, however, when an estimated 1.2 million women each year resorted to illegal, back-alley abortions despite the possibility of infection and death. I remember that time very vividly. In college during the 1950s, I knew young women who found themselves pregnant with no options. I even knew a woman who committed suicide because she was pregnant and abortion was illegal in the U.S. I also remember the passing of a collection plate in my college dormitory so that another friend could go to Mexico for an abortion.

Later, in the 1960s, I spent 8 days a year for 5 years sentencing women to California prisons. I even sentenced individuals who performed abortions because, at that time, abortion was still illegal in my State.

I remember these cases particularly well. I remember the crude instruments used. I remember women who were horribly damaged by illegal abortions. In fact, the only way a case really came to the attention of the authorities was if the woman getting the abortion died or was severely injured.

I will never forget one woman whom I sentenced to 10 years—the maximum sentence because she had been in and out of State institutions several times. I asked her why she continued to perform abortions. She said,

> Because women are in such trouble and they have no other place to go, so they came to me because they know I would take care of them.

Not a year has gone by since I became U.S. Senator that some legislator hasn't proposed legislation that would compromise this right—that would return us to the days of the 50s, 60s, and early 70s. But, fortunately, we have been able to beat back many of these attempts, either in Congress or in the courts.

What concerns me the most about the debate we are having today about Roe v. Wade is that it is the beginning of a long march to take women back 35 years, back to the passing of the plate at Stanford, back to the back-alley abortions and trips to Mexico, and back to the time when women could not control their own bodies.

What we are hearing today is that some Senators are so uncomfortable with the right to choose that they want to strip out language that recognizes the importance of Roe v. Wade and that States, consistent with current Supreme Court jurisprudence and settled caselaw, that the decision should not be overturned.

But it is because of Roe—and only because of Roe—that women have been able to decide over the past 30 years, in consultation with their doctors, about whether to terminate a pregnancy in the first trimester without interference from the state or federal government.

Let me talk a little about this landmark opinion.

In 1973, in Roe v. Wade, the Supreme Court decided that a woman's constitutional right to privacy includes her qualified right to terminate her pregnancy.

The Court also established a trimester system to govern abortions. In that system, in the first 12 to 15 weeks of a pregnancy—when 95.5 percent of all abortions occur and the procedure is medically the safest—the abortion decision and its effectuation must be left to the woman and her doctor.

In the second trimester, when the procedure in some situations poses a greater health risk, States may regulate abortion, but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and is able to live independently from the mother, the state has a strong interest in protecting potential human life. States may, if they choose, regulate and even prohibit abortion except where necessary to preserve the life or health of the woman.

In 1992, in Planned Parenthood v. Casey, the Supreme Court specifically reaffirmed Roe's standard for evaluating restrictions on abortion after viability but eliminated Roe's trimester framework by explicitly extending the state's interest in protecting potential life and maternal health to apply throughout the pregnancy.

Thus, under Casey, regulations that affect a woman's abortion decision that further these state interests are valid unless they have the "purpose or effect" of "imposing a substantial obstacle" in the woman's path.

However, the bottom line is that in Casey the Court retained the "central holding" of Roe v. Wade. As a result, women in all 50 States still enjoy the constitutional right to choose.

The challenge for American men and women who support a pro-choice agenda will be to continue to make their voices heard in an environment that appears focused on nullifying all reproductive rights and trying to overturn Roe after 30 years.

Roe v. Wade secured an important constitutional right—a right I strongly support.

I am deeply concerned about passing a late-term birth abortion bill that doesn't include language recognizing the importance of Roe. That is why I believe that we should disagree with the House message accompanying S. 3.

I urge my colleagues to vote to support the language in the Senate-passed version of S. 3 regarding the importance of Roe v. Wade. We cannot—we must not—go back to a time without choice.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2754

AMENDMENT NO. 1723

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider and agree to the amendment that is at the desk. I have cleared this with the Republican manager of the bill, Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1723) was agreed to, as follows:

> On page 16, end of line 12, before the "." insert the following:
>
> : *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1724

Mr. BURNS. Mr. President, I call up a substitute amendment which is at the desk. This amendment is the text of S. 1391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. BURNS] proposes an amendment numbered 1724.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Interior and related agencies appropriations bill for fiscal year 2004. In dollar terms, this is a modest bill compared to many of the appropriations bills we tackle in this body. It totals about $19.6 billion in discretionary budget authority. But in terms of its direct impact on the lives and livelihoods of the people and communities throughout this country, it is a critical bill, and it is of particular importance to the Western States, such as my State of Montana, where the Department of the Interior and the Forest Service either own or manage in trust vast acres of land.

These are lands where my constituents live. This is where they graze livestock, where they mine, where they hike, hunt, fish, and timber. What we do in this bill affects all of those activities.

It is not just a public lands bill. It is also a bill that provides education, health care, and other core services for the Native Americans of America.

It supports energy research and development that fosters economic growth, strengthens our national security posture, and improves the quality of our environment. And it supports the treasured cultural institutions, such as the Smithsonian and the National Endowment for the Humanities—institutions that help tell the story of America and that remind us who we are as a people.

As I suspect is the case with many of my colleagues who have chaired appropriations subcommittees, the more I learn about the agencies funded in this bill, the harder it gets to make tough choices that have to be made, particularly in the current fiscal climate.

The President's fiscal year 2004 budget request for the Interior bill was $19.56 billion in discretionary budget authority, a modest increase over the comparable level for fiscal year 2003.

While the budget request included increases for several activities that have considerable merit, it also proposed severe reductions in a number of critical programs that have broad support within the Senate. With an allocation that is effectively the same as the President's request, we had to make some tough choices.

That said, with the help of Senator DORGAN, my good friend and neighbor from North Dakota, we have been able to fashion a responsible bill that does a number of very positive things.

The bill provides increases for the core operating programs of the land management agencies, including $72 million for our National Park System and $31 million for the Fish and Wildlife Service. The funds provided for the park system include $20 million over the budget request to increase the base operating budgets of individual parks.

The bill also increases funding for Bureau of Land Management operations by $27 million and adds $34 million to the President's request for Forest Service activities.

From the Land and Water Conservation Fund, the bill appropriates $511 million. This includes $222 million for Federal land acquisition, an increase of $35 million over the budget request and more than double the House total of $100 million. As is always the case, there was great interest in increasing funding for the land, water, and conservation programs, but I think the amount provided is reasonable given the constraints of the subcommittee allocation and the many other demands on this bill.

The Interior bill also supports several grant programs. I won't go through all the numbers, but among the highlights is a $30 million increase over the budget request for payments in lieu of taxes; a $15 million increase for State wildlife grants; and an increase of $9 million for the Historic Preservation Fund. The bill also restores a proposed $16 million cut in the Abandoned Mine Land Reclamation Fund.

Let me explain PILT, payment in lieu of taxes. This is the money that goes directly to the counties to support their activities where a large amount of Federal land is found—BLM land, anyway.

As I mentioned previously, the Interior bill is a vitally important bill for Native American communities. It increases funding for the Indian Health Service by $88 million over the enacted level, for a total of $2.9 billion.

It includes $574 million for Indian education programs which fully funds the budget request for Indian school replacement. It also provides an increase of $6 million for tribal community colleges. This is a subject that is of particular interest to both Senator DORGAN and me and one we may discuss further as we progress with this legislation.

The bill also provides $243 million for the Office of Special Trustee to continue the administration efforts to improve the management of Indian trust assets. This is an increase of $95 million over the enacted level.

While I strongly believe Congress must support trust reform, let there be no mistake that reform is coming at a very significant cost in terms of money, personnel, and management focus. Vital concerns in Indian country are being shortchanged because trust reform and related litigation are draining both funds and morale.

We would all like there to be a simple solution, but there just isn't one. Settling the case may ultimately be the answer, but at this stage, the plaintiffs and the administration do not appear ready to have productive negotiations. Even if we settle on any past damages, the question remains as to how we manage Indian trust assets in the future. This bill continues to support the Department's reform efforts to the greatest extent possible.

I will continue to work closely with the Department, with the authorizing committees, and with Indian country to advance the reform effort so we can get ourselves out from under this immense cloud.

The Interior bill also supports an important piece of our Nation's energy portfolio, including research on fossil energy and energy efficiency, the operation of the Strategic Petroleum Reserve. This bill provides $1.67 billion for Department of Energy programs, including $862 million for energy conservation and $594 million for fossil energy research and development.

Among the cultural programs supported by this bill, the Smithsonian will receive an additional $10 million to prepare for the opening of two new museums, the Air and Space Museum extension near Dulles Airport, and the National Museum of the American Indian on The Mall. The National Endowment of the Arts will get $117 million and the National Endowment for the Humanities will get $142 million. This is an increase of $15 million for the NEH, for an American history initiative.

This has been something the new Member of this body, Senator ALEXANDER from Tennessee, has worked on very hard ever since his arrival in the Senate and something he and I have discussed many times. I know Senator ALEXANDER and his staff have been meeting with administration officials and the authorizing committees to discuss ways of aligning the administration's American history proposal with his own.

It is my understanding those discussions are going well.

Certainly we should all be pulling in the same direction on an issue such as this. I am excited about this initiative, and I want to applaud our good friend from Tennessee for his hard work.

Finally, I want to talk about funding of wildland fire management. This is a subject we find ourselves discussing again and again. The reason is this: The current system we have for the fire suppression budgeting is broken. Again and again we find ourselves in a situation where both the Forest Service and the Department of Interior are forced to borrow massive amounts of money from other budget accounts to fight the fires. Those accounts are inside their own agencies.

This is a reasonable mechanism when the amounts being borrowed are relatively modest, when the borrowing occurs only during particularly bad fire years, and when sufficient surplus carryover funds are readily available. But the borrowing has become routine and the amounts involved are massive. We no longer have large carryover amounts in other accounts. This carryover has disappeared in many accounts with the decline of the timber program and the revenues it produced.

Last year, we borrowed heavily from a number of Forest Service and Interior accounts, causing both agencies to stop conducting certain activities until those amounts were repaid or replaced. In the end, however, we only repaid about 60 cents of every dollar borrowed, which is the amount proposed by the administration in its supplemental request.

As a result of this shortfall, a large number of congressionally approved projects have either been cancelled or reduced in scope. This year we find ourselves in the same situation. Prior to the recess, my colleagues may recall I was very upset that the House sent us a supplemental appropriations bill that did not include the fire funds requested by the administration. Those funds were desperately needed in August when my State of Montana was suffering from dozens of significant fires. The presence of smoke was almost constant during the time I spent in Montana over the recess. In fact, two airports had to be closed for a period of time because of smoke.

In a way, I am glad we did not act then. I say this because the $289 million that is under discussion in the legislative branch appropriations bill is totally inadequate. I would not want anybody to believe that this amount begins to take care of our problem. The Department of Interior has already borrowed $130 million from other accounts to fight fires this summer. It expects to borrow $30 million more before the end of the fiscal year. The Forest Service has already borrowed—and get this figure—$595 million and is contemplating another $100 million transferred to get us through this fiscal year. Roughly speaking, we will borrow $850 million from other accounts before the end of the fiscal year.

Simply providing the $289 million in the pending administration request does not do the trick. These funds, for the most part, have already been spent.

There are not options at this point. We need to repay those accounts soon and we need to repay them in full. Sixty cents on the dollar this time around would be devastating to a wide variety of programs. They range from endangered species monitoring to facilities construction, from acquisition to processing even the simplest forms of grazing permits. It would amount to a de facto rescission of funds that this Congress voted to appropriate when it approved the 2003 bill.

My colleagues will hear more from me later on this issue, and I will likely have an amendment to offer at some point, but for now I want to use this opportunity to tell my colleagues this is not just a problem for those States where there has been fire. It is a problem for every State in this country, because the funds are effectively borrowed from every State, including the projects and programs that were funded at a specific request of Members in this body. So I call on the administration to send up another supplemental request, one that fully reflects the amounts that will be spent on fire suppression this fiscal year.

I thank my friend, Senator DORGAN, and his staff. They have been great to work with. Of course, we come from almost the same part of the country—in fact, we are neighbors—so it was very easy for neighbors to get together and to roll up our sleeves and put this bill together. His input has been very valuable. We have tried to fashion a bill that reflects the priorities of the Senate as a whole. I think this bill does just that.

So I urge my colleagues who have amendments to get them to me or to my staff as quickly as possible so we can deal with them and get this bill to conference. I caution, however, that we have allocated the entire amount of the subcommittee's allocation. Any amendment that provides additional funds will have to be fully offset, and I think I can speak for Senator DORGAN in saying we will take a dim view of amendments that propose to use across-the-board reductions or unspecified administrative savings as offsets.

I ask the support of this Senate for this bill. I would hope we can have this bill done by tomorrow, and move on and get this bill into conference. I urge my colleagues to support it.

If I can get the attention of my good friend from North Dakota, I look forward to working with him on this issue and I appreciate his good help and his input on this bill.

I yield the floor to my good friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me thank Senator BURNS. Senator BURNS is the chairman of this appropriations subcommittee. I have been very pleased to work with him. I think his leadership and his work on this subcommittee is exemplary.

This is my first year on this subcommittee. I moved to this position from another subcommittee and so it is the first year I have had the opportunity to work with Senator BURNS, but we have had an excellent working relationship.

This is a very large appropriations subcommittee bill, and I shall not repeat that which Senator BURNS has already described in any great detail, but I do want to make some points. I will go through a couple of the items.

Senator BURNS mentioned this bill deals with the BLM, Bureau of Land Management, and the funding for their programs, U.S. Fish and Wildlife, the National Park Service, and a number of smaller agencies as well. There is the Office of Surface Mining, Minerals Management Service, the U.S. Geological Survey, the Bureau of Indian Affairs—I am going to speak a little bit about that in a couple of minutes—and then the larger departmental offices down at the Interior Department that includes the Forest Service, which is a very large agency, the Department of Energy—a portion of the Department of Energy funding is in this—the Indian Health Service, Smithsonian, National Gallery of Art, Kennedy Center, National Endowment for the Humanities, National Endowment for the Arts, and more.

As you can see, these are very important public functions for which we provide funding. I think we have done as good a job as is possible to do, given the restraint on financing many of these functions. I think Senator BURNS would probably agree there are a number of issues that are presented in this appropriations bill for which we would like to provide additional funding but could not. But that is the process these days, trying to find ways to stretch limited resources over unlimited wants that are expressed to the committee.

Let me mention a couple of issues specifically. First of all, payment in lieu of taxes. My colleague, Senator BURNS, mentioned that. For those who do not understand this issue, it is called P-I-L-T. Payment in lieu of taxes is a payment the Federal Government makes on land it owns that otherwise would have borne a property tax but, because it is in Federal hands, does not pay a property tax. So payment in lieu of taxes is the payment the Federal Government makes to these counties that makes up what they should have collected in property taxes had that land been in private hands.

As you know, in most cases property around this country has to bear a responsibility to help raise the funds for our school systems. Yet if you have a substantial amount of Federal land, it doesn't pay property taxes and therefore you don't have the revenue coming off that land to support the school system and other governmental functions. That is what the payment in lieu of taxes is about.

I am pleased Senator BURNS and I were able to increase that amount this year. It is very important. The administration had suggested that it be decreased a bit. We have actually appropriated, in this bill, $30 million above that which the administration requested. I think that is something important to highlight.

I want to spend a couple of minutes talking about Indian issues because, while that is not the largest part of this bill, it is a very important set of issues. I want to talk a bit about it and then I want to talk about grazing permits and a couple of other smaller items.

Let me talk about the Indian issues for a very specific reason. We have trust responsibility in this Government for Indian education, among other things. That trust responsibility is not something we have been able to shed. That is a responsibility we have. It is a responsibility we must meet. I believe we have, on Indian reservations in this country, bona fide crises in health care, education, and housing. This bill deals with two of those—education and health care.

Let me talk about how it deals with education first of all. The administration request on Indian education suggested that we zero out funding for the United Tribes Technical College in North Dakota and also the Crown

Point Technical College in New Mexico. Both of them are vocational/technical schools that are wonderful opportunities for Indian men and women, children, to learn and to get a college education. I am pleased that Senator BURNS and I were able to restore funding to both of those important institutions.

In addition to that, we are restoring some funding that is much needed for the 28 tribally controlled community colleges in our country. These are tribal colleges that have been remarkably successful. Once again, there was a requested cut. We are actually increasing funding over last year. Senator BURNS and I have talked about trying to do more. We hope to be able to do that as we work through this process on the floor of the Senate.

I thought it would be useful, instead of speaking in the abstract, to read a letter from someone because I have visited many tribal colleges. I said there is a bona fide crisis in education, health care, and housing on our reservations. If one doesn't believe that, I encourage you to visit and then ask yourself whether that is what we want to confine Indian children to, or the adults who live on those reservations, with respect to access to health care, access to good education, and more.

Let me read a letter from a woman who wrote to me some while ago describing the value of tribal colleges in her life. I think it is an instructive letter. As I said, I have visited many tribal colleges and this letter says it very well. She says:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
>
> By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, It didn't matter. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family. For the fist time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession. This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.
>
> I've worked in education ever since, from Head Start teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges. My life would not have turned out this way were it not for the tribal college on my reservation.
>
> My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community. Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands. Instead of looking for someone else to solve our problems, we are doing it.
>
> There's only one thing tribal colleges need. With more funding, the colleges can do ever more than they've already achieved. We will take people off the welfare rolls and end the economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received. That is why I hope you will continue to support the American Indian College Fund.
>
> I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people. We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be. But so much more must be done. There still isn't enough scholarship money available to carry students full time. That is my new dream . . . to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.
>
> I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality. I know it can happen because if my dream for my future came true, anything is possible. Thank you.

Let me describe to you the signature. The signature is: "Loretta De Long, Ed.D."

This is a woman from North Dakota who has done wonderful things in the field of education. She describes the circumstance that allowed her to get this education, the presence of a tribal college that gave her hope and opportunity. We need to fund them and we are not funding them adequately. The per-pupil burden that exists on tribal colleges and the reimbursement we provide to meet that burden is not equal at all to that which we do for public community colleges. In fact, it is somewhere very close to half. I have the numbers here. The support per student for public community colleges is $8,900 and the public support for tribal colleges is just under $4,000.

One final point. I know this is not a major part of this bill, but I have spent a lot of time working on tribal college issues. I just want to tell you one other story about going to a tribal college graduation. When I spoke at the graduation, I asked who was the oldest graduate. And they said: That's her over there. And I went over to say hello.

This was a woman who was in her early forties. Here is her story.

I asked her: "What is your story?" She was a janitor. She was cleaning the hallways and the toilets of the community college. She had four children, her husband had left her, and she was working at low wages cleaning the hallways and the bathrooms of the community college. She thought to herself: I would like to be a graduate of this college. Somehow, by the grace of God, through Pell grants, or through all of the support we offer to give people opportunity, the day I was there this woman was not cleaning the hallways or cleaning the bathrooms of this college, she was graduating, wearing a cap and gown, and wearing a smile—something no one will ever take from her because she did it herself with the help of what we put together to provide opportunity to people.

But, once again, it enriches people's lives. Education is the way up the steps, up out of poverty.

I spoke about tribal colleges just because I care a lot about them. These in many instances are places in our country that look like Third World parts of the globe. Yet they exist in this country with people terribly disadvantaged. It is the route of progress. Education provides the opportunity for these people who want opportunity, those who live on Indian reservations. This woman is an example of that, and there are so many others. I have a whole list of them here which I could talk about today.

My hope is that in the time we are on the floor of the Senate, Senator BURNS and I can continue to work on this issue, and we intend to do that.

I will speak just for a moment about Indian health care. The fact is, if you visit Indian reservations and take a look at the amount of money spent on Indian health care, you will decide that there is something fundamentally wrong. This is about young children and others who do not have adequate health care. Go and find a reservation with 5,000 people living on it with one dentist working out of a trailer house and ask yourself: What kind of care for those people exists with respect to dentistry? Go to a reservation, for example, and take a look at the funding through the Indian Health Service and through the BIA, especially with respect to protecting Indian children against sexual abuse.

I had a hearing on that in Bismarck, ND. A woman came to the hearing to testify. On this Indian reservation, she was in charge of the social services and trying to protect these children. She said to me: I have a stack of files on my floor a foot and a half high. These are files of allegations of child sexual abuse and abuse of children. They have not even been investigated. Why? Because there is no money to investigate them. She said: Even when I just have to find a way for somebody to come and take a child to the biggest town 10 miles away, to the hospital off the reservation, I have to beg to try to borrow a car, to put a young kid in a car to take them to the hospital or the clinic.

At that point, she broke down and began weeping, at a public hearing. She just couldn't continue. She said it is just too sad. The fact is we are not doing what we should do to protect these children.

I have this story about some years ago learning of a young lady named Tamera Damirez. She was a 3-year-old. She was on an Indian reservation. She was a child from a very difficult set of circumstances. She was put into foster care by a woman who was handling 150 cases. You get a social worker handling 150 cases, and do you think that social worker is going to inspect the home where she assigns that child to foster care? She didn't. This young girl was sent to foster care at age 3. There was a drunken party at that foster care residence. Her nose was broken, her arm was broken, her hair was pulled out by the roots—at age 3. Why? Because there was not enough money to fund enough social workers to inspect the house where you were going to send a 3-year-old child.

I fixed that problem. There is more money there now. There are more social workers there. They are inspecting where they are sending children. But this should not happen, and it is happening today across this country because we are not adequately funding Indian education and Indian health care by the Bureau of Indian Affairs.

Part of it is the bureaucracy of BIA, I might also say. I don't want to suggest that the BIA is an agency that functions very well in many circumstances. I have a lot of grievances with the BIA as well.

My point is that we have spent a lot of money on a lot of aspects of this Government. None is quite so important to me as protecting children. I visit places in this country where I just shake my head and wonder why it is that these children are not a priority for this country. This bill is one bill where we have a responsibility to do more, and we need to keep working and fighting and funding ways to do more.

Let me mention just a couple of other items as we proceed.

Before I finish that piece of my discussion, I know I am taking one piece out of this large bill and talking about it some. It is because I feel so strongly about it. I know my colleague, Senator BURNS, does as well. The dilemma and the disappointment is that we have limited amounts of money. We need more. We need more to address these issues with children, particularly on reservations, and address the issues of education and health care.

Let me talk just for a moment about an issue in the Forest Service dealing with grazing permits for ranchers. We have a requirement as a result of a previous Federal law that says those who graze on public lands and have grazing permits with which to graze cattle on public lands, in order to get a renewal of the grazing permit when the permit reaches its end, have to have a NEPA—the National Environmental Policy Act—evaluation of that permit.

It was easy enough, I suppose, for the previous administration and the previous Congress to say this should be done. But it has proven much more difficult for it to be done.

The Forest Service has done precious little in moving forward on the NEPA evaluations of the grazing permits. Ranchers out there who are trying to make a living grazing cattle on public lands don't have the foggiest idea of whether at the end of this year they will get an extension of their existing grazing permit because the NEPA evaluation has not been done. That is not their fault. That is the Forest Service's fault. The Congress hasn't funded it. The Forest Service hasn't done it. As a result, the rancher is wondering whether they will get an extension of their permit.

In recent years, we have extended it a year. This bill extends it a year. But at end of each year we are in the same situation.

I believe we ought to do a couple of things: No. 1, we ought to say to the Forest Service: Do this. No. 2, we ought to fund it to get them to do it, and we ought to stop holding ranchers hostage on the completion of these duties.

Until we decide to do that, it isn't going to be done this year because adequate funding does not exist to do what the law would require with respect to NEPA evaluations on grazing permits. I think we ought to do more than extensions of 1 year. We don't know exactly what it should be. We ought to be talking about that during the discussion of this bill.

Frankly, we should not say to those ranch families out there who have cattle grazing on public lands: By the way, at end of each year you are going to be threatened with the loss of the permit. The law says the NEPA evaluation must be done, but we know it is not being done.

Let us decide either it gets done and provide the resources to do that or at least have reasonable extensions so ranchers aren't held hostage at the end of each year by actions of an appropriations committee each year. Let us find a way to do that if we can. I hope we can talk about that as we move along.

I will mention one other concern. I have not talked to my colleague from Montana about this. He talked about the We The People Project. I am a strong supporter of the National Endowment for the Humanities and the National Endowment for the Arts. I think both enrich our country. Both are programs that are excellent. Visit Europe and see what remains from the 15th century. It is not some fossilized, arthritic, calcified human being. It is their art. It is this wonderful art that enriches Europe and tells us something about the 12th century and the 15th century. So, too, are the arts important to our culture. I think these are very important—arts and humanities.

But I must say that doing a new start of We The People—no one, in my judgment, would say that We The People—whatever that acronym attaches to; in this case, it attaches to the study of history—no one would say that is unimportant. It is very important. But we have added money previously to the Department of Education for this. To the extent we are going to do something new, I really would prefer that it be in the Department of Education, or some other device, rather than starting a new program in the National Endowment for the Humanities.

I think history is critically important. The issue of how we are going to enhance the learning and the teaching of history is really a function of doing so in the classroom.

I will not object to it being here this year, but the problem with all these things, once they stick, it is kind of like Velcro. It gets stuck in here and next year it will be here and it becomes a permanent program. I think this program belongs somewhere in an education piece of legislation. I understand $100 million was added in an amendment by Senator BYRD for that purpose and I prefer we do that.

Those who are pushing for the enrichment of the education of history in our school system, absolutely, I fully support it. We have spent a lot of time talking about the maths and sciences, which I think is important. It is very appropriate to say we want kids coming out of our schools to have a great sense of the history of this wonderful country of ours. But I don't believe the place to do that in terms of nurturing that is in the National Endowment for the Humanities. I believe, as Senator BYRD has appropriately pushed, the right place to do it is over in the education legislation. I know we have colleagues who feel very strongly about that. I hope they can perhaps work with Senator BYRD and with us so next year we do not have to have this as another continuing and building program in the National Endowment for Humanities.

Having said that, I know there are some who think, boy, this is a terrific expansion of National Endowment for the Humanities. I am someone who supports the National Endowment for the Humanities. I think it is important. But I also believe this particular piece that is now added to it is more appropriate with the Department of Education, if we are going to do this, and I believe we should do this initiative to enhance and stimulate the education of the history of this wonderful country in our school system.

I yield the floor.

Mr. BURNS. Mr. President, our staff and the staff of Senator ALEXANDER and the Department of Education and the administration did get together. They are moving to an agreement. I agree maybe the Department of Education is where it should be and those funds be allocated to be used there.

But what the Senator from Tennessee was trying to do was highlight something of national interest that is happening in North Dakota and Montana now. As I said, the Dakota territory and Montana was the heart and soul of the book that was written, "Undaunted Courage." Now that we are approaching the 200th anniversary of the Louisiana Purchase and the trek of Lewis and Clark, there is a lot of interest in our part of the country. What was started in the humanities, the interest of Lewis and Clark, the interest of the Louisiana Purchase and the impact it had on this country, has been very positive for all of us out there and all of America.

Some of the original 13 States got the idea that maybe this country is big enough right where it is. If you read another book, "A Wilderness So Immense," you get an idea—this was before our Constitution was ratified—some of the events that went on in the history of the Louisiana Purchase. It is very interesting.

That is why we are very supportive of history initiatives. We have young people coming out of our schools who do not have a sense of history. They do not know who they are, why they are, or how they got here. This initiative is very important.

In regard to the Forest Service permit, it is fire suppression money that was taken from the accounts that would enable them to issue the permits and to complete the NEPA studies. We have to understand that and how important these funds are to be replaced in the accounts of the BLM and the Forest Service so this work can be completed. The Senator from North Dakota is exactly right. These do not have to be done on a yearly basis. There should be a longer term with monitoring. I like the 10-year lease. That is the way it used to be. We find now everywhere we had grazing we did not have fires, which is something we should take a look at as far as fire prevention and fire suppression and the use of the land.

The other day, I will even tell my good friend from North Dakota, I saw a truckload of sheep being unloaded in Missoula County, Montana. They were paying the sheep man to run his sheep on public lands for weed control, spotted nap weed, and of course earlier in the spring, we had the spurge problem. But I thought, what a novel idea. I wished I had thought of it.

We will let that program go to the benefit of the land and also to the people who graze the land and make their living and are in the business of feeding and clothing.

Those are the challenges we have ahead of us. This bill impacts a lot.

I have a few clarifications of items in the committee report that I would like to have printed in the RECORD.

I ask unanimous consent those corrections be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLARIFICATIONS OF COMMITTEE REPORT

On page 28 of the Committee report, the table includes $3 million for "Independence Square site rehabilitation". The $1.25 million provided in addition to the budget request is for landscaping improvements to Independence Mall.

On page 40 of the Committee report under "Other Recurring Programs", the reference to the "Dry Prairie Rural Water System" should have been to the "Assiniboine and Sioux Rural Water System."

On page 52 of the Committee report, the amount provided for Forest Health Management is $82,073,000, as displayed in the table on that page.

Mr. BURNS. I remind Senators to get their amendments down here. We want to complete this bill by noon tomorrow so we can watch the rain. Those folks are worried about forest fires. I don't think anyone on the East Coast has to worry about that.

Mr. DORGAN. I am tempted to talk about the intelligence of sheep and enjoying munching on leafy spurge, but I will not do that.

My colleague describes the real serious problem with spurge and nap. We have known in North Dakota when you put sheep on the land, baby spurge and leafy spurge is gone and the sheep seem happy.

Having said that, I go back to make a point on this issue of, we, the people. We have Lewis and Clark money to celebrate the bicentennial in a number of different places in legislation in several different appropriations bills. It was a wonderful expedition, perhaps the greatest expedition certainly in the history of this country, perhaps ever. The greater the education and the bigger the celebration of that, the better for our country and the better for our children to understand the richness of that history, as well.

My only point is, as we think through this in the longer term, this money is in the bill and I would like to see if we can find a way with the administration to put it where I think it really belongs, and that is education.

The other point I would make in terms of priorities, if we have $15, $20, $25 million here and there, we have urgent priorities, especially dealing with Indian health, that we need to find some additional resources for.

I did not mention in my opening statement something my colleague from Montana mentioned, and that is the forest fire issue. Fire suppression money has been borrowed from every account. It is the wrong way to do business. What we should do—and we talked about this in the spring when we received the budget request; we traditionally get a budget request that does not ask for the money that all of us know will be necessary and then when the need comes for fire suppression money, they take it from virtually every corner and come back with a request for emergency funding.

We ought to understand that forest fires are events that cause a lot of television cameras to record them, and cause a lot of angst for people who are in the way, but they happen every year. This isn't like some big typhoon some place that happens every 10 or 15 years. We know we are going to have forest fires every year. We know about what it is going to cost us if we have a moderate season of forest fires, or more forest fires than a moderate season, and we just as well ought to begin to plan for it. Both the administration and the Congress should; frankly, neither have.

I fully support the comments made by my colleague from Montana. We need to find a way to come at this up front, in the spring of the year each year, to put in sufficient money. In some cases, it may not be enough, if we have an extraordinary season of massive forest fires, but in most cases we could put money in to cover the kind of year that we would have in most situations in this country. So I hope we can do that.

Let me also say, we have some folks on this side of the aisle who will have amendments. As my colleague has indicated, I would prefer if they would just bring them over and offer them. And let's deal with them quickly. We do have a little rain coming to the east coast. It would be nice to be able to finish this bill. The bill is going to be open for amendment, and I would ask colleagues to come over and work with us, offer the amendments, and let's work through them today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that amendment No. 1724, the pending substitute amendment, be agreed to and considered original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1724) was agreed to.

Mr. BURNS. Mr. President, I again say to my colleagues, we are going to try to finish this bill before this storm hits tonight. We are working now on a managers' package of known amendments, and if there are some unknown amendments, I suggest Senators come to the floor, submit their amendments, and let us deal with them. If not, we are going to move right along in completing this legislation.

We understand the House is not going to be in tomorrow. So we do not want to be caught in that pickle. We want to complete action on this appropriations bill if we possibly can. I suggest my colleagues bring their amendments to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent we now go into a period of morning business with Senators being allowed to speak for 5 minutes therein until the hour of 2 p.m. this afternoon, at which we will return to the business of Interior appropriations.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The unanimous consent request is for a period of morning business so Members can speak for up to 5 minutes on a topic of their choosing.

Without objection, it is so ordered.

The Senator from Connecticut.

IRAQ

Mr. DODD. Mr. President, I would like to share with my colleagues a few thoughts on the subject of Iraq, if I may. I begin by thanking the President for speaking to the Nation on September 7. President Bush, my colleagues will recall, addressed the American people about the subject of Iraq. He happens to be one of the very few members of his own administration to begin to tell the American people the facts of life about our involvement in Iraq: That it is going to be very difficult for our troops and civilian personnel to be successful in standing up a democratic government out of the ashes of a crushed and totally discredited dictatorship, and it is going to be very expensive as well, the President pointed out—very expensive. In the President's own words, this undertaking is going to be "difficult and costly."

President Bush also explained in simple terms U.S. policy objectives. He said in that speech that our objectives are to destroy terrorists, enlist the support of other nations for a free Iraq, and help Iraqis assume responsibility.

He was far less clear on how he intends to achieve those objectives or to mitigate the cost to the American public—the cost in dollar terms and also in terms of human lives.

Our military has, I think all of us would agree, done an exemplary job in winning the military conflict in Iraq. All of us extend our highest commendations to the men and women in uniform for the job they have achieved. But they also need help winning the peace, and I think all of us understand that as well.

Our forces are stretched thin. Our troops are very tired. There are questions as to whether they have been adequately equipped for the circumstances that they now confront. I believe they are involved in a guerrilla war. There is no other way to describe it. Their lives, as we all know, painfully, are in great danger from hostile irregular forces, if you want to call them that, and from a very hostile environment growing worse every day by growing civil dissent in the country.

Tragically, more than 280 American soldiers have now died in Iraq, and more than 1,200 are wounded; 159 of those deaths have occurred since the President declared the end of major military action on May 1 of this year. Every single day since then almost 10 Americans have been officially declared wounded in action.

Our troops are not the only ones at risk. Hanging in limbo is, of course, the future of the Iraqi people. Millions of innocent civilians suffered for decades under the brutal rule of Saddam Hussein. When our forces entered Iraq, we took on the mission of providing peace and security for all Iraqis. But during the past several weeks we have witnessed a surge of attacks with many Iraqis themselves victims, subject to the attacks of these hostile forces within Iraq.

Car bombings have claimed the lives of more than 120 people over the last number of weeks. The U.N.'s Iraqi headquarters were bombed and their top envoy, Sergio Vieira de Mello, was killed, as we all know. An attack at the mosque at Najaf killed more than 80 people, including a prominent moderate Shiite leader. Only a week ago, a track bomb killed an Iraqi police officer and wounded 27 others, including Baghdad's chief of police. On Monday, the chief of police of another community was gunned down in his automobile.

This goes on every single day. What does the situation tell us? I believe it tells us that the Iraqi people are far from secure. If they are not secure, it is a safe bet our forces will continue to remain in danger and our own security and the security we are trying to achieve as a result of a rise in terrorism is also at risk.

I listened last week as well to Vice President CHENEY and Secretary Rumsfeld, our Secretary of Defense, go over the old ground of defending the administration's justification for going to war in Iraq. And with all due respect to Secretary Powell, I do not believe his most recent remarks to the effect that the use of chemical weapons by Saddam Hussein in 1988 explains why this administration decided in the year 2003, some 15 years later, that Saddam Hussein had to go. Frankly, I believe the administration should spend far less time trying to justify past decisions or explain away errors of judgment and far more time should be spent figuring out what to do next about this difficult and costly challenge our troops are facing every day, day in and day out, in Iraq.

I hope the recent rhetoric is simply a diversion, because the administration doesn't have a plan, in my view, for restoring security—a comprehensive strategic plan for the eventual drawdown of U.S. forces, a comprehensive strategic plan for turning political control of the country of Iraq over to the Iraqi people where it belongs. We need a strong strategic plan, a concrete plan and a timetable for these events. We need a comprehensive strategic plan and timetable for establishment of an Iraqi government and for the preparation of a constitution for the holding of free elections. We need to stick to that plan so the Iraqi people can have a sense of confidence that the end goal remains an independent Iraq governed by Iraqis.

The Congress of the United States, of course, supported President Bush last year when he sought authority to use all necessary means to secure Iraq's compliance with United Nations resolutions. I was one who voted for Senate Resolution 1441 which empowered the President to forcibly remove Saddam Hussein from power. And I would do so again, because I believe Saddam Hussein posed a threat to our security and to the security of our allies in the region.

At the time I voted for that resolution, I expressed concern that the administration may not have adequately prepared for winning the peace once military options had deposed Saddam Hussein. I think the concern I expressed, as well as many others, clearly has been well placed. The time has come for our President and his top advisors to listen to the Congress and, more importantly, to the American people, when we say our current policy is off course. If they don't heed the concerns being expressed by Democrats and Republicans in both this body and in the other, then they risk an even more costly and far more difficult engagement in Iraq, and they risk the administration losing the support of the American people for this policy which is absolutely critical for the long-term success.

The $87 billion emergency appropriations request the President will soon transmit to the Congress of the United States presents a very important opportunity for us to consider a mid-course correction on our Iraqi policy. It will require all of us in this Chamber and the administration and others to work very hard to effectuate that kind of change.

I will say here and now I am prepared to support all of the funds the President has requested to equip and protect our military troops in Iraq and Afghanistan. So long as they are in harm's way, they need whatever military commanders deem necessary to get the job done as safely as possible. The resources ought not be the subject of our corrections.

However, I do not believe we can or should continue to give the administration a blank check with respect to the reconstruction money. This is a ripe opportunity now for us to work together in common purpose and common cause to offer some new ideas and new direction to get this policy on track. We simply cannot afford to continue the road we are following. Even before the administration's supplemental request, the Congressional Budget Office calculated the annual budget deficit would reach some $480 billion—the largest in our history. Over the past 3 years, 3.2 million Americans have lost their jobs—44,000 alone in the month of July.

I don't need to remind my colleagues of these statistics. They know them in their own States. We are facing a tremendous problem in our own country. Layoffs are continuing as Americans lose their jobs. And they are losing something equally important—the ability to provide for their families. Neither are the schools receiving the funds necessary to ensure our children receive the education they deserve. Many are cutting back on the school week and on critical services and programs.

Thus far, U.S. funds have been expended to open and equip Iraq's 12,000 primary and secondary schools, to return 240,000 telecommunications lines to operation, and to begin the process of vetting and training some 30,000 Iraqi police officers. The job is far from done. Baghdad's International Airport remains closed to commercial traffic. Many key bridges and roads are in desperate need of major repairs. That nation's rail system will need significant capital infusions to make it operational again.

The American people, in my view, are facing their own difficulties here at home, and those kind of pressures in the absence of a clear policy are going to create the kind of pressure-cooker environment which will place the policy in Iraq in jeopardy, our soldiers' lives in jeopardy, and the Iraqi people's security in jeopardy. The great effort that was undertaken to change a brutal dictatorship and bring peace and democracy to those people is clearly in further jeopardy. In the midst of all of this, we need to come together and change the course of directions.

I remember the administration's mantra some months ago that "Iraq is a rich country" and its oil revenues would be available to rebuild Iraq's infrastructure. Just weeks ago, Ambassador Bremer amended that statement to say that "tens of billions of dollars" in additional financial assistance will be needed to accomplish that task.

It now appears that oil revenues once thought to be more than sufficient or of sufficient magnitude that they could finance the rebuilding of the country of Iraq are now expected to barely cover the operating costs of Iraq's government ministries and the expenses of the Interim Council.

What more evidence do any of us need to be convinced that the time has come for other governments to be welcomed as participants in rebuilding Iraq and to reach out and to ask them to join in that effort?

I strongly believe it is time for the Congress to weigh in and to require the administration to address two basic questions: How do administration officials plan to minimize American death and casualties? How do they intend to minimize the expenditures of American tax dollars that will have to be diverted to this cause at the expense of other critically important programs in our own Nation, such as to assist first responders in keeping us secure at home, programs to provide for prescription drugs for our seniors, and programs to improve our schools so no child is truly left behind?

If history is any guide, the only way the administration will feel compelled to come up with answers is if we in the Congress—the coequal legislative branch of Government—place some conditions on the $20 billion in reconstruction moneys.

To me it seems pretty straightforward what needs to be done to lower the risks and costs of current participation in Iraq. It is called the United Nations. It is called the international community. We need to invite them to be a part of this effort. That is why I believe the Congress should link the provision of reconstruction moneys to the passage of a United Nations resolution that places responsibility for rebuilding Iraq where it belongs—on us and the international community as a whole. To get such a resolution, obviously the administration must approach other member states with a credible proposal, one that gives the United Nations some measure of authority over the civilian administration of the country while also charging it with mobilizing more resources from member states. Clearly, the United States should retain command of any ongoing military operations in Iraq. But on political, economic, and civic reconstruction, we better involve other nations fairly quickly. We cannot do this alone. The American people will not support this over the long term. If we don't invite them to participate and to help us, we are going to find it very difficult with each passing day to find anyone who will join us in this effort.

I don't understand the reluctance on the part of the administration to turn over the civilian administration of the country to an international body. There is certainly ample precedent for doing so. Not only would it lower the profile of our presence in that country, but it would also likely unleash additional resources and cooperation both regionally and internationally, bring Iraq around to the kind of nation we would like to see, and truly deal with the problems of terrorism globally.

The Congress has to do it unless the administration decides on its own to change course. If we don't speak up in these coming days, if we just provide a blank check and a vote for $87 billion with nothing further to be said, we will not have anyone to blame but ourselves in the coming days if this present policy continues to collapse. And I believe it will.

It is time for us to stop sitting on the sidelines. Under the able leadership of

Senator LUGAR, the Foreign Relations Committee has been carrying out careful oversight in Iraq. The Foreign Relations Committee now has the responsibility to develop some legislative proposals—perhaps along the lines I have outlined for people to bring to the table—in order to influence the contents of the legislative package we will be asked to vote on in the coming days. I look forward to working with my colleagues—Democrats and Republicans—because I know very deeply the concerns I am expressing publicly are shared by many in this Chamber regardless of party, regardless of ideology, and regardless of which States we represent.

There is a growing concern that we have this wrong and that we have to get it right soon. Here is an opportunity that may not come again to us for many months to try to set this on a different course.

We are at a very special and historic moment. We cannot and must not sit idly by when we know multilateralizing the reconstruction and democratization of Iraq is the right thing to do. It is the right thing for Iraq. It is the right thing for the United States of America. But it is time we in the legislative branch, the coequal branch, step up and act in the interests of our people and other like-minded people around the globe.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETROIT SHOCK WIN WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, last night the Detroit Shock won the Women's National Basketball Association Championship, defeating the two-time defending champion Los Angeles Sparks 83–78. This tremendous accomplishment is all the more special because the Shock rose from the worst record in the league last year to champions this year.

Over the course of this year's season, the Shock won a league-best 25 games, a year after losing a league-worst 23 games. The Shock's victory is also the first time in the WNBA's 7-year history that neither Houston nor Los Angeles won the championship.

The enthusiasm and support for the Shock by the people of Detroit and Michigan was clearly demonstrated by the fact that last night's game was attended by a WNBA record crowd of over 22,000 people.

The Shock completed their incredible run from last to first with the leadership of Coach Bill Laimbeer, finals Most Valuable Player Ruth Riley's career-high 27-point performance, as well as the strong play of Swin Cash, who finished with 13 points, 12 rebounds, and 9 assists. These performances were supported by Deanna Nolan's 17 points, and Rookie of the Year Cheryl Ford's 10 points and 11 rebounds.

It was a tremendously exciting game throughout. The Los Angeles Sparks erased a 14-point deficit in the first half, and an 11-point deficit in the second half, and even had a 3-point lead with less than 4 minutes to go. But with less than a minute left, Deanna Nolan, from Flint, MI, secured the Shock's lead when she hit a 3-point shot to give them a 75–73 lead. Then Cheryl Ford hit 2 free throws, and it was a 4-point game with 43 seconds remaining. In the end, the Shock were victorious in what was the highest-scoring WNBA finals game in history.

The 2003 WNBA champion Detroit Shock will celebrate its first-ever WNBA championship with fans tonight at The Palace of Auburn Hills. This is Detroit's first professional basketball championship since our Pistons won back-to-back championships in 1988 and 1989. Shock Head Coach Bill Laimbeer was actually cocaptain of those Pistons teams, and in 1988 it was the Los Angeles Lakers—the Los Angeles Sparks' NBA counterparts—that Detroit defeated to win the championship.

I know our colleagues will join me and Senator STABENOW in congratulating the Detroit Shock on their championship and looking forward to their drive to repeat next year.

Mr. President, it is also my fervent hope that the Shock's worst-to-first season will be an inspiration to the Detroit Tigers next year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

Mr. REID. Will the Senator withhold for just a brief minute?

Mr. DURBIN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—HOUSE MESSAGE TO ACCOMPANY S. 3 AND EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1:40 the Senate resume consideration of the House message to accompany S. 3, the partial-birth abortion ban bill; provided further that time on the motion to disagree be limited to 1 hour equally divided in the usual form; further, that following the use or yielding back of the time the Senate proceed to a vote on the motion with all other provisions of the agreement remaining in effect.

I further ask unanimous consent that following the vote, the Senate immediately proceed to executive session to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 352, 347, 348, 350, and 351.

Further, I ask unanimous consent that there be 2 minutes equally divided between the two leaders or their respective designees prior to each vote; further, that following the votes the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the 30 minutes will begin on our side in 10 minutes. I want to make sure the RECORD reflects that Senator BOXER will control that time. There are a number of Senators who wish to speak at that time. But I ask if my friend, the Senator from Pennsylvania, would allow her, Senator BOXER, to have the last 10 minutes to close debate on this matter?

Mr. SANTORUM. Sure.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

Mr. REID. Mr. President, I would also say the Senator from Illinois who was here was going to speak for up to 8 minutes. Prior to this beginning, I wonder if he still wishes to speak, the Senator from Illinois?

I ask unanimous consent that the Senator from Illinois be recognized until 1:40, when the debate on partial-birth abortion is finalized.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

HEALTH INSURANCE

Mr. DURBIN. Mr. President, I will be very brief, but I wanted to make a point on the RECORD relative to some messages and information I received from my State which I would like to share with my colleagues.

During the month of August, I went back across the State of Illinois and visited with a lot of people, including chambers of commerce, labor unions, families, and community leaders. I would say for the third or fourth consecutive year, the report I received from businesses in particular in my State was identical. When I asked them what their major concern was, time and again they came back and said the same thing. It is the No. 1 concern of businesses across America when it comes to the cost of doing business and competitiveness. It is the No. 1 concern of labor unions across America when it comes to fair compensation for their employees. It is the No. 1 concern of more and more families across the United States as they realize how vulnerable they are.

What is that concern? The cost of health insurance. Time and time again that issue resurfaces. I have to tell my constituents in Illinois, my friends in business and labor, that I understand what they are saying. But this is an issue which has gone unaddressed in Washington in the time I have been here, for the last 7 years, in the Senate. It is as if the people in the Senate, the men and women like myself who are talking back home, are not listening or at least they are not coming back here and saying: What can we do about this?

There are some who have an automatic reaction and say: Don't jump in with a Government solution. The market will solve this problem.

I would say to them that the market is addressing this problem. The market of health insurance in America is reducing coverage, reducing their exposure to risk, and raising costs to increase their profitability.

What I am about to say is not just anecdotal evidence of a trip around Illinois this year or for the last 4 years, but it is the same thing we found when the Kaiser Family Foundation released their annual report on health insurance across America, and I commend it to those following this debate: KFF.ORG, KFF.ORG. Go to that Web site and you will find this report on the cost of health insurance.

According to this report, monthly premiums for employer-sponsored health insurance went up 13.9 percent between 2002 and 2003, the third successive year of double-digit increases in the cost of health insurance, while inflation in general is going up 2.2 percent. Of course workers are paying more out of pocket and receiving less coverage.

Small businesses are getting hammered if they can afford health insurance. If they can't afford it, frankly, they are on their own, and that is not a good outcome here. The question is, Why are these rates going up?

When the Kaiser Foundation asked the businesses what they thought, the No. 1 reason was the cost of prescription drugs going through the roof.

I talked to the CEO of the biggest company in Illinois during my August recess. They are self-insured for health. He told me they are now spending more money on prescription drugs for their employees and retirees than they are for the rest of their health insurance costs—more on prescription drugs. Prescription drugs are skyrocketing in cost. We are doing nothing about it, either in the prescription drug benefit for seniors or in any other legislation.

The second reason, of course, for the cost of health insurance going up is the cost of hospital services. So you might ask, What about the health insurance companies? How are they doing? That is interesting.

The Weiss Ratings, an insurance rating agency, looked at the profits for 519 health insurance companies. They evaluated these companies and they learned that between 2001 and 2002, of these 519 health insurance companies, their profits went up 77 percent. The same review had shown a 25-percent increase in the years 2000 to 2001. And the trend is continuing this year.

Have you seen the ads for PacifiCare Health Systems where the whale jumps out of the water and splashes in? In the second quarter of 2003, PacifiCare Health Systems, which serves 12 million Americans, reported a profit increase of 260 percent. UnitedHealth Group reported a 35-percent increase. Aetna reported a 28-percent increase.

These are extraordinary profit margins in the midst of a recession in America. They are profit margins at the expense of businesses, their employees, of labor unions and their members, and families across America. For my colleagues who say it is hands off, Government cannot get involved in this debate, this is an issue to be resolved in the marketplace, I remind you again it is being resolved in the marketplace as health insurance premiums skyrocket and coverage disappears.

A friend of mine with a small business in downstate Illinois and 10 employees had 1 employee whose wife had a baby who was sick. The baby incurred great costs at the hospital. The next year, when his small business went in for their health insurance, they were told their premiums would double—a 100-percent increase from one year to the next because of one claim.

This man and his wife had this company in their family for generations. They called together the 10 employees and said: We cannot do it. We cannot pay it anymore. We are going to give you the money which we would have put in your monthly paycheck each month for your health insurance. You have to go try to find coverage.

The family with the sick baby could not find any. The others went out and did the best they could. I asked the owner of the company, who was genuinely saddened when it reached that point, what did it mean? He said: I'm in the open market for health insurance. It meant at his age, about 58-years-of-age, and his wife about the same, that whatever they make a claim for under their health insurance policy this year will be excluded from next year. Whether it is part of your body or disease or illness, you are stuck.

Next year it is excluded.

Let me tell you the lengths to which they have gone. When this woman, who is now with her husband in the private health insurance market, goes in for a mammogram and they say, Where should we send the results, she says: Send them to me personally. I don't want them to go to a doctor because if they become part of my medical record, it will be used against me when we apply for health insurance next year.

That is what it has come to and that is what people are facing across America—outrageous copayments, increases in premiums they cannot afford, and less and less coverage every year.

What have we done about it? What has this Government done to stand behind these businesses and labor unions and families? Absolutely nothing.

That is unacceptable. If we really want to address an issue that business cares about and labor cares about, this is the issue.

If you are concerned about competitiveness, consider this: The cost of health insurance is embedded in the cost of every American product that we export overseas. In other countries, the government provides the health insurance. It is a government obligation, paid for in taxes. The individual companies do not have to add it to the cost of the car they are selling in the United States. But we do. Every time we produce something in the United States with American workers, covered by health insurance premiums that are going through the roof, the cost of that health insurance is embedded in every product and, frankly, takes away from our competitiveness.

I challenge myself as a Senator here and my colleagues. We cannot escape the responsibility to address this issue honestly, and we cannot escape the reality that the marketplace is now driving health insurance beyond the reach of conscientious businesses that want to protect their employees and labor unions that are trying to stand up for working men and women and of families who, if they are left to their own devices, will find this to be a very cruel alternative when they seek health insurance.

I yield the floor.

MEASURE PLACED ON THE CALENDAR—S. 1618

Mr. SANTORUM. Mr. President, I understand S. 1618 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. SANTORUM. I object to further proceedings on the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Continued

Mr. SANTORUM. Mr. President, I believe we are now on S. 3, which is the partial-birth abortion bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. Mr. President, for the information of Members, we will have an hour of debate, a half hour each side, and then we will have a vote at 2:40 this afternoon, followed by a series of five votes on judges.

This is a vote that, candidly, is not necessary. It is a vote that will be 100 to nothing, or as many Senators as are still here to nothing.

It is a vote to get this bill to conference. The House passed one bill. The Senate has passed a different bill. The normal rules are you adopt a motion of disagreement and go to conference. Otherwise, you keep bouncing back and forth to the House and the Senate with a fully amendable vehicle which doesn't get you anywhere.

I am asking all of my colleagues to vote on this procedural matter to get the bill to conference. I will tell you that I fully anticipate the bill coming out of conference within a very short period of time before we recess for the rest of the year. We will have a bill that will pass here overwhelmingly. It will pass in the House overwhelmingly and be signed by the President, which is the objective I think certainly the vast majority of the people in this Chamber would like to see done.

I understand there may be some reasons the Senator from California wanted to have this debate and have this vote. This is probably the only time where all of us will agree on this issue and vote for this resolution and get it to conference. We will then move, hopefully expeditiously, from that point.

I see the Senator from New Jersey is here. I will be happy to yield the floor and allow him time to speak.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, thank you. I thank the Senator from Pennsylvania.

Mr. President, I come to the floor and stand with my good friend, Senator BOXER, and the women across America to express my support for the landmark Roe v. Wade decision and the importance of protecting a woman's fundamental right to choose. I think that really is what the issue is about—not the parliamentary procedures we are talking about. Earlier this year, we marked the 30th anniversary of this critical decision which clearly established a woman's fundamental right to reproductive choice. I strongly support that right. The decision about this difficult choice for an individual should be made by the woman, her doctor, and her moral counsel and, in my view, not by politicians and not by Government. Simply put, I trust the women of America to make their own health and moral decisions without the intrusion of Government. I think that is what Roe v. Wade indicates.

Having said that, I recognize women and men of good faith can and will reach different conclusions about this difficult moral question involved in the debate. But Roe v. Wade is the law of the land. I am very troubled by this administration's—and frankly Congress's—attempts to undermine that basic right by that decision. Whether it is through the so-called partial-birth abortion bill, reduced access to family planning, efforts in redefining the legal status of fetuses, or far-right traditional nominations, this administration and this Congress are constantly knowingly chipping away at women's fundamental freedoms.

That is why I was pleased when, in the context of the so-called partial-birth bill, the Senate adopted the Harkin resolution expressing support for Roe v. Wade, which is what the debate is about today.

First, let me make clear I oppose the underlying bill, and I still do. I believe the bill is unconstitutional, and it doesn't take into account the health of the woman that the Supreme Court requires. Its practical effect would be to deny women access to some of the safest procedures at all stages. That said, with the Harkin amendment included, I was at least partially satisfied that the Senate has reaffirmed the importance of Roe v. Wade.

Again, the reason we are having this debate is to make sure our conferees are embracing something we supported here in an open vote on the floor of the Senate. All of us know the House has stripped away the resolution affirming Roe, laying bare, in my view, the true purpose of the underlying legislation—to undermine Roe and ultimately roll back women's rights.

When Roe v. Wade was decided in January of 1973, abortion, except to save a woman's life, was banned in two-thirds of the States, including my home State of New Jersey. Roe rendered these laws unconstitutional, making abortion services safer and more accessible to women throughout the country—not just to a select few—and certainly on a safe basis. Many of these statutes are still on the books waiting for an anti-choice majority in the Supreme Court to overrule Roe.

I hope my colleagues will think long and hard about the implications of forsaking Roe. We need to be very careful to avoid returning to a period in which abortion was illegal and when the only choice women had was to seek illegal and unsafe abortions—particularly when economic position determined who had a safe choice. In those days, thousands of women died each year as a direct result of the abortion ban. In fact, 17 percent of all deaths due to pregnancy and childbirth were the result of illegal abortions. It would be tragic if we return to those days and forget the lessons of history.

The Supreme Court itself in 1992 noted that in addition to improving women's health, Roe has enabled women to control their reproductive lives, and thus "participate equally in the economic and social life of the Nation." Justice Harry Blackmun, the author of Roe, called his decision "a step that had to be taken as we go down the road towards a full emancipation of women." That is a pretty straightforward sentence that I think most Americans believe in.

If we are really interested in reducing the number of abortions in this country, we should ensure that women have access to the full array of family planning services, including prescription, contraception, emergency contraception, and prenatal care. We should also support expansion of comprehensive sex education. That is the way to deal with this problem as opposed to putting it into the dark alleys and off of the front pages.

Every week 8,500 children in our country are born to mothers who lack access to prenatal care. Too many of these children are born with serious health problems because their mothers lacked adequate care during their pregnancy. As a result, 28,000 infants die each year in the United States. That is the real tragedy. We ought to act immediately to address this issue by expanding access to prenatal care, as several of my colleagues and I have proposed, to start helping them stay healthy. What we should not do, however, is pass legislation we know is unconstitutional and which would ban a common and safe form of abortion at all stages of pregnancy, and which would increase maternal mortality—all without improving the health of a single child.

We also should not forget Roe v. Wade is still the law of the land, despite this administration's seizing opportunity after opportunity to undermine it. Unfortunately, though, Roe hangs by a thread, and the retirement of one Supreme Court Justice could mean a change and the demise of Roe v. Wade.

That is why it is absolutely essential for this Senate to affirm the importance—and indeed the very validity—of

Roe v. Wade. That is why it is important for the Senate to oppose the House stripping of the Harkin resolution, which is what we are debating.

It is time for us to make sure we stand firm on what we believe in so strongly. I think there is a lot we can do to prevent unintended pregnancies. That is where we ought to be putting our efforts—not undermining Roe v. Wade.

I yield the floor.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. CORZINE. Certainly.

Mrs. BOXER. Mr. President, what time remains at this point?

The PRESIDING OFFICER. The Senator from California controls 22½ minutes. The Senator from Pennsylvania controls 28 minutes.

Mrs. BOXER. I just wanted to thank my friend very much, through the Chair, for coming over. I know it is a very hectic day for all of us. I appreciate the fact that several of my colleagues have come to the floor to speak about this.

The Senator's point is quite eloquent; that is, affirming Roe, saying this decision was the right decision and what this Senate ought to do.

Further, what we ought to be doing instead of outlawing procedures without making exception for the health of the woman, we ought to be moving forward aggressively with family planning. We ought to be helping poor children and poor families.

I find very interestingly the very people who want to have the court overturn Roe, say that Roe is a bad decision, and the Government should decide what women should do with their own bodies are the ones we cannot get to support us on family planning and on helping poor kids. It is a very odd set of circumstances to me when I see an elected official say we should ban abortion because it is wrong from minute 1. We should ban abortion, force women to have these children at the earliest stages, not let them decide but have the Government decide, and then turn our backs on the children once they are born.

I ask my friend if he does not see an irony here?

Mr. CORZINE. There clearly is. The Senator from California recognized that. First, there are positive steps that can truly lift up and help children across the country, across the world, frankly, including more thoughtful planning processes. But more importantly, we are taking a decision away from individuals, which is the most private, the most moral, the most important decisions they can take, and saying we know best. I have a very hard time understanding how that fits with other philosophies that I hear at times expressed.

I know this is a difficult decision for every individual. They have to struggle with that in their own lives. There is no way, in my view, that we should be moving to have Government make that decision when, in fact, the individual, doctor, and people's moral counsel are the places where that decision lies.

I appreciate the Senator from California and her effort to make sure such an important and potentially divisive issue in our society, which has been decided by the courts, constitutionally decided by the Court, continues to be reaffirmed by all involved in elective public office.

Mrs. BOXER. I ask my colleague one more question. My colleague has come in favor of the Harkin amendment. I hope we have a very big vote to disagree with what the House did. The House struck the Harkin amendment from the bill. That is a very strong difference the Senate has with the House. We will vote to disagree with what the House did.

I share with my friend the very elegant simple language of the Harkin amendment:

> It is the sense of the Senate that:
>
> (1) the decision of the Supreme Court in Roe vs. Wade (410 U.S. 113 (1973)) was appropriate and secures an important right; and
>
> (2) such decisions should not be overturned.

This is a very elegant, simple statement and, by the way, has no force of law. It is simply a sense of this Senate.

Does it not seem to my friend to be an indication of how out of sync the House is on that they would strike this simple sense-of-the Senate language? If you ask the people, and we have a recent poll—Should Government be involved in the early stages of a pregnancy?—80 percent say, Government, keep your nose out. And the House is so interested in passing this underlying ban on a medical procedure that, by the way, has no exception for health, would the Senator not think they would have just left this in and then there would be no difference between the House and the Senate? As we know from our Government textbooks, when there is no difference, the bill would go right to the President. Does my friend believe that the House leadership, those who struck this language, who pushed striking this language, are out of step with the vast majority of people in New Jersey, people in California, people in this country, 80 percent of whom believe the early stages of pregnancy, this decision should be between a woman, her doctor, her God, and her family, and it is not about Senator CORZINE deciding or Senator BOXER deciding or Senator SANTORUM but rather the women, in consultation with their conscience, their family, their God, their doctor.

Mr. CORZINE. The Senator from California is elegantly stating the case. I certainly have a strong sense that the people of New Jersey believe, the women of New Jersey believe, what the people across the country in the poll numbers that have been suggesting believe: Most Americans thought this issue was resolved once and for all by a very clear decision, tough decision of the Supreme Court, and should stand.

What we are doing by including the Harkin resolution—which is, as the Senator said, very elegant, simple, very straightforward, not the rule of law, the force of law—is very clearly underline something that has been decided by the American people and continues to be supported by the American people. It is important we have this language in the underlying bill which, by the way, as I suggested, I didn't vote for to start with. But I do believe it was made better by this resolution. I implore the Senator from California to continue to speak out with the kind of elegance and care which gets at one of the most difficult and painful choices and issues we have to deal with in our society.

Since we have resolved this, we should live with it and go forward.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Pennsylvania.

Mr. SANTORUM. To reiterate, this idea that the vast majority of the American public agrees with Roe v. Wade is not correct. Roe v. Wade allows abortion under any circumstances at any time during pregnancy. That is what Roe v. Wade does.

Now, what does the American public say about their position on abortion? According to the Center for the Advancement of Women, a pro-choice activist group doing a survey among women in America—not wording it in a way that will get a conservative or pro-life response, I might add—51 percent of the women in this survey this year, this summer, said they would either ban all abortions or only abortions in the case of rape, incest, and to save the life of the mother—51 percent of women in this country, and this is not inconsistent with other polls.

The idea that 80 percent of the people in America support Roe v. Wade, if you tell people what Roe v. Wade is or ask them their position on abortion and match it up with what Roe v. Wade does, 80 percent of the American public under no survey support what the law is pursuant to Roe v. Wade; 51 percent would take what most people in this Chamber would term the pro-life position, 50 percent of women—that is, no abortions or no abortions except in the case of rape, incest, and to save the life of the mother, which is far less than 1 percent of abortions done in this country: 1.3 million, one-third of all conceptions in America end in abortion.

Additionally, 17 percent say it should be stricter than under current law. What does that mean? That means stricter than under Roe v. Wade. So you have 68 percent of the women saying they disagree—according to a pro-choice advocacy group survey—saying they disagree with Roe v. Wade.

So the suggestion that the House is out of step with America because they do not support language that is not supported by 68 percent of the American public—and I argue it is probably higher than that because the other category is so cloudily worded so as to probably bring in people who would have problems with the absolutism of Roe v. Wade. The idea that 68 percent, at least, of women in this country do not support Roe v. Wade speaks for the wisdom of the House and the centrality of the position that the House took.

A couple other comments about Senator BOXER's statement about rejecting the House's stripping of the Harkin language. The fact is, when you have two different versions that pass both bodies, you go to conference. That is what we do. We do it as a routine. That is what we will do today. This is a routine procedure vote that simply gets us to conference. I assure my colleagues the bill that will come out of conference will be one that will be very familiar to Members here and will be, I believe, overwhelmingly adopted.

There are another couple points I would like to make.

I spoke earlier on this topic—the Senator from California spoke about it—and that is this idea that Roe v. Wade has saved the lives of women who would otherwise have had abortions illegally and would have died as a result.

The Senator from California states that there were 5,000 women who died per year as a result of illegal abortions prior to Roe v. Wade. I put into the RECORD the facts. The facts at that time, according to the Department of Health and Human Services, the National Center for Health Statistics, which said there were a total of 612 deaths of women who died as a result of complications from pregnancy—total maternal deaths 612; of that, 83 were related to abortion.

If you look at the trend—this chart starts in 1942—the total number of deaths from abortion goes down from 1,200 to 1,100, to 986, to 888, 760, 585, 496, 394, 316, 303. It keeps going down and down and down, all the way up to 1966, 189—160, 133, 132, 128, 99, 83—every year, virtually every year. There are a couple where it goes up maybe one or two and then back down one or two, but the trendline is clear: Because of the improvements in health delivery, the improvements in medicine, we have seen the number of deaths go down, even when abortion was illegal, as well as a commensurate drop in total maternal deaths as a result of pregnancy.

We would expect that trend to continue as health delivery continues. In fact, if you look at the numbers today, in 1998, which is the most recent number available, there were nine women who died from legal abortions. If you would follow this trendline, that is actually higher than what the trendline would suggest, given the trendline over the previous 30 years on this chart.

So the idea that Roe v. Wade is saving all of these lives is false. It is false. The idea that the Senator suggested—she said she was going to put evidence in the RECORD to substantiate the 5,000. We have gotten the information the Senator put in the RECORD. I cannot find anything in those documents that even talks about the number of women killed from abortions prior to 1972. So maybe she handed in the wrong documents. I don't know. But I don't see anything in any of those documents that talks about the number of women who died prior to 1972 as a result of abortion.

The reason is, the only facts we have are the official facts of the U.S. Government. I know the Senator from California said: Well, these women in these statistics were subject to prosecution, criminal sanction, if they had an abortion, so, of course, they wouldn't be reported. What the Senator from California obviously forgot is these women are dead. So obviously they aren't concerned about criminal sanctions at that point. This is information off the death certificate. So the idea that someone is playing with these numbers or the people are not reporting them because of fear of criminal action is just absurd.

This argument that justifies Roe v. Wade is false. But what is true? The number of abortions in this country has skyrocketed—that is true—and millions of children have died. Millions of children have died as a result of Roe v. Wade.

Is the condition of children better as a result of Roe v. Wade? Is the condition of the family better as a result of Roe v. Wade? The statistics don't prove that out, either. Oh, I remember reading things that were written at the time about how the legal right to an abortion was going to dramatically affect the amount of abuse, domestic violence, and we would see a dramatic drop in domestic violence because children—these problems that we have out there—if you take children out of the relationship—unwanted children—domestic violence will go down. Roe v. Wade will decrease the amount of violence in the house. Not true. It did not happen. It went up.

It was said: Well, it will decrease the amount of violence toward children. You have all these unwanted children out here and as a result parents get violent because they don't want these kids and they are forced to have them. So not only domestic violence will go down but child abuse will go down. False. It more than doubled. Almost immediately, within a few years after Roe v. Wade, it started to go up and dramatically increase.

You can see from every single social indicator that has an impact on women and children and families in America, they have suffered horribly as a result of this "compassionate" decision. The facts just do not work out the way some would have liked them to, so we make up facts.

The Senator said: I am entitled to my facts and she is entitled to hers. Well, I disagree. You are entitled to your opinion; you are not entitled to your own set of facts. The facts are what they are. Make your debate. Make your arguments. As a result of that, I respect you to do that. But the facts are what they are.

These are not my facts. These are the facts of the Federal Government, period. And they do not support the arguments.

The Senator from New Jersey said that somehow or another we are not to make decisions in the Senate that affect the rights of women with respect to carrying a pregnancy to term. I respect that opinion. I disagree with it.

I think it is important we have this debate. The problem, though, is that we really cannot have this debate. See, the problem with the U.S. Supreme Court's decision is that this debate was truncated in America because the U.S. Supreme Court came in and pulled the debate that was raging across America as to how we are to deal with this very difficult issue—and it is a difficult issue—they just pulled the stakes right up and said: No, we are going to take this incredibly important moral decision, take it out of the hands of the American public, and we are going to decide, we are going to make a new constitutional right, a right to an abortion.

I think everyone would agree, prior to 1973 there was no such right. So they created one in the Constitution—by the way, without having to go through the tortuous exercise of passing a constitutional amendment. They just decided to do it and took away the right of every American—other than them—to decide what the right public policy should be, what the moral public policy should be.

I hear this so often, that Congress should not make moral decisions. Name me one vote we have here that does not have some moral implication. Every single one does, from whom we tax to whom we regulate. There is a moral component to everything we do here. We cannot run from that. My goodness, I hope we do not want to run from it.

But they usurped that authority away from the people of the United States, and now, when those of us get up and question that, we are somehow illegitimate or extreme or somehow not comporting with the law of the land.

Well, I have likened this decision—and I will to do it again—to the Dred Scott case. I refer to Roe v. Wade as Dred Scott II because it is exactly the same principle upon which Dred Scott was decided. Dred Scott was decided saying that the rights of a human being were subject to the rights of another person.

The life right, the essential right, the most important right, the right to an existence was subject to the liberty rights of somebody else.

There were people at that time who said: Who are we to make this decision that slaveholders should not have the ability to own slaves? It has been done for centuries. It is in the Bible. How can this be wrong? And who are we to make the decision? We should trust our own conscience. We should trust the conscience of these people to do the right thing. I think that is what the Senator from New Jersey said. That decision should be made between the slave owner, the banker, and the slave. Maybe the slave doesn't get involved; I don't know. What did they say back then? But that is the same debate being made today. We sort of remove ourselves from having any moral overtones: We should not make this decision. Let somebody else make it. I personally may be opposed to slavery, but who am I to tell a slaveholder they shouldn't have a slave? How many times have you heard: I personally would never own a slave? I personally would never condone abortion?

It is the same issue. The right of life has been subjugated to the right of someone's freedom to do what they want irrespective of that other person's life. That is what slavery was based upon. That is why we look at it now and we say: How could we possibly let that happen?

How could we take the order of liberties put forward in the Declaration of Independence—that you are endowed by your creator with the right to life first and foremost, then liberty, then the pursuit of happiness? Why? Because if you don't have life, you can't have liberty. And if you don't have liberty, you can never pursue your happiness and your dreams. When you put those out of order, it is like pouring acid on the structure of America. It corrodes us. It just eats away at us. And it infects so much else. So much else has been affected by this right to privacy under the Constitution that was created by the Supreme Court. I mean you go on and on and on, these rights that put the liberty rights of some over the life rights of others. What happened to the society that put the rights of others before the rights of us, put the common good before us?

I had the privilege a couple months ago, on July 4, to be at the National Constitution Center opening. I thank my colleagues who supported Federal support for this incredible facility to teach our children about our Constitution. It is three blocks from Independence Hall. It is a magnificent facility, a great interpretive facility that teaches about the essentials of our Constitution.

I was asked to speak at this event and talk about one particular piece of the Preamble to the Constitution. Each speaker got a little piece and, therefore, we were to weave the whole thing together. My piece was "promote the general welfare."

Not having been a great student of the Constitution, I decided I had better read the Preamble again and get an understanding of what this was all about. As I looked at that, I looked up the definition of "preamble." It said: The reason for the document to follow. It gave the reason. Why did we establish, why did we put this Constitution together? The preamble states the why; the Constitution itself is the what. And it struck me, as to all the things that were in the Constitution—establish justice, ensure domestic tranquility, provide for the common defense, secure liberty for ourselves and our posterity—of the five verbs, ensure, establish, provide, and promote, four of the five were active verbs in which the Government was to do something. It was the Government's responsibility to ensure or to establish or to provide, except the one—promote.

The Government's job there was not to do that but to create an atmosphere in which people would do it. Do what? Promote the general welfare. And what is the general welfare? What was the reason that our Founding Fathers gave us all of these rights and which the Supreme Court now litigates on, the rights in the Bill of Rights, the right to freedom of speech and freedom of assembly and freedom of the press and religion, all of the freedoms, equal opportunity, all of the things that are in this great Constitution of ours?

What was the goal of our Founders in giving individual—because they are by and large not group rights; they are rights of individuals—rights, the general welfare, not the individual welfare, not your personal success, the common good. It was a country designed to be bigger than us. It was not about us. Yes, they gave freedom to us. They gave liberty to us. But the goal was not us. The goal was something lofty, something great. And we are corroding this document into something that is just about us.

The greatest of the corrosions is Roe v. Wade. The greatest injustice is Roe v. Wade, where it says: I am the law; I decide common good, general welfare—me. I come first.

That is not the vision of the miracle of Philadelphia. That is not the reason this country was established through this Constitution. We had loftier goals. We had greater ideals. We had dreams of what this country could be if we all went out and, yes, pursued our dreams, but we did so in service to others, in building a community, in founding a nation based on morals and laws that respected the rights of others. Oh, how we have slipped, how we have slipped to just thinking about us.

Why is this right in the Constitution so popular among others, particularly the popular culture, the elite culture in this country? Why is it so adamantly defended by the media and those in this elite culture? Because it is about me. It is a culture. Look around you, folks. It is a culture that says: If it feels good, do it. Please yourself. Don't worry about other people. Just do whatever feels good—me, me, me.

Of all the rights in the Constitution, the right to privacy is the "me" right, it is the "me first" right.

If you think about what our Founding Fathers did when they put that Constitution together, they had no intention of creating me-first rights. If you have any question, read the Preamble—the general welfare, the common good. That is what this country is all about, and they knew the best way to get there was to give people the freedom to pursue the truth, to pursue those dreams, to pursue happiness—not hedonistic happiness but true happiness that you find in serving others, in doing things that are bigger than you.

We have lost our way, and there is no better example of how lost we are than this decision. I know there are hard cases out there, and we will hear them, I am sure. We will hear them over and over again, how difficult the decisions are. Having known people who have gone through that decision, I know how gut-wrenching and terrible and awful these tough decisions are. But I think back to the speech given earlier this year by Condoleezza Rice at the National Prayer Breakfast. She gave a talk I have not heard in this town for a long time. She gave a talk about the importance of suffering. She gave a talk about her ancestors, slaves in America, who had a spiritual hymn, "Nobody Knows the Trouble I've Seen," followed shortly thereafter by the verse: Glory hallelujah.

She said it struck her: How could they be talking about all this suffering and pain and then giving glory to God? She let me understand that God puts you through suffering to perfect you. I don't know too many people in life who learn and grow by having things come easy, being taken care of by somebody else. They learn by the difficult, tough things we all do because we are all sinners, we all make mistakes, and we get ourselves in jams all the time. You learn, you develop character, and you develop who you are by how you deal with that suffering.

I would argue the right to privacy in America has given people an out that is not always in the best interest of them or our society.

This is a tough issue. I reiterate, I respect the other side for their opinion. I just wish the Court would respect my side. I wish the Court of the United

States of America would respect the other side of this issue enough to allow us to debate it in America and make a decision based on how America feels about it because that is how democracies and republics are supposed to work. But they have denied you, the American public, and your representatives here the opportunity to do that. My colleague from California wants to keep it that way. I think you deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, will you give me the time situation, please?

The PRESIDING OFFICER. The Senator from California has 15 minutes 27 seconds, and the Senator from Pennsylvania has 1 minute 2 seconds.

Under the previous order, the Senator from California reserves 10 minutes to close.

Mrs. BOXER. Madam President, will you please notify me when I have 10 minutes remaining?

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mrs. BOXER. Madam President, we are coming to the end of what I think has been a very good debate. I am very hopeful the Senate will vote yes on the motion to disagree with the House. The Senator from Pennsylvania, who is worried about this, has decided everyone is going to vote for it. I say good news. Let the Supreme Court see that while the Senate took up this bill to ban a medical procedure, a medically necessary procedure, it, at the same time, supported a landmark decision called Roe v. Wade that said to the Government: Stay out of people's lives in the very early stages of a pregnancy. It said to the Senators then and to the Senators now: You think you are important, but guess what. You need to respect the people you represent and not interfere in a decision they need to make with their God. I think that is profoundly moral.

What I think is immoral is to take your views, Madam President, or my views or the views of the Senator from Pennsylvania and force them on the people of this country. It is disrespectful, it is not right, and it is not what America is about.

In 1973, the Court said to us: At the early stages of a pregnancy, a woman has this right, but at the later stages of a pregnancy the State can, in fact, ban abortion, as long as the State always respects the life and health of a woman. That was a wise decision, and it has held to this time. There are many people who want to see it overturned. Indeed, the Court is about 5–4 on that decision. A lot hangs on that because this is not some abstract issue. This is a real issue.

The Senator from Pennsylvania challenged me this morning. He said: You keep saying women's health would be harmed if this medical procedure in the underlying bill is banned, but you have no proof.

I don't know what more I can do than what I did this morning, which is to put into the RECORD—and I will reiterate the documents—how many doctors, organizations, how many nurses, how many OB/GYNs said, we are, in fact, opening up the door for women to be harmed, gravely harmed.

Let's put up the chart that shows what we were told by physicians could happen. If this is supposed to be a moral bill, I ask you a simple question: Is it a moral position to outlaw a medical procedure that doctors are telling us is necessary, in many cases, to protect the health of a woman? Is it a moral position to subject a woman to hemorrhages, to uterine rupture, to blood clots, to embolism, to stroke, to damage to nearby organs, such as your kidneys, to paralysis? If that is considered a moral position, then I guess—I just can't see it. I don't see it.

If you don't know, if you do something without knowledge, I cannot say you are immoral. But if you are doing something with knowledge, if you are banning a procedure we know is necessary, and we have doctor after doctor—here is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood after years of being a board-certified OB/GYN with a master's degree in public health and business administration. That is her testimony.

We also put in the RECORD the testimony of Anne Davis, M.D. She is a physician who practices in New York. She is board-certified in OB/GYN. She went to Columbia University. She gives us chapter and verse about her belonging to the American College of OB/GYNs and how they are very worried that these things, and worse, could happen if this bill passes.

Let's face it, this underlying bill is going to pass. For the first time in history, Congress is playing doctor, outlawing a medical procedure that is sometimes necessary to save the life and health of a woman, outlawing that procedure without a health exception, and we are doing it with knowledge and forethought. If you can sleep at night doing it, then that is fine.

The American Medical Women's Association: Please have a health exception.

The American Public Health Association; Physicians for Reproductive Choice and Health. It goes on and on. This letter by Felicia Stewart, who is an OB/GYN in California, was very specific on what could happen. So the bottom line is, if we want to talk about morality, I am ready to talk about morality.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mrs. BOXER. I will withhold my 10 minutes until after the Senator from Pennsylvania speaks.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, to reiterate, we make moral decisions on this floor every day. We decide what things are legal, what things are illegal. We do so based on a variety of things, but morality is certainly one component of that. The idea that we have no right to pass laws that are moral, then we should eliminate the laws against killing, we should eliminate the laws against rape. Those are all based upon the fact we believe those acts are harmful and immoral and therefore we pass laws to proscribe them.

I do not think we want to kick ourselves out of the business of stopping things that are immoral in this country by passing laws to proscribe them. Believe it or not, some people actually do not do immoral things because there are laws against them.

I suggest that this idea that we have no right to pass moral judgment is the greatest canard that I have heard across this country. I hear it all the time, that we should absent ourselves from this moral debate. It is exactly where this debate should occur.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. I never said we should not pass laws that stop immorality. I am a champion of those. I am leading a fight right now in the Commerce Committee to stop child kiddy porn. I am sure my friend is going to work with me on it.

Mr. SANTORUM. I will.

Mrs. BOXER. He misunderstood and absolutely misrepresented what I said. What I said is that the underlying bill, which does not make an exception for the health of the woman, is an immoral bill. I do not think it is a moral bill. I think it is an immoral bill, and the reason I think it is an immoral bill is it makes no exception for the health of a woman, no matter how hard we try. We reached across the party line. We said we want to make an exception for health. Oh, no, women will lie. Oh, no, doctors will lie. We cannot have a health exception. People will lie.

I feel sorry for a woman who finds herself in a circumstance where she is in desperate shape, in a pregnancy gone horribly wrong—and I have met many of them. I have seen their faces, and God bless them because they have come out and given up their privacy to talk about what they have gone through. I feel sorry for the next woman who is lying bleeding on a table and a doctor has to take out this law and say: I am not sure because your life may not be at stake. It may be your health, and if I use this safe procedure I might lose my license, I might go to jail.

Anyone who wants to be party to that, be my guest. Thankfully, across the street there is a Supreme Court, and I think they will find this underlying bill unconstitutional because it is vague and because it does not make an exception for the health of the woman. Even the most rabid anti-choice people are now saying that this bill is surely unconstitutional.

Why do I think the underlying bill is immoral? Because we know a woman could get a hemorrhage, a uterine rupture, blood clots, an embolism, a stroke, damage to her organs, or paralysis if this technique, this medical procedure, is not used in certain very serious cases.

So, oh, yes, I support laws that are moral. My colleague is absolutely correct, there is morality in everything we do. When we go after corporate abuse, when we go after criminals who because of insider trading, for example, make an illegal profit, I am going after them. That is a moral issue. Weapons of mass destruction, that is a moral issue. A new generation of nuclear bombs, that is a moral issue. Abortion is a moral issue. You bet it is.

I believed that the Roe v. Wade decision in 1973 took a moral stand and found that they have to balance the rights of all involved. My friend says, and I am going to quote him now, "Our society is corroding."

Well, I do not believe that I am corroding because I am pro-choice. I do not believe the people in the Senator's State who are pro-choice are corroding. I do not believe that the people of this country who believe that politicians ought to stay out of their private lives in the early stage of a pregnancy are corroding. I think they are struggling with a tough issue.

My friend said this morning that I was wrong, that 5,000 women did not die. I put a cite into the RECORD. I now have a book by Richard Schwarz, assistant professor in the Department of Obstetrics and Gynecology School of Medicine, University of Pennsylvania. He was the chief of the section there. This is an old book from 1968 in which he says:

> It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate inasmuch as many such deaths are mislabeled or unreported.

As I said to my friend this morning, he said the CDC said only 85 women died of illegal abortions. Well, people did not come forward. Families did not come forward. Doctors did not come forward.

This was a crime. He has in his own State a great university, and one of the leaders of the School of Medicine there has written this. I ask unanimous consent that this excerpt from the book be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTIC ABORTION

(By Richard H. Schwarz, M.D.)

SCOPE OF THE PROBLEM

It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate, inasmuch as many such deaths are mislabeled or unreported. Most studies also indicate that up to 1,200,000 illegal abortions are performed annually or—otherwise stated—that one pregnancy in five in this country is illegally terminated. Hellegers challenged these figures and suggested that there are more likely 200,000 abortions and 800 deaths annually. Although much smaller, these figures still represent a significant wastage. With the striking reduction in the general, maternal death rate, however, septic abortion has become a leading cause of maternal deaths. In Philadelphia over 50 per cent of the maternal deaths result from complications of abortion, and this fact apparently holds true in other areas of the country: Stevenson reports 57 per cent in Michigan; Hellman, 33 per cent at the Kings County Hospital in Brooklyn: and Fox, 28 per cent in California.

During recent years at the Philadelphia General Hospital, where deliveries averaged between 4,000 and 5,000 per year, there have been, rather consistently, 800 to 1,000 abortions annually. One can readily see that this exceeds the expected spontaneous abortion rate. Periodic reviews of patients admitted with incomplete or inevitable abortions indicate that at least one third of these women can be classified as septic at the time of admission to the hospital. During the 12-year period between January 1, 1954 and December 31, 1966, a review of slightly over 12,000 abortions revealed 29 deaths. Twelve fatalities were caused by septic shock, five by ruptured postabortal abscess, two by staphylococcal septicemia and two by tetanus. Therefore, 21 of the total of 29 deaths, were caused by infection.

Mrs. BOXER. Another point of debate about how many women died, whether it is 85, 89, 100, 5,000, or as Dr. Schwarz says, probably much more, one death from an illegal abortion is too many.

Those of us who remember back to those days remember that, and that is why the Harkin amendment is so important because the Harkin amendment simply said we strongly support Roe. We do not think it ought to be overturned. I am very hopeful that every Republican and every Democrat today will vote to support Roe in this motion to disagree.

My colleague says it is just a routine voice vote. No, it is not. It is a vote on substance. That is why we have been arguing it. If it was such a routine, just a go-to-conference vote, I do not think he would have been arguing against Roe. If he wants to argue against Roe and then vote for Roe, that is great with me because we are sending that right over to the Court, and they will see that the Senate stands firmly in favor of Roe.

There are certain problems in our country that we thought we solved. One of them was this problem because when Roe v. Wade was heard, we did have thousands of women dying, and thousands more being made infertile. We all knew the stories. We all lived through those times. Roe said something had to be done about it. What they decided to do is balance all the interests.

Let us show what Roe says, because it is, in my opinion, such a moderate decision that balanced all of the interests and why it has been supported for so many years. What they say is that after viability:

> . . . the State in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe—

that means ban—

> abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

I believe people who come to this floor and talk about morality, that is their right to do it. If they want to say they are more moral than someone else, that is their right. I do not have a problem with that. But what the Court did back in 1973 has said this is a tough issue. We have to look at everything. What they decided is instead of women running to a back-alley abortionist and paying cash under the table and risking their life by bleeding to death, becoming infertile and all of that, that in the early stages of a pregnancy, before the fetus could live outside the womb, that a woman has this right to choose.

I have to say, if we go back, and we could go back—it all depends on who is in this Senate, who is sitting in the President's seat, who is over in the Court. That is all that is riding on. It is very clear. If we go back, we are going to go back to the days that were not good for women and were not good for families. Do you know what. They were not good for anyone.

The beauty of being pro-choice and being in favor of Roe is that we respect everyone's opinion, not only by just standing here and saying, I respect the Senator, I respect the Senator—that is all fine. I respect my constituents. That means I trust them to make a judgment. That is the foundation of Roe—balancing all the interests: saying, at the early stages, keep the big nose of Uncle Sam and the Government out of private lives.

Some people find that privacy ruling distressing. I think it said: Do you know what. This is a great country because we respect our people. We are not an oppressive government like China. We are not an oppressive government like Romania certainly was. We don't force our people to have children. And we don't force them to have abortions. We trust them to think about what they want to do in such a situation.

I am extremely hopeful that in one moment from now we will have a big vote, a big vote to disagree with what the House did when they callously stripped out the Roe language that Senator HARKIN put in.

I hope it is a big vote. I cannot wait to see the vote because we are going to make sure the Supreme Court understands that we still stand for the life and health of the woman.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to disagree to the House amendment. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Edwards
Graham (FL)
Hatch
Kerry
Lieberman
Miller
Smith

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate agrees to the request for a conference.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, in the unanimous consent agreement, we now have a series of five votes on judges. I ask unanimous consent that those votes be 10 minutes each in duration.

Mrs. BOXER. Reserving the right to object, and I will not object, except to say I hope the Senate notes we had a 93-to-0 vote in favor of the Harkin amendment on Roe, and we hope our conferees will fight hard to keep that language in this bill.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and consider Executive Calendar No. 352, which the clerk will report.

The legislative clerk read the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided on this nomination.

Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I am delighted that David Proctor is moving forward, as I believe three other nominees are from New York. David Proctor was an outstanding student in his undergraduate studies at Carson Newman College. He served on the Law Review at the University of Tennessee. He was at the top of his class in law school. He clerked for Judge Emory Widener on the Fourth Circuit Court of Appeals.

He was a member of one of Alabama's largest and most prestigious law firms, Sirotte & Permutt. And then he formed his own firm: Lehr, Middlebrooks, Price & Proctor.

He is a lawyer's lawyer, a practitioner who is in court on a regular basis, a man of great integrity and ability. I believe he is going to be a terrific Federal judge. He wants more than anything to give his life to serving the law. I think he will do that. It is a great honor for me to support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I support the nominee who has been addressed by the Senator from Alabama.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I am pleased today to speak in support of R. David Proctor, who has been nominated to the United States District Court for the Northern District of Alabama.

Mr. Proctor graduated with honors from the University of Tennessee College of Law in 1986. Following his graduation, he clerked for the Honorable Emory Widener Jr. on the U.S. Court of Appeals for the Fourth Circuit.

Mr. Proctor next entered private practice with the law firm of Sirote & Permutt, first as an associate and then as a partner. He left Sirote in 1993 to become a partner at Lehr, Middlebrooks, Price & Proctor, where he currently practices law. He specializes in labor, employment and civil rights law, representing employers and public sector entities ranging from Fortune 500 companies to small businesses. Furthermore, he has authored numerous articles on employment law. In recent years, Mr. Proctor has augmented his litigation practice with mediation.

I would like to share with my colleagues a letter sent to the committee in support of Mr. Proctor's nomination by Alex Newton, a partner in the Birmingham law firm of Hare, Wynn, Newell and Newton. Mr. Newton is a self-described "lifelong active Democrat." He has known Mr. Proctor since the beginning of his legal career and highly recommends him to the bench. He writes that Mr. Proctor has "broad experience . . . as an attorney. He is energetic, personable and blessed with absolute integrity. As a judge, I have no doubt he would rule without being influenced by race, creed, wealth or poverty of the litigant before him. He would serve . . . with distinction."

As this letter attests, Mr. Proctor is an experienced attorney who will be an asset to the Federal bench. I urge my colleagues to join me in supporting his nomination.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today, we vote to confirm 5 district court nominees, including 4 nominees to the U.S. district courts in New York.

With today's confirmations, the Senate will now have confirmed 151 judicial nominees for this President. This stands in stark contrast to what occurred with judicial nominees during the Clinton administration. More than 3 years passed during President Clinton's second term, when Republicans controlled the Senate, before the 150th judicial nominee was confirmed. It also took more than three years from when the Republicans gained control of the Senate majority in 1995 to confirm 150 judges for President Clinton.

Moreover, this President's nominees have been considered more expeditiously than were his father's or President Reagan's. It took President Reagan, during his first term, almost to the end of his fourth year to get 150 of his judicial nominees confirmed, and that was with a Senate that was controlled by the same party. President Reagan's 150th judicial nominee was not confirmed until September 17, 1984. It also took President George H.W. Bush well into his fourth year to get 150 of his judicial nominees confirmed. His 150th judicial nominee was not confirmed until April 8, 1992.

In contrast with the shifts in Senate control, it has effectively taken just 2 years of rapid Senate action to confirm 150 judicial nominees for this President. The fast and fair pace at which this Senate has considered this President's nominees is also demonstrated by how many circuit court nominees have been confirmed. We have now confirmed 28 circuit court nominees for President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

In contrast to how President Clinton's nominees were treated, the confirmation process for these 5 district court nominees has been expeditious and smooth. The 4 New York nominees come to us with broad bipartisan support, including the support of their two home-state Senators. Their confirmations today show how cooperation can work to fill vacancies on the Federal bench with qualified, experienced and diverse candidates.

All four New York nominees were given hearings at the end of July under an agreement that allowed them to be on a hearing on an expedited basis. This was an example of how the Democratic members of the Judiciary Committee cooperated with the President and with the Committee's Republican majority. Given the nominees' bipartisan support, I expect them to be unanimously confirmed today.

New York is an example of how a bipartisan process can work right to equip the Federal bench with excellent and moderate judges. All 4 of these nominees have impressive legal careers, and received the highest rating from the American Bar Association.

Justice Feuerstein, nominated to the Eastern District of New York, currently serves as a justice in the New York State Appellate Division and has served as a judge in the New York State court system for approximately 15 years. Justice Feuerstein also has a distinguished record of service as a judge beyond her work on the bench, including serving as director of the Nassau County Bar Association and as president of the Women's Bar Association of the State of New York.

Mr. Castel, Mr. Holwell, and Mr. Robinson, nominated to the U.S. District Court for the Southern District of New York, all have significant litigation experience as well as commendable records of providing legal services to disadvantaged persons. Peter Castel is currently a partner at Cahill Gordon & Reindel and has litigated there for over 20 years. Among other civic activities, Mr. Castel has served on the board of directors for the Legal Aid Society.

Richard Holwell has been practicing for over 31 years as a litigation attorney with White and Case in New York, where he has served as executive partner of the global litigation practice and a member of the firm's management board. He has dedicated hundreds of hours to pro bono activities every year, and received a Pro Bono Award from the NAACP Legal Defense and Education Fund for his services.

Stephen Robinson has significant experience in litigation and investigations. He served as the first African-American U.S. Attorney for Connecticut, appointed by former President Clinton, from 1998 to 2001. Prior to that, he had served as a litigator in private practice, as an Assistant U.S. Attorney in the Southern District of New York, and as a counsel and special assistant to the Director of the FBI. Mr. Robinson has also served as secretary and a member of the board of directors of MFY Legal Services, an organization that provides legal services to the poor.

David Proctor is nominated to the U.S. District Court for the Northern District of Alabama, and comes to us with experience as a private practice attorney and the support of both of his home-state Senators. Mr. Proctor is filling a new position that was just created on July 15, 2003.

Finally, I would like to point out that there are now more active George W. Bush appointees on the bench than there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than 3 and already has made as much impact on the Federal courts across the country.

We are glad that the Republican leadership has now agreed to confirm these consensus nominees. We have and will continue to work with the Republican leadership and Administration. We would like to be more helpful in the President's identification of nominees and advising him on the selection of consensus nominees so that we can join together in adding those confirmations to the 151 achieved as of today.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Edwards
Graham (FL)
Hatch
Hollings
Kerry
Lieberman
Miller
Smith

The nomination was confirmed.

NOMINATION OF SANDRA J. FEUERSTEIN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination of Sandra J. Feuerstein.

The legislative clerk read the nomination of Sandra J. Feuerstein, of New York, to be U.S. district judge for the Eastern District of New York.

The PRESIDING OFFICER. There are two minutes of debate equally divided on the nomination. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield to the senior Senator from New York. These next four nominees come here with bipartisan support. As a result, they went through very quickly.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this is the first of four nominees from New York. They are all very qualified, fine people.

The only point I wish to make is that the administration and the Governor worked closely with the Senate and with me and Senator CLINTON on these nominations. I think it shows, when there is cooperation, when there is true advice as part of the advise and consent process, we can come up with excellent nominees.

Each one of the nominees meets the criteria I believe we should have in every Federal judge—legal excellence, moderation, not too far left, not too far right, and diversity.

I will speak once because there are four of them, but I am proud to be here to vote for every one of the four nominees.

Again, if we get cooperation, we can do this without acrimony, without partisanship. That is what has happened in New York.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Sandra Feuerstein to the U.S. District Court for the Eastern District of New York, and to urge my colleagues to confirm this fine nominee.

Justice Feuerstein has excellent academic and professional qualifications for the Federal bench. After her graduation from Cardozo Law School, she joined the clerk pool of the New York Supreme Court Law Department. In 1985, she was chosen to clerk for Justice Leo H. McGinity, an administrative judge in the New York State Supreme Court. In 1987, she joined the bench of the Nassau County District Court. In 1994, Justice Feuerstein became a Justice of the New York State Superior Court, where she would remain for the next five years. Since 1999, she has been a Justice on the New York State Appellate Division—New York's highest State court.

In addition to her proven bench experience, Justice Feuerstein is a highly recognized public figure. She has lent her extensive talents to the Nassau County Bar, various pro bono programs that she has founded or chaired, and many charitable organizations like the American Cancer Society. In the last decade, Justice Feuerstein has been the recipient of such awards as: Judge of the Year twice, Woman of the Year, Pro Bono Recognition Award, and Outstanding Committee Chairperson of the Year Award, to name a few. Earlier in her career, Justice Feuerstein was both an associated editor and editor of the Nassau Lawyer. In addition to her professional, charitable and publishing duties, she has been an adjunct professor at Hofstra University Law School since 1998.

Justice Feuerstein possesses the qualifications, the capacity, and the temperament a judge needs to serve on the federal bench. I am pleased to support this stellar nominee.

Mr. DASCHLE. Madam President, prior to the start of the vote, I know there are a number of Senators concerned about the schedule, given the conditions. I ask the distinguished Senator from Vermont, the ranking member of the Judiciary Committee, what his intentions would be with regard to additional rollcall votes. We anticipated taking up five nominations this afternoon. I have been consulting with him, and I really appreciate, as always, his cooperation on this matter.

I ask if he has any intention of seeking rollcall votes on the other nominees who are currently pending?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I may respond to my friend from South Dakota, I assured the distinguished Senators from New York and the distinguished Senators from Alabama that we would have support on the Alabama judge, which we just voted on, and the next one is from New York, and we would get them confirmed.

I have been asked by a number of Senators, both Republicans and Democrats, because of the weather, if there is a possibility to just have this next rollcall vote and do the remaining three by voice vote. I would have no objection. Would that be the last vote of the day?

Mr. SANTORUM. Madam President, I do not think the leader is prepared to say that yet.

Mr. LEAHY. If we are going to have more votes, we might as well go ahead.

Mr. SANTORUM. I don't know. We will discuss it with the leader.

Mr. LEAHY. Why don't we go forward with this vote. If the decision is made that there will be no further rollcall votes while we are voting on this next nomination, then I will not ask for rollcall votes on the remaining three nominations.

Mr. REID. Will the Senator yield?

Mr. LEAHY. The Senator from South Dakota has the floor.

Mr. DASCHLE. Madam President, I will consult with the majority leader with regard to his intention for additional rollcall votes, and we can continue our discussion following this vote. I think we ought to proceed with the vote.

Mr. LEAHY. Madam President, if the distinguished Democratic leader and the distinguished Republican leader do not intend to have any more rollcall votes, I certainly am not going to ask for any more rollcall votes on the remaining judges.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 353 Ex.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo

Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—8

Edwards
Graham (FL)
Hatch
Hollings
Kerry
Lieberman
Miller
Smith

The nomination was confirmed.

Mr. FRIST. Madam President, first of all, congratulations to the managers of this bill. We are making real progress. We still have a number of amendments to look at, and discussions are ongoing. Even over the last several hours, while we have addressed the judges issue and completed debate and voting on the partial-birth abortion issue, work on Interior has continued. Overall, we are very pleased.

This is really for the benefit of our colleagues to give them some idea of what will be happening here on the floor today, tonight, tomorrow, and over the next several days.

First, we will have no more rollcall votes tonight or tomorrow or Friday. I start with that because I know that is what my colleagues are waiting to hear.

Work will continue tonight on the Interior bill. In talking to the managers, a number of amendments are being considered. Debate will continue this afternoon and into this evening and tomorrow morning.

We are in constant touch through the Sergeant at Arms and talking to FEMA about the weather conditions. Any decisions as to how long we will actually be in session will absolutely be focused on safety first and foremost. In saying that, we will be in session this afternoon and tonight, on Interior. We will come in tomorrow morning, and we will make the announcement when, but probably at 9:30 in the morning. I doubt that we will be on the floor all day. Again, the weather in part, the debate on the Interior bill in part, will determine that.

We will not be in session on Friday.

We will have votes on Monday, and likely multiple votes on Monday, since we are losing the opportunity for rollcall votes on Friday and Thursday and in part tonight. Business will continue, but it will mean that we will need to have multiple votes on Monday.

We intend to make progress on Interior, but also would like to set as, really, the final—final passage on that Tuesday, at some point Tuesday. That means we have the amendments before us to consider, and if there are any other amendments, we absolutely must know about those.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I appreciate the announcement of the schedule by the majority leader. I will say to my colleagues, I have every expectation that we can complete our work on this bill on Tuesday. I intend to work with the majority leader to complete our work on the Interior bill by Tuesday. That will require Senators who have amendments to come to the floor for the remaining hours of today and tomorrow morning. I know I have one or two amendments, and I intend to offer them either today or tomorrow morning in order to allow those votes to be cast and stacked on Monday night. So there is no reason we cannot finish our work on this bill on Tuesday, assuming—and the majority leader has assured me—that we will go to another appropriations bill once we complete our work on this one.

I would also want to say to my distinguished colleague who was here just a moment ago, the Senator from Vermont, I am, once again, grateful for his cooperation. He is a man of his word. He, again, had indicated to me, on the understanding there would be no more rollcall votes, that he would be willing to allow the three remaining votes on these judges today to be taken by voice. So I want to express for the record and publicly, once again, my gratitude to Senator LEAHY for his cooperation and his understanding of the need for some Senators to catch planes this afternoon.

I appreciate, again, the majority leader's comments and will work with him to complete the schedule.

Ms. LANDRIEU. Will the leader yield for a question?

Mr. FRIST. Let me make one further statement and I will be happy to yield.

Committee hearing decisions are being made today by chairmen. Again, we are going to be conducting business on the Senate floor. A number of chairmen called and said: Should we go ahead and cancel our hearings and committee meetings? That is being left to their discretion. Individual offices—I know a number are calling the Sergeant at Arms and calling our offices. We will stay in touch and we will come straight to the floor if there is any information in terms of safety that we know about as we go forward.

These five judges are very important. I would add we have six judges who are also waiting, right now, whose nominations are ready to come to the floor and to be voted upon. I hope we can do that soon. I would like to be able, possibly, to do some of those on Monday. We have six more judges who are ready to go.

I would be happy to yield for a question.

Mr. DASCHLE. Madam President, I would only say for the record, the votes today will take us to 151 judges that the Senate has cast votes on since this administration has come to office—151 district and circuit court judges. So, obviously, we are making great progress on those numbers.

For the record, I want to be sure our colleagues are aware of where we are, where we stand with regard to the number of confirmations.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand the schedule has the potential of finishing up on the Interior bill on Tuesday. Does the leadership have options after Tuesday in terms of what appropriations bills we might go to after Tuesday?

Mr. FRIST. I will be happy to talk. We have been talking several days in advance each time. As the Democratic leader said, our intention is to go to appropriations and stay on appropriations. There is other business as we worked out to address partial-birth abortion and the judges. But the intention is to go to an appropriations bill. The specific one we don't know now. This is Wednesday. We are talking about a week from now. But we will stay in constant touch.

Ms. LANDRIEU. I thank the Chair.

NOMINATION OF RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Richard J. Holwell of New York to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

Mr. HATCH. Madam President, I am pleased today to speak in support of Richard J. Holwell, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Holwell is a 1970 cum laude graduate of Columbia Law School. The following year he earned his diploma in criminology from the Cambridge University Institute of Criminology. He then entered private practice with the New York law firm White & Case, first as an associate, then as a partner. Currently, he heads the firm's global litigation practice.

Mr. Holwell has spent most of his professional career litigating complex securities, antitrust, bankruptcy, and other financial market cases before both trial and appellate courts. He has extensive experience in both civil and criminal investigations conducted by the Department of Justice, the Securities and Exchange Commission, and other Federal agencies.

Mr. Holwell has also been a zealous advocate for the underserved. In 1987, the NAACP Legal Defense and Educational Fund awarded him its Pro Bono Award for his successful litigation of Capers v. Long Island Rail Road, a 10-year protracted title VII case in which he fought to protect the rights of black employees. In addition to title VII suits, he has represented indigent clients in landlord-tenant and custody disputes.

Mr. Holwell is an extremely well-qualified nominee. He brings compassion as well as more than 30 years of legal experience to the Federal bench. I am confident that he will be a fine addition to the bench and urge my colleagues to join me in supporting his confirmation.

NOMINATION OF STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Stephen Robinson to the U.S. District Court for the Southern District of New York.

Mr. Robinson has had a diverse and distinguished legal career. After graduating from the prestigious Cornell Law School, he worked for two corporate law firms, concentrating almost exclusively on civil matters. In 1987, he shifted gears and joined the U.S. Attorney's Office for the Southern District of New York, where he represented the United States primarily in criminal trials.

In 1991, Mr. Robinson joined Kroll Associates, an international risk consulting company, serving as an advisor to the company on legal matters and conducting investigations for governments, corporations and law firms.

From 1993 to 1995, Mr. Robinson worked with the Federal Bureau of Investigation, providing advice and counsel to the FBI regarding various policy issues in both civil and criminal matters. Then in 1995, Mr. Robinson became counsel for Aetna U.S. Healthcare, where he provided advice to the internal audit, compliance and investigative services departments and was ultimately promoted to chief compliance officer.

In 1998, Mr. Robinson returned to public service as the U.S. Attorney for the District of Connecticut. He supervised over 50 lawyers in three offices and set policy and prosecution guidelines for all civil and criminal matters. Additionally, he coordinated the investigative strategy for Federal law enforcement agencies, while managing all aspects of the office's operations, including budget, personnel and press issues. For the past 2 years, he has worked with Empower New Haven, Inc., a nonprofit corporation.

Mr. Robinson's extensive experience in both the public and private sectors makes him amply qualified for judicial service. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Federal bench.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

NOMINATION OF P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I am pleased today to speak in support of P. Kevin Castel, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Castel is a highly regarded litigator. Upon graduating from St. John's University School of Law in 1975, he clerked for Judge Kevin Duffy on the United States District Court for the Southern District of New York. Following his clerkship, he worked as an associate for Cahill Gordon & Reindel until 1983, when he was elevated to partner and where he remains today.

Mr. Castel has focused much of his professional career on complex commercial litigation, including securities, antitrust, intellectual property, employment and products liability cases. Furthermore, as president of the Federal Bar Council, he has written extensively on corporate litigation issues.

In addition to the Federal Bar Council, Mr. Castel holds leadership positions in other notable organizations, including the New York State Bar Association and the Legal Aid Society.

Mr. Castel will bring 20 years of legal experience and sharp acumen to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider these votes are laid on the table.

Under the previous order, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to be allowed to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1628 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2691, the Interior appropriations bill, is now before the Senate.

Mr. REID. Mr. President, I am going to send an amendment to the desk. I have spoken with both leaders. I have not spoken with Senator BURNS. I have spoken through his staff to him. I have spoken, of course, to Senator DORGAN. I am sending this amendment to the desk with the understanding that we will not vote on it until after the caucus on Tuesday. The reason for that is this is a very important amendment for this side. We want to make sure we have the opportunity on Tuesday to speak on it, all 49 members of the Democratic caucus, prior to the vote.

AMENDMENT NO. 1731

(Purpose: To prohibit the use of funds for initiating any new competitive sourcing studies)

Mr. REID. Mr. President, I send an amendment to the desk not only on my behalf but on the behalf of Senators LIEBERMAN, LANDRIEU, KENNEDY, and MURRAY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 1731:
>
> On page 137, between lines 23 and 24, insert the following:
>
> **SEC. 3 . COMPETITIVE SOURCING STUDIES.**
>
> None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

Mr. REID. Mr. President, this is a very short amendment, but it affects the lives of thousands and thousands of people who work for the Park Service. It affects the lives of every American who enjoys the great resources of our country.

The amendment I sent to the desk will stop this administration from moving forward to privatize our national parks, forest lands, and other public lands. It would nip the administration's ill-conceived privatization plan in the bud.

More specifically, this amendment prohibits the expenditure of funds on new outsourcing studies. These are privatization studies for the agencies funded in this bill. These agencies were created to protect special places in nature as a legacy for future generations. They should be managed for posterity and not managed for profit.

The House of Representatives has agreed that privatization is a bad idea. It included this language in the Interior appropriations bill that passed in July. The Nation's hard-working public servants who care for our forests and parks not only collect fees and maintain parks, but also give directions, fight wildfires, and help injured visitors.

Volunteers who love our public spaces provide tens of thousands of hours of work for these agencies every year. Will contractors receive volunteers? Will there be volunteers for these people who are working for profit in our national resources, our national treasures? It is very unlikely.

While the administration's plan has been marketed as a cost-saving measure, just the opposite is true. Privatization will waste taxpayer dollars. Privatization studies may cost as much as $8,000 per position studied. This means that next year, the agencies funded in this bill could waste as much as $26.4 million on these studies, studies for a wrongheaded idea that is bad for our parks, forests, the people who care for them, and the people who visit these parks.

Also, these contractors lack the knowledge of the sites that public servants possess. They are at the sites for one reason: Not people, but profit. I have nothing against profit motive. I think it is great selling cars, books, shoes, clothes—virtually everything. I certainly don't think it is a good idea to privatize our beautiful resources, our national treasures.

At a recreation area in Nevada, a contractor designed metal courtesy docks to be built in an area where temperatures reach up to 120 degrees in the summer. These docks would have burned visitors in the months when the docks were the busiest. The discarded design cost $21,000 in taxpayer money, and instead of building five courtesy docks as intended, the recreation area only had funding to build two docks.

Nevadans visiting our public places, Americans visiting our public places want professionals enriching their experience by directing them to famous sites and the best-kept secrets of our parks.

These are a few things people have written to me about on this subject. Zephyr Cove, NV, is in the Lake Tahoe region. It surrounds Lake Tahoe. This is not a public employee, but she says:

> I'm one small voice, but I'm convinced that privatization of our National Park System would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

She says further:

> Many of the Park Service personnel are neighbors and our friends. They care deeply about what they do. Their pay is relatively low for the expertise they have. They do it because they know the value of protecting our parks, wildlife habitats, and environment.

I do not know for sure if the administration's true agenda here is to undermine that commitment to our national parks, forests, and other public lands. I don't know that, but that is what many feel.

An editorial in The Tennessean believes that. Editorializing recently against this plan, the paper had this to say:

> . . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

This is an editorial that was written in The Tennessean on August 29, 2003.

We have heard not only from newspapers around the country and people who don't work for the public entities, but we also heard from public custodians of our treasures. I am not going to use their names here, of course. They might somehow be harmed at work.

One public employee writes:

> The depth and breadth of loyalty that is inherent to the average [public] employee cannot be contracted out.

And he is absolutely right. The public employees my amendment would honor share a lot in common with Members of this body, our staffs, our police, and others who work here. They, like us, sought their jobs to serve other people and to advance positive goals and ideals. It is that motivation and loyalty that cannot be outsourced no matter how much money we throw at studying it.

The privatizing concept, as set forth in The Tennessean, says it all:

> . . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

Loyalty, public service, and dedication to our public lands cannot be outsourced. It cannot be privatized.

I hope people understand these great national parks we have. These are treasures. These national parks are the envy of the world. Nevada is fortunate, but we only have one national park. It is a wonderful place, Great Basin National Park, a very new national park. It is small by national park standards, about 80,000 acres. It has a 13,000-foot mountain on it, Wheeler Peak. It has a glacier. It has the oldest living thing in the world, a bristlecone pine.

These trees are over 5,000 years old. Think about that—trees that started growing before Christ came to Earth. These trees were around the same time the pyramids came into existence. They are living things at the Great Basin National Park.

In our park, we have the Lehman Caves. Around the turn of the last century, a man who was a cowboy was out riding his horse and he suddenly found himself in a deep underground cavern. The horse, as far as I know, was not injured, but that was the beginning of a great odyssey for people to visit this magnificent part of nature, Lehman Caves, which is now in the Great Basin National Park.

We were fortunate enough a short time ago to be present at that facility when they dedicated the new visitors center. It is in a remote part of the State of Nevada, but it is a place that people from all over the world travel to because of its uniqueness.

Great Basin is only one of our many national parks. I was in Montana and Wyoming recently. I had the good fortune, after these many years, to once again visit Yellowstone National Park. I was only able to spend a couple of hours there, but it was a great experience.

I first went there shortly after my wife and I returned from law school in Washington. We traveled from Las Vegas on one of the first vacations we ever took. We could have gone anyplace our small budget at that time would handle, but we drove from Las Vegas to Yellowstone. I still look back with great awe at Old Faithful and the many other things we were able to see, the buffalos and other animals. So when I returned there, even though it was only for a few hours, the place I wanted to go visit again was Old Faithful.

Old Faithful spewed a few times during the time I was there. We took a walk through Geyser Park. We saw buffalo lying right near the geysers. The reason these great animals come and lie down near these spewing geysers is that, to a great extent, they keep the pests off themselves by doing so.

Even though I was there just a short time, it was wonderful again, after 25 years, to reflect back on my little children when they were tiny going there and visiting that park.

This experience I had was magnified on both occasions by virtue of the people who work there. They have nothing of which to be ashamed. They are Government employees who have dedicated their lives not to seeing how much money they can make but to being in the great outdoors, being part of nature.

I can remember the woman who took us on our walk through this little Geyser Park. She was an expert. She knew when every geyser was going to spew forth some water. She was able to tell stories about how people first discovered them. She is a woman who makes very little money but is talented, as a person in her position should be.

So on the two occasions I visited Yellowstone, my experiences were so much better as a result of the people who work there for the Federal Government—park rangers, other park employees.

I hope this Senate will respond overwhelmingly and support this amendment, as was done in the House.

The people who work in these parks are not Democrats. They are not Republicans. In the true sense of the word, this should not be a Democratic amendment. It should be an amendment that is supported by the Senate to protect these faithful employees of the Federal Government.

We are very fortunate in the State of Nevada to have a large presence of the Federal Government. I say fortunate because 87 percent of the land in the State of Nevada is owned by the Federal Government. Only 13 percent of Nevada is owned by individuals; the rest is Government land. The Bureau of Land Management's largest assets are in the State of Nevada.

In addition to the national forests and the park I have described, we have large parts of the State of Nevada, as I have indicated, that are controlled by the Bureau of Land Management. The employees who work for the BLM are just as dedicated as those people who work in our parks.

The forest rangers are also people who work so hard for so little return. I am convinced that if this is put out to the lowest bidder, we are going to have parks that are visited by people who recognize that these people are not there for any purpose other than somebody who got the contract and is trying to make a buck, someone who has gotten minimum-wage employees to get by with as little as possible.

We cannot let this go forward. It is a slap in the face to these loyal, dedicated public servants. It is a slap in the face of the American public. These Federal assets are owned by all of us, and all of us should have a say in how these parks are run. Renting them out to the lowest bidder is not the way to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1732

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes an amendment numbered 1732.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada)

At the appropriate place, insert the following:

SEC. . ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1733

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] proposes an amendment numbered 1733.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking “parcels of land” and all that follows through the period at the end and inserting the following: “parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.”.

Mr. REID. Madam President, before I turn the floor over to the distinguished Senator from West Virginia, I would simply like to say that upon completion of the last judge vote today, that means we have approved 151 judges during the little over 2½ years President Bush has been President. I think we are doing remarkably good work for this President as relates to judges. The count is 151 to 3. That means there have been three judges who have been submitted to us we have not accepted.

President Reagan did not reach 150 judges until well into the fourth year of his first term. The first President Bush did not receive his 150th Federal judge until well into his fourth year. During President Clinton's second term, the term just preceding this administration, he did not appoint his 150th judge until his fourth year. So we are a year and a half—at least a year ahead of Reagan, first President Bush, and the second term of President Clinton.

So we have done extremely well. Senator LEAHY is to be commended for his ability to move these judges in conjunction with the distinguished Senator from Utah, the chairman, Senator HATCH.

The PRESIDING OFFICER. The Senator from West Virginia.

IRAQ

Mr. BYRD. Madam President, I rise today to voice my concern about the disastrous turn which the fortunes of this Nation have taken. The Bush administration, in a scant 2½ years, has imperiled our country in the gravest of ways, and set us up for a possible crisis of mammoth proportions. The crisis may not occur tomorrow in these proportions, or the next day, but it is coming.

Instead of linking arms with a world which offered its heart in sympathy after the brutality of the terrorist attacks in September of 2001, this White House, the Bush White House, through hubris and false bravado, has slapped away the hand of assistance. This administration has insulted our allies and our friends with its bullying and go-it-alone frenzy to attack the nation of Iraq.

In order to justify such an attack, it was decided somewhere in the White House to blur the images of Saddam Hussein and Osama bin Laden. Blurred images notwithstanding, what is becoming increasingly clear to many Americans is that they are going to be asked to carry a heavy, heavy load for a long, long time.

Let me be clear. We are presently engaged in not one war but two wars: The war begun by Osama bin Laden, who attacked this Nation on the September 11, 2001, and then there is the war begun by President George W. Bush when he directed U.S. forces to attack Iraq on March 19, 2003. The first war was thrust upon us. The bombing of Afghanistan was a just retaliation against that attack. The second war, on the other hand, was a war of our choosing. We chose it. It was an unnecessary attack upon a sovereign nation. This President and this administration have tried mightily to convince the people of America that attacking Iraq was critical to protecting them, the people of this country, from terrorism. The case that the administration makes is false, it is flimsy, and the war, I believe, was unwise and was unnecessary and was without ample justification.

The war against Iraq has crippled the global effort to counter terrorism. The war in Iraq has made a peace agreement between Israel and its adversaries harder to obtain. The obsession with Iraq has served to downplay the resurgence of the Taliban in Afghanistan. The focus on Saddam Hussein has diverted attention from bin Laden, who is apparently still on the loose and threatening to attack again. The war in Iraq has alienated our traditional allies and fractured the cohesive alliance against terrorism which existed after 9/11. It has made the United States appear to the world to be a bellicose invader of another country. It has called our motives into question. It has galvanized the worldwide terrorism movement against us. The war in Iraq has cost us lives and treasure. Yet this President will shortly request $87 billion more for his ill-fated adventure.

He says we will spend whatever it takes. So he says your money—it is your money. We have heard that many times. It is your money, and he says your money we will spend, whatever it takes.

Prudence dictates that we consider the risks. This Nation has suffered massive job losses amounting to 93,000 in August alone and approximately 600,000 since January of this year. Job losses of this magnitude mean less money coming into the Treasury and more money going out. U.S. manufacturing jobs continue to disappear overseas as companies relocate operations on other shores. There seems to be no end, thus far—there seems to be no end to the job hemorrhage. The manufacturing sector has lost jobs for 37 months in a row. The weak job market threatens to sap our strength from our domestic economy. Should inflation begin to creep up, as some worry that it will, higher energy costs and lower consumer confidence may slow the economy further.

Suppose another massive al-Qaida attack were to occur here at home, killing hundreds or thousands and delivering another devastating blow to the U.S. economy? Could we still afford to continue to send billions of taxpayer dollars to Iraq? At best, our future economic growth is uncertain. There are too many unknowns. Our deficit is growing. When the $87 billion 2004 Iraq Supplemental is included, as it probably will be, the deficit for 2004 alone is expected to total $535 billion.

That is $530 for every minute since Jesus Christ was born. That number will only grow, if we continue to experience massive job losses and the economy takes a turn for the worse.

We can ill afford to finance the rebuilding of Iraq alone. Yet President Bush steadfastly resists doing what it takes to involve the international community.

It should be obvious that we need assistance. The United States cannot even continue to supply the troops to secure Iraq without more help. A recent Congressional Budget Office study, which I requested, makes it clear that maintaining the level of troops we now have in Iraq will stretch us very thin should something happen in Korea or elsewhere on this troubled globe. Our National Guard is being asked to stay longer and longer in Iraq to help backfill the shortage in regular troops. These are men and women with jobs and families and key roles to play in their own communities. We cannot continue to utilize their skills in Iraq without suffering the consequences at home.

Even now, as a hurricane lurks off our shores, there are worries about shortages of emergency personnel because so many National Guard men and women are serving in Iraq.

But the Bush administration continues to spend our treasure and our troop strength in a single-focusd obsession with the fiasco in Iraq. Are we to mortgage the future of our Nation to years of financing this unwise adventure? Surely we cannot ask American families for sacrifice indefinitely, especially when their sacrifices are made to advance a war we do not need to fight, that we ought not to have gone overseas to fight. We chose to attack another country.

We must come to grips with our limits. We must acknowledge risks and reality.

Yet on last Sunday, Vice President CHENEY dug his heels in at the suggestion of rethinking our policy in Iraq. In a television interview, Vice President CHENEY said he saw no reason to "think that the strategy is flawed or needs to be changed."

He went on to try to convince the American public that Iraq was "the geographic base" for the perpetrators of 9/11. Think of that—a claim that this humble Senator has never heard before, and that flies in the face of U.S. intelligence agencies which repeatedly have said they have found no links—none—between the 9/11 attacks and Saddam Hussein or Iraq. We may come to rue the day when we took our eyes off bin Laden and sapped our energies and our credibility in this quagmire in Iraq. We chose to attack that country. Yet there seems to be no soul searching in this White House about the consequences of this war.

While Bush's aides talk of "generational commitment" and the President talks of "sacrifice," I wonder if the American people fully comprehend what they are being urged to forego. They have already sacrificed loved ones with 158 troops killed and 856 wounded just since President Bush declared the end of major combat on May 1. How many more families must sacrifice? How many more families must sacrifice while we occupy Iraq?

The President says we will do whatever it takes. Mr. Rumsfeld says we will do whatever it takes. How many more families must sacrifice while we occupy Iraq?

A generation of "sacrifice" may also mean a slow sapping of key national priorities, including repairing the infrastructure which fuels our economic engine and funding the institutions and programs which benefit all Americans. Compare the latest request for the Iraq supplemental with the commitment in dollars to other vital programs, and the picture becomes more clear. President Bush is asking for $87 billion for Iraq but only $34.6 billion for Homeland Security—$29-plus billion—which will come to the Senate soon in a bill which was marked up today. The President wants $87 billion for Iraq but only $66.2 billion for the discretionary programs for the Department of Health and Human Services.

The President seeks $87 billion to secure Iraq but only $52.1 billion for the

U.S. Department of Education. The President wants $87 billion to shore up Iraq but only $29.3 billion for America's highways and road construction.

For the State Department and foreign aid for the entire world, President Bush sees a need for only $27.4 billion. Yet Iraq is worth over three times that much to this White House.

Remember that $87 billion is just for 2004 alone. Does anyone really believe it will be the last request we will receive for Iraq? No. This is just the tip of the iceberg, in all likelihood.

The President asked America for a generation of "sacrifice," but that noble-sounding word does not reveal the true nature of what the President demands from the American people. He asks them to supply the fighting men and women to prosecute his war.

Yes, he asked them, the American people, to supply the fighting men and women to prosecute his war. I am not talking about the war that began on September 11, 2001. That was an attack upon us by al-Qaida. I am talking about his war, the President's war in Iraq, which began in March of this year in which he, the Commander in Chief, ordered the attack on Iraq, a sovereign country that had not attacked us and which did not represent an imminent threat to the security of our country.

He implores our people to sacrifice adequate health care. He asks our people to settle for less than the best education for their children. Think about it. He asks our people, the American people, to sacrifice medical research that could prolong and save lives. He asks the American people to put up with unsafe highways and dangerous bridges. He asks them to live with substandard housing and foul water. He asks the American people to forego better public transportation and not just for now but for generations. And all of it for his folly in Iraq.

Most puzzling to this Senator is this President's stubborn refusal to guard against the terror threat at home by adequately funding Homeland Security. Is he asking us all to risk the safety of our homeland, too?

And to further insult the hard-working people of this Nation, George Walker Bush proposes to lay this sacrifice not only on the adult population of this great country but on their children and their grandchildren by increasing the deficit with nary a thought to the consequences.

Yet not a peep can be heard from this White House about paying for some of this sacrifice of which the President speaks by foregoing a portion of future tax cuts, tax cuts that mainly benefit those citizens who do not need so many of the services the Government has to provide.

Our reputation around the globe, America's reputation around the globe, has already been seriously damaged by this administration. Are the dreams and hopes of millions of Americans to be "sacrificed" as well on the altar, on the bloody altar, of Iraq?

I urge my colleagues to think long and hard about the growing quagmire in Iraq. I urge members of the President's own party to warn him about the quicksand he asks America to wade in. We need a long and thorough debate about the future of our country. We need a serious discussion about the kind of America we will leave to our children and grandchildren. We need to renew our efforts to negotiate a peace agreement between Israel and the Palestinians. Are we fighting a war in Iraq when pushing the peace might better serve our cause? We must think again about world-wide terrorism—and it comes in many forms and shapes—and the best way to combat it. Let us not continue to simply wage the wrong war, Mr. Bush's war in Iraq.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, September 17 is a day of history in American calendar. On this day in 1630, the city of Boston was founded. On September 17, 1947, James V. Forrestal was sworn in as this Nation's first Secretary of Defense.

On September 17, 1920, the National Football league was formed in Canton, OH. On September 17, 1954, Ernie Banks became the first Black baseball player to wear a Chicago Cubs uniform. He was voted "best player ever" by Chicago fans when he retired in 1971. On September 17, 1984, Reggie Jackson hit his 500th career homer, seventeen years to the day after he hit his first major league home run.

On this day in 1911, the first transcontinental airplane flight took place between New York City and Pasadena, CA. It took pilot C.P. Rogers 82 hours to cover that distance. Just 65 years later, on September 17, 1976, the Space Shuttle was revealed to the public for the first time, ready to take men into the heavens. Such a lot of change in such a short period of time.

Last week, in another airplane related piece of history, the nation sadly observed the second anniversary of the tragic events of September 11, 2001. It was a terrible, terrible day, marked by the awful, abrupt end of too many innocent lives. September 17, 1862, was another terrible, terrible day. On that beautiful September day, over 23,000 men were killed, wounded, or missing in action after the Battle of Antietam, outside Sharpsburg, MD—just over the line from the eastern panhandle of West Virginia. That battle was a turning point in the Civil War.

But by far, one of the most important events in this Nation's history happened on the 17th of September, 1787. On that memorable day, the members of the Constitutional Convention signed the document that has led this Nation safely through the shoals of history for the past 216 years, surviving even the devastation of the Civil War. It was this document that I hold in my hand: the Constitution of the United States of America.

That Constitution was not our first attempt at self-governance. It followed on the heels of the Articles of Confederation, which was the first Constitution, correcting the failures of that weak Government by establishing a stronger central Government to manage the differences between the States and to provide for the common good. And then, to assuage the concerns of those citizens who feared that a strong central Government would trample on the rights of the individual, the Constitution was amended after ratification with the first 10 constitutional amendments, guaranteeing individual freedoms in what has become known as the American Bill of Rights.

The Constitution of the United States has, sadly, been overlooked by many in the public over the years. It is not a lofty piece of rhetoric like the better known Declaration of Independence. But the Constitution is the strongest piece of armor protecting the rights and the freedoms of each and every citizen—your rights, your rights, your rights, yes, your rights, and yours, and yours, and mine. It deserves to be better known. It is, after all, our manual for governance, our handbook of Government, the tech manual for our national operating system. And unlike many technical manuals, it is easy to read and to understand, even 216 years later.

This short document is blunt and straightforward. It starts with only a preamble and then gets right to the heart. In Article I, it sets forth the domain of the legislative branch and the qualifying requirements for us legislators. It does the same for the executive branch in Article II, laying out the procedure for selecting a President and stating what his domain and powers shall be. Then the judicial branch gets the same treatment, short and sweet, in Article III. Article IV sets out the States' rights and duties to the central Government and provides for the addition of new States. Article V, in a single paragraph, lays out the procedure for amending the Constitution. Article VI provides for the transfer of power from the Articles of Confederation to the new Constitution and makes the Constitution and the Federal laws the supreme law—together with treaties—the supreme law of the land. Article VII provides the procedure for ratifying the Constitution.

There it is. There it is—a new Government in only seven articles. It takes more verbiage than that just to buy a house in these days.

The Constitution is an amazing product of compromise and balance, created by just a handful of delegates—55—in under 4 months. Many of the delegates' names should be familiar to most Americans, names such as George Washington, who presided over the Constitutional Convention, and James Madison, George Mason, Benjamin Franklin, and Alexander Hamilton. Other famous names were not present, such as Thomas Jefferson. He was not there. He was serving at the time as the Ambassador to France. Then there was John Adams, who was in London as the U.S. Ambassador. The details of the Convention of 1787 make fascinating reading.

The Convention met in closed session, but James Madison obtained permission to take notes on the debates. His notes, supplemented by the outlines or drafts of other delegates, were not published until 1840—4 years after his death. They outline the evolution of the document, showing competing alternatives and the compromises that allowed the large and small States, and all of the other conflicting interests, to reach agreement on a final document that all agreed could be ratified by the States.

The body in which I speak, and to which I have been elected time and time again by the people of West Virginia, the Senate, is the result of one such contentious debate that almost caused the Convention to adjourn.

I was talking with the pages just the other day, and we talked about the Great Compromise. I talk with these pages, the Republican pages and the Democratic pages. They change from time to time. They will be here perhaps for half a semester or a full semester or a few days. When we are out for a break, there will be a different group of pages. And we talk about history. These fine pages and I were just commenting the other day about the Great Compromise. I said, What do we mean by the phrase the "Great Compromise"? Well, that is what I am referring to now.

At one point during the Convention, the Virginia plan called for the creation of a bicameral legislature, with each House's representation apportioned by population. This suited Virginia and other large States well but was opposed by small States that feared joining a Union so dominated by the larger States. The delegations from the small States argued that their citizens would never ratify a Constitution that did not recognize some form of State equality.

After 3 weeks of increasingly bitter debate, the delegates agreed to what has come to be known as the Great Compromise. The result of that compromise is the Congress that we know today—a lower House, chosen according to population, and with the sole authority to originate revenue bills; and an upper House, the Senate, in which each State has an equal vote.

Other compromises were necessary for the Convention to reach agreement, some less successful than that which led to the composition of the Congress, some positively inspired. The delegates deliberated over the power of the executive; they deliberated over interstate commerce; they deliberated over the subject of slavery—these among other topics.

A small but inspired compromise is contained in the Preamble. The Preamble to the Articles of Confederation named the States in geographic order from north to south. Without knowing which States would ratify the Constitution, and in what order, the delegates in Philadelphia were uncertain how to list the participating States.

So the answer was a graceful new opening: "We the people of the United States . . . do ordain and establish this Constitution . . ." without ever mentioning the States by name.

Every citizen should be familiar with the Constitution. We should each have a little radar system, an intuitive raising of the hairs along the back of one's neck, when attempts are made to flout the Constitution, either by design or out of misguided good intentions. I fear that this radar system is not functioning as well as it should be. When it fails, the checks and balances contained in our Constitution begin to rust and then begin to grind to a halt. When the Congress does not jealously guard its prerogatives against an overreaching executive, the executive branch gains strength from power that it should not have.

The Founders of this Nation worried about creating too strong an executive. They worried about creating a tyrant such as the one, George III, against whom they had fought a war for freedom. So they created a system where the people's direct representatives called the shots the Congress writes the laws, controls the funds, and approves the nominees for key executive posts. If all of those restraints failed, the President was subject to impeachment and trial by Congress.

But today, in our fears about national security and our national political system dominated by political party considerations, we face a situation in which Congress is being pressured to act as a rubber stamp for a strong-willed Executive. We have seen this happen with respect to various and sundry executives some Democratic, some Republican. But in this instance, in the aftermath of September 11, 2001, there was a stampede to do something, anything, to avenge this vile attack on our citizens. The Congress did not seriously debate or consider the long term consequences of the call to action, and apparently, neither did the White House. We rushed into war without a real declaration of war. Instead, Congress passed a resolution giving the President sweeping powers to take such action as he saw fit, including military action, in that region. As a result, our military is over-extended and committed to long-term nation-building efforts in Iraq and, to a degree, in Afghanistan. Members of Congress are labeled "unpatriotic" if Members question—even question—any request for additional funds for those efforts.

At the same time, political party pressures were applied to pass expensive "temporary" tax cuts theoretically aimed at restarting a sluggish economy. The long-term impact on the deficit will hamstring the Nation for years to come. Congress should know better. This Senate should know better. Those of us who have been around for a while can recall the tremendous effort—and compromise—needed to achieve deficit control in the late 1980s and early 1990s. We can recall all of the hard, hard decisions that had to be made to bring the deficit under control. Did we really forget all of that in those few short years of surplus? Well, if we did forget that lesson from history, I fear we are doomed to repeat it, and we struggle to bring these even larger deficits under control.

The time is long past for Members of Congress to reassert the authorities granted to them in the Constitution. A citizenry familiar with their Constitution should demand it. We are, after all, ". . . bound by oath or affirmation to support this Constitution . . ." in Article VI, if we take the time to read it that far.

In his Farewell Address, delivered to his cabinet on, fortuitously enough, September 17, 1796, George Washington made this observation:

> . . . [Y]ou have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence with its measures, are duties enjoined by the fundamental maxims of true liberty.

Our Constitution is the foundation of our liberties, and we must be its guardians.

I would like to close with a poem by Henry Wadsworth Longfellow, entitled "O Ship of State."

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,

And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, -are all with thee!

I yield the floor and suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1734

Mr. DASCHLE. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1734.

Mr. DASCHLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for clinical services to the Indian Health Service, with an offset)

On page 88, beginning on line 17, strike "$2,546,524,000" and all that follows through "*Provided*" on line 20, and insert the following: "$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*".

Mr. DASCHLE. Madam President, once again I come to the floor to bring to the attention of the Senate the critical shortfall in funding for the Indian Health Service. Through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaskan Natives. Sadly, we have not even come close to honoring this commitment.

The Indian Health Service is the only source of health care for many Indians and is required to provide it, yet funding has never been adequate.

The chronic underfunding has only grown worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

Last March, we offered an amendment to the budget resolution to provide $2.9 billion to the Indian Health Service for the budget for the fiscal year 2004. Our amendment would not have met all of the health care needs in Indian country, not by far, but it would have provided enough room in the budget to fund basic clinical health care services for American Indians and Alaskan Natives.

Unfortunately, that amendment was defeated by a vote of 48 to 51, on a party-line vote.

The Republican leadership made a counteroffer. They proposed an amendment to increase IHS funding next year by $292 million, one-tenth of what our amendment called for. The Senate adopted that amendment.

Since then, two important reports have been released.

In July, the U.S. Commission on Civil Rights released a report documenting shocking health care disparities between Indians and other Americans. In August, the U.S. Centers for Disease Control issued a report showing that Native Americans live sicker and die younger than other Americans as a result of inadequate health care.

Another important thing happened since the Senate voted last March to add $292 million to the Indian Health Service's budget next year. Our colleagues on the other side agreed in conference to kill that funding increase. I am now offering an amendment that simply does what the Senate is on record having supported last March.

The amendment would restore the $292 million increase for the Indian Health Service that this Senate supported overwhelmingly last March.

The Civil Rights Commission report compared health care funding for Native Americans to that for other groups for which the Federal Government has direct responsibility for health care. The report compared per capita health expenditures for 2003 by category.

This chart describes in detail the comparison, I would say in somewhat embarrassing detail when you look at where we are. For the general U.S. population on an annual per capita basis, about $5,000 is spent. We spend in the VA a little more than what we spend on a national per capita basis, $5,214. For understandable reasons, seniors generate more expense, and the per capita cost for Medicare is $5,915. Medicaid drops somewhat below, about $2,000 or $1,500 below what we spend for the general population. Prisoners actually do almost as well as Medicare beneficiaries with $3,803 for Federal prisoners and $3,879 for Medicare.

Look where we are for the Indian Health Service clinical services per capita spending, $1,914, well below what we pay for Federal prisoners: about half, frankly, of what it is we pay for prisoners today. This is what the Indian population gets per capita, this is what Federal prisoners get per capita: $3,800 to $1,900.

I have to say that I don't know what clearer message we could send than that if we only spend per capita half for the Native American and Alaska population than what we spend for Federal prisoners in this country.

This funding is obviously woefully inadequate to meet the health care needs of Native Americans who, as I already noted, have a lower life expectancy than other Americans and a disproportionate number of serious medical problems. Indians have the highest rates of diabetes in the country, the highest rates of heart disease, the highest rates of sudden infant death syndrome, the highest rates of tuberculosis. There is also a great need for substance abuse and mental health services.

So while they have the greatest need, the greatest incidence of these extraordinarily difficult health problems, they have one-half the resources of what we commit to our Federal prisoners.

Native Americans are often denied care most of us take for granted, and in many cases would even consider essential. They are often required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. Sometimes lack of funds means care is postponed until Indians are literally at risk of losing their lives or their limbs. Others receive no care at all.

I will never forget talking to a man who is now a tribal leader from the Yankton reservation. He told me he was hunting and he stepped in a hole. This was before he was elected. He stepped in a badger hole or one of the holes in the field as he was hunting. He broke his leg, went to the hospital, and they said there was nothing they could do. They told him to come back. He came back the next day. They said there was nothing they could do. They said, we do not know when we can help you. You may need to go somewhere else.

Well, he was in such pain that he ended up lying in bed for close to 6 months and healed without any help whatsoever.

Today he walks with a limp, he has deep scars on his leg, and he considers himself lucky, lucky because he can walk again. That is happening today in America, and I think that is so intolerable, so unacceptable, so contrary to the commitment we made to Native American people. This is rationing at its worst. Rationing of care means all too often Indians are forced to wait until their medical condition becomes even more serious and more difficult to treat. It is a situation none of us would find acceptable, but this is the reality in Indian country.

Right now, the IHS service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian

Health Service. The facility has a birthing room and 22 beds, but there are only 2 to 3 doctors to staff the clinic, hospital, and emergency room.

Naturally, as a result, many children and expectant mothers do not receive the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but without ultrasound that went undetected. The available medical staff did not know what to do about his lowered heartbeat, abnormal urinalysis, or the fact his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre, which is the closest city off the reservation, to see an obstetrician. Brayden was stillborn.

This tragic death was completely preventable, but tough choices are being made every single day at IHS facilities throughout the country because there simply is not enough money to provide the care every American deserves.

I received a letter not long ago from Michelle German about her daughter Brittany.

This is Brittany. I have the letter, and I will read portions of it. Michelle writes:

> My daughter Brittany is thirteen years old and for the last couple of years has suffered from a skin disorder called polymorphous light erosion/eruption, which basically means she is allergic to UV rays (the sun). We had visited many doctors, at the Sisseton Indian Health Service and the Coteau des Prairie Clinic (also located in Sisseton) before being referred to a dermatologist in Fargo. . . . The Indian Health Service denied our request for a referral due to the lack of funding, but I find this very ironic because I had my own insurance. However, I was told that her condition has already been diagnosed, it is not life threatening and that the Indian Health Services were not going to be responsible for any debt that my insurance would not cover. Since this had all taken place, I had lost my job and my insurance. I find it frustrating that we were over income to qualify for Medicaid or the CHIPS program through the State of South Dakota!
>
> To make a long story a little shorter, we have been doctoring back at the Indian Health Service and now we are battling the pharmacy because it does not carry the medication that has been prescribed to her by the dermatologist. Brittany has been [on] various medications throughout her clinic visits at the Indian Health Service without success. The prescribed medications, that are working, are not available through the Indian Health Pharmacy and I have been purchasing it from our local drug store in the amount of forty-five dollars per forty-five gram tube.
>
> Brittany has gone through quite an ordeal because of the question "what is the matter with your face?" and now it is on her arms and legs which are beginning to scar due to the scratching. She has been limited to being kept indoors from the hours of 10 a.m. to 3 p.m. to prevent any outbreaks and the itchiness that follows. This is very hard for both of us because she is a very active teenager who enjoys playing golf, softball and swimming. We have had to change the type of clothing worn in the summer, the bathing soaps and lotions; she is now required to wear sunscreen and lip screen throughout her time outside. . . .
>
> I could go on, . . . but I think you get the idea. I have attached a picture of my daughter when the skin rash started on her face for your review.

I hope this helps explain her story. We have case after case. This may not be life-threatening. But Brittany is not able to get the help she needs, the attention she needs, the treatment she needs, in large measure because IHS has said in her case they do not see a life-threatening problem.

This is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with the IHS.

The Lake Andes-Wagner ambulance district in southeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service. This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents, Indian or non-Indian, do when they face an emergency?

Bennett County Hospital in southwestern South Dakota suffers similar IHS reimbursement problems, as do others in the non-IHS areas throughout rural America.

In his budget request for the next fiscal year, the President requested only $1.9 billion for clinical services for Indians. This represents a very small increase over what the President requested for fiscal year 2003 and no increase over what was finally included in the omnibus appropriations bill. We can and we must do better.

The amendment I am proposing again would increase funding for clinical services by a mere $292 million. I would like to say that this is the minimum amount that is necessary to provide basic health care to the current IHS user population, but I can't say that. The minimum amount necessary is an additional $2.9 billion, and this is one-tenth of that amount.

Today, I am asking the Senate to live up to the commitment it made last March, to make that extremely modest $292 million increase real by including it in this appropriations bill. It is nowhere near enough, and it is sorely needed to address the severe funding shortfall the Indian Health Service faces.

The cost of the amendment is offset by revenue raised from an extension of the customs user fee that will otherwise expire on September 30. We all agree the extension is inevitable. This will require only a small portion of those funds, and I can think of no better use for the money.

Native Americans are facing a literal "life or limb" test before they can access health care today. We are spending twice as much per capita on Federal prisoners' health than on the health care for the Indians to whom we promised full health benefits. We simply cannot tolerate this. The problem is real. The solution is simple. We must start giving the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

Let's take this modest step toward that end.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1635 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PESTICIDE REGISTRATION APPLICATIONS

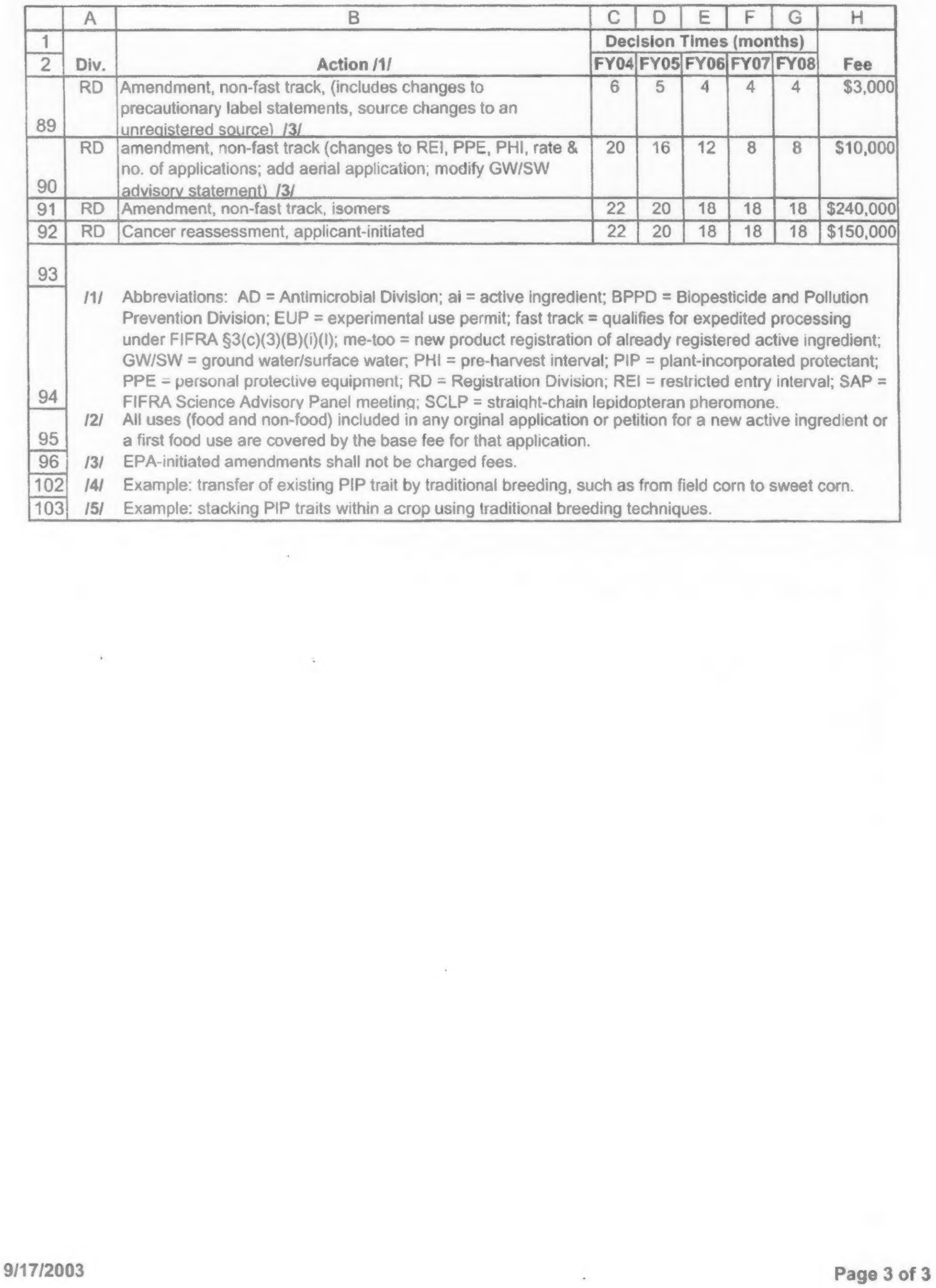
Mr. COCHRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a chart outlining the proposed decision time review periods for various categories of pesticide registration applications submitted to the Environmental Protection Agency.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Pesticide Fee Categories

	A	B	C	D	E	F	G	H
1			**Decision Times (months)**					
2	**Div.**	**Action /1/**	**FY04**	**FY05**	**FY06**	**FY07**	**FY08**	**Fee**
3	BPPD	New ai, food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$40,000
4	BPPD	New ai, food use, microbial/biochemical, w/exemption /2/	16	16	16	16	16	$25,000
5	BPPD	New ai, non-food use, microbial/biochemical /2/	12	12	12	12	12	$15,000
6	BPPD	EUP, food use; microbial/biochemical, w/temp. tol. exemp.	9	9	9	9	9	$10,000
7	BPPD	EUP, non-food use, microbial/biochemical	6	6	6	6	6	$5,000
8	BPPD	New use, first food use, microbial/biochemical, w/exemption	12	12	12	12	12	$10,000
9	BPPD	New use, first food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$15,000
10	BPPD	New use, non-food, microbial/biochemical	6	6	6	6	6	$5,000
11	BPPD	New product, me-too, fast track, microbial/biochemical	3	3	3	3	3	$1,000
12	BPPD	New product, non-fast track, microbial/biochemical	6	6	4	4	4	$4,000
13	BPPD	Amendment, non-fast track, microbial/biochemical /3/	6	6	4	4	4	$4,000
14	BPPD	SCLP, new ai, food use or non-food use /2/	6	6	6	6	6	$2,000
15	BPPD	SCLP, EUP (new ai or new use)	6	6	6	6	6	$1,000
16	BPPD	SCLP, new product, me-too, fast track	3	3	3	3	3	$1,000
17	BPPD	SCLP, new product, non-fast track	6	6	4	4	4	$1,000
18	BPPD	SCLP, amendment, non-fast track /3/	6	6	4	4	4	$1,000
19	BPPD	PIP, EUP, non-food/feed or crop destruct, no SAP (submitted before new ai package, $25K credit toward new ai registration)	12	12	6	6	6	$75,000
20	BPPD	PIP, EUP, set temp. tolerance/exemption, no SAP (submitted before new ai package, $50K credit toward new ai registration)	12	12	9	9	9	$100,000
21	BPPD	PIP, EUP, new ai, non-food/feed or crop destruct, SAP required (submitted before new ai package, $75K credit toward new ai registration)	15	15	12	12	12	$125,000
22	BPPD	PIP, EUP, new ai, set temp. tolerance/exemption, SAP required (submitted before new ai package, $100K credit toward new ai registration)	18	18	15	15	15	$150,000
23	BPPD	PIP, register new ai, non-food/feed, no SAP	18	18	12	12	12	$125,000
24	BPPD	PIP, register new ai, non-food/feed, SAP required	24	24	18	18	18	$225,000
25	BPPD	PIP, register new ai, temp. tolerance/exemption exists, no SAP	18	18	12	12	12	$200,000
26	BPPD	PIP, register new ai, temp. tolerance/exemption exists, SAP required	24	24	18	18	18	$300,000
27	BPPD	PIP, register new ai, set tolerance/exemption, no SAP	21	21	15	15	15	$250,000
28	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, no SAP	21	21	15	15	15	$300,000
29	BPPD	PIP, register new ai, set tolerance/exemption, SAP required	24	24	21	21	21	$350,000
30	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, SAP required	24	24	21	21	21	$400,000
31	BPPD	EUP, food use, PIP, amendment /3/	6	6	6	6	6	$10,000
32	BPPD	PIP, new use /4/	9	9	9	9	9	$30,000
33	BPPD	PIP, new product /5/	12	12	9	9	9	$25,000
34	BPPD	PIP, amendment, seed production to commercial registration	15	15	12	9	9	$50,000
35	BPPD	PIP, amendment, non-fast track (except 34 above) /3/	6	6	6	6	6	$10,000
36	AD	New ai, food use, exemption /2/	35	24	24	24	24	$90,000
37	AD	New ai, food use, tolerance /2/	35	24	24	24	24	$150,000
38	AD	New ai, non-food use, outdoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$75,000
39	AD	New ai, non-food use, outdoor, other uses /2/	31	21	21	21	21	$150,000
40	AD	New ai, non-food use, indoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$50,000
41	AD	New ai, non-food use, indoor, other uses /2/	29	20	20	20	20	$75,000
42	AD	New use, first food, exemption /2/	29	21	21	21	21	$25,000
43	AD	New use, first food, tolerance /2/	29	21	21	21	21	$75,000
44	AD	New use, food, exemption	24	15	15	15	15	$10,000
45	AD	New use, food, tolerance	24	15	15	15	15	$25,000
46	AD	New use, non-food, outdoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$15,000

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
47	AD	New use, non-food, outdoor, other uses	24	15	15	15	15	$25,000
48	AD	New use, non-food, indoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$10,000
49	AD	New use, non-food, indoor, other uses	20	12	12	12	12	$10,000
50	AD	EUP	9	9	9	9	9	$5,000
51	AD	New product, me-too, fast track	3	3	3	3	3	$1,000
52	AD	New product, non-fast track, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$4,000
53	AD	New product, non-fast track, other uses	8	6	6	6	6	$4,000
54	AD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000
55	AD	Amendment, non-fast track /3/	6	4	4	4	4	$3,000
56	RD	New ai, food use /2/	38	34	24	24	24	$475,000
57	RD	New ai, food use, reduced risk /2/	32	26	21	21	21	$475,000
58	RD	New ai, food use, with EUP request (decision time for EUP and temp tolerance same as below) /2/	38	34	24	24	24	$525,000
59	RD	New ai, food use, EUP, set temp. tolerance, (submitted before new ai package; $300K credited toward new ai registration)	32	28	18	18	18	$350,000
60	RD	New ai, food use, submitted post-EUP (decision time begins after EUP and temp. tolerance are granted) /2/	28	24	14	14	14	$175,000
61	RD	New ai, non-food use, outdoor /2/	32	28	21	21	21	$330,000
62	RD	New ai, non-food use, outdoor, reduced risk /2/	26	22	18	18	18	$330,000
63	RD	New ai, non-food use, outdoor, with EUP request (decision time for EUP same as below) /2/	32	28	21	21	21	$365,000
64	RD	New ai, non-food use, outdoor, EUP (submitted before complete new ai package, $210K credited toward new ai	27	23	16	16	16	$245,000
65	RD	New ai, non-food use, outdoor, submitted post-EUP (decision time begins after EUP has been granted) /2/	24	20	12	12	12	$120,000
66	RD	New ai, non-food use, indoor /2/	30	26	20	20	20	$190,000
67	RD	New ai, non-food use, indoor, reduced risk /2/	26	22	17	17	17	$190,000
68	RD	First food use, indoor food/food handling /2/	30	24	21	21	21	$150,000
69	RD	New use, indoor food/food handling	30	24	21	15	15	$35,000
70	RD	New use, first food use /2/	32	26	21	21	21	$200,000
71	RD	New use, first food use, reduced risk /2/	28	22	18	18	18	$200,000
72	RD	New food use, each	38	30	22	15	15	$50,000
73	RD	New food use, reduced risk, each	36	28	20	12	12	$50,000
74	RD	New food uses, bundled, 6 or more	38	30	22	15	15	$300,000
75	RD	New food uses, reduced risk, bundled, 6 or more	36	28	20	12	12	$300,000
76	RD	New food use, EUP, temp tolerance (no credit toward new use registration)	35	27	19	12	12	$37,000
77	RD	New food use, EUP, crop destruct	8	8	6	6	6	$15,000
78	RD	New use, non-food, outdoor	28	24	20	15	15	$20,000
79	RD	New use, non-food, outdoor, reduced risk	26	22	18	12	12	$20,000
80	RD	New use, non-food, outdoor, EUP (no credit toward new use registration)	8	8	6	6	6	$15,000
81	RD	New use, non-food, indoor	24	18	12	12	12	$10,000
82	RD	New use, non-food, indoor, reduced risk	22	16	9	9	9	$10,000
83	RD	Import tolerance, new ai or first food use /2/	38	30	21	21	21	$250,000
84	RD	Import tolerance, new food use	38	30	22	15	15	$50,000
85	RD	New product, me-too, fast track	3	3	3	3	3	$1,000
86	RD	New product, non-fast track (includes reviews of product chemistry, acute toxicity, public health pest efficacy)	10	8	6	6	6	$4,000
87	RD	New product, non-fast track, new physical form (excludes selective citations)	16	14	12	12	12	$10,000
88	RD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000



	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
89	RD	Amendment, non-fast track, (includes changes to precautionary label statements, source changes to an unregistered source) /3/	6	5	4	4	4	$3,000
90	RD	amendment, non-fast track (changes to REI, PPE, PHI, rate & no. of applications; add aerial application; modify GW/SW advisory statement) /3/	20	16	12	8	8	$10,000
91	RD	Amendment, non-fast track, isomers	22	20	18	18	18	$240,000
92	RD	Cancer reassessment, applicant-initiated	22	20	18	18	18	$150,000
93								
94	/1/	Abbreviations: AD = Antimicrobial Division; ai = active ingredient; BPPD = Biopesticide and Pollution Prevention Division; EUP = experimental use permit; fast track = qualifies for expedited processing under FIFRA §3(c)(3)(B)(i)(I); me-too = new product registration of already registered active ingredient; GW/SW = ground water/surface water; PHI = pre-harvest interval; PIP = plant-incorporated protectant; PPE = personal protective equipment; RD = Registration Division; REI = restricted entry interval; SAP = FIFRA Science Advisory Panel meeting; SCLP = straight-chain lepidopteran pheromone.						
95	/2/	All uses (food and non-food) included in any orginal application or petition for a new active ingredient or a first food use are covered by the base fee for that application.						
96	/3/	EPA-initiated amendments shall not be charged fees.						
102	/4/	Example: transfer of existing PIP trait by traditional breeding, such as from field corn to sweet corn.						
103	/5/	Example: stacking PIP traits within a crop using traditional breeding techniques.						

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THIRD ANNIVERSARY OF THE MURDER OF UKRAINIAN GEORGIY GONGADZE

Mr. LEVIN. Mr. President, the nation of Ukraine recently celebrated the 12th anniversary of its independence from the former Soviet Union. This milestone, gained after decades under Soviet repression, is a notable achievement that bears witness to humanity's inextinguishable and universal desire for liberty and freedom. Twelve years after its independence, much has been achieved, yet much work remains to be done before Ukraine is able to fulfill its considerable promise and fully join the Euro-Atlantic community of nations that find unity through their commitment to democracy and a steadfast adherence to the rule of law.

Yesterday also marked the third anniversary of the disappearance and murder of Ukrainian journalist Georgiy Gongadze. This anniversary casts a pall over Ukrainian society and underscores the problems it faces as it seeks to reform its domestic political situation. The editor of an internet newspaper, Ukrainska Pravda Ukrainian Truth—Gongadze reported widely on corruption within highest circles of Ukrainian society. He was an outspoken critic of corruption, and his decision to create an internet news journal was done in part to avoid some of the censorship and intimidation imposed upon journalists in Ukraine who routinely have their papers seized, presses damaged, and lives threatened by government officials.

However, Gongadze's actions did not escape official notice. Nothing done by members of the fourth estate is going unnoticed in a nation that Reporters Without Frontiers ranked 112th in its rating of worldwide media freedom. After Gongadze's disappearance, tapes secretly recorded by Mykola Melnychenko, a former bodyguard for President Leonid Kuchma, documented plans by President Kuchma and other government officials to dispose of Gongadze by a variety of means including "selling him to the Chechens."

Since his disappearance 3 years ago, little headway has been made into the investigation of his murder. Ukrainian officials have hindered efforts by the FBI to examine evidence, court documents have been forged and a witness in the case recently died while in police custody. Delays into this investigation and the lack of transparency with which it has been conducted undermine the reputation of Ukraine and hinders its relationship with the United States, the European Union, and NATO.

Much has been made of Ukraine's contribution to Operation Iraq Freedom. Currently, a brigade of Ukrainian soldiers are on the ground in Iraq, and this contribution is greatly appreciated. Yet such assistance, coupled with military reform, should not be seen as a quid pro quo for a lack of reform on Ukraine's domestic front. Unification with the Euro-Atlantic community is not merely a geopolitical or bureaucratic decision. Ukraine must continue efforts to develop and implement a responsive and transparent rule-based system of law before it is fully able to from the West.

The conduct of the October 2004 Presidential elections in Ukraine will be watched closely by the international community. Free and fair elections, regardless of their final outcome, will be an important step toward Ukraine's rapproachment with the community of nations. This election will be vital not for its outcome, but for the process by which it is conducted. It is my hope that the October 2004 elections will aid Ukraine's transformation from a nation where fear undermines public discourse into a nation where all facets of society can freely engage in the market-place of ideas without fear of recrimination. Only in such a society will we be able to learn the truth surrounding the disappearance and murder of Georgiy Gongadze. His family and the Ukrainian people deserve no less.

TRIBUTE TO MARVIN "SONNY" ELIOT

Mr. LEVIN. Mr. President, today I have the honor of recognizing a great American and Michigander, Marvin "Sonny" Eliot. Sonny was born and raised in my hometown of Detroit. He is well known as a popular TV and radio weatherman, with a career spanning 57 years. However, equally as impressive as his broadcasting career is his aviation and military career.

Sonny had always wanted to fly planes. While in high school, he commuted across town to take a special aviation course at another school. Sonny did so well on the final exam that he was awarded flying lessons, which led to his pilot's license in 1940. After high school, Sonny attended Wayne State University. Before finishing a degree program, he decided to enlist in the U.S. Army Air Corps.

Following his training in the Air Corps, Sonny was shipped to Wendling, England, where he flew B-24's as part of the 392nd Heavy Bomber Group. During World War II, Sonny was shot down over Gotha, Germany on his 16th mission. Subsequently, he was captured by the Nazis and spent 16 months as a Prisoner of War in Germany, 14 of which were in the prison camp Stalag Luft I. Due to his valor and loyalty in the service, Sonny earned the Distinguished Flying Cross, Air Medal, and Purple Heart. In addition, he received the Presidential Unit Citation with all the members of the 392nd Heavy Bomber Group for carrying out one of the most vital air strikes of the aerial attacks of the war.

After returning from Europe in 1945, Sonny continued his studies at Wayne State University where he earned a B.A. in English and an M.A. in Mass Communication and began his career in broadcasting. He has spent almost six decades on Detroit's airwaves with WWJ Radio and Channels 2 and 4 television, best known as a personable and humorous weatherman. In fact, his witty weather reports have been named the nation's best by the National Association of TV Program Executives.

Nevertheless, his interest in aviation never faded. While at Channel 4 TV and WWJ, Sonny won numerous news media awards for promotion and public awareness of aviation. In addition, he continues to fly and has accumulated more than 7,500 hours. Sonny holds the rank of colonel in the U.S. Air Force Reserve and was named the Air Force liaison for the 1st Congressional District. In October 2001, as a result of his lifelong commitment to aviation, he was enshrined into the Michigan Aviation Hall of Fame.

Currently, Sonny can be heard on WWJ-AM 950 with his easy-to-understand weathercasts. I am pleased to join my colleagues in the Senate in saluting Marvin "Sonny" Eliot's lifetime full of contributions to his country and the state of Michigan. I wish him continued success in the future.

NEGOTIATION OF A U.S.-CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to address the ongoing negotiations for a United States-Central America Free Trade Agreement—also known as the "CAFTA."

These negotiations present a couple of unique challenges.

First, most of the CAFTA countries are less developed, both economically and politically, than Mexico, Chile, or any of our other FTA partners. This presents challenges to the abilities of the Central American countries—both to negotiate a comprehensive set of commitments and to implement them effectively.

Second, these negotiations are on an accelerated schedule. They started in January 2003 and are set to conclude by the end of this year. The limited trade negotiating capacities of the CAFTA countries makes this an ambitious goal.

Third, several of the CAFTA countries played a less than constructive role at the WTO Cancun Ministerial. Their participation in the G-21 and the role of that group in precipitating the meeting's collapse raises serious questions about their commitment to trade liberalization.

I support comprehensive free trade agreements that create sound market access rules and meaningful commercial opportunities for American farmers, workers, and businesses. And I support, in principle, the goal of reaching such an agreement with the five CAFTA countries.

But we need to be realistic. A CAFTA agreement will be politically difficult here—much more so than the recently passed free trade agreements with Singapore and Chile. The issues it raises will be challenging on both sides of the aisle.

Next year's vote on CAFTA will also set the stage for the many free trade agreements that are lining up to pass through Congress: Morocco, Australia, the Dominican Republic, South Africa, Bahrain. The list just keeps growing.

To keep our trade agenda moving forward, we need a CAFTA that can pass with a large majority. If CAFTA sours the Congress on FTAs we are in for real trouble.

With only 4 months left in the negotiations, time is running short. But there is still time enough to push the CAFTA negotiations in the right direction. We can do that by addressing three principal concerns:

First, there needs to be a clear acknowledgment by our negotiators that CAFTA presents different challenges than other agreements. These countries have different political, legal, and social structures, and different economies, than any of our existing FTA partners.

We cannot simply table the Singapore and Chile texts and say we are done. Not for market access or agriculture. Not for services and intellectual property. Not for environment or labor. One size does not fit all.

Second, we need to make sure that this agreement is comprehensive. Taken together, the CAFTA countries are about our 18th largest trading partner. They account for one percent of U.S. trade. So the commercial benefits from this agreement will be modest at best.

Absent significant commercial gains, the only way to "sell" the CAFTA to our farmers, workers, and businesses, is as a strong model for future agreements.

We hear from Costa Rica that they don't want a telecom chapter in the agreement. This is a bad precedent.

Similarly, we can't allow ourselves to go too far down the path of "non-reciprocal" market access provisions for developing countries, just to get an agreement done.

Given their reluctance to tackle hard issues in the FTA negotiations and the recent actions of some of the CAFTA countries in Cancun, I am frankly skeptical about where the CAFTA negotiations are headed. If we, and the CAFTA countries, are not prepared to conclude a comprehensive agreement, we need to ask ourselves if this agreement is worth negotiating at all.

Third, we need to do more to address legitimate concerns about environment and labor.

Any number of objective sources have pointed out deficiencies in the environmental and labor laws of the various CAFTA countries.

And there is widespread agreement including among the CAFTA governments themselves—that these countries lack the capacity to effectively enforce their own environmental and labor laws.

Yet that is just what the text tabled by USTR would require them to do. Even as the evidence mounts, our negotiators stick stubbornly to their determination not to go beyond the Chile and Singapore texts.

That won't work. For CAFTA, we need a different approach.

To date, our domestic politics on environment and labor have been polarized. The CAFTA countries see that and they use it as an excuse not to engage constructively.

I want to help break this deadlock. I want to get us all talking about constructive ways to address environment and labor.

A workable approach to environment and labor in the CAFTA will do two things. It will help the CAFTA countries overcome their capacity limitations. And it will give assurance that meaningful improvements in environmental and labor standards and enforcement in those countries are occurring.

In the next weeks, I plan to release a detailed proposal for addressing environmental issues in the CAFTA. I will give just a short preview today.

My proposal combines improvements to the Chile and Singapore environment chapter text with enhancements to the trade capacity building and environmental cooperation programs.

In the text, I propose changes that will help build an open and responsive system of environmental regulation in the CAFTA countries. For example, the citizen petition process used in the NAFTA side agreement has helped empower environmental NGOs in Mexico, with positive effects. I think that should be a model for the CAFTA.

On trade capacity building, I think we can make this process work better to achieve long-term environmental and sustainable development goals. On the U.S. side, that means creating a mechanism that assures funding for capacity building over the long term.

For the CAFTA countries, it means completing the ongoing regional process of setting environmental priorities, and establishing a monitoring system to assure that capacity building is leading to progress toward those goals.

I look forward to sharing my detailed proposal in the near future.

It does not serve America's trade interests to negotiate imperfect trade agreements simply to put another notch on our belt.

I hear people say all the time that America has fallen behind other countries in negotiating FTAs and needs to "catch up." But this is not a numbers game. We must always remember that it is the quality, not the quantity, of our free trade agreements that matters.

I hope that I will be able to work with the administration to pass a good agreement with Central America. It is an important region, and this could be a significant agreement.

But the Trade Act—and specifically the provisions on labor and environment—must be adhered to. Submitting the same labor and environment text for all agreements—regardless of the situation in that country—is not, in my view, consistent with the Trade Act.

If we end up with an agreement that ignores Members' concerns on labor and the environment, I will work hard against it.

I hope it does not come to that. I hope that we can work together on an agreement that makes sense and moves the ball forward. And I stand ready to do that.

COLLAPSE OF THE WTO MINISTERIAL

Mr. BAUCUS. Mr. President, I rise today to talk about next steps for our trade agenda after last week's collapse of the World Trade Organization Ministerial in Cancun.

Certainly, the WTO is not dead. In fact, this kind of setback is fairly common in its history. Sooner or later the negotiators pick up the pieces and get back to work. We must and we will continue to try to get the Doha round negotiations back on track. And eventually, I think we will succeed.

But it probably won't happen soon.

In the meantime, we need to learn from last week's events and adjust our national trade strategy accordingly. In my view, there are two important lessons to be learned.

First, we can't count on a sweeping WTO agreement to be an engine of economic growth for our country any time soon. The President has made the stimulative effect of a strong WTO agreement a centerpiece of his plan for economic recovery and long-term growth. If we want to stimulate the economy through trade—and I certainly support that goal—then we need a new plan.

Second, the administration needs to rethink its strategy for picking FTA partners. I have heard many times that we need FTA partners who will be allies in the WTO and help the United States move that process forward. Instead, many of the same countries who are negotiating FTAs with us joined the G-21 and helped deadlock the ministerial.

So where do we go next?

To begin, I don't think we should overreact. Punishing trading partners with whom we have differences of opinion is not likely to be productive in the long term.

That doesn't mean they get a free pass. To the contrary, the onus is very much on Costa Rica, South Africa, Guatemala, and the others to take significant, constructive steps right now to show that they take their FTA negotiations seriously and are committed to comprehensive agreements with the United States. Where they have been holding back in FTA talks, they need to start putting more on the table. And if they don't, they should realize we have other countries to look to.

At the same time, we need to think hard about how to use trade agreements to create economic alternatives to the WTO. American workers, farmers, and businesses have just suffered a big setback. They will not see the economic benefits of the Doha round for a long time. We need to focus our negotiating resources on bilateral and regional deals that can provide real commercial opportunities in the short term. That means, in picking FTAs, we need to give less weight to foreign policy and more weight to economic policy.

Access to the large and vibrant U.S. market remains our best leverage in opening markets around the world. We must continue to use that leverage well.

I am disappointed in the outcome of Cancun. Like all disappointments, however, it offers lessons for the future. I hope we will learn those lessons and apply them to our trade agenda as we move forward.

NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, the focus of National Public Lands Day, 2003, is to improve and conserve our Nation's forests, grasslands, plains, rivers, streams and wetlands. As last year, we can expect tens of thousands of volunteers to join our dedicated land managers in projects across the country to protect America's rich natural resources and improve our opportunities to enjoy them.

Year and year National Public Lands Day volunteers are maintaining the legacy of the Civilian Conservation Corps, CCC, who exemplified land stewardship through the thirties and into the forties. National Public Lands Day continues to serve, as did the CCCs, to build a sense of ownership for our public lands. I believe this land stewardship and sense of ownership are most critical today as many changes are occurring which are affecting our public lands. I would like to spend just a few minutes to discuss these changes, how they are affecting our public lands and what we are, and can be, doing to address these impacts.

Our first concern is fire and fuels. Many of you are well aware of the catastrophic wildfires that have been occurring across the country over the past several years. This is a direct result of changing forest conditions that have led to a large build-up of fuels. Through legislated authorities such as Stewardship Contracting, communities are working with resource professionals and private contractors to address this situation while providing jobs, products and local income. We need to continue this work together to thin our forests, reduce hazardous fuels and restore the landscape to a more balanced condition. We need to continue to work together to provide more defensible space around our communities. Through legislation such as the Healthy Forest Initiative we can facilitate such projects that will protect our communities, our watershed and other at-risk lands. By continuing to work together we can address these hazardous conditions with win-win solutions.

The introduction and spread of unwanted invasive species is another concern. Noxious weeds, non-native fish species and introduced insects are just a few examples of invasive species that can wreak havoc on our public lands and across all ownerships. Throughout the country, local governments, private landowners and public land managers are working together to build strategies and share resources to combat invasive species across broad landscapes. Working together we can develop prevention plans to keep unwanted species out and control plans to reduce or eradicate unwanted species that have already arrived. Working together we can ensure that our public lands will remain healthy habitats for the plants and animals that enrich our lives.

Another concern is that, across the country, farms, ranches and other large tracts of open land are disappearing. These open spaces are being converted into neighborhoods, shopping malls and commercial complexes. In many respects these developments bring progress and benefits. In other ways these changes are creating a ripple effect on our public lands. Uses that were once spread across open lands owned by many are now being concentrated on the open lands remaining—Public Lands. Working together we can address these issues by considering these effects prior to development. Working together we can anticipate the increased demands such development will have on public lands and prepare our land managers to meet those demands. Working together we can find ways to promote development and protect our public lands.

Our last major concern is unmanaged outdoor recreation. Americans are hard working, but in our time off we like to play as hard as we work. More and more, many of us like to recreate on our Nation's public lands. As a result the numbers of recreationists and types of recreational activities are increasing at a staggering rate. This is creating a situation that leaves land managers struggling to keep up and the public frustrated with unmet expectations. To help with this situation, across the country, volunteers, user groups and resource professionals are working together to provide trail systems that provide high quality, safe experiences for hikers, stock users and OHV riders of all ages. Senior citizens and other volunteers are providing campground host services to ensure safe, enjoyable camping experiences. And volunteers are providing interpretive services and educational programs to enhance American's understanding of their natural environment. Through efforts such as these we can keep our Public Lands special places for all Americans to use and enjoy.

Public Lands are a national resource and a national treasure. The spirit of volunteers demonstrated on National Public Lands Day and the examples I've given of communities working together with resource professionals shows what can be done when we pull together. Working together on National Public Lands Day, and every day, will ensure that these lands are here for our enjoyment for generations to come.

A BAD AMENDMENT

Mr. LEVIN. Mr. President, this week Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence have joined to oppose an amendment included in the House version of the Commerce, Justice, and State Department Appropriations Act that would cripple the ability of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Nation's gun safety laws against firearms dealers who supply guns to criminals.

The House amendment would prohibit the public release of information related to the importation and production of firearms. This would mean that the only reliable national information available on how many guns are produced in a given year, as well as type, caliber, and manufacturer, would no longer be available to the public. Further, the amendment would prohibit the public release of information related to multiple handgun sales. Under current law, dealers are required to notify the BATFE of the sale of two or more handguns to the same person within 5 business days. Eliminating the public availability of this data would make it more difficult to monitor the activities of reckless gun dealers. In addition, the amendment would prohibit the release of information related to tracing requests on guns used in crimes.

The amendment would also prohibit the BATFE from issuing a rule requiring Federal firearm licensees to submit to a physical inventory. A physical inventory recently revealed that a Tacoma, WA gun dealer could not account for the sniper rifle used by the Washington, DC area sniper and more than 200 other guns in his inventory. The amendment would also require the immediate destruction of records of approved firearms purchases and transfers generated by the National Instant Criminal Background Check System. The retention of these records has assisted law enforcement officials in trying to prevent guns from getting into the hands of criminals and identifying gun trafficking patterns.

This amendment was never the subject of hearings, is not supported by any major law enforcement organizations, is not supported by Attorney General John Ashcroft or Director of the BATFE Bradley Buckles.

I support the efforts of Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence to block this amendment. This provision could shield reckless and negligent gun dealers from public scrutiny and weaken the BATFE's oversight and enforcement authority.

INCREASING MILITARY PAY CATEGORIES

Mr. DURBIN. Mr. President, I have joined Senator DASCHLE in introducing a bill that would make permanent the increases in imminent danger pay and family separation allowance passed by Congress in the Fiscal Year 03 Emergency Wartime Supplemental Appropriations Act.

Last spring, when the Senate considered the Budget Resolution, it passed, by a vote of 100 to 0, an amendment I offered with Senator LANDRIEU that would have allowed for $1 billion to cover the increase in these special pay categories.

Then, when the Senate considered the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act, it unanimously accepted an amendment I offered with Senator STEVENS and Senator INOUYE, increasing these pay categories for the remainder of the fiscal year.

The amendment we offered to the Supplemental sunset these pay increased, not because we wished to end them, but simply to allow the Armed Services Committee—the Committee of jurisdiction—to increase these pay levels in the Fiscal Year 2004 Defense Authorization bill, which it did.

Now—when soldiers are dying in Iraq and military families have been separated for many months—we hear that the Administration wishes to cut these pay increases in the Conference Committee.

The Statement of Administration Policy on the House version of the bill objects to the provision increasing both pay categories, saying it would "divert resources unnecessarily." The statement on the Senate bill only objects to the increase in Family Separation Allowance.

When confronted with questions about why the Administration wanted to reduce these pay categories, Defense Department spokesman, Under Secretary David Chu, came up with the classic Washington non-denial denial. On August 14, Chu said: "I'd just like very quickly to put to rest what I understand has been a burgeoning rumor that somehow we are going to reduce compensation for those serving in Iraq and Afghanistan. That is not true. . . ."

"What I think you're pointing to is one piece of very thick technical appeal document that speaks to the question do we want to extend the language Congress used in the Family Separation Allowance and Imminent Danger Pay statutes. And no, we don't think we need to extend that language. That's a different statement from are we going to reduce compensation for those in Iraq and Afghanistan . . ."

What do these statements mean?

Evidently the administration wants to claim that it will keep compensation the same for those serving in Iraq and Afghanistan through other pay categories, but do indeed intend to roll back the increases to imminent danger pay and family separation allowance.

This means that a soldier getting shot at fighting the war on terrorism in Yemen or the Philippines would receive less money than one who is similarly risking his or her life in Iraq. This means that a family bearing huge costs because of burdensome, long-term deployments would only be helped if the service member is deployed to Iraq or Afghanistan, but not if that same service member is deployed anywhere else in the world.

It is unfair to cut funding intended to help military families that are bearing the costs of far-flung U.S. deployments. It is unacceptable that imminent danger would be worth less in one combat zone than in another.

The bill we introduce today makes a clear statement that these pay categories should be increased permanently and should not be cut in conference.

Until these pay levels were increased in the Supplemental, an American soldier, sailor, airman, or Marine who put his or her life on the line in imminent danger only received an extra $150 per month. My amendment increased that amount to $225 per month—still only an acknowledgment of their courage, but an increase nonetheless.

Prior to the increase in the supplemental appropriations bill, family separation had been only $100 per month. We succeeded in raising it to $250 per month. These increases are only part of a normal progression of increases—for example, in 1965, imminent danger pay was $55; $100 in 1985, and raised to $150 in 1991. Family separation allowance was $30 in 1970, $60 in 1985, $75 in 1991, and $100 in 1997.

Family separation allowance was originally intended to pay for things that the deployed service member would have done, like cut the grass, that the spouse may then have had to hire someone to do. That may well have been appropriate in the past, but now most families have two working spouses—sometimes two working military spouses—and the absence of one or both parent may add huge child care costs that even the increased rate is unlikely to cover.

Military spouses sometimes find that they must give up their jobs or curtail their working hours in order to take up the family responsibilities that otherwise would have been shared by the missing spouse.

Example of increased costs that families may incur when military personnel are deployed, in addition to increased child care costs include: health care costs not covered by TRICARE, for example, the cost of counseling for children having a difficult time with their parents' deployment; costs for the family of an activated Reservist or National Guard member to travel to mobilization briefings, which may be in another state; various communication and information-gathering costs.

I would like to quote for the RECORD from an article that appeared in The Washington Post on April 11, 2003, entitled "Military Families Turn to Aid Groups," that outlines how military families have had to rely on private aid organizations to help them when their spouses are deployed. The article highlights the case of one mother, Michelle Mignosa and says:

> The last 18 months have brought one mishap or another to Michelle Mignosa. Her husband, Kevin, is an Air Force reservist who since Sept. 11, 2001, terrorist attacks has been away from their Lancaster, Calif., home almost as much as he's been there. First, there were the out-of-state trips to provide airport security. Then he was deployed to Turkey for 2½ months last spring. Now he's in Greece with an air-refueling unit . . . . And while he has been gone, the problems have piled up at home . . . . Strapped for cash since giving up her part-time job because of Kevin's frequent far-off postings, she didn't know where the money would come from to resolve yet another problem.

I applaud the efforts of private aid groups to help military families, but I believe that it is the duty of the U.S. Government to cover more of the costs incurred because of military deployments. It should not matter to which country the service member is deployed. Cuts must not be made to funds helping military families that are bearing the costs of war, homeland security, and US military commitments abroad.

To say that pay will not decrease to those serving in Iraq or Afghanistan is ignoring the truth—rolling back family separation allowance from $250 per month to $100 per month will cost our military families and could be especially painful to those living on the edge.

I urge my colleagues to support the bill that Senator DASCHLE and I have introduced and make a strong statement to the Defense Department that Congress will not stand for cutting imminent danger pay and family separation allowance.

ADDITIONAL STATEMENTS

IN HONOR OF JOHNNY CASH

• Mr. PRYOR. Mr. President, I rise today in support of the resolution to honor a great singer, a great songwriter, a great American, a man who truly lived the American Dream. J.R. Cash, otherwise known as "the man in black," Johnny Cash, captivated all those who listened during a career that spanned four decades. The man in black was a man who embodied and lived the spirit of working class America and transformed that spirit into song. I speak today to honor the life and work of this Arkansas native and music legend, and I would like to thank the Senator from Tennessee, Mr. ALEXANDER, for his resolution and kind words.

A native of Kingsland and Dyess, AR, Mr. Cash was respected and idolized by many in my State. It is always a tragedy to lose a native son, but I know the people of Arkansas will especially mourn the loss of Mr. Cash, who passed away last Friday at the age of 71.

Johnny Cash's life reads much like that of many Arkansas born during the dark and dreary days of the Depression. He was born to a family of sharecroppers in Kingsland, February 26, 1932, a small town in South Arkansas not far from where my own father was born.

When he was 3, his family moved to Dyess, AR—a farming colony established by Franklin Delano Rossevelt's New Deal to help lift displaced farming families out of the Depression and the crushing poverty that still permeates a large part of the Delta soil. The Cash's were especially poor. A neighbor, Earl Condra of Harrisburg, who knew the plight of many families of the region once said, "We were poor, but the Cash's were about as poor as you could get."

No one in the family escaped working on the farm. By the time he was 6, Cash was carrying water to workers in the field. By 10 he working almost a full day in the cotton fields, from, as he said, "can 'til can't". When he was 12, his 14-year-old brother, whom young Johnny idolized, was killed in a saw accident while sawing oak logs into fence posts for the family farm. That same year, Cash's father told him he had reached "the age of accountability . . . you're accountable as a man, to yourself and to others."

For Cash, it seemed the only escape from his hard life was through music. After a long, hard day picking cotton in the fields, his family would often sit on their front porch and sing.

"I remember when I was a lad, times were hard and things were bad. But there's a silver lining behind every cloud. Just four the number of people, that's all we were, trying to make a living out of black land dirt. But we'd get together in a family circle singin' loud. Daddy sang bass, Momma sang tenor, me and little brother would join right in there. Singin' seems to help a troubled soul. One of these days, and it won't be long, I'll rejoin them in a song. I'm going to join the family circle at the throne," he recalled in one of his songs.

Indeed, by the age of 12, Cash was performing songs on the radio in Blytheville, AR.

Although he was one of few to graduate from high school in post-Depression Arkansas, Cash knew his future lay in music.

"I think the first time I knew what I wanted to do with my life was when I was about 4 years old. I was listening to an old Victrola, playing a railroad song . . . I thought it was the most wonderful, amazing thing that I'd ever seen. That you could take this piece of wax and music would come out of that box. From that day on, I wanted to sing on the radio," he reminisced in a 1993 interview.

The quote under his picture in the 1950 Dyess Senior High School yearbook read, "Be a live wire and you won't get stepped on."

Within months of his graduation he enlisted in the U.S. Air Force and was assigned to Landsberg, Germany, where he was a radio intercept operator tasked with intercepting Soviet Morse Code. And it was also in Germany that he learned to play the guitar.

After his discharge from the Air Force in 1954, Cash moved to Memphis, TN, to take a job as an appliance salesman and to attend broadcasting school through the G.I. bill.

It was in Memphis where Johnny Cash would get his chance to sing to great audiences. After being turned away on numerous occasions, Johnny woke early one morning and went to the Memphis office of the famous Sun Records to meet Sam Phillips as he arrived for work. After a brief session, Mr. Phillips told Johnny to return the next day with a band. From that day forward, Johnny Cash reigned as the undisputed king of the downtrodden poor, a working man's savior in song.

Johnny Cash sang with a scowl of determination. The darkness of the songs he sang was only brightened by the hope of the audiences he addressed. That this man, this legend, this poor kid from Arkansas, could succeed on the grandest scale by putting his experiences and his emotions into song, gave the poorest sharecropper and the most oppressed worker that hope. There are no parameters in song. No boundaries, no borders, no confinements. For in a song, a man may truly express the deep well of thought not to be expressed in polite society. Song crisscrosses through time with an ease and a fluidity that gives true freedom to those who are not free, whether they are beholden to debt, their family, society or their own shortcomings. Johnny Cash understood the nature of song like few before or after. He understood its power over people. He understood the hope it could give, the happiness it could bestow, the sorrow it could impart. He knew these things about music. He used this understanding to give voice to those that had none.

As he said in explaining his propensity to wear black clothes, "I tried to speak for the voices that were ignored or even suppressed by the entertainment media, not to mention the political and education establishments." As he put it, black clothes symbolized the dispossessed people of the world.

Johnny Cash achieved a level of success equal to that of the Beatles and Elvis. The legacy he left will be a lasting one in country and rock music. From jazz to blues to country music, to the rock and roll that was nurtured in its early years in the juke joints of the Delta South and the urban ghettos of the north, Johnny Cash contributed his own particular interpretation to this musical legacy: one that will forever be enshrined in the memories of his friends, colleagues, and thousands of fans.

Johnny Cash sold more records than anyone in the world in 1967. He was so popular that he had his own ABC television series. He won eleven Grammys and was the youngest person ever inducted into the Country Music Hall of Fame. He has also been inducted into the Rock and Roll Hall of Fame, has been honored with a Kennedy Center Award, and has a star on the Hollywood Walk of Fame. President Bush honored him with the National Medal of the Arts this past April.

Despite all of the professional accomplishments and accolades, I think Mr. Cash would rather us celebrate his life in terms of the people he touched with his music and his philanthropic work. In addition to his music, Mr. Cash endowed a burn research center, campaigned for prison reform, counseled former inmates transitioning to society, and donated and worked for the Mental Health association, Home for Autistic children, Refugees for Battered Women, the American Cancer Society, YWCA, and the Humane Society, among others.

Johnny Cash rose from nothing to everything on the strength of an iron will, gritty self-determination, and an unflappable faith in God, his family, and his music. Nothing he earned in his life came at the expense of others. Yet all he gave he gave to all. Johnny Cash learned from his mistakes and ascended to a level higher than those who preceded him. He taught us to learn from our mistakes. He taught us to never give up, that the dreams of a small boy on a small farm in a small town can be big, and that they can come true. He taught us how to be free through the words and melody of a song. The lessons from his music are applicable today and will be for generations to come. Nothing captures the imagination of the heart like a great song. Mr. Cash captured the hearts of many. And his song will be missed.●

RECOGNIZING DR. CYNTHIA HALDENBY TYSON

● Mr. ALLEN. Mr. President, today I recognize Dr. Cynthia Tyson, who retired this year from her position as president of Mary Baldwin College in Staunton, VA.

Dr. Tyson was born and raised in England, where she received both her bachelor's and master's degrees, as well as her Ph.D. She first came to the United States as a Fulbright scholar, and has worked in higher education as both a lecturer and an administrator.

During her 18-year tenure at Mary Baldwin College, she was the active force behind that school's renaissance into a nationally renowned women's liberal arts college. From the beginning of her tenure in 1985 to this day, Mary Baldwin College has more than doubled its enrollment, with almost 2,200 students attending 6 locations throughout Virginia. The college has consistently attracted more highly qualified applicants, with the SATs and GPAs of its applicants increasing every year. Under Dr. Tyson's presidency, Mary Baldwin's endowment has increased threefold, with a record-setting $58 million raised in its most recent capital campaign. All told, Mary Baldwin College, thanks to Dr. Tyson, is the largest and fastest growing women's college in Virginia.

In addition to her work at Mary Baldwin College, Dr. Tyson served as president of the Southern Association of Colleges and Schools and was an active member in professional organizations, including the National Association of Independent Colleges and Universities, the Virginia Foundation for Independent Colleges, and the State of Virginia Rhodes Scholarship Competition Selection Committee. She is also active in the Staunton community through the Frontier Culture Museum, Shenandoah Shakespeare, and Rotary International.

Dr. Tyson has left an indelible mark not only on the institution that she served so well as president but also on the hearts and minds of her colleagues, students, and community as a friend and inspiration. I congratulate her and wish her well in her retirement.●

THE SMALL BUSINESS ADMINISTRATION

● Mr. KERRY. Mr. President, I speak today in honor of the Small Business Administration, which this year is celebrating the 50th anniversary of its service to America's small businesses.

This week marks the SBA's annual Small Business Week. Throughout the events of this week, the SBA will demonstrate many of the valuable programs that have been created to help entrepreneurs across the country achieve success over the past 50 years. The SBA is relied upon to help restore economically depressed communities, spur technological research and development, provide access to capital and business training, monitor the procurement practices of Federal agencies, and ensure small businesses are heard within the Federal Government.

With the assistance of the programs and resources of the Small Business Administration and its dedicated employees, thousands of small businesses across the country have developed and expanded. Some of those companies have since developed into household names after receiving help from the SBA: companies like Outback Steakhouse, Nike, and Staples. These businesses exemplify the entrepreneurial spirit that is so unique to this country.

The importance of the small business community cannot and should not be underestimated. The link between small businesses and a strong economy is clear: small businesses account for over 50 percent of nonfarm GDP, and account for 75 percent of all new jobs. Time and again, our small businesses have led this Nation out of bad economic times.

We cannot help this country's economy by ignoring our small businesses and underfunding the initiatives meant to foster their establishment and growth. President Bush seems to understand that there is a need to support small businesses, but during his 3 years in office, he has yet to translate that understanding into actions. In his first year, he cut the SBA's budget by almost 50 percent. In his second year, he eliminated all funding for the agency's largest small-business loan program and shifted the cost—more than a hundred million—to the small businesses and the SBA's lending partners in the private sector who make the loans possible—never mind that the government was already overcharging them. He has cut funding for microloans and counseling—the SBA's number one program for reaching African Americans, Hispanics and women.

Here in the Senate, we are trying to pass legislation reauthorizing the programs of the Small Business Administration for another 3 years, and I think Chair SNOWE and the other members of the committee for working with me to create a bill that enables small businesses to continue to prosper. We are doing our part to assist small businesses, and the next step is to ensure that the SBA and its programs receive the funding they need to actively help small businesses across the country in these difficult economic times. The administration's low-ball request for FY 2004 will not help about adequate funding of the critical assistance that America's small businesses need. I intend to do everything possible to obtain necessary funding for these critical small business programs to ensure they will thrive in the next year and for the 50 years to come.●

RECOGNIZING WILLIAM G. O'BRIEN

● Mr. ALLEN. Mr. President, today I recognize William O'Brien, county administrator for Rockingham County, VA, who is retiring December 31, 2003, after 26 years of dedicated service.

William O'Brien began his career in the U.S. Marine Corps, where he spent 4 years before receiving his bachelor's degree from Mansfield University in 1969. He later earned an MBA from Southeastern University in 1978 before taking his current position in Rockingham County. As county administrator, Mr. O'Brien spent 26 years dutifully serving the residents of Rockingham County. Prior to his work in Rockingham, he also served as county administrator for Warren County, VA from 1973 to 1977. In addition, Mr. O'Brien spent more than 10 years as a professor at James Madison University and Eastern Mennonite University in Harrisonburg, VA.

I congratulate Mr. O'Brien on his years of dedicated service to the people of Rockingham County and the Commonwealth of Virginia, and I wish him well in his retirement.●

RECOGNIZING LUTHER E. "IKEY" MILLER

● Mr. ALLEN. Mr. President, today I recognize Mr. Luther E. "Ikey" Miller, who passed away on March 17, 2003 in Rileyville, VA.

Born on January 27, 1932, Mr. Miller was involved in a wide array of activities in his lifetime, including law, business, politics, the military, sports, music, and agriculture. Throughout his life, he was influential in his community. In 1973, he was appointed to serve as Page County Circuit Court clerk, a post that he held for 26 years, becoming an integral part of the local judiciary. Mr. Miller also served as chairman of the Page County Republican Party for 16 years, and as a Presidential elector for Virginia in the 2000 Presidential election. A Virginia native, he graduated from Luray High School in 1949. Mr. Miller entered the U.S. Army in 1952, serving until 1954, and achieving the rank of corporal before his honorable discharge. He also worked 21 years for First National Bank as a cashier and loan officer. Mr. Miller loved sports, especially baseball, which he played in the minor leagues, as well as football and hunting. He also farmed full-time throughout his life with the help of his family, and played in a country music band for 20 years.

Mr. Miller will surely be missed by his wife of 47 years Shirley, his family, friends, and the community he served so faithfully during his life. I join with the Miller family in mourning the loss of such a great family man, public servant, and Virginian.•

HONORING THE ANN ARBOR SYMPHONY ORCHESTRA'S 75TH ANNIVERSARY

• Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I congratulate the Ann Arbor Symphony Orchestra as it celebrates its 75th anniversary. The Ann Arbor Symphony Orchestra was founded by Phillip Potts on a chilly autumn evening in 1928. Potts and four musicians gathered in a basement room of a local church, set up their music stands, unpacked and tuned their instruments, and launched into what would become a musical legacy that has touched many in the Michigan community.

Today, the Ann Arbor Symphony Orchestra includes over 150 professional musicians who perform under its auspices. The organization has an active and committed 45-member Board of Directors and a staff of five full-time employees. Each season, the symphony performs nine main stage concerts for 8,000 subscription patrons as well as five matinee concerts for over 1,000 senior citizens and five family-oriented concerts designed to engage family members of all ages. The group's extensive educational series includes four youth concerts, "Ensembles in the Classroom" during which orchestra members visit individual classrooms, and a variety of other educational events which enrich the lives of almost 20,000 area students each year.

The Ann Arbor Symphony Orchestra counts Joseph Maddy, who was also the founder of Michigan's prestigious Interlochen Center for the Arts, as one of its earliest conductors. It has been the orchestra in residence for the Martha Graham Dance Company, the University Musical Society, the Music Paradigm, and Peter Schickele, aka PDQ Bach. Guest artists have included world renowned violinists Jaime Laredo, Catherine Cho, Ilya Kaler, Augustin Hadelich, and Benny Kim; clarinetists Richard Stoltzman and David Shiffrin; and pianists Anton Nel and Vladimir Feltsman.

During its 75-year history, the Ann Arbor Symphony Orchestra has received many honors. It has received awards from the National Endowment for the Arts, including a Millennium Project award for the premiere of a new work for an orchestra. It has also consistently earned top marks from the Michigan Council for the Arts and Cultural Affairs. Furthermore, in 2002 it was recognized by Crain's Detroit Business magazine as one of the area's best-managed nonprofit organizations. In addition, the Ann Arbor Symphony Orchestra won the Nonprofit Enterprise at Work's Excellence Award for Management in 1997 and 2003.

The Ann Arbor Symphony Orchestra's repertoire ranges from Baroque to the 21st century and spans musical genres from Bach to Broadway. Each year, the Ann Arbor Symphony Orchestra has premiered a new work by a young composer through its annual "Mozart Birthday Bash" concert series. This year the orchestra is also commissioning a work by internationally known Michigan composer Michael Daughtery. "Silent Movies" is a work for the Barton Theater Organ, which is located in the historic Michigan Theater, in celebration of the orchestra's 75th anniversary.

The Ann Arbor Symphony Orchestra is an integral part of the cultural and economic landscape of Ann Arbor and southeastern Michigan. Senator STABENOW and I would like to congratulate and honor the Ann Arbor Symphony Orchestra, its Music Director Arie Lipsky, and the hundreds of musicians, board members, and staff who have brought musical gifts to so many over the past 75 years. We know our Senate colleagues will join us in offering our thanks to the Ann Arbor Symphony Orchestra for enriching our lives and in wishing the organization continued success in the future.•

FERC NOTICE OF PROPOSED RULEMAKING

GRID MANAGEMENT

• Mr. KERRY. Mr. President, the front page of the Washington Post recently featured a local graduate student who skillfully mapped the electronic networks that interconnect every business and industrial sector in the American economy. The article emphasized how the information was readily available on the Internet and the associated security concerns. It also discussed the astonishment and alarm among industry leaders upon hearing about it.

Early this year, the Department of Homeland Security published two papers emphasizing the need to secure critical infrastructure from physical and cyber-attacks, including all aspects of the electric power infrastructure system. This was clarified further by the Federal Energy Regulatory Commission (FERC) in its Notice of Proposed Rulemaking on Standard Market Design, which states, holesale electric grid operations are highly interdependent, and a failure of one part of the generation, transmission, or grid management system can compromise the reliability of a major portion of the grid.

Simply put, experts in the public and private sector, time and time again, acknowledge the vulnerability of the entire national electric power infrastructure and that all aspects should be protected. As blatantly demonstrated by the recent blackouts in the northeastern United States, the viability of the national power grid is an important national security concern.

I am concerned, therefore, that a cyber security standard recently proposed by FERC, which is designed to protect the electric power grid, exempts rocess control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations from the definition of "critical cyber assets" to be protected.

Despite the clear intent of the Department of Homeland Security and FERC to protect the power system entirely, the proposed rule calls for only partial protection. The FERC decision may mean that power distribution is protected, while power generation remains vulnerable.

Mr. KENNEDY. If the Senator will yield for a comment. I have been made aware that technology exists in the marketplace that is capable of protecting power generation assets. I am aware of at least one company, in fact, a Massachusetts company, that has developed software capable of protecting our power generation assets from cyber attack. If the technology exists, are we not obligated to protect these assets? Protecting transmission without protecting generation is like protecting airports without protecting aircraft. Isn it reasonable, therefore, to conclude that the entire national power grid, including generation, should be protected?

Mr. KERRY. Mr. President, I think the answer is yes. No aspect of the electric power grid should be exempt from this cyber security standard. I urge the ranking member to work with us to address this issue during conference committee consideration of the Energy and Water appropriations bill for fiscal year 2004. With my good friend, the senior Senator from Massachusetts, I ask the Appropriations Committee, in conference with the House of Representatives, to include a requirement that the Federal Energy Regulatory Commission report to the committee and the Congress as to why generating infrastructure was excluded from the proposed rule.

Mr. REID. I thank the Senator from Massachusetts for bringing this issue to my attention. I agree that process control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations are indeed critical assets of the national electric power infrastructure and should not be exempt from protected assets. I look forward to addressing this issue in conference committee.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendments:

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrences of the Senate:

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 235. A concurrent resolution celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.".

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes", and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. VITTER, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes", and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: For consideration of the House bill and the Senate amendments (except for title III in the Senate amendment numbered 3), and modifications committed to conference: Mr. KINGSTON, Mr. LAHOOD, Mr. TIAHRT, Mr. CULBERSON, Mr. KIRK, Mr. YOUNG, of Florida, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference. Mr. YOUNG of Florida, Mr. TAYLOR, of North Carolina, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY.

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Energy and Natural Resources.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Energy and Natural Resources.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4204. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4205. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4206. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–4207. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC–4208. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting Authority Revisions" (DFARS Case 2002–D041) received on September 15, 2003; to the Committee on Armed Services.

EC–4209. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance of Security-Guard Functions" (DFARS Case 2002–d042) received on September 15, 2003; to the Committee on Armed Services.

EC–4210. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Competitiveness Demonstration Codes Update" (DFARS Case 2003–D003) received on September 15, 2003; to the Committee on Armed Services.

EC–4211. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Caribbean Basin country—Dominican Republic" (DFARS Case 2003–D007) received on September 15, 2003; to the Committee on Armed Services.

EC–4212. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to status of the female members of the Armed Forces; to the Committee on Armed Services.

EC–4213. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Liability for Loss Under Vessel Repair and Alteration Contracts" (DFARS Case 2002–D016) received on September 15, 2003; to the Committee on Armed Services.

EC–4214. A communication from the Administrator, Food Safety and Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards" (01–018P) received on September 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Quarantined Areas and Regulated Articles" (Doc. No. 03–018–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Pork-Filled Pasta" (Doc. No. 02–003–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4217. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerance" (FRL#7324–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4218. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance" (FRL#7327–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4219. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-Metolachlor; Pesticide Tolerance" (FRL#7324–9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4220. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenhexamid; Pesticide Tolerance" (FRL#7326–7) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4221. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyrmmazine; Pesticide Tolerance" (FRL#7326–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4222. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butafenacil; Pesticide Tolerance" (FRL#7324–6) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4223. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Pesticide Tolerance" (FRL#7326–4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4224. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction" (FRL#7560-9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4225. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Asbestos" (FRL#7561-2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4226. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions from New Marine Diesel Engines" (FRL#7561-4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4227. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona" (FRL#7561-5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 20, 1999" (FRL#7562-1) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Director, Office of Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled "Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments" (RIN3064-AC55) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4230. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to medically relevant information concerning occupational exposures servicemembers may have received during Projects 112 and Shipboard Hazard and Defense testing; to the Committee on Armed Services.

EC–4231. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, the Agency's Fiscal Year 2002 Annual Performance and Accountability Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–4232. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export Clearance - Conformance of Export Administration Regulation with Foreign Trade Statistics Regulations" (RIN0694-AC81) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4233. A communication from the Director, Office of White House Liaison, National Telecommunications and Information Administration, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Deputy Administrator, National Aeronautics and Space Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Approved Measures Contained in the Skate Fishery Management Plan" (RIN0648-AO10) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4236. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend Eligibility Criteria for the Bering Sea and the Aleutian Islands (BSAI) King and Tanner Crab Fisheries" (RIN0648-AQ78) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 72 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Amendment 64 to the FMP for the Groundfish Fishery of the Gulf of Alaska" (RIN0648-AP92) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement a Guideline Harvest Level for Managing the Harvest of Pacific Halibut in the Guided Recreational Fishery in International Pacific Halibut Commission Areas 2c and 3a in and off of Alaska" (RIN0648-AK17) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska" received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closure: Prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska except for demersal shelf rockfish in the Southeast Outside District or sablefish" received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Oregon Sport Fisheries; Inseason Action; Request for Comments" received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Recreational Fishery from the Queets River to Cape Falcon, Oregon" (ID080503B) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closing Arrowtooth Flounder Fishing in the Western Regulatory Area of the Gulf of Alaska" received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Financial Reporting" (RIN2700–AC77) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closure; prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Handling of Class I (Explosive) Materials or other Dangerous Cargoes Within or Contiguous to Waterfront Facilities" (RIN1625–AA07) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD08–03–11], [CGD13–02–012]" (RIN1625–AA09) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Protection of Large Passenger Vessels, Portland, OR" (RIN1625–AA00) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Sullivan, MO" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Cambridge, NE" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Maryville, MO" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Centerville, IA" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Meade, KS" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Manufactured by McDonnel Douglas" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 747SP, and 747 SR Series Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction Pratt and Whitney Canada Turboprop Engines" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: EXTRA Flugzeugbau GmbH Models EA–300/200, EA–300:, and EA 300S Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Lee's Summit, MO" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4260. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Wayne, NE" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4261. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4262. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4263. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney Canada PW206A and PW206E Turboshaft Engines" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4264. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 and 200PF Series Airplanes Equipped with Pratt and Whitney PW200 Series Engines" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Luftahrt GMBH 228–100, 228–101 , 228–200, 228–201, 228–202, and 228–212 Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney JT9D–3 or JT9D–7 Series Engines (except JT9D–70 Series Engines)" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1–600–2B19 (regional Jet Series 100 and 440) Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4 600, B4600R (Collectively Called A300–600) Series Airplanes and Airbus Model A310 Series Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 Trent 800S Series Turbofan Engines" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717-200 Airplanes" (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations" (RIN2137–AD71) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace: Aurora, MO" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace: Montgomery, AL" (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auctions Expenditure Report for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2005 Budget Request; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–281. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan relative to the Midwestern Headquarters of the Department of Homeland Security; to the Committee on Finance.

POM–282. A concurrent resolution adopted by the Legislature of the State of Texas relative to prescription drug coverage in the federal Medicare program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 101

Whereas, advances in the effectiveness of prescriptive medication have substantially improved the quality of health care in the United States; a key component of prevention health care, prescription drugs help patients live healthier, longer, and more productive lives without the need for costly long-term acute care; and

Whereas, since the passage of the Social Security Act of 1965, which originally authorized Medicare, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States; nonetheless, of the more than 40 million people enrolled in Medicare, one-third have no prescription drug coverage, and the limited coverage available to the remaining two-thirds of Medicare beneficiaries is often inadequate to meet their needs; and

Whereas, comprehensive reform of the Medicare program is necessary to provide affordable care for the elderly and disabled who suffer from chronic disease and comorbidity; the private sector has established a model for successful reforms by negotiating discounts on prescription drugs and by coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical problems; and

Whereas, despite the growing needs of the Medicare population, the United States Congress has thus far failed to remedy the inadequacies of the Medicare program; effective reform would adopt the successful strategies of the private sector and use the marketplace to foster competition among private plans, maintaining the financial viability of the program and offering greater choice of quality coverage to seniors and the disabled; and

Whereas, instead, the lack of a prescription drug benefit in particular has forced states to supplement Medicare by providing medicine to vulnerable Medicare beneficiaries through state Medicaid programs; this "dually eligible" population, those who qualify for federal Medicare and state Medicaid, accounts for 42 percent of Medicaid drug expenditures nationwide; and

Whereas, the situation is critical in Texas, where the Congressional Budget Office reported the enactment of a Medicare drug benefit would mean a savings of nearly $2 billion in Medicaid funds between 2005 and 2012; alarmingly, the costs to state Medicaid programs are expected to increase as the non-elderly disabled and the elderly over age

85 who are most likely to be dually eligible are the fastest growing populations within Medicare; and

Whereas, with state Medicaid programs already facing serious budgetary constraints that threaten to restrict patients' access to needed medical care and prescription drugs, it is more important than ever that the Congress enact a Medicare prescription drug benefit as quickly as possible: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request that the Congress of the United States enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–283. A joint resolution adopted by the Legislature of the State of California relative to the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP); to the Committee on Finance.

JOINT RESOLUTION NO. 29

Whereas, the State Teachers' Retirement System has a higher contribution rate than, and benefits commensurate to, the Social Security system; and

Whereas, the State Teachers' Retirement System is not coordinated with the federal Social Security system; and

Whereas, the Social Security Act includes two offsets, the Government Pension Offset and the Windfall Elimination Provision, that reduce the Social Security benefits payable to persons who are entitled to benefits under other public retirement systems, under certain conditions; and

Whereas, public employees in California who do not pay into Social Security incur substantial reductions in their federal Social Security benefits even if they otherwise qualify for those benefits through prior employment for which they paid into Social Security, or as surviving spouses through their spouses' Social Security eligibility; and

Whereas, these offsets discourage individuals with prior work experience from seeking teaching positions; and

Whereas, every child is entitled to be taught by a fully credentialed teacher, but California has had a significant shortage of teachers credentialed in the subjects they are assigned to teach; and

Whereas, the recruitment and retention of teachers from other states who are entitled to Social Security benefits upon retirement is also undermined by these offsets; and

Whereas, legislation to remedy the Government Pension Offset and the Windfall Elimination Provision have been introduced in the 107th Congress by members of the California Congressional delegation and received bipartisan support from a majority of the California delegation in the 106th Congress: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly: That the Legislature of the State of California requests the Congress of the United States to enact legislation to remove the onerous effects of the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act, and further, the Legislature of the State of California requests President George W. Bush to support and sign that legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–284. A resolution adopted by the House of Representatives of the legislature of the State of Michigan relative to bringing peace and security to Cyprus; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 36

Whereas, this year marks the twenty-seventh anniversary of the Turkish invasion and occupation of Cyprus; and

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

Whereas, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, United Nations Security Council Resolution 1218, also adopted on December 22, 1998, calls for reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported Resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the President and the Congress of the United States to work to implement United Nations resolutions to bring peace and security to Cyprus; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–285. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to a center for the health, welfare, and education of children, youth, and families; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world's population with young people representing the largest percentage of that population; and

Whereas, Hawaii's location in the middle of the Pacific Rim between Asia and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young People's Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, that the United Nations is respectfully requested to consider the establishment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

Resolved, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

Resolved, That the House and Senate Committees on Health convene an exploratory task force to develop such a proposal for consideration by the United Nations; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the University of Hawaii, the President of the East West Center, the President of the United Nations Association in Hawaii, and members of Hawaii's congressional delegation.

POM–286. An act passed by the General Assembly of the State of Maryland relative to the Department of Planning of the State of Maryland; to the Committee on Governmental Affairs.

POM–287. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION NO. 3

Whereas, New Hampshire's federal allocation of the Low Income Home Energy Assistance Program (LIHEAP) is used to operate the statewide fuel assistance program, which provides benefits to qualified New Hampshire residents, such as low-income elderly, disabled, and low-income working households, to assist with paying their energy bills during the winter season. The fuel assistance program also helps New Hampshire residents in a hearing emergency by securing an emergency delivery of fuel, delaying a shut-off notice, or referring individuals to another source of assistance; and

Whereas, fuel costs for this winter have proven to be higher than expected and higher than last winter, while the average temperature thus far this winter has been colder than usual; and

Whereas, during the 2001-2002 heating season, New Hampshire received $13.2 million in LIHEAP funds based upon a $1.7 billion federal appropriation. With these funds, New Hampshire assisted 24,876 low-income households, but was not able to provide full benefits to all income-eligible seniors and working poor families that requested assistance; and

Whereas, New Hampshire's fuel assistance program made numerous programmatic changes prior to this winter to further maximize federal LIHEAP dollars this winter season, including reducing income eligibility levels and reducing benefits amounts. In spite of these efforts, sufficient federal funds do not exist to serve all eligible New Hampshire residents who request assistance; and

Whereas, states are developing new and innovative ways to stretch available program resources, including the use of pre-purchase programs during the summer months that are not adequately supported by the current program legislation; and

Whereas, last winter many low-income residents unnecessarily suffered and took extreme and dangerous measures to stay warm. Results of a 2002 winter survey of New Hampshire's low-income residents identified disturbing facts which include that 16.4 percent of the over 900 respondents, many of whom are elderly, disabled, facing severe medical problems, or caring for small children, used dangerous alternatives to heat their homes, such as space heaters or ovens. Another 7.3 percent of the respondents indicated they went without medical care or medicine; and

Whereas, the current authorization level, set at $2 billion, is not sufficient to meet the current need for program assistance as a result of rising unemployment and poverty levels and continuing volatility in energy pricing; and

Whereas, uncertainty in appropriations due to the lack of advance funding has made it more difficult for the states to set program eligibility levels and take advantage of program buying opportunities: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court hereby urges the New Hampshire congressional delegation to support:

I. Extending LIHEAP's authorization through fiscal year 2008;

II. Maintaining the current funding formula and hold-harmless provisions in order to maintain-adequate funding levels for the region's programs;

III. Increasing the authorization level to $3.4 billion; and

IV. Allowing states to draw-down funds prior to the start of the winter heating season in order to take advantage of pre-purchase and other discount programs; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM-288. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Texas border with Mexico and border health issues; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, the United States and the United Mexican States share a border of 2,000 miles from Brownsville, Texas, to San Diego, California; the four states of the United States and the six states of the United Mexican States along the border are home to more than 75 million residents, an increase of about 11 million since 1990; and

Whereas, a significant percentage of these 10 states' population resides in the 44 United States counties and 80 Mexican municipalities adjacent to the border, where rapid population growth is putting great pressure on an already inadequate infrastructure and straining the border region past its economic limits and resources, the tragic effects of which have broad repercussions on the health of residents in both countries; and

Whereas, setting the stage for many of the health problems of the border is the standard of living of many in the region; more than a third of United States border families live at or below the federal poverty guideline, and an estimated 350,000 people live in colonias, unzoned, semirural communities with no access to public drinking water or wastewater facilities; and

Whereas, such deficiencies in public works have increased the risk of exposure to pollution and water-borne contaminants since many of the primary sources of water along the border are contaminated by sewage and pollution from agricultural and industrial sources; according to the United States Health Resources and Services Administration, 122 million liters of raw sewage are dumped into the Tijuana, New, and Rio Grande rivers daily, and a series of studies conducted by several United States and Mexican agencies, including the Texas Department of Health, monitored sites along the Rio Grande and found chemicals such as PCBs, cyanide, mercury, and lead at significant levels; and

Whereas, beyond the effects of population, poverty, and pollution, many of the health concerns endemic to the border region are exacerbated by a lack of access to primary care and preventive medicine; uneven distribution of hospitals and physicians, inadequate transportation, limited immunizations, and a shortage of bilingual health care providers contribute to otherwise preventable health problems; and

Whereas, several standard health indicators reflect the shortcomings of the health care system along the border; the incidence of hepatitis A and tuberculosis is two to three times the national average, and measles, HIV/AIDS, and various infectious diseases disproportionately threaten the population of the border region as compared to the United States as a whole; and

Whereas, due to these and many other concerns and in an effort to provide international leadership to optimize health and quality of life along the United States-Mexico border, an agreement between the United States secretary of health and human services and the secretary of health of the United Mexican States created the United States-Mexico Border Health Commission in 2000; and

Whereas, the crises of health along the border are myriad and profound, with complications arising from cultural, economic, and geographic conditions unique to the region; although the United States-Mexico Border Health Commission has made great progress in promoting health and reducing health disparities, strategic planning and comprehensive study are critical for the commission to fulfill its mission to provide the tools necessary for the future well-being of the border populations: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby memorialize the Congress of the United States to request that the United States Department of Health and Human Services fund a benchmark study coordinated by the United States-Mexico Border Health Commission and conducted by universities from the border area of each of the adjoining border states in both the United States and the United Mexican States to engage each state's health policy with respect to the border health issues and goals outlined in Healthy Border 2010/Frontera Saludable 2010, a border-wide program of health promotion and disease prevention that defines an agenda for improving health in the United States-Mexico border region; and be it further

Resolved, That the study also address early intervention and preventive strategies; water and wastewater issues; immunization; behavioral health issues, including nutrition and exercise; elimination of health disparities among the border population; and response to disaster and disease outbreak; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of the United States Department of Health and Human Services, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-289. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to human cloning; to the Committee on Health, Education, Labor and Pensions.

HOUSE RESOLUTION NO. 354

Whereas, the advances of science have taken our society to a challenging frontier. The highly publicized cases of animals being cloned are harbingers of decisions our society will face when the technology reaches the point where human cloning is possible. The rapid pace of advancement leads many to believe human cloning will soon be possible; and

Whereas, cloning is often mentioned in connection with research in a variety of areas. Those discussing the possibilities of human cloning do so without detailing the horrific aspects of this procedure, especially the number of failed cloning procedures for every cloning that succeeds. Most importantly, some advocates of cloning ignore the grave moral implications involved in this life and death issue; and

Whereas, there are profound problems with the concept of human cloning. The process itself often involves the discarding of living cells and the destruction of unsuccessful clones. It is most disturbing to think that a company could routinely kill cloned embryos after extracting certain desired cells. The concept of human cloning evokes images of human experimentation from the Nazi era. In addition to these moral issues, there are also many who worry that cloning may lead to serious genetic problems and ultimately threaten public health; and

Whereas, there is legislation currently pending in Congress that seeks to prohibit all human cloning. This bill, S. 1899, unlike others that provide certain exceptions allowing cloning for research purposes, recognizes the seriousness of the problems created by cloning and the moral implications. A true ban of all human cloning needs to be in place: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to ban all human cloning. We call on Congress to enact S. 1899 and reject other bills that purport to ban human cloning but provide for research using cloned cells; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–290. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Child Modeling Exploitation Prevention Act of 2002; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, according to a sample survey of the nearly 24 million school-aged children that were on-line regularly in 1999, roughly one in five received a sexual solicitation; remarkably, fewer than 10 percent of these sexual solicitations were ever reported to authorities; and

Whereas, unfortunately, as the Internet has revolutionized access to information, sharing of ideas, and global communication, it also has provided a vast landscape for the machinations of sexual predators; the United States Customs Service reports there are an estimated 100,000 websites involved in some way with child pornography, and arrests, indictments, and convictions for possession of child pornography transported across borders have climbed steadily since 1992, doubling several times during the last 10 years; and

Whereas, among the websites charging users to view images of children in suggestive poses are those that have become known as exploitive child modeling sites; where legitimate child modeling websites market the talent of the model, exploitive child modeling features compromising visual depictions of children without a direct or even indirect purpose of marketing an actual product other than the images of the minor; and

Whereas, the anonymous nature of communicating through the Internet allows pedophiles to deceitfully contact and personally interact with these child models, providing opportunity to develop on-line relationships and thereby increasing the chances of aggressive solicitations for meeting in person; and

Whereas, more than 70 percent of convicted pedophiles have accessed child pornography or exploitive child modeling websites as a means of sexual gratification, and the very operators of these sites, while defending their legitimacy, admit that pedophiles are likely frequent visitors; and

Whereas, legislation is now before the 107th Congress that would protect children's opportunities to develop legitimate modeling careers and at the same time protect them from exploitation at the hands of website operators: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Child Modeling Exploitation Prevention Act of 2002; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM 291. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Senior Citizen's Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 48

Whereas, it is desirable to increase the nation's awareness of the accomplishments and experiences of the senior citizens of our country; and

Whereas, senior citizens 65 years of age and older are an increasing segment of the population, currently comprising 12% of the nation's population, and 13% of New Jersey's population; and

Whereas, younger generations benefit from the honoring and remembrance of the accomplishments, experiences and wisdom which senior citizens have amassed during their lives; and

Whereas, senior citizens are deserving of a day of recognition honoring their numerous contributions to society and their survival through wartimes as well as their endurance of many hardships: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and the President of the United States are respectfully memorialized to enact legislation honoring all the senior citizens of the United States by designating May 15th as National Senior Citizen's Day.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM–292. A concurrent resolution adopted by the Legislature of the State of Texas relative to immigration status and benefits for surviving spouses and children; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 156

Whereas, according to the United States Department of Defense there are more than 37,000 legal, permanent residents serving on active duty in our armed forces; tragically, the military hostilities in Iraq have already claimed the lives of six of these noncitizen soldiers; and

Whereas, it is a remarkable display of loyalty to the ideals of a democracy and freedom that these brave young men and women defend our country against aggression overseas despite not being recognized as U.S. citizens and not being able to share in the full rights and privileges enjoyed by our fellow Americans; and

Whereas, the United States Congress has the opportunity to help these brave residents and the surviving spouses and children of those killed in action to gain U.S. citizenship and benefits by enacting House Bill H.R. 1685 and House Bill H.R. 1275, the Citizenship for America's Troops Act; and

Whereas, House Bill H.R. 1685 makes the surviving spouse and children of a person who has been granted posthumous citizenship through death while on active-duty service during times of military hostility eligible for immigration status and benefits; and

Whereas, the Citizenship For America's Troops Act reduces from three years to two years the amount of military service required for legal, permanent residents to qualify for U.S. citizenship, and exempts them from paying all of the fees required by the naturalization application process; and

Whereas, the Citizenship For America's Troops Act also allows the Immigration and Naturalization Service (INS) to conduct citizenship interviews and oath ceremonies for military personnel at embassies, consulates, and overseas military installations rather than requiring such interviews and ceremonies to take place within the United States; and

Whereas, on July 3, 2002, President Bush signed an executive order to provide expedited naturalization for aliens and noncitizen nationals serving honorably on active-duty status in the Armed Forces of the United States during the war on terrorism; and

Whereas, the executive order designated September 11, 2001, as the first day of a period of time in which exceptions from the usual requirements for naturalization were initiated; and

Whereas, given that this period of time has not been closed or terminated by a related executive order, the Congress should take this window of opportunity to honor the desires of the legal, permanent noncitizens who, in fighting global terrorism on our behalf, have demonstrated a willingness to die for a country they cannot yet fully claim as their own: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–293. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to Italian-American citizens of the United States during World War II; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, more than 500,000 Italian-Americans served in World War II for the United States of America; and

Whereas, recently it has become known that up to 600,000 members of the families of those who served in World War II were placed under wartime restrictions which included random arrests and searches of their person and property, curfews, forced relocation, so-called "prohibited zones," and internment camps; and

Whereas, these individuals were placed under such restrictions solely based on their Italian-American heritage; and

Whereas, Italian-Americans nationwide were affected by these wartime restrictions; and

Whereas, the United States government has acknowledged the wartime campaign against Japanese-Americans, but to date has ignored the plight of Italian-Americans affected by wartime decrees; and

Whereas, the full extent of the United States government's wartime restrictions on Italian-Americans is not known because the Federal Bureau of Investigation refuses to declassify World War II documents describing the nature of these events; and

Whereas, the United States Department of Justice is conducting an inquiry for the purpose of documenting the mistreatment of Italian-Americans during World War II: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring,

That the United States Department of Justice complete its inquiry into the mistreatment of Italian-Americans during World War II with all due speed and release the results of such inquiry to the public; and

That the Federal Bureau of Investigation take the necessary steps to allow public access to the documents regarding the mistreatment of Italian-Americans during World War II; and

That copies of this resolution shall be sent by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the director of the Federal Bureau of Investigation, the chairpersons of the Judiciary Committees of the United States House of Representatives and Senate, and the New Hampshire congressional delegation.

POM–294. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Grandparents Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 50

Whereas, in 1979, Congress approved House Joint Resolution No. 244, which authorized and requested the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as "National Grandparents Day"; and

Whereas, in 1994, Congress approved Senate Joint Resolution No. 198, which recognized that grandparents bring a tremendous amount of love to their grandchildren's lives, deepen a child's roots, strengthen a child's development and often serve as the primary caregiver for their grandchildren by providing stable and supportive home environments, and designated 1995 as the "Year of the Grandparent"; and

Whereas, in making these designations Congress acknowledged the important role grandparents play within families and their many contributions which enhance and further the value of families and their traditions, and recognized that public awareness of and appreciation for grandparents' many contributions should be strengthened; and

Whereas, for both "National Grandparents Day," and the 'year of the Grandparent" in 1995, Congress called on the people of the United States and interested groups and organizations to observe the day and year with appropriate ceremonies and activities; and

Whereas, despite the acknowledgment of the tremendous contributions grandparents make to their families' lives, the permanent designation of a day to observe "National Grandparents Day," the year-long designation of 1995 as the "Year of the Grandparent," as well as the call for appropriate ceremonies and activities, the actual observance of appropriate ceremonies and activities has been lacking; and

Whereas, a wholehearted national effort to encourage people and organizations to celebrate "National Grandparents Day" by planning appropriate programs, ceremonies and activities would go a long way to commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and President of the United States are respectfully memorialized to make a wholehearted national effort to encourage people and organizations to celebrate "National Grandparents Day" by planning appropriate programs, ceremonies and activities that commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1039. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 108–149).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004.

*Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

By Mr. DAYTON:

S. 1626. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG, and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. DeWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of -life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1631. A bill to amend the Internal Revenue Code of 1986 to allow a 15-year applicable recovery period for depreciation of electric transmission property; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1632. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

By Mr. CORZINE:

S. 1633. A bill to require financial institutions and financial services providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BIDEN (for himself, Mr. KERRY, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1634. A bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 518

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1214

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1214, a bill to provide a partially refundable tax credit for caregiving related expenses.

S. 1461

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1461, a bill to establish two new categories of nonimmigrant workers, and for other purposes.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1580

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1580, a bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program.

S. 1586

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1613

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1613, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit.

S. 1615

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1615, a bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Florida (Mr. NELSON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Louisiana (Mr. BREAUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 98

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 98, a resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week".

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Wisconsin (Mr. KOHL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 222

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 222, a resolution designating October 17, 2003 as "National Mammography Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, I rise today to introduce the Rhode Island Fishermen's Fairness Act of 2003. This legislation would address a serious flaw in our Nation's regional fisheries management system by adding Rhode Island to the Mid-Atlantic Fishery Management Council (MAFMC), which currently consists of representatives from New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina.

The MAFMC manages the following 13 species, all of which are landed in Rhode Island: Illex squid, loligo squid, Atlantic mackerel, black sea bass, bluefish, butterfish, monkfish, scup, spiny dogfish, summer flounder, surfclam, ocean quahog, and tilefish.

In 2001, the most recent year for which final data are available, Rhode Island fishermen brought in over 21 percent of MAFMC landings by weight—more than any of the MAFMC member States except New Jersey, which is responsible for about 56 percent of total MAFMC landings. In fact, with the exception of New Jersey, Rhode Island's total 2001 MAFMC landings, 44.1 million pounds, nearly equaled those of all other MAFMC member States combined, 45.9 million pounds.

If Rhode Island fishermen are responsible for a large percentage of overall MAFMC landings, these species make up an even larger proportion of landings within Rhode Island every year. Between 1995 and 2002, MAFMC species represented between 29 percent and 58 percent of all finfish landed in Rhode Island annually, for an average of 43 percent of total landings by weight. In eight of the years between 1990 and 2002, squid, Illex and loligo, was the number one finfish landed in Rhode Island, with a value of between $13 million and $20 million annually.

Yet Rhode Island has no voice in the management of these species.

Following council tradition and Federal fisheries law, the Rhode Island Fishermen's Fairness Act would create two seats on the MAFMC for Rhode Island: one seat nominated by the Governor of Rhode Island and appointed by the Secretary of Commerce, and a second seat filled by Rhode Island's principal State official with marine fishery management responsibility. The MAFMC would increase in size from 21 voting members to 23.

There is a precedent for this proposed legislation. In 1996, North Carolina's representatives in Congress succeeded in adding that State to the MAFMC through an amendment to the Sustainable Fisheries Act. Like Rhode Island, a significant proportion of North Carolina's landed fish species were managed by the MAFMC, yet the State had no vote on the council. Today, Rhode Island's share of total landings for species managed by the MAFMC is more than six times greater than that of North Carolina.

I look forward to working with my colleagues to restore a measure of equity to the fisheries management process by passing the Rhode Island Fishermen's Fairness Act. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting "Rhode Island," after "Virginia,";

(2) by inserting "Rhode Island," after "except North Carolina,";

(3) by striking "21" and inserting "23"; and

(4) by striking "13" and inserting "14".

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

Mr. ALLARD. Mr. President, it gives me great pleasure to introduce today a bill to provide a tax credit for apprenticeship training programs for various construction trades recognized by the Bureau of Labor Statistics (BLS), including masonry, electrical contract work, plumbing and heating and a host of other important vocations.

There are several reasons why I believe this legislation is necessary for apprenticeship training in these trades. First and foremost, these are highly skilled trades requiring many years of training. Second, there is a significant shortage of workers in these trades; in fact it is my understanding that many contractors often have to look outside the country to find a craftsman trained in one of these particular fields. Third, the average age of some of the workers in these crafts is over 50 and we must make every effort to ensure that we retain and recruit the most capable people in these jobs. And finally, many of these industries are very capital intensive and it makes sense to me to offer small businesses a short term tax credit to encourage productivity and stimulate economic growth and job creation.

During the last Congress a similar bill was introduced in the House of Representatives by Congressman FOLEY of Florida. Regrettably the bill was not met with a great deal of enthusiasm, primarily due to the price tag attached to it. The legislation I am introducing, the Apprenticeship Training and Education Act of 2003, has been modified to address budgetary concerns as well as the concerns of those in some of the building trades that the apprenticeship training programs were indeed legitimate ones that would ultimately produce certified craftsmen. I greatly appreciate the assistance of the Mason Contractors Association of America and the Independent Electrical Contractors in crafting a bill that is fiscally responsible and credible.

I believe this tax credit will go a long way toward encouraging companies with a certified apprenticeship program to hire and train new workers. As the population of these workers continues to age and decline, it is absolutely essential that we look for ways to attract more, younger workers to what I believe to be excellent, high-paying and high skilled jobs in these construction trades.

Under my bill, a tax credit of up to $10,000 per year for the first 2 years of a 4-year program would be provided and companies could hire three new apprentices each year. The normal business deduction taken for this expense would be offset by the amount of the tax credit. The bill also specifically targets trades in the construction industry recognized by the BLS and only those programs certified by a State's or the Federal Department of Labor would qualify for the credit.

In my view there are many companies across the country that would benefit tremendously from this tax credit.

I commend this legislation to my colleagues and urge them to cosponsor it with me. These are jobs and trades to be proud of and I encourage other Members of this body to promote the skills and education necessary to keep them viable in the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apprenticeship, Training, and Employment Act of 2003".

SEC. 2. CREDIT FOR EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a small business employer, the highly skilled trades training credit determined under this section for the taxable year is $10,000 for each employee (not to exceed 3 employees) having a qualified training year ending with or within such taxable year (whether or not such employee is an employee of the taxpayer as of the close of such taxable year).

"(b) DEFINITIONS.—For purposes of this section—

"(1) SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who qualifies during such taxable year as a specialty trade contractor under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(2) QUALIFIED TRAINING YEAR.—

"(A) IN GENERAL.—The term 'qualified training year' means each year during the training period in which the employee received at least 1,500 hours of training (including on-the-job training and training at multi-employer training facilities) from the taxpayer (or any predecessor) under a qualified training program as an apprentice in any highly skilled trade.

"(B) HIGHLY SKILLED TRADES.—For purposes of subparagraph (A), the term 'highly skilled trades' means any specialty trade specified under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section. Such term shall not include any trade if the customary apprenticeship period for such trade is less than 2 years.

"(C) QUALIFIED TRAINING PROGRAM.—

"(i) IN GENERAL.—The term 'qualified training program' means a written plan of study and training for individuals in, or entering into, highly skilled trades.

"(ii) DESCRIPTION OF PROGRAMS.—A plan under clause (i) must be a program which meets the requirements of clause (iii) and is either—

"(I) an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50), or

"(II) a program licensed, registered, or certified by the workforce investment board or apprenticeship agency or council of a State or administered in compliance with apprenticeship laws of a State.

"(iii) REQUIREMENTS.—A program meets the requirements of this clause if such program—

"(I) is accessible to individuals without discrimination on the basis of race, sex, color, religion, or national origin,

"(II) provides an overview of the trade, including the history and modern developments in such trade,

"(III) provides related instruction of the fundamental, intermediate, and advanced skills, techniques, and materials of the trade,

"(IV) provides training in math, measurement, and blueprint reading skills, if such skills are required in the trade,

"(V) provides training on trade-specific tools and equipment,

"(VI) provides trade specific safety and health training,

"(VII) provides on-the-job training which allows performance of work under close supervision of an instructor or skilled worker, and

"(VIII) provides periodic review and evaluation of participants to demonstrate proficiency in skills, including the use of tests and assessment of individual and group projects.

"(3) TRAINING PERIOD.—The term 'training period' means, with respect to an employee, the period—

"(A) beginning on the date that the employee begins employment with the taxpayer as an apprentice in the highly skilled trade, and

"(B) ending on the earlier of—

"(i) the date that such apprenticeship with the employer ends, or

"(ii) the date which is 2 years after the date referred to in subparagraph (A).

"(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) in the case of a small business employer (as defined in section 45G(b)), the highly skilled trades training credit determined under section 45G(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of such Code is amended by adding at the end the following new subsection:

"(d) CREDIT FOR TRAINING EXPENSES FOR EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45G. Expenses for long-term training of employees in highly skilled small business trades.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG, and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as I consulted the morning weather reports, the thought occurred to me that today's economic forecast sounds a lot like the weather forecast. There is good reason to believe dramatic change is on the way. Yet, unlike the weather, how dramatic the economic change will be and how prepared we will be for it is in our hands. While we can't do anything about the weather, we can do something about helping America's workers get back to work.

We have already taken action to lay the groundwork for our economic recovery. We have ensured the presence of more capital in our economy which will lead to the creation of more jobs for our people. We have also begun to deal with the changing face of our Nation's economy. Because the kinds of jobs that will be available in the days to come will be different from those that were highly valued just months ago, we need to ensure that those who are looking for jobs find them. To do that we must ensure they have the training they will need for these new positions. We must also bring workforce supply and demand together to ensure that our businesses have the skilled employees they need to compete in a more global economy.

Workforce development is a powerful economic development tool. In these challenging times, the reauthorization of the Workforce Investment Act will give us an opportunity to improve the lives of millions of our workers, and increase the strength of our businesses and communities.

Legislation I am introducing today, the Workforce Investment Act Amendments of 2003, along with my colleagues Senator KENNEDY, Senator GREGG and Senator MURRAY, will build upon the success of the Workforce Investment Act while addressing its shortcomings.

In 1998 the Workforce Investment Act was enacted to create a streamlined job training and employment system that would be responsive to the needs of employers and workers. The system may be fairly new, but we've already learned a great deal about its strengths and weaknesses. These lessons reinforce what I learned as a small business owner in Wyoming: real opportunity in America comes from the small business sector; economic development and workforce development go hand in hand; rural areas face unique workforce development challenges; Washington cannot—and should not—determine state, local and individual workforce needs; and overly burdensome administrative requirements divert resources from serving customers.

Prior to coming to the Senate, my wife and I owned a small chain of shoe stores. We were not shoe salesmen, we were shoe fitters. There is a big difference. Shoe fitters listen to their customers and then meet their need for footwear with something comfortable to wear. Some people may be born salesmen, but they have to be trained to be shoe fitters. We had a series of courses we put our employees through. Few people are aware that slight changes can be made in a shoe to make it especially comfortable as well as useful and attractive. They aren't aware of the possibilities because they haven't been coming to see shoe fitters—they've been dealing with salesmen.

We taught listening, needs questioning, and technical fitting. Any staff person could advance through our training and begin filling foot doctor's prescriptions. The value of the training was that it made our stores special. We made sure our customers received the help they needed—even though they didn't know to ask for it—because they didn't know it was available.

Along the way we got to see some very special people achieve. One young returning Vietnam vet became a store manager, then bought that store—and later—bought a second store from us. Now he owns his own building and is also in the motel business. Bill Schepeler of Miles City, MT has and is playing a role in building three communities. I also consider him to be one of my good friends. He went through a workforce training program that we had approved in conjunction with the federal government.

My wife has also served on several boards that dealt with training and jobs and is currently on the Advisory Committee On Apprenticeship of the Department of Labor. She and I know that real opportunity in America comes from the small business sector where the American dream can still happen.

This bipartisan legislation I am introducing today wil help keep the American dream alive for millions of American workers. It will provide workers with the training they need to find new or better jobs.

Our bill improves upon the existing one-stop career center delivery system to ensure that it can respond quickly and effectively to the changing needs of employers and workers in the new economy and address the needs of hard-to-serve populations. The bill also better connects the job training system with the private sector and with post-secondary education and training, social services, and economic development systems. Doing so will prepare the 21st century workforce for career opportunities and skills in high-growing sectors. Our bill removes barriers in the laws that have discouraged business involvement in workforce training. As a result, job training and employment services will be more demand-driven and responsive to the needs of employers, both large and small.

One-stop career centers are the focal point of WIA's job training and employment system. However, distance can create a barrier to delivering job training and employment services in many rural and frontier areas, like Wyoming. A job seeker or employer in Dubois, WY has to travel 150 miles round trip to get to the nearest one-stop center in Lander. It isn't hard to understand the impact that traveling distances like that can have on a trainee or business owner. If you live in a big city—there's probably a facility just down the road—or a short bus ride downtown. There is an answer to that problem—technology can effectively remove the barrier created by distance. This legislation will leverage technology to improve access to WIA services throughout each state, including rural areas.

Some states and localities have found creative ways to overcome the challenges imposed by current law. Wyoming has done a magnificent job with the resources they have been allotted, and I commend their ingenuity. With this legislation, we will give Wyoming and the other states and localities the tools they need to help the unemployed or underemployed.

I want to thank my colleagues on the HELP Committee for all their work on this bipartisan Workforce Amendment Act. I also want to thank the Department of Labor for their assistance. I look forward to working with my colleagues and the administration to expeditiously address outstanding issues and enact this vital legislation. A demand-driven, flexible, and accountable system that works in all areas of the country in all economic times is what we can achieve through the reauthorization of the Workforce Investment Act.

We can't do anything to change the path of Hurricane Isabel. However, we can do something to put our workers on the path to new and better jobs. In fact, this bill means more than just jobs—it means good, solid careers for the workers of this country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Investment Act Amendments of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
Sec. 143. Veterans' workforce investment programs.
Sec. 144. Youth challenge grants.
Sec. 145. Technical assistance.
Sec. 146. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 147. National dislocated worker grants.
Sec. 148. Authorization of appropriations for national activities.

Subtitle E—Administration

Sec. 151. Requirements and restrictions.
Sec. 152. Cost principles.
Sec. 153. Reports.
Sec. 154. Administrative provisions.
Sec. 155. Use of certain real property.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

Sec. 201. Short title; purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservation of funds; grants to eligible agencies; allotments.
Sec. 205. Performance accountability system.
Sec. 206. State administration.
Sec. 207. State distribution of funds; matching requirement.
Sec. 208. State leadership activities.
Sec. 209. State plan.
Sec. 210. Programs for corrections education and other institutionalized individuals.

Sec. 211. Grants and contracts for eligible providers.
Sec. 212. Local application.
Sec. 213. Local administrative cost limits.
Sec. 214. Administrative provisions.
Sec. 215. National Institute for Literacy.
Sec. 216. National leadership activities.
Sec. 217. Integrated English literacy and civics education.
Sec. 218. Transition.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

Sec. 301. Wagner-Peyser Act.

TITLE IV—REHABILITATION ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Technical amendments to table of contents.
Sec. 403. Purpose.
Sec. 404. Definitions.
Sec. 405. Administration of the Act.
Sec. 406. Carryover.

Subtitle A—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State rehabilitation council.
Sec. 416. Evaluation standards and performance indicators.
Sec. 417. State allotments.
Sec. 418. Client assistance program.
Sec. 419. Incentive grants.
Sec. 420. Vocational rehabilitation services grants.
Sec. 421. GAO studies.

Subtitle B—Research and Training

Sec. 431. Authorization of appropriations.
Sec. 432. National Institute on Disability and Rehabilitation Research.
Sec. 433. Research and other covered activities.
Sec. 434. Rehabilitation research advisory council.

Subtitle C—Professional Development and Special Projects and Demonstrations

Sec. 441. Training.
Sec. 442. Demonstration and training programs.
Sec. 443. Migrant and seasonal farmworkers.
Sec. 444. Recreational programs.

Subtitle D—National Council on Disability

Sec. 451. Authorization of appropriations.

Subtitle E—Rights and Advocacy

Sec. 461. Architectural and transportation barriers compliance board.
Sec. 462. Protection and advocacy of individual rights.

Subtitle F—Employment Opportunities for Individuals With Disabilities

Sec. 471. Projects with industry authorization of appropriations.
Sec. 472. Services for individuals with significant disabilities authorization of appropriations.

Subtitle G—Independent Living Services and Centers for Independent Living

Sec. 481. State plan.
Sec. 482. Statewide independent living council.
Sec. 483. Independent living services authorization of appropriations.
Sec. 484. Program authorization.
Sec. 485. Grants to centers for independent living in States in which Federal funding exceeds State funding.
Sec. 486. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
Sec. 487. Standards and assurances for centers for independent living.
Sec. 488. Centers for independent living authorization of appropriations.
Sec. 489. Independent living services for older individuals who are blind.
Sec. 490. Program of grants.
Sec. 491. Independent living services for older individuals who are blind authorization of appropriations.

Subtitle H—Miscellaneous

Sec. 495. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (24);

(2) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (23), (25) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (28), (29) through (45), and (47) through (58), respectively;

(3) by inserting before paragraph (3) (as redesignated by paragraph (2)) the following:

"(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

"(A) goods or other tangible property received;

"(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

"(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.

(4) in paragraph (2) (as redesignated by paragraph (2)), by striking "Except in sections 127 and 132," and inserting "Except in section 132,";

(5) by inserting after paragraph (5) (as redesignated by paragraph (2)) the following:

"(6) BUSINESS INTERMEDIARY.—The term 'business intermediary' means an entity that brings together various stakeholders with an expertise in an industry or business sector.";

(6) in paragraph (9) (as redesignated by paragraph (2)), by inserting ", including a faith-based organization," after "nonprofit organization";

(7) in paragraph (10) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C)—

(i) by striking "not less than 50 percent of the cost of the training" and inserting "a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) for customized training with employers in various parts of the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines appropriate.";

(8) in paragraph (11) (as redesignated by paragraph (2))—

(A) in subparagraph (A)(ii)(II), by striking "section 134(c)" and inserting "section 121(e)";

(B) in subparagraph (C), by striking "or" after the semicolon;

(C) in subparagraph (D), by striking the period and inserting "; or"; and

(D) by adding at the end the following:

"(E)(i) is a member of the Armed Forces on active duty, who has been involuntarily separated with an honorable discharge, from the Armed Forces, or who has received notice of such separation;

"(ii) is the spouse or adult dependent of a member of the Armed Forces who has experienced the loss of employment as a direct result of relocation to accommodate a change in duty station of such member; or

"(iii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (13)(B).";

(9) in paragraph (12)(A) (as redesignated by paragraph (2))—

(A) by striking "and" after the semicolon and inserting "or";

(B) by striking "(A)" and inserting "(A)(i)"; and

(C) by adding at the end the following:

"(ii) is the dependent spouse of a member of the Armed Forces, whose family income is significantly reduced because of a deployment, an activation, a transfer of duty station, or the service-connected death or disability of the spouse; and";

(10) in paragraph (14)(A) (as redesignated by paragraph (2)), by striking "section 122(e)(3)" and inserting "section 122";

(11) by inserting after paragraph (18) (as redesignated by paragraph (2)) the following:

"(19) HARD-TO-SERVE POPULATIONS.—The term 'hard-to-serve populations' means populations of individuals who are hard-to-serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and such other groups as the Governor determines to be hard-to-serve.";

(12) by inserting after paragraph (20) (as redesignated by paragraph (2)) the following:

"(21) INTEGRATED TRAINING PROGRAM.—The term 'integrated training program' means a program that combines occupational skills training with language acquisition.

"(22) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a)(1) (A) and (B) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).";

(13) in paragraph (29) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking "higher of—" and all that follows through "level, for an equivalent period" and inserting "poverty line for an equivalent period";

(B) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(C) by inserting after subparagraph (C) the following:

"(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);";

(14) in paragraph (34) (as redesignated by paragraph (2)), by inserting ", subject to section 121(b)(1)(C)" after "121(b)(1)";

(15) by striking paragraph (37) (as redesignated by paragraph (2)) and inserting the following:

"(37) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an out-of-school youth as defined in section 129(a)(1)(B).";

(16) in paragraph (45) (as redesignated by paragraph (2)), by striking ", and the term means such Secretary for purposes of section 503";

(17) by inserting after paragraph (45) (as redesignated by paragraph (2)) the following:

"(46) SELF-SUFFICIENCY.—The term 'self-sufficiency' has the meaning given the term in section 134(a)(3)(A)(4)(x) and section 134(e)(1)(A)(ix).";

(18) in paragraph (48) (as redesignated by paragraph (2)), by striking "clause (iii) or (v) of section 136(b)(3)(A)" and inserting "section 136(b)(3)(A)(iii)";

(19) in paragraph (57) (as redesignated by paragraph (2)), by striking "(or as described in section 129(c)(5))" and inserting "(or as described in section 129(a)(2))"; and

(20) in paragraph (58) (as redesignated by paragraph (2)), by striking "established under section 117(h)" and inserting "that may be established under section 117(h)(2)".

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

"SEC. 106. PURPOSES.

"The purposes of this subtitle are the following:

"(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

"(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

"(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

"(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

"(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

"(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

"(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

"(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

"(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

"(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

"(10) To equip workers with higher skills and contribute to lifelong education.

"(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

"(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

"(13) To increase the employment, retention and earnings of individuals with disabilities.".

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

"(C) representatives appointed by the Governor, who—

"(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

"(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

"(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973, the representative shall be the head of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(ii) are the State agency officials responsible for economic development;

"(iii) are representatives of all business in the State, including small businesses, who—

"(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

"(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

"(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

"(iv) is a chief elected official (representing cities and counties, where appropriate)

"(v) are representatives of labor organizations, who have been nominated by State labor federations; and

"(vi) are such other State agency officials and other representatives as the Governor may designate."; and

(B) in paragraph (3), by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)(iii)".

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking "subsection (b)(1)(C)(i)" and inserting "subsection (b)(1)(C)(iii)".

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

(1) in paragraph (1), by striking "development" and inserting "development, implementation, and revision";

(2) in paragraph (2), by striking "section 134(c)" and inserting "section 121(e)";

(3) by striking paragraph (3) and inserting the following:

"(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C 2323(b)(3)) and title II of this Act;

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

"(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery systems described in section 121(e) within the State, including—

"(A) the development of objective procedures and criteria for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

"(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

"(C) the development of—

"(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

"(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system; and

"(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State;

"(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

"(E) such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery systems;";

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting "and the development of Statewide criteria to be used by chief elected officials for the appointment of local boards and for use in certification of local boards consistent with section 117" after "section 116";

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(8) in paragraph (8) (as redesignated by paragraph (4), by striking "and" after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by striking "section 503" and inserting "section 136(i)(1)"; and

(B) by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) increasing the availability of skills training, employment opportunities, and career advancement for hard-to-serve populations.".

(c) Alternative Entity.—Section 111(e) (29 U.S.C. 2811(e)) is amended—

(1) in paragraph (1), by striking "For" and inserting "Subject to paragraph (3), for"; and

(2) by adding at the end the following:

"(3) Failure to meet performance measures.—If a State fails to meet the State adjusted levels of performance established pursuant to section 136, the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).".

(d) Sunshine Provision.—Section 111(g) (29 U.S.C. 2822(g)) is amended—

(1) by inserting ", and modifications to the State plan," before "prior"; and

(2) by inserting ", and modifications to the State plan" after "the plan".

(e) Authority To Hire Staff.—Section 111 (29 U.S.C. 2811)) is amended by adding at the end the following:

"(h) Authority To Hire Staff.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under section 127(b)(1)(C) and section 132(b).".

SEC. 113. STATE PLAN.

(a) Planning Cycle.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by striking "5-year strategy" and inserting "4-year strategy"; and

(2) by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and the levels of performance under sections 136 for the third and fourth years of the plan.".

(b) Contents.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and";

(2) by striking paragraph (10) and inserting the following:

"(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the Statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;";

(3) in paragraph (12)(A), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(4) in paragraph (14), by striking "section 134(c)" and inserting "section 121(e)";

(5) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting "local" before "customized training"; and

(II) by striking "and" at the end;

(ii) in clause (iv), by striking "homemakers)," and all that follows through "disabilities)" and inserting "hard-to-serve populations and individuals training for nontraditional employment"; and

(iii) by adding after clause (iv) the following:

"(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of performance measures, and the training of staff; and"; and

(B) in subparagraph (B), by striking "and" at the end;

(6) in paragraph (18)(D)—

(A) by striking "youth opportunity grants" and inserting "youth challenge grants authorized under section 169 and other federally funded youth programs"; and

(B) by striking the period and inserting a semicolon; and

(7) by adding at the end the following:

"(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

"(20) a description of the State strategy for coordinating workforce investment activities and economic development activities;

"(21) a description of the State strategy and assistance needed for ensuring regional cooperation;

"(22) a description of how the State will use funds the State receives under this subtitle to—

"(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act; and

"(B) provide incentives and technical assistance to assist local areas in more fully engaging large and small employers in local workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well being of the local area, as determined appropriate by the local board;

"(23) a description of the State strategy for ensuring cooperation between transportation providers, including public transportation providers, and workforce investment activities;

"(24) a description of how the State will assist local areas in assuring physical and programmatic assessability for individuals with disabilities at one-stop centers;

"(25) a description of the process and methodology that will be used by the State board to—

"(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121;

"(B) establish, in consultation with chief elected officials and local boards, procedures and objective criteria for use by local boards in periodically assessing the effectiveness and continuous improvement of one-stop centers and one-stop delivery systems as described in section 121(g); and

"(C) determine one-stop partner program contributions for—

"(i) the costs of the infrastructure of one-stop centers under section 121(h)(2); and

"(ii) the formula for allocating the funds described in section 121(h)(2) to local areas; and

"(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay.".

(c) Modifications to Plan.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking "5-year period" and inserting "4-year period"; and

(2) by adding at the end the following: "In addition, the State shall submit the modifications to the State plan required under subsection (a), and under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.".

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) Designation of Areas.—

(1) Considerations.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following:

"(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.".

(2) Automatic designation.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

"(2) Automatic designation.—

"(A) In general.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

"(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation from such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity;

"(ii) was a local area under this title for the preceding 2-year period, if such local area—

"(I) performed successfully; and

"(II) sustained fiscal integrity; or

"(iii) is served by a rural concentrated employment program grant recipient, except that after the 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation under this clause if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity.

"(B) Definitions.—For purposes of this paragraph:

"(i) Performed successfully.—The term 'performed successfully' means that the local area involved is not subject to sanctions under section 136(h)(2) due to the failure to meet the levels of performance established under section 136(c) for 2 consecutive years.

"(ii) Sustained fiscal integrity.—The term 'sustained fiscal integrity' means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.".

(3) Conforming amendments.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking "(including temporary designation)"; and

(ii) by striking "(v)" and inserting "(vi)"; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking "under paragraph (2) or (3)" and inserting "under paragraph (2)"; and

(ii) by striking the second sentence.

(b) Single Local Area States.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

"(b) Single Local Area States.—

"(1) Continuation of previous designation.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2002, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

"(2) Redesignation.—The Governor may redesignate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

"(3) Effect on local plan.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.".

(c) Regional Planning.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Planning.—

"(A) In general.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(C).

"(B) Technical assistance.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.";

(2) in paragraph (2), by inserting "information about the skill requirements of existing and emerging industries and industry clusters," after "information about employment opportunities and trends,"; and

(3) in paragraph (3), by adding at the end the following: "Such services may be required to be coordinated with regional economic development services and strategies.".

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) Composition.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

"(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of all businesses, including small businesses, in the local area; and";

(B) by striking clause (ii) and inserting the following:

"(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

"(II) the president or highest ranking official of an institution of higher education serving the local area; and

"(III) an administrator of local entities providing adult education and literacy activities in the local area;";

(C) in clause (iv), by inserting ", hard-to-serve populations," after "disabilities"; and

(D) by striking clause (vi) and inserting the following:

"(vi) if the local board does not establish a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment."; and

(2) by adding at the end the following:

"(6) Special rule.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in paragraph (2)(A)(ii) shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.".

(b) Authority of Board Members.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting "and representation" after "Authority"; and

(2) by adding at the end the following: "The members of the board shall represent diverse geographic sections within the local area.".

(c) Conforming Amendment.—Section 117(c)(1)(C) (29 U.S.C. 2832 (c)(1)(C)) is amended by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(ii)".

(d) Functions.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting "(except as provided in section 123(b))" after "basis"; and

(ii) by inserting "where appropriate" after "youth council"; and

(B) by adding at the end the following:

"(E) Consumer choice requirements.—Consistent with section 134(d)(3) and (d)(4), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.";

(2) in paragraph (4), by inserting ", and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system" after "area";

(3) in paragraph (8)—

(A) by inserting "all" before "private sector";

(B) by inserting ", including small employers," after "private sector employers"; and

(C) by striking the period and inserting ", taking into account the unique needs of small businesses."; and

(4) by adding at the end the following:

"(9) Technology improvements.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.".

(e) Conforming Amendment.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking "described in section 134(c)".

(f) Authority To Establish Councils and Elimination of Requirement for Youth Councils.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) Councils.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

"(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

"(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

"(3) such other councils as the local board determines are appropriate.".

(g) Alternative Entity Provision.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

"(B) was in existence on August 7, 1998, pursuant to State law; and";

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) Planning Cycle.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking "5-year" and inserting "4-year"; and

(2) by adding at the end the following: "At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.".

(b) Contents.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

"(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, in remote areas, including facilitating access through the use of technology; and"; and

(C) by adding at the end the following:

"(C) a description of how the local board will ensure physical and programmatic assessability for individuals with disabilities at one-stop centers;";

(2) in paragraph (9), by striking "; and" and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (14); and

(4) by inserting after paragraph (9) the following:

"(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area;

"(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well being of the local area, as determined appropriate by the local board, consistent with the purposes of this Act;

"(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

"(A) the utilization of programs funded under this title ; and

"(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funding sources that are brokered through the one-stop centers for training;

"(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area; and".

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) One-Stop Partners.—

(1) Required partners.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) Roles and responsibilities of one-stop partners.—Each entity that carries out a program or activities described in subparagraph (B) shall—

"(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the comprehensive one-stop centers (in addition to any other appropriate locations);

"(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) enter into the local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

"(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

"(v) provide representation on the State board to the extent provided under section 111.";

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking "and" at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting "; and"; and

(v) by adding at the end the following:

"(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C)."; and

(C) by adding at the end the following:

"(C) Determination by the Governor.—

"(i) In general.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

"(ii) Notification.—The notification referred to in clause (i) is a notification that—

"(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

"(II) is provided to the Secretary and the Secretary of Health and Human Services.".

(2) Additional partners.—

(A) In general.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

"(A) In general.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may be a one-stop partner and carry out the responsibilities described in paragraph (1)(A).".

(B) Additional partners.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by striking clauses (i) through (iii) and inserting the following:

"(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

"(ii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

"(iii) employment and training programs carried out by the Small Business Administration;

"(iv) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));".

(b) Local Memorandum of Understanding.—

(1) Contents of memorandum.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

"(A) provisions describing—

"(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

"(ii) how the costs of such services and the operating costs of such system will be funded to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

"(iv) methods to ensure the needs of hard-to-serve populations are addressed in accessing services through the one-stop system; and

"(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and".

(c) Conforming Amendment.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(d) Provision of Services.—

(1) Elimination of provisions concerning established systems.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) Redesignation.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) One-stop delivery systems.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking "subsection (d)(2)" and inserting "section 134(d)(2)";

(B) in subparagraph (B)—

(i) by striking "subsection (d)" and inserting "section 134(d)";

(ii) by striking "individual training accounts" and inserting "career scholarship accounts"; and

(iii) by striking "subsection (d)(4)(G)" and inserting "section 134(d)(4)(G)";

(C) in subparagraph (C), by striking "subsection (e)" and inserting "section 134(e)";

(D) in subparagraph (D), by striking "section 121(b)" and inserting "subsection (b)"; and

(E) in subparagraph (E), by striking "information described in section 15" and inserting "data, information, and analysis described in section 15(a)".

(e) Continuous Improvement of One-Stop Centers.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

"(g) Continuous Improvement of One-Stop Centers.—

"(1) In general.—The State board, in consultation with chief local elected officials and local boards, shall establish procedures and objective criteria for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and one-stop delivery systems.

"(2) Criteria.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines appropriate.

"(3) Local boards.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

"(h) Funding of One-Stop Infrastructure and Other Costs.—

"(1) In general.—

"(A) Options for infrastructure funding.—

"(i) Local options.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

"(I) alternative methods described in the local memorandum of understanding, if one-stop partners, the local board, and chief elected official agree to such alternative methods; or

"(II) the State infrastructure funding mechanism described in paragraph (2).

"(ii) Failure to reach agreement on funding methods.—If, as of July 1, 2004, the local board, chief elected official, and one-stop partners in a local area fail to reach agreement on methods of funding the infrastructure costs of one-stop centers, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.".

"(B) Guidance for infrastructure funding.—In addition to carrying out the requirements relating the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected official, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

"(i) guidelines for State administered one-stop partner programs in determining such program's contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as described in paragraph (4), negotiated pursuant to the local memorandum of understanding under subsection (b); and

"(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

"(2) State one-stop infrastructure funding.—

"(A) Partner contributions.—

"(i) In general.—Notwithstanding any other provision of law, but subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(B)(i)(I).

"(ii) Determination of governor.—

"(I) In general.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall consider the proportionate use of the one-stop centers pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3). The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(B)(i)(I).

"(II) Special rule.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the determination described in subclause (I) with respect to the programs authorized under that title and that Act shall be made by the Governor and the appropriate entity or official with such independent policymaking authority.

"(III) Appeal by one-stop partners.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

"(iii) Limitations.—

"(I) Provision from administrative funds.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

"(II) Cap on required contributions.—

"(aa) WIA formula programs and employment service.—The portion of funds required to be contributed under this paragraph by the programs authorized under chapters 4 and 5 of this title and under the Wagner-Peyser Act shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

"(bb) Other one-stop partners.—The portion of funds required to be contributed under paragraph (1)(B)(ii) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1 and ½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

"(cc) Special rule.—Notwithstanding items (aa) and (bb), an agreement, including local memorandums of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2003 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

"(dd) Vocational rehabilitation.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

"(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2003;

"(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

"(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

"(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

"(III) Federal direct spending programs.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

"(IV) Native american programs.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center certified under subsection (g) shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

"(B) Allocation by governor.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

"(C) Allocation formula.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in paragraph (1)(B)(i)(II). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

"(D) Costs of infrastructure.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

"(i) Other Funds.—

"(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system involved that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include—

"(A) costs of infrastructure, as defined in subsection (h), that are in excess of the amount of funds provided under subsection (h); and

"(B) common costs that are in addition to the costs of infrastructure that are not paid from the funds provided under subsection (h).

"(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.".

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

"(A) the performance of providers of training services with respect to the performance measures described in section 136 or other appropriate measures of performance outcomes for those individuals receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

"(B) the need to ensure access to training services throughout the State, including any rural areas;

"(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including partner programs;

"(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

"(E) to the extent practicable, encouraging the use of industry recognized standards and certification;

"(F) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

"(G) such other factors as the Governor determines are appropriate to ensure—

"(i) the quality of services provided;

"(ii) the accountability of the providers;

"(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

"(iv) the informed choice of participants under chapter 5; and

"(v) that the collection of information required is not unduly burdensome or costly to providers.

"(2) INFORMATION AND RENEWAL.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for annual review and renewal of eligibility under this section for providers of training services.

"(3) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local areas involved.

"(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—

"(1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information provided by providers of training in the State in accordance with subsection (b) and such other information as the Governor determines is appropriate, including information on program costs for participants in applicable programs, is provided to the one-stop delivery system in the State. The list and the information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(2) SPECIAL RULE.—An entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act', 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) shall be included on the list of eligible providers described in paragraph (1) for so long as such entity remains certified by the Department of Labor.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

"(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

"(B) SUBSTANTIAL VIOLATIONS.—Upon a determination that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

"(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such paragraph.

"(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.".

"(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, and information.

"(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2004. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of this title as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003 may continue to be eligible to provide such services until December 31, 2004, or until such earlier date as the Governor determines appropriate.

"(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (h).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.".

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).".

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)(1), by striking "opportunity" and inserting "challenge"; and

(2) by striking subsection (b) and inserting the following:

"(b) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS.—

"(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth challenge grants and other activities under section 169 (relating to youth challenge grants) and provide youth activities under section 167 (relating to migrant and seasonal farmworker programs).

"(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

"(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

"(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

"(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—The Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167.

"(iv) NATIVE AMERICANS.—From the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall reserve not more than 1½ percent of such amount to provide youth activities under section 166 (relating to native Americans).

"(B) OUTLYING AREAS.—

"(i) IN GENERAL.—From the amount made available under subsection (a)(2) for each fiscal year the Secretary shall reserve not more than ¼ of 1 percent of the amount appropriated under section 137(a) for the fiscal year to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

"(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i)(II) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

"(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

"(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

"(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

"(cc) such other information and assurances as the Secretary may require.

"(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

"(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

"(C) STATES.—

"(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

"(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003), in accordance with the requirements of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

"(ii) FORMULA.—Subject to clauses (iii) and (iv), of the amount described in clause (i)(II)—

"(I) 33⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

"(II) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

"(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

"(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

"(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

"(I) $\frac{3}{10}$ of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

"(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, $\frac{2}{5}$ of 1 percent of the excess.

"(2) DEFINITIONS.—For the purposes of paragraph (1):

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the State involved for fiscal year 2003.

"(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

"(C) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.".

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year for which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "expenditure".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)(C) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

"(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

``(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).''.

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

``(b) WITHIN STATE ALLOCATIONS.—

``(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

``(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

``(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

``(2) ESTABLISHED FORMULA.—

``(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

``(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

``(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

``(iii) 33⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

``(B) MINIMUM AND MAXIMUM PERCENTAGES.—

``(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

``(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

``(C) DEFINITIONS.—In this paragraph:

``(i) ALLOCATION PERCENTAGE.—The term `allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

``(ii) DISADVANTAGED YOUTH.—The term `disadvantaged youth' means an individual who—

``(I) is age 16 through 21;

``(II) is not a college student or member of the Armed Forces; and

``(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

``(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local board.

``(4) LOCAL ADMINISTRATIVE COST LIMIT.—

``(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

``(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).''.

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking ``paragraph (2)(A) or (3) of'';

(ii) by striking paragraph (2) and inserting the following:

``(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

``(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

``(B) the accrued expenditures during such prior program year.'';

(iii) by amending paragraph (3)—

(I) by striking ``subsection (b)(3)'' each place it appears and inserting ``subsection (b)'';

(II) by striking ``for the prior program year'' and inserting ``for the program year for which the determination is made'';

(III) by striking ``such prior program year'' and inserting ``such program year''; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

``(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2004.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

``(a) YOUTH PARTICIPANT ELIGIBILITY.—

``(1) ELIGIBILITY.—

``(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

``(B) OUT-OF-SCHOOL YOUTH.—In this section the term `out-of-school youth' means an individual who is—

``(i) not younger than age 16 (subject to paragraph (3)) nor older than age 21; and

``(ii) one of the following:

``(I) A school dropout.

``(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

``(III) A recipient of a secondary school diploma or its equivalent who is—

``(aa) deficient in basic skills, including limited English proficiency;

``(bb) a low-income individual; and

``(cc) not attending any school; or

``(IV) Subject to the juvenile justice system or ordered by a court to an alternative school.

``(V) A low-income individual who is pregnant or parenting and not attending any school.

``(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

``(C) IN-SCHOOL YOUTH.—In this section the term `in-school youth' means an individual who is—

``(i) not younger than age 14 nor older than age 21;

``(ii) a low-income individual; and

``(iii) one or more of the following:

``(I) Deficient in basic literacy skills, including limited English proficiency.

``(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

``(III) Pregnant or parenting.

``(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

``(V) An individual who requires additional assistance to complete an educational program, or to secure or hold employment.

``(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area may be individuals who are not low-income with respect to individuals for whom low-income is a requirement for eligibility under this section.

``(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

``(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities that serve youth under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

``(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

``(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities that serve youth under subsection (b) to serve out-of-school youth due to a low number of out-of-school youth; and

"(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

"(II) the request is approved by the Secretary.

"(4) Consistency with compulsory school attendance laws.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.".

(e) Statewide Activities.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) Statewide Activities.—

"(1) In general.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1) or (2) of section 132(b) for statewide activities, which may include—

"(A) conducting—

"(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(ii) research; and

"(iii) demonstration projects;

"(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for exemplary performance by local areas under section 136(i)(2);

"(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through one-stop delivery systems;

"(D) operating a fiscal and management accountability information system under section 136(f);

"(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

"(F) providing additional assistance to local areas that have high concentrations of eligible youth;

"(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment; and

"(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State;

"(2) Limitation.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

"(3) Prohibition.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.".

(f) Local Elements and Requirements.—

(1) Program design.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

"(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;";

(iii) in clause (ii) (as redesignated by clause (i)), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting "instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)" after "academic"; and

(II) by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

"(v) effective connections to all employers, including small employers, in sectors of the local and regional labor markets that are experiencing high growth in employment opportunities.".

(2) Program elements.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies";

(B) in subparagraph (B), by inserting ", with a priority on exposing youth to technology and nontraditional jobs" before the semicolon;

(C) in subparagraph (F), by striking "during nonschool hours";

(D) in subparagraph (I), by striking "and" at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(K) on-the-job training opportunities;

"(L) opportunities to acquire financial literacy skills;

"(M) entrepreneurial skills training and microenterprise services; and

"(N) information about average wages for a range of jobs available in the local area, including technology jobs.".

(3) Additional requirements.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth".

(4) Priority and exceptions.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) Prohibitions and linkages.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking "youth councils" and inserting "local boards".

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) State Allotments.—

(1) Reservations.—Section 132(a)(2)(A) is amended by striking "national emergency grants" and inserting "national dislocated worker grants".

(2) Allotment among states.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking "section 127(b)(1)(B)" and all that follows and inserting "section 127(b)(1)(D).";

(B) by striking paragraph (1)(B)(ii) and inserting the following:

"(ii) Formula.—Subject to clauses (iii) and (iv), of the remainder—

"(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

"(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

"(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).";

(C) in paragraph (1)(B)(iii), by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(ii)"; and

(D) in paragraph (2)(A)(ii), by striking "section 127(b)(1)(B)" and all that follows and inserting "section 127(b)(1)(D).".

(3) Reallotment.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) Amount.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.";

(B) in paragraph (3)—

(i) by striking "under this section for such activities for the prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made"; and

(ii) by striking "under this subsection for such activities for such prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

"(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "expenditure".

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(5)(B)(ii) (29 U.S.C. 2863(b)(5)(B)(ii)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(2) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting ", and under subsection (b)(2)(B) for dislocated worker employment and training activities," after "activities";

(B) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.";

(C) by striking paragraph (3) and inserting the following:

"(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

"(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, of such program year; and

"(B) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year."; and

(D) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

"(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

"(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

"(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

"(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

"(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

"(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraphs (B) and (C) in addition to activities under this subparagraph.".

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) shall be used for statewide employment and training activities, including—

"(i) disseminating—

"(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services;

"(II) information identifying eligible providers of on-the-job training and customized training;

"(III) performance information and program cost information, as described in subsections (e) and (h) of section 122; and

"(IV) information on physical and programmatic assessability for individuals with disabilities;

"(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(iii) providing incentive grants to local areas in recognition of exceptional achievement relating to—

"(I) regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

"(II) expanded local coordination of programs and activities carried out as part of a comprehensive workforce investment system, including—

"(aa) coordination of employment services under the Wagner-Peyser Act and core activities under this title; and

"(bb) partner programs described in section 121;

"(III) exemplary performance by local areas as described in section 136(i)(2); and

"(IV) providing expanded access to education and training services, especially through increased leveraging of resources other than those provided through programs under this title;

"(iv) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

"(v) operating a fiscal and management accountability system under section 136(f); and

"(vi) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.".

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A) is amended to read as follows:

"(A) IN GENERAL.—A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section

132(b)) to carry out additional statewide employment and training activities, which may include—

"(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery systems in the State and all employers (including small employers), in the State and other business services and strategies that better engage employers in workforce activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act;

"(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

"(iii) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

"(v) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

"(vi) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

"(vii) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

"(viii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act;

"(ix) activities—

"(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities;

"(II) to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture; and

"(IV) to develop and disseminate workforce and labor market information;

"(x) conducting—

"(I) research; and

"(II) demonstration projects; and

"(xi) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.".

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1) (29 U.S.C. 2864(d)(1)) is amended—

(i) in clause (i), by striking "described in subsection (c)";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

"(vi) in order to avoid duplication of services and enhance coordination of services, to require the colocation of employment services provided under the Wagner-Peyser Act at the comprehensive one-stop centers.".

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking "paragraph (1)(A)" and inserting "paragraph (1)";

(ii) in subparagraph (A), by striking "under this subtitle" and inserting "under the programs described in section 121(b) and administered by one-stop partners, consistent with the requirements of such programs";

(iii) by striking subparagraph (D) and inserting the following:

"(D) labor exchange services, including—

"(i) job search and placement assistance and, in appropriate cases, career counseling, including—

"(I) exposure to high wage, high skill jobs; and

"(II) nontraditional employment; and

"(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;";

(iv) in subparagraph (E)(iii)—

(I) by inserting ", career ladders," after "earnings"; and

(II) by striking "and" at the end;

(v) in subparagraph (F)—

(I) by striking "and program cost information"; and

(II) by striking "described in section 123";

(vi) by striking subparagraph (H) and inserting the following:

"(H) provision of accurate information, in formats that are usable and understandable to all one-stop customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act, benefits under the Food Stamp Act of 1977, the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;"; and

(vii) in subparagraph (J), by striking "for—" and all that follows through "(ii) programs" and inserting "for programs".

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

"(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

"(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

"(bb) in need of intensive services in order to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

"(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding at the end the following:

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

"(ix) Out-of-area job search assistance and relocation assistance.

"(x) English language acquisition and integrated training programs.".

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

"(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

"(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved or in another area to which the adults or dislocated workers are willing to commute or relocate;

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) in subparagraph (D)—

(I) in clause (viii), by striking "and" after the semicolon;

(II) in clause (ix), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(x) English language acquisition and integrated training programs.";

(iv) in subparagraph (F)—

(I) in clause (ii), by striking "referred to in subsection (c), shall make available—" and all that follows and inserting "shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).";

(II) in the heading of clause (iii), by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(III) in clause (iii)—

(aa) by striking "identifying information" and inserting "accompanying information";

(bb) by striking "clause (ii)(I)" and inserting "clause (ii)"; and

(cc) by striking "individual training account" and inserting "career scholarship account"; and

(IV) by adding the following clause after clause (iii):

"(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services."; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(II) in clause (i), by striking "individual training accounts" and inserting "career scholarship accounts";

(III) in clause (ii)—

(aa) by striking "individual training account" and inserting "career scholarship account"; and

(bb) in subclause (II), by striking "individual training accounts" and inserting "career scholarship accounts";

(cc) in subclause (II), by striking "or" after the semicolon;

(dd) in subclause (III), by striking the period and inserting "; or"; and

(ee) by adding at the end the following:

"(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice."; and

(IV) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

"(IV) Individuals with disabilities.".

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

"(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

"(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

"(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, and by one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

"(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(vi) activities to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

"(ix) activities—

"(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities; and

"(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described under this section, including subparagraph (B);

"(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

"(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce development needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

"(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee for service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

"(II) may include—

"(aa) identifying for and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

"(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce development needs of area employers and workers;

"(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

"(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

"(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

"(ff) the marketing of business services offered under this Act, to appropriate area employers, including small and mid-sized employers;

"(gg) information referral on concerns affecting local employers; and

"(hh) other business services and strategies designed to better engage employers in workforce development activities and to make the workforce investment system more relevant to the workforce development needs of area businesses, as determined by the local board to be consistent with the purposes of this Act; and

"(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

"(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of on-site child care while such activities are being provided.";

(B) in paragraph (2), by striking the matter preceding subparagraph (A) and inserting the following:

"(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—"; and

(C) by adding at the end the following:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

"(B) Training activities.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

"(C) Employer share required.—

"(i) In general.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in kind contributions. The non-Federal share shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) Calculation of employer share.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.".

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) State Performance Measures.—

(1) Indicators of performance.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking " and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(ii) by striking subclause (III) and inserting the following:

"(III) increases in earnings from unsubsidized employment; and"; and

(iii) in subclause (IV), by striking ", or by participants" and all that follows through "unsubsidized employment"; and

(B) by striking clause (ii) and inserting the following:

"(ii) Core indicators for eligible youth.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) attainment of secondary school diplomas or their recognized equivalents, and postsecondary certificates; and

"(III) literacy or numeracy gains.".

(2) Additional indicators.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

"(C) Additional indicators.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.".

(3) Levels of performance.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS";

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2"; and

(iii) by inserting at the end the following: "Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.";

(B) in clause (iv)—

(i) in subclause (II)—

(I) by striking "taking into account" and inserting "and shall ensure that the levels involved are adjusted, using objective statistical methods, based on";

(II) by inserting "(such as differences in unemployment rates and job losses or gains in particular industries)" after "economic conditions";

(III) by inserting "(such as indicators of poor work history, lack of work experience, educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)" after "program"; and

(IV) by striking "and" at the end;

(ii) in subclause (III), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).";

(C) by striking clause (v) and inserting the following:

"(v) Establishment of national goals.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties."; and

(D) in clause (vi)—

(i) by striking "or (v)"; and

(ii) by striking "with the representatives described in subsection (i)" and inserting "with the States and other interested parties".

(b) Local Performance Measures.—Section 136(c)(3) (29 U.S.C 2871(c)(3))—

(1) by striking "shall take into account" and inserting "shall ensure such levels are adjusted based on";

(2) by inserting "(characteristics such as unemployment rates and job losses or gains in particular industries)" after "economic"; and

(3) by inserting "(characteristics such as indicators of poor work history, lack of work experience, educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)" after "demographic".

(c) Report.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: "In the case of a State or local area that chooses to expend funds under section 134(a)(3)(A)(i) or 134(e)(1)(A)(vii), respectively, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available under section 134;

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking "(excluding participants who received only self-service and informational activities)"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (F)—

(i) by inserting "noncustodial parents with child support obligations, homeless individuals," after "displaced homemakers,"; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(G) the number of participants served and the cost per participant; and

"(H) the amount of adult and dislocated worker funds spent on—

"(i) core, intensive, and training services, respectively; and

"(ii) services provided under section 134(a)(3)(A)(i) or 134(e)(1)(A)(iii), if applicable."; and

(3) by adding at the end the following:

"(4) Data validation.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.".

(d) Sanctions for State.—Section 136(g) is amended—

(1) in paragraph (1)(B), by striking "If such failure continues for a second consecutive year" and inserting "If a State performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance"; and

(2) in paragraph (2), by striking "section 503" and inserting "subsection (i)(1)".

(e) Sanctions for Local Area.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "If such failure continues for a second consecutive year" and inserting "If a local area performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance";

(2) in clause (ii), by striking "or" after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

"(iii) redesignate the local area in accordance with section 116(a)(2); or".

(f) Incentive Grants.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

"(i) Incentive Grants for States and Local Areas.—

"(1) Incentive grants for states.—

"(A) In general.—From funds appropriated under section 174(b) and made available under subsection (g)(2), the Secretary may award incentive grants to States for exemplary performance in carrying out programs under chapters 4 and 5.

"(B) BASIS.—The Secretary shall award the grants on the basis—

"(i) of the States meeting or exceeding the performance measures established under subsection (b)(3)(A)(iii);

"(ii) of exemplary performance of the States in serving hard-to-serve populations (including performance relating to the levels of service provided and the performance outcomes on such performance measures with respect to the populations);

"(iii) of States that are effectively—

"(I) coordinating multiple systems into a more effective workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

"(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

"(III) implementing innovative business and economic development initiatives.

"(iv) of such other factors relating to the performance of the States under this title as the Secretary determines are appropriate.

"(C) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized for States under chapters 4 and 5, title II of this Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998, including demonstration projects and innovative programs for hard-to-serve populations.

"(2) INCENTIVE GRANTS FOR LOCAL AREAS.—

"(A) IN GENERAL.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for exemplary performance in carrying out programs under chapters 4 and 5.

"(B) BASIS.—The Governor shall award the grants on the basis—

"(i) that the local areas met or exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii);

"(ii) of exemplary performance of the local areas in serving hard-to-serve populations; or

"(iii) of States and local areas that are effectively—

"(I) coordinating multiple systems into a comprehensive workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

"(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

"(III) implementing innovative business and economic development initiatives.

"(C) USE OF FUNDS.—The funds awarded to a local area under this paragraph may be used to carry out activities authorized for local areas under chapters 4 and 5, and such demonstration projects or innovative programs for hard-to-serve populations as may be approved by the Governor.".

(g) USE OF CORE MEASURES IN OTHER DEPARTMENT OF LABOR PROGRAMS.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

"(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.".

(h) PREVIOUS DEFINITIONS OF CORE INDICATORS AND INCENTIVE GRANTS.—Sections 502 and 503 (29 U.S.C. 9272 and 9273) are repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting " such sums as may be necessary for each of fiscal years 2004 through 2009".

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting " such sums as may be necessary for each of fiscal years 2004 through 2009".

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2004 through 2009".

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) ELIGIBILITY.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

"(F) A child eligible for assistance under section 477 of the Social Security Act.".

(b) IMPLEMENTATION OF STANDARDS AND PROCEDURES.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act.".

(c) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding at the end the following:

"(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

"(4) SPECIAL RULE FOR SINGLE LOCAL AREA STATES.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.".

(d) INDICATORS OF PERFORMANCE.—Section 159 (29 U.S.C. 2983) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).";

(B) in paragraph (2), by striking "measures" each place it appears and inserting "indicators"; and

(C) in paragraph (3)—

(i) in the first sentence, by striking "core performance measures, as compared to the expected performance level for each performance measure" and inserting "performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure"; and

(ii) in the second sentence, by striking "measures" each place it appears and inserting "indicators"; and

(2) in subsection (f)(2), in the first sentence, by striking "core performance measures" and inserting "indicators of performance".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 161 (29 U.S.C. 2901) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).".

(b) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

"(j) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to unique native populations who reside in Alaska or Hawaii to improve job training and workforce investment activities.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2004.".

(c) PERFORMANCE INDICATORS.—Section 166 (29 U.S.C. 2911 is amended by adding at the end the following':

"(c) PERFORMANCE INDICATORS.—

"(1) DEVELOPMENT OF INDICATORS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

"(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

"(A) the purposes of the programs under this section as described in paragraph (a)(1);

"(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

"(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.".

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167(d) (29 U.S.C. 2912(d)) is amended by inserting "(including permanent housing)" after "housing".

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3)(C) (29 U.S.C. 2913(a)(3)(C)) is amended by striking "section 134(c)" and inserting "section 121(e)".

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

“(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

“(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

“(b) Competitive Grants to States and Local Areas.—

“(1) Establishment.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136

“(2) Eligible entity.—In this subsection, the term ‘eligible entity’ means—

“(A) a State or consortium of States;

“(B) a local board or consortium of local boards;

“(C) a recipient of a grant under section 166 (relating to Native American programs); or

“(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

“(3) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investments systems established under this title in the provision of such activities;

“(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

“(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

“(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

“(E) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application, and including the comments, if any, of the affected State boards on the application, except that this subparagraph shall not apply to an eligible entity described in paragraph (2)(C).

“(4) Factors for award.—

“(A) In general.—In awarding grants under this subsection the Secretary shall consider—

“(i) the quality of the proposed activities;

“(ii) the goals to be achieved;

“(iii) the likelihood of successful implementation;

“(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for youth;

“(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

“(vi) the extent of employer involvement in the proposed activities;

“(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities; and

“(viii) the quality of proposed activities in meeting the needs of the youth to be served.

“(B) Equitable geographic distribution.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

“(5) Use of funds.—

“(A) In general.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

“(B) Activities.—The activities carried out pursuant to subparagraph (A) may include the following:

“(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

“(ii) Dropout prevention activities for in-school youth.

“(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

“(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

“(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

“(C) Participant eligibility.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

“(6) Grant period.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

“(7) Matching funds required.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

“(8) Evaluation.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

“(c) Discretionary Grants for Youth Activities.—

“(1) In general.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

“(2) Eligible entity.—In this subsection, the term ‘eligible entity’ means a public or private entity that the Secretary determines would effectively carry out activities relating to youth under this subsection.

“(3) Equitable distribution to rural areas.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants to rural areas.

“(4) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(5) Use of funds.—

“(A) In general.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

“(i) activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth;

“(ii) activities designed to assist in-school youth to stay in school and gain work experience;

“(iii) activities designed to assist youth in economically distressed areas; and

“(iv) such other activities that the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

“(B) Participant eligibility.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

“(6) Matching funds required.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

“(7) Evaluations.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).”.

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting “the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title,” after “localities,”; and

(B) striking “from carrying out activities” and all that follows through the period and inserting “to implement the amendments made by the Workforce Investment Act Amendments of 2003.”;

(2) in subsection (a)(2), by adding at the end the following: “The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).”;

(3) in subsection (b)(2), by striking the last sentence and inserting “Such projects shall be administered by the Employment and Training Administration.”; and

(4) by adding at the end the following:

“(c) Best Practices Coordination.—The Secretary shall—

“(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

"(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

"(3) commission research under section 172 to address knowledge gaps identified under paragraph (2).".

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) Demonstration and Pilot Projects.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by striking subparagraphs (A) through (E) and inserting the following:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

"(D) projects that establish and implement innovative integrated systems training programs targeted to dislocated, disadvantaged incumbent workers that utilize equipment and curriculum designed in partnership with local, regional, or national industries that is computerized, individualized, self-paced, and interactive that delivers skills and proficiencies that are measurable to train workers for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

"(E) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(C) in subparagraph (G), by striking "and" after the semicolon; and

(D) by striking subparagraph (H) and inserting the following:

"(H) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by the program in employment with a single employer for a period of 1 year, if such employment provides the low-income individual with an annual salary that is not less than twice the poverty line applicable to the individual;

"(I) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools they need to upgrade skills; and

"(J) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet."; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) Multiservice Projects.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) Studies and reports.—

"(i) Net impact studies and reports.—

"(I) In general.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title.

"(II) Reports.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

"(ii) Study on resources available to assist out-of-school youth.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

"(iii) Study of industry-based certification and credentials.—

"(I) In general.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

"(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

"(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

"(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

"(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

"(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

"(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

"(II) Report to congress.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

"(iv) Study of effectiveness of workforce investment system in meeting business needs.—

"(I) In general.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

"(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

"(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

"(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

"(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

"(ee) promising practices for serving small businesses;

"(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

"(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

"(II) Report to congress.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in clause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.".

(c) Conforming Amendment.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence.

(d) Waiver Authority To Carry Out Demonstrations and Evaluations.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

"(d) Waiver Authority.—In carrying out demonstration, pilot, multiservice, research, and multistate projects under this section and evaluations under section 172, the Secretary may waive any provisions of this section that the Secretary determines would prevent the Secretary from carrying out such projects and evaluations, except for provisions relating to wage and labor standards such as nondisplacement protections, grievance procedures and judicial review, and nondiscrimination provisions.".

(e) Next Generation Technologies.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

"(e) Skill Certification Pilot Projects.—

"(1) Pilot projects.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary of Labor shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

"(A) not more than 8 national certifications of skills in high-technology industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, and energy technology; and

"(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

"(2) Grants to eligible entities.—In carrying out the pilot projects, the Secretary of Labor shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary of Labor shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(3) Eligible entities.—

"(A) Definition of eligible entity.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

"(i) A community college or consortium of community colleges.

"(ii) An advanced technology education center.

"(iii) A local workforce investment board.

"(iv) A representative of a business in a target industry for the certification involved.

"(v) A representative of an industry association, labor organization, or community development organization.

"(B) History of demonstrated capability required.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce development activities that is consistent with the goals of this Act.

"(4) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require.

"(5) -Criteria.—The Secretary of Labor shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

"(6) Priority.—In selecting eligible entities to receive grants under this subsection, the Secretary of Labor shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

"(7) Authorized activities.—

"(A) In general.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

"(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

"(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

"(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by local and State workforce investment boards in the future.

"(B) Basis for requirements.—The certification requirements shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

"(C) Relationship to training and education programs.—The eligible entity shall ensure that—

"(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

"(ii) the certification program is offered at the completion of the training and education program.

"(D) Relationship to the associate degree.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

"(E) Availability.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

"(8) Consultation.—The Secretary of Labor shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

"(9) Core components; guidelines; reports.—After collecting and analyzing the data obtained from the pilot programs, the Secretary of Labor shall—

"(A) establish the core components of a model high-technology certification program;

"(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

"(C) submit and prepare a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

"(D) make available to the public both the data and the report.

"(10) Authorization of appropriations.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2004 to carry out this subsection.".

(f) Integrated Workforce Training Programs for Adults With Limited English Proficiency.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

"(f) Integrated Workforce Training Programs for Adults With Limited English Proficiency.—

"(1) Definitions.—In this subsection:

"(A) Integrated workforce training.—The term 'integrated workforce training' means training that integrates occupational skills training with language acquisition.

"(B) Secretary.—The term 'Secretary' means the Secretary of Labor in consultation with the Secretary of Education.

"(2) Demonstration project.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

"(3) Grants.—

"(A) In general.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(B) Periods.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

"(4) Eligible entities.—

"(A) In general.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

"(i) An employer or employer association.

"(ii) A nonprofit provider of English language instruction.

"(iii) A provider of occupational or skills training.

"(iv) A community-based organization.

"(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

"(vi) A labor organization.

"(vii) A local board.

"(B) Expertise.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

"(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

"(ii) providing workforce programs with training and English language instruction.

"(5) Applications.—

"(A) In general.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) Contents.—Each application submitted under subparagraph (A) shall—

"(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

"(ii) include an assurance that the program to be assisted shall—

"(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

"(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

"(III) ensure that this framework takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

"(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

"(6) -CRITERIA.—The Secretary of Labor shall establish criteria for awarding grants under this subsection.

"(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

"(A) PROGRAM COMPONENTS.—

"(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

"(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

"(II) combine training specific to a particular occupation or occupational cluster, with—

"(aa) English language instruction, such as instruction through English as a Second Language program, or English for Speakers of Other Languages;

"(bb) basic skills instruction; and

"(cc) supportive services;

"(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

"(IV) require matching or in-kind resources from private and nonprofit entities.

"(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

"(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for and place such adults in employment in growing industries with identifiable career ladder paths.

"(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

"(i) A program that—

"(I) serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages; and

"(II) aims to prepare such individuals for and place such individuals in higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area.

"(ii) A program that—

"(I) serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages; and

"(II) aims to prepare such individuals for and place such individuals in higher paying employment, through services provided at the worksite, or at a location central to several worksites, during work hours.

"(iii) A program that—

"(I) serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience; and

"(II) aims to prepare such individuals for and place such individuals in employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i).

"(iv) A program that includes funds from private and nonprofit entities.

"(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels and to assess how different curricula work for limited English proficient populations. Such approaches may include—

"(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

"(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

"(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

"(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

"(9) EVALUATION BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, with a random assignment, experimental design impact study done at each worksite at which such a program is carried out.

"(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

"(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

"(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2004 to carry out this subsection.".

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by striking "national emergency grants" and inserting "national dislocated worker grants";

(B) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)";

(C) in paragraph (3), by striking "and" after the semicolon; and

(D) by striking paragraph (4) and inserting the following:

"(4) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (d), including providing assistance to eligible individuals;

"(5) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals; and

"(6) to provide additional assistance to a State board or local board where a higher than average demand for employment and training services for dislocated members of the Armed Forces, or spouses of members of the Armed Forces as described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Departments of Defense and Veterans Affairs transition assistance programs.".

(b) ADMINISTRATION AND ADDITIONAL ASSISTANCE.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) ADDITIONAL ASSISTANCE.—

"(1) IN GENERAL.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

"(2) ELIGIBLE STATES.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

"(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

"(3) AMOUNT OF GRANTS.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

"(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).";

(4) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking "paragraph (4)(A)" and inserting "paragraph (4)";

(B) in paragraph (2), by striking "subsection (g)" and inserting "subsection (e)";

(C) in paragraph (4), by striking "subsection (g)" and inserting "subsection (e)";

(D) in paragraph (5), by striking "subsection (g)" and inserting "subsection (e)"; and

(E) in paragraph (6)—

(i) by striking "subsection (g)" and inserting "subsection (e)"; and

(ii) by striking "subsection (c)(1)(B)" and inserting "subsection (b)(1)(B)"; and

(5) in subsection (f)(1) (as redesignated by paragraph (2))—

(A) by striking "paragraph (4)(B)" and inserting "paragraph (4)"; and

(B) by striking "subsection (f)(1)(A)" and inserting "subsection (d)(1)(A)".

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) In General.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) Reservations.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

"(b) Technical Assistance; Demonstration and Pilot Projects, Evaluations, Incentive Grants.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136(i) such sums as may be necessary for each of fiscal years 2004 through 2009.".

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking "economic development activities,".

SEC. 152. COST PRINCIPLES.

The matter preceding clause (i) of section 184(a)(2)(B) (29 U.S.C. 2934(a)(2)(B)) is amended by striking "section 134(a)(3)(B)" and inserting "section 134(a)(4)".

SEC. 153. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon"

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this Act.".

SEC. 154. ADMINISTRATIVE PROVISIONS.

(a) Annual Report.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and".

(b) Program Year.—Section 189(g)(1)(B) (29 U.S.C. 2939(g)(1)(B)) is amended—

(1) by striking "The" and inserting "For fiscal years preceding fiscal year 2005, the"; and

(2) by inserting "such" after "any".

(c) Availability.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking "Funds" and inserting "Except as otherwise provided in this paragraph, funds"; and

(2) by striking "each State receiving" and inserting "each recipient of".

(d) General Waivers.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended by adding at the end the following:

"(D) Expedited requests.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), provided the requirements of this section have been satisfied.".

SEC. 155. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

"SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

"(a) Transfer of Federal Equity.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

"(b) Limitation on Use.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.".

SEC. 156. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 123 and inserting the following:

"Sec. 123. Eligible providers of youth activities.";

(2) by striking the item relating to section 169 and inserting the following:

"Sec. 169. Youth challenge grants.";

(3) by striking the item relating to section 193 and inserting the following:

"Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.";

(4) by striking the item relating to section 173 and inserting the following:

"Sec. 173. National dislocated worker grants.";

(5) by inserting after the item relating to section 212 the following:

"Sec. 213. Incentive grants for States.";

and

(6) by inserting after the item relating to section 243 the following:

"Sec. 244. Integrated english literacy and civics education.".

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) Short Title.—This title may be cited as the "Adult Education and Family Literacy Act Amendments of 2003".

(b) Purpose.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking "education." and inserting "education and in the transition to postsecondary education; and"; and

(3) by adding at the end the following:

"(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.".

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "services or instruction below the postsecondary level" and inserting "academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics skills"; and

(B) by striking subparagraph (C)(i) and inserting the following:

"(i) are basic skills deficient as defined in section 101;";

(2) in paragraph (2), by striking "activities described in section 231(b)" and inserting "programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent";

(3) in paragraph (5)—

(A) by inserting "an organization that has demonstrated effectiveness in providing adult education, that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness"; and

(D) in subparagraph (I), by inserting "or coalition" after "consortium";

(4) in paragraph (6)—

(A) by striking "LITERACY PROGRAM" and inserting "LANGUAGE ACQUISITION PROGRAM";

(B) by striking "literacy program" and inserting "language acquisition program"; and

(C) by inserting "reading, writing, and speaking" after "competence in";

(5) by redesignating paragraphs (7) through (18) as paragraphs (8) through (19), respectively;

(6) by inserting after paragraph (6) the following:

"(7) Essential components of reading instruction.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368)."; and

(7) by striking paragraph (19), as redesignated by paragraph (4), and inserting the following:

"(19) Workplace literacy program.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking "1999" and inserting "2004"; and

(2) by striking "2003" and inserting "2009".

SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Reservation of Funds.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

"(2) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed $8,000,000;

"(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 136(i); and

"(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 244.";

(2) by striking subsection (d) and inserting the following:

"(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

"(1) is not less than 16 years of age;

"(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

"(3) does not have a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities); and

"(4) is not enrolled in secondary school.";

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

"(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii."; and

(B) in paragraph (3), by striking "shall" and all that follows through the period and inserting "shall be eligible to receive a grant under this title until the date when an agreement for the extension of the United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective."; and

(4) in subsection (f)—

(A) in the heading, by inserting "PROVISIONS" after "HOLD-HARMLESS";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

"(2) 100 PERCENT ALLOTMENT.—An eligible agency shall receive an allotment under this title that is equal to 100 percent of the allotment the eligible agency received for the preceding fiscal year under this title if the eligible agency received, for the preceding fiscal year, only an initial allotment under subsection (c)(1) and did not receive an additional allotment under subsection (c)(2).".

SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking "additional indicators of performance (if any)" and inserting "employment performance indicators";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "Demonstrated" and inserting "Measurable";

(II) by striking clause (ii) and inserting the following:

"(ii) Placement in, retention in, or completion of, postsecondary education or other training programs."; and

(III) in clause (iii), by inserting "(including recognized alternative standards for individuals with disabilities)" after "equivalent";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

"(B) EMPLOYMENT PERFORMANCE INDICATORS.—An eligible agency shall identify in the State plan individual participant employment performance indicators, including entry into unsubsidized employment, retention in unsubsidized employment, and career advancement. The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for such indicators, consistent with applicable Federal and State privacy laws.";

(iv) in subparagraph (C), as redesignated by clause (ii), by inserting "relevant" after "additional"; and

(v) by adding at the end the following:

"(D) INDICATORS FOR WORKPLACE LITERACY PROGRAMS.—Special accountability measures may be negotiated for workplace literacy programs."; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking "in performance" and inserting "the agency's performance outcomes in an objective, quantifiable, and measurable form";

(II) in clause (ii), by striking "3 programs years" and inserting "2 program years";

(III) in clause (iii), by striking "FIRST 3 YEARS" and inserting "FIRST 2 YEARS";

(IV) in clause (iii), by striking "first 3 program years" and inserting "first 2 program years";

(V) in clause (v), by striking "4TH AND 5TH" and inserting "3RD AND 4TH";

(VI) in clause (v), by striking "to the fourth" and inserting "to the third";

(VII) in clause (v), by striking "fourth and fifth" and inserting "third and fourth"; and

(VIII) in clause (vi), by striking "(II)" and inserting "(I)";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "LEVELS OF EMPLOYMENT PERFORMANCE";

(II) by striking "may" and inserting "shall"; and

(III) by striking "additional" and inserting "employment"; and

(iii) by adding at the end the following:

"(C) ALTERNATIVE ASSESSMENT SYSTEMS.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting "the Governor, the State legislature, and the State workforce investment board" after "Secretary"; and

(ii) by striking "including" and all that follows through the period and inserting "including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

"(B) The number and type of each eligible provider that receives funding under such grant.

"(C) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.";

(B) in paragraph (2)(A), by inserting "eligible providers and" after "available to"; and

(C) by adding at the end the following:

"(3) DATA ACCESS.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators."; and

(3) by adding at the end the following:

"(d) PROGRAM IMPROVEMENT.—

"(1) IN GENERAL.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

"(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

"(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

"(2) FURTHER ASSISTANCE.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.".

SEC. 206. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking "and implementation" and inserting "implementation, and monitoring".

SEC. 207. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "82.5" the first place such term appears and inserting "80"; and

(ii) by striking "the 82.5 percent" and inserting "such amount";

(B) in paragraph (2), by striking "not more than 12.5 percent" and inserting "not more than 15 percent"; and

(C) in paragraph (3), by striking "$65,000" and inserting "$75,000"; and

(2) in subsection (b)(1), by striking "equal to" and inserting "that is not less than".

SEC. 208. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "to develop or enhance the adult education system of the State" after "activities";

(B) in paragraph (1), by striking "instruction incorporating" and all that follows through the period and inserting "instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.";

(C) in paragraph (2), by inserting ", including development and dissemination of instructional and programmatic practices based on the most rigorous research available in reading, writing, speaking, mathematics, English language acquisition programs, distance learning and staff training" after "activities";

(D) in paragraph (5), by striking "monitoring and";

(E) by striking paragraph (6) and inserting the following:

"(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology."; and

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

"(7) Coordination with—

"(A) other partners carrying out activities authorized under this Act;

"(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of adult education and literacy activities, for adults enrolled in such activities.

"(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as they relate to adults.

"(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

"(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

"(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

"(12) Activities to promote workplace literacy programs.

"(13) Activities to promote and complement local outreach initiatives described in section 243(c)(2)(H).

"(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

"(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

"(B) take into consideration the following:

"(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(ii) The current adult skills and literacy assessments used in the State.

"(iii) The core indicators of performance established under section 212(b)(2)(A).

"(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in State supported postsecondary education institutions.

"(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State.

"(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

"(A) new assessment tools and strategies that identify the needs and capture the gains of students at all levels, with particular emphasis on—

"(i) students at the lowest achievement level;

"(ii) students who have limited English proficiency; and

"(iii) adults with learning disabilities;

"(B) options for improving teacher quality and retention; and

"(C) assistance in converting research into practice.

"(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

"(17) Other activities of statewide significance that promote the purpose of this title."; and

(2) in subsection (c), by striking "being State- or outlying area-imposed" and inserting "being imposed by the State or outlying area".

SEC. 209. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting "4-YEAR PLANS"; and

(B) in paragraph (1), by striking "5" and inserting "4";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and the role of provider and cooperating agencies in preparing the assessment" after "serve";

(B) by striking paragraph (2) and inserting the following:

"(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;";

(C) in paragraph (3)—

(i) by inserting "and measure" after "evaluate";

(ii) by inserting "and improvement" after "effectiveness"; and

(iii) by striking "212" and inserting "212, including—

"(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

"(B) how the eligible agency—

"(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

"(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)";

(D) in paragraph (4), by striking "will ensure the improvement of" and inserting "improved";

(E) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(F) by inserting after paragraph (4) the following:

"(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;";

(G) in paragraph (6) (as redesignated by subparagraph (E)), by striking "who" and all that follows through the semicolon and inserting "that—

"(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

"(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;";

(H) in paragraph (10) (as redesignated by subparagraph (E)), by striking "plan" and inserting "plan, which process—

"(A) shall include the State Workforce Investment Board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services;

"(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations, as defined in section 101;";

(I) in paragraph (11) (as redesignated by subparagraph (E))—

(i) by inserting "assess potential population needs and" after "will";

(ii) in subparagraph (A), by striking "students" and inserting "individuals";

(iii) in subparagraph (C), by striking "and" after the semicolon; and

(iv) by adding at the end the following:

"(E) the unemployed; and

"(F) those who are employed, but at levels below self-sufficiency, as defined in section 101.";

(J) in paragraph (12) (as redesignated by subparagraph (E))—

(i) by inserting "and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I" after "eligible agency"; and

(ii) by striking "and" after the semicolon;

(K) in paragraph (13) (as redesignated by subparagraph (E)), by striking "231(c)(1)." and inserting "231(c)(1), including—

"(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

"(B) how the State will increase the participation of business and industry in adult education and literacy activities;"; and

(L) by adding at the end the following:

"(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon completion of secondary school programs or their recognized equivalent;

"(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

"(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.";

(3) in subsection (c), by adding at the end the following: "At a minimum, such revision shall occur every 2 years."; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ", the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board" after "Governor"; and

(B) in paragraph (2), by striking "comments" and all that follows through the period and inserting "comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board, and any revision to the State plan, are submitted to the Secretary.".

SEC. 210. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "basic education" and inserting "adult education and literacy activities";

(B) in paragraph (2) by inserting "and" after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking "Definition of Criminal Offender.—" and inserting "Definitions.—In this section:".

SEC. 211. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "workplace literacy services" and inserting "workplace literacy programs"; and

(B) in paragraph (3), by striking "literacy" and inserting "language acquisition";

(2) in subsection (e)—

(A) in paragraph (1), by inserting "to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)" after "outcomes";

(B) by striking paragraph (3) and inserting the following:

"(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;";

(C) in paragraph (4)(B), by striking ", such as" and all that follows through the semicolon and inserting "that include the essential components of reading instruction;";

(D) in paragraph (5), by striking "research" and inserting "the most rigorous research available";

(E) in paragraph (7), by inserting ", when appropriate and based on the most rigorous research available," after "real life contexts";

(F) in paragraph (9), by inserting "education, job-training, and social service" after "other available";

(G) in paragraph (10)—

(i) by inserting "coordination with Federal, State, and local" after "schedules and"; and

(ii) by striking "and transportation" and inserting ", transportation, mental health services, and case management";

(H) in paragraph (11)—

(i) by inserting "measurable" after "report";

(ii) by striking "eligible agency";

(iii) by inserting "established by the eligible agency" after "performance measures"; and

(iv) by striking "and" after the semicolon;

(I) in paragraph (12), by striking "literacy programs." and inserting "language acquisition programs and civics education programs;"; and

(J) by adding at the end the following:

"(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

"(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available;

"(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

"(16) the capacity of the eligible provider to serve adult learners with learning disabilities.".

SEC. 212. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting "consistent with the requirements of this subtitle" after "spent"; and

(B) by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3). each of the demonstrations required under section 231(e).".

SEC. 213. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation," after "development,"; and

(2) in subsection (b)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language; and in mathematical computation," after "development,".

SEC. 214. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "adult education and literacy activities" both places such terms appear and inserting "activities under this subtitle"; and

(B) by striking "was" and inserting "were"; and

(2) in paragraph (4)—

(A) by inserting "not more than" after "this subsection for"; and

(B) by striking "only".

SEC. 215. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "literacy" and inserting "effective literacy programs for children, youth, adults, and families";

(B) in paragraph (2), by inserting "and disseminates information on" after "coordinates"; and

(C) by striking paragraph (3)(A) and inserting the following:

"(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available and effective programs that serve children, youth, adults, and families.";

(2) by striking subsection (b)(3) and inserting the following:

"(3) Recommendations.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "to establish" and inserting "to maintain";

(II) in clause (i), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension" and inserting "the essential components of reading instruction";

(III) in clause (iii), by striking "and" after the semicolon;

(IV) in clause (iv), by inserting "and" after the semicolon; and

(V) by adding at the end the following:

"(v) a list of local adult education and literacy programs;";

(ii) in subparagraph (C)—

(I) by striking "reliable and replicable research" and inserting "reliable and replicable research as defined by the Institute of Education Sciences"; and

(II) by striking "especially with the Office of Educational Research and Improvement in the Department of Education.";

(iii) in subparagraph (D), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension based on" and inserting "the essential components of reading instruction and";

(iv) in subparagraph (H), by striking "and" after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

"(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

"(K) to identify rigorous research on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics."; and

(B) by adding at the end the following:

"(3) Coordination.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.";

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking "literacy programs" and inserting "language acquisition programs";

(ii) in clause (ii), by striking "literacy programs" and inserting "or have participated in or partnered with workplace literacy programs";

(iii) in clause (iv), by inserting ", including adult literacy research" after "research";

(iv) in clause (vi), by striking "and" after the semicolon;

(v) in clause (vii), by striking the period at the end and inserting "; and"; and

(vi) by adding at the end the following:

"(viii) institutions of higher education.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) review the biennial report submitted to Congress pursuant to subsection (k)."; and

(C) in paragraph (5), by striking the second sentence and inserting the following: "A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum."; and

(5) in subsection (k)—

(A) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(B) by striking "The Institute shall submit a report biennially to" and inserting "Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003, and biennially thereafter, the Institute shall submit a report to".

SEC. 216. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

"SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

"(a) In General.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

"(c) Permissive Activities.—The national leadership activities described in subsection (a) may include the following:

"(1) Technical assistance, including—

"(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

"(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

"(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

"(D) assistance in developing valid, measurable, and reliable performance data, including data around employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

"(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

"(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

"(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

"(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

"(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

"(C) carrying out research on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

"(D)(i) carrying out demonstration programs;

"(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

"(iii) developing and replicating best practices and innovative programs, including—

"(I) the development of models for basic skill certificates;

"(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

"(III) integrated basic and workplace skills education programs;

"(IV) coordinated literacy and employment services; and

"(V) postsecondary education transition programs;

"(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

"(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

"(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

"(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and

"(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

"(F) supporting efforts aimed at capacity building of programs at the State and local levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

"(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

"(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

"(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

"(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.".

SEC. 217. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

"SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

"(a) In General.—From funds made available under section 211(a)(4) for each fiscal year the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

"(b) Allotment.—

"(1) In general.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year the Secretary shall allocate—

"(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years; and

"(B) 35 percent to the States on the basis of whether the State experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available.

"(2) Minimum.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.".

SEC. 218. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) Conforming Amendment.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(b) Colocation.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

“(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with comprehensive one-stop centers established under title I of the Workforce Investment Act of 1998.”.

(c) Cooperative Statistical Program.—Section 14 of the Wagner-Peyser Act (29 U.S.C. 491–1) is amended by striking the section heading and all that follows through “There” and inserting the following:

“SEC. 14. COOPERATIVE STATISTICAL PROGRAM.

“There”.

(d) Workforce and Labor Market Information System.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.”;

(2) by striking “employment statistics system” each place it appears and inserting “workforce and labor market information system”;

(3) in subsection (a)(1), by striking “of employment statistics”;

(4) in subsection (b)(2)(E)—

(A) in clause (i), by adding “and” at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

“(c) National Electronic Tools To Provide Services.—The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

“(1) the one-stop delivery systems established under section 121(e); and

“(2) such other delivery systems as the Secretary determines to be appropriate.

“(d) Two-Year Plan.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States and with the assistance of the Employment and Training Administration and other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

“(1) describe the steps the to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

“(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

“(3) describe the involvement of States in the development of the plan, pursuant to a process established by the Secretary in cooperation with the States in accordance with subsection (d).

“(e) Coordination With the States.—The Secretary, working though the Bureau of Labor Statistics and in coordination with the Employment and Training Administration, shall consult at least annually with representatives of each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).”;

(6) in subsection (e)(2)—

(A) in subparagraph (G), by adding “and” at the end;

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking “1999 through 2004” and inserting “2004 through 2009 to enable the Secretary to carry out the provisions of this section through grants or cooperative agreements with the States”.

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the “Rehabilitation Act Amendments of 2003”.

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) Incentive Grants.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by inserting after the item relating to section 112 the following:

“Sec. 113. Incentive grants.”.

(b) Independent Living Services for Older Individuals Who Are Blind.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by striking the items relating to sections 752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.

“Sec. 753. Program of grants.

“Sec. 754. Authorization of appropriations.”.

SEC. 403. PURPOSE.

Section 2(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701(b)) is amended—

(1) in paragraph (1)(F), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) to provide opportunities for employers and rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.”.

SEC. 404. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting “and literacy services” after “supported employment”; and

(B) in clause (iii), by inserting “and literacy skills” after “educational achievements”;

(2) in paragraph (17)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living.”;

(3) by redesignating paragraphs (24) through (28), (29) through (34), and (35) through (39), as paragraphs (25) through (29), (31) through (36), and (38) through (42), respectively;

(4) by inserting after paragraph (23) the following:

“(24) Literacy.—The term ‘literacy’ has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).”;

(5) by inserting after paragraph (29), as redesignated by paragraph (3), the following:

“(30) Post-employment service.—The term ‘post-employment’ service means a service identified in section 103(a) that is—

“(A) provided subsequent to the achievement of an employment outcome; and

“(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.”;

(6) by inserting after paragraph (36), as redesignated by paragraph (3), the following:

“(37) Student with a disability.—

“(A) In general.—The term ‘student with a disability’ means an individual with a disability who attends an elementary school or secondary school and who—

“(i) is not younger than 14 years of age;

“(ii) is not older than 21 years of age;

“(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

“(iv)(I) is eligible for, and receiving, special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

“(II) is an individual with a disability, for purposes of section 504.

“(B) Students with disabilities.—The term ‘students with disabilities’ means more than 1 student with a disability.”; and

(7) in paragraph (38)(A)(ii), as redesignated by paragraph (3), by striking “paragraph (36)(C)” and inserting “paragraph (39)(C)”.

SEC. 405. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking the semicolon and inserting “; and”; and

(3) by adding at the end the following:

“(B) provide technical assistance to the designated State units on developing successful partnerships with employers;”.

SEC. 406. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by striking “, section 509 (except as provided in section 509(b))”;

(B) by striking “or (C)”; and

(C) by striking “752(b)” and inserting “753(b)”; and

(2) by adding at the end the following:

“(c) Protection and Advocacy of Individual Rights.—

“(1) Appropriated amounts.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

“(2) Program income.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 509 that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received, shall remain available for obligation and expenditure by such recipients during any of the 4 succeeding fiscal years.”.

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”.

SEC. 412. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (6)(B), by striking "to employ and advance in employment" and inserting "to recruit, employ, and advance in employment";

(2) in paragraph (8)(A), by adding at the end the following:

"(iii) SERVICES IDENTIFIED IN INDIVIDUALIZED WORK PLAN.—For purposes of clause (i), for an individual who receives assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), comparable benefits and services available under such program only include those benefits and services identified in the individual's individualized work plan developed by an employment network pursuant to such section.";

(3) in paragraph (11)—

(A) by striking subparagraph (D)(ii) and inserting the following:

"(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;"; and

(B) by adding at the end the following:

"(G) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall provide that the designated State unit will coordinate activities with any other State agency that administers a Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19)."; and

(4) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (D);

(B) by inserting after subparagraph (A) the following:

"(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

"(i) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(ii) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(iii) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(iv) medical assistance under other federally-funded programs.

"(C) INFORMATION FOR INDIVIDUALS UNDER THE TICKET TO WORK PROGRAM.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the Ticket to Work and Self-Sufficiency Program and specific information on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks."; and

(C) in subparagraph (D)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting ", to the maximum extent possible," after "point of contact"; and

(ii) in subclause (III), by striking "or regain" and inserting "regain, or advance in".

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting ", including a listing of all the community resources (including resources from organizations of individuals with disabilities), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;"; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

"(I) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(III) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(IV) medical assistance under other federally-funded programs; and

"(iv) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), information—

"(I) on the options under the Ticket to Work and Self-Sufficiency Program; and

"(II) on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program who has contact information on approved employment networks, the benefits planning and assistance programs in the area, and the protection and advocacy programs in the area.";

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking "and" after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking "and personal assistance services" and inserting "mentoring services, and personal assistance services";

(ii) in subparagraph (F)(ii), by striking "and" after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) for a student with a disability, the description—

"(i) in paragraph (3)(A), may be a description of the student's projected post-school employment outcome; and

"(ii) in paragraph (3)(B), shall include the specific transition services (including, as appropriate, work experience and mentoring activities) needed to achieve the student's employment outcome or projected employment outcome; and

"(I) for an individual who is receiving assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of services such individual receives from an employment network other than the designated State unit."; and

(2) in subsection (c)(7), by inserting "that take into consideration the informed choice of the individual," after "plan development,".

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) in paragraph (5), by inserting "literacy services," after "vocational adjustment services,";

(2) in paragraph (17), by striking "and" after the semicolon;

(3) in paragraph (18), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(19) mentoring services.".

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105(b)(1)(A)(ix) of the Rehabilitation Act of 1973 (29 U.S.C. 725(b)(1)(A)(ix)) is amended to read as follows:

"(ix) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects;".

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(b)(2)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 726(b)(2)(B)(i)) is amended by striking ", if necessary" and all that follows through the semicolon and inserting "if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include allocating a higher proportion of the State's resources for services to individuals with disabilities if the State's spending on such services is low in comparison to spending on such services in comparable agencies in other States;".

SEC. 417. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) REALLOTMENT.—

"(1) DETERMINATION.—Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

“(2) FORMULA.—

“(A) IN GENERAL.—As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

“(B) FORMULA.—

“(i) ELIGIBLE STATES.—The Commissioner shall reallot the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year increased by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

“(ii) AMOUNT.—

“(I) IN GENERAL.—A State that is eligible to receive a reallotment under clause (i) shall receive an amount for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

“(aa) the amount such State received for such fiscal year; and

“(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

“(II) INSUFFICIENT FUNDS.—If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the amount described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

“(C) REMAINING FUNDS.—If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the amount described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

“(3) NON-FEDERAL SHARE.—The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

“(4) INCREASE IN ALLOTMENT.—For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.”; and

(2) by striking subsection (c)(2) and inserting the following:

“(2)(A) In this paragraph:

“(i) The term ‘appropriated amount’ means the amount appropriated under section 100(b)(1) for allotment under this section.

“(ii) The term ‘covered year’ means a fiscal year—

“(I) that begins after September 30, 2003; and

“(II) for which the appropriated amount exceeds the total of—

“(aa) the appropriated amount for the preceding fiscal year; and

“(bb) 0.1 percent of the appropriated amount for the preceding fiscal year.

“(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary, the lesser of—

“(i) the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year; and

“(ii) 1.5 percent of the appropriated amount for the covered year.”.

SEC. 418. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a), by striking “States” and inserting “agencies designated under subsection (c)”;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “The Secretary” and all that follows through the period and inserting the following: “After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States on the basis of relative population of each State, except that no such agency shall receive less than $50,000.”;

(ii) in subparagraph (B), by inserting “the designated agencies located in” after “each to”;

(iii) in subparagraph (D)(i)—

(I) by inserting “the designated agencies located in” after “$100,000 for”; and

(II) by inserting “the designated agencies located in” after “$45,000 for”; and

(iv) by adding at the end the following:

“(E)(i) Beginning on October 1, 2004, for any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make grants to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such grants shall be the same amount as provided to territories under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

“(ii) In this subparagraph:

“(I) The term ‘American Indian Consortium’ has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

“(II) The term ‘protection and advocacy system’ means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

“(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide training and technical assistance to the programs established under this section. Such training and technical assistance shall be coordinated with funds available under section 509(c)(1)(A).”;

(B) in paragraph (2)—

(i) by striking “State” each place such term appears and inserting “designated agency”; and

(ii) by striking “States” each place such term appears and inserting “designated agencies”; and

(C) in paragraph (3), by striking “Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay” and inserting “The Secretary shall pay directly”;

(3) in subsection (f), by striking “State” and inserting “agency designated under subsection (c)”; and

(4) in subsection (h), by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”.

SEC. 419. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

“SEC. 113. INCENTIVE GRANTS.

“(a) AUTHORITY.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

“(1) a high level of performance; or

“(2) a significantly improved level of performance as compared to the previous reporting period or periods.

“(b) CRITERIA.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

“(2) DEVELOPMENT AND EVALUATION STANDARDS.—The criteria under paragraph (1) shall—

“(A) be developed with input from State vocational rehabilitation agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations; and

“(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance related measures that the Commissioner determines to be appropriate.

“(c) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

“(d) NO NON-FEDERAL SHARE REQUIREMENT.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2009.”.

SEC. 420. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting “, consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment” before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) contains assurances that—

“(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

“(ii) such decisions will not be delegated to another agency or individual.”;

(B) in paragraph (3), by striking the first sentence and inserting the following: “An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grantee demonstrated acceptable past performance and the grantee submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives."; and

(C) by striking paragraph (4) and inserting the following:

"(4) In allocating funds under this part, the Secretary shall give priority to paying the continuation costs of existing projects and may provide for increases in funding for such projects as determined necessary.".

SEC. 421. GAO STUDIES.

(a) STUDY ON TITLE I AND TICKET TO WORK.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the interaction of title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19), including the impact of the interaction on beneficiaries, community rehabilitation programs, and State vocational rehabilitation agencies.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, State agencies, community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) STUDY ON THE ALLOTMENT FORMULA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the State's State plan under section 101 of such Act.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009"; and

(2) in paragraph (2), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 432. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 762(f)(1)) is amended by striking "Federal employees" and inserting "Department of Education employees".

SEC. 433. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 764(c)(2)) is amended by striking "$500,000" and inserting "$750,000".

SEC. 434. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205(c) of the Rehabilitation Act of 1973 (29 U.S.C. 765(c)) is amended by adding at the end the following: "The Council also shall include a representative from the business community who has experience with the vocational rehabilitation system and hiring individuals with disabilities.".

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (b)(1)(B)(i), by striking "or prosthetics and orthotics" and inserting "prosthetics and orthotics, rehabilitation for the blind, or orientation and mobility instruction"; and

(2) in subsection (i), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) in subsection (f), as redesignated by paragraph (1), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009"; and

(3) by inserting after subsection (d) the following:

"(e) ACCESS TO TELEWORK.—

"(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means to work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

"(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of American Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

"(3) APPLICATION.—A State that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(4) USE OF FUNDS.—A State that receives a grant under this subsection shall establish or expand a telework program that shall provide loans or other alternative financing mechanisms to individuals with disabilities to enable such individuals to purchase computers or other equipment, including adaptive equipment, that facilitates work from home and other telework sites so that such individuals are able to telework.

"(5) ANNUAL REPORT.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall submit an annual report to the Commissioner.

"(B) CONTENTS.—The report under subparagraph (A) shall include the following:

"(i) The characteristics of each individual with a disability that receives a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

"(I) Age.

"(II) Ethnicity.

"(III) Type of disability.

"(IV) Employment status at the time of application for a loan or other alternative financing mechanism under this subsection.

"(V) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

"(VI) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving a loan or other alternative financing mechanism under the program.

"(VII) Whether the individual has repaid the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the loan or other alternative financing mechanism.

"(ii) Any other information that the Commissioner may require.

"(6) FEDERAL SHARE.—The Federal share of the cost of establishing a telework program shall be 10 percent of the cost.".

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking "construction of facilities for aquatic rehabilitation therapy,"; and

(2) in subsection (b), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (g)(2), by striking "was paid" and inserting "was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system for obligation during any succeeding fiscal year"; and

(2) in subsection (*l*), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 472. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (42 U.S.C. 795c) is amended by adding at the end the following:

"(o) Promoting Full Access to Community Life.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.".

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

"(5) Chairperson.—The Council shall select a chairperson from among the voting membership of the Council.".

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (42 U.S.C. 796f) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Allotments to States.—

"(1) Definitions.—In this subsection:

"(A) Additional appropriation.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

"(i) the amount reserved under subsection (b) for that fiscal year; and

"(ii) the appropriation for fiscal year 2003.

"(B) Appropriation.—The term 'appropriation' means the amount appropriated to carry out this part.

"(C) Base appropriation.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

"(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

"(ii) the appropriation for fiscal year 2003.

"(2) Allotments to states from base appropriation.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2003 bears to the total amount that all States received under this subsection for fiscal year 2003.

"(3) Allotments to states of additional appropriation.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

"(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

"(B) $\frac{1}{56}$ of 50 percent of the additional appropriation."; and

(2) by adding at the end the following:

"(e) Carryover Authority.—Any amount paid to an agency to operate a center for independent living under this chapter for a fiscal year and any amount of program income that remains unobligated at the end of such year shall remain available to such agency for obligation during the next 2 fiscal years for the purposes for which such amount was paid.".

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended by striking "by September 30, 1997" and inserting "during the preceding year".

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended by striking "by September 30, 1997" and inserting "during the preceding year".

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended—

(1) in paragraph (4), by striking "disabilities." and inserting "disabilities, including maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living."; and

(2) by adding at the end the following:

"(8) Promoting full access to community life.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.".

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

"SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

"(a) Grants; Contracts; Other Arrangements.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2003, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible entities for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

"(b) Allocation.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

"(c) Funding Priorities.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

"(d) Review.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an eligible entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

"(e) Prohibition on Combined Funds.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.".

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) in subsection (g), by inserting ", or contracts with," after "grants to";

(2) by striking subsection (h);

(3) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(4) in subsection (b), by striking "section 753" and inserting "section 754";

(5) in subsection (c)—

(A) in paragraph (1), by striking "section 753" and inserting "section 754"; and

(B) in paragraph (2)—

(i) by striking "subsection (i)" and inserting "subsection (h)"; and

(ii) by striking "subsection (j)" and inserting "subsection (i)";

(6) in subsection (h), as redesignated by paragraph (3)—

(A) in paragraph (1), by striking "subsection (j)(4)" and inserting "subsection (i)(4)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding "and" after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (3)—

(A) by striking paragraph (2) and inserting the following:

"(2) Minimum allotment.—

"(A) States.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

"(i) $350,000;

"(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2003; or

"(iii) an amount equal to $\frac{1}{3}$ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

"(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.";

(B) in paragraph (3)(A), by striking "section 753" and inserting "section 754, and not reserved under section 752,"; and

(C) in paragraph (4)(B)(i), by striking "subsection (i)" and inserting "subsection (h)".

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2004 through 2009".

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2004 through 2009".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of enactment of this Act.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, today is Citizenship Day. On this day in 1787 the Constitution of the United States was signed. In 1952, Congress passed a law designating Citizenship Day on this day with the intent of recognizing those who had become American citizens during the preceding year.

In the ceremony where an immigrant becomes a naturalized citizen of this country, where he or she becomes a new American, he or she swears an oath of renunciation and allegiance.

Last week, on September 11, I noted that the oath of allegiance is currently a matter of mere Federal regulation and not a matter of law. I said that Congress ought to enshrine the oath in law.

Today, on behalf of Mr. BURNS, Mr. SESSIONS, and 30 Members of the Senate, I rise to introduce legislation to do precisely that—to make the current oath of allegiance the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being an American—the American flag, the Pledge of Allegiance, the national anthem, and our national motto. All these symbols and statements have been specifically approved by Congress and are now a matter of law. The oath of allegiance ought to be treated with the same dignity.

The Bureau of Citizenship and Immigration Services—or BCIS—an agency of the Department of Homeland Security, was recently planning to change the oath of allegiance that immigrants take to become a citizen of this Nation. While those changes seem now to be on hold, it seems inappropriate to me that the BCIS, or any other Government agency, no matter how well intentioned, should have the power to alter the oath without congressional approval.

In the first 5 months of this fiscal year, 166,968 immigrants took the oath and were naturalized as new citizens of this country.

The oath assumed its present form in the 1950s and was first adopted in Federal regulations in 1929. But some of the language dates all the way back to 1790.

Yesterday, I attended a naturalization ceremony for new citizens. They were proud to take the oath of allegiance to the United States. They were proud to become Americans. This is the oath they took to become U.S. citizens—the oath which will become law if the bill I will introduce today should pass and be signed by the President.

I quote:

> I—and the citizen states his or her name—hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is the oath of allegiance. That is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by some rowdy patriots in Philadelphia or Williamsburg.

Yet, surprisingly, Congress has never voted on the content of this oath. We have left it to Federal regulators. It is time to protect it.

This is a straightforward bill that simply codifies the oath of allegiance as it presently stands. The bill I introduce today has, as I mentioned, already attracted 30 cosponsors, including the distinguished Senator from North Carolina who is presiding today.

I hope more Senators will join us in protecting this key statement on what it means to become an American.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to take a few moments to talk about a bill I will be introducing today, along with Senator CHRIS DODD, a bill that has to do with children. It is an issue that is difficult to think about or talk about but one that is critical to many children and their families in our Nation.

What I am taking about is what we do, or what we can do, when a child develops a life-threatening or terminal illness. What I am talking about is we need to make sure we do everything in our power to make sick children as comfortable as possible and as happy as possible—everything in our power to ease their suffering. What I am talking about is the pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness; the need to make palliative care available to any child who is seriously ill and who might possibly be facing death.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today, along with Senator DODD and Congresswoman PRYCE and Congressman MURTHA, we are introducing a bill, the Compassionate Care for Children Act, 2003, in an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly, in a car accident, by drowning, or fire, or by choking. Some may even be murdered.

Others, though, thousands of children, will be diagnosed with life-threatening illnesses or disease that might eventually, over a period of time, take away their lives. Children with these kinds of illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries.

They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases might not work. Others are too young to understand that reality.

One poor girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her, and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. But nothing seemed to work. At the age of 5, Liza began to ask her mother about what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, hospitals has little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of treatment options, that there was no cure, that she wasn't going to get better, have her life restored and her health restored, and that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little 5-year-old girl asked her doctor to tell her when she was going to die. Yet on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, "Why didn't the doctor call to tell me."

Liza's parents were able to get some hospice care for their daughter during the last 3 months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better, so sick there are no more treatments and no more cures, and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable, pain-free, and happy in their remaining days.

We have an obligation to help those parents achieve those goals.

Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet despite that knowledge, the fact is, current Federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these Federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity and would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does.

First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed.

Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improve the type of care dying children receive.

A recent article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing "a lot or a great deal" of pain and suffering.

This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has 6 months or less to live. The problem with this "6-month rule" is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in 6 months or 6 years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid 6-month predictability rule which denies care is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, "Sick children are still growing, which is a biological process very much like healing. So when a child is diagnosed with illness such as cancer or heart disease, he is much more likely to be cured than an adult."

Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend their life, and also at the same time provide palliative care to that patient. In other words, current law does not allow the assistance, the doctors to go in to try to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time you are still trying to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice, a choice that no parent should have.

That is tragic. Palliative care offers a continuum of care, care that involves counseling to families and patients about how to confront death, care that involves making the patient comfortable in his or her sickest hours, care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. When a child is involved, this means a parent must agree to no longer provide curative treatment, treatment that could cure the child—that is wrong—in order for their child to receive care and support for the possible end of life.

This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. the demonstration program will allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the 6-month rule so children can receive palliative care benefit at the time of diagnosis.

I take a moment to tell my colleagues about another girl, Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as "incompatible with life." Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives and church community at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

This is truly a tragic story. Fortunately, Rachel Ann and her family were able to spend as much time together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child must be an incredibly difficult thing to confront for a parent and a family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we will introduce later today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do. I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Compassionate Care Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

Sec. 101. Education and training.
Sec. 102. Grants to expand pediatric palliative care.
Sec. 103. Health professions fellowships and residency grants.
Sec. 104. Model program grants.
Sec. 105. Research.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

Sec. 201. Medicare pediatric palliative care demonstration projects.
Sec. 202. Private sector pediatric palliative care demonstration projects.
Sec. 203. Authorization of appropriations.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting "except for section 771," after "carrying out this subpart"; and

(2) by adding at the end the following:

"SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

"(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

"(b) ELIGIBLE ENTITY DEFINED.—

"(1) IN GENERAL.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

"(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

"(B) pediatric hospices or hospices with significant pediatric palliative care programs;

"(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

"(D) any other entity that the Secretary determines is appropriate.

"(2) LIFE-THREATENING CONDITION DEFINED.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

"(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

"(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

"(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

"(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

"(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

"(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

"(6) assure that families of children with life-threatening conditions are an integral part of these processes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.".

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399Z-1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

"(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

"(3) home health agencies with—

"(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

"(B) expertise in providing palliative care.

"(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

"(1) create new pediatric palliative care programs;

"(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

"(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

"(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

"(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.".

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404F. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

"(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) a pediatric department of a medical school and other related departments including—

"(A) oncology;

"(B) virology;

"(C) neurology; and

"(D) psychiatry;

"(2) a school of nursing;

"(3) a school of psychology and social work; and

"(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

"(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.".

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

"SEC. 399Z–2. MODEL PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

"(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

"(1) a medical school;

"(2) a children's hospital; or

"(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

"(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.".

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the "Director") shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term "care coordination services" means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term "demonstration project" means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term "eligible child" means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term "eligible provider" means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) LIFE-THREATENING CONDITION.—The term "life-threatening condition" has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) PARTICIPATION.—

(A) ELIGIBLE PROVIDERS.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) ELIGIBLE CHILDREN.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) COVERAGE OF PEDIATRIC PALLIATIVE CARE.—

(A) IN GENERAL.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) BENEFIT.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) WAIVER OF REQUIREMENT TO ELECT HOSPICE CARE.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) AUTHORIZATION FOR CURATIVE TREATMENT.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) PROVISION OF CARE COORDINATION SERVICES.—Each eligible child shall receive care coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) AVAILABILITY OF INFORMATION ON PEDIATRIC PALLIATIVE CARE.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) AVAILABILITY OF BEREAVEMENT COUNSELING.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) ADDITIONAL BENEFITS.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled "When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families".

(C) PAYMENT.—

(i) ESTABLISHMENT OF PAYMENT METHODOLOGY.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) AMOUNT OF PAYMENT.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) WAIVER OF HOSPICE CAP.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) SEPARATE PAYMENT FOR COUNSELING SERVICES.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) COVERAGE OF PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) FACILITATION OF EVALUATION.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled "When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families";

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term "eligible child" means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to clauses (ii) and (iii), the term "eligible health plan" means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term "eligible health plan" includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg-91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg-91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term "eligible health plan" does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term "life-threatening condition" has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term "pediatric palliative care" means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term "pediatric palliative care consultation services" means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I want to thank you, Len Roberts, and the people of United Way for making this day possible. The tremendous board members, including Brian Gallagher and Dr. Johnnetta Cole. And Paul Thornell and Bridget Gavaghan, of the staff.

I also want to thank Senator DOLE for working with me on this project. Because of her long history with the Red Cross, she understands the important of 2–1–1, and I am so pleased to be working with her to champion the Calling for 2–1–1 Act. I know that she will be a tremendous help in getting this legislation passed into law.

Representatives RICHARD BURR and ANNA ESHOO are leading this effort in the House and I appreciate their efforts.

I also want to thank you Major Dennis E. Fowler who was here this morning from Florida to share his perspective on the value of 2–1–1.

And of course, I have to mention George Clooney who is on the board of United Way and came to a press conference this morning to help publicize this legislation. I am always happy to thank people who take time away from K Street to help Main Street.

This is a piece of legislation whose time has come.

As you all know, I represent a State that experienced a horrible tragedy on September 11. The silver lining in that tragedy was the tremendous outgrowth of volunteerism. We saw thousands of individuals—people from all over the country—who came to New York just to lend a hand.

But the biggest challenge the city experienced was coordinating those efforts. Making sure we knew exactly how many people were needed to heal the wounded, clean up debris at the site, donate blood, bring food and coffee to the firefighters and police officers who were working round the clock, and so much more.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up.

As time wore on, the economic repercussions of the disaster became more and more apparent. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. Ninety thousand people developed symptoms of posttraumatic stress disorder or clinical depression within 8 weeks of the attacks. Another 34,000 people met the criteria for both diagnoses.

Again, our communities rose to the challenge. Philanthropic organizations like United Way, along with corporations, foundations, and community organizations raised more than $1 billion to help the victims.

But our government did not have the infrastructure to handle the outpouring of support. In a study of the aftermath of September 11, the Brookings Institution and Urban Institute found that as the dislocated workers struggled to obtain assistance. People "found it difficult to connect with resources due to a social-services infrastructure that does not support a simple and deficient method for people to learn about and access services and for agencies to coordinate their activities."

That's what 2–1–1 is all about. It provides a single, efficient, coordinated way for people who need help to connect with those who can provide it.

The Federal Communications Commission laid the groundwork for a 2–1–1 number in 2000 when it directed the telephone number to be reserved for information and referral to social- and human-services agencies. The 2–1–1 system opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate non-profit and government agencies.

Where 2–1–1 is now active, it has done just that. 2–1–1 is helping our youth to navigate through difficult situations like exiting a gang, assisting a suicidal friend, and rejecting illegal drugs.

2–1–1 was already operating in Connecticut during September 11 and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2–1–1 provided locations of vigils and support groups, and information on bioterrorism.

I want those services to be available to New Yorkers who continue to need services in the recovery process. Some have mental health problems. Other are still out of work. Others need legal and financial advice. Whatever the need, 2–1–1 can help.

So I am thrilled to announce today that I am introducing the Calling for 2–1–1 Act. I hope that we soon reach a day when all Americans have the 4–1–1 on 2–1–1 so it can help them through life's toughest challenges. Thank you.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1632. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce legislation with my friend and colleague from Hawaii, Senator INOUYE, to provide certain Federal public benefits for citizens of the Freely Associated States (FAS) who are residing in the United States. The bill would provide eligibility for non-emergency Medicaid, Food Stamps, Temporary Assistance to Needy Families, and Supplemental Security Income to FAS citizens residing in the United States.

Citizens from the FAS are citizens from the Republic of the Marshall Islands (RMI), Federated States of Micronesia (FSM), and Palau. The United States has a very unique relationship with the FSM, RMI, and Palau. The Compact of Free Association established these Nations as sovereign States responsible for their own foreign policies. However, the Freely Associated States remain dependent upon the United States for military protection and economic assistance.

The Compact provides that the United States has the prerogative to reject the strategic use of, or military access to, the FAS by other countries, which is often referred to as the "right of strategic denial." The Compact also provides that the United States may block FAS government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the "defense veto." Under the Compact, the United States has exclusive military base rights in the FAS. In exchange, the United States is required to support the FAS economically, with the goal of producing self-sufficiency, and FAS citizens are allowed entry into the United States as non-immigrants for the purposes of education, medical treatment, and employment.

The Senate is considering S.J. Res. 16, the Compact of Free Association Amendments Act of 2003, which was favorably reported by the Senate Committee on Energy and Natural Resources this morning. S.J. Res. 16 is the codification of title II of the Compact pertaining to economic relations.

As FAS citizens are allowed free entry into the United States as part of the Compact, many FAS citizens reside in the State of Hawaii. Since 1997, when Hawaii began reporting its impact costs, the State has identified over $140 million in costs associated with FAS citizens. In 2002, the State of Hawaii expended over $32 million in assistance to FAS citizens. S.J. Res. 16 provides $30 million in annual funding for Compact impact assistance to be shared between the State of Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. While this funding is a positive step forward, it does not begin to reimburse the affected jurisdictions for the costs associated with FAS citizens living in Hawaii.

The legislation we are introducing today would provide assistance to States and territories who have continued to shoulder the majority of the costs associated with the Compact. The Federal Government must provide appropriate resources to help States meet the needs of the FAS citizens—an obligation based on a Federal commitment. It is unconscionable for a State or territory to shoulder the entire financial burden of providing necessary education, medical, and social services to individuals who are residing in that State or territory when the obligation is that of the Federal Government. For that reason, I am seeking to provide reimbursement of these costs. It is time for the Federal Government to take up some of the financial responsibility that until now has been carried by the State of Hawaii, CNMI, and Guam, by restoring public benefits to FAS citizens.

This bill would restore eligibility of FAS citizens for non-emergency Medicaid. FAS citizens lost many of their public benefits as a result of the Personal Responsibility and Work Opportunity (PRWORA) Act of 1996, including Medicaid coverage. FAS citizens were previously eligible for Medicaid as aliens permanently residing under color of law in the United States.

After the enactment of welfare reform, the State of Hawaii could no longer claim Federal matching funds for services rendered to FAS citizens. Since then, the State of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have continued to meet the health care needs of FAS citizens. The State of Hawaii has used State resources to provide Medicaid services to FAS citizens. In 2002 alone, the State spent approximately $6.75 million to provide Medicaid services without receiving any Federal matching funds.

There has been an increasing trend in the need for health care services among FAS citizens. During the current fiscal year, the number of individuals served in the State of Hawaii's Medicaid Program has grown from 3,291 to 4,818 people based on the average monthly enrollment. This is an increase of 46 percent. For only the first half of the fiscal year, the State of Hawaii has spent $4.66 million for the Medicaid costs incurred for FAS citizens. These Medicaid costs do not reflect additional State expenditures on medical care contracts to care for the uninsured, for community health care services, and for the activities of the Department of Health's Communicable Disease Branch.

This bill would also provide eligibility for FAS citizens residing in the United States to participate in the Temporary Assistance for Needy Families and Supplemental Security Income programs. According to Hawaii's Attorney General, financial assistance in the form of the Temporary Assistance to Other Needy Families (TAONF) program, a State program, provided $4.5 million to FAS citizens in State Fiscal Year 2002. Of this total, $390,000 was provided through the General Assistance program, which supports individuals and couples with little or no income and who have a temporary, incapacitating medical condition; $532,000 supported aged, blind, and disabled FAS citizens with little or no income who are not eligible for Federally funded Supplemental Security Income; and $3.6 million was spent on the State's TAONF program that assists other needy families who are not eligible for Federal funding under the Temporary Assistance to Needy Families program. The number of FAS citizens served by the Hawaii Department of Human Services has increased by almost 20 percent in the span of one year alone. The financial assistance that the State of Hawaii provides to FAS citizens in the form of TAONF is a great support to those families attempting to achieve economic stability, but it has a significant financial impact on the State's budget.

The bill would also provide eligibility for the Food Stamp Program. The Food Stamp Program serves as the first line of defense against hunger. It is the cornerstone of the Federal food assistance program and provides crucial support to needy households and those making the transition from welfare to work. We have partially addressed the complicated issue of alien eligibility for public benefits such as food stamps, but again, I must say it is just partial. Not only should all legal immigrants receive these benefits, but so too citizens of the FAS. Exclusion of FAS citizens from Federal, State, or local public benefits or programs is an unintended and misguided consequence of the welfare reform law.

We allow certain legal immigrants eligibility in the program. Yet FAS citizens, who are not considered immigrants, but who are required to sign up for the Selective Service if they are residing in the United States, are ineligible to receive food stamps. This bill corrects this inequity.

I look forward to working with my colleagues to enact this measure which is of critical importance to my State of Hawaii, which has borne the costs of these benefits for FAS citizens living in Hawaii for the past 17 years.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

“(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the specified Federal programs described in subparagraphs (A) and (B) of paragraph (3), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with—

“(i) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

“(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in the Compact of Free Association Amendments Act of 2003; or

(iii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99-658 (100 Stat. 3672).”.

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

“(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(C) (relating to the medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).

“(H) TANF EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the temporary assistance for needy families program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).”.

(c) QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) an individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).”.

By Mr. CORZINE:

S. 1633. A bill to require financial institutions and financial services providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Identity Theft Notification and Credit Restoration Act, to help prevent Americans from being victimized by the growing problem of identity theft. The bill would require financial institutions to notify consumers, credit reporting agencies and law enforcement entities when their security information systems have been breached in a manner that compromises the protection of their customers' personal financial information. By increasing awareness of identity theft and empowering consumers, early on, about potential threats, the legislation can help close the window of opportunity that criminals now exploit to abuse, and wreak financial devastation, on unsuspecting individuals.

There is no doubt that we should be doing all we can to reduce the threat of identity theft to consumers, and the harm it brings to our economy. Today, identity theft is the single most frequent consumer-related crime in the United States and it is growing at an alarming rate.

According to the Federal Trade Commission (FTC), reported instances of identity theft rose 88 percent in 2002, to 380,000 from 220,000 in 2001. And that does not even come close to reflecting the bigger threat posed by identity theft. A recent FTC survey suggests that the actual number of identity theft occurrences probably was in the ten million range—and that was last year alone. Over the past five years, over one in ten Americans has been a victim of identity theft. And I do not know anyone who does not have a close friend or family member who has been a victim of identity theft. It truly can happen to anyone, anywhere, at any time.

The cost of this crime also is astounding. In situations in which offenders use stolen information to open new credit accounts, identity thieves abuse victims' credit to purchase an average of more than $10,000 in goods and services. And those costs grow as identity thieves become savvier and more brazen. From a macro-economic perspective, the damage is equally astounding. Last year, consumers spent an estimated five billion dollars in out-of-pocket expenses to cover losses attributed to identity theft.

This data underscores the magnitude of the growing problem. But it is one that can be mitigated, when detected early on. The FTC has reported that early discovery, and disclosure, of identity theft directly reduces the time and money victims must invest to undo the damage wreaked upon them. When identity theft is uncovered in less than 6 months, most consumers do not incur any costs. But, when this fraud is unnoticed for more than 6 months, an astounding 60 percent of victims must make payments out of their own pocket to cover the costs—and those numbers are often in the thousands of dollars.

Consumers' experiences and the FTC's data demonstrate that awareness and notification are critical to reducing the harm that identity theft inflicts upon consumers. My bill, the Identity Theft Notification and Credit Restoration Act is based on three key principles—disclosure, prevention and credit restoration.

First, the bill would require financial institutions to promptly disclose to affected customers, credit reporting agencies, and law enforcement when their information systems, either computerized or paper records, have been breached in a manner that compromises the security, confidentiality, or integrity of the "personal financial information" of that institution's customers.

Second, the bill requires credit reporting agencies, upon notification of the breach, to place "fraud alerts" in the credit files of the affected individuals. This red flag will alert issuers of credit to undertake enhanced preauthorization procedures prior to issuing credit in the name of an individual who has this alert on their credit file, an important step that should prevent the fraudulent issuance of credit in the name of an identity theft victim.

Finally, the bill provides victims of identity theft with access to four credit reports the year following the theft of their identity, to ensure that inaccurate and credit damaging information resulting from the identity theft does not end up on their credit file.

The bill also improves the ability of all consumers to monitor the content, and accuracy, of the information contained in their individual credit file by providing them with access to one free credit report, and their credit score, per year.

Congress has taken important steps towards minimizing the threat of identity theft. The most important was recognizing the problem and making identity theft a Federal crime in 1998. Since then, other steps have been taken. Industry groups are proactively combating identity theft—by using cutting-edge data encryption and truncating credit card numbers. And later this week, the Senate Banking Committee will mark up reauthorization of the Fair Credit Reporting Act, which will include an entire section dedicated to identity theft protection.

But we can do more, and we must do more.

Empowering consumers and increasing awareness of identity theft will minimize the risk, and impact, of this particularly harmful crime. This bill does just that. I urge my colleagues to support this legislation and ask unanimous consent that the text of the Identity Theft Notification and Credit Restoration Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Notification and Credit Restoration Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the privacy and financial security of individuals is increasingly at risk due to the ever more widespread collection of personal information by both the private and public sector;

(2) credit card transactions, real estate records, consumer surveys, credit reports, and Internet websites are all sources of personal information and form the source material for identity thieves;

(3) identity theft is one of the fastest growing crimes committed in the United States, and identity theft has become one of the major law enforcement challenges of the new economy, as vast quantities of sensitive personal information are now vulnerable to criminal interception and misuse;

(4) criminals who steal personal information use the information to open fraudulent credit card accounts, write bad checks, buy products, and commit other financial crimes with assumed financial identities;

(5) in 2002, more than 160,000 people notified the Federal Trade Commission that they had been victims of identity theft, more than 3 times the number reported in 2000;

(6) identity theft is costly to consumers and to the United States marketplace;

(7) victims of identity theft are often required to contact numerous Federal, State, and local law enforcement agencies, consumer credit reporting agencies, and creditors over many years, as each event of fraud arises;

(8) the Government, financial institutions, financial service providers, and credit reporting agencies that handle sensitive personal information of consumers have a shared responsibility to protect the information from identity thieves, to assist identity theft victims, and to mitigate the harm that results from fraud perpetrated in the name of the victim; and

(9) the private sector can better protect consumers by improving customer notification, implementing effective fraud alerts, affording greater consumer access to credit reports, and establishing other financial identity theft prevention measures.

SEC. 3. TIMELY NOTIFICATION OF UNAUTHORIZED ACCESS TO PERSONAL INFORMATION.

Subtitle B of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6821 et seq.) is amended—

(1) by redesignating sections 526 and 527 as sections 528 and 529, respectively; and

(2) by inserting after section 525 the following:

"SEC. 526. NOTIFICATION TO CUSTOMERS OF UNAUTHORIZED ACCESS TO PERSONAL INFORMATION.

"(a) DEFINITIONS.—In this section—

"(1) the term 'breach'—

"(A) means unauthorized acquisition of computerized data or paper records which compromises the security, confidentiality, or integrity of personal information maintained by or on behalf of a financial institution; and

"(B) does not include a good faith acquisition of personal information by an employee or agent of a financial institution for a business purpose of the institution, if the personal information is not subject to further unauthorized disclosure; and

"(2) with respect to a customer of a financial institution, the term 'personal information' means the first name or first initial and last name of the customer, in combination with any one or more of the following data elements, when either the name or the data element is not encrypted:

"(A) A social security number.

"(B) A driver's license number or other officially recognized form of identification.

"(C) A credit card number, debit card number, or any required security code, access code, or password that would permit access to financial account information relating to that customer.

"(b) NOTIFICATION RELATING TO BREACH OF PERSONAL INFORMATION.—

"(1) FINANCIAL INSTITUTION REQUIREMENT.—In any case in which there has been a breach of personal information at a financial institution, or such a breach is reasonably believed to have occurred, the financial institution shall promptly notify—

"(A) each customer affected by the violation or suspected violation;

"(B) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a); and

"(C) appropriate law enforcement agencies, in any case in which the financial institution has reason to believe that the breach or suspected breach affects a large number of customers, including as described in subsection (e)(1)(C), subject to regulations of the Federal Trade Commission.

"(2) OTHER ENTITIES.—For purposes of paragraph (1), any person that maintains personal information for or on behalf of a financial institution shall promptly notify the financial institution of any case in which such customer information has been, or is reasonably believed to have been, breached.

"(c) TIMING.—Notification required by this section shall be made—

"(1) promptly and without unreasonable delay, upon discovery of the breach or suspected breach; and

"(2) consistent with—

"(A) the legitimate needs of law enforcement, as provided in subsection (d); and

"(B) any measures necessary to determine the scope of the breach or restore the reasonable integrity of the information security system of the financial institution.

"(d) DELAYS FOR LAW ENFORCEMENT PURPOSES.—Notification required by this section may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation, and in any such case, notification shall be made promptly after the law enforcement agency determines that it would not compromise the investigation.

"(e) FORM OF NOTICE.—Notification required by this section may be provided—

"(1) to a customer—

"(A) in writing;

"(B) in electronic form, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001);

"(C) if the Federal Trade Commission determines that the number of all customers affected by, or the cost of providing notifications relating to, a single breach or suspected breach would make other forms of notification prohibitive, or in any case in which the financial institution certifies in writing to the Federal Trade Commission that it does not have sufficient customer contact information to comply with other forms of notification, in the form of—

"(i) an e-mail notice, if the financial institution has access to an e-mail address for the affected customer that it has reason to believe is accurate;

"(ii) a conspicuous posting on the Internet website of the financial institution, if the financial institution maintains such a website; or

"(iii) notification through the media that a breach of personal information has occurred or is suspected that compromises the security, confidentiality, or integrity of customer information of the financial institution; or

"(D) in such other form as the Federal Trade Commission may by rule prescribe; and

"(2) to consumer reporting agencies and law enforcement agencies (where appropriate), in such form as the Federal Trade Commission may prescribe, by rule.

"(f) CONTENT OF NOTIFICATION.—Each notification to a customer under subsection (b) shall include—

"(1) a statement that—

"(A) credit reporting agencies have been notified of the relevant breach or suspected breach; and

"(B) the credit report and file of the customer will contain a fraud alert to make creditors aware of the breach or suspected breach, and to inform creditors that the express authorization of the customer is required for any new issuance or extension of credit (in accordance with section 605(g) of the Fair Credit Reporting Act); and

"(2) such other information as the Federal Trade Commission determines is appropriate.

"(g) COMPLIANCE.—Notwithstanding subsection (e), a financial institution shall be deemed to be in compliance with this section if—

"(1) the financial institution has established a comprehensive information security program that is consistent with the standards prescribed by the appropriate regulatory body under section 501(b);

"(2) the financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal information; and

"(3) such internal security policies incorporate notification procedures that are consistent with the requirements of this section and the rules of the Federal Trade Commission under this section.

"(h) CIVIL PENALTIES.—

"(1) DAMAGES.—Any customer injured by a violation of this section may institute a civil action to recover damages arising from that violation.

"(2) INJUNCTIONS.—Actions of a financial institution in violation or potential violation of this section may be enjoined.

"(3) CUMULATIVE EFFECT.—The rights and remedies available under this section are in addition to any other rights and remedies available under applicable law.

"(i) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Compliance with this section by a financial institution shall not be construed to be a violation of any provision of subtitle (A), or any other provision of Federal or State law prohibiting the disclosure of financial information to third parties.

"(2) LIMITATION.—Except as specifically provided in this section, nothing in this section requires or authorizes a financial institution to disclose information that it is otherwise prohibited from disclosing under subtitle A or any other provision of Federal or State law.

"(3) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a financial institution to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.".

SEC. 4. INCLUSION OF FRAUD ALERTS IN CONSUMER CREDIT REPORTS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

"(g) FRAUD ALERTS.—

"(1) DEFINED TERM.—In this subsection, the term 'fraud alert' means a clear and conspicuous statement in the file of a consumer that notifies all prospective users of the consumer credit report (or any portion thereof) relating to the consumer, that—

"(A) the identity of the consumer may have been used, without the consent of the consumer, to fraudulently obtain goods or services in the name of the consumer; and

"(B) the consumer does not authorize the issuance or extension of credit in the name of the consumer, unless the issuer of such credit, upon receiving appropriate evidence of the true identity of the consumer—

"(i) obtains express preauthorization from the consumer at a telephone number designated by the consumer; or

"(ii) utilizes another reasonable means of communication to obtain the express preauthorization of the consumer.

"(2) INCLUSION OF FRAUD ALERT IN CONSUMER FILE.—

"(A) UPON NOTIFICATION BY FINANCIAL INSTITUTION.—A consumer reporting agency shall include a fraud alert meeting the requirements of this subsection in the file of a consumer promptly upon receipt of a notice from a financial institution under section 526(b)(1)(B) of the Gramm-Leach-Bliley Act relating to the consumer.

"(B) UPON REQUEST OF CONSUMER.—A consumer reporting agency shall include a fraud alert meeting the requirements of this subsection in the file of a consumer promptly upon receipt of—

"(i) a request by the consumer; and

"(ii) appropriate evidence of—

"(I) the true identity of the person making the request; and

"(II) the claim of identity theft forming the basis for the request.

"(3) CONSUMER REPORTING AGENCY RESPONSIBILITIES.—A consumer reporting agency shall ensure that each person procuring consumer credit information with respect to a consumer is made aware of the existence of a fraud alert in the file of that consumer, regardless of whether a full credit report, credit score, or summary report is requested.

"(4) REMOVAL OF FRAUD ALERTS.—The Federal Trade Commission shall issue appropriate regulations to establish—

"(A) the duration of fraud alerts required by this subsection, which standard shall be applied consistently to all consumer reporting agencies, to the extent possible; and

"(B) procedures for the removal of fraud alerts included in the files of consumers under this subsection.

"(5) VIOLATIONS.—

"(A) CONSUMER REPORTING AGENCY.—A consumer reporting agency that fails to notify any user of a consumer credit report of the existence of a fraud alert in that report shall be in violation of this section.

"(B) USER OF A CONSUMER REPORT.—A user of a consumer report that fails to comply with preauthorization procedures contained in a fraud alert in the file of a consumer and issues or extends credit in the name of the consumer to a person other than the consumer shall be in violation of this subsection.

"(C) NO ADVERSE ACTION BASED SOLELY ON FRAUD ALERT.—It shall be a violation of this title for the user of a consumer report to take adverse action with respect to a consumer based solely on the inclusion of a fraud alert in the file of that consumer, as required by this subsection.".

SEC. 5. ACCESS TO CREDIT REPORTS AND SCORES.

(a) NO FEE IN CERTAIN CASES.—Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended to read as follows:

"(c) NO-COST ACCESS TO CREDIT REPORTS AND SCORES.—

"(1) IN GENERAL.—Upon request of a consumer, and without charge to the consumer, a consumer reporting agency shall make all of the disclosures listed under section 609 to the consumer—

"(A) once during each calendar year; and

"(B) once every 3 months during the 1-year period beginning on the date on which a fraud alert is included in the file of a consumer under section 605(g).

"(2) FEE AUTHORIZED.—A credit reporting agency may charge a reasonable fee for the costs of disclosures under paragraph (1)(B) to the financial institution providing the notification that is the basis for the subject fraud alert, as required by section 526(b)(1)(B) of the Gramm-Leach-Bliley Act.".

(b) INCLUSION OF CREDIT SCORES.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended by striking "except that" and all that follows through "predictors" and inserting ", including any credit score".

SEC. 6. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission, after consultation with Federal banking agencies, the Securities and Exchange Commission, and other appropriate financial services regulatory agencies, shall issue final regulations to carry out the amendments made by this Act.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the L–1 Visa Reform Act which affects intracompany transferees seeking entry to the United States. Congress created the L–1 visa to allow international companies to move executives, managers, and other key personnel within the company and into the U.S. temporarily. The L–1 is an important tool for our multi-national corporations, however, some companies are making an end-run around the visa process by bringing in professional workers on L–1 visas and then outsourcing those workers to a third party company. In other words, some firms are using the so-called "L–1 loophole" to become the international equivalent of temp agencies, or "job shops." As a result, American workers are being displaced by foreign workers who are brought to the U.S. essentially for their labor. This must stop—my legislation targets the problem, closes the loophole, and protects U.S. jobs from inappropriate use of the L–1 visa.

The situation in question arises when a company with both foreign and U.S.-based operations obtains an L–1 visa to transfer a foreign employee who has "specialized knowledge" of the company's product or processes. The problem occurs only when an employee with specialized knowledge is placed offsite at the business location of a third party company. In this context, if the L–1 employee does not bring anything more than generic knowledge of the third party company's operations, the foreign worker is acting more like an H–1B professional than a true intracompany transferee. Outsourcing an L–1 worker in this way has resulted in American workers being displaced at the third party company. In these difficult economic times, we must ensure that American workers aren't losing their jobs to cheap foreign labor by those circumventing protections already in law.

Several weeks ago I held a hearing on L–1 visa concerns in the Immigration Subcommittee. We heard from a full-range of witnesses—from a displaced worker and labor unions to small and large U.S. companies to business immigration experts. The hearing clearly demonstrated a problem exists, and the testimony of our witnesses directed attention to Congress' intent in creating the L–1 visa. The bill I am introducing today clarifies Congress' intent and restricts the inappropriate use of the L–1 visa. The bill does so without forcing unnecessary restrictions on the visa that would only result in adverse effects on legitimate L–1 users.

The L–1 Visa Reform Act prevents companies from using the L–1 visa when an H–1B visa with its worker protections is appropriate. The legislation requires that any employee with specialized knowledge who is located offsite must, first, be controlled and supervised by the petitioning company and, second, be provided in connection with an exchange of products or services between the petitioning company and the third-party company. This will stop the practice of a consulting company bringing in foreign workers to send over to a manufacturer when the consulting company does nothing more than cut the foreign worker's paycheck once a month. Instead, the bill requires the third-party company to have a preexisting business relationship with the petitioning company that is more than just supplying workers.

In addition, the legislation requires companies to employ a worker for at least one year before sending the employee over on an L–1 intra-company transfer. One year is a reasonable amount of time to require an employee to have attained the specialized knowledge of the company's products, services or processes to qualify for the visa. The bill also mandates the Department of Homeland Security to maintain statistics differentiating between L–1 transferees who are managers and executives and those who are specialized knowledge employees. This will provide better accountability and fraud prevention when L–1 petitions are reviewed and approved.

We need the best people in the world to come to the United States, to bring their skills and innovative ideas, and to support our business enterprises. The L–1 visa is an important tool to achieve these purposes. But we must ensure that American workers are not displaced by foreign workers, particularly when we have safeguards in place albeit a loophole in law. The L–1 Visa Reform Act will close that loophole for the benefit of U.S. workers and for U.S. businesses who use the visa as it is intended.

I yield the floor.

AMENDMENTS SUBMITTED & PROPOSED

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1730. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1731. Mr. REID (for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2691, supra.

SA 1732. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1733. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1734. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, supra.

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1738. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

TEXT OF AMENDMENTS

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 16, end of line 12, before the "." insert the following:

: *Provided further*, That $65.000.000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $847,091,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $847,091,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $25,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $942,244,000, to remain available until September 30, 2005: *Provided*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment of this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,285,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,689,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,982,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $6,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended: *Provided further*, That up to 10 percent of the funds received by any State under this heading may be used for wildlife conservation education and outreach efforts that contribute significantly to the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,299,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided further*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,349,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $60,154,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, $32,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $341,531,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $158,473,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $104,000,000 is for the State assistance program including not to exceed $4,000,000 for the administration of this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,864,000, of which $64,630,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,230,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; of which $169,580,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,016,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only: $106,424,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,893,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $50,583,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99-264, 100–580, 106–425, and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Departmental Offices

Insular Affairs

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $71,343,000, of which: (1) $65,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,125,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau, section 103(h)(2) of the Compact of Free Association Act of 1985, and section 221(a)(2) of the Amended Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, to remain available until expended.

For grants and necessary expenses as provided for in sections 211, 212, 213, and 218 of the Amended Compact of Free Association for the Republic of the Marshall Islands and as provided for in sections 211, 212, and 217 of the Amended Compact of Free Association for the Federated States of Micronesia, all sums that are or may be required in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget.

For grants and necessary expenses, $15,000,000, for impact of the Compacts on certain U.S. areas in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget: *Provided*, That for purposes of assistance as provided pursuant to this appropriation, the effective dates of the amended Compacts of Free Association shall be October 1, 2003.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,433,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: *Provided*, That from unobligated balances under this heading, $11,700,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

Office of the Solicitor

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,179,000.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,474,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $22,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of

the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for the Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Section 134 of Public Law 107–63 (115 Stat. 442–443) is amended by striking the proviso thereto and inserting the following: "*Provided*, That nothing in this section affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001): *Provided further*, That nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of Public Law 106–291 (114 Stat. 944–945), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.".

SEC. 128. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 129. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 130. None of the funds in this Act may be used to fund Cooperative Ecosystem Studies Units in the State of Alaska.

SEC. 131. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access.

SEC. 132. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 133. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 134. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation and the Bureau of Indian Affairs Regional offices that serve them, on the same basis as funds were distributed in fiscal year 2003. The Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the California Trust Reform Consortium and any other participating tribe having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa-458hh.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $266,180,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants, and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $295,349,000, to remain available until expended, of which $84,716,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: *Provided further*, That up to $2,000,000 may be used by the Secretary solely for: (1) rapid response to new introductions of non-native or invasive pests or pathogens in which no previous federal funding has been identified to address, or (2) for a limited number of instances in which any pest populations increase at over 150 percent of levels monitored for that species in the immediately preceding fiscal year and failure to suppress those popultions would lead to a 10-percent increase of annual forest or stand mortality over ambient mortality levels.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,731,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros, and for the performance of cadastral surveys to designate the boundaries of such lands from National Forest System lands: *Provided further*, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: *Provided further*, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106-248, to be segregated in a separate fund established by the Secretary of Agriculture: *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,543,072,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $231,392,000 is for hazardous fuels reduction activities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $47,752,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, and $11,934,000 is for forest health activities on State, private, and Federal lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105-163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $532,406,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $77,040,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended, of which not to exceed $100,000 per annum may be used to reimburse the Office of General Counsel, Department of Agriculture, for salaries and related expenses incurred in providing legal services in relation to subsistence management.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the

Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

None of the funds made available in this or any other Act may be used by the Forest Service to initiate or continue competitive sourcing studies until such time as the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal (including the number of positions to be studied, the amount of funding needed, and the accounts and activities from which the funding will be reprogrammed), and have approved in writing such proposal.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further*, That within 30 days of enactment of this Act, the Secretary is directed to provide the House Committee on Appropriations and the Senate Committee on Appropriations with a plan detailing the proposed expenditure of un-obligated or de-obligated funds from terminated Clean Coal Technology projects in support of the FutureGen project.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $593,514,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,947,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $861,645,000, to remain available until expended: *Provided*, That $274,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,546,524,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $472,022,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further*, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,974,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $10,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse treatment including residential treatment, (2) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (3) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $1,000,000 to the State of Alaska for a school peer counseling and education program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the State of Alaska, Alaska Native non-profit corporations, and the Alaska Native Tribal Health Consortium must each maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,188,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,043,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund and remain available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $487,989,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of maintenance, repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $89,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

National Gallery of Art

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $85,650,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,030,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September

30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63, for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

"(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

"(2) Administration.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.".

Sec. 330. Implementation of Gallatin Land Consolidation Act of 1998. (a) Definitions.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105-267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) "Special Account" means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) "Eastside National Forests" has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) Special Account.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90-171 (commonly known as the "Sisk Act", 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) Land Conveyances Within the Gallatin National Forest.—

(1) Conveyance authority.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) Descriptions.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) Consideration.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) Valuation.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) Cash equalization.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) Solicitations of offers.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) Methods of sale.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) Brokers.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) Receipts from sale or exchange.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) Miscellaneous Provisions.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) Option Agreement Amendment.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

Sec. 331. Transfer of Forest Legacy Program Land. Section 7(*l*) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(*l*)) is amended by inserting after paragraph (2) the following:

"(3) Transfer of forest legacy program land.—

"(A) In general.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

"(B) Requirements.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

"(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

"(I) conserves the land or interest in land; and

"(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

"(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

"(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

"(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

"(C) Disposition of funds.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.".

Sec. 332. Notwithstanding section 9(b) of Public Law 106-506, funds hereinafter appropriated under Public Law 106-506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106-506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

Sec. 333. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may cancel, with the consent of the timber purchaser, any contract for the sale of timber in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale is uneconomical to perform; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 2, strike the period at the end and insert ": *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 3___. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 21, after "$60,154,000" insert the following: ", of which $175,000 shall be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana".

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24 insert the following:

SEC. 3 . EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) In General.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) Land Described.—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled "Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore". The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Purchase of Lands Authorized.—

(1) In general.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(2) Budget request.—The Secretary of the Interior shall include in the National Park Service budget submitted for fiscal year 2005 a request for funds necessary for the acquisition authorized by this subsection.

(d) Limitation on Acquisition by Exchange or Conveyance.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

SA 1730. Ms. COLLINS (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 21, after "6a(i))" insert the following: ", of which $1,000,000 shall be available to the National Forest Foundation for the Downeast Lakes Forestry Partnership, Maine".

SA 1731. Mr. REID (for himself, Mr. Lieberman, Ms. Landrieu, Mr. Kennedy, Mrs. Murray, and Ms. Cantwell) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . COMPETITIVE SOURCING STUDIES.

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

SA 1732. Mr. REID proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) In General.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) Description of Land.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) Use of Land.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

SA 1733. Mr. REID proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking "parcels of land" and all that follows through the period at the end and inserting the following: "parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.".

SA 1734. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 88, beginning on line 17, strike "$2,546,524,000" and all that follows through "*Provided*" on line 20, and insert the following: "$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*".

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

The limitations on Federal expenditures or financial assistance in section 3504 of title 16 and the limitations on flood insurance coverage in section 4028(a) of title 42 shall not apply to lots 15, 16, 25 and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, and depicted on the map entitled John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P and dated January 24, 2003.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24 insert the following:

SEC. 3 . CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.

The first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) Acquisition of Additional Land.—

"(1) In general.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

"(2) Description of land.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled "Congaree National Park Boundary Map", numbered 178/80015, and dated August 2003.

"(3) Availability of map.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.".

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . LAKE TAHOE RESTORATION PROJECTS.

Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking "and" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and".

SA 1738. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; as follows:

In the ninth whereas clause of the preamble, strike "2003, Bulgaria was invited to join" and insert "2002, Bulgaria was invited to accession talks with".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 10 a.m. on digital media—consumer privacy technology mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 2:30 p.m. on the nominations of Gwendolyn Brown to be Chief Financial Officer of NASA, Karan Bhatia to be an Assistant Secretary of Transportation, and Charles Snelling to be a member of the Board of Directors of the Metropolitan Washington Airports Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, September 17 at 10:00 a.m. to consider pending calendar business:

Agenda Item 1: The nomination of Suedeen Kelly to be a Member of the Federal Energy Regulatory Commission.

Agenda Item 2: Nomination of Rick Dearborn to be Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Energy.

Agenda Item 3: S.J. Res. 16—Joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal year ending on or before September 30, 2023, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, September 17, 2003, at 10 a.m., to consider a Chairman's Mark entitled, Extension of Highway Trust Fund Provisions, and S. 1548, Volumetric Ethanol Excise Tax Credit Act of 2003 (VEETC) (as modified by the Chairman's Mark); and, a Chairman's Mark entitled, National Employee Saving and Trust Equity Guarantee Act; and H.R. 743, The Social Security Program Protection Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 2003 at 2:30 p.m. to hold a hearing on U.S. Energy Security: West Africa & Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. for a hearing titled "U.S. Postal Service: What Can Be Done to Ensure Its Future Viability?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 10 a.m. in the Dirksen Senate Office building room 226 on "Judicial Nominations."

Witness List:

Panel I: Senators.

Panel II: David W. McKeague to United States Circuit Judge for the Sixth Circuit.

Panel III: Margaret Catharine Rogers to be United States District Judge for the Northern District of Florida, Roger W. Titus to be United States District Judge for the District of Maryland; George W. Miller to be Judge for the United States Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 2 p.m. in the Dirksen Senate Office building room 226 on "Combating Gang Violence in America: Examining Effective Federal, State and Local Law Enforcement Strategies."

Witness List:

Panel I: The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; The Honorable Debra W. Yang, United States Attorney, Central District of California, Los Angeles, CA; The Honorable Christopher J. Christie, United States Attorney, District of New Jersey, Newark, NJ; Special Agent Grant Ashley, Assistant Director, FBI, Criminal Investigative Division, Washington, DC.

Panel II: The Honorable Robert P. McCulloch, President, National District Attorney Association, Alexandria, VA; Mr. Wes McBride, President, California Gang Investigators Association, Huntington Beach, CA; The Honorable Eddie J. Jordan, Jr., District Attorney, District of New Orleans, New Orleans, LA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BURNS. I ask unanimous consent Larissa Sommer and Ron Hooper of my staff be granted floor privileges for the duration of debate on the fiscal year 2004 Interior and Related Agencies Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

Mr. McCONNELL. I ask unanimous consent that the Foreign Relations Committee be discharged from further action on S. Res. 225 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 225) commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to; further, that the motion to reconsider be laid upon the table and any statements regarding this matter appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1738) was agreed to, as follows:

AMENDMENT NO. 1738

(Purpose: To make a technical correction)

In the ninth whereas clause of the preamble, strike "2003, Bulgaria was invited to join" and insert "2002, Bulgaria was invited to accession talks with".

The resolution (S. Res. 225) was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 225

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and the steadfast perseverance of the Bulgarian people in building a society based on democratic values, the rule of law, respect for human rights, and a free market economy;

Whereas the Bulgarian people, including Bulgarian civil and religious leaders, bravely protected 50,000 Bulgarian Jews from deportation and extermination during the Holocaust;

Whereas Bulgaria has supported stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the North Atlantic Treaty Organization (NATO), and by providing peacekeeping troops to the Stabilisation Force in Bosnia and Herzegovina and to the Kosovo Force in Kosovo;

Whereas Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001;

Whereas Bulgaria provided overflight and basing rights at the town of Burgas for Operation Enduring Freedom and Bulgaria deployed a military unit to Afghanistan as part of the International Security Assistance Force;

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council;

Whereas Bulgaria met each request of the United States relating to overflight and basing rights as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion as part of a stabilization force in Iraq;

Whereas in November 2002, Bulgaria was invited to accession talks with NATO and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria strongly supports the strengthening of trans-Atlantic relations and considers the relations to be a basis for NATO unity and cooperation in countering new threats to global security; and

Whereas in May 2003, the Senate gave its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and 6 other aspirant countries from Central and Eastern Europe to NATO, thereby welcoming their contribution to common trans-Atlantic security: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100 years of diplomatic relations between the United States and Bulgaria;

(2) commends the Republic of Bulgaria for developing increasingly friendly and broadly based relations with the United States, which are now the most favorable in the history of United States-Bulgaria relations;

(3) recognizes Bulgaria's continued contributions towards bringing peace, stability, and prosperity to the region of southeastern Europe, including the contributions of Bulgaria to regional security and democratic stability;

(4) salutes Bulgaria's willing cooperation and increasingly vital role as a valuable ally in the war against international terrorism;

(5) highlights the importance of Bulgaria's active participation in regional initiatives such as the Stability Pact for Southeast Europe, the Southeast Europe Cooperative Initiative, and the Southeast Europe Cooperation Process, and the various projects of those initiatives, which are focused on fighting crime and corruption, increasing trade, improving the investment climate, and generally preparing Bulgaria and Southeast Europe as a whole for eventual membership in the European Union; and

(6) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF LAWRENCE EUGENE "LARRY" DOBY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 235 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 235) celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, the Senate is poised to pass H. Con. Res. 235, a measure that pays tribute to a legendary American pioneer and a long-time friend of mine, Larry Doby, who died on June 18. I appreciate the willingness of the majority and minority leaders to expedite Senate consideration of this measure, and I applaud the efforts of Congressman BILL PASCRELL of my home State of New Jersey, who introduced it in the House of Representatives.

I first met Larry when we were thirteen or fourteen. We went to school together at Eastside High in my hometown, Paterson, NJ. The first time I saw him, he was running track, doing the broad jump. And he was amazing. We stayed in touch over the many years that have passed since then.

Larry Doby was an exceptional athlete—one of our very best—and an exciting player to watch on the field. But he was much more than that; he was a great man and he was also a good man. He had so much dignity. Though Larry Doby has died, the path he blazed for African-Americans remains.

Few people realize that Larry began his groundbreaking athletic career in

1943—at the age of 18—as the first African-American to play in the American Basketball League for the Paterson Panthers. He then moved on to baseball, playing for the Newark Eagles of the Negro National League. After returning from his service to the Navy for 2 years, Larry hit .414 with 14 home runs in his final season in Newark.

It was on July 5, 1947, just 11 weeks after Jackie Robinson broke the color barrier in major league baseball, that Larry Doby signed a contract with the Cleveland Indians of the American League. He was the first African-American player in the American League. Larry had no intention or desire to become part of history. When Indians owner Bill Veeck predicted to Larry that he would "be part of history," Larry replied, "I had no notions about that. I just wanted to play baseball."

And play baseball he did, and quite well. Larry was an All-Star seven times in his 13-year career. In the 1948 World Series between Cleveland and the Boston Braves, his home run in Game 4 broke a 1–1 tie; Cleveland won 2–1 and went on to win the Series in six games. He hit at least 20 home runs in eight straight seasons and was inducted into the Baseball Hall of Fame in 1998.

Larry became the second African-American manager of a major league team when he took over as skipper of the Chicago White Sox in 1978. He was also the director of community relations for the New Jersey Nets in the late 1970s, encouraging the development of youth programs in urban New Jersey.

Larry was a superb athlete, but things didn't come easy for him. When he joined the Indians, he was harassed by opposing players and fans. He was forced to eat in separate restaurants, to sleep in separate hotels. Some of his own teammates wouldn't even shake his hand. But he pressed on, and we're a better country for it.

At the memorial service for Larry, Newark Star-Ledger sports columnist Jerry Izenberg recalled the day that Larry entered the Hall of Fame in Cooperstown, NY. The two of them paused in front of a large photo snapped immediately after Game 4 of the 1948 World Series—the game Larry won with his home run. The photo showed Larry and winning pitcher Steve Gromek hugging each other. Larry reminisced that the photo appeared on the front pages of a lot of newspapers the next day and said to Jerry, "That was the first time you could see a black and white person embrace on the first page of papers." "At the time," Jerry said, "America needed that picture. And Larry was so proud to have played a part in giving America what it needed."

Larry said it best in a speech he gave after his career had ended. He said, "We can see that baseball helped make this a better country. We hope baseball has given (children) some idea of what it is to live together and how you can get along, whether you are black or white."

By this resolution Congress is showing its appreciation on behalf of all Americans to Larry Doby for his role in breaking down racial barriers in baseball and in America. I'll say here what I said at his memorial service: "When we stand every day for the things we believe in, we'll be standing for Larry Doby." His family will miss him. I will miss him. America will miss him.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 235) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 49

Mr. McCONNELL. Mr. President, I understand that H.R. 49 which was just received from the House is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. McCONNELL. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 18, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2691, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will resume debate on H.R. 2691, the Interior appropriations bill. As announced by the majority leader, there will be no rollcall votes tomorrow but Senators are encouraged to come to the floor to offer and debate further amendments to this bill. The Senate will not be in session on Friday. Therefore, any votes ordered during tomorrow's session will be stacked to occur on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, September 18, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2003:

DEPARTMENT OF STATE

WILLIAM CABANISS, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

RODERICK R. PAIGE, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERILYN A. POSNER, 7097

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGORY S. JOHNSON, 5608

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY C. KELLY, 1243

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL D. HARRELL, 1324
WILLIAM S. LEE, 9406

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT E. STONE, 3383
JAMES A GOODBOW, 8348
JAMES M HATCH, 3594
LEE W HELLWIG, 1611
WILLIAM J HOLIMAN JR., 1606
TIMOTHY J JANNING, 4257
JOHN T JOHNS, 2421
MYUNG B KIM, 8770

STEPHEN M LEE, 9822
KARL A M LINDBLAD, 7872
DANIEL E LINK, 5345
DAVID L MCBETH, 8034
CHRISTOPHER MERRIS, 1575
WILLIAM P NEIS, 9941
MUHIYYALDIN M M NOEL JR., 0907
JOHN B OWEN, 5544
CHARLES M PUMPHREY, 9531
RONALD P STAKE, 0932
MARK W TEWS, 7099
RICHARD J VIDRINE, 4125
JAMES E WEST, 1908
MICHAEL D WILLIAMS, 3856
RANDY E WILLIAMS, 9722

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S AGABEGI, 3057
MARTIN J ANERINO, 1831
MATTHEW C BYARS, 2735
WILLIE S CHAO, 3827
MATTHEW E COLES, 2565
JERRY M COOK, 1892
DAVID M CRAIG, 7067
MICHAEL J DOHERTY, 1168
SEAN P DONOVAN, 1264
RAYNESE S FIKES, 7465
GRETCHEN S FOLK, 9264
ROBERT B FOLK, 4153
SAMAN R GHARIB, 9056
HEATHER L GNAU, 8239
JULIE A HALL, 8132
STEVEN P HERNANDEZ, 0010
THOMAS B JORDAN, 0408
CARL R KRIEBEL JR., 9519
KWANGMYUNG S LEE, 7843
PAUL I LIM, 1421
FRANK X MAC, 4111
RYAN P MATHERNE, 9181
GARY D MATT, 3335
JAMES B MAZOCK, 3496
IVO A MILLER, 4523
ROBERT D PAVEL, 0141
NICOLE B PRUITT, 2784
CHRISTOPHER O REGISTER, 5966
SHERMA R SAIF, 4297
RAOUL H SANTOS, 0666
AARON P SARATHY, 0189
MARTHA S SCOTTY, 7050
SHAYESTER SHAFIE, 9969
SHEPHERD A SITTASON, 0370
RACHELLE M SMITH, 1184
ROSS E STAUFFER, 1352
NICHOLAS J TOSCANO, 3646
CHARLES C TRUNCALE, 3461
JAMES M TYNECKI, 1990
JENNIFER K WALLACE, 2030
SUSAN M WELLMAN, 5471
BENJAMIN D WESTON, 0075
WALTER H WILLIAMS, 0140
REID J WINKLER, 2109

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN R ANDERSON, 7712
MATTHEW J ANDERSON, 1028
RICHARD D ANDERSON III, 4648
ROBERT J BALLISTER JR., 2440
KEITH R BARKEY, 6166
KEITH W BARTON, 9204
CHRISTOPHER L BRADNER, 8832
CHAD M BROOKS, 9733
DONALD R BRUS, 3043
STEVEN C BUKOSKI, 8339
FRANK C CERVASIO, 2817
SCOTT O CLOYD, 7902
MICHAEL L COE, 8801
THERON C COLBERT, 8812
ANDREW B CRIGLER, 0195
ROLAND V J DEGUZMAN, 3888
MICHAEL P DOYLE, 8518
AHMED FERGUSON, 9286
RALPH H FIELD, 7996
DAVID C GARCIA, 4855
THOMAS M HUNT, 8427
KEVIN K JUNTUNEN, 8131
ERIK J KARLSON, 5911
JEFFREY J KILIAN, 9113
PHILLIP KNAUSS, 4831
AARON E KOTTAS, 9600
CHRISTOPHER J KRUS, 1607
KIRK A LAGERQUIST, 3056
LANCE A LEE, 8997
LEONARD E MARSHALL, 7896
DAVID H MCALISTER, 4788
ROBERT D MCCLELLAN, 6296
PATRICK D MEAGHER, 6533
KEITH W MIERTSCHIN, 9925
JOHN D MILLINOR, 5401
MATTHEW C MOTSKO, 3008
ALBERTO J NIETO, 7402
KEVIN M NORTON, 0859
MICHAEL L OBERMILLER, 6935
DORIAN R PARKER, 5427
TABITHA D PIERZCHALA, 1282
SCOTT P RAYMOND, 0907
WHITLEY H ROBINSON, 7033
MIKHAEL H SER, 5185
JONATHAN B SIEGEL, 6043
WILLIAM A SIEMER, 9858
WILLIAM J SIMPKINS, 6970
WILLIAM A SPRAUER JR., 4026
DEMETRIOUS N TASHEURAS, 7196
RONALD G TERRELL, 0064
MICHAEL A THORNTON, 2130
RYAN M TIBBETTS, 7300
ROD W TRIBBLE, 8962
MATTHEW P TUCKER, 6179
VICTOR V VELASCO, 7935
BRIAN L WEINSTEIN, 1344
NICOLAS D I YAMODIS, 1836

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALAN L ADAMS, 7158
PAUL D ALLEN, 2812
BRYAN C BOST, 3513
STEPHEN P BROMBEREK, 3577
KIRK L BUKER, 5791
WALTER S CARR, 8738
MICHAEL D CASSADY, 0411
PAUL R CAUCHON, 1349
KENNETH E CHRISTOPHER, 4249
DOUGLAS H DUMAS, 1777
LISA M FINLAYSON, 7685
DOUGLAS W FLETCHER, 0324
KEITH R GIVENS, 5463
ROBERT C GLINCOSKY, 8489
DEBORAH L GOODWIN, 0094
JOSEPH P GOULARTE, 5016
LOUIS V GUARNO, 9975
JACK T GULBRANSON, 5310
CAROL GUZEWICZ, 6162
LEROY W HARRIS JR., 5754
MARK E HEIM, 9998
JOE D HERRE, 6110
DENISE L HOFFMAN, 8816
WILLIAM D HOLDER, 6847
THOMAS C HUGHES, 1526
KEITH L HUTCHINS JR., 7754
CHRISTINE M JOHANNESEN, 2003
SHANNON J JOHNSON, 8223
MICHAEL S KAVANAUGH, 6301
KEVIN F KELLEY, 5618
JOHN P KENDRICK, 8122
BRADLEY J KILLENBECK, 6698
DAVID J LASH, 0377
MARK G LIEB, 8239
MICHAEL A LOWE, 2163
CHRISTOPHER G LYNCH, 5321
SCOTT A MCKENZIE, 3035
CHERYL E MILLER, 0942
DENISE E MILTON, 4418
STEVEN M MINER, 6867
CHAD A MITCHELL, 9838
JUNG H MOON, 3431
DAVID E NIEVES, 0692
SAMUEL B PALMER, 6436
JOE T PATTERSON III, 0855
JAY J PELOQUIN, 4597
ROBERT D POERSCHMANN, 9948
PAUL W PRUDEN, 1790
DOUGLAS E PUTTHOFF, 8329
CYRUS N RAD, 0173
DANIEL S RATICAN, 9291
SHAWN A RICKLEFS, 9371
VALERIE J RIEGE, 4932
SHARON J ROBERTS, 2981
DEBORAH E ROBINSON, 2421
SCOTT P ROSSI, 2305
THOMAS SCHLATER, 1845
FREDERICK K SCHMIDT, 3461
DAVID L SCHOO, 9328
RANDY M SMARGIASSI, 3948
BENNETT J SOLBERG, 6590
JASON S SPILLMAN, 4783
RAYMOND D STIFF, 1921
WILLIAM A SUGGS III, 0087
MATTHEW J SWIERGOSZ, 8846
EDWARD G VONBERG, 3285
SHANNON P VOSS, 9034
GARY D WEST, 6953
RICHARD L WILHOITE, 5672
ANTHONY S WILLIAMS, 6048
CODY L WILSON, 0615
PETER G WISH, 2286
GEORGES E YOUNES, 5289

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES D ABBOTT, 4229
PATRICK K AMERSBACH, 0545
DAVID W ANDERSON, 5865
FARIA BELMARES, 0043
MARY L BIEGNER, 2562
KRISTEN M BIRDSONG, 1412
KAREN H BISOGNO, 2366
DALE S BORDNER, 2909
RALPH V BRADEEN, 0250
BARBARA L BREUNINGER, 4199
TRACI L BROOKS, 3018
CARL S BROW III, 5335
ABE J BROWN JR., 6653
MARNIE S BUCHANAN, 6915
CAROL A BURROUGHS, 2559
BRENT A BUSHEY, 8469
VIRGINIA L BUTLER, 1064
GILBERT T CANIESO, 5232
CHRISTINE A CHAMBERS, 8646
ERIK C CLINE, 9004
JOSE A COLON, 4700
PAUL M CORNETT, 8817
JOHN N CRANE, 2054
AMY D CRISCITELLO, 0765
DANIEL J CUELLAR, 3461
GEORGE P CULLEN, 4464
CAROLYN M CURRIE, 6773
WILLIE P DANIELS, 1794
JONATHAN A DEINARD, 6734
STEPHEN W DOLAK, 8046
JIMI M DOTY, 2757
JONATHAN S EDWARDS, 7775
KENDALL J ELLINGTON, 1533
TIMOTHY FLEMING, 0789
JAMES D FOUNTAIN, 4094
CYNTHIA R FRENCH, 3732
ANDREW A GALVIN, 4321
DENISE M GECHAS, 9419
JULIE A GINOZA, 0637
KELLY R HAMON, 8275
PATRICIA C HASEN, 4140
ROBERT J HAWKINS, 6535
VICTORIA L HAYWARD, 9521
MICHELE J HENRY, 9197
KATHLEEN A HINZ, 8494
HEATHER M HOLMES, 2509
RODNEY F HOOVER, JR., 5554
JENNIFER L A HUCK, 0037
DARNELL W HUNT, 8048
CHRISTOPHER M JACK, 8749
CHRISTINA A JAMIESON, 5707
ERIK D JENSEN, 9142
VICKI L JERNIGAN, 6308
MAILE E KALINOWSKI, 9582
JOHN G KEENAN, 7582
APRIL R KING, 9107
TROY L KING, 2619
CHARLES W KLEIN, 0936
MICHAEL S KOHLER, 3807
JOHN R KULAS, 5137
TRACEY L KUNKEL, 3665
SUSAN D LABOY, 2945
LAURIE A LANCA, 3556
ROBERT L LAWRENCE, 5106
EFREM R LAWSON, 2043
LAURA J LEDYARD, 3870
LORI A LEE, 2416
KATRINA M LEEK, 0892
TRACY L LOPEZ, 1457
JULIE A LUNDSTAD, 2703
ANGELA R MACON, 5236
LEANNE A MADER, 9822
SUE A MAHONEY, 2476
DAVID S MARKELL, 1577
JAMES MATHES, 5269
DANIEL F MCKENDRY, 5845
REBECCA A MCKNIGHT, 5895
TIMOTHY B MCMURRY, 6637
XANTHE R MIEDEMA, 7707
LEONORA A MILAN, 3357
DANNIEL A MINES, 1844
RANDY L MOORE, 3449
BARBARA A MULLEN, 4352
JUANITA NEIL, 2478
PAUL F NETZEL, 8258
HEATHER A NEWMAN, 5943
JOSEPH W NEWSOME, 2846
TRISHA J OFSTAD, 0003
MARIO PALLANTE, 6506
ANGELA R A PARYS, 9987
ANDREA C PETROVANIE, 3052
MICHAEL D PORTS, 3053
JAMES E REASOR, 4136
KAREN E REILLY, 4333
CATHERINE E RILEY, 1216
ROBERT S RINEHART, 0717
EDWARD B RITTER, 6590
JILL D ROBBINS, 5291
WILMA J ROBERTS, 2602
ERIN C ROBERTSON, 3489
LISA F ROSE, 5936
DEBRA A RUYLE, 1279
PATRICK J RYAN, 6125
MICHAEL P RYON, 8126
TODD A SAYLOR, 8112
TAMARA K SELLERS, 0293
CHRISTIE A SIERRA, 9276
DANAHE O SIERRA, 1556
DANIEL J SIKKINK, 8486
FRANCES C SLONSKI, 4899
CHRISTOPHER R SMITH, 6968
DENNIS L SPENCE, 1779
KENNETH L SPENCE, 9797
LINDA K SPENCER, 6533
GERALD W SPRINGER II, 0796
ELEANOR P STEWARTGARBRECHT, 6434
DAVID B SURBER, 5819
ELIZABETH M TANNER, 8597
KIMBERLY A TAYLOR, 3742
MARILOU THOMPSON, 3436
VALORIE A TOTH, 6639
EVELYN J TYLER, 1004
LISA M UMPHREY, 5765

JENNIFER R WARD, 0505
SHAREE L WEBB, 8886
TYNAH R WEST, 8454
JACK E WILCOX, 2052
JOSEPH M WILKINSON, 1590
BERNIE WILLIAMSMCGUIRE, 4152
NANCY V WILSONJACKSON, 3988
ANTHONY W WINSTON, 2540
THOMAS E WITHERSPOON, 4325
LENORA J YOUNG, 1541
CHRISTINE M ZOHLEN, 7407
ROBERT W ZURSCHMIT, 2497

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TIM K ADAMS, 1069
ROGER S AKINS, 1638
OLADAPO A AKINTONDE, 4183
TODD J ALAN, 5089
SAIRA N ALI, 5126
THERESA M ALLEN, 7447
ANTHONY M AMAIO, 1059
ERIC W ANDERSON, 6819
JARED L ANTEVIL, 5063
GLEN M ARLUK, 7876
JOHN C ARNOLD, 1488
DEAN B ASHER, 1550
ROBERT L ASHLOCK, 8123
JAMES E BABASHAK, 1037
JOHN E BAKER, 6587
JAY M BALAGTAS, 6531
LUKE H BALSAMO, 4142
MICHAEL J BARKER, 8316
GLEN W BARRISFORD, 0123
JOHN T BASSETT, 6603
THOMAS C BAUGH, 8565
ROBERT M BEER, 6167
ERIC E BELIN, 3948
GERARD M BENECKI, 0995
RODD J BENFIELD, 5742
JOHN R BENJAMIN, 3373
AMY B BERRY, 8783
JOHN C BIERY, 4391
MICHAEL C BIONDI, 6620
SEAN D BIRMINGHAM, 6145
WILLIAM V BOBO, 3317
KRISTA A BOCKSTAHLER, 3986
RONDA D BOUWENS, 1657
PAUL C BOWN, 3175
RODNEY D BOYUM, 3596
KELVIN R BRAY, 0410
MARY D BROGA, 5420
RENEE D BROWN, 9761
SHANNON A BROWNE, 1972
MATTHEW M BRUCKEL, 0897
ERIC M BUENVIAJE, 4098
JAMES T BURATTO, 3860
JORGE R CABALLERO, 9306
WAYNE A CARDONI, 1026
ROBERT M CARGILE, 0460
FRANCIS S CARLIN, 8169
MICHAEL R CARR, 1526
KENICHI CARRIGAN, 7267
SHAUN D CARSTAIRS, 1579
JOHN M CECCHINI, 3739
DAVID W CHAMP, 6605
IAN J CHAPEL, 7204
MICHAIL CHARISSIS, 4579
SREEHARI CHERUKURI, 7219
KEVI L CHRISTOPHER, 2525
LILY CHU, 3824
HELEN M CHUN, 9349
STEPHEN E CLARK, 7916
THOMAS H CLARK, 3167
TRISHA L CLARKE, 5965
NANCY M CLAYTON, 8136
DANIEL J COMBS, 6211
CHRISTOPHER B CORNELISSEN, 4844
CHARLES E CRAVEN, 3224
PAUL CROARKIN, 8316
JOHN E CROSS, 8862
STEPHANIE A DABULIS, 1787
ARDRA R DAVIS, 3484
AMADO A DAYLO, 1034
PRY D R DE, 4044
STEVEN M DEFREITAS, 8997
ERNESTO DELATORRE, 8405
GERARD DEMERS, 9035
WILLIAM R DENNIS, 6207
JAMES T DEUEL, 3882
ILLY DOMINITZ, 3269
JOHN W DORUNDA, 5776
JENNIFER C DRISCOLL, 5004
JONATHAN E ECKSTEIN, 6620
CHRISTOPHER I ELLINGSON, 0005
NATHAN R ENOKI, 7285
ALEXIS T A EPPERLY, 9798
JENNIFER M ESPIRITU, 9976
CHRISTOPHER A FAUST, 0114
TIMOTHY J FISHER, 9966
COY A FLOWERS, 5419
KAREN J FOOTE, 4915
GREGORY M FRANCISCO, 6440
JONATHAN B FUGITT, 7413
TAMARA N FULLEREDDINS, 9809
MICHAEL S GALITZ, 2137
MEREDITH I GAMBLIN, 3848
RONNIE L GARCIA, 8426
A B GARDNER, 3114
JESSE R GEIBE, 2534
ANDREW B GENTRY, 9155
BARRY C GENTRY, 9557
LAWRENCE M GIBBONS, 9404
SHANE M GJESDAL, 1024
ROBERTO A GONZALEZ, 3100
MARILEE C GRISWOLD, 7890
STEFAN M GROETSCH, 5236
ROBERT A GUARDIANO, 4989
RAMIRO GUTIERREZ, 9151
DAVID E GWINN, 1241
SCOTT J HABAKUS, 4483
RODNEY S HAGERMAN, 5512
STEVEN R HANLING, 4388
JENNIFER A HANNER, 8571
GREGORY W HANSON, 8843
MARSHAL F HARPE, 7489
BRITT H HATFIELD, 4543
CHRISTOPHER J HEJMANOWSKI, 7483
JOSE HENAO, 0857
PATRICK J HENNESSEY, 9972
CHRISTOPHER M HERZER, 2281
DEIRDRE F HESTER, 0980
RICHARD R HIRASUNA, 2877
STEPHEN D HOAG, 2589
MATTHEW J HOFFMAN, 8722
JOSEPH S HONG, 7959
JODY E HOOPER, 7491
TODD HORTON, 8632
MARK C HUGHES, 6999
BYRON J HUMBLE, 2635
CATHERINE M HURLEY, 0002
AMY P HURSH, 2687
TIPTON D Q HUTCHESON, 1893
REBECCA L HUTFILZ, 8446
HENRY A IRVINE, 0065
ANGELA P JACKSON, 4655
MINAL D JACKSON, 8103
MICHAEL B JACOBS, 5468
CHER A JACOBSEN, 0945
GEOFFREY S JACOBY, 5872
JAMES T JOHNSON, 9184
TARAH L JOHNSON, 5935
CARRIE A JONES, 5108
LISA M JONES, 1866
ROBERT J JUHALA, 0123
STEPHEN S KACZYNSKI, 1091
STEVEN B KAILES, 5076
CHRISTOPHER S KAMMER, 6362
JULIAN P KASSNER, 9604
JAMES W KECK, 0781
LISA M KERNEN, 5779
JENNIFER T KILLIAN, 9393
PETER J KILLIAN, 9776
TYPHANIE A KINDER, 4348
ZACHARY J KITCHEN, 2526
ARNETT KLUGH, 1638
BUDDY G KOZEN, 2859
PAMELA L KRAHL, 2870
LUISA C KROPCHO, 9109
WALTER D KUCABA, 6359
CHRISTOPHER T KUZNIEWSKI, 0860
JAMES D LANDREAU, 4729
CHRISTOPHER R LANG, 9661
BRET J LANGENBERG, 4237
TODD R LAROCK, 5753
KELLY M LATIMER, 2248
MEGAN A LEAPLEY, 7439
DONG H LEE, 2558
ALISON M LEX, 4646
JONATHAN M LIESKE, 6529
JOANNE R LIPELAEZ, 0600
MARK Y LIU, 4716
JOHN W LONGWELL, 5160
DAVID P LOS, 6907
KERI L LUND, 0897
STEVEN M MACKAY, 8347
CRAIG MACLEAN, 8772
CHARLES E MADER, 6506
HEATHER L MANN, 4460
WILLIAM MANN, 8486
CHARLES G MARGUET, 9332
GREGARY D MARHEFKA, 5097
KAREN L MATTHEWS, 2657
MONIQUE A MATUSKOWITZ, 8142
GREGORY N MATWIYOFF, 3572
CHRISTINA A MCADAMS, 6537
SCOTT D MCCLELLAN, 6735
KELLY L MCCOY, 9006
ROBERT N MCLAY, 0609
JILL P MCMULLEN, 9557
ROBERT S MEADOWS, 4755
BRIAN W MECKLENBURG, 9746
FAYE P MEYERS, 9423
CHRISTOPHER E MINETTE, 3242
GEORGE J MITCHELL, 6534
LASHAWNE M MITCHELL, 6630
JOHN J MOLL JR., 9840
MICHAEL J MONSOUR, 8157
WON K MOON, 9783
CRAIG A MORGENSTERN, 9117
KENNETT J MOSES, 4855
GEORGE P NANOS III, 2109
CHRISTOPHER S NASIN, 4580
MARJORIE C NASIN, 8204
JOEL NATIONS, 7920
MICHAEL T NEWMAN, 1231
BRICE R NICHOLSON, 4877
ROBERT J OBRIAN, 2579
NICHOLE M OLEKOSKI, 2420
ODETTE OLIVERAS, 0346
KENDAL R OLVEY, 2443
BRIAN A ONEAL, 4002
ETHEL L ONEAL, 0563
KEVIN P OROURKE, 3493
CHRISTOPHER A ORSELLO, 7358
KIMBERLY T OSHIRAK, 0997
EDWARD S PAK, 6611
THOMAS R PALUSKA, 0232
TRUDI PARKER, 5061
ERIC C PARLETTE, 4268
CHRISTOPHER A PARTRIDGE, 4186
JACQUELYN M PAYKEL, 3228
JONATHAN P PEARL, 9911
TAMMY J PENHOLLOW, 2795
SONJA A PENSON, 2656
JOSEPH L PEREZ, 7784
MARLOW PEREZ, 0785
CHARLES D PETERS JR., 1980
CARL E PETERSEN, 0232
SHAUN N PETERSON, 8338
JASON J PORTER, 6674
LAWRENCE H POTTER, 4796
CHARLES POWELL, 2023
GREGORY PRICE, 9616
MATTHEW T PROVENCHER, 5006
TERRANCE L PYLES, 8778
TIMOTHY M QUAST, 8194
SCOTT B RADER, 2489
ANDREA T RAHN, 2306
CLAYTON M RAMSUE, 0187
MARK J RAYBECK, 3400
CHARLES W RENINGER, 4512
DELORES Y RHODES, 6868
BRIAN R RILEY, 7664
DEMETRIUS P RIZOS, 4198
JOEL C ROBINSON, 9906
MATTHEW T ROBINSON, 4476
ANDREW L ROMANO, 2400
CHRISTINE ROMASCAN, 8250
STEVEN C ROMERO, 1150
MICHAEL T ROTHERMICH, 6035
RICHARD W RUPP, 7759
FARZANEH SABI, 1795
NICOLE P SAFINA, 6344
ALICIA R SANDERSON, 7142
JAMEY A SARVIS, 9157
ANTHONY SCHERSCHEL, 4834
LYNNETT L SCHINDLER, 0191
GERALD N SCHMUKER, 9631
DAVID T SCHRODER, 9438
ERICA G SCHWARTZ, 7969
ENRIQUE A SERRANO, 7822
MICHAEL SEXTON, 6523
MARK E SHELLY, 2088
WILLIAM H SHIH, 0696
MARSHALL S SHOOK, 4626
KATERINA R SHVARTSMAN, 3551
BRETT H SIEGFRIED, 5575
ESAN O SIMON, 1016
LESLIE V SIMON, 2525
JOHN W SISSON, 5377
SEAN C SKELTON, 8863
KELLY I SLATER, 6817
JOSEPH A SLIMAN, 8593
ELIZABETH J SMALL, 1320
THOMAS R SMARZ, 0748
CLAYTON M SMILEY, 6124
SILAS W SMITH, 9372
BRYAN M SPALDING, 8868
J W SPARKS, 8610
AGNES M STACIA, 5837
CHRISTOPHER M STAFFORD, 7120
WALTER A STEIGLEMAN, 9584
STEFANIE L STEVENSON, 5316
DOUGLAS W STORM, 7065
WILLIAM H STURGILL III, 4156
BRIAN M SULLIVAN, 1239
SEAN A SWIATKOWSKI, 2100
DENNIS C SZURKUS, 5141
ROBERT K TAKESUYE, 4531
CYNTHIA L TALBOT, 6119
JEFF J TAVASSOLI, 6975
BRIAN J TAYLOR, 7224
KRISTEN A TERRILL, 6408
KEITH E THOMPSON, 4147
KYLE A TOKARZ, 4902
JOHN D TRASK, 2334
CATHERINE TSAI, 1034
ANTHONY TUCKER, 0752
LUIS M TUMIALAN, 0026
JOHN VANSLYKE, 2301
CARLOS VILLAVINCENCIO, 4699
KRISTINA M VOGEL, 6438
EDWARD S VOKOUN, 1739
KARINA VOLODKA, 7908
ANNIE L WADE, 9660
PAUL F WARE, 4339
ERICH F WEDAM, 8128
JEFFREY P WEIGLE, 8473
DAVID R WHIDDON, 4005
ANDREW A WHITE, 4428
JENNIFER B WILKES, 7709
CARLOS D WILLIAMS, 2423
MICHAEL E WILLIAMS, 0853
JOHN WILLIAMSON, 5290
GORDON G WISBACH, 1457
PATRICIA H WOODEN, 8913
KRISTEN D YAKUBISIN, 9249
HOWARD M YANG, 3807
TINGWEI YANG, 6224
JI H YOO, 1293
DAVID N YUE, 5327
ELIZABETH A ZAPP, 0546

TIMOTHY P ZINKUS, 6240

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2003:

THE JUDICIARY

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, because of a family medical emergency that required me to remain in Colorado last week, I was unable to participate in a number of recorded votes. Had I been present for those votes, I would have voted as follows:

H.R. 2989, Transportation, Treasury, and Independent Agencies Appropriations: Rollcall No. 481, Hefley amendment—I would have voted "no." Rollcall No. 482, Sessions amendment—I would have voted "no." Rollcall No. 483, Flake amendment—I would have voted "yes." Rollcall No. 484, Delahunt amendment—I would have voted "yes." Rollcall No. 485, Sanders amendment—I would have voted "yes." Rollcall No. 486, Hastings of Florida amendment—I would have voted "yes." Rollcall No. 487, Van Hollen amendment—I would have voted "yes." Rollcall No. 488, Davis of Florida amendment—I would have voted "yes." Rollcall No. 489—passage of the bill—I would have voted "yes."

H.R. 2765, District of Columbia Appropriations: Rollcall No. 490—Davis of Virginia amendment (2nd vote)—I would have voted "no." Rollcall No. 491—passage of the bill—I would have voted "no."

H. Res. 359: welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy: Rollcall No. 492—passage of the resolution—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1308: Rollcall No. 493—motion to instruct conferees on H.R. 1308—I would have voted "yes."

Motion to instruct conferees on H.R. 2555, Department of Homeland Security appropriations: Rollcall No. 494—on the motion to instruct—I would have voted "yes."

H.R. 2622, Fair and Accurate Credit Transactions Act: Rollcall No. 495, Sanders amendment—I would have voted "yes." Rollcall No. 496, Kanjorski amendment—I would have voted "yes." Rollcall No. 497, Frank amendment—I would have voted "yes." Rollcall No. 498, Ney amendment—I would have voted "no." Rollcall No. 499, passage of H.R. 2622—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1588, Defense Authorization Bill: Rollcall No. 500, motion to instruct conferees—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1308, Tax Legislation: Rollcall No. 501, motion to instruct conferees—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1, Medicare Prescription Drug Benefits: Rollcall No. 502, motion to instruct conferees—I would have voted "yes."

HONORING THE MEMORY OF THE HON. CARLISLE McCLURE, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BONNER. Mr. Speaker, the other day I lost a dear friend, Carlisle McClure, Jr., and I rise today to honor him and pay tribute to his memory.

Elected to the Monroe County Commission at a young age, Carlisle dedicated his entire adult life to the betterment of his home county and to the great state of Alabama. As you can imagine, I was deeply saddened to learn that Carlisle passed away on Wednesday, August 27, after battling a long illness. Not only did I lose someone I considered to be a good friend but even more importantly, his friends, family and fellow citizens have lost an individual who, during the course of his life, made countless contributions for the betterment of his district and for all of Monroe County.

Mr. Speaker, Carlisle McClure was the very essence of a true public servant. He faithfully—and unselfishly—served the people of Monroe County during some of the county's most difficult times, economically speaking. He was always at work—tirelessly, I might add—with other local and state officials in trying to attract new industry to south Alabama, and he always had an eye to the future in an attempt to improve the vital infrastructure of the county.

Perhaps most importantly, however, Carlisle was deeply concerned for the personal well-being of his fellow Monroe Countians. A devoted and active member of Monroeville's First United Methodist Church, Carlisle sought to extend help and support to his fellow man which often cannot be provided by any government office or public agency. He had a heart as big as the state of Texas and a deep concern and compassion for his fellow man.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Monroe County, Alabama. Carlisle will be deeply missed by his family—his father, Howard Carlisle McClure, Sr., his daughter, Mary Michael McClure and his sister, Nancy Harrell—as well as the many friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

NO TAX $'S FOR UN GUN LAWS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Right to Keep and Bear Arms Act. This legislation prohibits U.S. taxpayer dollars from being used to support or promote any United Nations actions that could in any way infringe on the Second Amendment. The Right to Keep and Bear Arms Act also expresses the sense of Congress that proposals to tax, or otherwise limit, the right to keep and bear arms are "reprehensible and deserving of condemnation."

Over the past decade, the UN has waged a campaign to undermine the right to keep and bear arms, which is protected by the Second Amendment of the US Constitution. UN Secretary-General Kofi Annan has called on members of the Security Council to "tackle" the proliferation and "easy availability" of small arms and light weapons. Just this June, the UN tried to "tackle" gun rights by sponsoring a "Week of Action Against Small Arms." Of course, by small arms, the UN really means all privately owned firearms.

Secretary Annan is not the only globalist calling for international controls on firearms. For example, some world leaders, including French President Jacques Chirac, have called for a global tax on firearms. Meanwhile, the UN Security Council's "Report of the Group of Governmental Experts on Small Arms" calls for a comprehensive program of worldwide gun control and praises the restrictive gun policies of Red China and France!

Contrary to the UN propaganda, the right to keep and bear arms is a fundamental right and, according to the drafters of the Constitution, the guardian of every other right. Scholar John Lott has shown that respecting the right to keep and bear arms is one of the best ways governments can reduce crime. Conversely, areas where the government imposes gun control have higher crime rates. Thus, far from making people safer, gun control endangers innocent people by increasing the odds that they will be victimized!

Gun control also increases the odds that people will lose their lives and liberties to power-hungry government officials. Tyrannical governments throughout the world kill approximately 2,000,000 people annually. Many of these victims of tyranny were first disarmed by their governments. If the UN is successful in implementing a global regime of gun control, then more innocent lives will be lost to public (and private) criminals.

I would remind my colleagues that policies prohibiting the private ownership of firearms were strongly supported by tyrants such as Adolph Hitler, Joseph Stalin, and Mao Tse-Tong.

Mr. Speaker, global gun control is a recipe for global tyranny and a threat to the safety of all law-abiding persons. I therefore hope all my colleagues will help protect the fundamental human right to keep and bear arms by cosponsoring the Right to Keep and Bear Arms Act.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SPECIAL RECOGNITION OF ALEX MACHASKEE IN CELEBRATION OF HIS AWARD OF INTERNATIONAL BUSINESS EXECUTIVE OF THE YEAR

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of Ohio's leading business executives, Mr. Alex Machaskee. Alex Machaskee is the president and publisher of The Plain Dealer, Ohio's largest newspaper. On Thursday, September 18, 2003, Alex Machaskee will be honored by the World Trade Center of Cleveland as the International Business Executive of the Year.

Mr. Machaskee's extensive career of forty-three years with The Plain Dealer includes thirteen as publisher. In addition to his many business achievements, Northeastern Ohio is proud of Alex Machaskee's civic involvement. His work on the Board of United Way Services, the Musical Arts Association, the International Children's Games, and Crime Stoppers of Cuyahoga County, Inc., are merely a few of his numerous civic activities.

Alex Machaskee embodies the very spirit of American workmanship through his dedication and service. His commitment to the community combined with his devotion to The Plain Dealer merit the award as International Business Executive of the Year.

Mr. Speaker, we are a nation built upon the ideals of capitalism and the embracing of freedom of speech. Mr. Machaskee advances that which binds us together as one great nation. It has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Alex Machaskee has given freely of his time and energy to assist in the promotion of his community.

Mr. Speaker, at this time, I would urge my colleagues to stand and join me in paying special tribute to Mr. Alex Machaskee. On the occasion of being named the International Business Executive of the Year, we congratulate him for his service and wish him the best in all his future endeavors.

HONORING WELLINGTON E. WEBB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important public service accomplishments and leadership of the man who was Denver's mayor from 1991 until 2003, the Honorable Wellington E. Webb.

As many of our colleagues already know, Wellington Webb not only served the people of Denver and the State of Colorado with great distinction, he is also recognized as a leader of national stature. As Denver's first African-American mayor, Wellington Webb's leadership stirred hope to minorities across the nation, and gave proof and promise to the late Dr. Martin Luther King's plea for a time when people might be "judged, not by the color of their skin, but the content of their character."

Wellington Webb began public service in the Colorado General Assembly and in the cabinet of Governor Richard Lamm, where he served with distinction. He was a regional administrator for the Carter Administration and a senior campaign official in President Carter's reelection campaign. I hesitate to draw out the long list of his various public offices and awards because such a list does little to convey the depth of his record, or the weight of his contributions to the City and County of Denver, to the State of Colorado and to the United States of America. Suffice it to say that he and his wife, Wilma, were both drawn to public service from an early age and together, they have amassed an amazing amount of personal experience in local, state and federal public service.

Collectively and as individuals, Wellington and Wilma Webb have contributed a great deal to enhance the discourse that has shaped the last thirty years of politics in Colorado. They are both respected leaders, and as the Chair of the National Conference of Mayors, Wellington was particularly forceful in bringing needed attention to the issues that face America's urban centers. Although he has retired from the politics of city hall in Denver, Wellington has not retired from public service, and I believe the Bush Administration and Congress would do well to seek his advice on the myriad of issues that urban America faces in the aftermath of 9/11.

It has been said that the most effective political leaders are those who know how to combine the talents of listening well, inspiring followers and earning the respect, if not fear, of their adversaries. By these measures, Wellington Webb is an extraordinarily effective leader. Even those who were not supporters of Wellington Webb—and that number shrank to fewer and fewer as time went on and his record grew, would readily admit that he is a man who earns respect.

While I have had only a few opportunities to interact with Wellington Webb in my capacity as a Member of Congress, I learned from every one of our conversations. I admire the courage and perseverance he has shown on so many issues, talking bluntly but with wisdom on many topics, and with a sense of humor that cuts through the nonsense that so often characterizes political debate in our time. My sense is that Wellington Webb never suffered fools, but was not unkind either. I imagine he is uncomfortable with the tributes and accolades that are coming his way in the aftermath of his three terms as mayor, but I hope he will understand that these are important milestones that can inspire a whole new generation of young leaders.

I ask my colleagues in the Congress to not only join me in honoring the extraordinary public service of Wellington E. Webb, but also to join me in expressing the hope that he may find other ways to continue to serve our country.

FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KILDEE. Mr. Speaker, the problem of civic illiteracy and the ever-diminishing level of public engagement in our representative form of government must be confronted.

I am pleased to report that a new national project, Representative Democracy in America: Voices of the People, funded by the U.S. Department of Education, was created by an Act of Congress to tackle this problem. The project is directed by the Alliance for Representative Democracy, a collaboration of three fine organizations: the Center for Civic Education, The Center on Congress at Indiana University, and the National Conference of State Legislatures.

The Alliance is holding an important conference here in Washington, D.C., from September 20 to 22. The joint bipartisan leadership of the U.S. Congress is serving as the honorary hosts for the conference.

The Conference will bring together key decision-makers on education policy from every state and representatives of professional and civic education organizations. Their common goal will be to create an initiative to encourage our schools to undertake the civic mission of preparing students for effective citizenship. The conference will encourage the establishment of state delegation working groups to improve the status of civic education in their state. I am pleased to note that Linda Start, who is the Executive Director of the Center for Civic Education Through Law, will be the state facilitator for the Michigan delegation.

Student achievement levels in civics simply must improve. I know we all share the hope that out of this conference will come a renewed commitment to make that happen.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 18, 1963

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the 40th Anniversary of the March on Washington when over 250,000 Americans convened near the steps of the Lincoln Memorial, brought together by a common cause—achieving equality for all Americans.

On that hot summer day in 1963, Americans arrived in Washington, D.C. to express a dire need for action against the dismal conditions of life for so many of our Nation's African-American citizens. Choosing to respond nonviolently to injustices committed against them, the marchers rose above hate, calling for peace and justice with a clear voice that demanded change.

I rise today in support of H. Res. 352, honoring the March on Washington as one of the largest civil rights demonstrations in United States history. It is important that we recognize the monumental importance of this event and its significance in the ongoing struggle for civil rights and equal rights for all Americans. We should also commemorate the courageous and inspiring men and woman who organized and participated in the March and dedicated themselves to the pursuit of equality and justice.

We are a great nation of diverse backgrounds, drawn together by shared values and a common dedication to the cause of freedom, both at home and abroad. We, as a people, cherish our freedom and should honor those who have helped secure for us, and for those who will follow us, the freedom to pursue opportunity, the freedom to challenge inequality, and the freedom to actively and peacefully participate in the political process.

Let the actions and poignant words of Dr. King serve as an example to us as well as the generations to come, that it is possible to dream and, through persistence and dedication, to realize those dreams. But let us not only commemorate these words, but continue to work to make Dr. King's dream a reality.

As we commemorate the 40th Anniversary of the March on Washington, let us remember the struggles of those who came before us, and in so doing, help fully realize their dream so that one day our children will truly "live in a nation where they will not be judged by the color of their skin but by the content of their character."

CLARIFICATION OF SCOPE AND CONCLUSIONS OF PROFESSOR GUSTON'S STUDY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. HOLT. Mr. Speaker, on May 7 of this year, the House debated and passed an important piece of legislation, the Nanotechnology Research and Development Act of 2003 (H.R. 766). During debate of this bill, it became clear that there was a misunderstanding regarding the conclusions of a scholarly study conducted at Rutgers University. The author of that study, which was cited during the debate, has written to me with the request that he be able to clear up the confusion.

I am enclosing for the record the attached letter from David Guston, Associate Professor and Director of the Public Policy Program at Rutgers. Professor Guston's letter clarifies the scope and conclusions of his study, and will help us move forward on issues related to nanotechnology in an informed and thoughtful way in the future.

RUTGERS, EDWARD J. BLOUSTEIN
SCHOOL OF PLANNING AND PUBLIC
POLICY, PUBLIC POLICY PROGRAM,
New Brunswick, NJ, September 17, 2003.

Hon. RUSH HOLT,
Longworth House Office Bldg.,
Washington, DC.

DEAR REPRESENTATIVE HOLT: I write regarding the debate on the House floor on 7 May on the Nanotechnology Research and Development Act of 2003 (H.R. 766).

It has come to my attention that, in responding to Representative Johnson's proposed amendment to the bill to provide for regularly occuring consensus conferences or citizens' panels, Representative Burgess cited (at CR H3727) "[a] scholarly review of the Danish-type citizens' panel process convened to study telecommunications and democracy [that] judged the process to be ineffective."

In later remarks on the amendment, Chairman Boehlert referred to the same "scholarly study," saying that he was told the study "concluded that not even those engaged in organizing the US citizens' panel thought it had any impact." Chairman Boehlert then quoted from the study the following passage (at CR H3727–28): "The single greatest area of consensus among the respondents was that the Citizens' Panel on Telecommunications and the Future of Democracy had no actual impact. No respondent, not even those government members of the steering committee or expert cohort, identified any actual impact."

I am the author of the study in question (which can be found in pre-published form at http://policy.rutgers.edu/papers/ and via http://www.loka.org/pages/panel/htm and in peer-reviewed, published form in Science, Technology, & Human Values 24(4):451–82). I believe that these comments indicate real confusion about my findings. I am therefore writing to correct the record and to ensure that no misunderstanding about my study damages efforts to provide public input into the future of nanotechnology R&D.

There are three important aspects of my study on the Citizens' Panel on Telecommunications and the Future of Democracy of which you should be aware.

First, the study concludes that the citizens' panel had no actual impact on policy decisions because, in large part, it was not designed to. The sentence from the study immediately following the one Chairman Boehlert quotes reads: "A primary reason for this lack of impact is that having one was not a primary goal of the citizens' panel." The organizers of the panel designed it as a proof-of-concept, and they were more interested in understanding how to implement such a panel and in seeing how the experts and lay-citizens would interact than they were in having an actual impact on policy. Although conducting citizens' panels is not quite rocket science, questioning their effectiveness by claiming that this panel did not have an actual impact is like blaming the Gemini program for not going to the Moon: Its designers did not intend it to do so.

Second, my study distinguishes between what I call "actual impact," defined as "a concrete consequence to any authoritative public decision," and three other impacts: (1) those on the "general thinking" about a problem; (2) those on the "training of knowledgeable personnel"; and (3) those that result in an "interaction with lay-knowledge." I develop these other measures to evaluate the impact of citizens' panels for two reasons: (1) because—just as with more traditional research—the education of participants is a primary output of citizens' panels; and (2) because even very formal, expert studies such as those conducted by the National Academy of Sciences or by national commissions often fail to have an "actual impact." The comments made in the floor debate by members of both parties emphasize that scientists and lay-citizens need to learn from each other about nanotechnology, and my study finds that such learning can indeed occur in citizens' panels. To question the effectiveness of citizens' panels by pointing to no "actual impact" of this pilot panel misses the study's finding of "tantalizing evidence that many kinds of impacts can be achieved."

Third—and most importantly—rather than undermining the possibility of providing public input into technical decisions, my research concludes that citizens panels are real opportunities for productive interaction between experts and lay-citizens. My research concludes that future citizens' panels would need better "connection to non-participants" and "higher profile institutional partners" in order to achieve their potential. If citizens' panels were authorized by H.R. 766 and conducted by NSF and its partner agencies, then they would indeed have the institutional support my research indicates they require to succeed.

I hope that the record can be corrected to indicate that my research provides evidence and analysis to support the productive use of citizens' panels under the conditions that H.R. 766 envisions them, rather than providing evidence against their effectiveness.

Please let me know if I may be of any assistance on such matters in the future, and I thank you for your work on H.R. 766 and for your attention here.

Sincerely,

DAVID H. GUSTON,
Associate Professor and Director.

COMMEMORATING THE 12TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF ARMENIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CANTOR. Mr. Speaker, I rise today to commemorate the 12th anniversary of Armenia's independence from the Soviet Union. For many years, and on many fronts, the people of Armenia have been challenged; for their land, for their distinct heritage and culture and have endured the most atrocious of events, genocide.

On September 21, 1991, after the fall of the Soviet Union, a lifelong dream of many Armenians was finally within sight. The country achieved its independence after an astounding 94 percent of its voters turned out in support of Armenia's sovereignty. We would like to join with the Republic of Armenia in celebrating its 12th anniversary of independence and welcome the growing ties between our two countries.

Since 1991, relations between our two nations have been prosperous. Our common struggle against communism reflects the shared values between Armenians and Americans alike. We have also developed strong economic relations; the addition of Armenia to the World Trade Organization earlier this year demonstrates its commitment to free enterprise and lower barriers to trade. Armenia has also been a strong advocate of sustained stability in the Transcaucas region; it has made significant contributions to the Organization for Security and Cooperation in Europe's peace process for Nagorno-Karabagh.

Lastly, I would like to wish Armenians across the globe well on the day of their independence. I believe that with the continuing support of the United States, Armenia will prosper and continue to be a loyal friend to our country.

INTRODUCTION OF THE FREEDOM TO ESTABLISH STATE HIGH AIR QUALITY ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the "Freedom to Establish State High Air Quality (FrESH AIR Quality)" Act. I'm pleased that my colleague from Connecticut, Representative CHRIS SHAYS, is joining me as an original cosponsor of the bill.

This bill is designed to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment. Specifically, it would give them discretion as to whether or not to implement the EPA's August 27, 2003 new source review revisions.

There is no question that our Nation's environmental laws have improved the health, safety and environmental quality of communities across the country. These laws have served us well. Of course, there is always room for improvement, and I am committed to working collaboratively to make sure our environmental laws not only work effectively to bring about environmental and health and safety improvements, but also allow our economy to prosper.

Environmental protection and economic prosperity are not mutually exclusive—in fact, they go hand-in-hand.

However, I'm concerned that the EPA's August revisions tip the balance, and do so in a way that puts the quality of our air at unacceptable risk.

The Clean Air Act allowed for routine maintenance of old, dirty electrical plants and other facilities, while requiring that more extensive changes in these plants would require installation of modern anti-pollution technology. This compromise was intended to allow a smooth transition, not to persist forever. The so-called new source review regulations were designed to draw a line between routine maintenance and the kind of changes that would require the installation of this newer anti-pollution technology.

Some revisions to these regulations might be appropriate. However, the revisions finalized in August, in my opinion, are out of balance. They would allow continued emission of airborne contaminants for many years after such pollution should have become history.

Millions of Americans, including the elderly and young children who are most vulnerable to air pollution, live close to the nearly 17,000 industrial facilities that would be shielded by this radical change in policy. But there would be no incentive for the owners of these facilities to make the investment needed to reduce or prevent continued emission of harmful airborne contaminants.

This is an abdication of the Federal Government's responsibility. But this new policy goes even further. It requires all States to adopt these new regulations in total.

In other words, the new rules would take away the States' legal ability under the Clean Air Act to develop programs that are more protective of health, safety and the environment than required by Federal regulations. This flies in the face of the Clean Air Act and of the principle of State flexibility. Instead of a regulatory "floor" which ensures some minimum level of protection for public health and the environment, these new regulations would create a floor, a ceiling and walls that would hem in every State, every Indian tribe, and every air pollution control agency.

My bill would tear down that structure. It would allow State, tribal, and local officials to decide whether to adopt these new EPA regulations as a "floor," or instead to maintain their current clean air programs—and it reestablishes the principle that these entities can go further to establish more stringent requirements to protect the health and safety of their citizens. They have this option right now under the Clean Air Act, and they should continue to have that flexibility, without fear of Federal punishment or discouragement. It would be their choice.

Mr. Speaker, I believe that we must continue to make progress in improving our air quality, and we should continue to do so through partnerships between the Federal agencies, the States and Indian tribes. The new EPA rules would undermine those partnerships. My bill would preserve them and allow the Federal Government's partners to do all that they can to protect the public and the environment.

For the benefit of my colleagues, I am attaching a section-by-section digest of the bill.

THE FREEDOM TO ESTABLISH STATE HIGH AIR QUALITY ACT (FRESH AIR QUALITY ACT) SECTION-BY-SECTION

SECTION 1. SHORT TITLE

The bill is cited as the Freedom to Establish State High Air Quality (FrESH AIR Quality) Act.

SECTION 2. FINDINGS AND PURPOSE

The bill includes findings related to the August 27 new source review revisions, and states the bill's purpose: "The purpose of this Act is to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment by affording them discretion as to whether or not to implement the new source review revisions finalized by the EPA on August 27, 2003."

SECTION 3. PRESERVATION OF STATE AND TRIBAL AUTHORITY

The bill includes the following prohibitions:

(1) No State, Indian tribe, municipality, or air pollution control agency is required to implement or have implemented EPA's new source review revisions.

(2) No revision of a Federal implementation plan pursuant to the new revisions can take effect until the affected State, Indian tribe, municipality, or air pollution control agency notifies the EPA that it agrees to this revision.

(3) If a State, Indian tribe, municipality, or air pollution control agency does not implement the August 27 new source revisions or does not consent to revision of a Federal implementation plan pursuant to the new revisions, it is not subject to sanctions, to the revocation of an approved State implementation plan under the Clean Air Act, or to the imposition of a new or revised Federal implementation plan.

CONGRATULATIONS TO MISS CATHERINE CROSBY, MISS ALABAMA 2004

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BONNER. Mr. Speaker, this weekend, in Atlantic City, New Jersey, a young lady from my congressional district, Miss Catherine Crosby, will represent Alabama in the 2004 Miss America Pageant.

A native of Brewton, Catherine is the daughter of Larry and Ann Crosby. A 1998 graduate of T.R. Miller High School, she subsequently received her Bachelor of Arts degree in History from Auburn University in 2002.

Catherine was crowned Miss Alabama on the campus of Samford University in Birmingham, on June 14, 2003, following a week of preliminary competitions. The fifty pageant participants competed in four areas of competition: interview, in which she received first place honors; swimsuit; evening wear; and talent. As Miss Alabama, Catherine regularly receives State and national recognition and was awarded an $11,000 scholarship.

Prior to traveling to Atlantic City, Catherine stopped by my office and visited with the other Members of the Alabama Delegation as well. She is as charming and talented as she is beautiful, and I could not help but be impressed with what she has chosen as her pageant platform, "First Vote: America's Freedom to Choose."

This message teaches young people about the importance of voting and works to instill in them the responsibilities and obligations of being good citizens.

Mr. Speaker, Catherine's message could not come at a better time. I trust her words will help open the eyes of many young Americans about the right and privilege of voting . . . one of the many freedoms that, unfortunately, we all-too-often take for granted in this great country.

On behalf of an entire State that will be rooting her on and wishing her well, I salute Miss Alabama Catherine Crosby. I know she will make our entire State—and Nation—proud this Saturday night, and I predict we will be hearing much more from this wonderful young lady in the months and years to come.

CONGRATULATIONS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PAUL. Mr. Speaker, I rise to honor John and Geraldine Dettling, a couple with longstanding roots in the 14th congressional district of Texas. Mr. and Mrs. Dettling recently celebrated 60 years of marriage, an incredible milestone that deserves recognition and great respect. The longevity of their marriage serves as an inspiration for all couples today.

John Dettling and Geraldine Wendel met in south Texas more than 6 decades ago. They married in El Campo, Texas in 1943, on the eve of World War II. Less than 1 year later, John left for Europe as a soldier. Like many couples of the era, the war separated the young newlyweds for some time. Happily, John returned from the war safe and sound and they began a long life together. The couple built a home in Wharton, Texas, where they still live today.

Over the years the Dettlings were blessed with 6 children, along with (so far) 11 grandchildren and 6 great-grandchildren. John worked as a barber for 30 years, and then worked as a security guard for 6 years. Throughout the decades Geraldine worked hard at home raising the children; when they were older she embarked on a nursing career. Both enjoy retirement today.

I'm happy to report that the Dettlings' momentous 60th anniversary did not go unnoticed. They renewed their vows at Holy Family Catholic Church in Wharton. Afterward, an anniversary reception was held for the couple at the Wharton County Historical Museum, where they celebrated with family and 200 well-wishers.

Mr. Speaker, in today's transient world the Dettlings stand out as a couple who maintained both their marriage and their local roots for decades. It's my privilege to honor them in the House of Representatives today.

A SPECIAL TRIBUTE TO THE PAULDING COUNTY CARNEGIE LIBRARY ON THE CELEBRATION OF ITS OHIO BICENTENNIAL HISTORICAL MARKER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a special library from Ohio's Fifth Congressional District. Tomorrow, Thursday, September 18, 2003, the Paulding County Carnegie Library celebrates an important event—the dedication of its Ohio Bicentennial Historical Marker.

Mr. Speaker, the Paulding County Carnegie Library is one of a number of distinguished libraries in Northwest Ohio. The library was created in 1893 and housed within various homes and stores of the great community of Paulding County, Ohio. It earned its celebrated distinction when, in 1913, the Carnegie Foundation funded the creation of what remains today as the first county library in the United States funded by Andrew Carnegie.

We, in Ohio's Fifth Congressional District, are blessed to have such endowed institutes of learning as the Paulding County Carnegie Library. Open for scholarship on March 3, 1916, the library continues to provide the community with the resources to succeed. The generous gifts of the Carnegie Foundation, funding the creation of 1,945 libraries across America, have contributed to the growth and quality of the American educational system.

As a Member of Congress, I have been fortunate enough to visit Paulding County several times. With the Carnegie library promoting excellence in education, Paulding County, Ohio remains a truly blessed community.

Mr. Speaker, the ingenuity of the American mind and the resolve to enhance our society are embodied in such public works as Paulding County's library. As we celebrate the dedication of the Paulding County Carnegie Library Ohio Bicentennial Historical Marker, I would urge my colleagues to stand and join me in this special tribute. It is my hope that the promotion of excellence will continue long into the future.

IN RECOGNITION OF JIM WILLIAMS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of Mr. Jim Williams, KYSL–FM radio newscaster of Frisco, CO.

Mr. Williams arrived in Summit County in March of 2000 and has since proved to be the voice of Summit County news. Mr. Williams has provided Summit County residents with not only daily newscasts and sportscasts, but has been a major supporter of community events. Williams got his start in broadcast journalism in 1979 in Wray. He has since moved from station to station and state to state.

This past spring, Mr. Williams was honored by the Colorado Broadcasters Association (CBA) with a first and second place in the best newscast category and was named CBA's medium-market broadcast citizen of the year for 2002.

The dedication, enthusiasm and activism with which Mr. Williams has pursued his work deserves our most sincere thanks. Thus, I ask my colleagues to join me in thanking Mr. Jim Williams for his service and many contributions to his community. He is much appreciated.

Sadly for the Summit County community, Mr. Williams will give his last live broadcast on September 10, 2003 and then head to Illinois to co-host a radio talk show.

For the benefit of our colleagues, I am attaching a copy of a recent story about Mr. Williams that appeared in the Summit Daily News.

[From the Summit Daily News, Sept. 3, 2003]

JIM WILLIAMS TO LEAVE KYSL

(By Jane Stebbins)

FRISCO.—Jim Williams, the rare committed radio newscaster to work in the community, is leaving KYSL–FM for a new job in Illinois as co-host of a radio talk show.

In addition to the news, Williams broadcasted Summit High School football games and gave detailed, if not breathless, reports of other Tiger sports, perhaps most memorably the recent state tournament girls volleyball teams.

His last live newscast—he said it will be a difficult one—will be at 9 a.m. September 10.

"It's one of the challenges left, one of the reasons it's so exciting," he said of the talk show gig. "It's something new, something different."

Williams got his start in broadcast journalism in 1979 in Wray, where he reported farm news, obituaries, hospital admissions and releases, maintained the transmitter, cleaned the toilets and sold ads, he said.

He then moved from station to station and state to state: Morris, Minn., Ogallala, Neb., Sioux Falls, S.D., Springfield, Ill., Myrtle Beach, and Columbia, S.C., Denver, Aspen, Vail, Avon and Frisco.

He landed in Summit County in March 2000 and has written and voiced daily newscasts and sportscasts, provided play-by-play broadcasts of high school games—a feature that was deleted this summer from KYSL's programming—and represented the station as an emcee at numerous community events.

Now, he will co-host an afternoon talk show with Beth Whisman on Citadel Communications' WJBC in a market that has the potential for more than 110,000 listeners.

"It'll be a little bit of everything," Williams said of the focus of the show. "They had a guy there who was really, really political, using the radio as his bully pulpit—you don't want that. The idea when people are going home is not to irritate them. It won't be light talk, but it'll be lighter than that."

He looks forward to discussing politics, entertainment and local politics. And in his new job, unlike in the news world where reporters try to be unbiased, Williams will be allowed to hold opinions.

"The thing that'll get me to cringe is when people will try to nail me down on social issues," he said. "That's when I'll be sweating and backpedalling. I need to get off the news fence and develop an opinion."

While here, Williams has reported on at least one major story each year. His first year, he was on the sidelines when Carlos Ebert-Santos was tackled during Summit High School's homecoming football game. The aspiring pro-football player had broken his neck.

"Carlos was on a roll that night," Williams recalled. "He would have gone for 200, 300 yards offense that night. To see him go down and not get up was chilling. It was one of the moments I was speechless. I didn't know what to say to people. I didn't want to alarm them.

"To see him come back and walk was heartwarming," he said of Ebert-Santos' recovery. "It was a terrible story that had about as good an ending as it could have."

Equally as chilling was the Sharon Garrison murder story and husband Chuck Garrison's murder trial in 2002.

The big story in recent weeks has been basketball star Kobe Bryant's sexual assault charge in Eagle.

In between, Williams has been the emcee for the rubber duck race in Breckenridge—"Anything for the Summit Foundation," Williams said—Frisco's Barbecue Challenge, Fourth of July, Music on Main Street and Concerts in the Park, among many other events.

Williams said he will miss Summit County community events, his co-workers and people in the community—but most of all the high school kids, he said, wiping away a tear.

"I hate moving more than anything, but it's the nature of this business," he said. "This job has been pretty close to ideal. This community has been awesome; it's the best place I've been. But this challenge excites me. It's not an opportunity that comes along every day."

Normally an easy talker, Williams is stumped as to what he'll say that last time on Summit County's airwaves.

"I might try to be silly like Dennis Miller and say, 'That's the news, and I'm out of here,'" he said. "I think it'll be something more from the heart. These people have really gotten in my heart. If I could have this joy again (in another community), I'd be blessed."

He'll be back, he said, albeit as a tourist. "Hopefully, I'll still know enough people to get a lift ticket or two," he said.

HONORING ENNIS CENTER FOR CHILDREN, INC.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize Ennis Center for Children, Inc., for 25 years of dedicated service to six counties throughout Southeast Michigan. On November 13, 2003 Ennis Center will celebrate their anniversary with the community.

Ennis Center for Children is a non-profit, multi-service agency, providing community based in-home foster care, adoption and group home services to children and families. The center helps children from birth to age 19 by providing stability and permanent homes. Most children who utilize the center's services are poor, minority and have at-risk backgrounds, many of them abused, neglected and abandoned. Each year the center assists more than 2,500 children within the Southeast Michigan area. In 2002, they placed 640 children in foster care with 263 foster families, 130 children were adopted, 99 of which were by their foster families, 26 by relatives or guardians, and 5 by recruited families. The center also assisted more than 900 juvenile delinquents through counseling, mentoring and reintegration services. The center had operating revenues of approximately $12 million in 2002, and over 85 cents of every dollar received was spent on program services. Currently the center employs 200 people.

The center was founded in Flint, Michigan, in 1978. The founder is child advocate Robert E. Ennis. Mr. Ennis started the center with $6,000, which he borrowed from a friend, and a responsibility to 33 foster children. Today the center is operating in four locations, 20100 Greenfield Rd., Detroit; 2921 E. Grand Blvd., Detroit; 3650 Dixie Highway, Waterford; and 129 E. Third Avenue, Flint, Michigan. Ennis Center for Children has been noted as one of Michigan's largest minority-led non-profit organizations of its kind.

Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in recognizing Ennis Center for Children on their 25th anniversary for dedication and service to the children and families of Southeast Michigan.

INTRODUCTION OF THE HOLOCAUST VICTIMS INSURANCE FAIRNESS ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SCHIFF. Mr. Chairman, I rise today to introduce the "Holocaust Victims Insurance Fairness Act"—legislation to provide states with the authority to assist survivors of the Holocaust.

Before and during the Holocaust, millions of European Jews purchased life insurance policies with certain European insurance companies as a form of savings and investment for the future. After World War II, however, insurance companies rejected many claims presented by Holocaust survivors or heirs of Holocaust victims because the claimants lacked the requisite documentation such as death certificates that had been confiscated by the Nazi regime.

Some families have tried for years to obtain promised benefits, but insurance companies continue to demand that the survivors produce non-existent documents. In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established to address the issue of unpaid insurance policies and to expedite payouts to Holocaust victims.

ICHEIC has received over 90,000 claims, but has only made a few thousand settlement offers. This shortfall has forced disillusioned claimants to turn to the states for assistance in obtaining the swift justice they deserve. To continue to deny these claims would be a further injustice to these survivors and would only serve to perpetuate the horrible acts that occurred years ago.

In a 5–4 ruling, the Supreme Court in ALA v. Garamendi recently struck down a California law aimed at assisting thousands of Holocaust survivors and their families in collecting on millions of dollars of outstanding Holocaust-era insurance policies. The court narrowly rejected the right of states to require insurance companies doing business in their state to disclose information about Holocaust survivor insurance policies.

The court in Garamendi maintained that the president's preference is for Holocaust-era insurance claims to be handled by the International Commission of Holocaust-Era Insurance Claims—an approach that has wholly failed Holocaust victims.

I believe that states should have the authority to assist survivors of the Holocaust to recover benefits from policies lost or stolen before and during these tragic events. Therefore, I am introducing legislation to specifically allow states to collect insurance information for victims of the Holocaust. Unlike similar pieces of legislation that have been introduced, the "Holocaust Victims Insurance Fairness Act" also explicitly expresses Congressional disapproval of any Executive branch policy or agreement that preempts State efforts to collect insurance information for victims of the Holocaust to resolve outstanding claims. Please join me in this effort to finally provide justice to those who have been denied it for so long.

MUSEUM AND LIBRARY SERVICES ACT OF 2003

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HOLT. Speaker, as an educator and avid reader, it's always a special pleasure for me to visit a library or a museum. Libraries and museums safeguard our freedom and keep democracy healthy. They preserve the past and offer brighter futures to all of us, and their resources surely benefit every community member. That is why I was pleased to be an original cosponsor of H.R. 13, the Museum and Library Services Act.

Libraries are often referred to as the "People's University." It is a fitting name. Libraries provide all of us with free access to a fabulous wealth of information. In this increasingly technology-driven society, they speak directly to what we call the Digital Divide. A recent survey by the Department of Commerce found that our libraries are the number one point of access for those who do not have Internet access at home or at work. Today, 90 percent of public libraries have some kind of Internet connection.

Research also shows us that Americans visit libraries 3.5 billion times each year; 1.6 billion items are borrowed annually from public libraries; and research librarians answer 7 million questions every week. Clearly libraries are responding not only to the daunting challenges of the Information Age and to the changing needs of our communities, but they are continuing to serve all of their traditional roles as well.

Libraries are also true community centers. They create environments where students can do their homework, townspeople can gather, families can interact, seniors can learn new skills, and job seekers can find advice. They are forums building partnerships, linking with everyone from garden clubs to Head Start programs to extend their reach throughout our communities.

Throughout our country, libraries serve as the catalyst for economic revitalization, bringing together our communities' civic and social leaders. They provide reading material for people of all ages by sending books into maternity wards, setting up reading stations in pediatrician's offices, developing teen centers, and establishing mobile book carts in nursing homes and senior centers.

At my own public library in Princeton, I can see improvements that are traceable to this authorization bill. The library is in the process of constructing a state of the art library security, inventory, and circulation system that will allow library users to automatically check in and check out books. Because of the Museum and Library Services Act, New Jersey residents will gain greater access to the resources available at their local public library.

Similarly, our nation's museums serve as community centers that offer people of every age access to our nation's cultural and natural heritage. Museums' special role in public education fixes on their unique capacity to provide the public with an interactive environment in which to better understand our communities, our nation, and our world.

From local art museums to the National Zoo in Washington, D.C., museums are gathering places for people to meet and spend meaningful time with families and friends.

The educational role of museums is at the core of their service to the public. People of all ages and backgrounds come to learn from the collections, exhibits and programs created by museums through their research and scholarship. Museums across the nation provide more than 18 million instructional hours of educational programs, including professional development for our nation's teachers, guided field trips to our students, staff visits to local schools, and traveling exhibits in our communities. Annually, they spend more than $1 billion to share these activities with us.

Museums also have forged a deeply-rooted connection to the local communities that have created and cherished them. Americans from all income and education ranges visit museums, and each visit provides a wealth of information about our nation's heritage and our opportunities for the future. Across the country, there are 2.3 million museum visits each, adding up to 865 million visits per year. There are more than 15,000 museums in the United States and 90 percent of counties in America have at least one museum—75% of them considered to be small and 43% located in rural areas.

The 12th District of New Jersey is home to the New Jersey State Museum in Trenton, which was recently awarded a Museum Assessment Grant. This grant will provide the museum with technical assistance that will be invaluable in fulfilling its goal to educate the public. The New Jersey State Museum was one of the first state museums founded with this educational mission, and today it is home to a large collection of artifacts detailing archaeological, cultural, and artistic history. For all residents of central New Jersey, this museum offers exciting opportunities to learn about local history, to explore the far reaches of outer space at its planetarium, and to share time with family members at educational workshops. This museum—and the numerous others in the 12th District of New Jersey—enrich the lives of thousands of residents each year.

Mr. Speaker, Carl Rowan, a noted journalist, once said, "The library is the temple of learning, and learning has liberated more people than all the wars in history." With the passage of H.R. 13, the Museum and Library Services Act, future generations of Americans can enjoy the rich cultural and educational opportunities available to them through our nation's museums and libraries.

COMMEMORATING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK, 2003

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CANTOR. Mr. Speaker, I rise today to honor Virginia Union University during National Historically Black Colleges and Universities week. Historically Black Colleges and Universities have played an integral role in the higher education of students all across America.

Virginia Union University of Richmond, Virginia has been an institution of higher learning since 1870. Virginia Union University continually works hard to provide its students with a first-class education and stay competitive with larger, public schools.

During the last four years, Virginia Union University has achieved accreditation through the Southern Association of Colleges and Schools, established a campus-wide wireless infrastructure, renovated residence and dining halls, added a forensic-science program, and expanded the school of theology.

America values the legacy and the contributions Historically Black Colleges and University graduates make to our country. The viability of Virginia Union University and all institutions of higher learning is of paramount importance to the future security of America.

I look forward to a strong and continued working relationship with Virginia Union University faculty, staff, students, and alumni in the days ahead. I also want to thank Virginia Union University Provost and Chief Operating Officer, Dr. Weldon Hill, for his valued service to the University since 1982. Without his involvement, the completion of the Lombardy Street project would not be possible.

TRIBUTE TO RAYMOND CHU

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Raymond Chu of Boulder. Mr. Chu died in Colorado on May 24th of this year at Rocky Mountain National Park at the age of 78. Throughout his life, he demonstrated his dedication to the earth, all people, and animals.

Raymond Chu was born Oct. 10, 1924 in Shanghai, China. He earned a bachelor's degree in electrical engineering from Antioch College in Ohio. A few years later, in 1959, he married Janet Pattee in Yellow Springs, Ohio. Mr. Chu proudly served as a B–52 pilot in the Chinese National Air Force and graduated from the United States Air Force Academy.

During his life, Raymond Chu made countless contributions to our Colorado community. Those who had the good fortune to work with him at the National Center for Atmospheric Research will not soon forget his long and distinguished career. Nor will he be forgotten by the people who benefited from the many respiratory appliances that he created and patented. Raymond was known for his translations from Chinese script to English for his fellow high school graduates, and he was a noted speaker on the subject of the China-Burma theater of World War II.

We will remember Mr. Chu as an environmentalist, an inventor, and most importantly, a loving father and husband. I ask my colleagues to join me in honoring Raymond Chu and the outstanding contributions of his life.

HONORING DR. DONALD CAPPS AND HIS WIFE, BETTY FOR 50 YEARS OF SERVICE TO THE BLIND

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I ask my colleagues to join me in thanking Dr. Donald Capps and his wife, Betty for their leadership and 50 years of service to the blind in South Carolina.

Dr. Donald C. Capps, a lifelong resident of South Carolina, became legally blind in 1953. Capps, a fighter for social change for the underprivileged, attended the South Carolina School for the Blind and the public schools of this state. Upon graduation from high school, Capps received his diploma from Draughton's Business College.

He excelled after college in the vocational arena as a staff manager at Colonial Life and Accident Insurance Company. Capps is married and has two children. He began his struggle for the blind with the movement to create the National Federation of the Blind of South Carolina (NFB of SC).

The NFB was originally known as the Aurora Club. Capps served several two-year terms as president of this organization—a position he currently holds.

Under Capps' leadership, his state organization has been responsible for the success of many initiatives to improve programs and services for the blind in this state. During his tenure as president of the state organization, 19 pieces of legislation affecting the blind have been passed in South Carolina, including the model White Cane Law.

A major accomplishment of the South Carolina affiliate under Capps' leadership was the 1966 establishment of the South Carolina Commission for the Blind, an independent state agency. Among his many activities, Capps is editor of the Palmetto Blind, the quarterly publication of the NFB of SC. In 1960 he directed a campaign which led to the construction of the Columbia Chapter's education and training center, which was expanded in 1970 and again in 1978.

Even though Capps has worked for the blind community, he has not been selfish in his endeavors to assist all the state's disabled population. Named to the Governor's committee on Employment of the Physically Handicapped in 1963, Capps also was honored in 1964 as Handicapped Citizen of the Year by the City of Columbia and by the State.

Capps, an active member of the Kilbourne Baptist Church, serves as a deacon and member of the church personnel committee.

His honors in working with the blind continue to cross any avenues. He was the recipient of the prestigious Jacobus tenBroek Award, presented to the blind American considered to have made dedicated and outstanding contributions to the blind. In the many years of its existence, the award has only been presented three times.

Donald C. Capps Fellowship Hall at the Federation Center of the Blind was named in his honor for his lifetime service.

In 1981 Donald Capps was appointed to the Board of Commissioners of the South Carolina School for the Deaf and Blind. He is the first blind member to be appointed to the policy-making board. In May 2001, Capps was given an honorary Doctorate of Public Service degree during commencement exercises at the University of South Carolina Spartanburg.

CONGRATULATIONS TO JOANNE STOCKDALE, IOWA SMALL BUSINESS PERSON OF THE YEAR

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KING of Iowa. Mr. Speaker, I rise to congratulate Ms. Joanne Stockdale on the great honor of being named Iowa Small Business Person of the Year by the Small Business Administration. It is because of the excellent reputation that she established since purchasing Northern Iowa Die Casting, Inc. in 1984, that she deserves this recognition. Small businesses are the backbone of Iowa's economy, and it takes true entrepreneurial spirit and determination to ride economic waves in order to remain successful. It is to her credit that Northern Iowa Die Casting, Inc. has grown from six to 100 employees, with sales soaring from $225,000 to $10 million. She is to be commended for bringing jobs and commerce to Lake Park, Iowa.

I also recognize her for the great honor of representing Iowa small business at the National Entrepreneurial Conference and Expo held this week in Washington, D.C., while competing for the national Small Business Person of the Year Award.

As a small business owner for 28 years, I have great personal appreciation for both the struggles she faces and the joys of seeing the fruits of her labor. Since arriving at the U.S. Congress in January, I have made small business a legislative priority, and my work on the Small Business Committee has already enabled me to assist in creating legislation that will help small business leaders like Joanne Stockdale.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GALLEGLY. Mr. Speaker, on Wednesday, September 10, I was unable to vote on the Motion to Instruct Conferees on H.R. 1588, the National Defense Authorization Act for FY04 (rollcall vote 500). Had I been present, I would have voted "yea." Additionally, I was unable to vote on Motions to Instruct Conferees on H.R. 1308, the Tax Relief, Simplification and Equity Act (rollcall vote 501) and on H.R. 1, the Medicare Prescription Drug and Modernization Act (rollcall vote 502). Had I been present, I would have voted "nay" on each motion.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 18, 1963

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CUMMINGS. Mr. Speaker, it is with a profound sense of pride that I rise today in support of H. Res. 352, which remembers and honors the March on Washington of August 18, 1963.

Mr. Speaker, our nation recently celebrated the fortieth anniversary of this historic demonstration—an event that forever will stand for the proposition of full and equal rights for all Americans. This resolution will serve as a lasting tribute not only to one of the largest peaceful political demonstrations in U.S. history, but will also pay homage to the organizers and participants for their dedication and commitment to the realization of civil and equal rights for all Americans.

Culminating in Dr. King's famous "I Have a Dream" speech, the March on Washington demonstrated that a collective force dedicated to the principles of non-violent protest could successfully fight prejudice and discrimination against African-Americans and other minorities. Properly commemorating this historic event and those who participated in it will also send a message to our youth that the struggle for civil rights continues. That we must remain resolute in our efforts to realize Dr. King's dream of a nation where one is "judged by the content of their character and not the color of their skin."

Mr. Speaker, again it is my honor and privilege today to lend my wholehearted support to this important piece of legislation—which recognizes the monumental significance of the 1963 March on Washington in the ongoing struggle for equality and justice. I want to thank my colleague, Sanford Bishop for sponsoring this important resolution. I urge all of my colleagues to support the Resolution and to never let the dream of Martin Luther King die. I leave my colleagues with a quote from Dr. King which should serve as a gauge in every action and for every vote we take here in this esteemed body, "Injustice anywhere is a threat to justice everywhere."

BUSH MANUFACTURING PLAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CONYERS. Mr. Speaker, since President Bush assumed the presidency in January of 2001, American and specifically Michigan manufacturing jobs have been lost because of our trade policies, the lack of effort by our President to open closed markets, and because of the tremendous cost of pension and health care legacy costs. Last week, the Michigan Democratic Delegation sent a letter to the President detailing a fourteen point plan that we felt could help alleviate the dire situation manufacturing finds itself in. Early this week, Commerce Secretary Evans detailed the Administration's plan to save American manufacturing jobs.

I am submitting an article from today's Washington Post, by Steven Pearlstein, which describes our President's efforts at reviving our manufacturing sector as "feeble." America has lost nearly three million jobs since January of 2001. The tax cuts have not worked. War has not worked. And President Bush's plan to save our manufacturing jobs won't work either.

A FEEBLE PLAN TO SAVE U.S. MANUFACTURING

(By Steven Pearlstein)

After a dozen town meetings, a road trip by three Cabinet officers, months of study and countless meetings of assistant secretaries, the Bush administration has finally brought forth its program to rescue the American manufacturing sector. And it's a bad joke, a melange of tired ideas, empty promises and ideological slogans, and an embarrassment for the White House economic team.

The policy was unveiled in a much-anticipated speech to the Detroit Economic Club by Commerce Secretary Don Evans. Instead of offering his knowledgeable audience a cogent, thoughtful analysis of the problems facing manufacturers, Evans trotted out old Rotary Club canards about high taxes, oppressive regulation and frivolous lawsuits.

While correctly identifying runaway health insurance costs as a problem, he failed to come up with even one serious remedy.

And although Evans grabbed headlines with tough talk about China, the only action to back it up—hold on to your hat now—was a new Unfair Trade Practices Team at Commerce to "track, detect and confront unfair competition," as if there weren't already several hundred bureaucrats doing just that.

Perhaps most laughable was Evans's boast that George W. Bush had single-handedly revived the free-trade agenda—conveniently forgetting that President Bill Clinton expended enormous political capital to push through NAFTA and China's accession to the WTO, ignoring as well the inconvenient fact that his own administration had just sold out American manufacturers at trade talks in Cancun to protect subsidized beet farmers and cotton growers.

So what would a serious commerce secretary concerned about manufacturing have said?

First, she would have leveled with her Detroit audience, warning that there are industries and industry segments that are structurally vulnerable to foreign competition and can't be "saved."

She would have warned them that in key industries such as machine tools, survival depends on the consolidation of small, family firms into larger ones that have the clout to deal with large customers, the money to engage in research and development, and the size to realize economies of scale.

She would have acknowledged that the president had been ill advised to cut federal funding for manufacturing research and promised to make amends in the next budget cycle.

She might have floated the idea of a 1 percent tariff on all imports to finance extended unemployment benefits, health insurance and training vouchers for displaced workers, grants to their communities, and financial relief to employers offering early-retirement incentives.

Rather than ranting about regulations that have proven successful in protecting worker safety and public health, she might have said that fair trade requires trading partners to maintain minimal regulatory standards of their own, consistent with their level of economic development.

And she would have acknowledged that while China was making great strides toward developing an open, free-market economy, it wasn't there yet—and that continuing to trade with China as if it were had caused undue harm to American workers and companies. Then she might have announced the immediate imposition of temporary tariffs and quotas on imports of half a dozen key Chinese products, followed by an open invitation to negotiate their removal just as soon as China is ready to get serious about opening its distribution system to U.S. products, protecting U.S. patents and copyrights, and pegging its currency at a reasonable exchange rate.

It is possible to make the case for such an aggressive industrial policy. It is also possible to make a case for doing nothing. But the Bush administration has come up with the worst of both worlds—doing nothing while pretending otherwise and hoping nobody notices until after the next election.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week under Public Law 105–225. This marks the 216th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

NATIONAL SMALL BUSINESS WEEK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here tonight, and I want to especially thank my good friend, Congresswoman NYDIA VELÁZQUEZ from New York and applaud my House colleagues for their hard work in bringing us together here to acknowledge the important role small business plays in our economy and thank those small business owners for their many contributions.

I've always said that small business is the backbone of our State and national economy. Many small businesses are suffering in these trying financial times. Government contracts and spending are a vital source of revenue for small businesses, and in economically tough times it is vital that all levels of government continue to pay diligent attention to small business in their purchasing and contracts. Small businesses do not have high powered lobbyists, and it is important that we ensure that businesses of all sizes have access to government contracts regardless of their ability to buy influence.

Today I would like to discuss some important federal legislation that I believe will have important and positive implications for small business, job growth, and economic recovery in this country. Two of the top priorities for the remainder of the 108th Congress are reviving the struggling U.S. economy and reauthorizing the federal highway and transit programs.

I am also pleased to announce a congressional resolution that I have authored which will continue aggressive advocacy on behalf of American firms competing abroad, and specifically encourage small and medium-sized American businesses to explore trade openings and gain access to potentially lucrative markets, such as Iraq.

We all believe that America's small businesses must not be left behind in the globalization process. Although small businesses are the backbone of the American economy, the overseas investment potential of the small business sector remains relatively untapped.

This resolution's objectives are to continue aggressive trade promotion and advocacy on behalf of American firms competing abroad as well as to focus on the next generation of trade issues growing out of the changing global marketplace.

As Congress continues its work, I will be working to make sure that more good news is on the way for small businesses. And I want to assure you that I will continue to strongly support Federal programs that benefit small businesses.

Both our Federal and state government has an obligation to aid, assist and protect the interests of small businesses. The future of America depends on it.

TRIBUTE TO BASEBALL GREAT MICKEY VERNON

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, Saturday, September 20, 2003 will be a special day for legendary baseball batting champ Mickey Vernon as his hometown of Marcus Hook, Pennsylvania honors their favorite son by unveiling a life size statue of Vernon on the same ball field where he played sandlot ball. The statue will be unveiled at 2:30 p.m. at the Marcus Hook Memorial Field on Market Street.

Mickey Vernon is a hero in my hometown. Marcus Hook is a close-knit, working-class town on the Delaware River. The people of Marcus Hook have community spirit and have much cause for civic pride. One of the unifying bonds in our hometown is our great pride in the career and achievements of Mickey Vernon. In the ballparks of Marcus Hook the name of Mickey Vernon is revered. Even today, more than thirty years after his retirement, kids in Marcus Hook still play ball in the Mickey Vernon Little League.

Mickey Vernon, one of baseball's greatest first basemen of all time has earned a special place in the annals of baseball history. Mickey played 21 years in the big leagues, thirteen of those in our Nation's Capital where he played for the Washington Senators. He was known as a slick-fielding left-handed first baseman with a short, compact lefty swing.

In 1946, Mickey won the first of his two American League batting titles, hitting .353 while banging out a league-leading 51 doubles and knocking in 85 runs. He won a second Silver Bat in 1953, when he again led the league with a .337 average and 43 doubles. That year, he also smashed 15 home runs and drove in a career-best 115 runs.

For his career, Mickey batted .286, drove in 1,311 runs, and hit 490 doubles. He played in seven All-Star games, and after a time held career records for first basemen in assists, put-outs, chances, and games played. He was durable and consistent, playing 115 or more games for 14 straight years.

It is well known that Mickey Vernon was President Dwight D. Eisenhower's favorite player. On opening day, 1954, with Ike in attendance, Vernon hit a home run in the 10th inning to defeat the New York Yankees. President Eisenhower called Vernon into his box to congratulate him.

Typical of many ballplayers of his era, Mickey lost two years in the prime of his career, 1944–45, because he answered his country's call to service during World War II. When we honor individuals like Mickey Vernon we promote the essence of what is good and wholesome in our Nation. Individuals like Mickey Vernon represent the essence of courage and endurance—the qualities that helped make our Nation great. He is a true American hero in every sense of the word.

Few towns in America can claim to be birthplace of a genuine baseball hero, and the people of Marcus Hook are very proud to call Mickey Vernon one of our own.

I ask my colleagues to join me in congratulating Mickey Vernon for his outstanding career and his major league contributions to baseball, to his community, the Commonwealth of Pennsylvania, and to the Nation with best wishes as well to his wife, Libby.

INTRODUCTION OF THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING (NASPER) ACT

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WHITFIELD. Mr. Speaker, on September 4 my colleague FRANK PALLONE and I introduced the National All Schedules Prescription Electronic Reporting (NASPER) Act. This legislation would establish a national electronic data bank for practitioner monitoring of schedule II, III and IV controlled substances.

Our Nation has been fighting a long battle against the scourge of drug abuse and its devastating effects upon our society. The lives that are ruined, the families that are destroyed, and the loss to societal productivity are almost impossible to comprehend.

Unfortunately, one of the fastest growing areas of drug abuse is through the diversion of prescription drugs. This diversion can include such activities as "doctor shopping" where individuals go from doctor to doctor obtaining multiple prescriptions, or through the illegal sales of prescription drugs by doctors and pharmacists, or by prescription forgery.

My own State of Kentucky has been hit particularly hard by the epidemic of oxycontin abuse. In a 2001 hearing before the House Appropriations Subcommittee on Commerce, Justice and State, Rod Maggard, a former police chief in Hazard, KY, testified on the effects of the oxycontin epidemic on our State. He told committee members how the drug had "demoralized our community . . . it bankrupted spiritually, morally, and financially people all over our area." The Associated Press reported how Kentucky was experiencing a crime wave as addicts sought to obtain the drug oxycontin.

Mr. Speaker, I believe that one of the most effective ways we can help prevent prescription drug abuse is by getting information to those who are on the front line in this battle—that is the doctors, themselves. Today, in most States when a patient walks into a doctor's office requesting prescription medication, that doctor has no way of knowing if he is the first physician that patient has seen or the fifth. He simply has to rely on the patient to be honest with him. Now obviously, if this patient is an addict or is trying to scam the doctor, the doctor is not going to be told the truth. And yet we expect this doctor to treat the patient and to be responsible in prescribing medication.

The NASPER Act would take the guess work out of this situation. With a national electronic data bank, the doctor could simply access prescription information and determine what, if any, medication the patient should be given. The bill is consistent with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the patient would have to give his written consent before the doctor could access the data bank. Only the doctor or pharmacist who is currently treating the patient could request the information. Each request would have to be certified by the treating practitioner or pharmacist that the information is necessary for the purpose of providing medical or pharmaceutical treatment or to evaluate the need for such treatment for a bona fide current patient.

It is also important to note that as the population in our country ages, there will be more and more people who visit multiple doctors for various treatments. The NASPER Act would help doctors coordinate the medication their patient is receiving from other practitioners so that the patient does not experience an adverse medication reaction.

Currently 15 States have some type of Intrastate Prescription Drug Monitoring Program (PDMP). Two additional States are currently in the pilot stage of implementing such a program. A May 2002 General Accounting Office (GAO) study found that in States where a PDMP was in place, "the presence of a PDMP helps a State reduce its illegal drug diversion . . ." The same report also states that "the existence of a PDMP within a State, however, appears to increase drug diversion activities in contiguous non-PDMP States. When States begin to monitor drugs, drug diversion activities tend to spill across boundaries to non-PDMP States." In other words, those who want to scam the system know that they will have a difficult time doing so within a particular State, so they just move the problem across State lines.

The State of Kentucky has one of the most effective PDMPs in the Nation. However, there are a number of reports that show drug diversion problems, particularly in the area of oxycontin abuse, have increased in the contiguous States of Tennessee, West Virginia, and Virginia due to the presence of Kentucky's PDMP. I believe the only way we can truly address this problem is by coordinating our efforts across State lines.

The NASPER Act builds on the work that has already begun in the States. Under this legislation, individual States are permitted to set up their own PDMP to the exclusion of the Federal program created by the act, as long as the States submit the information required by the Secretary of Health and Human Services to the Federal data bank. However, the NASPER Act recognizes that if we are truly going to address this problem, we need a Federal role to ensure that the States will be able to share the information across State lines. An interstate system would allow doctors to get the information they need to better serve their patients.

I would like to thank Chairman TAUZIN and the staff of the Energy and Commerce Committee for their assistance on this issue. The chairman has been very attentive to concerns that I and others have raised and I look forward to continuing to work with him on this legislation.

Mr. Speaker, advances in technology have revolutionized health care delivery in this Nation. Isn't it time that we used this technology to better serve our citizens in the area of prescription drugs? I would ask my colleagues to join me in supporting this important legislation.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES: A CELEBRATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. HOYER. Mr. Speaker, I stand before you today to appropriately draw attention to the contributions of our nation's prestigious Historically Black Colleges and Universities (HBCUs) and their proud tradition of educating and preparing African-Americans for the past 166 years.

This year, we celebrate these universities the week of September 14 to September 20, and I feel honored to participate in such a noble cause.

Over 100 Historically Black Colleges and Universities have been established in the United States. These institutions comprise only 3 percent of all centers for higher education in the United States, but account for 30 percent of bachelor's degrees awarded to African Americans each year.

I am very proud that Bowie State University, the oldest of Maryland's four HBCUs is located in my district and I am privileged to represent the students, faculty and staff members who make great things happen on this campus. (There are three other HBCUs in MD—Morgan State in Baltimore City, Coppin State in Baltimore and the University of Maryland—Eastern Shore). Bowie State is the descendant of the first school opened by the Baltimore Association for the Moral and Educational Improvement of Colored People in 1865. BSU rightfully boasts a number of significant and praiseworthy statistics:

First nationally in graduating African Americans with master's degrees in computer science and information sciences;

Second nationally in graduating African Americans with master's degrees in psychology;

Third nationally in graduating African Americans with master's degrees in communications; Eighth, nationally in graduating minorities with master's degrees in psychology;

Fourth among HBCUs in granting master's degrees of all disciplines;

Fourth in extramural funding in the University System of Maryland (USM) with the highest percentage of increase in the System (48.1 percent) for the 2000–2001 fiscal year.

Ninth nationally in graduating all minorities with master's degrees in communications;

Thirteenth nationally in graduating African Americans with master's degrees;

Additionally, in 1995 BSU won an 11-year, $27 million award from the National Aeronautics and Space Administration/National Science Foundation to become one of the six national Model Institutions of excellence in science, engineering, and mathematics.

HBCUs provide a vital role in educating the next generation of our nation's leaders by extending to our students access to the best opportunities for personal and professional success. Most important, these schools champion the cause of equal access to education, access that is critically important during a time when fiscal constraints have burdened our state and ultimately our families, making affording higher education even more difficult for many Americans.

In fact, the Maryland Higher Education Commission recently announced that the number of Maryland college students on a waiting list for state-sponsored financial aid increased almost 50 percent this fall—at the same time, tuition and the number of college applicants has increased. Last school year 133,692 Marylanders filed the Free Application for Federal Student Aid (FAFSA), the nationwide form that determines aid eligibility. That was up from 118,537 applications from Maryland in the 2001–2002 school year, a 12 percent increase.

Many historically black institutions are facing similar financial challenges, and regrettably, for some, closing has become a reality. The federal government must realize that Historically Black Colleges do not simply provide educational opportunities and benefits to African Americans, but educating our nation's young people, regardless of race, improves the aptitude of all of our people. The entire country has gained from these fine institutions of education, and with the help of the federal government, the youth of our nation will continue to be well educated for generations to come.

Congress and the President can acknowledge this by adequately funding the programs that support the efforts of these important institutions. The House of Representatives included $224 million in funding for the Strengthening Historically Black Colleges program and the Strengthening HBCU Graduate Institutions for fiscal year 2004. This is a $10 million increase in funding from last year, and as a member of the Labor, Health and Human Services, and Education Appropriations. Subcommittee, I will continue to support these programs and will fight for increased funding to help them continue their mission and tradition of educating African-Americans.

Mr. Speaker, I ask my colleagues to join me this week in saluting the contributions of America's Historically Black Colleges and Universities, which have been educating students for more than 100 years. I am grateful to the nation's HBCUs for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students, and am especially proud of the four HBCUs in the state of Maryland.

RECOGNITION OF ELECTRIC ENERGY, INCORPORATED

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the 50th Anniversary of Electric Energy, Incorporated located in Joppa, Illinois. Electric Energy Incorporated has done an excellent job of providing energy to southern Illinois for the past fifty years.

I am very proud to have Electric Energy, Incorporated located in the 19th Congressional District of Illinois. Construction first began on the Electric Energy, Incorporated Joppa location on February 15, 1951. Since the first synchronization on April 10, 1953, Electric Energy, Incorporated has been producing coal generated energy to serve the needs of southern Illinois.

I am proud to represent Electric Energy, Incorporated and to share in this special anniversary with them. I thank them for all they do to provide energy to southern Illinois and this great nation and wish them many successes in the years to come. Congratulations!

A TRIBUTE TO COACH DON WATSON

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to my good friend, Coach Don Watson. Don will be inducted into the Hinsdale Central Hall of Fame during a dinner in Hinsdale on Friday, October 3rd, and his former swimmers are planning a reception and reunion to honor him on Saturday evening, October 4th.

The sport of swimming has been uniquely woven into Donald Dale Watson's life. Coach, mentor and friend, this unique man has been dedicated to pursing excellence in the sport of swimming for over 60 years. Don is being honored at a reception organized by his former swimmers and staff on October 4, 2003 in Hinsdale, Illinois. He will be accompanied by his family—wife, Jan, daughter, Ann, and son, Jon.

Don first became interested in swimming at the age of 13 and elected to join a swim team that practiced at the local YMCA in St. Louis, Missouri. Back in the 1940's swimming was not a popular sport. The decision to join a swim team would require hard work and dedication from the young athlete. Without any support from family or friends, Don was required to travel across town via bus to attend daily practices. Many evenings he would arrive home long after dark. Fortunately, his hard work and diligence were rewarded with a trip to the national YMCA senior championships where he was awarded the senior champion medal. In 1946, as a 14-year old high school student, he qualified to attend the Olympic Trials, but unfortunately missed earning a spot on the U.S. Olympic team by 0.00001 of a second. Once again, his hard work was recognized and he was awarded as the "1946 Olympic Trials Outstanding Young Athlete". Missing a spot on the Olympic team did not discourage Don, and he continued to train hard throughout his remaining high school years. He showed significant ability and was given a full athletic scholarship to attend the University of Iowa in Iowa City, where he twice earned NCAA Collegiate All-American honors.

Upon graduation from Iowa, Don married fellow swimmer, Janet Louise Watson, but was soon called to serve his country in the Korean War. After serving as a Navy corpsman on an aircraft carrier for three years, Don returned home and accepted a position as an assistant swimming coach at Indiana University, Bloomington, Indiana, where he was blessed to work under the direction of his mentor, Coach James "Doc" Councilman. While coaching at Indiana, Don obtained a masters degree in physical education. He then accepted a coaching position at Proviso East High School in Maywood, Illinois. Although the school's swimming program had been virtually non-existent, after three short years of dedication and countless hours of practice, Don led Proviso East to an impressive eighth place finish in the Illinois State meet.

In 1963, Don accepted a position as assistant swimming coach at Hinsdale Central High School in Hinsdale, Illinois. This decision would alter and mold the lives of many young swimmers in the Hinsdale community. After serving as assistant coach for two years, Don was promoted to head coach and the dynasty of Hinsdale swimming began. It was not long before people realized that this special and quiet man had an extraordinary gift for coaching and encouraging young swimmers. Don would go on to amass an amazing record of unmatched success in high school swimming.

As Head Swimming Coach at Hinsdale Central High School over the period 1965–1978, Don's coaching record is one of the most successful in American history. From 1967 to 1978, his Hinsdale Central teams won 12 consecutive Illinois state high school swimming and diving championship titles and achieved a phenomenal dual meet record of 163 wins, 3 losses. His team won the National Interscholastic High School championship title in 1970, when he was selected as the United States Swimming Coach of the Year. Don coached four Olympians. His swimmers set seven individual or relay world records. He was selected as the National Interscholastic Swimming Coach of the Year in 1977. The list of athletic accomplishments attributed to Don's leadership is nearly endless.

In 1978, Don retired from coaching at Hinsdale Central. After spending the majority of his life around a swimming pool, he was not ready to throw in the towel and escape the chlorine gas. Don accepted a non-coaching position at the University of Texas at Austin where he continues to serve as Director of the Texas Swimming Center, managing the physical facility as well as collegiate, national and international swimming events. In 2000, he received the Frank Erwin Award for his outstanding achievements and contributions to the sport of swimming in the State of Texas. At the age of 73, Don continues to swim daily. He especially enjoys working out with notables like Governor of Texas, Rick Perry, and federal judge Sam Sparks, who frequently swim at the Center.

As incredible and important as his coaching accomplishments are, Don is fondly remembered by his former staff, friends, and swimmers as a man deeply dedicated to the character development of boys and girls, young men and women. Besides pouring countless hours into their development as athletes, Don diligently invested into building each individual's sense of commitment, sacrifice, and hard work. Through their commitment to family, community and country, Don's many proteges continue to ably contribute to the quality of life throughout our nation.

Don Watson and his family also contributed greatly to my life. I was a graduate student at the University of Missouri, Columbia when Don visited our swimming facility. I was an assistant to Coach Tom Harabediaw. Don offered me a position at Hinsdale High School as an assistant swim coach. His leadership and trust in his students garnered high school All Americans, state championships, and Olympic gold and silver medalists. I was made to feel part of his family and given a lot of responsibility as a young coach. I only left to join naval aviation and fight in the Vietnam War. Much of what Don Watson taught me about team work, caring for the people you work with, and the drive to win helped me both in the Navy and now as a U.S. Congressman. It pains me to not be able to join this celebration of a great man.

DISTRICT OF COLUMBIA VOTING RIGHTS PETITION TO CONGRESS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. NORTON. Mr. Speaker, I rise today in recognition of Constitution Day to submit to Congress a petition from nearly 1,000 District of Columbia residents for voting rights in the Congress. I commend Joseph N. Grano, the leader of the Voting Rights Petition who has gathered the signatures of prominent Washingtonians contained in the petition. Full democracy and voting rights for the District of Columbia residents have been my chief goals since I was first elected to Congress. Joseph Grano has furthered the goal for DC residents through this petition.

Last year in the 107th Congress, a 9–0 Senate Committee vote sent my DC voting rights bill, No Taxation Without Representation, to the Senate floor for the first time in 25 years.

Mr. Speaker, I ask the House to join me in acknowledging that the denial of full congressional voting rights is a denial of fundamental rights to District of Columbia residents.

DISTRICT OF COLUMBIA VOTING RIGHTS PETITION TO CONGRESS, 2001–2002

To the Honorable Senate and House of Representatives of the United States of America:

We, the undersigned residents of Washington, DC and citizens of the United States, respectfully petition for representation in Congress as is duly granted to all citizens residing in the fifty States.—Washington, DC, February 2, 2001–June 14, 2002.

PETITIONERS

Elected Officials

Delegate, U.S. House of Representatives: Eleanor Holmes Norton.

Mayor, District of Columbia: Anthony A. Williams. Council of the District of Columbia: Linda W. Cropp, Chairman; Harold Brazil, At Large; David A. Catania, At Large; Phil Mendelson, At Large; Carol Schwartz, At Large; Jim Graham, Ward 1; Jack Evans, Ward 2; Kathleen Patterson, Ward 3; Adrian Fenty, Ward 4; Vincent B. Orange, Sr., Ward 5; Sharon Ambrose, Ward 6; Kevin P. Chavous, Ward 7; Sandy Allen, Ward 8.

Advisory Neighborhood Commissioners: Jacqueline Arguelles, 1A01; Mack A. James, 1A04; Regina Upchurch, 1A08; Lawrence T. Guyot, Jr., 1B04;

Statehood Delegation to Congress: Florence H. Pendleton, Senator; Paul Strauss, Senator; Ray Browne, Representative.

Board of Education of the District of Columbia: Peggy Cooper Cafritz, President; Julie Mikuta, District 1; Dwight E. Singleton, District 2; Tommy Wells, District 3; William Lockridge, District 4. Theadore B. Butler, 1B10; Josh Gibson, 1C07; Christopher Shaheen, 1E01; Maria Tyler, 2A03; Dorothy Miller, 2A05; Norma Z. Chaplain, 2B01; Alexander M. Padro, 2C01; Doris L. Brooks, 2C03; Richard B. Westbrook, 2D01; Roger Moffatt, 2D05; Len Levine, 2E02; Thomas L. Birch, 2E07; David H. Stephens, 2F01; All Lloyd Breed, 3B03; James C. Lively, 3B05; Kurt Vorndran, 3C02; Gertrude E. Reeves, 3C06; Lars H. Hydle, 3C07; Rosalyn P. Doggett, 3C08; Nancy J. MacWood, 3C09; Thomas A. Dibiase, 3E03; David J. Bardin, 3F04; Frank Gordan, 3E05; Allen E. Beach, 3G04; Douglas Sloan, 4A01; Jourdinia S. Brown, 4A02; Louis Lieb, 4B03; Pat Kidd, 4B04; Luis W. Thurston, 4B06; Joseph Bowser, 5A03; George A. Jackson, 5B05; Kathy Henderson, 5B10; Cleopatra Jones, 5C03; Vicky Leonard-Chambers, 5C04; Matthew J. Hanka, 5C12; Ronald T.T. Nelson, 6A11; Kenan P. Jarboe, 6B05; Kathy Chamberlain, 7B05; Terrance Johnson, 7C03; Ramon Murchison, 7D06; Johnnie Scott Rice, 7E08; Charles Wilson, 8A03.

Former Elected Officials

United States Senator: Charles H. Percy (R–IL).

U.S. Representative: Fred B. Rooney (D–PA).

Delegate, U.S. House of Representatives: Walter E. Fountroy.

Mayor, District of Columbia: Walter E. Washington; Sharon Pratt.

Council of the District of Columbia: Sterling Tucker, Chairman; Arrington Dixon, Chairman; Betty Ann Kane, At Large; William Lightfoot, At Large; Hilda H.M. Mason, At Large; Douglas Moore, At Large; John Ray, At Large; Frank Smith, Ward 1; James E. Nathanson, Ward 3; Charlene Drew Jarvis, Ward 4; William Spaulding, Ward 5; Nadine Winter, Ward 6; H.R. Crawford, Ward 7; Wilhelmina Rolark, Ward 8.

Statehood Delegation to Congress: John Capozzi, Representative.

Board of Education of the District of Columbia: Tonya Vidal Kinlow, Member; Alaire Rieffel, Member; Barbara Lett Simmons, Member; Wanda Washburn, Member; Phyllis E. Young, Member.

Additional Signers, in Alphabetical Order, Last Name First

Abate, Mary M., Abbott, Richard O., Adielou, Jean-Francois, Adkins, Mark, Agostinelli, Floyd H., Aikin, Robert H., Albers, Gerardine M., Albright, Craig M., Alexander, Clifford, Alexander, Harry, Toussaint, Alford, Susanne E., Ali, Kamil B., Ali, Virginia, Allen, Hugh, Allen, Mildred, Alley, Dionti, Alston, Wanda R., Alvarez, Anne, Anderson, Eleanor A., Anderson, John W. R., Anthony, Lewis M., Apple, Janet, Aranha, Lesley G., Archer, Vivian, Artisst, Robert, Athy, Andrew, Audette, Rose Marie, Auld, Barbara Ann, Axelrod, Kimberly, Baker, A. Cornelius, Baker, Johanna, Baker, Josephine C., Baldrige, Letitia, Barbara, Green, Barker, Dorothy, Barnes, Denise Rolark, Barnes, Johnny, Barton, Shari, Bashkin, June C., Bass, Gerald H., Bates, Barbara D.,

Battle, Roma, Bauch, Michael M., Baxter, Nathan D., Beach, Martha Page, Beach, Walter, Bearden, Janet, Becker, Mary H., Beghe, Bina, Bell, T. David, Benjamin, Julie, Bentley, Jerry, Berg, Al, Berk, Sally, Berkley, Marta W., Berman, Lawrence E., Bermpohl, Barbara J., Bermpohl, Charles, Bernhardt, Sonya, Berry, Jr., James D., Berry, Max N., Bertran, Silvia P., Best, Jr., Richard A., Bick, Barbara, Bicknell, Alesia, Bieri, Sandra J., Birch, Thomas L., Bitondo, Patricia S., Bixley, Donna M., Black, Ethel R., Blackwelder, Brent, Blair, Jr., Philip J., Block, Steven, Blufer, Jennifer, Blume, Joshua S., Boasberg, Tersh, Bolden, A. Scott, Bolt, Janis M., Booker, R. H., Boorstin, Daniel J., Boorstin, Ruth F., Borbely, Marc, Borman, Susan G.,

Bost, Samuel F., Boswell, George W., Boteler, William, Boucher, Marie A., Bourgin, Simon, Bowen, Helen, Bowen, Tracy, Bowling, Kenneth R., Bradburn, Ben, Bray, Joan M., Brazile, Donna, Brizill, Dorthy, Broderick, Katherine S., Bronstein, Harriet, Brooks, Doris L., Brooks, Earline, Brown, C. Dudley, Brown, Chelai, Brown, Danielle M., Brown, Elizabeth F., Brown, Janet Welsh, Brown, Janice, Brown, Sherry, Brown, Theresa F., Brown, William B., Brown, William N., Browne, Elaine A., Browser, Joan B., Brylawski, Henry H., Buavie, Earl, Burden, Valerie K., Burger, Charles A., Burgess, Julie, Burkhart, Edwardo, Burton, Jr., Melvin M., Busang, F. Brett, Butler, Alice Y., Butler, Theodore, Cain, Bonnie J., Calbert, William E., Cantey, Gloria A., Capozzi, Susan U.,

Carliner, David, Carpenter, Anne, Carr, Novella M., Carter, Randolph, Carter, Virginia L., Cartland, Beth, Cassell, Charles I., Ceja, Kathy, Ceja, Paul, Chambers, Cathy, Champagne, Rita V., Chane, John B., Charles, Christopher, Chartowitz, Simon, Cheney, Carolyn, Chevalier, Mellanie, Christian, Elois Felder, Clark, Bruce W., Clark, Jeannine Smith, Clarke, Carole E., Clarke, III, Francis M., Clarke, III, Randolph L., Clay, Carolyn, Clemmons, Richard L., Cleveland, Gwendolyn M., Coan, Nancie S., Coates, Mary M., Cohan, Marsha A., Cohen, Carla, Cohen, Claire, Cohen, David, Cohen, Jean, Cohen, Paul J., Cohen, Roberta S., Cohen, Stephen P., Cole, Carl C., Cole, Michelle C., Coleman, Stephen, Collins, Michael A., Condrell, William A., Conly, Robert J., Connors, Jill, Conroy, Sarah Booth, Cooke, Paul P., Cooper, Dawn M., Cooper, Ethel C., Cooper, Jerry I., Cooper, Maudine R., Cooper, Timothy, Corboy, Joan E., Corvington, Patrick S., Courtney, Sarah,

Critchfield, Margot, Crittenden, Ann, Croft, Howard R., Cropp, Dwight S., Cushing, Joan, Cymrot, Steve, Czaplewski, Ellen, Davis, Dorothy J., Davis, Ellen P., Davis, Judith, Day, Alice T., Day, Lincoln H., Deaver, Laura D., DeGoia, John J., Del Negro, Albert A., Del Signore, Gilda, Demczuk, Bernard, Derrick, Jr., John M., Devall, Donna, Devall, James L., DeVoto, Emily, Dial, Lacy Anne, diGiacomantonio, William C., Dillard, Russell L., Dinan, Donald R., Dixon, Cora O., Dixon, Jane Holmes, Dixon, Jr., Walter, Doctor, Charles A., Doctor, Marcia, Doggett, Bill, Domike, Joan R., Donkin, Steven G., Doucette, Dail D., Dougherty, James B., Douglas, Selma Ford, Downs, Barbara, Downs, Dalton D., Drew, Joseph, Drissel, Anne, Durant, Bene L., Eaddy, Phyllis C., Earhart, Farley, Eck, Barbara Coughlin, Eckles, Kathryn A., Edelman, Peter B., Edwards, Yvonne E., Egendorf, Paul, Eichenlaub, Dawn M., Eichhorn, Jan, Eiland, Genevieve,

Eilenberg, Eleanor F., Eisenhardt, Julie, Elsworth, Robert W., Elwood, Patricia, Emerine, Dan, Eng, Ronald M., Epperson, Audrey I., Erdman, Ann, Espenschied, Peter, Espy, Anita, Essaye, Eileen, Eugene, Elinor F., Evans, Ronald, Evelyn, Douglas E., Fagin, Roy V., Falk, David, Farlee, Coralie, Farley, Kecia M., Farrell, Mary, Farren, Linda, Fasano, Michael V., Fassler, Bettifae, Fay, Peter J., Feldman, Abraham E., Feldman, Margaret, Fenton, Mary E., Ferens, Michael, Fidler, Lillian, Fillmore, Terrence, Fineberg, Rachel, Fischer, Eleanor P., Fitzgerald, IV, William B., FitzGerald, William H.G., Flack, J. Kirkpatrick, Flack, Joan, Fleming, Carol E., Fleming, Jean, Ford, James R., Ford, Jessica M., Forster, John J., Fox, Catherine J., Fox, Howard, Francese, Marge, Freund, Charles Paul, Freundel, Barry, Frye, Denetra T., Furlong, Joan M., Gaffney, James C., Gaine-Jernigan, April C., Gaither, Jr., Charles, Gardiner, Laura, Gardner, Letitia,

Garnett, C. Vance, Gati, Charles, Gati, Tobi T., Gaull, Eric S., Gauntt, Barbara, Gautier, Philip R., Gemmill, Frances C., Gemmill, Robert, Gench, Roger J., Gerstle, Tracy, Gibson, James O., Gildemeister, Joan E., Gildenhorn, Jeffrey N., Gill, Sr., John W., Gilson, Anne E., Gist, John Earl, Gittens, Tony, Glickman, Andrew, Glover, Joseph A., Gold, Gregg H.S., Golden, Ryan, Golomb, Rita, Goodall, Nataki, Goode, James M., Gordon, Lillian A., Gottfried, Bobby, Gottfried, Margery, Gould, Michael A., Grana, Teresa, Grano, Joseph N., Granoff, Nadine, Grant, Denise E., Grant, Evelyn R., Grant, Miriam, Grass, Eleanor, Graves, Jr. Donet D., Gray, Evelyn T., Gray, Harold, Gray, Lawrence A., Graye, Eric S., Green, Charles C., Green, Marjorie Reed, Green, Tyler, Greenan, Linda, Greene, M. Sharon, Greene, Natalie C., Greenfield, Brad, Griffin, Susan, Gundersheimer, Werner, Gunn, Zanette, Gunn-Williams, Berna, Gurley, George E.,

Gwynne, J. Guy, Hagerty, Helen M., Hagler, Graylan S., Hahn, Jr., Gilbert, Hahn, Margot H., Hallman, E. Patricia, Hanrahan, Deborah, Hanrahan, John, Hansen, Erling, Hargrove, Ann Hughes, Hargrove, John Lawrence, Harigan, Merrilee, Haring, Ellen E., Harles, Andrea, Harles, Charles, Harraway, Jane, Harris, Janette Hoston, Harrison, Keyla, Hatry, Audrey H., Hawkins, Ann W., Hawthorne, Annie F., Hayden, Andrea R., Hechinger, Sr., John, Height, Dorothy, Hemphill, Gwendolyn, Henderson, Wade, Henry, James, Herman, Christina C., Herman, Christopher C., Heurich, Gary F., Hier, Thomas C., Hill, Barbara, Hinman, Brian R., Hinton, Shauntay, Hinton, Solomon, Hitchcock, Joanne, Hobbs, Loretta M., Hobson, Phyllis J., Holeman, Larry E., Holman, Kwasi, Holmes, Anastasia M., Hoover, Bette, Hopper, Janice H., Hoskins, Marilyn W., Howard, John M., Hubbard, Reginald, Huff, James E., Hughes, Reginald T., Hughley, Alisa M., Hugo, Glen, Hunter, Deitrich, Hurst, Paul R.,

Hussey, Sandra R., Hydle, Lars S., Hyman, Robert E., Hyman, Toby R., Imperatore, Catherine, Isaac, Donald, Isaac, Fulwood, Ivey, Mary E., Jackson, Jr., Arthur H., Jackson, Jumoke, Jackson, Maurice, Jacques, Kenneth R., Jaffe, Lorna S., James, Sandra P., Jamison, Kay, Janke, Lucinda, Jarvis, Ernest D., Jashinsky, Judy, Jenkins, Anise, Jenkins, Lauretta C., Jenkins, Mark, Jenkins, Timothy L., Jewett, Martha, Johns, Marie C., Johnson, Aaron L., Johnson, Edith, Johnson, Jermaine, Johnson, Linda, Johnson, Mark F., Johnson, Michael, Johnson, Mzilla Boyd, Johnson, Sr., James R., Johnson, Wendell R., Johnstone, James M., Jones, Brenda, Jones, Cecily, Jones, Cliftine, Jones, Elaine R., Jones, Germaine, Jones, Gwen, Jones, Jean C., Jones, Mary C., Jordan, Jr., Vernon E., Joynt, Carol Ross, Junge, Emilie, Kameny, Franklin E., Kaplan, Joel, Kaplan, Michael, Katz, Kenneth S., Kaufman, Sarah E., Keenan, Joan S., Keeny, Jr., Spurgeon M.,

Keeny, Sheila S., Kelley, Kitty, Kelly, Brandy, Kemp, Virginia, Kendrick, Dolores, Kennedy, Adele, Kennedy, Emily A., Kennedy, Mary T., Kidney, Judy, Kiger, Keven, Kimber, Stephanie, Kinch, Patricia, King, Branda J., King, Catherine Y., King, Jean A., Kingsley, Rebecca, Kinlow, Eugene D., Kissel, Sharon M., Klein, Max, Klein, Suzette, Kleinhenz, Laura M., Knot, Kenneth, Koenigs, Marion, Kopper, Starr, Korzenik, Jeremy F., Koskinen, John A., Kraft, Barbara S., Kreitzman, Elizabeth, Kreitzman, Horace, Krowl, Michelle A., Kukulski, Raymond J., Kurtz, Gwendolyn M., Larh, Jack, Larh, Joanna Hanes, Lake, R. Renita, Lancastre, Johncie L., Lane, Joseph, Lane, Madelyn A., LaRoche, George S., Larsen, Amy Gracey, Lawrence, Charles, Lawrence, Krystal, Lawton, Virginia, Lee, Ethel Delaney, Lee, Vilma L., Leiman, Robin, Leonard, Lloyd S., Levin, Vivian, Lewis, Charles Thomas, Lewis, Iris R., Lewis, Stacey L., Liberatore, Robert G.,

Lidoff, Marjorie, Lindenblad, Irving W., Linder, Geraldine, Linton, Ronald M., Loikow, Ann Hume, Lowe, Charles, Lowell, Kathyrn Solorzano, Lucas, Anne, Luchs, Allison, Luchs, Barbara B., Lugo, Elena, Lynch, Jr., Willie J., Lynch, Terrance, Lytle, Lelia A., Madison, Joseph, Mahone, Othello, Malasky, Gary, Malone, Brenda D., Marsh, Anna, Marsh, Luther, Martin, Elizabeth, Marx, Jay, Marzin, Anne D., Mason, Charles, Mason, Ernest J., Mawber, Carolyn, Maza, Rudy, May, Jr., Ernest N., Mayes, Stanley J., Mayoch, Melanie, McBride, Lindsay, McCauley, Mary T., McClintic, Dusty, McFarlane, Jonda, McIntosh, Janet, McIver, Dale, Mckee, Pamela L., McKiney, Arthur D., McKoy, John H., McLeod, James, McLeod, Kate, McMahon, James B., McSweeny, Dorothy Pierce, McWaters, Mary Harris, Meade, Barbara M., Meehan, Robert, Meehan, Susan, Meigel, Robin, Melder, Keith E., Melendez, Norma,

Melgren, Linda M., Mersha, Wondimu, Merz, Mary Frances, Method, Francis J., Metzger, Nancy Pryor, Miller, H. Crane, Miller, Iris, Miller, Janette S., Miller, Joan, Miller, Joyce D., Miller, Nancy E., Miller, Rosemary E. Reed, Miller, Sabrina, Miller, Victor J., Mills, Yvette, Minott, Gloria, Mitchell, Cynthia T., Mitchell, Hedrick E., Mitchell, Shirley G., Mitten, Carol J., Moe, Richard, Molinelli, Lucille, Monagan, Rosemary, Mondale, Clarence, Mondale, Virginia, Monteilh, Richard, Moody, Linda H., Moore, Carol, Moore, Carolyn, Moore, Robert L., Morris, Debra S., Mosely, Bill, Muier, Adam E., Mumford, Jennifer, Mumin, Ibrahim, Munson, Marit, Najjab, Jamal, Neal, Beverly, Neil, Cynthia S., Nelson, Judith G., Nelson, Karen, Neumann, Loretta, Neverson, Angela P., Neverson, Norman C., Newsman, Elaine L., Nichols, Susan, Nickerson, Lisa M., Nijjeri, Redus, Noherty, Sean Patrick, Norouzi, Parisa, Norris, Alice L., Noto, Nonna A.,

Nyguard, Debra, O'Field, Jr., William R., Odabas-Geldiay, Filiz F., Odum, Joel, Ogilvie, Phil, Oldham Molly, Olender, Jack H., Oliver, Anne, Pannell, Philip E., Parker, Cheryl A., Patrick, Jaquetta, Patterson, Michael, Payton, II, Douglas Neil, Payton, Pamela, Pearson, Shawn L., Pearson-West, Kathryn A., Peck, Robert A., Peete, Etta C., Perry, Keith Andrew, Peterson, Sushila J., Pigott, Howard, Plotkin, Mark, Pollard, William L., Pollock, Lucia, Pontius, John F., Pontius, Ruth C., Pope, George, Popkin, Joanne, Poteat, Willard C., Potter, Julian, Powell, John, Present, Sheri, President, Delure, Price, Woodruff, Pridgen, Marguerite, Priemou, Lina, Quander, Carmen, Quander, Rohulamin, Quinn, Brigid, Raines, Franklin D., Rainwater, Peggy E., Rausch, Richard L., Ravens, Robert B., Ray, Kathryn C., Redman, Gail, Redwood, Rene A., Reed, Jeanne P., Reeves, Brian, Rega, Elizabeth, Rega, John, Regardie, Renay, Regardie, William,

Reid, Sheila A., Rhodes, Samuel W., Rice, Bill, Rich, Sr., Frank, Richards, Laura, Richards, Mark David, Richardson, Bernard, Richardson, Charles, Richardson, Neil, Richardson, Ronald, Rieffel, Lex, Riley, Paul J., Rimensnyder, James N., Rimensnyder, Nelson F., Rivers, Beverly D., Rivlin, Alice M., Robbins, Stacey, Robbins, Warren, Robin, Alex, Robinson, William L., Rodriguez, Hector, Rogers, Helen H., Rojo, Eric, Roles, Margaret, Rollins, Jr., Robert A., Romanek, Walter, Rooney, Angela, Rooney, Thomas P., Roosevelt, Kermit, Rose, Loraine, Ross, Glyndola C., Ross, Pete, Ross, Tayloe, Roth, Alan J., Rothschild, Kenneth, Rouncie, Hollace, Rowan, Mary Pat, Rowen, Paul R., Russell, Elizabeth, Ruttenberg, Charles B., Rybeck, Richard, Sacks, Benjamin R., Saez, Miriam, Sanders, Charles E., Sandvold, Irene, Sarla, Leo, Saul, Judy Hubbard, Saunders, Sherry J., Schaefer, Christie, Schaefer, Mark A., Scher, Barry F., Schietinger, Egbert F.,

Schietinger, Helen, Schlefer, Marion K., Schyler, Krista, Schmidt, Kathy, Schott, Peter, Schussheim, Hanna L., Schwinn, Gerald Allan, Scott, Edith M., Scott, Paul D., Seegars, Sandra, Seligman, Michele, Sellin, Anne, Sellin, David, Semans, Linda K., Sericca, Cherie, Shaffer, Joseph, Shannon, Donald H., Shannon, Sally, Shapiro, Carol Ann, Shapiro, Sarah, Sheehan, Kathleen M., Shema Yah, Queen Mother, Sheppard, Anthony M., Shepperd, Randall J., Short, Jr. James N., Shulman, Judith L., Sibert, Karen M., Sigerson, Bartlett, Sivlerman, Gary S., Silverstone, Gail, Simmons, Jacquelyn S., Simmons, Nancy L., Simon, Gottlieb, Simons, Elaine D., Simons, William H., Simpson, Alec, Singleton, Harry M. Sinzinger, Kathryn M., Sislen, Myrna, Slemmer, Amy, Smalls, Betty L., Smith, B. Harold V., Smith, Dane F., Smith, Jeffrey, Smith, Judith A., Smith, Juliette W., Smith, Kathryn S., Smith, Kimberly R., Smith, Lloyd D., Smith, Naomi B., Smith, Nelson, Smith, Sherwood,

Smith, Vivian L. Smith, Wallace Charles, Smith, Walter, Snyder, Tanya, Sockwell, Robert N., Softli, Linda E., Solomon, Daniel, Solomon, Elizabeth, Solorzano, John, SoWell, Richard, Sparkman, Jennifer L., Speight, Chester, Spencer, Annette L., Spillinger, Barbara, Springmann, Ruth E., Standing, Benjamin M., Stanmore, Stuart, Starke, George, Steacy, Richard, Steen, Jim, Stein, Gary, Stephens, David H., Sternlieb, Joseph, Stewart, Rhonda, Stock, Richard H., Stout, Anna, Stowell, Kerry H., Strawser, Neil E., Sulton, Cynthia Gayle, Sussman, Michael, Szulgit, Karen A., Talbott, Strobe, Tangherlini, Daniel, Tank, Mary L., Tanney, Faith, Tate, Constance P., Tayler, William, Taylor, Clara S., Taylor, Inell P., Teasley, Inez L., Tellis, Edward L., Temple, Donald M., Tennly, Emanuel Tanen, Terry, Diane, Tess, Dillon, Theobald, Ursula, Thomas, Annie Marcs,

Thomas, Hazel B., Thomas, J. Maurice, Thomas, Martin, Thomas, Romain B., Thomas, W., Thorne, Doris, T., Thorp, Matthew B., Tierney, Mary B., Tillman, Joan E., Tingling, Michele A., Tobias, M., Todd, Ellen, Tottenberg, Polly, Tractenberg, Stephen Joel, Trumbull, Kuann, Tuckerman, Jane, Turner, Wayne, Tyrance, Marian T., Tyson, Harriet, Updike, William A, Valenti, Jack, Van Susteren, Lise, Van Williams, David, Vandivier, Elizabeth, Vicary, Scott, Vigderhouse, Mildred, Volk, Joann, Walker, Alice, Wallace, Elizabeth F., Ward, Derrick, Washburn, Abbott M., Washington, Mary Burke, Washington, Paul, Washington, Robert E., Washington, Shirley A., Waters, Joyce N., Watkins, Erikka B., Watkins, Frank, Watkins, Robert P., Watson, Loretta M., Ways, Sherry B., Weaver, Gladys C., Wedderburn, Daniel H., Weill, Daniel F., Weisman, Jr., Malcolm L., Weiss, Chris, Weiss, Marc A.,

Weiss, Nancy, Welch, Delores H., Wellborn, Clay H., Wellborn, Edna P., Wenham, Gerard R., Werronen, Betsy W., West, Jr., Togo D., Westbrook, Richard B., Wheeler, A.L., Whitman, Sue, Wilbourn, Beverly J., Wilcher, Vickey M., Wilkins, Roger, Willet, Sheila A., Williams, Anthony M., Williams, Elsie B., Williams, Paul, Williams, Shelore, Williams, Virginia Hayes, Wills, Kathleen H., Wilson, Charles, Wilson, Joan R., Wilson, Joann L., Wilson, Raymond J., Wilson, Vaughn, Winborne, Annie M., Wirtz, Jane Q., Wirtz W. Willard, Wiseman, Dewey, Wholberg, Jeffrey A., Wolf, Muriel D., Wolf Richard N., Wolff, P.L., Wooby, William, Woodfork, Ethel S., Woodfork, Sterling V., Woods, Elizabeth M., Woodson, Roderic L., Woosley, Dorothy L., Worthy, Ruth, Wynn, Lester M., Yancey, Elizabeht C., Yeomans, Barbara, Zanders, Miriam, Zeldin, Zelda, Zobgy, James, Zupa, Mary Beth.

HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD ACT OF 2003

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LYNCH. Mr. Speaker, I rise in support of H.R. 2433, the Health Care for Veterans of Project 112/Project SHAD Act of 2003. From the year 1962 until 1973, the Department of Defense conducted various biological and chemical warfare tests, which involved several armed forces participants. These veterans were susceptible to the harmful effects of those biological and chemical agents, resulting in various illnesses that have been detrimental to their health and to their general welfare. The fact that these brave veterans have not been ensured essential medical services, hospital care, and nursing home care is a shameful one indeed.

Experimental warfare testing has had notoriously degenerative effects upon its participants. The consequences of Vietnam-era toxins, for example, are still being researched to better understand just how damaging the exposure has been. Another instance, Gulf War Syndrome, has been attributed to numerous military endeavors, such as petroleum-related hazards to the depleted uranium shells of the M1–A1 Abrams battle tank. These unintentional, unfortunate side effects of warfare must not go unheeded.

The noble service and duty of our proud veterans deserves gracious recognition and appropriate compensation on the part of the federal government. We cannot shun the treatment of unnecessary and preventable illnesses, nor can we rest idly while our nation's defenders succumb to such illnesses. There should be no requirement for proof of service-connection for the veterans who participated in the 1962 to 1973 testing. With their health care guaranteed by the federal government, we are rightly paying them back and providing the treatment that they need.

In addition, the VA medical workforce is in need of a significant improvement of healthcare facilities. Working against the VA are the fluctuating staff levels of the medical staff who form the backbone of the facility workforce. Their weekend pay is also subject to confusing advantages and disadvantages, depending on one's position. Current standards of promoting nurses do not take into account experience, but rather favor those with a Bachelor's degree in Nursing Science. These issues further complicate and hamper the efforts of honest, hardworking healthcare employees to administer proper care and treatment to patients.

We must develop innovative methods of attracting medical personnel into the veterans' healthcare field, especially given the flight of skilled workers and patients to hospitals in the private sector. Through fair labor negotiations between the VA and medical staffs, adequate staff levels and the means for the delivery of patient care can be properly outlined. Without sufficient communication and coordination on the parts of both the VA and its medical workers, everyone will ultimately suffer, and no one more than our veterans. The physical and emotional well being of our veterans should not be marginalized and this legislation is one step towards ensuring that they receive the proper high-quality care that they deserve.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CAMP. Mr. Speaker, today I would like to pay special tribute to Mother Teresa of Calcutta in celebration of her extraordinary life.

The world has always been filled with great humanitarians, people who donate millions of dollars, and people who make their voices heard. Yet, Mother Teresa stands out in this group. She dedicated her entire adult life to caring for the terminally ill, the unwanted and unloved. Despite these people's pain and suffering, she gave them a reason to smile. Mother Teresa received her calling in 1946 and humbly spent the next 51 years devoted to helping the people of India. In 1979 she received the Nobel Peace Prize and in 1985 she received the highest U.S. civilian award, the Medal of Freedom.

Mother Teresa had love in her heart for all God's children, and for that, I am honored today to pay tribute to her.

A TRIBUTE TO THOMAS C. MOHR OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to offer my congratulations to Thomas C. Mohr of Hillsdale, MI as a friend, a great American, and most recently for being named Michigan's "Clerk of the Year."

Selected by a seven-member panel, Mr. Mohr was honored for over 15 years of service to the state and as the Hillsdale County Clerk. Mohr has been active in community service and is responsible for recording the official county statistics as well as criminal and civil trials in Circuit Court. Additionally, Mr. Mohr has supervised elections for the past 15 years in a most professional manner.

Thomas Mohr puts his job first and personal feelings second. It's no wonder then that the local newspaper calls him a leader of Hillsdale. Peers say he is "dependable, trustworthy, and very conservative."

Mr. Mohr has a long list of accomplishments: a former teacher in Litchfield, a U.S. Navy Veteran, township clerk, county commissioner, and father of two. In addition to his County Clerk duties he serves as the treasurer for the Michigan Association of County Clerks. He received his Bachelor of Science degree from Central Michigan University and Masters in Public Administration.

Mr. Mohr sets an example for all of us as he has quietly gone about his life and work. As Theodore Roosevelt said, "The first duty of an American citizen, then, is that he shall work in politics; his second duty is that he shall do that work in a practical manner; and his third is that it shall be done in accord with the highest principles of honor and justice." Thomas C. Mohr has done just that.

IN RECOGNITION OF THE HISTORICALLY BLACK COLLEGE AND UNIVERSITIES IN SOUTH CAROLINA'S SECOND CONGRESSIONAL DISTRICT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise to pay tribute to the Historically Black College and Universities of the Second District of South Carolina. Benedict College, South Carolina State University and Claflin University serve more than 10,000 minority students seeking a better future for themselves and their families through education.

I've personally had the chance to visit many of these institutions and have seen firsthand what a tremendous job they are doing in preparing our youth for the future. I have proudly cosponsored legislation to strengthen minority-serving institutions and help to break down barriers that currently prevent some students from pursuing their dreams through education. I have also cosponsored bills to assist minority-serving institutions as they participate in graduate programs under the Higher Education Act, as well as international and foreign language studies programs.

Republicans in Congress have recognized the value of schools like Benedict, SCSU, and Claflin and have increased funding by 96 percent and by 172 percent for Historically Black Graduate Institutions (HBGIs) since 1995. This year, HBCUs received $214 million and the HBGI program received $53.4 million. The House-passed spending measure for next year adds another $10 million for HBCUs, bringing funding to nearly $225 million.

And earlier this year the House approved legislation, the Ready to Teach Act, to strengthen the nation's teacher training programs, including creation of "Centers of Excellence" at minority-serving institutions to bolster teacher quality and training.

The strong leadership provided by Presidents Dr. David Holmes Swinton of Benedict College, Dr. Andrew Hugine, Jr. of South Carolina State University, and Dr. Henry N. Tisdale of Claflin University combined with Congress' commitment to increase access to college for all Americans will ensure a brighter future for the students of South Carolina's Second District.

HONORING THE GRAND VALLEY STATE UNIVERSITY PIONEER CLASS OF 1967

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the Grand Valley State University Pioneer Class of 1967. The first graduating class of Grand Valley State University assembled on the Allendale Campus in September, 1963. There were 226 members of the class, with 156 ultimately graduating with baccalaureate degrees from the institution. The college in that first year consisted of only two fully completed buildings: Lake Michigan Hall and the Seidman House student center. During the four-year journey of the Pioneer Class through Grand Valley State College (as it was then known), the campus was constantly changing as new buildings and facilities were added.

The class was comprised primarily of students from the West Michigan area who were carefully selected for academic aptitude and other indicators of potential success at the new, largely non-residential college. They concentrated and succeeded in their college programs despite the distractions of the increasing turmoil of the Vietnam War and the American cultural revolution that began in the mid-1960s.

The students were challenged by a rigorous curriculum, coupled with shortages of facilities and equipment, rudimentary library and audio-visual resources, and a virtual absence of traditional student life opportunities during their four years on the campus. The college did not receive academic accreditation from the North Central Association until late in the Pioneers' senior year. Members of the Pioneer Class competed on Grand Valley's first intercollegiate athletics teams, and inaugurated new housing, arts, writing, intramural sports, and community service programs at the college. They truly paved the way for generations of Grand Valley students to come.

Nevertheless, the Pioneer Class met all academic expectations and graduated in June, 1967. Class members have gone on to succeed in business, industry, education, religion, science and government. They met the challenges of life and study at the new college and are the first in a long line of distinguished, accomplished graduates from what has become a major regional institution of higher learning.

They are saluted upon the occasion of the 40th anniversary of their arrival at Grand Valley with a gala reunion in connection with Grand Valley State University's Homecoming 2003 on Oct. 3 and 4. The theme of this year's celebration honors them and all those who came after them at Grand Valley: "Grand Valley State University: A Pioneering Spirit."

INTERDEPENDENCE DAY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WEINER. Mr. Speaker, I would like to bring the attention of this body to an event that took place last week. On September 12, 2003, some of the finest citizens from around the world assembled in Philadelphia, the birthplace of our democracy, to recognize the first "Interdependence Day".

This historic event brought together public, civic and corporate leaders, distinguished academics and diplomats, and interested citizens and students, to reflect together on the fact that the world is becoming more and more connected. In a global climate that is too often rife with conflict, the participants of Interdependence Day examined ways to best diffuse the tensions that exist between nations and cultures. Indeed, the choice of September 12th for Interdependence Day was made in the hope that the symbolism of "the day after" would encourage citizens from around the world to see that terrorism and war are also opportunities for civic renewal and global cooperation.

Those in attendance had the opportunity to sign the Declaration of Interdependence—a document affirming the interdependent character of the post-modern world—to ponder questions of the relationship of independence to interdependence, and to celebrate the creation of an important 21st century commemorative event.

Interdependence Day events took place this year not just in Philadelphia, but in Budapest and in a number of schools and colleges in the United States. By the year 2004, the sponsors at the Democracy Collaborative expect to have many more venues. Mr. Speaker, I commend those who came together to celebrate Interdependence Day in Philadelphia, and those around the country and the world who are working to see that that horrors of September 11 are never repeated.

CELEBRATING THE SITE DEDICATION OF THE GERALD R. FORD SCHOOL OF PUBLIC POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. DINGELL. Mr. Speaker, I rise today to celebrate the site dedication of the Gerald R. Ford School of Public Policy at the University of Michigan, which is located in my district.

This University has always been at the vanguard of education, research, and preparing the best minds in the nation to confront the problems of this world. In 1916 the Institute of Public Administration was founded as one of the first schools to prepare students for the challenges of the public sector. It was reorganized as the Institute of Public Policy in 1968, and the curriculum expanded to include economic analysis, political science and quantitative methods. In 1995, the Institute was reestablished as an independent school within the University of Michigan—the School of Public Policy, which was renamed for my dear friend President Gerald R. Ford in 1999. President Ford is the only U.S. President from Michigan and the only president to graduate from this University. He took office at a dark hour in our nation's history and restored its faith in the Presidency through his wisdom, his courage, and his integrity.

The Ford School is guided by the expertise of Dean Rebecca M. Blank, a former advisor to President Clinton. She leads a small, close-knit community that fosters academic rigor, intellectual curiosity, and vigorous debate. Regular luncheon meetings and special presentations draw people together for discussion of pressing policy problems. A wide range of student activities—from soccer teams to lecture series—creates a lively and energetic environment. Students serve on all decision-making committees and play an important role in Ford School governance.

Public policy is a multidisciplinary field and the Ford School is home to several multidisciplinary research centers. The Center for Local, State, and Urban Policy Research (CLOSUP) and the National Poverty Research Center are housed at the Ford School. Their work gives policy makers, from Lansing to Washington, DC, accurate analysis and innovative ideas on society's most pressing problems.

Most importantly, this school prepares our nation's leaders. It takes the best minds from across the country and helps to focus their energies to making this world a better place. This school seeks solutions to our most intractable problems, and ennobles those who have the calling of patriotism, selflessness, and leadership. It is a testament to our great state, our great university, and our great former president, Gerald Ford.

Mr. Speaker, the Gerald R. Ford School of Public Policy is a tremendous asset both to the University and the state of Michigan. I ask that you and all of my colleagues rise to congratulate the school on this important event.

ON THE INAUGURAL BRIEFING OF THE CONGRESSIONAL SPINA BIFIDA CAUCUS AND RECOGNIZING THE SPINA BIFIDA ASSOCIATION OF AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to recognize one of Congress' newest caucuses—The Congressional Spina Bifida Caucus.

This Congressional Member Organization (CMO) was co-founded and is co-chaired by my good friend Representataive BART STUPAK of Michigan and me. The Congressional Spina Bifida Caucus is dedicated to improving the healthcare and overall quality of life for the 70,000 Americans and their families living with spina bifida.

This year has been a successful year for the patients and families who live with spina bifida, especially the members of the non-profit Spina Bifida Association of America who have done indefatigable work promoting an agenda of hope and research. In addition to securing $2 million to establish the National Spina Bifida Program at the Centers for Disease Control and Prevention (CDC) earlier this year, a major gathering of leading spina bifida researchers was held here in Washington this past May. The successful conference played a major role in helping to chart the future path of spina bifida research.

Yesterday, we marked another milestone—the official launch and first briefing of the Congressional Spina Bifida Caucus. In very short time, more than 20 Representatives supportive of our mission have joined the caucus. As more Members learn of the mission and legislative focus of the caucus, we are confident they too will join. I look forward to hosting additional informative briefings to better educate both Members and staff about spina bifida.

All of these successes would have been impossible if not for the work of the Spina Bifida Association of America and the Spina Bifida Foundation. Under the Leadership of Foundation President Hal Pote, Association President Alex Brodrick, and CEO Cindy Brownstein, the SBAA has made tremendous strides these past few years in helping all Americans—and their families—who live with spina bifida.

I wish the SBAA the best for continued success and I look forward to continuing to lead efforts in Congress on behalf of spina bifida patients and families.

REMEMBERING GENERAL BILL CREECH

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GIBBONS. Mr. Speaker, it gives me great pleasure to pay tribute to a distinct man of service and to join Nevadans and Americans in honoring the memory of retired Air Force General Wilbur L. "Bill" Creech.

Bill Creech started at the bottom as a private in the Air Force in 1944, and he retired forty years later as four-star general, and commander of Tactical Air Command, or TAC. However, he will not be remembered only as a man who rose from the bottom to the highest of heights. He will be remembered as a man who changed the United States Air Force.

The current Chief of Staff of the Air Force, General John Jumper, who served as Creech's executive officer at TAC, said, "No single officer has had greater influence on the Air Force in recent times than General Bill Creech. He transformed the way the Air Force conducts warfare."

Bill Creech did indeed change the Air Force. The General revitalized TAC by improving its efficiency, modernizing the forces with transformational weapons and tactics, and developing the teamwork that still exists in our Air Force. As a fighter pilot, I personally experienced the impact Bill Creech had on the Air Force. His leadership philosophy made everyone in a unit—flyers, maintainers, and support personnel—believe in the value of making things better. This philosophy spread beyond TAC to the entire Air Force. The men and women who are fighting in Iraq and Afghanistan today are the beneficiaries of his wisdom and leadership.

For Nevadans, General Creech is probably most appreciated as the "father of the Thunderbirds". After a tragic accident on January 18, 1982 claimed the lives of four team members, many people questioned the value of the Aerial Demonstration Squadrons. But Bill Creech believed in the Thunderbirds. He saw the values that the team demonstrated and knew they were important for the Air Force and our nation. General Creech put himself on the line to back the team and make it the great organization it is today. Even today, in the shadow of the accident on September 14, 2003, the first major accident since the tragedy in 1982, there is no question about the value of this team. The earth will continue to tremble under the great wings of the Thunderbirds because of Bill Creech.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and Americans. The loss of Bill Creech is a loss for our great Nation. We all join together to express our gratitude for the service and sacrifice of a great man.

REOPENING OF BAILEY AND BARCLAY HALLS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. OXLEY. Mr. Speaker, it is my honor to acknowledge the reopening of Bailey and Barclay Halls on the campus of Urbana University in Urbana, Ohio, after extensive renovations to both buildings.

Founded in 1850 by the Swedenborgian Church, Urbana University is known for its strong liberal arts tradition and the solid moral education provided to its students. Bailey Hall is the university's oldest building, constructed in 1853 and named after Francis Bailey, who fought alongside George Washington at Valley Forge. Bailey also served as the official printer of the Continental Congress, and was a close colleague of his fellow printer Benjamin Franklin.

Barclay Hall, completed in 1883, was the third building constructed at Urbana University. It was named for Hester Barclay, an orphan taken in by Francis Bailey. Both Bailey and Barclay Halls appear on the National Registry of Historic Places.

Francis Bailey and Hester Barclay are considered to be the first male and female Swedenborgian converts in North America, and were themselves instrumental in the conversion of John Chapman, better known as Johnny Appleseed. Appleseed distributed Bailey's paper The True Christian Religion on his own missionary and apple-planting travels, and was a frequent visitor to the Urbana area. Bailey Hall houses the Johnny Appleseed Education Center and Museum, the largest known collection of the conservationist's memorabilia. The Center is devoted to promoting Chapman's vital role in helping to develop the Northwest Territory through spreading both apple seeds and his faith in God.

The $1.8 million renovation to these two buildings provides needed improvements to the Appleseed Museum, as well as additional modern classroom space, meeting rooms, and faculty office space. These facilities will enhance the learning experience both of Urbana's students and visiting scholars to the Appleseed Center. I salute the hard work and dedication of everyone who has helped to make this project a success.

CONGRATULATING MS. JOANNE STOCKDALE

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KING of Iowa. Mr. Speaker, I rise to congratulate Ms. Joanne Stockdale on the great honor of being named Iowa Small Business Person of the Year by the Small Business Administration. It is because of the excellent reputation that she established since purchasing Northern Iowa Die Casting, Inc. in 1984, that she deserves this recognition. Small businesses are the backbone of Iowa's economy, and it takes true entrepreneurial spirit and determination to ride economic waves in order to remain successful. It is to her credit that Northern Iowa Die Casting, Inc. has grown from six to 100 employees, with sales soaring from $225,000 to $10 million. She is to be commended for bringing jobs and commerce to Lake Park, Iowa.

I also recognize her for the great honor of representing Iowa small business at the National Entrepreneurial Conference and Expo held this week in Washington, D.C., while competing for the national Small Business Person of the Year Award.

As a small business owner for 28 years, I have great personal appreciation for both the struggles she faces and the joys of seeing the fruits of her labor. Since arriving at the U.S. Congress in January, I have made small business a legislative priority, and my work on the Small Business Committee has already enabled me to assist in creating legislation that will help small business leaders like Joanne Stockdale.

HONORING THE SMALL BUSINESS ADMINISTRATION ON ITS 50TH ANNIVERSARY

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor our Nation's small businesses. Today we are marking the 50th anniversary of the SBA, an agency with the critical role in our country of supporting and promoting small businesses. Twenty-three million small businesses nationwide produce more than two-thirds of all new U.S. jobs; generate more than half of our Gross Domestic Product; represent 99.7 percent of all employers; and provide almost all workers with their first jobs. Small businesses in America form the backbone of the American economy and they are economic anchors in our communities.

In my home State of Illinois, close to 98.2 percent of our almost 280,000 employer businesses are small businesses with fewer than 500 employees. Currently, there are an estimated 6.2 million women-owned businesses in the United States, accounting for 28 percent of all privately held firms. These firms generate $1.15 trillion in sales and employ 9.2 million workers. Minority-owned businesses have quadrupled over the last decade. Minorities now own 15 percent of American businesses and 99 percent of these firms are small businesses. The fact that small businesses make a substantial contribution to our economy is undeniable.

America's small businesses could also act as a driver for our weakened economy. But they are struggling. They are struggling to cover the soaring cost of providing their employees with healthcare and they are struggling to simply survive in the Bush economy. Only 3 percent of the benefits of the $350 billion tax cut package that President Bush sold as a "job creation plan" went to small businesses. Instead of benefiting those companies that create the most new jobs, the President's tax breaks go into the pockets of the wealthiest Americans.

We should do more than mark the 50th anniversary of the SBA. We should take immediate action to help our small businesses and their employees. We should pass this resolution today, but we must then follow through with real relief to small businesses. Our small business owners and employees know that if you expect to succeed, you don't keep your customers waiting. We can't allow President Bush to keep our small businesses waiting much longer.

RECOGNIZING THE ACCOMPLISHMENTS OF THE EMPLOYEE BENEFIT RESEARCH INSTITUTE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize the valuable work of the Employee Benefit Research Institute (EBRI) as it celebrates its 25th anniversary. Established in 1978, EBRI is a nonprofit nonpartisan organization committed exclusively to data dissemination, policy research and education on economic security and employee benefits.

Few issues are as complex and important as those involving retirement security policy. For the past quarter century, EBRI has provided Members of Congress and other policymakers with objective, unbiased information on this critical issue. EBRI helps provide a context for our debates, and because it makes no policy recommendations, EBRI's facts can be comfortably used by all participants in debates.

The information provided by EBRI has served Congress well for the past 25 years. During this time, we have seen some significant changes and improvements to our nation's retirement system. EBRI consistently illuminates the real issues and clarifies the key questions about retirement, which helps us to provide a better future for America's workers and retirees. I am certain that EBRI will continue to be an invaluable resource to policymakers as we continue to strengthen our nation's retirement security laws.

Mr. Speaker, I hope my colleagues will join me in recognizing the contributions of EBRI. As it celebrates its 25th anniversary, all of us congratulate EBRI for its commitment to advancing policymakers' knowledge and understanding of retirement security issues and their importance to our country.

MIEASHA HICKS NAMED NATIONAL YOUTH OF THE YEAR BY BOYS & GIRLS CLUBS OF AMERICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. KAPTUR. Mr. Speaker, it gives me great pleasure to announce to our colleagues that Mieasha Hicks, 18, a member of Boys & Girls Clubs of Toledo, Ohio, was named National Youth of the Year by Boys & Girls Clubs of America at its annual Congressional Breakfast held today in Washington, D.C. As noted by the Boys & Girls Clubs of America national office, sponsored by the Reader's Digest Foundation, the Youth of the Year program recognizes outstanding contributions to a member's family, school, community and Club, as well as personal challenges and obstacles overcome. She competed against four other regional finalists, Kewanna Daniels (Gulfport, Miss.), Ambrosia Hafen-Hayes (Las Vegas), Yamarie Negron (Mt. Kisco, N.Y.) and Luis Vasquez (Greeley, Colo.).

In their announcement of this award, the Boys and Girls Clubs of America describe Mieasha Hicks, as a survivor. Her parents were 13 and 15 years old when she was born. Periodically, she was shuffled between households as the family grew. Being the oldest of seven children, Mieasha had no choice but to mature quickly.

Today, she helps her brothers and sisters with their homework and prepares them for tests. She often takes them to the library, the movies, shopping and out to dinner. Thanks to Mieasha, all of her younger siblings have become honor students.

Her father died when she was 12 and her mother left the state when she was 11. Despite these traumatic occurrences, Mieasha's visits to the East Toledo Boys & Girls Clubs gave her a reason to stay positive.

For the last 10 years, the Club has given her a place to belong. There she served as vice president of the Keystone Club, a group which gave her the opportunity to lead community service projects. She has also learned marketing and sales skills while organizing bake sales and candy sales as fundraisers. Among other activities, Hicks assists with Power Hour, her Boys & Girls Club's afterschool homework help program.

Mieasha Hicks was an academic standout at Central Catholic High School, where she has been a member of the National Honor Society and the school choir, a cheerleader, and student council representative. She is also actively involved with the African-American Culture Club.

She began attending Bowling Green University this fall where she will study medicine and science.

Mr. Speaker, it is truly a pleasure to commemorate this accomplishment by one of the first leaders of tomorrow's generation. For the next year she will have the opportunity to represent the Boys and Girls Clubs of America throughout the nation, and be an inspiration to thousands of young people who will see proof that success is possible when young people are willing to commit themselves to life's important goals. Congratulations, Miesha!

IN HONOR OF THE PIONEER MOTHER MONUMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SKELTON. Mr. Speaker, on April 23, 2003, in my hometown of Lexington, MO, a rededication was held on the Pioneer Mother Monument, known as the Madonna of the Trail.

In 1928, the National Society, Daughters of the American Revolution (DAR) erected 12 duplicate monuments known as the Madonna of the Trail paying tribute to the pioneer motherhood of the covered wagon days. The monuments were placed along the Old Trails Memorial Highway in twelve states across the United States. Statues are located in Springfield, Ohio; Wheeling, West Virginia; Council Grove, Kansas; Lexington, Missouri; Lamar, Colorado; Albuquerque, New Mexico; Springerville, Arizona; Vandalia, Illinois; Richmond, Indiana; Washington County, Pennsylvania; Upland, California; and Bethesda, Maryland.

At the original dedication of the Pioneer Mother Monument, 75 years ago, my father Ike Skelton III, spoke as a representative from the Lexington Legion Post. Also speaking that day was the Jackson County Court Judge Harry S. Truman.

The rededication of this monument was under the direction of the Missouri DAR. The moving force behind this event was LaVeda Cross, of Lexington, MO, with the help of her devoted husband Bill. However, without the support of the Lafayette/Lexington Chapter DAR and all the local citizens, the day would not have been possible.

I was privileged to deliver the rededication speech which is set forth as follows:

RE-DEDICATION OF THE PIONEER MOTHER MONUMENT LEXINGTON, MO—AUGUST 23, 2003

Thank you for inviting me to take part in this special ceremony to rededicate the Madonna of the Trail, the Pioneer Mother Monument, here in Lexington. This event could not have taken place but for LaVeda Cross and her devoted husband, Bill. A special thanks to the Lafayette/Lexington Chapter DAR and local citizens for their efforts to make this day possible.

To be able to participate in this event is very special to me, and not just because my wife Susie has been an active member of the Daughters of the American Revolution. Seventy-five years ago, when this very monument was dedicated, many prominent people participated: Mrs. Benjamin L. Hart, the Missouri DAR's State Regent; Edward J. White, Vice President of the Missouri Pacific Railroad Company; Mrs. John Trigg Moss, Chairman of the DAR's National Old Trail Committee; Mrs. Henry C. Chiles, Regent of the Lafayette Lexington DAR Chapter; and Judge Harry S Truman, President of the National Old Trails Road Association, to name a few.

But according to the program, and according to history passed down in my family, my father, Ike Skelton, III, Lafayette County's young Prosecuting Attorney, was allowed to give remarks while presenting a memorial flag and flag pole at the monument site. He was acting as the representative of the Lexington American Legion Post.

On that day, my father first made the acquaintance of Judge Harry Truman, the "Man From Independence", the man who would later become President of the United States. Because of the lasting friendship that was formed at the inaugural dedication of this monument, my wife and I in later years came to know President Truman as well—and he was a genuinely nice person.

But imagining that Monday afternoon, September 17, 1928, it's unlikely anyone dreamed that among them stood a future President—a man whose decisions would set the course for the second half of the twentieth century and alter the future of the world. Makes you want to look around a bit at the crowd gathered here today, just in case.

The Pioneer Mother Monument in Lexington has been a landmark in this city for my entire life. As you may know, there are twelve duplicate DAR monuments known as the Madonna of the Trail paying tribute to the pioneer motherhood of the covered wagon days. The monuments have been placed along the Old Trails Memorial Highway in twelve states across the United States.

According to an article in the DAR Magazine written some years ago by Helen Bartlett of the Samuel Huntington Chapter in Huntington, Indiana, the idea of a monument to pioneer mothers came to Mrs. John Trigg Moss of St. Louis after she saw a picture of a statue in Portland, Oregon, dedicated to Sacajawea, the Shoshone Indian woman who guided Lewis and Clark from Fort Mandan, North Dakota, to the mouth of the Columbia River. That Sacajawea was the inspiration of this statue seems quite appropriate.

Lexington sits on the bluffs overlooking the river Lewis and Clark traveled, not quite half-way through their trek across the unknown continent. And like the pioneer mothers who followed, Sacajawea also knew what it was like to care for an infant while leading a party of travelers through the wilderness.

In this world of 24-hour news channels, satellite dishes, thousands of newspapers, magazines, and internet sites, it is difficult to overstate the leap of faith it must have taken for the pioneers who bravely ventured into largely uncharted territory as participants in the Westward Movement. In many respects, it was a jump into the great unknown. And in some cases, what the pioneers thought was true—from pamphlets, from books, from word of mouth—was far from it.

A verse that pays tribute to the covered wagon people goes like this:

The coward never started;
The weak died on the way;
Only the strong came through.

The women and men who pioneered the West built this country, but the role played by the women who built this country deserves special attention and recognition. This statue, symbolizing all of the women who settled the West, is larger than life—just as the women we celebrate led lives that were larger than life.

With a baby in her arms and another child at her side, the Madonna of the Trail glorifies the value of family. We can see her sturdy boots, visible as she strides Westward, but we also see that the Pioneer Mother carries a rifle. Looking at her, there is no reason to doubt that she would be able to use it.

The women who endured the trip West were tough, sturdy and strong. They traveled the mountains, the hills, and the plains, crossed rivers, fought heat and cold, wind and rain. They cared for their husbands, bore children, and protected their families. They tended their animals, hunted and prepared their food, repaired their wagons, camped under the stars, and staked out homesteads.

While men and women together built new communities in a new, strange land, it was the women who ensured that the communities were actually settled. They built homes, schools, and churches, worked farms and ran businesses.

Some moved West by choice, others by circumstance. They faced terrible hardships. They made great sacrifices. They struggled mightily. Many of these pioneers—women, men, and children alike—did not survive. But those who did passed along to us a rich American heritage—a heritage based on the values of courage, independence, strength, determination, and freedom.

In addition to the pioneer women whose accomplishments are commemorated by this monument, the statue in Lexington also pays tribute to leaders in our local community who were instrumental in our country's development during the covered wagon days.

As noted on the statue's pedestal, Lexington was settled in 1820 by pioneers moving west from Virginia and Kentucky. The town became an early terminal for river transportation and also served as the starting point on the Western Trail of the pack pony and ox cart. Traders and wagon outfitters in Lexington were some of our most prominent citizens—John, James, and Robert Aull, William Russell, Alexander Majors, and William Waddell.

These successful businessmen made their names not only by selling essential supplies to men and women traveling West, but also by running their own wagons into the frontier to supply settlers and U.S. soldiers in their outposts. Russell, Majors, and Waddell's later enterprise, the Pony Express, was extraordinary in its ambition and still today enjoys legendary status.

Our pioneer ancestors seized opportunities that were available to those willing to take risks and settle our young country's Western territories. But unlike Harry Truman, who likely did not foresee in 1928 the prominent role he would play on the world stage, the early pioneers of our country realized that they were making history. From contemporary letters and diaries, we know that they understood that their adventurous spirits and determination to begin anew would shape our new country.

Their motives were diverse. Some may have come West because they could own land. Others traveled to make fast fortunes—some succeeded, and some simply held on to the dream of "getting rich quick". But whether immigrating from overseas, leaving crowded cities in the east, or moving from Midwestern cities that at one time bordered the frontier, their optimism was reflected in the belief that westward expansion was our nation's manifest destiny.

After seventy-five years, the DAR's Pioneer Mother Monument, the Madonna of the Trail, remains a fitting reminder of those days. Seventy-five years since the initial dedication of this statue, we again recognize and pay tribute to those who made possible the permanent Westward expansion of the United States, as well as the twentieth century leaders who commissioned this monument and worked to ensure that we would never lose sight of the vital contributions of pioneer women in our nation's history.

INTRODUCTION OF THE NATIONAL HIGHWAY BORDERS AND TRADE ACT OF 2003

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EHLERS. Mr. Speaker, I am pleased to introduce today a bill to improve transportation efficiency and to facilitate trade along our country's major international borders and trade corridors—the National Highway Borders and Trade Act of 2003.

Congress created two programs in the Transportation Equity Act for the 21st Century to assist the flow of people and goods through the United States-Canada and United States-Mexico borders and international trade corridors. Over the last 6 years, the funds provided through the borders and corridors programs have contributed to the critical improvement of the roads and bridges along these routes. However, despite this dedicated funding, our trade infrastructure is increasingly strained. Border crossing times are significantly delayed, interrupting the efficient flow of goods and disrupting the just-in-time delivery that is critical to our manufacturing and commercial sectors. Moreover, our highway system currently carries 70 percent of the total goods shipped in the United States, and freight traffic is expected to double in the next 20 years. This increased congestion will lead to lost productivity and have a negative impact on our economy. Changes to the borders and corridors programs are essential if we hope to address these increasingly growing concerns.

The National Highway Borders and Trade Act of 2003 will help reduce border crossing congestion and delays and will improve the highway corridors that carry international commerce by boosting funding for the borders and corridors programs to $200 million for each program annually for the next 6 years.

Under the bill, the borders program is converted to a more predictable, formula-based program in order to stabilize funding levels for States' border projects. Under a commonsense formula that considers factors that are directly related to delays and the effect of trade on the economy, funding will be based on cargo weight, trade value, and the number of commercial and passenger vehicles passing over the border. Eligible uses for border program funds include improvements to infrastructure, construction of safety enforcement and inspection facilities, operational improvements such as ITS technology, and coordinated planning with Canadian and Mexican authorities.

The bill also makes improvements to the existing corridors program. The legislation focuses funding eligibility on roads that are one of the previously designated high priority corridors, as determined by Congress, and an intermodal road connector to an ocean or inland sea port that accepts a certain minimum amount of international commercial cargo. The corridors program is maintained as a discretionary program, and eligible uses include corridor planning and design activity, location and routing studies, multistate and intrastate coordination, environmental review, and construction costs.

Finally, the bill maintains fiscal responsibility and ensures State investment by mandating a 20-percent State or local share for projects carried out under either program.

This bill is similar to S. 1535, a bill introduced in the Senate by Senator LEVIN from my home State of Michigan. I look forward to working with Senator LEVIN toward passage of this important legislation.

TO PAY TRIBUTE TO TOMMY NUÑEZ FOR HIS OUTSTANDING SERVICE TO THE NATIONAL BASKETBALL ASSOCIATION AND TO HIS COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to a man who has served as not only a pioneer in his profession but as a shining role model to our community. I speak of none other than Mr. Tommy Nuñez, who recently retired as a referee from the National Basketball Association (NBA) after thirty years of service.

Considered one of the most respected and honored referees of the game, Tommy began his officiating career with the NBA in 1972 earning the distinction of being the first Latino to referee in any major sport. Throughout his thirty-year career, he has officiated 2,019 NBA games, 64 playoff games and the 1992 All-Star Game.

He began officiating basketball games in predominantly black and Hispanic leagues in his hometown of Phoenix, Arizona. Sharpening his skills he moved on to officiate high school and junior college games. His big break came when an NBA official happened to see him work an exhibition game with the Phoenix Suns and suggested he try out to become an NBA referee. He went on to become one of 16 out of 1000 applicants to join this elite group.

However, Tommy's accomplishments off the court far exceed what he has accomplished with the NBA. His dedication and service to his community have been widely recognized. He speaks and gives clinics for children throughout the country encouraging them to stay in school. His annual National Hispanic Basketball Classic for young Latinos raises money for youth activities. To add to this, he directs a summer work program designed to introduce young adults to the basic principals of employment and instill in them a sense of responsibility and pride.

Tommy's recognitions, to name a few, include being an honoree of the 1994 Hispanic Heritage Awards, inducted into the National Hispanic Sports Hall of Fame in 2001, and presented with the 1992 Roberto Clemente Award for excellence by the National Council of La Raza.

As you can clearly see he serves as an inspiration to us all.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. Tommy Nuñez for his work and dedication to his community and to his sport; and best of wishes on his retirement.

RECOGNIZING THE PLIGHT OF THE ISRAELI PEOPLE DURING THE RECENT CEASE-FIRE PERIOD IN THE MIDDLE EAST

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. FORBES. Mr. Speaker, I rise to call attention to an article written by Rabbi Israel Zobennan. His article centers around a trip he recently made to Israel.

Rabbi Zoberman is spiritual leader of Congregation Beth Chaverim in Virginia Beach. Born in Chu, Kazakhstan, in 1945, and raised in Haifa, Israel, he lived in Israel of 1949 to 1966.

In the midst of renewed cautious hope to overcome the deadly impasse between Palestinians and Israelis through implementation of the Roadmap, I had the opportunity to witness the resumption of the very lively Israeli way of life during this cease-fire (Hudna in Arabic) period accepted by the Palestinian terror organizations.

The solidarity mission sponsored by my Reform movement, whose hallmark is prophetic values, focused on social justice issues in the Jewish state. We were exposed to inspiring efforts to make a difference on the internal front in spite of on-going security concerns. For that will ultimately determine the very quality of Israeli society and the meaning of a challenged yet enduring Zionist enterprise. Surely a nation's strength is a function of its social climate and democratic vitality even more so than its undergirding and reflective military might. But only peace allows for the essential societal flourishing which budded prior to the onset of the Second Intifada and the latter's back setting impact when Chairman Arafat chose the path of destruction over that of dialogue.

A major concern remains the welfare and integration of the 1,200,000 Israeli Arabs who live along five million Jews. While the Arab population in Israel proper has made progress, it still lags behind the Jewish majority socially, economically and educationally. The wide gap is bound to create understandable resentment and dangerous alienation with Israeli Arabs already undergoing troubling Palestinization and Muslim radicalization leading to terrorist acts which work against them, playing into the hands of those who claim they cannot be trusted. The state of war with Israel's Arab and Palestinian antagonists has exacerbated matters, though neglect will only fester a wound whose healing is essential for Israel's long-term well-being. Our group was addressed by volunteer Jewish members of "Sikkuy" (meaning a chance) which includes Arab counterparts and offers training to empower Arab municipalities as well as encourage their women to become leaders. We toured the Lower Galilee mountain range, discussing the disadvantaged Arab community in receiving state allocations, the attempt to improve the weak demographic Jewish presence, and the urgent need to improve communication between the two groups.

At the Wolfson Medical Center in Holon we visited the pediatric intensive care unit and saw children kept alive by the unique Israeli project Save A Child's Heart (SACH). It was founded in 1995 by the late American born legendary cardio-thoracic surgeon, Dr. Ami Cohen. A nurse on the hospital team was trained at our own King's Daughters in Norfolk. I was particularly moved by a Palestinian mother and her infant son from the

Gaza Strip. The boy is among over 800 children from developing countries, a third from the Palestinian areas, who have benefited from the program which is supported by private funds, volunteer medical care and hostel service when necessary. There was no interruption of service to Palestinians when devastating suicide bombings took place in nearby Tel Aviv and Netanya, and space was needed for emergency treatment of victims. Imprisoned Palestinian leader Marwan Barghouti on terrorism charges had a family baby treated there. Also a free clinic offered services to over 3,000 Palestinians. To save a life, any life, is a supreme sacred Jewish act practiced lovingly by Israelis.

In Jerusalem near the Machene Yehuda marketplace and its lingering memory of a suicide bombing, a community center embraces a most diverse neighborhood of religious and secular Jews, Arabs, Palestinians, foreign workers, haves and have nots. They benefit from a joint educational program where the children of all are attended to. We also lent moral support to demonstrating single parents, mostly women, encamped in tents outside the Knesset (Parliament). They are upset over their subsidies cut following an Israeli version of the "Wisconsin Plan," as Israel is moving more and more from a welfare state to a capitalistic one, leaving the weaker classes behind, thus creating a potential social explosion also in the Jewish majority.

In Haifa, where I grew up, I stunningly paused to offer a memorial prayer at the site of last March's terrorist attack claiming seventeen lives, at the bus stop I use to visit my aging parents. Guards are still posted at the entrance to public places, checking bags and reassuring people. Tears welled up in me upon hearing the breaking news that six elderly Iraqi Jews were brought home to Israel in a special operation representing practically the last survivors of a 2000 year old great exiled Jewry. What a reminder of what a resilient Israel is all about with the complexities and contradictions of a violated yet valiant land!

REMEMBERING STATE SENATOR AND COOK COUNTY JUDGE ROBERT J. EGAN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EMANUEL. Mr. Speaker, I rise to celebrate the life of a respected and exceptional public servant for the people of Chicago, the Honorable Robert J. Egan, who passed away on September 15, 2003.

Robert Egan was born in Elmhurst in 1931. In 1958, he married his lovely wife Marie. Together they had five wonderful children, Beth, Margie, Sarah, Robert Jr., and Frank and four grandchildren, Tony, Meggy, Kaitlyn and Sarah.

Judge Egan served as a first lieutenant from 1954–1956 in the U.S. Army infantry in Korea. He then worked his way through law school at Loyola University and was admitted to the Illinois bar in 1959. He later joined the Illinois Attorney General's Office, where he served as Chief Legislative Counsel and Chief Attorney in its antitrust division.

In 1970, Judge Egan was elected to the Illinois State Senate. Although defeated in 1972, he was subsequently reelected in 1974. He served in the Senate until 1984.

During his first year in the State Senate, Judge Egan sponsored seven anticrime measures that were enacted into law. He also was a leader in the movement to strengthen sentences for serious and repeat offenders.

Judge was his last title, gained when he was appointed to the Cook County Circuit Court in 1987. He retired from the bench in 1988.

From 1990–1999, he served on the review board of the Illinois Attorney Registration and Disciplinary Commission.

Mr. Speaker, I join with the people of the northwest side of the City of Chicago in recognizing the life of Robert Egan, and wish to express my deep sense of sorrow to Marie and the rest of Robert's loving family.

TO CONGRATULATE AND HONOR FELIX AND SOLEDAD CORONA FOR THEIR 50TH WEDDING ANNIVERSARY AND CONTRIBUTIONS TO OUR COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PASTOR. Mr. Speaker, I would like to congratulate a couple who will soon celebrate their 50th wedding anniversary and to honor their outstanding contributions to our community in Phoenix, Arizona.

Felix came to the United States as a migrant worker, toiling the fertile fields of California in the late 40's working for the Acosta Company. In 1950 he accepted a construction position refurbishing the Sacramento Fairgrounds. He worked very hard so that he could send money back home to his beloved family. Mexico was never far from his heart and he would visit when time allowed. On one of his trips back home in 1950 he met Soledad. He returned to California to continue to help support his brothers and sisters but his heart was in Autlan, Jalisco were he returned in 1952 to work and on September 29, 1953 Felix and Soledad were married in the company of friends and family. Felix worked for the Mexico Department of Geology and Minerals from 1952 to 1957. The young couple had their first son, Juan Manuel in 1956 followed by their first daughter Maria in 1957.

Felix and Soledad made the difficult decision of leaving loved ones and moving to the United States. They knew that their future and that of their children was in the North. They maintained a fierce loyalty to the family that they left behind and continued to help fund and educate their siblings while living in their new adopted home.

The Coronas first worked as laborers on the Dansie Farm in Northern California. They wanted to achieve the American dream for themselves and their children and in 1958 they developed a company that helped ranchers cultivate their crops.

During this time the young family grew to include six more children, all born in Marysville, California. They welcomed Armando in 1958, Teresa in 1959, Esperanza in 1961, Hector in 1962, Alex in 1964 and Beatrice in 1965.

In 1967, Felix started what has been a rich legacy of success, achievement and accomplishment when he formed a partnership with life long friends, Raul Ybarra, Albert Rodriguez and Francisco Mejia. They owned and operated Spanish Movie houses in Marysville, San Jose, San Bernardino and Orange County.

In 1970, Felix, Soledad and all eight children moved to Phoenix, Arizona to expand the business. They ran the Palace West Theater from 1970 to 1987. During that time, they saw the need for expanding the Hispanic family entertainment in Arizona and they met that need by opening the Cine Mexico in Chandler in 1979 and the Hayden West Plaza in 1980.

This was a busy time for the young and ambitious family, running a couple of restaurants such as the Courtroom Restaurant in downtown Phoenix as well as a record distribution company, entertainment promotions, and gift shops.

During this time the Coronas started working on what was going to be their greatest accomplishment as both a family and as leaders in the Hispanic business community. In 1976 they started construction of the Lienzo Charro El Herradero in Laveen, Arizona. Little did they imagine that they were embarking on a project which one day would be known nationally and internationally as Corona Ranch. With Felix at the mast, few deals were made that were not successful. His dream of bringing true Mexican culture and entertainment to the masses has been accomplished during the last 25 years.

The Coronas have enjoyed an accomplished, successful and fulfilling life with their 8 children and 18 grandchildren by their side. And although semi-retired, this couple is not content to sit on their laurels. They have been active in community, cultural and religious organizations such as the Friendly House, Ala de La Gente, St. Anthony's Catholic Church and the Laveen Lions.

Mr. Speaker, as you can see, Felix and Soledad have truly achieved the American dream and have contributed greatly to our community in Phoenix, Arizona. Therefore, I ask my colleagues to join me in congratulating them on their 50th anniversary and for their contributions.

REMEMBERING ANNA LINDH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EMANUEL. Mr. Speaker, I rise today to join the people of Sweden in mourning the loss of Foreign Minister Anna Lindh, a dedicated public servant who died last Thursday.

Her brutal murder has shaken the foundation of that proud and peaceful nation. To lose such a young and promising leader is an international tragedy that is difficult to comprehend.

In only 46 years of life, Anna Lindh rapidly ascended the European political community to become one of its most capable, competent, and respected members. She was a singularly instrumental figure during the Swedish presidency of the European Union in 2001.

From joining the Swedish Social Democratic League at age 12, Ms. Lindh was destined for a career in public service. She was elected to the Swedish parliament the year she graduated from law school. She later became the Deputy Mayor of Stockholm, Minister of the Environment, and eventually, Foreign Minister.

The impact of her political skill and achievements touched people worldwide, most notably in the Balkans, where her remarkable talents helped prevent war in Macedonia.

Building coalitions was her calling, and her success in this critically important area earned the respect of leaders from around the globe. When asked once what he appreciated most about Sweden, our own Secretary Colin Powell once replied "Abba, Volvo, and Anna."

Anna Lindh truly epitomized a new generation of internationally-minded politicians. Her murder was a tragedy that cannot be forgotten, but it must not overshadow her achievements and her lasting contributions to the international community.

Mr. Speaker, I join today with the people of Sweden and more than 12,000 of my constituents of Swedish descent in their grief as they remember and honor Anna Lindh's life. And I send my condolences to her husband and her two sons.

FOR A SAFER WORLD, ELIMINATE TORTURE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express my concerns about reports that some US authorities may have used methods on prisoners captured in Afghanistan and Iraq that may be illegal under accepted definitions of torture. As a member of the Congressional Human Rights Caucus, I am especially concerned about the treatment of prisoners of war.

From its foundation, our country has been clear in its condemnation of torture and in proscription of its use, both at home and abroad. Our position on human rights has been affirmed repeatedly, in our ratification of the Universal Declaration of Human Rights (1948), the Third Geneva Convention (1949), the UN Convention against Torture (ratified by the U.S. in 1994), and other international treaties.

These treaties have forbidden torture and inhumane and degrading punishment in all circumstances and for any purpose. This prohibition is binding on all countries and cannot be overruled by any other law or declaration. It also forbids the extradition of a person to another country "where there are substantial grounds for believing that he would be in danger of being subjected to torture." This policy was adopted officially by Congress on October 21, 1998, and applies "regardless of whether the person is physically present in the United States."

Our policy with respect to torture inflicted by U.S. nationals, whether at home or abroad, is clear. I am concerned, however, of reports that our practice does not always match our principles. Accounts in the media have described "stress and duress" tactics used on terrorism suspects. One U.S. official who has supervised the capture and transfer of accused terrorists was quoted as saying, "If you don't violate someone's human rights some of the time, you probably aren't doing your job." More recently, on March 4, the New York Times described the death of two prisoners while under interrogation at Bagram air base north of Kabul and the mistreatment of others.

Some claim that these alleged actions are necessary for our national security, and therefore should not preoccupy us. However, once torture on a small scale is accepted, it corrupts those who inflict it, and it inevitably expands. For the nation as a whole, it undermines the legal and moral principles on which our society is founded. The U.S. repeatedly has criticized countries that have used inhumane techniques. If we use torture, our efforts against torture in other countries will carry little weight.

International human rights organizations have documented torture and ill treatment in more than 150 countries, including the United States. The torture is widespread in more than seventy countries, and in eighty countries people have been tortured to death. The elimination of the use of torture is a prerequisite for the achievement of a more just and safe world.

The laws of the U.S. are unambiguous with respect to the use of torture, and we must adhere to that high standard. We must not lower that standard by asserting special circumstances and inventing new categories of detainees. It is my hope that our military forces, the most powerful in the world, set an example of the highest integrity.

TRIBUTE TO TODD MARTIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an extraordinary citizen from my district. Todd Martin of Silverton, Colorado showed remarkable bravery and dedication as a member of the Montezuma County Sheriff's Department. His courage and sacrifice show the spirit of a true hero, and I am honored to share his story here today.

On May 29, 1998, an All Points Bulletin (APB) went out that three armed suspects had stolen a water truck. Todd and his fellow law enforcement officers raced to respond to what would prove to be a dangerous situation, with one officer losing his life in an encounter with the armed men. Todd met the wanted men at an intersection, where the suspects opened fire. He bravely faced them, selflessly putting the well-being of his community before his own safety.

Todd sustained severe injuries from his fateful encounter. He received gunshot wounds to his elbow and knee, lost a significant amount of blood, and required five and a half hours of surgery. Todd's will was strong and he refused to give up. He pushed his way through months of therapy and, on January 11, 1999, Todd returned to active service and joined the Colorado State Patrol.

Mr. Speaker, Todd Martin's bravery and commitment to duty in the face of extreme personal danger is an inspiration. It is through the hard work of law enforcement officers like Todd that our communities stay safe and secure. I am honored to join with my colleagues today in paying tribute to one of Colorado's finest. Thank you, Todd, and keep up the good work.

TRIBUTE TO SALEM BAPTIST CHURCH IN KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MOORE. Mr. Speaker, I rise today in honor of the 50th anniversary of the Salem Baptist Church in Kansas City, Kansas, and to honor Rev. Charles Buford Bailey and his wife Geneva Stephens Bailey, who have guided the Salem Baptist Church since 1955.

After combat military service during World War II, Charles Bailey met and married Geneva Stephens. In 1948, Charles was called to the ministry. In 1954, he graduated from the Western Baptist Seminary. The Baileys are the proud parents of Charles, Nozella, Timothy, and Gelaine.

In 1955, Rev. Bailey became pastor of the Salem Baptist Church, which was founded by a small group on congregants in 1953. The fledgling church began by meeting for services in the Economy Dance Hall on Fifth Street of Kansas City, Kansas. Rev. Bailey's reputation grew as a fiery and dynamic preacher. A year later, the church moved to 1820 N. 11th Street, in Kansas City, Kansas, which became the permanent home of the congregation.

After serving her community as a public school teacher for 14 years, Mrs. Bailey became Director of Christian Education of Salem Baptist Church in 1970. In 1987, she earned her Master's in education from Kansas State University.

The Salem Baptist Church grew in numbers and reputation under the Baileys' stewardship. When Rev. and Mrs. Bailey retired, Rev. Tony Carter, Jr., became pastor of the congregation, and Rev. Bailey became Pastor Emeritus of the church.

Today, on behalf of the hundreds of lives that have been touched by their work and ministry, I would like to thank Rev. and Mrs. Bailey for their years of commitment to the church and the community. Mr. Speaker, congratulations to Salem Baptist Church on this wonderful anniversary!

FRWA 50TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the Farmington River Watershed Association (FRWA) on its 50th anniversary of actively protecting one of our state's crown jewels, the Farmington

River. The Farmington River is the most fished river in Connecticut, provides drinking water to over 600,000 residents of the Farmington Valley and Greater Hartford region, and was the first river in Connecticut and one of the first in New England to have a section designated as part of the National Wild and Scenic Rivers Act. While the river's outstanding value to fish, wildlife, and people speaks for itself, it would not be so today without the Farmington River Watershed Association.

Since its founding, the FRWA has always focused on substance over style, plugged away effectively behind the scenes rather than basked in the limelight, and worked locally to arrive at solutions to regional conservation issues. FRWA lives by the credo "Eighty percent of success is showing up," and show up they do with compelling facts, figures, and enthusiasm. FRWA shows up at public hearings, provides their Congressional Representatives with great information, presents educational programs to the public, initiates research on key issues, shares its findings broadly, and unwaveringly focuses on its mission of river protection.

Fifty years ago, John Ellsworth and John Leonard discovered that the Farmington River was receiving over 3.4 million gallons of untreated industrial wastewater every day. They and other community leaders decided to do something about this and together, they founded the FRWA. As a result of dedicated, local leadership over many years, and the benefits of the Clean Water Act and designation under the Wild and Scenic Rivers Act, the Farmington River is today a healthy, vibrant river, beloved and protected by its people. Now the challenge for FRWA and for all of us is to continue to solve the parade of problems that threaten river life and preserve the outstanding quality of life enjoyed throughout the watershed.

On the occasion of this 50th anniversary, let me add a personal note. When I was elected 21 years ago, the FRWA had sought recognition of the river under our Wild and Scenic River program but had failed to be designated for study, the first step. Working together, we introduced a new bill and I maneuvered for a hearing. I can attest to the simple, plain fact that FRWA at that hearing won our case. Their testimony simply mowed down the opposition with solid facts and documentation of the river's problems and potential. Their answers to all questions were calm, in depth, and substantive. The committee was won over.

But that was just one battle. Over the next three years there were many, many challenges and it was always the steady, knowledgeable leadership of the FRWA board members and executive directors that got the needed volunteers to serve on the study committee, that helped all to lay aside their suspicions and differences and focus on the facts, and that helped me win additional funding for the national study when the need became clear. I am proud that together, the federal, state, and local team developed the best base data and analysis of any river in our state.

It has also been the FRWA that has helped towns learn how to implement the Wild and Scenic designation protections and round up funds when needed. Rivers run through many towns and river health depends on there being a strong river voice, focused, informed, dedicated and steady. That voice has been the Farmington River Water Association in the form of skilled executive directors and very active board members and volunteers.

I congratulate you all on your fine work over 50 years! We and our children are the richer in environment and spirit because you were there to fight like heck to reclaim the Farmington River and then to husband this outstanding natural resource. May you have many more anniversaries and continue to keep our Farmington River the beautiful, vital part of our lives it is today.

Mr. Chairman, I would like to enter a timeline of 50 Years of Accomplishment by FRWA into the RECORD in recognition of their outstanding efforts, and wish them well on the next 50 years of protecting the Farmington River.

50 YEARS OF ACCOMPLISHMENT: FRWA TIMELINE

1952: Chief Engineer for the State Water Resources Commission informs John Leonard that over 3.4 million gallons of untreated industrial waste is entering the Farmington River daily.

1953: 70 business leaders, farmers, sportsmen and teachers meet at the Ensign-Bickford Toy Building and form the Farmington River Watershed Association. John Leonard becomes President.

1957: John E. Ellsworth reactivates FRWA (after John Leonard's death in'55).

1958: FRWA hires its first Executive Director, Sydney Howe, who begins the newsletter, educational lecture series, and ecological demonstration site.

1960: FRWA expresses concern over Colebrook Dam design. Army Corps incorporates FRWA comments in final design (1964).

1962: FRWA convinces Governor of CT to investigate effects of DDT use. DDT banned nationally in 1972.

1964: FRWA helps secure Talcott Mountain as a State Reservation.

1967: With the Appalachian Mountain Club, FRWA sponsors the first white-water slalom races at Tariffville Gorge.

1970: FRWA publishes the first 'Farmington River Guide.'

1970: FRWA initiates negotiations between the Stanley Works and the State for a shad fishway at Rainbow Dam. Fishway is completed in 1976 and shad pass dam for first time in 50 years.

1972: FRWA holds a public meeting to explain the Inland Wetlands and Watercourses Bill.

1975: FRWA and the Granby Conservation Commission sponsor an educational meeting on cluster housing.

1980: FRWA becomes first CT conservation organization to receive U.S. Interior Department's highest award.

1981: FRWA launches a campaign to educate the public about Metropolitan District Commission (MDC) plans to divert the West Branch of the Farmington. Referendum is defeated.

1983: The FRWA Hazardous Materials Spill Plan is published and over 120 copies distributed to watershed towns.

1985: Congresswoman Nancy Johnson introduces legislation for Wild and Scenic feasibility study.

1987: FRWA receives the prestigious "Outstanding River Advocate" award from American Rivers.

1989: FRWA sponsors 1st "Annual River Clean-up."

1990: FRWA hosts 1st "RiverSplash" river festival.

1990: FRWA builds public awareness and support for Wild and Scenic designation.

1991: FRWA implements land protection program.

1992: All CT watershed towns show support for Wild and Scenic designation.

1993: FRWA adopts Watershed Ecosystem approach, expanding mission to include all watershed lands.

1994: Wild and Scenic legislation passes on August 26, 1994 creating protection for the 14 mile segment from Hogback Dam in Hartland to Canton.

1996: FRWA incorporates GIS mapping technology as a conservation tool.

1998: FRWA negotiates agreement with the MDC to establish a Farmington River watershed withdrawal limit which would require MDC to develop groundwater resources outside the watershed for additional water.

1999: Farmington River Resource Center is established to collect, analyze and disseminate scientific information and encourage stakeholders to develop a long-term sustainable watershed management plan.

2001: FRWA launches the Farmington Valley Biodiversity Project with towns of Avon, Canton, East Granby, Farmington, Granby, Simsbury, and Suffield.

2002: 'State of the Farmington River Watershed' is studied. Report published in 2003.

2003: FRWA publishes the Farmington Valley BioMap.

2003: FRWA launches Farmington Watershed Education Project.

2003: FRWA celebrates 50 years of protecting and preserving the Farmington River and its watershed at Peoples State Forest in Barkhamsted.

TRIBUTE TO CHRIS CUTRONE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, it is my distinct honor to stand before you today and pay tribute to a truly heroic individual from my district. Colorado State Patrol K9 Technician Chris Cutrone of Cortez, Colorado was shot three times while on an otherwise routine traffic stop, nearly ending his life. It is my privilege to pay tribute to Chris in recognition of his inspirational service to the State of Colorado.

Chris was shot after pulling over a car with stolen license plates on a rural highway near the Ute Indian reservation. After being shot, Chris made his way to a nearby casino, where an employee was able to call for help. His most critical wound was a shot to the chest just above his bulletproof vest. After several weeks in critical condition, Chris was released from the hospital and is making a steady recovery.

During his five years with the Colorado State Patrol, Chris has been rapidly promoted and just last spring achieved the rank of technician. He has been described by his peers as a zealous officer who is very dedicated to his profession. Most importantly, Chris is a loving husband and father to two young children.

Chris Cutrone displayed signs of bravery long before he was shot. State patrolmen risk their lives each and everyday to protect the citizens of our state. Mr. Speaker, I would like to thank Chris for his dedication to the protection of Colorado's citizens and wish him the best for a full and speedy recovery. It is truly an honor to recognize his bravery and dedication before my colleagues in this distinguished body here today.

TRIBUTE TO MOTE MARINE LABORATORY'S 25-YEAR PARTNERSHIP WITH THE CITY OF SARASOTA

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. HARRIS. Mr. Speaker, I rise today to recognize a remarkable partnership between the City of Sarasota, Florida and Mote Marine Laboratory that continues to thrive in its third decade. On October 27, 2003, this extraordinary institution will celebrate its 25th anniversary at its current site on Sarasota's City Island. I am proud to have served as a volunteer and advisory council member for this remarkable organization for the last seventeen years.

Founded in 1955 as the Cape Haze Marine Laboratory, Mote Marine Laboratory began as a two-room field station located in Placida, Florida. Under the direction of Dr. Eugenie Clark, the Laboratory developed a strong reputation in shark research over its first decade, during which it moved to Sarasota's Siesta Key. In 1967, the Laboratory assumed its current name to honor the major contributions of William R. Mote and his sister Elizabeth Mote Rose.

Despite its growing prominence as a center for marine research, the emerging inadequacy of Mote Marine Laboratory's Siesta Key location brought its future in Sarasota into doubt. The vision and determination of Sarasota's leaders, however, forged a dynamic public-private relationship that enabled the laboratory to remain in Sarasota, while fueling its dramatic evolution into the powerhouse of education and exploration that we celebrate today.

Today, as one of the preeminent marine research facilities in the world, Mote Marine Laboratory encompasses seven research centers that conduct a diverse variety of studies, which range from sharks and marine mammal behavior to biomedicine and aquaculture, as well as from manatee and dolphin conservation to coral reefs, red tide, fisheries, and coastal ecology. Moreover, the laboratory has expanded its scope to include year-round marine science educational programs. Through its traditional on-campus offerings and student internships as well as through its interactive teleconferencing SeaTrek program and its participation as a Primary Interactive Network Site for National Geographic Explorer-in-residence Dr. Robert Ballard's JASON Project, Mote Marine Laboratory reaches more than 30,000 students in 22 Florida school districts. SeaTrek and JASON have enabled students to climb Hawaiian volcanoes, explore the wilds of Alaska, walk on rainforest treetop canopies in rainforests, and encounter underwater marine sanctuaries—often without leaving their classroom or the laboratory's campus.

Mote Marine Laboratory has also become a resource of discovery and imagination for persons of all ages from Southwest Florida and around the globe. In 1980, the laboratory opened the Mote Marine Science Center. Now known as the Mote Aquarium, the original one-room visitor center has evolved into a world-class facility that has received accreditation from the American Zoo and Aquarium Association and the American Association of Museums. Now hosting 400,000 visitors every year, Mote Aquarium has become the top tourist attraction in Sarasota.

Mr. Speaker, this amazing institution could not have developed without the commitment and foresight of several outstanding public servants, businesses, and private individuals, including the local officials who saved the laboratory for Sarasota: Mayor Elmer Berkel, Vice-Mayor Tony Saprito, and Commissioners Ron Norman, Fred Soto, and Ted Sperling, who in 1976 provided 4.5 acres of land on City Island for the laboratory's new location; the Arvida Corporation, which generously donated 2.2 acres of waterfront property for that facility; William R. Mote, the Honorable Bob Johnson, Dr. Perry Gilbert, then City Manager Ken Thompson, and then Arvida Vice-President John Siegel, who spurred the creation of the unique public-private partnership between the City of Sarasota and Mote Marine Laboratory; the members of the 1992 City Commission (Mayor Jack Gurney, Vice-Mayor Gene Pillot, Commissioners Fredd Atkins, David Merrill, Nora Patterson, and then City Manager David Sollenberger) who arranged for the addition of 3.5 acres of land to the laboratory's complex for the construction of the Ann and Alfred Goldstein Marine Mammal Center for Research and Rehabilitation; and the current leaders of Sarasota's city government (Mayor Lou Ann Palmer, Vice Mayor Richard Martin, Commissioners Fredd Atkins, Danny Bilyeu, Mary Anne Servian, and City Manager Michael McNees).

We venerate their indispensable contributions, together with the incredible leadership that Mote Marine Laboratory continues to receive from the Chairman of its Board of Trustees, Monfort Runyan, and its Executive Director, Dr. Kumar Mahadevan. We also honor the sterling scientists and other professionals who comprise the laboratory's staff, as well as the dedicated corps of 8,000 members and 1,600 volunteers who serve as aquarium guides, turtle patrols, dolphin and whale hospital volunteers.

INTRODUCTION OF THE RIGHT TO KNOW SCHOOL NUTRITION ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. LEE. Mr. Speaker, I rise today to talk about an issue that has the potential to affect the lives of 27 million of our children across the nation, who are participants in the National School Lunch Program or the National School Breakfast Program.

The issue is the inclusion of irradiated food in federally-funded programs that are designed to help our disadvantaged children. Last year's Farm Bill opened the door for school districts to purchase irradiated food for use in our school feeding programs.

There are many questions that remain about the scientific validity of serving irradiated products to our growing kids, particularly in regards to nutritious content and the long term-effects of regular consumption of irradiated food.

In anticipation of issuing regulations on serving irradiated food, the U.S. Department of Agriculture opened a comment period for the public to express its opinion on irradiated food. An overwhelming number of the comments received by USDA opposed serving irradiated food in the national school lunch program, over 90% in fact.

Four school boards in California have already moved to ban irradiated food products in their schools, including the city of Berkeley in my district, Point Arena, Ukiah, and Los Angeles Unified. And based on a recent survey conducted by the public interest group Public Citizen, many more school districts and states have indicated that they will not purchase or serve irradiated food during this school year.

But for those school districts and states that may decide to serve irradiated food, under current regulations, there is no requirement for irradiated food to be clearly labeled at lunch areas where it is served. In addition, parents and children who rely on our school nutrition programs are not given the option to refuse irradiated products, and they will have no choice but to eat whatever type of food is served that day.

I am seeking to correct this current deficiency in law by introducing the Right to Know School Nutrition Act. My bill would require the USDA to ensure that: Balanced information on irradiation is given to parents and children before such products are served; that a standard option of non-irradiated food products be served at every meal; that irradiated food be properly labeled and appropriate signage be displayed in the lunch room; and finally, that irradiated and non-irradiated food products are not commingled.

The Right to Know School Nutrition Act represents a simple commonsense solution that empowers individual parents and children to decide for themselves what they will eat. I encourage my colleagues to join me in support of this bill in order to protect our children from the potential dangers of irradiated food products and to preserve consumer choice.

TRIBUTE TO STARS BICYCLE REPAIR PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to honor an outstanding community program. The Grand Junction Parks and Recreation STARS Bicycle Repair Program collects old, used bicycles, repairs them, and places them in the hands of children who would not otherwise know the joy of owning their own bicycle. In the process, the program teaches the children of our community both responsibility and community service. It is for these notable accomplishments that I recognize the STARS Program here today.

The idea for STARS originated in the Central High School El Pomar Youth in Community Service Club. This club helped to found the STARS Bicycle Repair Program and enabled the program to collect bikes, repair them and distribute them to needy individuals and families. There is simply no substitute for the joy in a young child's eyes when he is the recipient of one of STARS' refurbished bikes.

The STARS program allows the children to learn, hands-on, how to repair and maintain bicycles. More than that, they learn that there are many ways that everyone, even children, can help the community.

Mr. Speaker, I join with my colleagues in honoring the Grand Junction Parks and Recreation STARS Bicycle Repair Program. Through STARS, the children of our community learn responsibility and the excitement of being a positive force in the community. Recognition for this program is long overdue, and I am privileged to honor the STARS Bicycle Repair Program here today.

TRIBUTE TO MR. JOHN C. SPERRY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to a dear friend, Mr. John C. Sperry. John is retiring from the United Food and Commercial Workers Union, Local 324 after 30 years of dedicated service. He is the second most senior International Vice President in the UFCW.

When President Arthur Berland retired in 1973, Local 324 had 12,000 members with wages at $187.30 per week. John C. Sperry was elected by the Executive Board to succeed Berland. I was a member of Local 324 myself, and was employed at the SavOn drug store in Anaheim—scooping ice cream. I was a very good ice cream scooper, and was thrilled to be a member of the UFCW.

John started as a Box Boy (now called "Courtesy Clerk") at age 15. He worked part-time at a Safeway Market. He than worked as a Box Boy and Produce and Food Clerk at Alpha Beta, A&P, Shopping Bag and Hiram's—the latter being subsequently bought by the Lucky supermarket chain. He was hired on May 4, 1959 as a Union Organizer, and then elected (the practice at the time) as Union Representative. He was confirmed as President of Local 324 in 1975, and has been re-elected unanimously 10 times since then—quite a record of longevity and leadership.

John has served as the acknowledged leader and official spokesperson of the UFCW in Southern California for 28 years. He has served for decades on the food industry's Joint Labor Management (JLM) Committee, is one of two rank-and-file officials in the National JLM, and was for 20 years Chairman of Food Benefits Trust and Secretary of the Pension Fund.

With John as the spokesperson and chief negotiator for all Southern California UFCW Locals, wages have gone from under $200 per week when he became President to the current $716 for Clerks and $767.20 for Meat Cutters. In addition there have been vast increases in Health and Welfare and Pension benefits; establishment of weekly hour guarantees; establishment of the Defined Contribution Plan; creation of the "Golden 85 (full retirement benefits for active participants with 30 full-time credited service years at age 55); establishment of the Housing and Educational Fund; and combining of the Food and Meat Agreements to increase the Union's bargaining Power. John was the force behind the UFCW work stoppage of 1978 that resulted in significant increases in wages, night premiums, health benefits and pensions for union members.

From its earliest years, Local 324 has participated in many community activities, with the goal of improving the quality of life of all those who live in Southern California. Under President Sperry, the Union Local has earned a reputation as one of the most general philanthropic organizations in the state for its consistent financial support of worthy causes.

With some 24,000 members, UFCW Local 324 is the eighth largest Union Local in the UFCW. No other sister Local in the United States or Canada enjoys a better or more strictly enforced collective bargaining agreement, a statement that has been true primarily as a result of the leadership of John C. Sperry.

We will all miss John, but know that he will continue to be of counsel to not only Local 324 but also the national union. I will miss him as my union president, and count him not only as a leader, but a valued friend and advisor.

STATE DEPARTMENT TERRORISM VIDEO OFFENSIVE, MUST BE WITHDRAWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. TOWNS. Mr. Speaker, recently the State Department put out a video called "Terrorism: A War Without Borders" that is offensive. The video portrays all Sikhs as terrorists. This characterization is inaccurate. It is also offensive to any fair-minded person. How can the State Department portray an entire group as terrorists? Secretary Powell should order the immediate withdrawal of this offensive video. This kind of stereotyping is simply unacceptable.

There are more than half a million Sikhs in the United States. Are they all terrorists, Mr. Speaker? They are active in all phases of American life, from law to medicine to agriculture to information technology. These are people who contribute a lot to America's way of life. Many of them were attacked after September 11, yet they still believe in America.

To label all Sikhs terrorists demeans the Sikh people, their faith, and their national aspirations and culture. This is extremely unfair. Yet the video consistently labels Sikhs as "terrorists" while ignoring the brutal atrocities carried out against minorities by the Indian government. For example, the video's description of the attack on the Golden Temple in June 1984 simply refers to "Sikhs," thus condemning all Sikhs as members of a terrorist organization.

What the video ignores is that Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and many other Sikh leaders took refuge in the Golden Temple to protect themselves from the atrocities that the Indian government was already carrying out. They had been threatened with violence for peacefully speaking out on behalf of the rights of their people.

Over 20,000 Sikhs were killed over that three-day period in June 1984 as the Indian government attacked the Golden Temple and 38 other Sikh Gurdwaras throughout Punjab to frighten the Sikhs and end their movement to free themselves. Instead, just as Bhindranwale predicted, they laid the foundations for an independent Sikh state called Khalistan, which finally declared its independence from India on October 7, 1987. Let me be among the first to congratulate the Sikhs on the upcoming anniversary of that event.

Mr. Speaker, we all seek good relations with India. But it is offensive and inappropriate to suppress atrocities and spread inaccurate propaganda to achieve this objective. Why is our government placing the derogatory label of terrorist on an entire people? This is not something the government of the United States, which was founded on tolerance, should be doing.

The State Department should immediately remove this from circulation immediately so that it can either be corrected or withdrawn. Fairness demands that we stop labelling entire peoples with derogatory characterizations like "terrorist."

Our government should stop American aid and trade with India until the Sikhs, the Nagas, the Kashmirs and all the people of South Asia enjoy full freedom and democratic rights and we should strongly and actively support these peoples in their effort to have self-determination in free and independent states.

Mr. Speaker, I would like to insert the recent letter from International Sikh Organization to Secretary of State Powell about this video into the RECORD.

GURU GOBIND SINGH JI. TENTH MASTER

Washington, DC, July 29, 2003.

Hon. COLIN POWELL,

Secretary of State, Washington, DC.

DEAR SECRETARY POWELL: On behalf of the 25 million strong Sikh Nation and over 500,000 Sikhs in the United States, I am writing to express the outrage of the Sikh community at the new video "Terrorism: A War Without Borders." While Sikhs fully support the war against terrorism, your video inaccurately depicts Sikhs as terrorists.

The video is offensive to Sikhs around the world. It significantly misrepresents the Sikh faith and the Sikh culture. The video inaccurately uses the term "Sikh terrorist" to broadly label all of the world's 25 million Sikhs—500,000 of whom live in the United States—and condemns all people of the Sikh faith. This is offensive and inaccurate.

The video's description of the June 1984 Indian military attack on the Golden Temple in Amritsar, the most sacred of Sikh shrines, is completely bogus and entirely false. Every terrorist act cited in the video is described as either the work of an individual or a group of a certain nationality or a group with its own identity. But in the 1984 Attack on Darbar Sahib, the video refers to the terrorists as "Sikhs". It shows Sikhs, easily recognizable from their turbans and beards, with weapons in the Darbar Sahib complex along with some Indian soldiers. The fact is that there were no "terrorists" in Darbar Sahib. Sikh leaders, including Sant Jarnail Singh Bhindranwale and others, took refuge there to protect themselves from Indian government violence against Sikhs. Letters reprinted in the book Chakravyuh: Web of Indian Secularism show conclusively that India pre-planned this attack in order to kill Bhindranwale and other Sikh leaders who spoke out peacefully for Sikh sovereignty. After the attack, Indira Gandhi said, "I have broken the back of the Sikh Nation by attacking the Golden Temple." If the sanctity of the Golden Temple cannot be protected, how can the Sikh Nation survive?

Labelling all Sikhs who support an independent, sovereign Khalistan as terrorists is the propaganda line of the repressive Indian regime. I would expect better from the State Department, especially under your outstanding leadership, than to spout the cliches of Indian disinformation.

The segment on the Darbar Sahib attack states: "In an effort to establish an independent state, Sikh terrorists seized Darbar Sahib Shrine in Amritsar, India. Prime Minister Indira Gandhi ordered a military campaign to drive out the terrorists. Hundreds were killed." In fact, over 20,000 were murdered in the attack on Darbar Sahib and 38 other Sikh Gurdwaras throughout Punjab, which was known as Operation Bluestar. The aim of this operation was to wipe out the Sikh religion.

In actuality, it is the Indian government that is the terrorist organization. The Washington Times reported on January 2, 2002 that the Indian government is sponsoring cross-border terrorism in the Pakistani province of Sindh. India stationed troops on the border in Kashmir while Pakistani troops were helping American forces look for Al Qaeda operatives, forcing Pakistan to divert troops to that border and reducing the effectiveness of their help in the search for Al Qaeda. This was a de facto pro-terrorist action. It has provided heavy water to Iran and has done business with Iraq for many years. The Indian oil minister declared Iraq "a strategic partner."

In November 1994, the Indian newspaper Hitavada reported that India paid the late Governor of Punjab, Surendra Nath, about $1.5 billion to organize and support covert terrorist activities in Punjab and Kashmir. Two independent reports and an article in the New York Times magazine all showed that Indian forces were responsible for the massacre of 35 Sikhs in Chithisinghpora in March 2000 during President Clinton's visit. Indian forces were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in a village in Kashmir. The book Soft Target conclusively shows that India blew up its own airliner, killing 329 innocent people, to blame the Sikhs. Why is the State Department trying to appease such a state?

In all, over 250,000 Sikhs have been murdered by the Indian government since the Golden Temple attack, according to figures compiled by the Punjab State Magistracy and human rights groups and reported in The Politics of Genocide by Inderjit Singh Jaijee. According to a report by the Movement Against State Repression (MASR), the Indian government admits to holding 52,268 political prisoners under the brutal, repressive "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Another 50,000 have been arrested, tortured, killed in custody, declared "unidentified," and secretly cremated. The man who exposed this secret cremation policy, Jaswant Singh Khalra, was kidnapped by the police and murdered while in police custody. His body was never handed over to his family.

India has murdered over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian Cabinet minister said that everyone who lives in India must either be a Hindu or be subservient to Hinduism.

Since Christmas 1998, priests have been murdered, nuns have been raped, churches have been burned, Christian schools have been attacked. Missionary Graham Staines and his two sons, ages 8 and 10, were burned to death while sleeping in their jeep. Their killers chanted "Victory to Hannuman," a Hindu god. None of these people has been brought to justice. Missionary Joseph Cooper was deported back to Pennsylvania after Hindus attacked him so severely that he had to spend a week in the hospital. No action has been taken in these cases. Police broke up a Christian religious festival by opening fire on it. All over India, laws are being passed that ban conversion to any religion except Hinduism.

Newspaper reports show that the Indian government pre-planned the attack on Muslims in Gujarat last year in which 2,000 to 5,000 Muslims were killed, according to the Indian newspaper The Hindu. Police were ordered to stand aside and let the massacre happen, in a striking parallel to the 1984 Delhi massacre of Sikhs in which police were locked in their barracks while state-run television and radio called for more Sikh blood.

Secretary Powell, the State Department owes the Sikh Nation an apology. On behalf of the Sikh community in America and worldwide, I request an apology and correction from you for this offensive and inaccurate video. The video should be corrected or withdrawn. I thought that the United States of America was dedicated to the truth, not to spreading the disinformation of a terrorist regime.

I would like to meet with you about this at your earliest convenience. Please contact me at the above number to let me know when we can meet. Thank you for your time.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, International Sikh Organization.

TRIBUTE TO MABEL WALLIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Mabel Wallis of Delta, Colorado has dedicated her life to serving her country and her community. She selflessly gives of her time and her talent to a grateful community. I am honored to stand before you today to recognize Mabel and her lifetime of service.

Mabel grew up in Colorado and attended Colorado University, where she earned a Bachelor of Arts degree. She worked as a student teacher before deciding to join the Navy and attend Officer Candidate School. As an Ensign, Mabel was assigned to Lowry Air Force Base in Denver, Colorado, but was chosen shortly thereafter to serve on the staff of Admiral Hyman G. Rickover, the Father of the Nuclear Navy. Mabel retired after twenty years in the Navy with the rank of Commander. Since retiring, Mabel has volunteered extensively in her community. She was active with Meals on Wheels, she volunteers for the Delta County Historical Society by typing their quarterly newsletter, and she volunteers in the Medical Records Department of the Delta County Memorial Hospital. Mabel has logged more than 700 volunteer hours with the hospital alone.

Mr. Speaker, I join with my colleagues in recognizing Mabel Wallis. Her dedication and desire to give back to her community are inspiring and serve as an example to all Americans. I am honored to share her story before this Congress today.

HONORING THE 50TH ANNIVERSARY OF THE SKIPPACK LIONS CLUB

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Skippack Lions Club during its 50th anniversary celebration. The Skippack Lions Club was chartered in September of 1953, with the assistance of the nearby Kulpsville Lions Club.

As we all know, Lions Clubs across the nation are made up of active and energetic citizens who undertake numerous initiatives and projects to make their communities better places to live and raise families. Beginning in 1917, Lions Clubs have offered people the opportunity to give something back to their communities. Since 1925, when Helen Keller addressed the Lions Club International Convention and challenged the group to become "knights of the blind in the crusade against darkness," the Lions have been committed to providing assistance and service to the blind through a wide variety of activities. Today, with more than 46,000 clubs in 192 countries, Lions activities have expanded to help meet the needs of the global community.

The Skippack Lions Club hosts several annual events, including a community Halloween parade, an Easter egg hunt and a Veterans Day program. The Club fulfilled an important need within the Skippack area by sponsoring the Skippack Community Ambulance Association. The Lions were also instrumental in forming the Skippack Recreation Association, which continues as an active community organization, providing swimming and other recreation to Skippack area residents.

I am proud to represent an organization that has spent so many years in the service of others. I wish to extend my thanks, and the thanks of all those who have been helped by members of the Club. I encourage my colleagues to join me in saluting Skippack Lions Club on reaching this milestone.

RECOGNIZING THE SERVICE OF RUTH BARBER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the achievements and honoring the service of Ruth Barber.

Ruth has devoted much of her life in the service of others. Much of that time was service to the United States Postal Service. Most recently, Ruth served as the National PAC Chair with the National Association of Postmasters of the United States (NAPUS) until she retired.

Ruth grew up in New Athens, Illinois, "on the wrong side of the tracks" as she puts it. Her father was a coal miner and her mother was a housewife. Ruth married Raymond Barber on August 30, 1941 and he passed away in 1982. Ruth and Ray had two children, a son Richard who passed away in 1995 and the "joy of her life," her daughter Barbara.

Ruth worked as a drill press operator at the Bostich Wire Staple plant during World War II. While at Bostich, Ruth was responsible for drilling the barrels on Garrand rifles and inspected the 30 and 50 caliber shells at the small arms plant in St. Louis, Missouri.

Her service with the United States Postal Service began in 1967, as a clerk in the U.S. Post Office in Freeburg, Illinois. The local Postmaster at the time, Mr. Herbert Baltz, hired Ruth and she then worked in every position available at the Post Office in Freeburg. She started as a clerk, and also worked as a window clerk, Supervisor, finance office, Assistant Postmaster and the Officer in Charge (OIC). She was appointed the U.S. Postmaster of Freeburg in October 1979.

Her involvement with NAPUS started in 1975, when she was a Supervisor. Her active involvement in NAPUS activities allowed her to be appointed as the State Chair in 1990. Ruth has attended every state convention of NAPUS since 1982 and has attended all the national conventions as well. Ruth also has attended every Leadership Conference in Washington, DC since 1982. She retired from the active service with the United States Post Office on August 30, 1990 but remained active in the community having served with the Freeburg Chamber of Commerce.

Ruth works tirelessly in the service of the USPS and NAPUS. I have visited with Ruth on more than one occasion where she has strongly advocated the issues and concerns of the working men and women of the United States Postal Service. She has a genuine, personal interest in helping to improve the working conditions at the Postal Service. Ruth performs all of her duties with a tremendous gusto and enthusiasm, unique to her. I am proud to honor the service of Ruth Barber and wish her all the best in the future.

Mr. Speaker, I ask my colleagues to join me in honoring the service and the achievements of Ruth Barber and wish her and her family all the best.

TRIBUTE TO STEPHANIE MUELLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to honor an outstanding citizen and a community hero. Stephanie Mueller of Pagosa Springs, Colorado showed quick thinking and level-headedness in the face of personal danger and helped to prevent a catastrophic forest fire. I am honored to share her story here today.

Stephanie was traveling in Archuleta County when she noticed a fire in the trees. Unable to contact local authorities immediately, Stephanie took her shovel and began digging a fire line around the burn area. As others arrived at the site, Stephanie was able to use the skills she learned as part of a Forest Service hand crew to instruct onlookers as to what they could do to help her keep the fire contained until Archuleta County firefighters arrived and extinguished the blaze.

This is the second time Stephanie has saved her community from a devastating fire. Three years ago Stephanie encountered another fire while driving in the Coyote Park area, which she helped to extinguish. For her efforts in that fire, Stephanie received the much-deserved Angel of the Highway award.

Mr. Speaker, Stephanie Mueller's courage is an inspiration to us all. As ashes fell on her head and shoulders, Stephanie sacrificed her own personal safety for the good of her community. I join with my colleagues and a grateful community in extending my thanks and appreciation to Stephanie Mueller.

25TH ANNIVERSARY OF THE EMPLOYEE BENEFIT RESEARCH INSTITUTE (EBRI)

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MATSUI. Mr. Speaker, I rise today to honor the Employee Benefit Research Institute (EBRI) on its 25th Anniversary. Over the last quarter century, Congress has been expertly informed by the Institute's bipartisan and balanced analysis of retirement and health benefits issues. I, therefore, ask my colleagues to join me in saluting this important milestone for EBRI.

Efforts to privatize Social Security, the ongoing corporate governance and pension scandals, and the need to add a prescription drug benefit to Medicare make the work of EBRI now more important than ever. Members have come to trust the Institute's data and analysis of these complex issues and today we recognize their contributions to the ongoing debates in these areas.

In addition, I appreciate the fact that they are not advocates. Instead, the Institute simply provides the unvarnished data and let the numbers speak for themselves. Their work has helped me to more thoroughly evaluate policy options. I would like to thank them for the assistance they've provided over the years.

Mr. Speaker, as the Employee Benefit Research Institute celebrates its 25th Anniversary, I ask my colleagues to join me in paying tribute to its significant accomplishments and dedication to public service. I'm sure they will continue to serve Congress and our nation for decades to come.

THE PENSION FUNDING EQUITY ACT OF 2003

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. RANGEL. Mr. Speaker, I am pleased to join BILL THOMAS, Chairman of the Committee on Ways and Means, JOHN BOEHNER, Chairman of the Committee on Education and the Workforce, and GEORGE MILLER, Ranking Democrat on the Committee on Education and the Workforce, to introduce the "Pension Funding Equity Act of 2003." This bill responds to the most pressing pension issue of the day that affects the retirement benefits of 44 million American workers, their families, and beneficiaries. I am pleased that bipartisan cooperation has allowed this process to move forward and enabled us to take action on this important issue.

The lack of retirement security for millions of workers is an issue that demands our immediate attention. More than 50 percent of American workers who work full-time and play by all the rules of corporate America have no retirement benefits. I will not rest until this Congressional body takes the necessary steps to correct this disparity.

The issue addressed in this bill is of great importance as well. The fortunate few workers who do have a pension benefit under our defined benefit system are depending on us to protect those benefits. This bill would accomplish this goal for the next two years by providing plan sponsors the certainty they need in determining the amount that must be contributed to the plan. However, a permanent solution to this issue must be found.

The long-term viability of the defined benefit plan system is crucial for the secured retirement of millions of American workers. Designing a plan to maintain this viability will be a challenge we must undertake over the next two years. Any permanent solution must balance the competing elements of this issue, including (1) providing financial relief to employers who maintain defined benefit plans, (2) protecting the financial security of the pension benefits promised to workers under these plans, and (3) protecting the financial strength of the Pension Benefit Guaranty Corporation, the agency that insures benefits under these plans. I remain hopeful that we can work together to accomplish these goals.

I have long supported the idea of advancing legislation on this issue in a free and unfettered manner. This issue should not be held hostage to additional pension reforms that have little or no chance of being enacted this year. I am pleased to co-sponsor this legislation, and I look forward to working with my colleagues to develop a long-term solution to this issue.

TRIBUTE TO LOWELL THOMPSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a selfless community servant and dedicated veteran from my district, Lowell Thompson of Trinidad, Colorado. As Commander of the local chapter of the Veterans of Foreign Wars, Lowell tirelessly dedicates his time to his fellow veterans and the youth of his community.

Lowell was drafted to fight in World War II prior to completing high school and served in Germany for two years. Thanks to a law recently passed by the State of Colorado, veterans who left high school early to serve their nation can now receive their diploma. Last year, alongside four of his fellow veterans, Lowell received his diploma in a ceremony at Rio Grande High School. Selflessly, Lowell chooses not to focus on his military service, but rather on his community.

Lowell's VFW chapter works with local schools, promoting various competitions among all grade levels. Lowell loves spending his time with other veterans and often visits them in hospitals and nursing homes throughout Las Animas County. In addition to his service to the VFW, Lowell worked as a Sears Catalog Merchant for twenty-three years. Prior to his time with Sears, Lowell tried his hand at farming in the San Luis Valley. Today, when not attending to his duties with the VFW, Lowell spends his time with his family.

Mr. Speaker, I join with my colleagues here today in applauding the hard work of Lowell Thompson. I commend Lowell on receiving his diploma and on his many successful endeavors as Commander of his local VFW chapter. I wish him all the best in the years to come.

CELEBRATING THE 100TH ANNIVERSARY OF THE ZETA TAU ALPHA'S EPSILON CHAPTER AT THE UNIVERSITY OF ARKANSAS-FAYETTEVILLE

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the Zeta Tau Alpha Epsilon chapter at the University of Arkansas at Fayetteville, who will celebrate their 100-year anniversary this year.

Founded back in 1903, Epsilon is the longest existing chapter of the Zeta Tau Alpha (ZTA) national sorority. Seven women in particular—Elizabeth Kell Rose, Hattie Williams, Margaret Hutcherson, Grace Jordan, Bess Byrnes, Della McMillan and Mabel Sutton—were instrumental in establishing the first ZTA chapter west of the Mississippi River.

The mission of Zeta Tau Alpha is to make a difference in the lives of their membership by developing the potential of each individual through visionary programming. They emphasize leadership development, community service, academic success and continued personal growth for women.

Later this month, Epsilon will celebrate this historical milestone with a series of events in Fayetteville, Arkansas. I look forward to joining them for an Arkansas-Alabama football game watch party they are holding on September 26, 2003.

Mr. Speaker, I truly believe that Epsilon has enjoyed 100 successful years because of the wonderful women they attract to their sorority. Epsilon sisters are committed to their traditions, heritage and friendships that last a lifetime. These are among the core values that tie us together as a society and as Epsilon has proven are important ingredients to the success of any organization. Please join me in honoring the Zeta Tau Alpha Epsilon chapter at the University of Arkansas at Fayetteville on reaching the 100-year milestone and wishing them another 100 more to come.

WILLIAM DEARY, SBA 2003 MICHIGAN SMALL BUSINESS PERSON OF THE YEAR

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of William Deary the United States Small Business Administration 2003 Michigan Small Business Person of the Year.

In 1994 William Deary and his wife Cheri Lyn returned to her hometown of Jackson, MI and founded Great Lakes Home Health Services. Since that time the business has not only survived adverse conditions that saw almost a third of home health care companies close their doors, they have thrived. His commitment to his employees and the community was reflected by his decision to cut costs, but not lay off a single employee.

Today they have expanded the business now known as Great Lakes Home Health and Hospice, and are recognized nationally for their excellence in the field. In a national study conducted by Fazzi Associates Great Lakes Home Health ranked #1 in the country among agencies of similar size.

Mr. Deary is a leader in the Jackson community actively involved in assisting various organizations from the grass roots level to serving on the board of directors. He and his wife Cheri Lyn are the primary benefactors to the St. John Parish Educational Scholarship Program where they are parishioners. He serves as a member of the Board of Directors of this program that allows children from families who cannot afford the expense, but feel their children would benefit from a parochial school education to do so.

William is also Chairman of the Board and a member of the Executive Committee of the Jackson Downtown Development Authority. In addition he is active and has served in various capacities on the boards of the United Way of Jackson, Disability Connection, Child Benefit Program, Junior Achievement and helped to raise funds for the Ella Sharp Museum in Jackson. He was honored in 1998 to serve as one of the Congressional appointees for the state of Michigan at the inaugural Small Business Summit and has a been on the National Board of Directors of the Home Care Association of America.

William Deary is truly deserving of his recognition as 2003 Michigan Small Business Person of the Year. He has met and exceeded all the criteria of: Staying power; Growth in employees; Increase in sales; Improved financial position; Innovativeness; Response to adversity; and Contributions to aid community-oriented projects. He has made the Jackson community a better place to live by his commitment to excellence in the services he provides and in his willingness to give something back to the community.

TRIBUTE TO DONALD PALTHE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise today before this body of Congress to pay tribute to an outstanding citizen from my district. Donald Palthe of Grand Junction, Colorado is both a devoted teacher and a talented entertainer. From writing lesson books to performing for the elderly in retirement centers, Donald's dedication and civic mindedness make him a credit to our community. I am privileged to share his story here today.

As a boy growing up in Holland during World War II, Donald taught himself to play the ukulele and later the banjo. Donald turned his love of music into a career and has entertained thousands of people over the years, playing under the name Don Van Palta. He played at several restaurants and bars before taking a position at Caesar's Palace on the Las Vegas strip. From there, Donald was then offered a position on a cruise ship, where he had the opportunity to travel all around the world sharing his music with others.

Today, Donald brings joy to the lives of many when he visits retirement centers and reminds the residents of the music of their youth. Donald does not stop at playing the banjo, though. He also teaches the instrument to others. He has hundreds of students across the country who have benefited from his instruction books, finger charts, and videotapes. Donald is dedicated to these students and still takes phone calls from them whenever he can.

Mr. Speaker, I am honored to recognize a citizen who has given so much to his community. Donald Palthe's life-long efforts to spread joy through music have made Grand Junction a better place to live. His example of service and creativity model the spirit that make this country great. I join my colleagues in recognizing Donald's achievements here today.

TRIBUTE TO CLARENCE MEDDERS (1927–2003), FORMER MAYOR OF BAKERSFIELD, CA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. THOMAS. Mr. Speaker, I rise to honor a public servant, a devoted family man, and a close friend. Clarence Medders was born in Mississippi on December 7, 1927. Clarence served in the Army Signal Corps and graduated from teaching school, beginning a lifelong pursuit to promote the education of young people.

After moving to Bakersfield, California with his wife, Billie Jo, and their two children, Clarence worked for the Bakersfield City School District in various capacities for three decades. As a teacher, Clarence made sure his students received a quality education and understood the fundamentals. As a principal, Clarence was passionate about ensuring that his students were well-educated, and relentlessly worked with teachers, parents, and students to create an environment where his students could excel, both in the classroom and as young people. While Clarence received great recognition for his work, he did not measure his body of work by the accolades and awards he received; he measured it by the success of the students he taught, embraced, and advocated for.

Clarence devoted himself to the lives of Bakersfield's youth, but he also found time to serve the community he so loved. He served as Bakersfield City Councilman, held a leadership role in the League of California Cities, and was elected Mayor of Bakersfield in 1989. As Chairman of the Kern County Republican Central Committee, Clarence also worked to raise awareness of local and national issues with the community and involved his peers and neighbors in politics. In these different capacities, Clarence served with integrity, a plain-spoken straight-shooter that counseled and led with the convictions and strength of his heart. The enthusiasm to serve others is a quality shared by Clarence's family. His wife Billie Jo has been on my staff for the length of my career in the House, and I have always been grateful to Clarence for sharing her with me and with the thousands she has helped.

Bakersfield will miss this wonderful man who shared a rich legacy of accomplishment with his neighbors and students. More personally, I will miss Clarence. Clarence Medders was first and foremost a family man. He leaves behind his wife, his two loving daughters, Emily and Pam, and a large family that grieves an extraordinary loss.

Today, Mr. Speaker, I join many of my neighbors in mourning the loss of a close friend, Clarence Medders. A patriotic American, he embodied our country's best ideals: love for family and a dedication to public service.

INTRODUCING THE RENEWABLE FUELS AND TRANSPORTATION INFRASTRUCTURE ENHANCEMENT ACT OF 2003

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. OBERSTAR. Mr. Speaker, I join the gentleman from Missouri, [Mr. HULSHOF], and my distinguished colleagues, in introducing the Renewable Fuels and Transportation Infrastructure Enhancement Act of 2003. A companion bill entitled, the Volumetric Ethanol Excise Tax Credit Act of 2003, has already been introduced in the Other Body.

I have long been a supporter of ethanol, which blended with gasoline, results in a cleaner automotive fuel that reduces harmful vehicle emissions. In addition, ethanol is generally made from corn; it is produced domestically; and it provides our farmers with an additional market for their goods. Further, and perhaps most importantly, the production and use of ethanol and other alcohol-blended fuels help reduce our country's debilitating dependency on foreign oil.

Ethanol production has increased steadily over the past several years. Today, there are 68 ethanol production facilities in 20 states. In 2002, these facilities produced 2.13 billion gallons of ethanol—a 45 percent production increase within the last three years. And there are proposals currently pending in the Conference Committee on the Energy bill to increase that production amount to 5 billion gallons of ethanol over the next decade. These ethanol successes are due in large part to the various tax incentives that encourage ethanol production and use.

To promote the use of ethanol-blended and other alcohol-blended fuels, these fuels are taxed at a lower rate than gasoline. It appears, however, that we have become a victim of our own success. As the production and use of ethanol has increased, it has had a deleterious effect on the Highway Trust Fund. Without the change authorized by this legislation, the current system is projected to cost the Highway Trust Fund more than $2 billion in fiscal year 2004 and more than $25.7 billion over the next ten years.

This bill provides the needed "ethanol fix." By providing an alternative tax credit system to the current system of reduced excise taxes for gasohol, the bill continues to encourage the production and use of ethanol, while at the same time protecting the revenues of the Highway Trust Fund.

Currently, ethanol-blended fuel receives a partial exemption from excise taxes. The current excise tax on gasoline is 18.4 cents per gallon. In contrast, ethanol- and other alcohol-blended fuel (10-percent blend) receive a 5.2-cent exemption from this tax. As a result, the excise tax on these fuels is 13.2 cents per gallon. Tax receipts deposited into the Highway Trust Fund are further reduced because 2.5 cents of that 13.2 cents is transferred to the General Fund. This combination of a partial excise tax exemption and transfer of 2.5 cents into the General Fund severely reduce the amount of funds coming into the Highway Trust Fund, challenging our ability to provide necessary maintenance and improvement to our Nation's highways and bridges.

Not only does the current system of taxation have a detrimental effect on the Highway Trust Fund, but it also disproportionately hurts those states—mostly the Midwestern states—that are the largest producers and consumers of ethanol. The minimum guarantee formula is based in part on a state's contributions to the Highway Trust Fund. Because states that use large amounts of ethanol under the current system contribute less to the Highway Trust Fund than states that use comparable amounts of gasoline, the states' apportionments are comparably reduced.

This bill addresses these issues by eliminating the current reduced excise tax rate for alcohol-blended fuels and introducing a tax credit for ethanol- and other alcohol-blended fuels. Under this proposal, alcohol-blended fuels would be taxed at the same rate as gasoline (18.4 cents per gallon), however producers of these fuels would receive a tax credit of 52 cents per gallon. Amounts claimed for the tax credit would be deducted against General Fund revenues—not Highway Trust Fund revenues. Therefore, the bill continues to provide alcohol-blended fuel producers with the same economic incentives they have under the current tax system, while protecting the receipts of the Highway Trust Fund. The bill also eliminates the 2.5–cent tax transfer to the General Fund and directs all tax revenue on these fuels to the Highway Trust Fund.

Further, the bill introduces a credit for biodiesel fuels. Like ethanol, biodiesel is derived from farm products, most often soybeans. Although biodiesel provides many of the same benefits as ethanol, there currently are no tax incentives for the production and use of biodiesel fuels. This bill would remedy that omission by instituting a 50–cent credit for producers of biodiesel fuel. Accordingly, under the bill, biodiesel fuel would be taxed at the same rate as diesel fuel (24.4 cents per gallon), but producers of the fuel would be eligible to receive a tax credit of 50 cents per gallon of biodiesel fuel.

By substituting these tax credits for the current scheme of varying rates of excise taxes, this bill establishes a simpler, more straightforward approach to providing important incentives for the production and use of ethanol and biodiesel fuels. At the same time, it protects the revenues of the Highway Trust Fund. Highway Trust Fund revenues are dedicated revenues that go directly to pay for the maintenance and improvement of our Nation's highway system. At a time when we should be investing more funds in the improvement of Nation's highways—funds that will improve safety and reduce congestion—we can not afford Highway Trust Fund revenues to be adversely effected by the current system of varying excise tax rates.

As we move forward in crafting the successor to the landmark Transportation Equity Act for the 21st Century legislation, this bill is particularly important to ensure that those states at the forefront of producing and promoting the use of these cleaner, alternative fuels are not punished by receiving reduced highway funds from the Highway Trust Fund, and to ensure that the Highway Trust Fund continues to receive the funds necessary to maintaining and improving our Nation's highway system.

TRIBUTE TO MARGARET LAMB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Margaret Lamb is a lifelong resident of Creede, Colorado and a fixture of her community. She is extensively involved in the local community and gives freely and selflessly of her time to many different organizations. I am honored to recognize her selfless service here today.

Margaret has twice served as the Creede Postmaster, once in 1941, and then again in 1956. Margaret has given freely of her time for many years, serving as the secretary and treasurer for many organizations, including the Mineral County School Board, Creede's St. Augustine Episcopal Church, and the Order of the Eastern Star. She also helped found the Creede Community Church Board of Christian Education.

Mr. Speaker, Margaret Lamb is an inspiring woman who has lived her life according to her motto that getting along with people is the key to a successful and satisfying life. Margaret has served her community throughout her 83 years. Her hard work and dedication are an inspiration to all those around her, and I am honored to join with my colleagues today in saying thank you to her and wishing her good luck in the years to come.

A TRIBUTE TO FRIENDSHIP BAPTIST CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor Friendship Baptist Church in Pasadena, California. Friendship Baptist Church is one of the oldest congregations in Pasadena-celebrating its 110th anniversary this month with the theme "God's People Working Together."

Founded in September 1893, it was the first Negro Baptist church in the city and for many years had the largest membership of any African American church. Throughout its history, the church has played an important religious and civic role not only here in Pasadena, but also in Mexico, Australia and Africa as well.

Beginning as a Sunday school for Pasadena's early Negro settlers, the devoted members later chartered themselves as a fullfledged Baptist Church. The church was organized in the hall located at 12 Kansas Street which has since become known as Green Street. In 1897, the first building was erected on South Vernon Avenue at a cost of $950.

The church grew and prospered under the leadership of several ministers until the 1920's when Reverend W.H. Tillman led the members to acquire a new site and erect the present edifice. In January of 1925, the Reverend W.D. Carter was called to lead the congregation spiritually and complete an ambitious building, which stands today as a monument to the heritage of Pasadena's African American citizens.

Since its ground breaking ceremony held in March of 1925, the Friendship Baptist Church has stood prominently for over 70 years as one of the visible landmark churches in Pasadena. It is the first African American related cultural landmark, recognized as a state of California landmark, and in 1978 was listed on the National Register of Historic Places in the United States of America.

I consider it a great privilege to recognize Friendship Baptist Church for its 110 years of service to the people of Pasadena. I ask all Members to join me in wishing Friendship Baptist Church many more prolific years of service to the community.

PAYING TRIBUTE TO THE BOWEN FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a creative and enterprising family from my state. Bill Bowen, along with his sons David and Roby, of Grand Junction, Colorado operate a unique business creating beautiful art out of large slabs of steel. For their hard work and many contributions to the Grand Junction community, I am honored to pay tribute to the Bowen Family here today.

Bill Bowen began working with metal as a young boy. The welding torch he used to build his mother a rose trellis soon became his ticket to building motorized vehicles and, eventually, amazing works of art. Most of the art that Bill and his sons started making in large quantities about 15 years ago revolve around the theme of dinosaurs, and their work has created quite a stir. People from all over the country and around the world have purchased the Bowen family's hand-made sculptures, and the joy their work has brought to the thousands of owners and admirers is truly immeasurable.

Mr. Speaker, I am honored to recognize Bill, David, and Roby Bowen here today. This trio often toils up to 70 hours a week in order to fashion their artistic creations for others to enjoy. The hard work and dedication they devote to their craft is reminiscent of the work ethic that helped make this nation great, and I am proud to bring these special individuals to the attention of my colleagues in this Congress. I congratulate the Bowen family for their success, thank them for their contributions to the Grand Junction community, and wish them all the best in the future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 18, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9 a.m.

Environment and Public Works

To hold hearings to examine health technology.

Business meeting to consider a bill to extend the authority of TEA-21 (Transportation Equity Act for the 21st Century) for five months, to be immediately followed by a hearing to consider the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

SD-406

9:30 a.m.

Aging

To hold hearings to examine HIPAA medical privacy and transaction rules.

SD-628

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the implementation of the Sarbanes-Oxley Act and restoring investor confidence.

SD-538

Health, Education, Labor, and Pensions

To hold hearings to examine health technology.

SD-430

2 p.m.

Banking, Housing, and Urban Affairs

Business meeting to mark up the National Consumer Credit Reporting System Improvement Act of 2003, the Defense Production Reauthorization Act of 2003, and The Federal Transit Extension Act of 2003.

SD-538

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine information sharing and coordination for visa issuance in relation to homeland security.

SD-226

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 213, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, S. 1236, to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the western States, S. 1516, to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive, H.R. 856, to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and H.R. 961, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

SD–366

SEPTEMBER 24

9 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine the findings of the GAO concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11th, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security.

SD–406

9:30 a.m.

Governmental Affairs

To hold hearings to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions.

SD–342

Judiciary

To hold hearings to examine the nominations of Dale S. Fischer to be United States District Judge for the Central District of California, Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Gary L. Sharpe to be United States District Judge for the Northern District of New York.

SD–226

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity.

SD–430

Indian Affairs

To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.

SR–485

2:30 p.m.

Judiciary

Crime, Corrections and Victims' Rights Subcommittee

To hold hearings to examine elder abuse, neglect, and exploitation.

SD–226

SEPTEMBER 25

9:30 a.m.

Armed Services

To hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.

SH–216

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine counterterror initiatives in the terror finance program.

SD–538

Health, Education, Labor, and Pensions

Business meeting to consider S. 606, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, the Workforce Investment Act Amendments of 2003,the Family Smoking Prevention and Tobacco Control Act, and pending nominations.

SD–430

Indian Affairs

To hold hearings to examine proposed legislation to reauthorize the Head Start program.

Room to be announced

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, and James Casey Kenny, of Illinois, to be Ambassador to Ireland.

SD–419

SEPTEMBER 30

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities industry.

SD–538

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine underage drinking.

SD–430

OCTOBER 2

10 a.m.

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Energy and Commerce to examine activities of the National Institutes of Health.

SD–106

2 p.m.

Indian Affairs

To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.

SR–485

OCTOBER 16

10 a.m.

Indian Affairs

To hold hearings to examine the Missouri River Master Manual.

SR–485

OCTOBER 21

10 a.m.

Indian Affairs

To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.

SR–485

SENATE—*Thursday, September 18, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic God, Sustainer of the universe, as storm clouds gather, we thank You that You are Sovereign, yet no one is too small for Your concern. Forgive us for failing to trust Your love and for our sometime reluctance to have faith in each other. Lord, increase our faith, and give us the wisdom to make more deposits in the bank of love. May we remember to consult You as we make decisions. Guide the Senate today. Lead it into a blessed future as our leaders depend on Your wisdom. Strengthen us with Your Spirit and lead us into the newness of life. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on H.R. 2691, the Interior appropriations bill. It is my understanding that several amendments may be offered during today's session. As I announced previously, there will be no rollcall votes today, and any votes ordered will be stacked to occur during Monday's session. I reiterate that we intend to finish the Interior bill sometime on Tuesday. Therefore, we could have multiple votes on Monday to further our efforts to complete this bill.

Also, I should add that over the course of the morning we will be closely monitoring the weather situation, recognizing that the weather will have a great impact both on the business here this morning and over the course of this afternoon and tomorrow. Our schedules will be adjusted accordingly, as the weather worsens. When we finish our business today, we will adjourn until Monday, and that time will be announced.

Today, only essential personnel have been encouraged to come to work this morning. And individual offices, individual committees have made decisions. We will continue this morning, and I would think that after we address the amendments that will be brought to us shortly, we will be adjourning.

MEASURE PLACED ON THE CALENDAR—H.R. 49

Mr. FRIST. Mr. President, I understand that H.R. 49 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

The PRESIDENT pro tempore. Is there objection to further proceeding on the measure?

Mr. FRIST. I object to further proceedings on the measure at this time.

The PRESIDENT pro tempore. Objection is heard.

The measure will be placed on the calendar.

HONORING THE LIFE OF JOHNNY CASH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 68.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 68) to honor the life of Johnny Cash.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, S. Con. Res. 68 reflects upon the recent loss of Johnny Cash. Tennessee and the world, indeed, lost one of its great heroes. His influence simply cannot be understated in any way. It is felt today, and it will be felt for many years to come.

A country music legend, and one of Rock 'n Roll's founding fathers, Cash's work transcended both generation and genre. But what so many will remember is that he was a man of the people across this great Nation—indeed, across the world, giving a voice to so many people who really did not have a voice before. He captured that not just over one generation but several generations. And that voice will carry on over many generations in the future.

I extend my condolences to the Cash family. I know I speak for many in saying that Johnny Cash is a legend, and his imprint on American music and culture is and will continue to be profound.

Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection to the request?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 68) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 68

Whereas Johnny Cash was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres;

Whereas Johnny Cash was born on February 26, 1932, in Kingsland, Arkansas, and moved with his family at the age of 3 to Dyess, Arkansas, where the family farmed 20 acres of cotton and other seasonal crops;

Whereas those early years in the life of Johnny Cash inspired songs such as "Look at Them Beans" and "Five Feet High and Rising";

Whereas Johnny Cash eventually released more than 70 albums of original material in his lifetime, beginning with his first recording in 1955 with the Tennessee Two;

Whereas Johnny Cash was a devoted husband to June Carter Cash, a father of 5 children, and a grandfather;

Whereas Johnny Cash received extensive recognition for his contributions to the musical heritage of the Nation, including membership in the Grand Old Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and his receipt of numerous awards, including Kennedy Center Honors, 11 Grammy awards, and the 2001 National Medal of Arts;

Whereas Johnny Cash embodied the creativity, innovation, and social conscience that define American music;

Whereas Johnny Cash was a vocal champion of the downtrodden, the working man, and Native Americans; and

Whereas the Nation has lost one of its most prolific and influential musicians with the death of Johnny Cash on September 12, 2003, in Nashville, Tennessee: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the life and accomplishments of Johnny Cash;

(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

(3) extends its condolences to the Cash family on the death of a remarkable man.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, as we look back over the last several days, over the course of the week, even though it will be cut short by the impending weather, we have had a very productive week.

We addressed H.R. 2754, which is the energy and water appropriations bill, led by Senator PETE DOMENICI, and over the course of that bill disposed of over 20 amendments over a 2-day period.

The House message to accompany S. 3, the partial-birth abortion ban bill, led on our side by Senator SANTORUM, was completed this week, and now conferees can be appointed and that important piece of legislation addressed in conference and then sent to the President of the United States for his signature.

We also completed S.J. Res. 17, the FCC disapproval resolution. Then, yesterday, we confirmed an additional five U.S. district judges. As I pointed out yesterday, we still have six judges ready to come to the floor, and we will attempt to bring those to the floor as soon as we possibly can. I would like to get all of those done early next week.

We also, this week, began the Interior Appropriations bill, which we will continue this morning and Monday and aim for completion on Tuesday.

Mr. President, I note, in a few minutes, we are going to be going to the Interior bill, but I would like, at the appropriate time, to make a statement on a recent mission trip that I took to Africa.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

Reid amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors.

Daschle amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Montana.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS IN AFRICA

Mr. FRIST. Mr. President, last month I had the privilege of traveling to the southern African nations of South Africa, Mozambique, Botswana, and Namibia, along with five of our colleagues in the Senate. I try to visit the continent of Africa at least once a year. Part of the trip is generally spent doing medical mission work and part of it doing more official business. Over the next several minutes I will reflect a bit upon what we learned as a group with my colleagues on the official part of the recent trip.

As in previous trips, I was again struck by the optimism, the perseverance, the courage of the people I met on the African continent, impressed by their openness, impressed by their warmth, impressed by their generosity and by their hospitality.

The purpose of our mission was very focused and straightforward. It was not just going and looking at the countries and getting a feel for their governments and overall approach to ruling and to the people there but to determine how best the United States, with others, can coordinate efforts to fight the global HIV/AIDS pandemic which, as I have said many times before, I believe is the greatest humanitarian, moral, and public health challenge of the last 100 years.

Several of my colleagues have already come to the floor and offered some of their reflections and impressions on our recent visit to the continent. I thank Senators WARNER, DEWINE, ENZI, ALEXANDER, and COLEMAN for their comments and for joining our delegation to study HIV/AIDS in Africa, as well as Dr. Joe O'Neill, who is Director of the Office of National AIDS Policy, who accompanied us as well. Dr. O'Neill, who has vast experience as both a physician and someone who has focused on HIV/AIDS, both in the clinic delivering care and in terms of education and research, and now public policy, was a tremendous resource for us. In addition, it allowed us to integrate our ideas on an ongoing basis on this particular trip.

I thank all of them for their thoughts, their remarks, their questions, and comments as we traveled through the southern aspect of Africa, as well as their remarks on the floor since.

In sum, our team had a very productive trip. We met with patients, doctors, nurses. We met with community leaders, activists. We met with the presidents of the countries and other government officials who have been trying to fight and are continuing to fight on the front line this deadly epidemic—this group of people all working together from different vantage points to bring hope and relief to millions and millions of people who are HIV positive, have the manifestations of that infection, which is AIDS, a disease today for which we have no cure.

No part of the world has been more affected by HIV/AIDS than southern Africa, although we all know that the rate of growth was tremendous in Russia and throughout the Caribbean. There are probably more people in India than any other country in the world with HIV/AIDS. But in Africa, where this disease had its impact initially, we see what indeed can happen and is happening to countries throughout the world.

The story of the impact in Africa needs to be told in a way that people understand in order to encourage support of the global community in reversing this epidemic. Graca Machel, who is a truly remarkable former first lady of Mozambique, told us that because of HIV/AIDS:

> We are facing extinction. We still face the worst of the epidemic.

Let me repeat:

> We are facing extinction.

When you hear those words from leaders, from people who are intimately involved, and you think of extinction caused by this little tiny virus of a people, of a population, of a nation, you realize the significance of this huge challenge before us.

We learned several things. First and foremost, we learned that leadership and political will are absolutely critical. It must come from the top, but it must occur at every level—vertically, down to the most grassroots level. We saw effective, comprehensive responses to HIV/AIDS in many parts of Africa. In those areas where it has been most successful, there has been a strong political will and leadership. We have to start at the very top, with the president or the leader of an affected country. And you need to extend down to that local tribal leader, the person in a local community or a local village or at the tribal level, that person to whom people turn, that person whom people trust, that person who, if they articulate the realities, can cut through the stigma, which I will come to here shortly.

In the country of South Africa, we met with community leaders who were struggling with the political leaders for years over the development of specific response and treatment plans that would save thousands of lives with new treatment approaches and mechanisms and drugs. A lot of this has come to a head over the last year or 2 years.

Indeed, until just several weeks ago, the political leadership there, I believe, had failed to address much of the reality that this little virus causes HIV/AIDS, for which we have no cure. In South Africa, the country itself, more than 5 million people are infected with the disease, for which there is no cure. In contrast to a political will that seems slow to come to the surface, you go to Botswana, in Gaborone, where we met with President Festus Mogae, who, in an effort to reduce the stigma surrounding the virus in the United States and around the world, and in Africa as well, publicly had himself tested. That was part of an effort to show the importance of testing nationwide, to send a strong signal across the country.

This sort of unambiguous leadership sends a strong message to the people. It focuses attention, and indeed it works. As a result of that, Botswana is making notable progress in fighting this pandemic and bringing understanding, security, and hope to its people. Prevention and care must be linked to treatment, and treatment must be preceded by testing because you have to make the diagnosis.

All that sounds straightforward—making the diagnosis so that you can have care and treatment. But what is interesting is that 90 percent of the people in the world who have the virus don't know they are HIV positive, and until you can identify who is positive and who is not, it is hard to engage in the specific treatment aspect for that virus.

What is not quite so intuitive, but absolutely fact, I believe, is that testing for the virus can become the cornerstone of prevention of the virus. Why? Because testing, because of the great technology today, takes us 15 minutes to do—when I was in Africa before, it took about 3 weeks. In technology there has been great progress. After testing—15 minutes—the counselor or the person doing the test, at that same setting, can have what is called a teachable moment when one can learn about HIV and learn how to prevent HIV. If one is HIV positive, they can learn how to stop and reduce the spread of HIV/AIDS.

It is critical. For example, there are 100 people in this body, and if they were all HIV positive, only 10 would know. You see, we have a lot we need to do in order to at least identify it so that we can educate those people who may have HIV/AIDS.

In Kasane, Botswana, we saw how, using two simple tests, a person can be tested in 15 minutes while receiving that counseling in an effort called voluntary counseling and testing, VCT. I mention those three letters because, as people in this body and our colleagues know more and more about the virus and what we can do, you will hear about VCT, voluntary counseling and testing. If the individual tested negative at that sitting—they don't have HIV—he or she can be counseled as to how to avoid that infection. Then that person is encouraged to go home and talk to their family about the particular virus and about prevention, how to avoid this virus. If the individual tests positive on that encounter, they can immediately be exposed to the options for care and treatment, if available, as well as contact with peer support groups.

Botswana is one of the countries we visited where the overall sophistication is high. There have been a lot of resources devoted, through partnerships to Botswana, and the impact right now is beginning to be felt.

There are no easy answers. This will not be addressed in 1, or 5, or 10 years. It is going to take 15, 20 years to fully address HIV/AIDS.

Another important lesson we learned is that we must take steps to make treatment widely available. This is something that was, for me, really brought out on this particular trip. Even on the trip I took a little over a year ago, it wasn't quite as dramatic. But it is critical that treatment be made available as widely as possible.

President Bush's emergency plan for global AIDS calls for 2 million people to be on treatment by 2006. That is an ambitious goal. We can meet that goal if we focus and make sure that taxpayer dollars we spend are directed to proven, robust prevention care and treatment programs. There is an unlimited amount of money and resources you can devote. People talk $5 billion, or $10 billion, or $15 billion. You can spend $100 billion on trying to fight HIV/AIDS.

I think it is important that we spend our taxpayer dollars wisely, in such a way that we know they will have an impact—not just over 6 months or a year but 2, 3, 4, 5, 10, 20 years. This is a long-term commitment and one at which we need to stay in a determined fashion.

Perhaps the single largest challenge to the HIV/AIDS crisis in Africa, through prevention, care, and treatment, is the need to help develop the medical infrastructure to deliver health care safely and effectively. It is not just in South Africa, it is in the United States and every country. It comes down to the fact that it is not just a diagnostic kit. You don't just give diagnostic kits to everybody in the world and expect everything to fall into place. It means you don't just have the drugs, the little vial of drugs, and send it, just as you would not send it anywhere in this country or to other countries; you would not send it to Africa without making sure it could be appropriately stored and appropriately transported, that it could be actually delivered to the patient in a secure and safe way. It is complicated and frustrating, in many ways, in the United States as well. This takes an overall system that we have to continue to develop and partner with and contribute to in terms of resources to make sure it is fully developed.

A message we heard again and again was the request for the United States to help provide expertise and training. This shortage of trained medical and health personnel at Chris Hani Baragwanath Hospital, which is the largest hospital I have ever been in or practiced in, in the United States or in England—it may be the largest hospital in the world. It is in Soweto, South Africa. We had the opportunity to visit the wards there and visit with the staff.

When I close my eyes, I can see the exhausted faces of those nurses, the nurse practitioners, and the physicians, as we listened to them describe the desperate need for more trained staff—staff who have an understanding of HIV-related diseases, the infectious diseases that appear when one has this virus, which suppresses or holds down one's immune system and thus makes an individual more likely to get different infections. They told us about the need for nurses to help do the testing and administer the tests and the need for social workers because it is not just giving the medicine, the antiretroviral therapy, if somebody has HIV/AIDS; it is the care, the nutrition, carrying out daily activities of living in South Africa, and thus you need a whole cadre of social workers to address the care, as well as the treatment aspects of responding to this virus.

They talked about the need for counselors to teach them how to avoid and cope with HIV infection. They talked about the need for administrative staff. They look to the United States to help partner to provide this trained expertise.

We learned, in addition, that we must build partnerships. It cannot be done by one country, or one organization, or one company; it is going to require huge partnerships. That is going to take partnerships of government and of the NGOs—nongovernment organizations—religious organizations, social organizations, pharmaceutical companies, universities, all of which can come together to build these so-called capacity needs, to build the effective partnerships to address the challenges we have.

In Botswana, we visited the appropriately named Masa—that means "new dawn"—Masa Clinic. Masa is funded by the African Comprehensive HIV/AIDS Program, called ACHAP, which also supports the Coping Centres for People Living with HIV/AIDS, COCEPWA, and the Botswana Christian AIDS Intervention Programme. That sort of partnership, that cross-fertilization is working.

The African Comprehensive HIV/AIDS Program is a unique partnership that is sponsored in part by the Bill and Melinda Gates Foundation, the

Merck pharmaceutical company, and the Government of Botswana. It is a remarkable program that was launched 3 years ago in July 2000. It is providing free antiretroviral treatment, counseling, and care for now over 6,000 Africans.

Patients in the Masa program—it has been fascinating to me—have a 92- to 100-percent rate of compliance following this prescribed treatment/drug program, and that is very high. I think compliance with their population in Botswana is equally high to compliance of a similar regimen in any western country—in the United States or in Europe. People are adhering to that regimen that is laid before them day after day. It is truly remarkable.

The highest compliance rates among western countries is 15 to 20 percent lower than that particular figure. So when people say, in Africa it is hard to pull off these complicated treatment programs, that is absolutely wrong. That is just absolutely wrong.

While we were in South Africa, we visited something I have never seen before. We visited the huge gold mining facilities. The one we visited was called Anglo Gold, or part of Anglo Gold. They have their own hospital to treat their miners. There are about 25,000 employees and maybe—they don't really know yet—as many as a third of all those employees are HIV/AIDS infected. Again, that is sort of typical. It may be less than that; it may be a little bit more, but it is a huge number. Therefore, in terms of not just care and compassion but just productivity, because you need a healthy workforce, they have a wonderful program, a comprehensive program that is involved in prevention, care, and treatment at Anglo Gold. They are bringing antiretroviral treatment to HIV-infected employees directly.

We had the opportunity to talk to the employees and the impact that is making on their lives and the lives of their families and the lives of their extended families in their villages.

We had the real pleasure of visiting St. Mary's Hospital in Rehoboth, Namibia, which is preventing new infections through President Bush's Prevention of Mother-to-Child Transmission Program. We have talked on the floor a lot about the importance of treating the mother with one dose of a drug called Nevirapine—a very inexpensive drug—and then treating the baby within the first 24 hours with one dose of Nevirapine. It cuts that transmission down at least by 50 percent. That particular program is having great success.

In Windhoek, Namibia, we visited the Bernard Noordkamp Camp Center run by the Catholic Church which provides care and nutritional support and counseling to hundreds of orphaned children. All of my colleagues are familiar with the thousands and thousands of orphans as a result of HIV/AIDS, children who have lost their parents to HIV/AIDS. That figure will go to 10 million to 14 million over the next 10 years.

Another point we learned is we must reach people where they live. You cannot have a program designed for even one country and have it apply to every village in another country. You really need to be able to reach people in their own communities.

Most Africans don't live in the big urban areas and, thus, the importance of mobile clinics, going out to the villages, is absolutely critical. We saw a lot of creative responses to the problem. It could be very resource intensive.

In Carletonville, South Africa, we saw the mobile clinics, the mobile vans with trained personnel and medical gear. These vans drive out into the bush to bring that voluntary counseling, treatment, and basic care to people who otherwise simply would not have access to the care. There is no hospital or the nearest hospital or clinic might be 100 miles away, and with most of the people walking, it takes days to reach a clinic. It is impractical. These units would be able to identify people with serious illness and have them come to the local village clinic or the closest village clinic.

In Kasane, Botswana, we saw a mobile rapid-testing lab that travels through that whole Kasane region. By closing the gap between people and health care providers in these innovative ways, we strengthen the overall capacity to deliver health care to those people to cope with HIV/AIDS. That provides a structure which can be replicated throughout not just South Africa, Botswana, Namibia, or Mozambique but in other areas throughout the continent and, indeed, throughout the world.

I mentioned this earlier, and this will be one of my final points, we learned we absolutely have to address the stigma and discrimination that is associated with HIV/AIDS. We have had to address it in the United States of America. We continue to address it throughout Africa. It is very similar.

This stigma is a universal barrier. Every African nation we mentioned said it is a major challenge. Because of fear and discrimination, African women told us again and again they are afraid to get tested out of fear of retribution by their husbands. When we talked with African men, they said they are afraid to be tested because of their fear of discrimination in their workforce or being shunned in their local communities or being shunned by their family.

If you have the stigma, people don't ever make it to the VCT—voluntary counseling and testing. They want to stay at home even if they are sick. They say: I don't want to get tested because if someone finds me HIV positive, then I will be discriminated against. So there is a huge disincentive to be tested. It makes people reluctant to be educated about the virus or even talk about the virus.

One of the most powerful ways of cutting through this stigma is to have the political leaders, the well-recognized leaders of the village come forward and say: We have to address it. Why? Because the possibility of extinction is actually there.

To effectively fight AIDS, it is important that people know what steps to take. Therefore, we have to reach that teachable moment, but to reach that teachable moment, we have to destigmatize. One of the real advances that has been made—and most people have been watching Bono, who has been here this week and talked to a number of people, and who is a very effective voice. He talks passionately about this subject. I have had the opportunity to spend a lot of time working with him on this terribly important issue. He points out the importance of the moral cause and the moral drive in terms of our responsibility, not just the United States but as the global community. I think he is right on target with that particular message as a global community.

In our discussions yesterday, we were commenting on the tremendous positive change in the believers of the world, in the faith-based communities, in the churches, in the mosques, in the temples—in the churches broadly. There has been a huge sea change over the last 2 or 3 years because of the moral necessity, the moral correctness of addressing this particular issue.

That is very important for lots of different reasons. It is important for the offering of hope and compassion and caring and treatment and support, and it is equally important because, to have the church leaders and faith-based leaders stand up repeatedly and say this is an important issue, then people listen and people understand. If they hear it from their political leaders and they hear it from the church leaders, all of a sudden you can start tearing apart this stigma, which is the barrier to reversing this pandemic that is upon us.

Prevention messages must resonate locally. I mentioned Graca Machel, the former first lady in Mozambique. She told us of the difficulty of discussing HIV/AIDS. She told us of how her Foundation for Community Development works with faith-based organizations to reduce that stigma of HIV/AIDS. We asked her how specifically they do it, and they do it by using well-understood Bible verses and Bible messages that connect with people. All of a sudden, through that connection, they take away the shame that so often is attached to this stigma and discrimination.

She reminded us also of the importance of creating practical messages that appeal specifically to men. Right now in the world there are more women with HIV/AIDS than there are men, which is interesting. Most people would think initially there are a lot more men. The challenge in many ways is to reach the men. She is very directly developing specific messages that help educate them on the dangers of sexual promiscuity as the vehicle of spreading AIDS.

She also shared her thoughts on the way to use multiple media sources—telephone lines, billboards, television, radio—to get the message out. She understands that all the knowledge in the world about HIV/AIDS is not worth very much unless it reaches the individual person.

In Mozambique, we met the traditional healers from 10 villages. It was wonderful for me as a physician to be able to go out in a remote part of Mozambique and to have the traditional healers, for whom Western medicine is not something they have been exposed to much, and who use the traditional healing methods, interested in HIV/AIDS, asking the right questions, putting them forward, and then educating people. These traditional healers are the ones who give health care today. They have relationships like the doctor/patient relationship already with their villagers. They help destigmatize and encourage education about HIV/AIDS. They are the community leaders.

We have to prepare for a future without AIDS. The devastation caused by AIDS is overwhelming. But we must continue to envision a world without HIV/AIDS, especially in countries that have been overtaken and are feeling the effects at the individual level, in families, and on the economies. Even if we get the disease under some sort of control, we need to think ahead and plan for the future.

In all the countries in Africa that we visited we were met with hope for the future, hope for new trade agreements, which we need to work on, I believe, aggressively in this country. We heard about the hope that trade barriers will fall so economies will improve and jobs will open up. We listened and heard and were struck by the hope that they have for a prosperous life for their families.

You have this devastating pandemic, terrible disease affecting the continent and individual countries. Yet it always comes back at the end of the conversation with a smile and optimism and hope. I think that is one of the aspects that attracts me back to that continent again and again. We should stand by them, partner with them, and maximize their opportunity for growth.

In closing, I do thank the Ambassadors and staff of each of the nations that we visited: Ambassador Cameron Hume in South Africa, Deputy Chief of Mission Dennis Hankins in Mozambique, Ambassador Joe Huggins in Botswana, Ambassador Kevin McGuire in Namibia, for all of their outstanding work, their outstanding support. They opened their world to us in a way that we very much appreciate and that we will act upon over the coming weeks and months and years. They literally opened their homes to our delegation and worked overtime to make our trip a success. For that we are grateful. They are a great credit to the State Department and to the United States and to the people they represent. Those people are the people of the United States of America.

I have gone on too long. Again, it was a dramatic, important trip for Members of the Senate as we look ahead to how best and most wisely invest our taxpayers' money, to this huge, bold, initiative, the boldest initiative taken in public health by any leader of any country ever, the initiative President Bush put forward to fight global HIV/AIDS with $15 billion over 5 years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, as we move into the debate on the Interior appropriations bill, there are still some important amendments that have yet to be offered. I understand the minority leader will be here. He has a couple amendments. We will lay those down today and talk about those. If Members are in town and watching, I suggest they bring their amendments down so we can get the list down to where it is manageable in the first place so we can complete this appropriations as early on Tuesday as we possibly can.

In the meantime, we will be talking about a lot of very emotional issues. When you talk about public lands, everybody becomes a land manager. As we debate this, it never ceases to amaze me that we forget that there is a lot of knowledge on how to manage lands and the resources that we haven't tapped.

This Saturday, September 20, volunteers across the United States will participate in the 10th annual National Public Lands Day.

This day is coordinated by the congressionally chartered National Environmental Education and Training Foundation, in conjunction with the Take Pride in America Program.

By the way, the Take Pride in America Program goes all the way back to one of the first programs the Interior Department put in when I first came to the Senate.

These two fine organizations team up in an effort to enhance and improve our public lands while promoting awareness of citizen stewardship and increasing volunteer opportunities for the public. This is an excellent idea. I would like to commend them, as well as the 70,000 folks across the United States who volunteered last year, for their hard work in participating in this task.

One-third of the total amount of the U.S. land mass is considered public lands. Recreational activities on these lands are enjoyed by millions of Americans and their families. Glacier National Park alone in my State provides recreational opportunity for snowshoeing, boating, and horseback riding for nearly 580,000 visitors each year.

By the way, we got good news last night. Maybe some of us are watching Isabel. One fellow walked into the office this morning and asked, "Isabel who?" We will proceed with keeping everything operating. But, also, good news is that in Glacier National Park we got 4 inches of snow last night, and they closed the Going to the Sun Highway Road. There are some back here who may not think that is good news, but it is awfully good news to us because that means the end of the fires.

Another national park in my neck of the woods is Yellowstone, which happens to be the oldest national park in the world, and it is sometimes considered the crown jewel of the park system. It is implementing a fee-free day in honor of National Public Lands Day.

As chairman of the subcommittee on Interior appropriations, I would like to extend a premature thank you to at least a dozen members of my own staff and their friends who are participating in Public Lands Day. This wasn't something which I asked them to do.

I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PUBLIC LANDS DAY

1. Jodie Peters; 2. Melanie Benning; 3. Angela Schulze; 4. Jennifer O'Shea; 5. Chris Heggem; 6. Ryan Thomas; 7. Bruce Evans; 8. Ginny James; 9. Leif Fonnesbeck; 10. Kassy Hodges; 11. Stan Ullman; 12. Jarrod Thompson; 13. Christen Petersen.

Mr. BURNS. Mr. President, in the East it is a good idea to work on public lands, particularly if this storm hits us and we sustain a little damage from it. It may be a good time to not only take care of our own property but also to volunteer to help clean up those areas of public lands that we enjoy.

This is something we are asking Americans to do, and 70,000 responded last year.

We have a fine group in this area that is going to work along the Potomac River shoreline where they will undertake the task of painting trash cans, railings, and benches on Hains

Point Park early Saturday morning. Many in my office are going to participate.

As we look forward to Public Lands Day and Saturday, I encourage citizens of this great country to think about Take Pride in America's slogan: "It's your land, lend a hand."

I think that is an important message.

I notice that my good friend from South Dakota, the minority leader, is on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the Senator from Montana who has done a great job of working with this legislation once again this year. I commend him for his efforts.

AMENDMENT NO. 1739

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 1739 be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk will report.

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1739.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service)

On page 46, line 7, strike ": *Provided*, That" and insert the following: ", and of which $79,282,000 (composed of $20,000,000 from administrative accounts for operation and support, $6,346,000 from the trust accountability account, $15,168,000 from the field operations account, and $37,768,000 from the historical accounting account) shall be transferred to the Indian Health Service and shall be available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

Mr. DASCHLE. Mr. President, for over 100 years, the Department of Interior has managed for the benefit of Indian people a trust fund containing the proceeds from the leasing of oil, gas, land and mineral rights on Indian land. Today, far from enjoying a sense of security about the investment of these assets, tribal and individual Indian account holders cannot even be assured of the accuracy of the balances that the Department of Interior claims are in their accounts, and the Interior Department's discharge of its trust responsibility is being litigated in Federal court.

There is little disagreement that the Department of Interior's stewardship of Indian trust funds has been a colossal and longstanding failure. But rather than get directly at the underlying problem, the department continues to focus on reorganization of the bureaucracy. Adding insult to injury, department officials refuse to collaborate with the tribes on a government-to-government basis as the department promised.

It is my strong belief that Congress should not appropriate any additional funds for reorganization of the BIA until tribal leaders are fully consulted on, and can fully participate in, the design of the reorganization plan.

Many of us received a letter yesterday from the National Congress of American Indians suggesting that Congress not fund the department's ill-considered reorganization.

According to NCAI, "The reorganization, because it is being executed in advance of the reengineering of the trust accounting systems, is premature, expensive, and will not improve trust management." NCAI goes on to say that: "Instead the funding should be directed back to basic Indian programs from which the money has been reallocated."

I agree with NCAI and the tribal leaders of my State, who are saying the same thing. I am, therefore, proposing that we transfer $79 million from accounts that would fund a reorganization of the Bureau of Indian Affairs to the Indian Health Service.

We are all painfully aware of the acute human need that exists on the Nation's Indian reservations. Education, unemployment programs and infrastructure are all underfunded by the Federal Government. But no human need cries out more than health care.

The health care statistics on the reservations of South Dakota, and throughout the country, are closer to the statistics of the developing third world than they are to the national statistics for the United States. Infant mortality rates, diabetes rates, fetal alcohol syndrome rates and SIDS rates on the reservations far exceed that of the rest of the Nation. Every health barometer calls out for prompt intervention and assistance.

We must increase Federal funding for health care on the reservations. It is the key to a better education, which is the key to a more productive life.

Yesterday on the Senate floor I showed my colleagues a chart that showed the per capita commitment to health care on the reservations. It is exactly one-half the per capita commitment to Federal prisoners in the United States today. One-half, about 1,900 versus 3,800. Restoring accountability and efficiency to trust management and paying account holders what they are owed is a matter of fundamental justice and should be a national priority. Nowhere do the principles of self-determination and tribal sovereignty come more into play than in the management and distribution of trust funds and assets clearly owed to Indian tribes and their people.

However, the successful resolution of this challenge, which has eluded the reach of administrations of both political parties for years, depends on meaningful dialogue and true partnership between the Federal Government and Indian people and their representatives. That standard is not reflected in the Interior Department's current reorganization plan.

Therefore, when I contrast the relative merits of more funding for this reorganization with more funding for health care, it is not a close call.

I urge my colleagues to adopt this amendment transferring $79 million from BIA and the Office of the Special Trustee reorganization to Indian health care.

I ask unanimous consent that letters from the National Congress of American Indians and the Native American Rights Fund be printed in the RECORD along with a resolution regarding this issue passed by the National Congress of American Indians.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS
OF AMERICAN INDIANS,
Washington, DC, September 17, 2003.

Re DOI Interior Appropriations Request for Historical Trust Accounting and Trust Reorganization.

Hon. BILL FRIST,
Majority Leader.
Hon. CONRAD BURNS,
Chairman, Subcommittee on Interior Appropriations.
Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs.
Hon. TOM DASCHLE,
Minority Leader.
Hon. BYRON DORGAN,
Ranking Member, Subcommittee on Interior Appropriations.
Hon. DANIEL K. INOUYE,
Vice Chairman, Committee on Indian Affairs.

DEAR SENATORS: It has been over a decade since Congress first ordered the Department of Interior to conduct an accounting for Indian trust funds. Since that time, the Department has spent over 600 million dollars on trust reform, but has yet to produce even one accounting. In the FY2004 Interior Appropriations bill, the Department has requested yet another enormous increase in funding to product a historical accounting and reorganize Bureau of Indian Affairs functions to the Office of Special Trustee, shifting significant amounts of funding away from basic Indian programs.

The recent U.S. Civil Rights Commission Report, "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" evaluates the budgets and expenditures of the six major federal agencies responsible for Native American programs. The Commission concludes that significant disparities exist between federal funding of programs serving Native Americans and those serving other Americans. The report finds that when inflation is factored in, funding for many individual programs has decreased.

In these days of tight federal budgets and dire needs in American Indian communities, we have to make sure that every federal dollar spent in Indian country is money well spent. We do not believe that the increases requested for historical trust accounting and BIA reorganization meet that criteria.

The bottom line on historical accounting is that the Department simply has not maintained the records to enable an accurate accounting to occur—it has been demonstrated time and again that a more comprehensive forensic accounting approach is needed. The reorganization, because it is being executed in advance of the reengineering of the trust accounting systems, is premature, expensive, and will not improve trust management. NCAI believes that any trust reform reorganization at the Department should only occur after interested parties—including tribal leadership—collaborate to identify new trust business processes and the organizational structure that should accompany those new processes.

FY2004 Interior Appropriations should not fund the ill-considered historical accounting effort and reorganization. Instead, the funding should be directed back to basic Indian programs from which the money has been reallocated. I have attached NCAI Resolution #PHX-03-040, opposing the Department of Interior's trust reorganization plan and related FY2004 budget request.

Tribal leaders understand better than anyone that the Bureau of Indian Affairs needs to change, that it has significant difficulty in fulfilling its responsibilities in management of trust funds, and that some of the problems relate to the way that the Bureau is organized. We want to see successful change and improvement in the way the BIA does business. We are not opposed to reorganization per se; we simply want to see it done right. In our view, effective organizational change to effectuate trust reform must contain three essential elements:

(1) Systems, Standards, and Accountability—a clear definition of core business processes accompanied by meaningful standards for performance and mechanisms to ensure accountability;

(2) Locally Responsive Systems—implementation details that fit specific contexts of service delivery at the regional and local levels where tribal governments interact with the Department; and

(3) Continuing Consultation—an effective and efficient means for on-going tribal involvement in establishing the direction, substance, and form of organizational structures and processes involving trust administration.

These elements are lacking in the current DOI reorganization proposal.

We are extremely concerned that the lack of definition of the responsibilities and authorities of new OST offices will cause serious conflicts with the functions performed by the BIA Agency Superintendent and/or Indian tribes. The OST was designed by Congress to play an oversight role, but the reorganization would now give the Office both oversight and management responsibilities, a clear conflict. Moreover, we believe that the funding and staff needs to flow directly to the agency and regional levels—not just to new Trust Officers—to address long-standing personnel shortages needed to fully carry out the trust responsibility of the United States. Before DOI begins the process of establishing an entire new mini-bureaucracy, the financial and management impact of such an action must be thoroughly examined by the Congress and by affected tribal governments.

We fear that the DOI is on the verge of repeating the classic mistake that has ruined the majority of its efforts to reform trust administration in the past. The preoccupation with moving or creating boxes on a chart is the antithesis of how effective organizational change can and should be brought about.

The Department is headed in the right direction with its reengineering efforts, but the new business processes should be devised through a collaborative process involving both BIA employees and tribal leadership. We must include the input of tribes and BIA employees so that the great numbers of people who must implement changes in trust administration understand and support necessary reforms. Only then, as a final step, can we design an organizational chart to carry out the functions of trust management without creating conflicting lines of authority throughout Indian country. The history of trust reform is filled with failed efforts that did not go to the heart of the problem and do the detailed work necessary to fix a large and often dysfunctional system.

At this time, Congress should prevent DOI from proceeding with its proposed reorganization plan and focus instead on funding core Indian programs where the need is greatest, and programs such as land consolidation, title and accounting that will in time reduce the cost of trust administration. We believe that this could be accomplished with simple appropriations language such as, "None of these funds shall be used for the proposed historical accounting and trust reform reorganization of the Bureau of Indian affairs and Office of Special Trustee until the Secretary has completed the ongoing reengineering processes through consultation with the tribes." Thank you very much for your interest in our concerns, and for your continued commitment to American Indian communities.

Sincerely,

TEX G. HALL.

NATIVE AMERICAN RIGHTS FUND,
Washington, DC, September 17, 2003.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: As counsel for the class in Cobell v. Norton, Civ. No. 96-1285 (RCL), a case was filed on June 10, 1996 on behalf of a more than 500,000 individual Indian trust beneficiaries in the Federal District Court for the District of Columbia. I write to clarify the position of the Cobell plaintiffs regarding the use of current appropriations for the historical accounting and reform of the IIM Trust. Specifically, under current circumstances, we have no objection to the use of such appropriations to address the many other pressing needs of Indian Country—including, without limitation, Indian education and health services.

We do not believe Interior can render a complete and accurate accounting. Nor do we believe Interior can reform the trust without Court intervention. Our view on this matter is reinforced with the knowledge that Interior has wasted nearly $1 billion over the last decade on trust reform and there has been no material improvement of the IIM Trust. In short, until the Court has approved a methodology for the historical accounting and plan for meaningful trust reform—issues which have been tried and for which a decision is pending—Interior's record conclusively demonstrates that such funds will be wasted and will certainly not benefit Indian Country.

Sincerely,

KEITH HARPER.

[From the National Congress of American Indians]

RESOLUTION #PHX-03-040

SUPPORTING TRIBAL LEADERS' INVOLVEMENT IN A CONGRESSIONAL PROCESS TO SETTLE TRUST CLAIMS; STRONGLY OPPOSING THE DEPARTMENT OF INTERIOR'S INDIAN TRUST REFORM REORGANIZATION PLAN AND RELATED FY 2004 BUDGET REPORT; CREATING A TRIBAL LEADERS WORKGROUP TO ADDRESS BOTH ISSUES

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native Tribal governments; and

Whereas, the federal government has a longstanding comprehensive trust responsibility to Indian tribes based on treaties, the United States Constitution, federal statutes, executive orders, and judicial decisions; and

Whereas, the issue of whether the federal government has violated its trust responsibility to Individual Indian Money account holders has been in litigation since 1996, under what is now named the *Cobell* v. *Norton* case; and

Whereas, as one means of dealing with the issues in *Cobell* v. *Norton*, the Department of the Interior (DOI) has developed and is implementing a reorganization plan which attempts to diminish and limit the nature of the federal government's trust responsibility; and

Whereas, the DOI reorganization plan creates a top-heavy bureaucracy which will divert desperately needed funding and resources from regional offices and local agencies, strip important decision-making authority from those offices and agencies, and negatively impact trust fund and trust resource management programs at the local level; and

Whereas, the DOI has incorrectly asserted that segments of its reorganization plan have the approval of Tribal Leaders; and

Whereas, the DOI plan in fact ignores and rejects Tribal leaders' core consensus positions, developed at great expense of Tribal time and resources, that trust reform must not negatively affect BIA programs, that it must recognize the comprehensive trust responsibility of the DOI/BIA with enforceable standards for meeting that responsibility, that the BIA must not be arbitrarily split between "trust" and so-called "non-trust" programs, as every BIA function is a trust function; and that decision-making must take place at the "lowest" (agency/region) level possible rather than in Washington, DC; and

Whereas, the DOI reorganization plan lacks substance and details in the areas of management and delivery of trust services; does not describe the new or improved business processes that will be implemented, lacks any recognition of enforceable standards that will guide the implementation of such processes; does not provide accountability to Congress, the courts, Indian tribes and their members; does not provide for a trust oversight mechanism; and fails to provide any details on how service delivery will be improved at the regional and local levels; and

Whereas, DOI's FY 2004 budget makes improper requests, and in likely violation of federal law, consolidates authority and funding in OST at the expense of Tribal programs: DOI seeks a $123 million increase for OST, nearly doubling its funding, while, at the same time, seeking a $63 million cut to BIA construction, including a $32 million cut for school construction, as well as an $8 million cut to Indian Water and Claims Settlement funding. Equally disturbing, DOI is seeking a less than one percent (0.3%) increase for Tribal Priority Allocations, funding that flows directly to Tribes for trust programs; and

Whereas, this attempted reorganization is premature because the "To-Be" reengineering study on how to fix the trust management apparatus has not been completed; and

Whereas, Tribal leaders strongly oppose the reorganization for the reasons herein described; and

Whereas, Senators Ben Nighthorse Campbell and Daniel K. Inouye, Chairman and Vice-Chairman of the Senate Committee on Indian Affairs, have written to all Tribal leaders asking for their participation in helping to settle the Cobell v. Norton case and "reforming the Federal trust management apparatus"; and

Whereas, the continued litigation will cost many more millions of dollars and take many more years to reach completion, further impeding the ability of the Bureau of Indian Affairs and the Department of Interior to carry out their trust responsibilities to Indian tribes; and

Whereas, it is in the best interests of Tribes that Tribal leaders participate in the resolution of trust related claims and the development of a workable and effective BIA reorganization plan which incorporates the core consensus positions earlier articulated by Tribal leaders; and

Whereas, Tribal leaders are willing to discuss the Senators' proposal to achieve a settlement of trust claims and related issues because it focuses on land consolidation, development of settlement legislation, continuation of the effort to reengineer trust management processes, and the reorganization of the BIA in true and meaningful consultation with Tribal leadership;

Now, therefore, be it *Resolved*, That the NCAI does hereby strongly oppose the DOI's Indian Trust Reform Reorganization Plan and its related FY 2004 Budget Request; and

Be it further *Resolved*, That the NCAI calls upon Congress to immediately halt the reorganization of the Bureau of Indian Affairs until the concerns of Tribal Leaders are fully addressed by a workable and effective reorganization plan, and until the "To Be" process, developed through true and meaningful consultation with Indian Tribes, is completed; and

Be it further *Resolved*, That the NCAI hereby (1) opposes the FY 2004 proposed $123 million budget increase to OST, (2) supports the restoration of funding for BIA Construction and Indian Water and Claims Settlements, and (3) supports a substantial increase, of at least 4%, for TPA funding; and

Be it further *Resolved*, That the NCAI requests a series of hearings before the Senate Committee on Indian Affairs and the House Resources Committee on the BIA reorganization and the DOI's FY 2004 budget request, and that the Tribal Leader witnesses represent direct service, contracting and compacting tribes, all regions, and Tribes with diverse trust holdings; and

Be it further *Resolved*, That the NCAI supports the efforts of Senators Campbell and Inouye to help reach a settlement of trust claims and to effectively reform the federal trust apparatus, and encourages the participation of Tribal leaders, individually and through a Tribal Leaders Workgroup, in both these crucial processes; and

Be it further *Resolved*, That the President of the NCAI is hereby authorized to take all actions necessary to fulfill this Resolution; and

Be it finally *Resolved*, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.

TEX HALL,
President.

Mr. BURNS. Mr. President, there will be quite a spirited debate on this issue. There is no question that we have shortcomings in the Indian Health Service. We could use more dollars there. In fact, we added dollars this year to that particular item. Was it enough? Probably not. But who knows how much is enough, whenever we start allotting dollars and we take a look at the challenge we have, especially in Indian health care. We know diabetes is one great challenge we have on our reservations across this country.

We should also talk about the merits of the trust reform, too. Number one, the administration is talking veto if this amendment is allowed to be successful. Number two, it is tied up in court. There are actions and proceedings underway. The Senator from South Dakota is exactly right. This has spanned the years through all administrations, through all Secretaries. They have all been sued and held in contempt of court because they did not live up to their responsibilities of managing this trust.

We also have to be concerned about those in Indian country, of the thousands and thousands of Native Americans who are denied payment from this trust because it is in such a mess. Some reform or some system has to be set in place before anything can happen. The plaintiffs now in the court action are saying the total payment in the country could be as high as $176 billion if we do not fix this system and make it work for those who have money due them.

I imagine that to take the dollars from reform and normal accounting procedures and let the new organization proceed with reform so we know where we are, what kind of ground we are standing on, and how best to get that money to the people to whom it is owed—I don't think this is the time to take dollars from that process of reform. We will have a spirited debate on this subject.

The Senator from South Dakota also points out we have two shortfalls—that and Indian health. So wherever your priorities are, do we take care of the trust so we take care of the financial conditions of those folks who have money coming to them or do we put basically a pittance of what really the IHS, the Indian Health Service needs. We have always covered those needs in the past with more dollars. We have added dollars this year. But we will monitor that very closely. I am aware of the needs in health care because I have seven reservations in the State of Montana and it becomes an issue there.

I thank the Senator from South Dakota for offering this amendment because it points up that we have two places we should be doing better.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I don't disagree with most of what my friend and colleague from Montana has said. He is trying to do the best he can given the allocation he has. I don't deny his responsibility to make the decisions as best he can, given the allocation. I didn't vote for the budget so I don't feel constrained by those budgetary allocation decisions that have been made within the Appropriations Committee.

Let me talk briefly about the two issues the Senator addressed. First, with regard to the trust fund. The $79 million is for reorganization of the BIA to adapt itself to the policy once the policy is implemented. The question I have is, how can you reorganize a bureaucracy before you know what that policy is going to be? How can you say we are going to put it in this agency or in that department or in that bureau or that desk without knowing what the policy is going to be? And the policy is being contested. It seems to me we are putting the cart before the horse. We need to decide on the policy and then do the reorganization. That is what I am saying. Yet there is $79 million for the reorganization before we even have a clue what the policy is going to be.

With regard to the Indian Health Service, the President requested about $1.9 billion for IHS. The analysis done by independent sources has indicated if we are going to do it right, if we are going to provide coverage anywhere near the coverage provided to others in the rest of the country, we would have to put another $2.9 billion into the Indian Health Service budget to reach a per-capita equivalency, that parity. But we are not going to do that. We obviously cannot do that. We had that debate on the budget resolution. I don't recall what the exact number was. We offered an amendment to add about $2.9 billion, and that was defeated.

What the Senate budget resolution included, and I believe it was the amendment of the Senator from Montana, but it could have been someone else's, was another $292 million, not the $2.9 billion. We passed that, but it was not in the final bill, so that was the subject of the amendment I offered last night, an amendment to put that agreed-upon $292 million in the appropriations bill. We will have that vote, as well.

We are simply saying we ought to try to begin addressing this extraordinary deficiency we have. To say to a Native American, on a per-capita basis you are only going to get one-half of what we give our Federal prisoners is to defend a disparity that I cannot imagine we can defend. I hope first we can commit to the $292 million. But since we are not ready to move forward on this BIA-OST reorganization plan that really isn't a plan, or to spend the $79 million wisely, I am arguing that we are certainly ready to spend it through the provision of Indian Health Service clinical services. That is where it ought to go right now until we know about trust land policy and how it will be implemented and how we reorganize to implement that policy once it is decided.

I thank my colleague. I know there are concerns about the weather. To accommodate staff and others I will not belabor this. I appreciate the opportunity to offer the amendment and look forward to the debate on Monday and the vote on Monday evening.

I yield the floor.

Mr. BURNS. I think the minority leader brings up a good number. How do you reorganize a bureaucracy? That is always a great challenge in this town, especially if you work in Washington, what I refer to as 17 square miles of logic-free environment.

There are some folks who want to catch some transportation out of town. I will remark what the schedule will be. We will be talking quite a lot about wildfires. We have good news: Four inches of snow this morning at Glacier National Park and the temperature is dropping down now to where we can get our arms around these fires. Nonetheless, it did not take away from the devastation those fires brought to the west this year and how we manage the dollars it takes to fight those fires. And it is every State's responsibility in this Union to respond to a national problem.

If you look just at this year—this did not make great headlines—27 firefighters died this year in wildfires on national lands—27. And 789—at last count—homes and other structures were destroyed, and 2.8 million acres have burned.

During the recent Labor Day weekend, 25,000 firefighters were still working on fires in the West. Now that is subsiding, that is over. Of the 2.8 million acres, 600,000 acres are in my home State of Montana.

What does that mean? That means lives are disrupted and resources lost. Tourism was curtailed almost to nothing this year in those particular areas that always see high summer tourism activity—Glacier National Park, Yellowstone National Park.

We are going to hear in this debate: Well, maybe we should study it. We have enough institutional memory already and data that tell us what we are doing wrong. The Forest Service and private foresters were not just hired 10 years ago. They have been around a long time. And our institutional knowledge of fires goes back to the fires of 1988. That was the fire, of course, that destroyed the better part of Yellowstone Park.

So we will have some visuals, and we will try to make the case that this is a national problem and it must be solved by national leaders representing every State in the Union. Every State in the Union has a stake in this because what the Forest Service has done, what the Bureau of Land Management has done, is they have raided other accounts to pay for their firefighting activities. Now we must replace those dollars. If we do not, that affects the Forest Service, BLM, Park Service, and U.S. Fish and Wildlife Service in every State.

So as we move on this issue, I hope the Nation will draw its attention to what is the right thing to do because we have an $850 million problem we must take care of.

Mr. President, not seeing anyone else on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1739

Mr. DORGAN. Mr. President, I rise today to support the amendment offered by my colleague, Senator DASCHLE, to increase clinical services in the Indian Health Service. I wish to speak just for a moment about the issue I raised yesterday, that there is, in my judgment, a full-blown crisis on Indian reservations in this country dealing with health care, education, and housing, and we are not addressing that crisis the way we should.

I have been pleased to work with my colleague from Montana, Senator BURNS, who I think does a remarkable job. We have not gotten the allocation we really need in order to meet all the obligations we have. Included in those obligations, in my judgment, is the obligation to fund the Indian Health Service in order to provide the kind of medical treatment that is necessary for those who are showing up at the Indian health treatment centers.

I must say, I just recently toured a clinic on the Fort Berthold Reservation and talked to doctors, nurses, and health care delivery personnel. They are wonderful people, but it is dramatically underfunded. The fact is, if you have a heart attack at that Indian reservation at 5 o'clock, you are in some trouble because the clinic is closed. They do not have the resources to keep it open. If you have a heart attack on a Saturday, you are in trouble because you won't have access to the health care you need at that point.

So we need to work on these issues. We need to resolve these issues. Some say: Well, why special issues dealing with American Indians? The fact is, they were here before we were, first of all. But, second, Native Americans in this country have served this country in so many ways, so many wonderful ways.

One Sunday morning, some years ago, I traveled to the veterans hospital in Fargo, ND, to present medals that were earned by an American Indian. His name was Edmund Young Eagle. I have told my colleagues about this, I believe, on one other occasion.

Edmund Young Eagle was an American Indian, living on the Fort Yates Reservation. He was called to serve his country during the Second World War. He left and went to serve. He served in Africa and in Europe, Normandy. He served this country with great distinction in World War II. Then he came back to live on the Indian reservation.

He never had very much, never married, never earned much income. He did not, perhaps, have as much joy in his life as he would have liked. Then he developed lung cancer. In his mid seventies, when I met Edmund Young Eagle, he was lying in a veterans hospital bed in his pajamas. I didn't know it that Sunday morning, but he was about a week from dying. He died a week later.

His sisters had asked me if I could achieve for him the medals he earned during World War II that he had never received. And I did. I took them to the VA hospital on that Sunday morning. Edmund Young Eagle was sick with, as I said, lung cancer. His sisters and the doctors and nurses came into the room. We cranked his bed up to a seated position, and I pinned those medals on Young Eagle's pajama top.

He earned those medals fighting for this country in the Second World War. He had a very distinguished record. This very sick man, an American Indian, said to me that Sunday morning in the hospital that it was one of the proudest days of his life, as he sat there in his hospital bed wearing his military medals that he had earned serving this country.

If you look at the service given this country by American Indians, Native Americans, who have been drafted and then enlisted in massive numbers across this country, they have served in virtually every conflict, every war with great distinction.

Go to a pow-wow someday and watch those Native Americans wear their uniforms, being part of the American Legion or part of the group in that reservation or with that particular tribe that is celebrating their service to our country, and you can't help but be enormously proud. But when you take a look at other things that are part of the culture of their lives, and you see service to their country was one part that was very important to them—and they served in higher numbers as a percentage of their population than almost anyone in this country—most of them, many of them came back to their reservations to find there was a crisis in health care, housing, and education.

My colleague, Senator DASCHLE, offers an amendment dealing with health care. This is not just about veterans. It is about children. It is about retired folks. If you tour these Indian reservations and take a look at what the Indian Health Service is doing, what the public health system is doing, we have some wonderful men and women working very hard, long hours, doing the best they can, but the resources don't exist to provide the kind of health care for these children and these citizens as exists in the rest of the country. It is just plain fact.

The Indian Health Service has a budget of about $2.5 billion. The analysis is they need about $12 billion more. Of course, that is not going to happen. This is not some academic debate. This is not about theory. This is about people living and dying. This is about life or death decisions for a lot of people, especially the more vulnerable in that population. I am talking about children.

You want to hear stories about children who die because of chicken pox. We can talk about that on some of these reservations. You don't hear that much anymore, people dying of chicken pox.

The primary health services that are available to American Indians on reservations are inadequate. I mentioned yesterday 5,000 people getting their dental care from one dentist in a small trailer. That is not health care. It doesn't meet the needs of those people on that reservation.

My colleague, Senator DASCHLE, offers an amendment to try to find some additional resources for clinical services. I support that.

Senator BURNS missed what I said about this bill. I said, Senator BURNS has Indian reservations in Montana and cares a lot about these issues. We have done as well as we could given the allocation in this bill. I wish we could do more.

I support this amendment because it will do more. I recognize the offset comes from outside the bill, and there is some difficulty with that. I think when you are talking about issues of life and death, we need to make fit the solution that is necessary to provide the health care needed, particularly by these children but also people who are more vulnerable.

Go to an Indian reservation, for example, and talk to people about diabetes. You will discover the rate of diabetes on, for example, the Fort Berthold Reservation is not double or triple or quadruple the rate of diabetes in this country. It is 12 times the rate of diabetes, 12 times the rate of the American population.

One day I flew into New Town, ND, with the late Congressman Mickey Leland and former Congressman Tim Penny. We held a hearing on the Fort Berthold Reservation. We had a range of people talk to us about the diabetes epidemic. Go to that reservation today and see the rows of people doing renal dialysis to stay alive, go to the diabetes clinic—which I got funding for—and see what they are doing to try to deal with this scourge called the diabetes epidemic.

There are so many challenges that need to be met and so few resources. That is why I fully support this amendment.

When I walked in the Chamber, my colleague from Montana was speaking of forest fires. North Dakota is a State that is ranked 50th among the 50 States in native forest lands. We are a wonderful State. We cherish the trees we have. But we rank 50th among the 50 States. We are not affected much by forest fires. We do have some range fires on the grasslands. The forest fires, of the type my colleague and his constituents face, or the forest fires we have read about in Colorado and Arizona and other areas, are devastating events. The fact is, we know these events occur. This is not some tsunami or typhoon that occurs once every 5 or 10 years. We know these events occur.

As my colleague said, we ought to provide for the payment for fire suppression and firefighting in the budgets that we put together. The President ought to do it. He ought to request it, and we ought to fund it. It doesn't make sense for us to pretend we are surprised when there is a forest fire. We must be the only people surprised. Forest fires happen. There is no reason to continue having budgets come down from the President that say, let's not adequately fund this so that we can borrow money from this, that, and the other place. Then we pretend we are shocked when a fire comes around and we have to pay for it. Then we try to do some emergency fix someplace. That doesn't make sense to me.

Forest fires are devastating events. We know they are going to happen. We should provide funding for fire suppression activities. Hundreds of millions of dollars ought to be in these budgets. My colleague from Montana and I are determined to try to make sense of this and work with the White House and others to do the right thing. I echo his comments about the urgency of doing that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITTLE COUNTRY THEATER TRIBUTE

• Mr. DORGAN. Mr. President, 90 years ago students at a small school then known as the North Dakota Agricultural College created a drama facility called the Little Country Theater. This was surprising—the school was, after all, largely focused on agricultural science and professional training for specialities like pharmacy and chemistry. But the college had one of those rare phenomena that every institution lusts after—a dynamic, driven professor who was both dreamer and doer.

For the next four decades, Alfred Arvold was the guiding force of the Little Country Theater and the theater itself was the school's intellectual and artistic heart. Arvold and his students took an unused chapel and turned it into a home for drama; rebuilt an attic garret into a faux log cabin that became the college's premier meeting spot, one which hosted luminaries like Marian Anderson, Charles Laughton, Yehudi Menuhin, Ethel Barrymore, Eugene Ormandy, Charles Lindberg, Paul Robeson and Carl Sandburg; and produced a flurry of productions, many written by the students themselves.

The focus of Arvold's philosophy was to bring theater to the public and he provided instructions and guidance for rural communities on how to produce plays at low cost and in the most modest of facilities, in cow pastures and haylofts, lit by lanterns and with planks for seating. Drama was to be used, he said, "as a force in getting people together and acquainted. Instead of making the drama a luxury for the classes, its aim was to make it an instrument for the enlightenment and enjoyment of the masses."

To do that, the Little Country Theater toured regularly, sometimes traveling by special train and often producing sweeping outdoor epics—one pageant mobilized 1,500 performers—that attracted huge crowds, including one of 30,000 spectators.

After Arvold retired, Dr. Frederick Walsh and then Dr. Tal Russell took the reins and the theater moved in 1968 from its old quarters into a new facility built with significant help by friends of the school, Reuben and Hilda Askanase. By that time, the college had switched its name to North Dakota State University.

Despite those changes, the legacy of the Little Country Theater continued. There was still the outreach. For a number of summers a troupe of actors known as the Prairie Stage toured the state, moving by semi-truck and performing in a circus-like tent. An outdoor drama, "Old Four Eyes," a saga of Teddy Roosevelt's adventures in the North Dakota Badlands, was written by Walsh and performed right in the Badlands. "Trails West," the story of Custer's last days, was also performed at Fort Lincoln, his last post.

During its 90 years, the Little Country Theater has produced 600 plays, turned out a number of performers who went on to professional careers, entertained audiences, and, most critically of all, educated generations of students. It's a proud, vital, and continuing legacy that I'm proud to acknowledge and, more importantly, honor today in the Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 20, 2002 (67 FR 59447).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2003.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 18, 2003, she had presented to the President of the United States the following enrolled bills:

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4278. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a copy of the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4279. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a copy of the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4280. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents released by the Agency relative to its regulatory programs; to the Committee on Environment and Public Works.

EC-4281. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Liberty Borough PM10 Nonattainment Area to Attainment and Approval of the Associate Maintenance Plan" (FRL#7556-4) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4282. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets Using MOBILE6" (FRL#7558-3) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4283. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Mecklenburg-Union Transportation Conformity Interagency Memorandum of Agreement" (FRL#7557-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4284. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste;

Final Exclusion" (FRL#7557-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4285. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania: Final Approval of State Underground Storage Tank Program" (FRL#7557-4) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4286. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflozystrobin; Pesticide Tolerance" (FRL#7322-7) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4287. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL#7559-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4288. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Miscellaneous Revisions to Regulations Within the Forsyth county Local Implementation Plan" (FRL#7559-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4289. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Miscellaneous Revisions to the North Carolina State Implementation Plan" (FRL#7558-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4290. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico: Redesignation of Gran County to Attainment for Sulfur Dioxide" (FRL#7556-7) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4291. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin" (FRL#7547-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4292. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Iowa" (FRL#7559-8) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4293. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming: Control; of Emissions From Existing Commercial and Industrial Solid Waste Incinerators" (FRL#7560-2) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4294. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Revision to Operating Permits Program in North Dakota" (FRL#7560-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4295. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified and San Joaquin Valley Unified Air Pollution Control Districts" (FRL#7551-8) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4296. A communication from the Secretary of Energy, transmitting, a report relative to the Department of Energy's fleet acquisitions of alternative fuel vehicles (AFV) for fiscal year 2002, anticipated acquisitions during fiscal year 2003, and projections for fiscal year 2004; to the Committee on Energy and Natural Resources.

EC-4297. A communication from the Secretary of Energy, transmitting, a report of proposed legislation relative to management and disposal of high-level radioactive wastes; to the Committee on Energy and Natural Resources.

EC-4298. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Aliens Inadmissible Under the Immigration and Nationality Act—Unlawful Voters" received on September 15, 2003; to the Committee on Foreign Relations.

EC-4299. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a modification of the 2003 Certification of Congress entitled "The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1990"; to the Committee on Foreign Relations.

EC-4300. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report detailing payments made to Cuba as a result of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-4301. A communication from the Director, Office of Personnel Management, transmitting, an Administration legislative proposal to provide for review of certain determinations of the Board of Actuaries of the Civil Service Retirement System in accordance with the requirements of the Constitution; to the Committee on Governmental Affairs.

EC-4302. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Facilities; Hours of Operation for the Exhibition Halls" (RIN3095-AB22) received on September 15, 2003; to the Committee on Governmental Affairs.

EC-4303. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Facilities; Public Use" (RIN3095-AB17) received on September 15, 2003; to the Committee on Governmental Affairs.

EC-4304. A communication from the Chairman, National Labor Relations Board, transmitting, the Board's 66th Annual Report; to the Committee on Governmental Affairs.

EC-4305. A communication from the Archivist, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Governmental Affairs.

EC-4306. A communication from the Director of Personnel Management, transmitting, a legislative proposal entitled "To eliminate inequities in the compensation of certain Federal employees stationed outside the continental United States, and for other purposes"; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. SARBANES, and Ms. MIKULSKI):

S. 1636. A bill to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act; considered and passed.

By Mr. FRIST (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. HATCH)):

S. 1637. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. CON. RES. 68

At the request of Mr. MILLER, his name was added as a cosponsor of S. Con. Res. 68, a concurrent resolution honoring the life of Johnny Cash.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1739. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

TEXT OF AMENDMENTS

SA 1739. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 7, strike ": *Provided*, That" and insert the following: ", and of which $79,282,000 (composed of $20,000,000 from administrative accounts for operation and support, $6,346,000 from the trust accountability account, $15,168,000 from the field operations account, and $37,768,000 from the historical accounting account) shall be transferred to the Indian Health Service and shall be available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

PARITY AMONG COUNTRIES PARTY TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further action on S. Res. 119, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 119) expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 48 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $800 worth of merchandise;

Whereas a Canadian traveling in the United States is given no exemption for trips of less than 24 hours;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance equivalent to, in Canadian currency—

(1) $50 worth of merchandise, if the trip is over 24 hours but not over 48 hours;

(2) $200 worth of merchandise, if the trip is over 48 hours but not more than 7 days; and

(3) $750 worth of merchandise, if the trip is for over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should continue discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels.

NATIONAL HOUSING ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1636, introduced earlier today by Senator REED of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1636) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1636) was read the third time and passed, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That notwithstanding the first paragraph under the heading "FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT" in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), during the fiscal year 2003, commitments to guarantee loans to carry out the purposes of sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a loan principal of $25,000,000,000, and shall remain available until all funds are expended.

ORDERS FOR MONDAY, SEPTEMBER 22, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, September 22. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time of the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2691, the Interior Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. Mr. President, for the information of all Senators, on Monday, the Senate will resume debate on H.R. 2691, the Interior Appropriations bill. There are currently five amendments pending on this bill. The bill managers will be here Monday to receive additional amendments. Any votes ordered with respect to amendments to the Interior Appropriations bill on Monday afternoon will be stacked to occur at 5:30 p.m. Monday.

In addition to amendments to the Interior Appropriations bill, the Senate may also vote on any executive calendar items that can be cleared for action. Therefore, Senators should expect the possibility of several rollcall votes beginning at 5:30 Monday evening.

ADJOURNMENT UNTIL 2 P.M. MONDAY

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:10 a.m., adjourned until Monday, September 22, 2003, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 2003:

DEPARTMENT OF JUSTICE

KENNETH M. KARAS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE ALLEN G. SCHWARTZ, DECEASED.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MICHAEL P. JACKSON, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID C. NICHOLS JR., 5011

HOUSE OF REPRESENTATIVES—*Thursday, September 18, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DREIER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 2003.

I hereby appoint the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, 216 years ago, by the unanimous consent of the States present, in the 12th year of the independence of the United States, the Constitution of this country was ratified.

We praise You and thank You for this founding document of our Republic. It establishes and defines the three branches of our government: the Legislative, the Executive, and the Judiciary. As a government of enumerated powers, those powers not granted to the Federal Government are reserved to the people themselves.

By Divine Providence, Lord, this document of human liberty and God-given rights came upon the world scene.

Ever since, the kind of government our Founders and Framers have given us can best be described as "a government of the people, by the people, and for the people."

Today we celebrate this great proclamation, so brilliant in its brevity and flexibility. As citizens of the Nation, we rejoice to have such guidance and assurance for our future.

As witness to this 108th Congress, we thank You for those who bring to life the words of the Constitution in our own day. They enflesh this noble and brave idea of our Constitution and serve in the Federal Government as a testament to freedom and as a living promise for the world.

In You our God we trust now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 2657

Mr. KINGSTON submitted the following conference report and statement on the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–279)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $125,307,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,028,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $539,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $156,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,220,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,324,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $12,799,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,358,000 for each such committee; in all, $2,716,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $674,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,417,000 for each such committee; in all, $2,834,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $327,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $18,299,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $45,789,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,468,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $32,134,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,843,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,222,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97–601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $118,462,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,265,000, of which $500,000 shall be transferred to the Senate Preservation Fund and shall be available without fiscal year limitation.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $135,243,000, of which $30,835,000 shall remain available until September 30, 2006, and of which $4,255,000 shall remain available until September 30, 2008.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,425,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $310,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SECTION. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2003, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2003, increased by an additional $50,000 each.

SEC. 2. PAYMENT OF EXPENSES OF CONFERENCES OF MAJORITY AND MINORITY. (a) IN GENERAL.—Section 120 of Public Law 97–51 (2 U.S.C. 61g–6) is amended in the first sentence by striking "an amount, not in excess of $100,000," and inserting "such amount as necessary".

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 3. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) AUTHORITY TO ACQUIRE AND DISPOSE.—

(1) IN GENERAL.—The Senate Commission on Art (referred to in this section as the "Commission") may—

(A) accept gifts of money; and

(B) acquire (by gift, purchase, or otherwise) any work of art, historical object, document, or material relating to historical matters, or exhibit, for placement or exhibition in the Senate Wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(2) ACCESSION OR DISPOSAL.—All works of art, historical objects, documents, or material related to historical matters, or exhibits, acquired by the Commission may, as determined by the Commission and after consultation with the Curatorial Advisory Board, be—

(A) retained for accession to the United States Senate Collection or other use; or

(B) disposed of by sale or other transaction.

(3) REPEAL.—Senate Resolution 95, 92d Congress, agreed to April 1, 1971, and enacted into law by section 901(a) of Public Law 100–696 (2 U.S.C. 2106) is repealed.

(b) ADVISORY BOARDS.—

(1) CURATORIAL ADVISORY BOARD.—There is established a Board which shall be chaired by the Senate Curator. The Curatorial Advisory Board shall provide advice and assistance to the Commission on the acquisition, care, and disposition of items for or within the United States Senate Collection, and on such other matters as the Commission determines appropriate.

(2) ADDITIONAL ADVISORY BOARDS.—

(A) IN GENERAL.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, may establish 1 or more additional advisory boards.

(B) TERM.—The term of existence for an additional advisory board—

(i) shall be specified by the Commission but no longer than 4 years; and

(ii) shall be renewable.

(C) PURPOSE.—The purpose of an additional advisory board shall be to provide advice and assistance to the Commission and to further the purposes of the Commission.

(3) APPOINTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Curatorial Advisory Board and other advisory boards established by the Commission under paragraph (2) shall be composed of members appointed by the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission.

(B) APPLICABLE RULES.—Members appointed under subparagraph (A)—

(i) shall be appointed from public and private life and shall serve at the pleasure of the Commission; and

(ii) in the case of individuals appointed to the Curatorial Advisory Board, shall be experts or have significant experience in the field of arts, historic preservation, or other appropriate fields.

Each member of the Commission may have appointed to an advisory board created by the Commission at least 1 individual requested by that member.

(4) MEMBERS.—A member of a board under this subsection—

(A) may, at the discretion of the Commission, be reimbursed for actual and necessary expenses incurred in the performance of the official duties of the board from any funds available to the Commission in accordance with applicable Senate regulations for such expenses; and

(B) shall not, by virtue of such member's service on the board, be deemed to be an officer, employee, or agent of the Senate and may not bind the Senate in any contract or obligation.

(5) TERMS FOR ADDITIONAL ADVISORY BOARD MEMBERS.—Members appointed to the other advisory boards created under paragraph (2) shall serve for terms as stated in their appointment, but no longer than a term of 4 years, except that any member may be reappointed upon the expiration of their term.

(6) REGULATIONS.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, in consultation with the Committee on Rules and Administration, may promulgate such regulations governing advisory boards established under this subsection as are necessary to carry out the purposes of this subsection.

(7) ASSISTANCE.—The Executive Secretary of the Commission shall provide assistance to an advisory board as authorized by the Commission.

(c) ESTABLISHMENT OF SENATE PRESERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the "Senate Preservation Fund" (in this section referred to as the "fund"), which shall consist of amounts deposited and credited under paragraph (3).

(2) PAYMENT OF COSTS.—The fund shall be available to the Commission for the payment of acquisition and transaction costs incurred for acquisitions under subsection (a), for official activities of any advisory board established under subsection (b), and for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101–302 (2 U.S.C. 2107).

(3) DEPOSITS, CREDITS, AND DISBURSEMENTS.—

(A) DEPOSITS.—The Commission shall deposit in the fund amounts appropriated for use of the fund, gifts of money, and proceeds of transactions under subsection (a).

(B) CREDITS.—The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(C) DISBURSEMENTS.—Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the Executive Secretary of the Commission.

(4) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals.

(B) TYPE OF OBLIGATION.—Each investment required by this paragraph shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to the principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

(C) COMMISSION APPROVAL.—In carrying out this subsection, the Secretary of the Treasury may make such purchases, sales, and redemption of obligations as may be approved by the Commission.

(5) SERVICES AND SUPPORT.—The Library of Congress shall provide financial management and disbursing services and support to the Commission as may be required and mutually agreed to by the Librarian of Congress and the Executive Secretary of the Commission.

(6) AUDITS.—The Comptroller General of the United States shall conduct annual audits of the Senate Preservation Fund and shall report the results of each audit to the Commission.

(d) ADMINISTRATIVE CHANGES.—

(1) SENATE COMMISSION ON ART.—Section 1 of Senate Resolution 382, 90th Congress, agreed to October 1, 1968, and enacted into law by section 901(a) of Public Law 100–696 (2 U.S.C. 2101) is amended—

(A) in subsection (b), by striking the first sentence and inserting "The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission."; and

(B) by striking subsection (c) and inserting the following:

"(c) The Secretary of the Senate shall appoint a Senate Curator approved by the Senate Commission on Art. The Senate Curator shall be an employee of the Secretary of the Senate assigned to assist the Commission. The Secretary of the Senate shall assign additional employees to assist the Commission, and provide such other assistance, as the Commission determines necessary.".

(2) PURCHASE OF ART.—The first sentence of section 316(a) of Public Law 101–302 (2 U.S.C. 2107(a)) is amended by inserting after "in which incurred," the following: "for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and".

SEC. 4. ORIENTATION SEMINARS. The first sentence of section 107(a) of the Supplemental Appropriations Act, 1979 (Public Law 96–38; 2 U.S.C. 69a) is amended by striking "$10,000" and inserting "$25,000".

SEC. 5. EXPENSE ALLOWANCES FOR CERTAIN OFFICERS OF THE SENATE. (a) IN GENERAL.—Section 119(a) of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes", approved October 1, 1981 (2 U.S.C. 65c) is amended by striking "$3,000" and inserting "$6,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 6. CONSULTANTS. With respect to fiscal year 2004, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

SEC. 7. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101–302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2003" and inserting "2004".

SEC. 8. DATA COMMUNICATION LINES. Notwithstanding section 1348 of title 31, United States Code, the Committee on Rules and Administration of the Senate may authorize the installation of data communication lines and other appropriate Internet connections (not including voice connections) in the private residence of a Senator and up to 2 staff members designated by a Senator and the majority and minority staff director of a committee for conducting the work of the Senate subject to guidelines issued by the Committee on Rules and Administration.

SEC. 9. PROVISION OF SERVICES AND EQUIPMENT ON A REIMBURSABLE BASIS.

(a) IN GENERAL.—Subject to the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate may provide services and equipment funded by appropriations available to the Senate to persons and entities not funded by such appropriations.

(b) REIMBURSEMENT REQUIRED.—The provision of services and equipment under subsection (a) shall be on a reimbursable basis.

(c) CREDITING OF REIMBURSED AMOUNTS.—In the case of services or equipment provided under subsection (a) that were procured using amounts available to the Sergeant at Arms and Doorkeeper of the Senate in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, amounts received under subsection (b) as reimbursement for the provision of such services or equipment shall be credited to that account or, if applicable, to any subaccount of that account. Amounts credited to any such account or subaccount shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2004 and each succeeding fiscal year.

SEC. 10. HIGH COST OF LIVING ALLOWANCE. (a) IN GENERAL.—Under the authority of section 105(d)(2) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(2)), a Senator from a noncontiguous State may pay a high cost of living allowance to any employee employed in an office of the Senator located in that State.

(b) LIMITATION.—An allowance under this section may not exceed 25 percent of the basic pay of an employee, determined without regard to this section.

(c) BASIC PAY TREATMENT.—An allowance under this section shall be treated as part of the basic pay of an employee.

(d) PAYMENT.—

(1) AGGREGATE GROSS COMPENSATION.—The amount of any allowance under this section shall not be taken into account for determining the amount of aggregate gross compensation in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)).

(2) APPROPRIATIONS.—Allowances under this section shall be paid from appropriations under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT".

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,014,464,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $18,142,000, including: Office of the Speaker, $2,630,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,965,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,756,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,684,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,259,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $460,000; Republican Steering Committee, $862,000; Republican Conference, $1,448,000; Democratic Steering and Policy Committee, $1,542,000; Democratic Caucus, $768,000; nine minority employees, $1,380,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $404,000; and Cloakroom Personnel—minority, $404,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $514,454,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $107,188,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $156,896,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $19,452,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,471,000; for salaries and expenses of the Office of the Chief Administrative Officer, $111,141,000, of which $8,400,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,847,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,200,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $926,000; for the Office of the Chaplain, $153,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,560,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,263,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,233,000; for salaries and expenses of the Office of Interparliamentary Affairs, $500,000; and for other authorized employees, $150,000: Provided, That of the amounts provided under this heading to the Office of the Chief Administrative Officer, up to $2,500,000 may be transferred to the Office of the Architect of the Capitol, subject to the approval of the Committee on Appropriations of the House of Representatives.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $192,858,000, including: supplies, materials, administrative costs and Federal tort claims, $3,975,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $187,783,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2004. Any amount remaining after all payments are made under such allowances for fiscal year 2004 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives"

means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

SEC. 103. OFFICE OF INTERPARLIAMENTARY AFFAIRS.

(a) ESTABLISHMENT.—There is hereby established in the House of Representatives an office to be known as the "Office of Interparliamentary Affairs" (hereafter in this section referred to as the "Office").

(b) DUTIES.—The duties of the Office are as follows:

(1) To receive and respond to inquiries from foreign parliamentarians or foreign legislative bodies regarding official visits to the House of Representatives.

(2) To coordinate official visits to the House of Representatives by parliamentarians, officers, or employees of foreign legislative bodies.

(3) To coordinate with the Sergeant at Arms, the Clerk, and other officers of the House of Representatives in providing services for delegations of Members on official visits to foreign nations.

(4) To carry out other activities to—

(A) discharge and coordinate the activities and responsibilities of the House of Representatives in connection with participation in various interparliamentary exchanges and organizations;

(B) facilitate the interchange and reception in the United States of members of foreign legislative bodies and permanent officials of foreign governments; and

(C) enable the House to host meetings with senior government officials and other dignitaries in order to discuss matters relevant to United States relations with other nations.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Office shall be headed by the Director of Interparliamentary Affairs of the House of Representatives (hereafter in this section referred to as the "Director"), who shall be appointed by the Speaker without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(2) COMPENSATION.—The Director shall be paid at an annual rate determined by the Speaker.

(d) OTHER STAFF.—

(1) IN GENERAL.—With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Director may appoint and set the pay of such other employees as may be necessary to carry out the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Director with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(2) COMPENSATION.—Any employee of the Office appointed under this subsection shall be paid at an annual rate determined by the Director with the approval of the Speaker or in accordance with policies approved by the Speaker.

(e) CONFORMING AMENDMENT.—Subsection (b) of the first section of House Resolution 1047, Ninety Fifth Congress, agreed to April 4, 1978, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1979 (2 U.S.C. 130–1), is amended by striking "$80,000" and inserting "$40,000".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2003 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect upon the date of the enactment of this Act.

SEC. 104. (a) Section 8401(20) of title 5, United States Code, is amended by striking the semicolon at the end and inserting the following: ", and who (in the case of an individual who is a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress) serves as a Member prior to the date of the enactment of the Legislative Branch Appropriations Act, 2004;".

(b)(1) During the 60-day period which begins on the date of the enactment of the Legislative Branch Appropriations Act, 2004, any individual who, as of such date, is serving as a Member of the House of Representatives and on such date is not subject to chapter 84 of title 5, United States Code, may elect to become subject to such chapter.

(2) Any election under this paragraph shall be carried out in accordance with such procedures as the Office of Personnel Management may provide.

(3) In this subsection, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

SEC. 105. (a) Section 311(d) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "in the House, or official expenses"; and

(2) by striking "in the Senate".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

SEC. 106. (a)(1) Effective October 1, 2003—

(A) 3 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Speaker; and

(B) 2 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Minority Leader.

(2) Notwithstanding any other provision of law, in the case of any individual who is an incumbent of a position transferred under paragraph (1) at the time of the transfer, the total number of days of annual leave and total number of days of sick leave which were provided by the Corrections Calendar Office to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.

(b) Effective with respect to fiscal year 2004 and each succeeding fiscal year, the lump sum allowance for salaries and expenses of the Corrections Calendar Office provided under House Resolution 130, One Hundred Fifth Congress, agreed to April 24, 1997, as enacted into permanent law by section 1010 of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 74d–1 et seq.), is transferred as follows:

(1) 63.5 percent of such allowance shall be transferred to the Office of the Speaker.

(2) 36.5 percent of such allowance shall be transferred to the Office of the Minority Leader.

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2005

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2005, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2005, $1,250,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2005. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2004: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2005 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,988,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,511,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, and other applicable employee benefits, $197,600,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and *other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $23,500,000, of which $1,745,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.*

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LEGAL REPRESENTATION AUTHORITY. (a) IN GENERAL.—

(1) AUTHORIZATION OF REPRESENTATION.—Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) COUNSEL.—Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) LIMITATIONS.—

(1) DIRECTION FOR APPEARANCE.—Entrance of appearance authorized under subsection (a) shall be subject to the direction of the Capitol Police Board.

(2) UNITED STATES SUPREME COURT.—The authority under subsection (a) shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2004, and each fiscal year thereafter.

SEC. 1003. EXTENDED CAPITOL POLICE JURISDICTION ZONE FOR THE TRUCK INTERDICTION PROGRAM. (a) IN GENERAL.—Section 9B of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1967) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking "in subsection (b) of this section." and inserting "under subsection (b)(1); and"; and

(C) by adding at the end the following:

"(5) within the area described under subsection (b)(2)—

"(A) with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties, as defined under such regulations, when the crime is committed; and

"(B) to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties, as defined under such regulations, when the authority is exercised."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2) The area referred to under subsection (a)(5) is that area bounded by the north curb of Constitution Avenue from 14th Street, N.W., to 3rd Street, N.W., the east curb of 3rd Street from Constitution Avenue, N.W., to Independence Avenue, S.W., the south curb of Independence Avenue from 3rd Street, S.W., to 14th Street, S.W., and the west curb of 14th Street from Independence Avenue, S.W., to Constitution Avenue, N.W.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to limit the authority of the Capitol Police as in effect before the effective date of this section.

(c) EFFECTIVE DATE.—This section shall take effect on the date on which the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives approve regulations prescribed by the Capitol Police Board for the sole implementation, execution and maintenance of the truck interdiction program.

SEC. 1004. RETIREMENT TREATMENT FOR CAPITOL POLICE HAZARDOUS MATERIALS RESPONSE TEAM MEMBERS. (a) RETIREMENT TREATMENT.—

(1) IN GENERAL.—For purposes of chapters 83 and 84 of title 5, United States Code, a hazardous materials response team member of the Capitol Police shall be treated as a member of the Capitol Police.

(2) APPLICATION.—This subsection shall apply to periods of service performed as a hazardous materials response team member of the Capitol Police on and after December 1, 2002.

(b) TREATMENT OF INCUMBENTS.—

(1) DEFINITIONS.—In this subsection, the term—

(A) "incumbent" means an individual who—

(i) is first appointed as a hazardous materials response team member of the Capitol Police before the effective date of this section; and

(ii) is employed as a hazardous materials response team member of the Capitol Police on that date; and

(B) "prior service" means any period of service performed by an incumbent as a hazardous materials response team member of the Capitol Police before the effective date of this section.

(2) INDIVIDUAL CONTRIBUTIONS.—

(A) IN GENERAL.—An incumbent shall pay with respect to prior service an amount into the Civil Service Retirement and Disability Fund equal to—

(i) the difference between the individual contributions that were actually made for such prior service and the individual contributions that would have been made for such service if subsection (a) had then been in effect; and

(ii) interest computed on the amount under clause (i) based on section 8334(e) of title 5, United States Code.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as treated under subsection (a), but the resulting annuity shall be reduced in a manner similar to that described under section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—The Capitol Police shall pay with respect to prior service of each incumbent an amount into the Civil Service Retirement and Disability Fund equal to—

(A) the difference between the Government contributions that were actually made for such prior service and the Government contributions that would have been made for such service if subsection (a) had then been in effect; and

(B) interest computed on the amount under subparagraph (A) based on section 8334(e) of title 5, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 1005. TECHNICAL. (a) IN GENERAL.—Section 1005 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 358) is repealed.

(b) EFFECTIVE DATE.—The repeal made by this section shall be effective as of February 20, 2003.

SEC. 1006. TRAINING, DETAILING, AND HIRING AUTHORITY PENDING TRANSFER OF LIBRARY OF CONGRESS POLICE EMPLOYEES. (a) TRAINING AND DETAILING.—

(1) IN GENERAL.—To provide for a more effective and efficient transfer under section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note)—

(A) the Chief of the Capitol Police shall provide for training, on a reimbursable basis, of Library of Congress Police employees who on the date of enactment of this Act, are 42 years of age or less and have 5 years or less of service as a Library of Congress Police employee, which shall be supplemental to Library of Congress Police training;

(B) the Librarian of Congress may detail, with or without reimbursement, Library of Congress Police employees to the Capitol Police; and

(C) the Chief of the Capitol Police may detail, on a reimbursable basis, members of the Capitol Police to the Library of Congress Police.

(2) BEGINNING OF TRAINING.—Training under paragraph (1) shall begin within 90 days of the date of enactment of this Act.

(b) HIRING.—

(1) DEFINITIONS.—In this subsection, the terms "Act of August 4, 1950" and "Library of Congress Police employee" have the meanings given such terms under section 1015(c) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note).

(2) LIMITATION ON NEW LIBRARY OF CONGRESS POLICE EMPLOYEES.—Notwithstanding the first section of the Act of August 4, 1950 or any other provision of law, the Librarian of Congress may not—

(A) hire any individual as a Library of Congress Police employee; or

(B) transfer any employee of the Library of Congress to a Library of Congress Police employee position.

(3) HIRING OF INDIVIDUALS.—

(A) IN GENERAL.—The Librarian of Congress may select individuals to be submitted to the Chief of the Capitol Police for purposes of subparagraph (B).

(B) HIRING.—If an individual submitted under subparagraph (A) meets all qualifications to be a member of the Capitol Police, the Chief of the Capitol Police shall hire that individual as a member of the Capitol Police.

(C) LIMITATION.—During fiscal year 2004, the number of individuals hired under this subsection may not exceed the total of—

(i) 23 individuals; and

(ii) the number of Library of Congress Police employees who separate from service or transfer

to a position other than a Library of Congress Police employee position.

(4) TRAINING AND DETAILING.—An individual hired under this subsection shall receive necessary training, including training by the Library of Congress Police, and be detailed to the Library of Congress Police.

(5) ASSIGNMENTS AND REASSIGNMENTS.—Nothing under this subsection may be construed to affect the authority of the Chief of the Capitol Police, after the date of the transfer of Library of Congress Police employees under section 1015 of the Legislative Appropriations Act, 2003 (2 U.S.C. 1901 note), to assign or reassign any member of the Capitol Police hired under this subsection.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply with respect to—

(A) any remaining portion of fiscal year 2003, if this Act is enacted before October 1, 2003; and

(B) fiscal year 2004 and each fiscal year, thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,255,000, of which $304,700 shall remain available until September 30, 2005: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $33,820,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $77,053,000, of which $4,200,000 shall remain available until September 30, 2008.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $28,188,000, of which $13,002,000 shall remain available until September 30, 2008.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,886,000, of which $585,000 shall remain available until September 30, 2008.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,388,000, of which $17,433,000 shall remain available until September 30, 2008.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $62,816,000, of which $27,750,000 shall remain available until September 30, 2008.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $81,543,000, of which $36,652,000 shall remain available until September 30, 2008: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $39,159,000, of which $21,286,000 shall remain available until September 30, 2008.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $3,308,000, of which $2,075,000 shall remain available until September 30, 2008.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,189,000, of which $152,000 shall remain available until September 30, 2008: Provided, That this appropriation shall not be available for construction of the National Garden.

CAPITOL VISITOR CENTER

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Capitol Visitor Center project, $35,800,000, to remain available until expended, and in addition, $1,039,000 for Capitol Visitor Center operation costs of which $750,000 shall remain available until expended: Provided, That in addition to such amounts, there is transferred to the account under this heading $12,000,000 of the amounts made available for the United States Capitol Police headquarters under the heading "ARCHITECT OF THE CAPITOL", "CAPITOL POLICE BUILDINGS AND GROUNDS" in chapter 8 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 586), to remain available until expended: Provided further, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives: Provided further, That the total amount of Federal funds which may be obligated or expended on, before, or after the date of the enactment of this Act for the construction of a tunnel connecting the Capitol Visitor Center with the Library of Congress may not exceed $10,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68; 115 Stat. 581), is amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

"(E) An individual who is covered by a collective bargaining agreement entered into by the Architect of the Capitol establishing terms and conditions of employment which include eligibility for life insurance, health insurance, retirement, and other benefits."; and

(2) by adding at the end the following new paragraph:

"(4) The Architect of the Capitol shall make employer contributions for benefits for employees of the Architect (including temporary employees) directly to any third party designated to receive such contributions on behalf of the employees under a collective bargaining agreement, participation agreement, or any other arrangement entered into by the Architect which provides for such contributions.".

(b) Any individual who exercised an option offered by the Architect of the Capitol under section 133(a)(2) of the Legislative Branch Appropriations Act, 2002, prior to the date of the enactment of this Act may revoke the option during the 90-day period which begins on the date of the enactment of this Act.

(c) The amendments made by subsection (a) shall take effect as if included in the enactment of section 133(a) of the Legislative Branch Appropriations Act, 2002.

(d) Notwithstanding any other provision of law, upon enactment of this Act the Architect of the Capitol shall take all steps which may be required to carry out section 133(a) of the Legislative Branch Appropriations Act, 2002.

SEC. 1102. LEASING OF SPACE. (a) IN GENERAL.—Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) CONDITIONS TO LEASE SPACE.—The Architect of the Capitol may lease space under subsection (a) upon submission of written notice of intent to lease such space to, and approved by—

(1) the Committee on Rules and Administration of the Senate for space to be leased for the Senate;

(2) the House Office Building Commission for space to be leased for the House of Representatives; and

(3) the Committees on Appropriations of the Senate and House of Representatives.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 1103. (a) IN GENERAL.—There are transferred into the account under the subheading "GENERAL ADMINISTRATION" under the heading "ARCHITECT OF THE CAPITOL" $63,000,000, of which—

(1) $44,000,000 shall be transferred from unobligated funds transferred to "Architect of the

Capitol", "Capitol Buildings and Grounds", "Capitol Buildings" (under the subheading "LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)" under the heading "JOINT ITEMS" under the heading "LEGISLATIVE BRANCH" under chapter 9 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117)) from amounts made available in Public Law 107–38;

(2) $10,000,000 shall be transferred from unobligated funds transferred to "Capitol Police Board", "Capitol Police", "General Expenses" under that subheading (relating to the Legislative Branch Emergency Response Fund) from amounts made available in Public Law 107–38; and

(3) $9,000,000 shall be transferred from unobligated funds appropriated under the subheading "CAPITOL POLICE BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" under chapter 8 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

(b) Funds under subsection (a) shall be obligated upon notification to the Committees on Appropriations of the House and Senate.

(c) EFFECTIVE DATE.—This section shall take effect on September 30, 2004.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $370,897,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $11,546,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $8,750,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the amount appropriated, $250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $11,060,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, $2,762,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be transferred to the Knox College Abraham Lincoln Studies Center for exhibits relating to the Lincoln-Douglas Debates and the Underground Railroad and for other educational activities of the Center: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be transferred to the Louisiana Department of Culture, Recreation and Tourism for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $48,290,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2004 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,664,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $91,726,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $51,706,000, of which $14,812,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $105,589,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. NATIONAL AUDIOVISUAL CONSERVATION CENTER. (a) ACQUISITION.—Section (1)(a) of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes" (2 U.S.C. 141 note; Public Law 105–144) is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.".

(b) LIBRARY BUILDINGS AND GROUNDS.—Section 11(d) of the Act entitled "An Act relating the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167(j)), is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949

acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $91,111,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $34,456,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2002 and 2003 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $10,000,000 for working capital. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

ADMINISTRATIVE PROVISIONS

SEC. 1301. PAY OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER. (a) IN GENERAL.—Section 303 of title 44, United States Code, is amended to read as follows:

"SEC. 303. PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER: PAY

''The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level III of such Executive Schedule.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 1302. SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND VOLUNTARY SERVICES. (a) IN GENERAL.—Chapter 3 of title 44, United States Code, is amended by adding after section 317 the following:

"§318. Transfer of surplus property; acceptance of voluntary services

''(a) The Public Printer may—

''(1) transfer or donate surplus Government publications and condemned Government Printing Office machinery, material, equipment, and supplies to—

''(A) other Federal entities;

''(B) any organization described under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of such Code; or

''(C) State or local governments; and

''(2) accept voluntary and uncompensated services, notwithstanding section 1342 of title 31.

''(b) Individuals providing voluntary and uncompensated services under subsection (a)(2) shall not be considered Federal employees, except for purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 44, United States Code, is amended by inserting after the item relating to section 317 the following:

''318. Transfer of surplus property; acceptance of voluntary services.''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $460,322,000: Provided, That not more than $4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That not more than $1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISION

SEC. 1401. PAYMENT FOR AUDITS. (a) IN GENERAL.—At any time during fiscal year 2004 or thereafter, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) CREDIT TO ACCOUNT.—Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,500,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD. During fiscal year 2004 and any succeeding fiscal year, any entity in the legislative branch which is a member of the Federal Accounting Standards Advisory Board may use funds made available to the entity for the fiscal year to finance an appropriate share of the costs of the Board for the year.

TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

CHAPTER 1

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,187,000, to remain available until expended, for costs associated with judgeships authorized by section 312 of Public Law 107–273.

DEFENDER SERVICES

For an additional amount for "Defender Services", $17,228,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of Jurors and Commissioners", $2,778,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), $60,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $441,700,000, to remain available until expended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to repay advances from other appropriations transferred for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, $36,000,000, to remain available until expended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for Midway Atoll National Wildlife Refuge, $5,000,000, to remain available until expended, of which $4,500,000 is for oil spill cleanup activities, and of which $500,000 is for airfield operations.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression, and for mitigation and emergency rehabilitation activities of the Forest Service, $283,000,000, to remain available until expended: Provided, That of the funds provided, $10,000,000 is for hazardous fuels reduction and hazard mitigation in southern California and $20,000,000 is for State and volunteer fire assistance in southern California: Provided further, That $20,000,000 of funds made available in the previous proviso shall be transferred to the "State and Private Forestry" account to fund hazard mitigation, fuels reduction and forest health protection and mitigation activities on State and private lands in southern California.

CHAPTER 5

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For an additional amount for "Human Space Flight" to cover necessary expenses for responding to the Space Shuttle Columbia accident, $50,000,000, to remain available until expended.

CHAPTER 6

GENERAL PROVISIONS

SEC. 3601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3602. The Secretary of Agriculture shall use $9,700,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to provide assistance under the tree assistance program, subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to compensate eligible orchardists (as defined in section 10201 of such Act) for tree losses incurred since January 1, 2000, due to fire blight in the State of Michigan.

SEC. 3603. The Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

SEC. 3604. The statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in chapter 13 of division A of the explanatory language on H.R. 5666 (Miscellaneous Appropriations Act, 2001), in the matter under the heading "Community Development Fund", is deemed to be amended with respect to the amount made available to the City of Paso Robles, California by striking "for the Oak Parks Housing Project for modernization and rehabilitation projects" and inserting "for construction of a senior citizen project".

SEC. 3605. The referenced statement of the managers under the heading "Community development fund" in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; House Report 108–10) is deemed to be amended with respect to item number 526 by striking "for an economic development study for the revitalization of Westchester" and inserting "for the reconstruction of renaissance plaza at Maine and Mamaroneck in downtown White Plains".

SEC. 3606. Notwithstanding the first paragraph of the item in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) relating to "Federal Housing Administration, General and special risk program account", during fiscal year 2003, commitments to guarantee loans to carry out the purposes of sections 238 and 519 of the National Housing Act shall not exceed a loan principal of $25,000,000,000.

SEC. 3607. Notwithstanding any other provision of law, funds awarded under a grant to the San Diego Workforce Partnership on June 30, 2001, pursuant to section 173 of the Workforce Investment Act (29 U.S.C. 2918), may be used to provide services to spouses of members of the Armed Forces.

SEC. 3608. The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in division G of Public Law 108–7, as amended by chapter 5 of title II of Public Law 108–11, is further amended—

(1) by striking "$296,638,000" and inserting "$296,238,000" preceding the first proviso; and

(2) by inserting after "$1,000,000 is available for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism" the following: ", $400,000 is available for the Muskegon Community Health Project, Muskegon, Michigan for the Access Health insurance program,".

Sec. 3609. The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Division G of Public Law 108–7, as amended by chapter 5 of title II of Public Law 108–11, is further amended—

(1) by striking "Venago County Area Vo-tech, Oil City, PA" and inserting "Victim Resource Center, Inc., of Pennsylvania" in lieu thereof;

(2) by striking "$115,900,000 is available" and inserting "$116,650,000 is available"; and

(3) by inserting after "health services to at-risk children in day care" the following: ", $350,000 is available for the Phoenix Children's Health Project in Arizona to address the health needs of extremely vulnerable homeless and runaway youth in underserved rural and urban areas, $200,000 is available for the Pittsburgh Mercy Health System, Pittsburgh, PA, for health outreach and education, $200,000 is available for the University of Pennsylvania School of Dental Medicine, Philadelphia, PA, for its minority outreach oral health initiative,".

Sec. 3610. (a) The matter under the heading "Department of Education, Special Education", in Public Law 108–7 is amended—

(1) by striking "$10,095,639,000" and inserting "$10,095,139,000"; and

(2) by striking "$7,715,000" and inserting "$7,215,000".

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to research and innovation under the heading "Special Education", the provision specifying $500,000 for the Ohio Alliance of Community Center for the Deaf, Worthington, Ohio, for Ohio Deaf Assistive Services Model project shall be deleted.

Sec. 3611. (a) The matter under the heading "Department of Education, Rehabilitation Services and Disability Research", in Public Law 108–7 is amended—

(1) by striking "$2,956,382,000" and inserting "$2,956,882,000"; and

(2) by striking "$3,540,000" and inserting "$4,040,000".

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to vocational rehabilitation demonstration and training under the heading "Rehabilitation Services and Disability Research", a provision shall be added that reads: "Ohio Alliance of Community Center for the Deaf, Worthington, Ohio, for Ohio Deaf Assistive Services Model project, $500,000".

Sec. 3612. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education", the provision specifying $1,000,000 for the Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute shall be deemed to read: "Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute, including an endowment, $1,000,000".

Sec. 3613. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education", the provision specifying $275,000 for the Spoon River College, Canton, IL, for equipment for community technology centers in Canton and Macomb, Illinois shall be deemed to read: "Spoon River College, Canton, IL, for community technology centers in Canton and Macomb, Illinois, $275,000".

Sec. 3614. Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: Provided, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer: Provided further, That any amounts transferred to the Education for the Disadvantaged account pursuant to this paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: Provided further, That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: Provided further, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: Provided further, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

Sec. 3615. Funds made available under the heading, "Special Benefits for Disabled Coal Miners" in Division G of Public Law 108–7, shall be subject to the provisions of Public Law 107–275, notwithstanding section 514 of such Division G.

Sec. 3616. The amounts provided or made available by this title are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

Sec. 3617. This title shall be effective immediately upon the enactment of this Act.

This title may be cited as the "Emergency Supplemental Appropriations Act, 2003".

TITLE IV—REFERENCES

Sec. 4001. Except as expressly provided otherwise, any reference to "this Act" contained in titles I and II of this Act shall be treated as referring only to the provisions of such titles, and any reference to "this Act" contained in title III of this Act shall be treated as referring only to the provisions of such title.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 7, line 6, down through and including page 12, line 22, of the House engrossed bill, H.R. 2657.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 12, line 23, down through and including page 30, line 18, of the House engrossed bill, H.R. 2657.

And the Senate agree to the same.

For consideration of the House bill and the Senate amendments, except for title III in the Senate amendment numbered 3, and modifications committed to conference:

Jack Kingston,
(except for the Capitol Visitor Center tunnel)
Ray LaHood,
Todd Tiahrt,
John Culberson,
Mark Kirk,
Bill Young,
James P. Moran,
David E. Price,
James E. Clyburn.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference:

Bill Young,
Charles H. Taylor,
Managers on the Part of the House.

Ben Nighthorse Campbell,
Robert F. Bennett,
Ted Stevens,
Thad Cochran,
Kit Bond,
Richard J. Durbin,
Tim Johnson,
Robert C. Byrd,
Barbara A. Mikulski,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with 3 numbered amendments. The conference agreement addresses all the differences contained in the 3 amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill. An explanation of the resolution of the differences of the other 2 numbered amendments is included in the first numbered amendment. The disposition of the other 2 numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

LEGISLATIVE BRANCH WIDE MATTERS

The conferees note that over the past several years there have been significant increases made to virtually all existing programs in the Legislative Branch. In addition, several new initiatives and programs have been undertaken which in some cases have supplemented existing efforts and in others augmented them. Even though a large part of these increases has been due to inflation, the conferees believe that overall, increases requested and approved do not adequately reflect offsets which can be reasonably expected through productivity gains resulting from substantial investments in enabling technology, the purchase of new systems and equipment, increases in training, and increased flexibility resulting from human resources changes including increased base salaries, early out and buyout authority. As a result, the conferees believe that there are considerable opportunities to realize meaningful savings by carefully reviewing each agency's budget requirements from a zero base rather than an incremental one. Such a review would assist the House and Senate Appropriations Committees in their appropriating and oversight responsibilities by permitting better understanding of program priorities, scope, effectiveness, and results. The conferees direct the General Accounting Office to develop a budget template for committee approval that can be used by Legislative Branch agencies to present their budget requirements from a zero base as a supplement to their FY 2005 budget submission to Congress. The GAO is also directed to present to the Committees a recommended budget review process that will facilitate the examination of each agency's funding and FTE requirements from a zero base. The General Accounting Office shall report to the Committees on Appropriations of the House and Senate its findings, conclusions and recommendations by October 15, 2003.

Amendment No. 1: Deletes the matter inserted and inserts complete bill text excluding the short title.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I

SENATE

Appropriates $716,769,000 for Senate operations, and includes, at the request of the managers on the part of the Senate, amendments that address data communication lines, provision of services and equipment on a reimbursable basis and allowances for high cost States.

Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

HOUSE OF REPRESENTATIVES

Appropriates $1,014,464,000 for House operations, and includes, at the request of the managers on the part of the House, amendments that add language establishing an Office of Interparliamentary Affairs, a provision related to expenses of Members of Congress, and language regarding certain employees.

Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

The Committee on Appropriations of the House requires information from each Legislative Branch entity during the budget formulation and execution process. The Finance Office in the Office of the Chief Administrative Officer, of the House of Representatives, is responsible for collecting this information from each House entity and responding to the Committee's requests. To carry out this role effectively, the Finance Office shall establish deadlines for budget calls and reprogramming activities in order to comply with Committee deadlines. The Committee expects each House entity to provide its utmost support in meeting Office of Finance deadlines. At times this may necessitate an immediate response with little or no advance notification. This is particularly important during the appropriation process as the Committee is working on final adjustments to the House of Representatives budget. In the event the House entity is not available to respond to the Finance Office, the Committee expects the Finance Office to provide their independent analysis to the Committee.

JOINT ITEMS

Joint Congressional Committee on Inaugural Ceremonies of 2005

Appropriates $1,250,000 for the Joint Congressional Committee on Inaugural Ceremonies for inaugural preparation as proposed by the Senate. The conferees agreed to strike the word "construction" from the bill language.

Joint Economic Committee

Appropriates $3,988,000 as proposed by the Senate instead of $3,805,000 as proposed by the House and provides for two additional FTEs.

Joint Committee on Taxation

Appropriates $8,112,000 as proposed by the House and the Senate.

Office of the Attending Physician

Appropriates $2,236,000 as proposed by the House and the Senate. The conferees direct that future budget requests from the Office of the Attending Physician reflect an appropriate adjustment for allowances, in line with Department of Defense policy.

Capitol Guide Service and Special Services Office

Appropriates $3,511,000 for the Capitol Guide Service and Special Services Office as proposed by the House and the Senate. This amount provides for employment of not more than 58 individuals as proposed by the House instead of not more than 70 individuals as proposed by the Senate.

Statements of Appropriations

Appropriates $30,000 as proposed by the House and the Senate.

CAPITOL POLICE

Salaries

Appropriates $197,600,000 for salaries of officers, members, and employees of the Capitol Police instead of $189,913,000 as proposed by the House and $207,000,000 as proposed by the Senate.

The increase above the House allowance provides funding for 1,592 sworn positions and 401 civilian positions, an increase of 75 civilian positions. This will allow 30 sworn positions to be civilianized during fiscal year 2004. The conferees direct the Chief of Police to recruit for 75 new positions as follows: Chief of Police (5 positions, including 3 mid level working attorneys for the Office of General Counsel); Chief of Operations (33 positions, including 3 intelligence analysts and 13 positions for the Security Services Bureau); and the Chief Administrative Officer (37 positions). The conferees note that should the Capitol Police strategic plan, and associated staffing plan, be completed and approved by the House and Senate Appropriations Committees, during fiscal year 2004, there is ample funding from the Emergency Response Fund for new sworn positions.

Section 1006 of the conference agreement authorizes the Capitol Police to recruit and train new officers who are to be assigned to the Library of Congress. For fiscal year 2004, 23 new sworn positions are authorized. Funding to accommodate this effort has been included in the Capitol Police budget.

In fiscal year 2002, the conferees approved an additional 14 FTE's for the sole purpose of establishing an Emergency Preparedness Division. The Committees approved the plans for the establishment of this office during the summer of 2002. It has come to the conferees' attention that these positions have been moved to other areas of the Department, without notifying the Committees, and the division has yet to be established. The conferees reiterate the House report language requiring notification and consultation with the House and Senate Committees on Appropriations prior to implementing organization changes or realignments that result in the redistribution, reprogramming, or reallocation of FTE's or funds in a manner different from that presented in each budget year's appropriation hearings; position reports to the Committees; and the final approved budget.

General Expenses

Appropriates $23,500,000 for general expenses of the Capitol Police instead of $21,917,000 as proposed by the House and $33,000,000 as proposed by the Senate. Of the amount appropriated $1,745,000 shall remain available until expended as proposed by the House instead of $1,700,000 as proposed by the Senate. General Expenses shall be executed as provided to the House and Senate Committees on Appropriations dated September 17, 2003.

Administrative Provisions

(INCLUDING TRANSFER OF FUNDS)

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the Committees on Appropriations of the House and Senate.

In addition, the conferees have included administrative provisions that authorize the United States Capitol Police counsel to appear before the courts; provide retirement benefits to the hazardous materials response team members that are comparable to other federal firefighters and law enforcement officers; language that repeals Section 1005 of P. L. 108–7, regarding recruitment without regard to age; and language to provide for a more effective and efficient merger of the Library of Congress Police and Capitol Police Force. In addition, language is included which redefines jurisdictional authority of the police for purposes of implementing the truck interdiction program. The Capitol Police Board is directed to promulgate regulations soley for the implementation, execution, and maintenance of the truck interdiction program, which shall be submitted to the Committees on Appropriations.

OFFICE OF COMPLIANCE

Salaries and Expenses

Appropriates $2,255,000 as proposed by the House and the Senate.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

Appropriates $33,820,000 and two additional FTE's for salaries and expenses of the Congressional Budget Office, as proposed by the House instead of $33,612,000 and one FTE as proposed by the Senate. The conferees have agreed, as proposed by the House, to provide authority in a General Provision for Legislative agencies that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs. Further, the conferees have included language that prohibits the purchase or hire of a passenger motor vehicle as proposed by the House.

ARCHITECT OF THE CAPITOL

The conferees are concerned that without the proper funds control and administration procedures in place in the office of the Architect of the Capitol (AOC) that the standard accepted government separation of duties lends itself to the potential for waste, fraud and abuse in such areas as travel, training, official representation funds, and credit card purchases. AOC is directed to issue agency-wide procedures within 180 days of the enactment of this Act, delineating the funds control procedures and process to prevent waste, fraud, and abuse. A copy of the procedures will be provided to the Committees on Appropriations of the Senate and the House of Representatives.

The conferees encourage the Architect of the Capitol, in cooperation with other relevant Legislative Branch agencies, to take appropriate steps to increase the volume and visibility of works of art reflecting the participation and contributions of African-Americans in American history for display in the Capitol and the various legislative office buildings of the House and the Senate, including the new Capitol Visitor Center.

GENERAL ADMINISTRATION

Appropriates $77,053,000 for General Administration, instead of $84,513,000 as proposed by the House and $71,697,000 as proposed by the Senate. Of the amount appropriated, $4,200,000 shall remain available until September 30, 2008 as proposed by the Senate instead of $11,660,000 as proposed by the House.

The conferees have agreed to defer the transfer of FTEs and associated costs related to energy services to the Capitol Power Plant appropriation as proposed by the House until the study on the AOC organizational structure and administrative services that was directed in the House report has been completed and submitted to the House and Senate Committees on Appropriations for review and action. The Architect of the Capitol is directed to submit the analysis with recommendations for approvals to the Committees not later than 180 days after the enactment of this Act.

The conferees emphasize that the scope of the AOC study will be comprehensive and will include all aspects of AOC central and administrative staff, including any administrative positions that have been established in the offices of the superintendents to ensure that duplicative services do not occur; that all positions are required to conduct business; and that they are aligned with the AOC strategic plan. The AOC is reminded that this study must be conducted within the purview of the AOC Human Resources Act and other pertinent legislation that provides protections to AOC employees. The Architect is further reminded to consider appropriate committee jurisdictional and legislative authority in the final recommendations of the study.

The conferees have agreed to fund the replacement of high voltage switchgear in the appropriations of the jurisdictions where the projects will take place as proposed by the Senate including Senate Office Buildings ($2,040,000); House Office Buildings ($3,592,000); and Library Buildings and Grounds ($1,828,000).

With respect to the object class and projects the House and Senate conferees have agreed to the following:

Operating Budget:	$72,584,000
Project Budget:	
1. AOC Procurement Training Initiative	150,000
2. Bucket Truck	75,000
3. Flat Bed Truck	44,000
4. Capitol Complex Master Plan	4,200,000
Total, General Administration	77,053,000

Capitol Building

Appropriates $28,188,000, of which $13,002,000 shall remain available until September 30, 2008, for maintenance, care and operation of the Capitol, by the Architect of the Capitol, instead of $23,307,000, of which $7,863,000 to remain available until September 30, 2008 as proposed by the House, and instead of $27,777,000, of which $12,302,000 to remain available until September 30, 2008, as proposed by the Senate.

The conferees have agreed to provide $630,000 for study, design, and condition assessment, including the Restoration of Marble Steps ($105,000); Seismic Study ($120,000); Replacement of Dimming Systems, East Front Offices ($40,000); Upgrade Restrooms ($40,000); Upgrade Electrical Service to House Chamber ($50,000); and Upgrade Emergency Evacuation and Notification System ($275,000).

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	$13,179,000
Project Budget:	
1. ADA Requirements	132,000
2. Elevator/Escalator Modernization Program	750,000
3. Replacement of Minton Tile	525,000
4. Computer, Telecom, & Electrical Support	300,000
5. Wayfinding and ADA Signage	130,000
6. Bird Control System	170,000
7. Study, Design, and Condition Assessment	630,000
8. Minor Construction	2,500,000
9. U.S. Capitol Master Plan Phase 2	6,000,000
10. Improvements in the Rotunda	672,000
11. Restore Shutters & Upgrade Window Lighting	400,000
12. Presidential Inaugural Stands	2,800,000
Total, Capitol Building	28,188,000

Capitol Grounds

Appropriates $6,886,000, of which $585,000 shall remain available until September 30, 2008, to the Architect of the Capitol for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power plant, as proposed by the House, instead of $6,986,000, of which $685,000 is to remain available until September 30, 2008, as proposed by the Senate.

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	$6,301,000
Project Budget:	
1. Renovate Former D. C. Street Lights	435,000
2. Wayfinding and ADA-Compliant Signage	100,000
3. Study, Design, and Condition Assessment	50,000
Total, Capitol Grounds	6,886,000

The conferees have agreed to provide $50,000 for study, design, and condition assessment to address tunnel drainage, S.W. Drive.

Senate Office Buildings

Appropriates $63,388,000, of which $17,433,000 shall remain available until September 30, 2008, for the maintenance, care, and operation of the Senate office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Operating Budget	$45,145,000
Project Budget:	
1. Refinish Historic Woodwork	300,000
2. Repair/Replace Marble Floors & Clean Arch Surfaces	510,000
3. Renovate Restrooms, ADA, DSOB	2,692,000
4. Renovate Restrooms, ADA, HSOB	1,724,000
5. Minor Construction	5,000,000
6. Study, Design, and Condition Assessment	1,000,000
7. Replace Modular Furniture, HSOB	3,000,000
8. Wayfinding & ADA Signage	1,133,000
9. Replace Elevator, Webster Hall	495,000
10. Replace Doors, 3rd Floor Balcony	349,000
11. Replace High Voltage Switchgear	2,040,000
Total, Senate Office Buildings	63,388,000

House Office Buildings

Appropriates $62,816,000, of which $27,750,000 shall remain available until September 30, 2008, for the maintenance, care, and operation of the House office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the mangers on the part of the House, have receded to the House.

Operating Budget	$34,946,000
Project Budget:	
1. Major Elevator Equipment Improvements	120,000
2. Elevator Modernization Program, FHOB	9,460,000

3. Minor Construction	5,000,000
4. Study, Design, and Condition Assessment	1,000,000
5. Sound Improvements, Committee Rooms	240,000
6. Wayfinding and ADA Compliant Signage	407,000
7. Upgrade Public Restrooms	1,500,000
8. Upgrade Data Center ..	4,323,000
9. Escalator Modernization	1,617,000
10. Replace Halon System	611,000
11. Replace High Voltage Switchgear	3,592,000
Total, House Office Buildings	62,816,000

CAPITOL POWER PLANT

In addition to the $4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates $81,543,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol power plant, as proposed by the House, instead of $88,979,000 as proposed by the Senate. Of this amount, $36,652,000 shall remain available until September 30, 2008, as proposed by the House, instead of $38,402,000, as proposed by the Senate.

The conferees are concerned that current Capitol Power plant operations may not adequately reflect up-to-date requirements associated with operational flexibility, such as the need to maintain, secure and upgrade the Capitol Power Plant's utility distribution infrastructure; and the ability to maximize potential efficiency gains in energy consumption and manpower utilization. In addition, the conferees are concerned with the need to complete timely and within budget the West Refrigeration Plant expansion, currently underway. Therefore, the General Accounting Office (GAO) is directed to review the Capitol Power Plant master plan, its operations and its overall management and report to the House and Senate Committees on Appropriations by March 1, 2004 its findings and recommendations on the adequacy of the master plan, the capacity and efficiency of plant operations, the reliability and security of its distribution infrastructure, as well as the status of the expansion project.

With respect to object class and project differences the House and Senate conferees have agreed to the following:

Operating Budget (net)	$44,791,000
Project Budget:	
1. Emergency Shoring and Repairs to Tunnels	100,000
2. Repair South Capitol Street Steam Line	711,000
3. West Refrigeration Plant Expansion	22,021,000
4. Study, Design, and Condition Assessment	630,000
5. Replace Utility Tunnel Expansion Joints	440,000
6. Replace Stokers, Boilers 1 & 2	1,200,000
7. Install Emergency Egress, Tunnel Access	350,000
8. Install Oil Storage Tanks	4,200,000
9. Installation of Distributed Control System ...	6,500,000
10. Intrinsic Health Monitoring System	600,000
Total, Capitol Power Plant (net)	81,543,000

The conferees have agreed to provide $630,000 for study, design, and condition assessment including Boilers & Auxiliaries Replacement and Overhaul ($180,000) and Long-term Preventative Maintenance Plan ($450,000).

LIBRARY BUILDINGS AND GROUNDS

Appropriates $39,159,000 for structural and mechanical care, Library Buildings and Grounds instead of $34,750,000 as proposed by the House and $41,620,000 as proposed by the Senate. Of this amount, $21,286,000 shall remain available until September 30, 2008 instead of $16,877,000 as proposed by the House and $23,747,000 as proposed by the Senate.

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	$13,235,000
Project Budget:	
1. ADA Requirements	100,000
2. Preservation Environmental Monitoring	100,000
3. Restore Decorative-Painting	110,000
4. Replace Sidewalks, JAB & TJB	100,000
5. Book Storage Facility, Ft. Meade Support	580,000
6. Replace Partitions Supports, JMMB	300,000
7. Replace Compact Stack Safety, JMMB ...	600,000
8. Repair Deteriorated Wood Panels	190,000
9. Painting of Interior Arches, TJB	170,000
10. Culpeper Support	1,263,000
11. Fire Extinguishers	75,000
12. Fire Safety Project Management	250,000
13. Repair Life Safety Deficiencies	800,000
14. Minor Construction ...	1,000,000
15. Replace Halon Fire Suppression System	1,997,000
16. Extend/Upgrade Fire Alarm	504,000
17. ADA Modifications, Pickford Theater	424,000
18. ADA Modifications, S.W. Entrance, JMMB	1,280,000
19. Collections Security ..	857,000
20. Landscaping, Ft. Meade	250,000
21. Elevator Modernization	1,342,000
22. Water Tank, Ft. Meade	4,103,000
23. Study, Design, and Condition Assessment	7,701,000
24. Replace High Voltage Switchgear	1,828,000
Total, Library Buildings and Grounds	39,159,000

The conferees have agreed to provide $7,701,000 for study, design, and condition assessment including Logistics Warehouse Facility, Ft. Meade ($2,520,000); Offsite Storage Facility ($600,000); Book Storage Module 5, Ft. Meade ($1,500,000); Upgrade Emergency Lighting ($350,000); Replace Bathroom Exhaust System, Jefferson Building ($225,000); Damper Smoke Control Study ($1,397,000); ADA Bathroom Renovations, Adams Building ($236,000); Upgrade Book Conveyor System ($200,000); and Master Plan, Fort Meade ($673,000).

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates $3,308,000, of which $2,075,000 shall remain available until September 30, 2008, and 3 FTE's as proposed by the House and the Senate.

BOTANIC GARDEN

Appropriates $6,189,000 for salaries and expenses, Botanic Garden, instead of $6,062,000 as proposed by the House and $6,239,000 as proposed by the Senate. Of this amount, $152,000 shall remain available until September 30, 2008 instead of $25,000 as proposed by the House and $202,000 as proposed by the Senate. The conferees have included language, as proposed by the House, prohibiting the use of appropriated funds for construction of the National Garden. With respect to object class and projects the conferees have agreed to the following:

Operating Budget	$5,045,000
Project Budget:	
1. Partnership Support ...	450,000
2. CAFM Data Capture (Bartholdi Project)	50,000
3. Damper Control, D.C. Village	100,000
4. Environmental Control System Replacement ...	100,000
5. Conservatory Electronics System	90,000
6. West Gallery Exhibit ..	202,000
7. Study, Design, and Condition Assessment	152,000
Total, Botanic Garden	6,189,000

The conferees have agreed to provide $152,000 for study, design, and condition assessment including Production Facility Floor Drainage Correction ($127,000) and ADA Elevator Replacement ($25,000).

CAPITOL VISITOR CENTER

The conference agreement provides $48,839,000 for construction, salaries and operational costs of the Visitor Center, of which $1,039,000 reflects operational costs and the balance reflects the estimated cost to complete, Of the amount provided $48,550,000 shall remain available until expended. Additionally, the conference agreement established a limit on the amount of Federal funds, which can be obligated for a tunnel connecting the Center to the Library of Congress. The Architect of the Capitol is directed not to obligate any funds for this project without an obligation plan approved by the chairs and ranking members of the Committees on Appropriations of the Senate and House of Representatives. The plan should specify the purpose, amount, and timing of anticipated obligations.

The conferees direct the General Accounting Office to perform quarterly performance reviews of the project so that the Congress is kept abreast of important issues such as cost and scheduling. It is expected that this quarterly reporting will avail the Committee on Appropriations of the House and Senate and the Capitol Preservation Commission with timely information to properly oversee this effort and address important issues.

The conferees direct that thirty days prior to initiating excavation for the eastern portion of the tunnel between the Library of Congress and the Capitol Visitor Center, the Architect of the Capitol will notify the Committee on Appropriations of the House and Senate and the Capitol Preservation Commission, and include in the notification a description of possible construction risks that might be encountered, their implications, and delineating all efforts that have been completed to ameliorate those risks.

The conferees recognize the work of all the parties in creating an exhibit for the Capitol Visitor Center. The conferees urge the exhibit designers and content providers to work with the Library of Congress to ensure that the exhibit presents history of the Congress as well as the role of the Congress in the preservation of the cultural and artistic heritage of the American people.

The conference agreement limits to $10,000,000 the total amount of Federal funds which may be obligated or expended for the tunnel connecting the Library of Congress Thomas Jefferson Building to the Capitol Visitor Center.

Administrative Provisions

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol. There is a provision that clarifies authority for benefits for temporary employees; provides authority to lease space; and provides transfer authority for an alternate computing facility.

LIBRARY OF CONGRESS

Salaries and Expenses

Provides $370,897,000 for salaries and expenses, Library of Congress, which will fund 2,896 FTE's, instead of $366,520,000 as proposed by the House and $367,539,000 as proposed by the Senate. Of this amount $6,850,000 is made available from receipts collected by the Library of Congress and is to remain available until expended; and $11,546,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other library materials as proposed by the House instead of $11,596,000 as proposed by the Senate and $11,236,000 as proposed by the House.

With respect to program allowances the conferees have agreed to the following:

.1. Adventures of the American Mind	$8,750,000
2. Abraham Lincoln Bicentennial Commission	250,000
3. Security Enhancements	1,077,000
4. Emergency Management	511,000
5. NAVCC—Culpeper	11,060,000
6. Purchase of Library Materials-Foreign Law	310,000
7. Meeting of the Frontiers	379,000
8. Retail Activities Project (Not-to-exceed 3 years) ...	335,000
9. Louisiana Purchase Bicentennial Celebration (Final Year)	500,000
10. Lincoln-Douglas Debates/Underground RR Exhibit	500,000
11. Veterans History Project	589,000
12. Alternate Computer Facility	2,762,000
13. Mass Deacidification	919,000

The conference agreement includes funding in the amount of $1,380,000 to remain available until September 30, 2008 for the central financial management system; and includes funding to remain available until expended for seven programs: $8,750,000 for the Adventures of the American Mind project; $250,000, which includes $10,000 for official representation and reception expenses, for the Abraham Lincoln Bicentennial Commission; $905,000 for the Integrated Library System; $11,060,000 for the National Audio-Visual Conservation Center; $500,000 relating to the Lincoln-Douglas debates; $500,000 for the final year of funding for the Louisiana Purchase Bicentennial celebration and $2,762,000 for the development of the Alternate Computing Center.

The Conferees are encouraged by the efforts of the U.S. Capitol Police, working with the Library of Congress, to craft an implementation plan to merge the Library's police force with the U.S. Capitol Police. However, concerns have been expressed about the governance structure for a merged police force. While the conferees recognize that change is inherently difficult, it is expected that security of the Capitol complex will take the highest priority, overriding jurisdictional concerns.

COPYRIGHT OFFICE

Salaries and Expenses

Provides $48,290,000, including $29,664,000 made available from receipts, for salaries and expenses, Copyright Office, as proposed by the Senate instead of $47,290,000 as proposed by the Senate. This level of funding provides for 530 full time equivalents.

Congressional Research Service

SALARIES AND EXPENSES

Appropriates $91,726,000 for salaries and expenses, Congressional Research Service, Library of Congress, as proposed by the Senate instead of $93,590,000 as proposed by the House. This level of funding provides for 729 full time equivalents.

The Congressional Research Service request for voluntary separation incentive authority has been denied because the request was received late in the budget process and prevented appropriate committee review and oversight during the regular hearing cycle. The conferees suggest that CRS review their request and if appropriate include it in their next budget submission.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

Appropriates $51,706,000 as proposed by the House and the Senate.

Administrative Provisions

In addition to various technical corrections the conferees have agreed to a provision pertaining to the National Audiovisual Conservation Center.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

Appropriates $91,111,000 as proposed by the House and the Senate.

The Government Printing Office currently supports Xywrite and the locator code application used by the Office of the Senate Legislative Counsel and the Office of the Senate Enrolling Clerk to draft and update legislative documents. The conferees direct that with the implementation of the Legislative Editing in XML Application (LEXA) that the GPO shall also serve as the entity responsible for providing support for this new application.

Office of the Superintendent of Documents

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $34,456,000 as proposed by the House and the Senate.

Government Printing Office Revolving Fund

Appropriates $10,000,000 as proposed by the Senate instead of $5,000,000 proposed by the House. An amount of $5,000 for official representation as proposed by the Senate is included instead of $7,500 proposed by the House.

Administrative Provisions

The conferees have agreed to a provision in the Senate bill that increases the pay level for the Public Printer and Deputy Public Printer; and to a provision that authorizes the transfer of surplus property and acceptance of voluntary services.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

Provides $466,328,000, of which $6,006,000 is from offsetting collections, for salaries and expenses, General Accounting Office instead of $464,539,000 as proposed by the House and $468,118,000 as proposed by the Senate. The conferees have agreed, as proposed by the House, to provide authority in a General Provision, for legislative agencies that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs.

For the past two years the General Accounting Office (GAO) has been conducting an evaluation of the need for a technology assessment capability in the Legislative Branch. The results of that evaluation have generally concluded that such a capability would enhance the ability of key congressional committees to address complex technical issues in a more timely and effective manner. To assist in determining the most cost effective and efficient manner of providing that capability to the Congress, the conferees direct that the General Accounting Office to report to the House and Senate Committees on Appropriations the impact that assuming a technology assessment role would have on its current mission and resources. The report should be submitted by December 15, 2003.

The conferees instruct the General Accounting Office to establish and strictly adhere to a non-partisan protocol for formal briefings of Members of Congress and their staffs. The legislative work schedule is always complex and never convenient, but the GAO must always work within the context of that schedule. When individuals on the GAO staff have personal commitments which might prevent them from presenting or attending a Congressional briefing, the individual's supervisor shall attend in that person's place.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

Appropriates $13,500,000 for a payment to the Open World Leadership Center Trust Fund, instead of $13,000,000 as proposed by the House and $14,000,000 as proposed by the Senate. The conferees recommend consultation with the Appropriations Committees prior to decisions on pilot programs by the Board.

TITLE II—GENERAL PROVISIONS

In Title II, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made.

The conferees have included a provision that authorizes the Architect of the Capitol to maintain and improve landscape features of property located near the House office buildings.

The conferees have included the House provision that prohibits funding in this Act from being transferred except as provided in this Act; and provides for Legislative Branch entities that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs.

TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

The conference agreement includes, as Title III, fiscal year 2003 emergency supplemental appropriations totaling $937,593,000, as follows:

CHAPTER 1

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services.

SALARIES AND EXPENSES

The conference agreement provides $12,187,000, as requested, for costs associated with 15 district judgeships authorized by Section 312 of Public Law 107-273.

DEFENDER SERVICES

The conference agreement provides $17,228,000 for the Defender Services account, as requested.

FEES OF JURORS AND COMMISSIONERS

The conference agreement provides $2,778,000 for the Fees of Jurors and Commissioners account, as requested.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF ARMY

Corps of Engineers—Civil

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides $60,000,000 for Flood Control and Coastal Emergencies to permit the Corps of Engineers to respond to emergencies resulting from hurricanes, flooding, and other natural disasters.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

Emergency Preparedness and Response

DISASTER RELIEF

The conference agreement provides $441,700,000, instead of $1,550,000,000 as proposed by the House and by the Senate. This amount is in addition to the $983,600,000 made available for this program in P.L. 108–69.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $36,000,000 for wildland fire management activities of the Department of the Interior as proposed by the House, instead of $61,000,000 as proposed by the Senate. The funding provided should be used to refund funds transferred from other accounts during wildfire emergencies. This level provides only partial payback.

The conference agreement does not include language proposed by the House directing that any funds not needed this year be used to repay funds borrowed from other appropriations accounts during the fiscal year 2002 fire season. The managers understand that substantially more funds than provided herein have been expended during extreme wildfire events this year and should be repaid. The $25,000,000 recommended by the Senate for wildfire hazard reduction activities is included under the Forest Service wildland fire management account.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

The conference agreement provides $5,000,000 for emergency expenses at Midway Atoll National Wildlife Refuge as recommended by the House instead of no funding as proposed by the Senate. Of the funds provided, $4,500,000 is for oil spill cleanup and remediation and $500,000 is for continued airport operations. Without funding for airport operations, the airport would be shut down this month and Federal Aviation Administration certification would expire.

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $283,000,000 for wildland fire management activities of the Forest Service as proposed by the House instead of $253,000,000 as proposed by the Senate. Of the funds provided, $253,000,000, as requested, should be used to refund funds transferred from other accounts during wildfire emergencies. This level provides only partial payback. The remaining $30,000,000 should be used for the disastrous situation in southern California as described in the House Committee report. Of this funding for southern California, $10,000,000 is for Forest Service hazardous fuels reduction activities and $20,000,000 is for transfer to the State and private forestry account for State and volunteer fire assistance and related forest health work in the vicinity of the San Bernardino National Forest. The conference agreement does not include the House language directing that any funds not needed this year be used to repay funds borrowed from other appropriations accounts during the fiscal year 2002 fire season. The managers understand that substantially more funds than provided herein have been expended during extreme wildfire events this year and should be repaid.

CHAPTER 5

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Human Space Flight

The conferees agree to provide $50,000,000 for expenses necessary for responding to the Space Shuttle Columbia accident, the same as the amount in the supplemental request. The amount recommended is in addition to funding provided in the fiscal year 2003 Omnibus Appropriations Act. The conferees direct NASA to provide the Committees on Appropriations of the House and the Senate, by September 30, 2003, with detailed information on the expenditure of the funds already appropriated and the expenses which will be covered by this additional increment of funding. In addition, this accounting should include an updated estimate of fiscal year 2003 savings, by activity, associated with the suspension of shuttle flight following the Columbia accident and how NASA intends to apply those savings to both recovery and investigation as well as return to flight efforts.

CHAPTER 6

GENERAL PROVISIONS

The conference agreement includes a provision (Section 3601) regarding the availability of funds, as proposed by the House.

The conference agreement (Section 3602) provides $9,700,000, to remain available until expended, from the Commodity Credit Corporation, for the Tree Assistance Program authorized by subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to compensate eligible orchardists for tree losses incurred since January 1, 2000, due to fire blight iin the State of Michigan. The Senate bill did not include funding for this provision.

The conference agreement (Section 3603) provides $20,000,000, to remain available until expended, for suppression and control of Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, to be expended in equal amounts among the three states. The House bill did not include funding for this provision.

The conference agreement (Section 3604) includes language making a technical correction to a targeted economic development grant funded in a prior appropriations Act.

The conference agreement (Section 3605) includes language making a technical correction to a targeted economic development grant funded in a prior appropriations Act.

The conference agreement (Section 3606) includes language to increase the loan commitment level for certain FHA loans during fiscal year 2003 to correspond with estimated loan volume.

The conference agreement includes a general provision (Section 3607) to permit spouses of military personnel to be eligible for training under a National Emergency Grant (NEG) awarded to the San Diego Workforce Partnership on June 30, 2001. The Senate bill has no comparable provision.

The conference agreement includes two general provisions (Sections 3608 and 3609) making technical corrections to several projects funded under the Health Resources and Services Administration (HRSA) in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003. The Senate bill does not include comparable provisions to those reported by the House. The conference agreement includes in Section 3610 additional technical corrections to several projects by transferring $750,000 from the Rural Health Outreach Grants program to the Maternal and Child Health Block Grants Special Projects of Regional and National Significance program. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title II of Division G, under the heading "Health Resources and Services".

—The provision specifying $350,000 for the Phoenix Children's Health Project in Arizona to address the health needs of extremely vulnerable homeless and runaway youth in underserved rural and urban areas shall be deleted;

—The provision specifying $200,000 for the Pittsburgh Mercy Health System, Pittsburgh, PA, for health outreach and education shall be deleted; and

—The provision specifying $200,000 for the University of Pennsylvania School of Dental Medicine, Philadelphia, PA, for its minority outreach oral health initiative shall be deleted.

The conference agreement includes four general provisions (Sections 3610 through 3613) making technical corrections to several Department of Education projects funded in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003. The Senate bill does not include comparable provisions.

The conference agreement includes a general provision (Section 3614) directing the Secretary of Education to transfer up to $4,353,368 from any account that would otherwise lapse to the Title I program for the purpose of providing additional funds to certain states. The House bill has no comparable provision.

The conference agreement includes a general provision (Section 3615) to permit the transfer of funds, appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, from the Social Security Administration to the Department of Labor in order to implement the Black Lung Consolidation of Responsibility Act (P.L. 107–275).

The conference agreement includes a general provision (Section 3616) designating the amounts in Title III as an emergency requirement, as proposed by the House and by the Senate.

The conference agreement includes a general provision (Section 3617) concerning the effective date of this Act.

Conference Total—With Comparisons

Titles I and II—Legislative Branch Appropriations, 2004

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational authority, fiscal year 2003	$3,461,323
Budget estimates of new (obligational) authority, fiscal year 2004	3,849,643
House bill, fiscal year 2004	2,699,688
Senate bill, fiscal year 2004	3,574,611
Conference agreement, fiscal year 2004	3,548,408
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+87,085
Budget estimates of new (obligational) authority, fiscal year 2004	−301,235
House bill, fiscal year 2004	+848,720
Senate bill, fiscal year 2004	−26,203

Conference Total—With Comparisons

Title III—Emergency Supplemental Appropriations, 2003

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2003*	$1,921,193
House bill, fiscal year 2003*	2,025,893
Senate bill, fiscal year 2003*	2,044,000
Conference agreement, fiscal year 2003	937,593
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2003	−983,600
House bill, fiscal year 2003	−1,088,300
Senate bill, fiscal year 2003	−1,106,407

*Includes $983,600,000 for Disaster relief, which was provided in P.L. 108-69.

For consideration of the House bill and the Senate amendments, except for title III in the Senate amendment numbered 3, and modifications committed to conference:

Jack Kingston,
(except for the Capital Visitor Center tunnel)
Ray LaHood,
Todd Tiahrt,
John Culberson,
Mark Kirk,
Bill Young,
James P. Moran,
David E. Price,
James E. Clyburn,

For consideration of title III in the Senate amendment number 3, and modifications committed to conference:

Bill Young,
Charles H. Taylor,
Managers on the Part of the House.

Ben Nighthorse Campbell,
Robert F. Bennett,
Ted Stevens,
Thad Cochran,
Kit Bond,
Richard J. Durbin,
Tim Johnson,
Robert C. Byrd,
Barbara A. Mikulski,
Managers on the Part of the Senate.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, September 22, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4305. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Table of Allotments, (Grants and Bosque Farms, New Mexico) [MM Docket No. 01-78, RM-10080] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4306. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Lincoln City and Monmouth, Oregon) [MB Docket No. 03-41, RM-10642] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 2120. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes (Rept. 108-277, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2571. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; with an amendment (Rept. 108–278, Pt. 1). Ordered to be printed.

Mr. KINGSTON: Committee of Conference: Conference report on H.R. 2657. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–279). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than October 3, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII:

Mrs. DAVIS of California introduced a bill (H.R. 3138) to amend the Internal Revenue Code of 1986 to allow a refundable credit for expenditures for renewable energy property; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3011: Ms. Solis, Mrs. Maloney, and Mr. Thomas.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following members added their names to the following discharge petitions:

Petition 1, by Mr. MARTIN FROST on S. 121: Diane E. Watson.

EXTENSIONS OF REMAKS

12TH ANNIVERSARY OF ARMENIAN REPUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the Armenian Republic on the nation's Twelfth Anniversary of Independence. Today, citizens of Armenia, as well as people of Armenian descent here in the United States and around the world celebrate their independence from the former Soviet Union.

Since its independence, nations have welcomed Armenia into the international. I am proud that this Congress has consistently voted to provide humanitarian economic development assistance to help Armenia transition to the development of civil society and to continue its transition to a free market economy.

The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values. We must redouble our efforts to ensure that the tensions in the region subside and that the long-standing differences that divide the countries of the region are resolved. Winners and losers in the Caucasus will only foster greater insecurity and instability at a time when we need to bring everyone together to combat terrorism. I have been encouraged by Armenia's ongoing attempts to reach out to its neighbors—Turkey and Azerbaijan—in a constructive manner.

Mr. Speaker, the story of the Armenian people is an unforgettable story of triumph over adversity and tragedy. Earlier in this century, in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women and children were slaughtered by the Ottoman Turkish Empire. We must continue to remind the world that this genocide is an historic fact—despite the efforts of so-called "revisionists," many of them funded by the Turkish government, to deny the truth—and to make sure that our Nation, the world community, and especially the Turkish nation come to terms with and appropriately commemorate this historic fact.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to re-establish a state and a nation, to create a society where their language, culture, religion and other institutions would prosper. The people of Armenia have endeavored to build a free and proud nation, based on the principles of democracy and a market economy.

The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, who have imposed blockades halting the delivery of basic necessities and greatly hindering economic development. Despite the dual blockades, Armenia continues to implement economic and democratic reforms. During the first 6 months of this year, Armenia's Gross Domestic Product (GDP) increased by 12.5 percent in 2002. And during the last year, both the International Monetary Fund and the World Bank have publicly noted Armenia's economic progress.

Despite this progress, I would like to say that the economic reality of daily life for the people of the Republic of Armenia continues to be extremely hard.

Mr. Speaker, I hope that as we mark future Independence Days of the Republic of Armenia, we can look back with pride on building peace and prosperity in the entire Trans-Caucasus region, so that the people of Armenia and their neighbors can enjoy a stable and hopeful future. I hope that the Republics of Turkey and Azerbaijan will respond positively to Armenia's repeated offers to normalize relations. Specifically, I hope that Turkey will allow for the exchange of diplomats and allow the free flow of goods and people across the borders. And I hope that, with the active participation of the United States, we will resolve the Nagorno Karabagh conflict, in a manner that guarantees the security and self-determination of the people of Karabagh.

Finally, I wish the Armenian people well on the occasion of their independence day, and, more important, in their ongoing effort to establish good relations with its neighbors and build a vibrant democracy so that their children may prosper in the homeland of their ancestors.

PAYING TRIBUTE TO THE EMERSON FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress to recognize an outstanding family from my district. The Emerson family of Grand Junction, Colorado has been a fixture of their community for many years. The Emersons have shown their devotion to their community by promoting local products and services at their family run Quality Meat Market. I am honored to share their story here today.

The Emersons have owned the Quality Meat Market since 1946, insisting from the beginning that an emphasis be placed on local goods. The Emersons' support has allowed many of Western Colorado's farmers and ranchers to remain in business through the years. The Emersons feature a variety of local products, from meat and jams to coffee and soap. They have devoted themselves and their store to serving the needs and the desires of their community.

Mr. Speaker, the Emerson family saw a need in their community and they addressed it. The Emersons established a place for local farmers and ranchers to market their goods and services to the community. The Emersons' deep commitment to their community exemplifies the spirit that makes this country great. I am honored to join with my colleagues today in thanking the Emersons and wishing them good luck in the years ahead.

POW/MIA RECOGNITION DAY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2003

Mr. QUINN. Mr. Speaker, tomorrow is National POW/MIA recognition day. This annual day of recognition honors those brave soldiers who served valiantly to protect our liberties but remain unaccounted for. America remains vigilant in its effort to see each one of these nearly 93,000 brave soldiers are identified, accounted for, and returned to their families. Recently, I met with representatives from the Department of Defense Prisoner of War—Missing Personnel office and was pleased to learn of their steadfast dedication to see to it that each one of these POW/MIA cases are resolved.

America owes an enormous debt of gratitude to those who have answered to the call to defend our freedoms and there is no better way to honor that debt than to remain committed to bringing closure to the suffering for each of their families. We will never forget the sacrifices that thousands of American soldiers have made throughout the world in the name of liberty and freedom, and we must do everything we can to help bring the POW/MIA soldiers home.

I display the POW/MIA flag outside my office as a constant reminder to those who visit, that there are heroes who have not yet made it home. I encourage my colleagues to join me in honoring these brave soldiers by renewing our resolve to close these cases and end the suffering caused by the uncertainty of their fate.

RECOGNIZING EL PASO'S RIO GRANDE CHILI WAR FESTIVAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2003

Mr. REYES. Mr. Speaker, I rise today to call my colleagues' attention to a "hot topic"—the Rio Grande Chili War Festival, taking place September 20 and 21, 2003, on the Yselta del Sur Pueblo reservation in my congressional district.

The Festival will feature a variety of local foods, including Mission Valley Long Green chilies, a chuck wagon cook-off, live entertainment, Native American dancers, and games. Most importantly, the event will establish once and for all that the best chilis anywhere in the Southwest are grown in El Paso.

You see, Mr. Speaker, some of my good friends and colleagues from New Mexico and Arizona might be under the misimpression that their communities have our nation's greatest chilies, or best chili festival. While I am sure they are very good, El Pasoans know that those bragging rights belong to us!

Therefore, Mr. Speaker, I commend everyone involved with the Rio Grande Chili War Festival—the best chili festival in America—and wish them every success with the event.

HOUSE OF REPRESENTATIVES—*Monday, September 22, 2003*

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOLF).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
September 22, 2003.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of Heaven and Earth, we do not always understand the powers of nature, yet we are grateful for the information we are given in this present age. Such guidance helps us to protect ourselves and prepares us for the storms of a lifetime.

We praise You and thank You that the recent hurricane has dissipated its intense strength. We pray now for all those whose lives have been altered by Isabel's path of destruction.

Grant fortitude, patience, and persistence to Your people that energy be restored to all citizens, that neighbor will help neighbor through difficult times, and that tranquility and good order be established to encourage all Americans in living a healthy and happy family life.

You, Lord, have been with us through every storm and await us with eternal shelter. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2754) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1636. An act to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act.

S. Con. Res. 68. Concurrent Resolution honoring the life of Johnny Cash.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2003 at 9:20 a.m.

That the Senate passed without amendment H. Con. Res. 235.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 18, 2003 at 10:40 a.m. and said to contain a message from the President whereby he submits a report regarding Blocking Terrorists Assets.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 20, 2002 (67 FR 59447).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2003.*

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1636. An act to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act; to the Committee on Financial Services.

S. Con. Res. 68. Concurrent resolution honoring the life of Johnny Cash; to the Committee on Education and the Workforce.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, September 23, 2003, for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 23, 2003, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4307. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Butafenacil; Pesticide Tolerance [OPP-2003-0282; FRL-7324-6] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4308. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerance [OPP-2003-0278; FRL-7326-4] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4309. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyromazine; Pesticide Tolerance [OPP-2003-0269; FRL-7326-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4310. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenhexamid; Pesticide Tolerance [OPP-2003-0301; FRL-7326-7] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4311. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerances [OPP-2003-0300; FRL-7324-9] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4312. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [OPP-2003-0270; FRL-7324-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4313. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [OPP-2003-0306; FRL-7327-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4314. A communication from the President of the United States, transmitting a request for 2004 supplemental appropriations for ongoing military and intelligence operations in Iraq, Afghanistan, and elsewhere; (H. Doc. No. 108—126); to the Committee on Appropriations and ordered to be printed.

4315. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Valliant, Oklahoma, and Gainesville, Texas) [MM Docket No. 01-216; RM-10223; RM-10495; RM-10496] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4316. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Bunnell and Palm Coast, Florida) [MM Docket No. 02-13; RM-10357; RM-10493] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4317. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Fort Stockton and Sanderson, Texas) [MB Docket No. 03-68; RM-10654; RM-10656] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4318. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Ridgecrest, California) [MB Docket No. 03-79; RM-10673] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4319. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Clayton, Oklahoma) [MB Docket No. 02-240; RM-10530] (Guthrie, Texas) [MB Docket No. 02-241; RM-10531] (Hebbronville, Texas) [MB Docket No. 02-242; RM-10532] (Premont, Texas) [MB Docket No. 02-244; RM-10534] (Roaring Springs, Texas) [MB Docket No. 02-245; RM-10544] (Rocksprings, Texas) [MB Docket No. 02-246; RM-10535] (Sanderson, Texas) [MB Docket No. 02-247; RM-10536] (Thomas, Oklahoma) [MB Docket No. 02-249; RM-10538] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4320. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Magnolia, Arkansas and Oil City, Louisiana) [MB Docket No. 02-199; RM-10514] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4321. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Bridgeton and Pennsauken, New Jersey) [MB Docket No. 02-382; RM-10615] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4322. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Noblesville, Indianapolis, and Fishers, Indiana) [MM Docket No. 01-143; RM-10153] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4323. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Los Banos and Planda, California) [MB Docket No. 02-186; RM-10494] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4324. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Cadillac and Manistee, Michigan) [MB Docket No. 02-45; RM-10373] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4325. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Billings, Montana) [MB Docket No. 02-116; RM-10233] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4326. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Owen, Wisconsin) [MB Docket No. 02-120; RM-10442] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4327. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations (Christiansted, Virgin Islands) [MB Docket No. 03-20; RM-10634] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4328. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Burlington, Vermont) [MB Docket No. 02-82; RM-10408] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4329. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Charleston, West Virginia) [MB Docket No. 02-155; RM-10452] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4330. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Odessa, Texas) [MB Docket No. 02-90; RM-10409] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4331. A letter from the Deputy Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved And Underserved Areas, Including Tribal and Insular Areas [CC Docket No. 96-45]; Commonwealth of Northern Mariana Islands; Petitions for Reconsideration filed by: Crow Tribal Council, Florida Public Service Commission; Fort Belknap Indian Community, Goshute Indian Reservation, National Telephone Cooperative Association, Oglala Sioux Tribe, Rosebud Sioux Tribe, South Dakota Independent Telephone Coalition, Western Wireless Corporation — Received September 17, 2003, pursuant to 5 U.S.C. to the Committee on Energy and Commerce.

4332. A letter from the Deputy Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206; RM-9147; RM-9245]; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band — Received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4333. A letter from the Deputy Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting The Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206; RM-9147; RM-9245]; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band — Received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4334. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Access Charge Reform [CC Docket No. 96-262]; Price Cap Performance Review for LECs [CC Docket No. 94-1]; Low-Volume Long Distance Users [CC Docket No. 99-249]; Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received September 17, 2003, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Deputy Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Regulatory Review--Requirements Governing the NECA Board of Directors under Section 69.602 of the Commission's Rules [CC Docket No. 01-174]; Requirements for the Computation of Average Schedule Company Payments under Section 69.606 of the Commission's Rules — received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4337. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Dalhart, Texas) [MB Docket No. 03-52; RM-10657]; (Kermit, Texas) [MB Docket No. 03-35; RM-10658]; (Leakey, Texas) [MB Docket No. 03-54; RM-10659] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4338. A letter from the Deputy Division Chief, WCB, CPD, Federal Communications Commission, transmitting the Commission's final rule — Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338]; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98]; Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4339. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (George West, Texas) [MB Docket No. 03-86; RM-10685] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 260: Mr. WATT.

H.R. 394: Mr. WATT.

H.R. 1508: Mr. LARSEN of Washington.

H.R. 2208: Mr. CHABOT.

H.R. 2671: Mr. MCHUGH, Mr. JOHNSON of Illinois, Mr. CALVERT, Mr. SOUDER, and Mr. BARTON of Texas.

H.R. 2683: Mrs. JONES of Ohio, Mr. FROST, and Mr. SERRANO.

SENATE—*Monday, September 22, 2003*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God of lights, whom to find is life and whom to miss is tragedy, we thank You for bringing us through the hurricane.

Lord, help us to make You the one fixed star of our hope. Empower our Senators with the faith to face the future with confidence. Give each of us the wisdom to realize that right is more important than might. Enable us to live today with calm assurance, glowing enthusiasm, vibrant faith, personal integrity, and righteous abandon. May we not simply refuse the overtures of evil, but help us also to choose the highest good.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume debate on H.R. 2691, the Interior appropriations bill. We currently have five amendments which are pending to the bill. This afternoon the two managers will be discussing which of those amendments will be ready for Senate votes.

I announced last week that we would be voting today and asked that the managers consider beginning that vote—we will probably have two votes, although we will be discussing that over the afternoon—at 5:30 this afternoon. If further debate is necessary on amendments or we are unable to set a time certain for the votes on those amendments it will be my intention to schedule a judicial nomination tonight. So I am pretty certain we will be voting about 5:30, but as soon as we firm that up after discussion with the leadership on both sides we will make that known to our colleagues.

With respect to the remainder of the week, we will try to finish the Interior appropriations bill as early as possible tomorrow. The managers were here Thursday and continued to work through this past Thursday morning. They, of course, are here and will continue to be here through the afternoon and early evening, although I do not want to encourage any new amendments. If anybody is at all considering amendments, we must have those come forward as soon as possible.

Following completion of the Interior appropriations bill, as we mentioned last week, we will continue with the appropriations process. We will possibly begin consideration of the DC appropriations bill, although I want to talk to the chairman of the Appropriations Committee and the various managers. We will consult with the leadership, the managers, and the appropriate committee chairmen to make that determination as we move a little bit closer.

We finished last week very strong, and as a number of conference reports become ready, I anticipate bringing them to the floor this week, if possible. We could schedule hopefully those conference reports with short time agreements and votes this week.

At the end of last week, I also mentioned that there are 11 judicial nominations on today's Executive Calendar. Six are ready to be scheduled for votes, and I will be scheduling these for floor action over the course of the next couple of days.

At an appropriate time, I want to make a brief statement and would be happy to turn to the assistant leader of the other side for any comments about the week or the schedule for clarification for our colleagues.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the Democratic manager of the bill; I have not had the opportunity to speak to Senator BURNS. But we do have a very important appropriations hearing at 2:30, and I understand these two managers may wish to go there. Senator BINGAMAN is on his way over to offer an amendment, so we should have some activity on the floor this afternoon.

As the leader indicated, there is an amendment or two that we could vote on this evening. I have been informed, as the leader has just indicated, that he wants to do at least one judge tonight. So I think we are going to have one or two votes tonight with ease and still have a shot at finishing this bill tomorrow.

EFFECTS OF HURRICANE ISABEL

Mr. FRIST. Mr. President, I will comment on a couple of subjects. First, with regard to the natural disaster we had last Thursday and Thursday night, the tragedies continue to unfold in regard to damage along the east coast. As I walk around the Capitol today, it is very clear to me a large number of people on Capitol Hill, from Maryland, Virginia, and the surrounding areas have been struck very hard. A number of people are without electricity and clean water and are really suffering daily right now as I speak. I have spoken to different people asking if their electricity is up, and they have said: No. So that is Thursday night, Friday, Friday night, Saturday, Saturday night, Sunday, Sunday night, and now Monday. I know the local disaster relief and utility repair persons are working very hard, and we respect all of their work a great deal.

Again, it is time for everybody to pull together as we address the powerful effects and potential devastation from this hurricane. So our thoughts and prayers are with everybody. Everybody should gather together and we will pull through this as well as we might.

IRAQ

Mr. FRIST. The second subject I want to comment on is the continual news that we have with regard to what is going on in Baghdad. Today we received news that a suicide bomber detonated himself at the entrance of the U.N. headquarters in Baghdad. The bomber injured 19 people, including 2 Iraqi United Nations workers.

This terrorist action follows an assassination attempt over the weekend on Aquila al-Hashimi, one of the three women who is serving on the Iraqi governing council. I understand through reports that Ms. al-Hashimi is recovering from the attempt on her life. Most of my colleagues know she is a leading candidate to become Iraq's future United Nations ambassador.

These outrageous attacks demonstrate the level of cowardice and depravity that indeed is almost beyond words, that the enemy would stalk and attack a woman who is serving her people and murder Iraqi civilians attempting to build a representative democracy or, as we just saw, one guardsman inspecting a car. That they would do these things shows us once again the ugly face of our enemy.

Some in this body have claimed there is no connection between Saddam and al-Qaida. This is false. As the President said last week, there is no question Saddam Hussein had al-Qaida ties. We know Saddam permitted the operation of a terrorist training camp on Iraqi soil. We know the Iraqi intelligence chief, Faruk Hijazi, met with bin Laden and his associates. And we know Abdul Rahman Yasin, a suspect in the 1993 World Trade Center bombing, was harbored in Iraq. We are now learning from documents found in Tikrit that he may have even received payments and a home from the Iraqi Government.

Thus, there is no doubt—there is no doubt—that Saddam was in league with terrorists. Saddam himself was the embodiment of terror.

There can also be no doubt that Saddam is finished; that Iraq, the American people, and the civilized world are better off without him and without his terror-sponsoring regime.

It is my expectation the Senate will turn to consideration of the President's emergency request for Iraq and Afghanistan on the floor next week. It is my hope that we will have good debate, both in committees over the course of this week and, indeed, on the Senate floor, and complete action on this legislation before the Senate recesses on October 3.

I know Senators on both sides of the aisle have a lot of questions—many questions. The post-war situation in Iraq has required sacrifice. We see it every day—from the families who are separated by service, the families who are our constituents and friends to whom we talk on a daily basis and, most of all, those who have lost loved ones in the ongoing fighting.

The President has laid out a plan and a vision to move us forward. By actively participating in this debate we can fulfill that vision and support our service men and women who have already sacrificed so much. We will also send a message to friend and foe around the world that America will stand with the Iraqi people; that America will defeat the enemies of peace and democracy. It is that message that I believe, through our committee hearings this week, through our discussions and through the debate on the Senate floor, will ring most loudly—that America will stand with the Iraqi people and America will defeat the enemies of peace and democracy.

In preparation for next week's debate, Senate committees—this week, in fact, beginning right now at 2—will begin holding a whole series of hearings to examine and discuss the President's request. The Senate Appropriations Committee will be holding two hearings, the Foreign Relations Committee will be holding three hearings, and the Armed Services Committee will be holding one hearing. Each will examine closely the President's proposal, and I am confident that with the appropriate discussion and with that scrutiny it will win overwhelming support in the Senate.

The world now has before it a window to help the Iraqi people reclaim their future as a free people. The foundation of a democratic and stable Iraq will only be found in economic opportunity and liberty. It is this foundation that best defines—and this will play out as we talk over the course of this week—this is a foundation of economic opportunity coupled with security that President Bush's proposal best provides.

With our $20 billion investment, we will not reconstruct the economy of Iraq, as a lot of people say or which they envision. That is not what the $20 billion will be doing. That can only be done by the Iraqi people themselves. The Iraqi economy can only be reconstructed by the Iraqi people. It can only be done by their own resourcefulness, by their own commitment, by their own entrepreneurship, and by their own imagination. Yes, Iraqis now have the freedom to become entrepreneurs, to be creative, and to have that creativity realized and translated through democratic principles into economic opportunity. What we must do is create a stable environment in which that newfound freedom will be allowed to flourish.

From our investment will flow other investments from other nations willing to help the Iraqi people and from the developing resources of the Iraqi people themselves. Our investment, at least as I see it, is not an obligation; it is a choice. It is a choice that the United States supports the Iraqi people. It is a choice that we believe democracy can and will flourish among them. And it is a choice that the American people are made more secure by Iraq having a free and democratic state.

The swift victory of our troops this spring makes us forget in some ways the threat Saddam once posed. We lived with the threat and instability emanating from Iraq for over two decades. Twice Saddam Hussein was on the verge of developing nuclear weapons—once stopped by the courageous airstrike by Israel and once stopped by the United States coalition in the 1991 gulf war. Twice Saddam Hussein invaded his neighbors to expand his reign of terror—once into Iran and once into Kuwait. Twice we sent the United States military to confront Saddam Hussein—once expelling him from Kuwait and once expelling him from Baghdad. Saddam Hussein played host to international terrorists to the very last day of his reign.

Some will argue that we cannot afford to finish the job in Iraq. We can't afford not to. We have already invested billions of dollars, through two wars and through two decades, in trying to end this persistent threat to the stability of the Middle East and to the safety of the United States and its allies.

We have it now within our power to ensure once and for all that there will be no third attempt to build yet another nuclear weapon. We have it within our power to ensure that there is not a third gulf war for yet another generation of Americans to fight. We have it within our power to help the Iraqi people build Iraq to become an exporter of stability in the region instead of the source of deadly weapons of war and oppression.

By putting Iraq on the path to economic opportunity and democracy, we will shift the entire strategic direction of the Middle East. By finishing the job we started, we will ensure a safer future for our own people.

I look forward to this debate in Senate, and I am confident that the outcome will be overwhelming support for the President of the United States.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

Reid amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors.

Daschle amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

Daschle amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, as we continue to work on the Interior appropriations this afternoon and tomorrow—and it appears there will be a couple of votes later on this evening—I wish to bring to the attention of Senators and to this country what we are talking about when we talk about healthy forests and why our requests for more money to replace the accounts in the Forest Service, in the Department of Agriculture, in the Bureau of Land Management, in the Fish and Wildlife Service, and in the Park Service in the Department of the Interior are important.

I stated on Thursday that this problem of forest fires which we have had in the West is a national problem and one we have to address if we are to manage our land for the environment, for the safety of those who work and recreate on public lands, and if we are to have public lands which Americans deserve and have paid for.

Once again, we have had a terrible fire season. Over 3 million acres have burned—most of it in the West and about a third of the acreage in my home State of Montana. I guess that makes us a little bit more sensitive about what we can do and what we can't do when it comes to forest fires and the protection of life, wildlife, and the health of our forests.

We took a firsthand look at the devastating impact of these fires on our parks, forests, and communities in August. We had a very dry and hot August in Montana. The fires were so bad in Glacier National Park and Yellowstone Park that they were closed to the public for many days. The Montana Department of Environmental Quality was issuing a daily alert for dangerous air and air quality throughout the State of Montana.

The impact of these fires goes far beyond losing trees, brush, and the flora of the forests of our Nation. We see a lot of the other ramifications also. Wildlife is destroyed and wildlife habitat is destroyed.

I will reiterate a conversation I had with some folks who lived here in Maryland who were watching the fire burn in Glacier. They were concerned about the loss of wildlife in those fires. They were concerned about endangered species. Where do they go? I said wherever they go, they will not have a habitat to come back to.

Another impact is poor air quality. Seniors and other people with respiratory problems suffer from the heaviest smoke which we have seen in many years. In fact, the airport in Missoula, MT, had to be shut down one day because of smoke.

The aftermath of these fires means contaminated streams and watersheds. Those watersheds not only feed wildlife but they also feed the municipal water supplies of our State.

Tourism in Montana is a huge industry. So there are lost recreational opportunities. Businesses and homes were destroyed. In fact, over 700 buildings and homes were lost. Unfortunately, there was also loss of life. Statewide, 27 firefighters lost their lives this year in wildfires.

We have an opportunity to act now to address the poor conditions of our forests and rangelands before they get any worse. We have an opportunity to change the conditions for the future of our kids and our grandkids.

In back of me is a map that depicts a great deal of both the east side and west side of the country which contain class 2 and 3 conditions. These conditions are classified as highly dangerous—or, let us say, flammable. I think the color red is pretty apropos. Not only do we see a lot of red up there in the panhandle of Idaho northwest of Montana, but look at the conditions in Arizona, New Mexico, Colorado, and you can't overlook the conditions in Oregon and Northern California. In fact, those fire conditions run all the way down the Sierras in California. We have seen devastating fires there; fire conditions in South Dakota, in the Black Hills in the western part of the State; and over in the eastern part of the State, conditions for rain showers.

Nonetheless, we have to prepare for dry years. If you compare this last year to the drought of the 1930s, which was just as bad, had we not changed the way we farmed and ranched, we would have had another Kansas dust bowl, an Oklahoma dust bowl. This time it would have been more far reaching, reaching on up into the high plains of the Dakotas.

Look at northeastern Minnesota. Minnesota is almost solid red. Yet their fuel on the floor, the density of their forests, tells us it is high priority for fire. We see depicted the Ozarks of Missouri, the southern part of the State around the Lake of the Ozarks, reaching down almost to Poplar Bluff, into the southeastern part of the State.

If people in the northeast United States are not worried about what is west of the Mississippi River, take a look at the northern part of Pennsylvania and the wonderful forests of upstate New York. Right now our fuel load is high. Of course, after the storm this last week we might have a little more moisture; nonetheless, the fuel is there when it dries out.

Look at West Virginia. Look at Virginia. Look at Alabama. All of this is a national problem. Firefighters who were fighting the fires in the West—in Oregon, Idaho, and Montana this last time—came from Florida; the firefighters on the Robert fires were from North Carolina; firefighters from Kentucky—they are all trying to get the fires under control. This is not just a western problem; it is a problem for the forests nationwide. That is what it is all about when we talk about these situations.

The buildup of forest fuels occurred due to past management—or the lack of past management practices. Those practices allowed ladder fuel to grow into the healthy crowns of large trees; practices that did not effectively treat insect infestations and thus the high mortality rates in our forests; practices that did not effectively let us treat for tree mortality.

We talk about thinning and taking fuel off the forest floor. I would love to see a demo project comparing thinned and unthinned forests. Let one forest grow with no management and have an area not too far away that has been managed. Fire behavior in managed and unmanaged forests is quite different.

I remember as a young man way back I was on a couple of fires: The Edith Peak fire in Montana in 1953—and we lost a person on that fire, by the way—and the Tango fire in 1953. We learned a lot about how these fires react. I can state firsthand these fires now are hotter and are more devastating. There is more fuel on the floor of the forests.

This picture on the left is of a forest that has been thinned. In other words, the underbrush has been taken out, some of the trees have been thinned, and the larger trees can then grow. Where the sun is shut out part-time, you do not have nearly the amount of underbrush for fuel. Compare that to the picture on the right where nothing was done in the forest. Notice the downed timber and the old logs on the floor of the forest. They bored the logs and checked the moisture. Some only contained 6 percent moisture. That is how dry and hot it was. The desks in this Chamber have at least 6 percent moisture. When the fire creates that much heat, it takes everything. It takes the humus out of the soil. It loosens the soil. So after the winter and then the spring thaw, we see erosion on the hills because there is nothing to hold the dirt in place. That is the difference.

The thinned forest is a managed forest. Sure, we will have fires. We will have lightning. And someone will have a campfire get away from them every now and then. We will always have fires, but they do not have to be of the intensity of the unthinned forests.

We watched a rampage fire move almost 2 miles—they move quickly—while we were standing there, in only 15 minutes. They had a 30-knot wind and the flames shot almost 200 feet into the air. That is where most of our problem is, trying to thin and to clean up under the fuel that is on the forest floor.

Grazing takes care of part of this. Where we had grazing permits, we did not have those hot fires because the fuel on the floor was not as dense.

The next example describes forest health and fuels reduction and the impact on the forest. See the healthy forest on the left. That is a young forest with trees running from 8 to 12 inches in diameter. I guarantee we cannot get from that young forest to this forest unless we thin and get the fuel off the floor of the forest. It is that simple. We cannot put a dense growth on the ground, experience drought and lightning storms, and have it not burn. That is why you can only grow so many trees if you want many big trees, beautiful forests, habitat for wildlife, habitat for endangered species, also a place to enjoy recreation. The forest needs a little intervention when it comes to management.

It is very simple. That is the reason, when farmers plant corn—and I appeal to my good friend in the chair today—they do not plant it an inch apart or they will have nothing. Give them space. Let them grow. Let them reproduce. We cannot get from the condition on the left to the condition on the right without effectively treating the conditions that have contributed to the poor health of our forests and our rangelands.

I have an illustration of the life history of a tree on the lower right hand side. This is a boring taken from a 100-year-old Ponderosa pine. Notice the healthy growth for the first 20 years. It is very healthy. Then notice the declining growth for the next 70 years. Finally, notice in the last 10 years, after the thinning occurred to allow that tree to breathe. The growth rate picked up again after it was thinned from competing brush and maybe other trees. That is what we are talking about, the life of a tree. A tree is just like you and I: It sprouts, it grows, it ages. Then one day it dies of old age, just like the rest of us.

The House passed H.R. 1904, the Healthy Forest Restoration Act, a couple months ago. Now we have the opportunity to do the same. I am concerned about the healthy forest issue as I am concerned about replenishing the money we borrowed to fight fires within the Forest Service and Bureau of Land Management. So we have to work very hard to make sure our prevention money is not used in suppression.

Now, there is one other thing we did not bring up. Any time you don't thin, any time you lose trees, some die. And we have an infestation of pine bark beetles up in our part of the world. I will show you a chart that demonstrates the infestation of that.

Is it a western problem? No. That little beetle may be called a different name somewhere else, but basically, again, we have a national problem. The heaviest infestation is in California, northern California, even down into the Sierras. Right now, it is estimated they have anywhere from 400 to 800,000 acres infested with pine bark beetles.

What pine bark beetles do is they kill the trees. In other words, they destroy the cambium, its ability to grow. The cambium is the growing part; it is what makes the rings. If you are counting the rings, you are counting old cambium. It is the growing part of the tree. I took a couple years of forestry. I surprise myself every now and again.

That problem is not just west of the river. Look at Michigan. One of the best forestry schools is in Madison, WI, the University of Wisconsin. They have problems in their area, which is in the northern part of their State, the northeastern part of Minnesota, and the northwestern part of Wisconsin. It is also in the areas of Georgia, Tennessee, and northern Alabama. We have a little bit of a problem over there in a little State called New Jersey where we have a little bit of a problem with pine bark beetles. It works the same, but I think it has a different name. I am not big on names right now; I am just big on bugs.

But, nonetheless, it gives you the understanding this is not just a problem isolated to one region of the United States. It is time we come together: industry, land managers, and people who use those lands maybe for recreation, maybe to make a living. It is time we all come together. But it seems as though every time we get together on this bill everybody becomes a land manager and everybody becomes a forester, and sometimes that does not work.

But we know one thing. We have absolutely been crippled—they call it analysis by paralysis—in putting together a management plan to deal with this problem: both disease and fire. But we can do it. We have the ability to do it. We can do it in a way that I think Americans want it done.

They are tired of seeing fires every night on their summertime television and the destruction they bring and what they cost the taxpayers. Actually, we are about $850 million in arrears right now in the Forest Service, and that is taxpayer money. Everybody puts money into that pot.

We need to put a little more into prevention rather than in this devastating thing called fighting fires. So it is not a conservative or liberal view. Agriculture and plants and soil and water and sunlight don't claim any politics. The relationship of those four contributes to how well we manage our forests. If you have ever been in a forest fire—and I have—it is an experience you will never ever forget.

So we are going to have an amendment that puts money back into the Forest Service and the BLM for things such as forest stewardship, prevention, and water quality because, I will tell you, we will have—and it was the case in the Yellowstone fires in 1988—we will have erosion, we will have water quality problems for a long time just because once the growth is gone from the side of the mountain, then the soil comes down. There is nothing to hold it. So it is just not very good conservation. Now we see preservation—don't touch it; that is the way God meant it to be or whatever. This is a problem you run into because there have been 30 years of no management. Let's not say bad management but no management. We just could not get it done.

So we have an opportunity to do what is right for our forests and for our agricultural lands because from these forests come livelihoods, products that all of America demands. They are still building houses and there is still a great demand for forests and forest products. There is great demand for the recreational areas, great demand to protect our wildlife. And, remember, once that forest is burned up, there is no habitat to come back to. So we have an opportunity, and I think we should seize that opportunity and do the right thing for our forests.

Mr. President, I will yield the floor. I see my good friend from New Mexico has an amendment he wants to offer and speak to. I have to go to a little hearing on Iraq. I am not smart enough to shift gears quite that fast. I can't go from one to the other quite that quickly. But I took a little of the time of my good friend from New Mexico, and I appreciate his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, I thank my colleague, the manager of the bill, for his courtesy.

Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily and I be allowed to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1740

(Purpose: To ban commercial advertising on the National Mall)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DORGAN, and Mr. REID, proposes an amendment numbered 1740:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events, provided that the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

Mr. BINGAMAN. Mr. President, I thank the clerk for reading the full amendment. I wanted her to read it so all Members would know what the subject of the amendment was and also the substance of it.

This amendment would prohibit the National Park Service from issuing any permit for a special event on the National Mall unless the permit expressly prohibits the use of commercial advertising.

Last week, I spoke at length about my concern with a particular special event that took place on The Mall earlier this month. This event was described by the Department of Interior as a football and musical festival entitled—and this whole thing is the title of the event—the "NFL Kickoff Live from the National Mall Presented by Pepsi Vanilla."

The Mall is often used for large public gatherings. We are all familiar with the Smithsonian Folklife Festival during the Fourth of July celebration and the Cherry Blossom Festival in the spring. The National Mall is also, of course, one of the most significant, if not the most significant, sites for public demonstrations in our Nation.

As Judge Buckley of the U.S. Court of Appeals for the District of Columbia wrote:

> It is here [on the National Mall] that the constitutional right of speech and peaceful assembly find their fullest expression.

The management of The Mall is entrusted to the Department of the Interior. More specifically, it is entrusted to the National Park Service. The Park Service's own regulations and guidelines make clear that The Mall is not intended to be used for commercial purposes. The Park Service guidelines state:

> The theme of the special event must be consistent with the mission of the park area in which it is to be held, including consideration of possible damage and/or impairment to park property and . . . values.

In my view, with respect to the recent event I have described, for whatever reason, the Park Service decided to effectively ignore its own policy.

Let me show a couple of photographs to make the point. I showed these a week or so ago on the Senate floor. They fairly graphically point out the problem I am trying to have addressed. This is a photograph that appeared in the Washington Post. It is a photograph down The Mall. You can see the Capitol Building in the distance. You can see the various banners which were essentially just commercial advertising banners for Pepsi Vanilla. And then down at the bottom, it does say, "Take Pride in America." But the main thrust of the banner, I suggest, to any unbiased observer is that it is an ad for Pepsi Vanilla.

Obviously, this very large football is intended to advertise the National Football League which we all support, but clearly, what we see here in this photo is commercial activity being conducted on The Mall.

Let me show another event to make the point even further. This is a photograph related to the same event. It shows a large fence put up around a large portion of The Mall. It contains what are clearly advertisements for various companies: AOL for broadband, Pepsi Vanilla, Verizon, Coors Light. According to our Secretary of the Interior and to the Director of the National Park Service, these are not advertisements. Instead, in their view, these constitute sponsor recognition. Frankly, this is a distinction of which I was not aware.

The Department of the Interior and the Park Service continue to insist that this event, about which I have complained in the way it was conducted, was entirely appropriate, that the banners and the signs were just sponsor recognition. The Secretary of the Interior and the head of the Park Service are, of course, by law the two public officials appointed by the President and charged with the responsibility of protecting The Mall and ensuring that the uses of The Mall be appropriate. These photos clearly represent their view of what is appropriate use of The Mall. I strongly disagree.

Let me explain specifically what it is that I am opposed to. The Interior Department claims that the purpose of the event in this case was to express support for the Department's "Take Pride in America" slogan, encouraging people to volunteer for projects on public lands and to honor members of the Armed Forces. Obviously, all of us, all Americans favor these good purposes. But the stated rationale for approving the event is not consistent with what was taking place on The Mall.

In my opinion, the Interior Department and the National Park Service allowed a large portion of The Mall to be virtually closed to public use for several days to allow essentially for a commercial event. When I say "for several days," the permit allowed the sponsor of this event 17 days in which to organize and set up the extravaganza, conduct the event, and then remove the various items put there as part of it. But this was essentially a commercial event.

It featured commercial advertising by private corporations. The event was used as the basis for a commercial television production. The commercials featuring event sponsors were broadcast over large-screen televisions set up in The Mall. Those commercial uses and commercial advertising were not an appropriate use of The Mall.

I also believe it is not appropriate to close a large portion of The Mall for a commercially related purpose for long periods of time to the exclusion of the general public.

I received a letter last week from the Director of the National Park Service. She wrote to express her concern that if sponsor recognition were prohibited on The Mall, many special events that had been approved in the past would not be able to take place in the future. Frankly, I would have felt better had she also indicated in the letter some concern for the need to protect The Mall and to protect the public right to access to The Mall comparable to the level of interest that she demonstrated for corporate sponsors. But I do agree with the main point she was making, that most of these special events, many of which involve races or walks or various charitable causes, do not infringe on the public's ability to use The Mall. Most are not inherently commercial.

The amendment I am offering would allow the National Park Service to provide for limited sponsor recognition. It would require that the size and form of the recognition be consistent with the special nature and sanctity of The Mall, which is identical to the language we approved in the Senate earlier this year with respect to the proposed education center near the Vietnam Memorial on The Mall. It also would limit the size of any sponsor recognition to one-third the size of the lettering or design that is put there to name the special event.

As the photos indicate, during the last event, that was essentially reversed. The sponsors' names were given by far the greatest visibility.

Finally, the amendment directs that the Secretary, to the maximum extent possible, ensure that public use of The Mall and access not be restricted in leading up to or during or following these special events.

I do not believe in trying to micromanage agency management decisions through legislation. With respect to this amendment, we have tried to give the Park Service flexibility to determine what is an appropriate means to recognize event sponsors, while making it clear that at least the Congress believes commercial advertising should not be permitted.

Department of the Interior and National Park Service officials have not shown the judgment necessary to protect the public's interest under the authority they currently have. Instead, they have bent over backwards to accommodate commercial interests that wanted to use The Mall for commercial purposes. While it is impossible to legislate common sense and good judgment, I believe the amendment would at least make clear that The Mall, which the Park Service itself has described as "the single most significant public park and open space in our Nation's Capital," should not be a venue for commercial use and for advertising.

I believe this is an entirely reasonable amendment. It is one I am offering on behalf of myself and Senators DORGAN and REID of Nevada. I hope it can gain unanimous support and that by adopting it we can send a strong message that we believe The Mall's special place in our national heritage needs to be preserved.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be permitted to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THOMAS are printed in today's RECORD under "Morning Business.")

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we have this bill narrowed down to about five or six amendments we are working on right now. I would like to alert Senators, though, if they have any amendments they want to be a part of this bill, they should file them tonight if possible for their consideration. We want to tie this bill up tomorrow and pass it and get it into conference and to the President's desk. We don't want to deny anybody their right to file their amendments, but we suggest they get them over here tonight because we are going to finish the bill tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I call for the regular order with respect to amendment No. 1739.

The PRESIDING OFFICER. The regular order has been requested.

AMENDMENT NO. 1739, AS MODIFIED

Mr. DASCHLE. Mr. President, I send a modification of amendment No. 1739 to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1739), as modified, is as follows:

On page 46, line 7, strike "expended: *Provided*, That" and insert the following: ", and of which $79,000,000 (composed of $20,000,000 from administrative accounts for operation and support, $6,000,000 from the trust accountability account, $15,000,000 from the field operations account, and $38,000,000 from the historical accounting account) shall be deducted from that amount, of which deducted amount $63,000,000 shall be transferred to the Indian Health Service and available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

Mr. DASCHLE. Mr. President, I call for the regular order on amendment No. 1734.

The PRESIDING OFFICER. The regular order has been called for.

AMENDMENT NO. 1734, AS MODIFIED

Mr. DASCHLE. Mr. President, I ask that amendment No. 1734 be modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1734), as modified, is as follows:

On page 88, beginning on line 17, strike "$2,546,524,000" and all that follows through "*Provided*" on line 20, and insert the following: "$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That funds made available to tribes and tribal organizations through contracts, *Provided further*".

Mr. DASCHLE. Mr. President, I offer these modifications in part because I have been informed that there are concerns about the germaneness of the offset we had included in the health amendment (No. 1734), and to make a minor technical correction to the trust reform amendment (No. 1739). The customs user fee is a very legitimate and, I would say, appropriate offset; but under the constraints presented to us under the rules, there is a technical point of order that can be raised. So in order to avoid points of order, we will avoid using this offset.

I regret that because I do believe that the offset would help us alleviate some of the appropriations pressures that understandably the ranking member and the chairman had to confront as they were addressing the issues of the overall allocation and availability of funding.

Let me just go back to my comments last week when I offered the amendments. Very briefly, the first amendment would provide for $292 million in additional funding for the Indian Health Service. This was the amendment that, on an overwhelmingly bipartisan basis, we passed during the budget resolution. I had offered an amendment that would have provided for, I believe, $2.9 billion to fully fund the Indian Health Service, in terms of meeting the basic health care needs of their current user population. The President has asked for $1.9 billion, and it falls so dramatically short of what is needed that there is a severe rationing of health care now on every reservation in the country. That rationing has affected the quality of life and, in fact, life itself in so many cases.

The allocation of resources on a per capita basis on the reservations today is about $1,900. That is half of the $3,800 that we spend on Federal prisoners today on a per capita basis. Federal prisoners today are allocated, per capita, about $3,800 for the health care they receive in Federal prison. An Indian child born on the reservation is given $1,900. Yet the incidence of diabetes, fetal alcohol syndrome, and some of the most difficult, challenging, and vexing problems we face in health care today—alcoholism, violent death—all are problems of far greater magnitude on reservations than anywhere else in the country. So their problems are worse than they are in prison, worse than in the general population in the country. The resources we allocate are a fraction of what they are in prison or what we spend per capita in the country.

Per capita health care spending for the U.S. general population is about $5,000. So all this amendment says is we are going to put our money where our mouth was last spring. We said we will give at least $292 million. I do not think there was a dissenting vote. I think it passed virtually unanimously, and yet here we are with efforts, I am told, to defeat this almost embarrassingly minimal amendment as we address the consequences of life and death on the reservations today.

The other amendment said, basically, the same thing. We are not anywhere close to dealing with public policy issues involving trust reform, trust policy. Unfortunately, the problems associated with government-to-government relationships and trust responsibility are as problematic as anything we are dealing with on reservations today. I cannot think of a more vexing issue maybe except for the health care problems we are facing.

Since we do not have the policy, it is almost impossible for us to put together the infrastructure within the bureaucracy to implement the policy. One has to have a policy before they know what kind of a bureaucracy they are going to set up to implement it, and yet this budget has $79 million to start creating the infrastructure for the implementation of the policy without having a clue what it is going to be.

So what some of us are suggesting is that before we start spending another dollar on bureaucracy and infrastructure, let us, No. 1, agree on the policy but then, No. 2, let us put the money where it could do some good. Let us put it in the health care area, where we are so deficient today.

We have a problem. Just this weekend I was home and was reminded again what a dentistry problem we have. I think on all nine reservations in South Dakota I was told this weekend that we have five dentists—nine reservations, five dentists. We have such a chronic shortage of dentists, and I will have to go back and verify whether that number is accurate but whether it was five or six we do not even have one dentist per reservation.

We are saying we do not have the money to allocate to health care, but we have the money to allocate $79 million to this reorganization within the BAA dealing with trust land responsibilities, and we do not even have the policy. So we are putting the cart before the horse, and we do not even have enough money to feed the horse when it comes to health care.

Both of these amendments are minor in scope and impact but could send a significant message that we understand the chronic problems we are facing in health care, and I hope that on a bipartisan basis we can support these amendments.

I understand there was some confusion about whether I was prepared to offer these modifications today and have votes on them. I would very much like to have the votes this evening. We had said we would work with our Republican colleagues to finish this bill tomorrow, but it is pretty hard to finish the bill if nobody is going to vote. So I want to have both of these votes this afternoon. That is two votes we can have this afternoon, and we can have a vote on the Bingaman amendment. Senator BINGAMAN has indicated he is willing to have a vote. So now we have three Democratic amendments on which we are prepared to vote. We can do it at this moment. We could do it at 5 or 5:30.

In order to accommodate Senators who are traveling, we generally agree not to have votes before 5, but I am certainly prepared to hold the vote open to accommodate those Senators who are traveling. Let's have at least those three votes this afternoon so we can work to complete our scheduled debate on this bill by the end of the day tomorrow.

I know the distinguished Senator from Montana, the chair of the subcommittee, has offered a very important amendment on emergency funding. I hope to have that vote as well.

There is nobody on this side holding up votes on these amendments, and I would certainly hope that nobody on that side would, either. If we are going to do what I had committed to last week. I had indicated to the distinguished majority leader that we want to work with him to see if we can finish this bill by tomorrow night, and so I do not want anybody operating under an assumption that for some reason now we have offered these amendments and we are not prepared to vote. We are prepared to vote, and I hope we would begin doing so at 5.

I see my friend and colleague from Montana is standing and may want to address these votes as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my friend from South Dakota. We are running the trapline now. We have an objection to the Bingaman amendment, and someone wants to speak on it. Then we can vote in the morning. That will go away very fast. We are now running the trapline on the modifications of the Senator from South Dakota. We should have some kind of answer on that. I do not think we are going to vote before 5:30.

With regard to the Senator's amendment on reforming the trust and dealing with this problem, the policy has almost been set by the courts, as the Senator well knows. There is litigation on this. So I think what the Secretary of the Interior wants to do is to move forward with a system so they can finally bring closure to this problem that has been going on for how many years. This stretches more years than the Senator from South Dakota and I have probably been in the Senate.

We have not managed the trust moneys very well. Just getting the system up and knowing where we are so we can conform with parts of the litigation is quite the challenge we have right now, and I think that has to move forward because right now we cannot do it. I do not know if anybody wants to identify the horse or the cart. In fact, I am not real sure which one should go across the road first right now. I am not real sure that they know at Interior but at least they have a system in order to solve it, and we cannot move forward unless they have those dollars. So that is where we are.

There are a lot of people in Indian country who are very concerned about this and so we should move on that, but we are running the traplines.

I appreciate the distinguished minority leader coming today and offering his modification. We should have an answer for him pretty quickly, and I thank the minority leader for that.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, as always, I appreciate the response of the distinguished Senator from Montana. I argue that the court decisions have actually made the situation even murkier and have created and compounded problems with regard to trust responsibility that have to be clarified through a legislative decision. He is absolutely right, this thing has gone on and on, but that is my point.

For us to lock into place, in bureaucracy somehow, a response to these court decisions compounds and makes even more unlikely some resolution to this issue, but that is obviously a view that is arguable. For whatever reason, the administration continues to persist in trying to lock in these court decisions, in my view in a very shortsighted and unacceptable manner for those who are involved in its implementation, especially on the reservations themselves. This is not going to work. I can't find a tribal chairman, I can't find a tribal council, that will tell you this is going to work. So to say we don't care what you think and we are going to override the rule, your own observations, or your own positions—our recognition of the need to work this out jointly—is not the way to go about it. But that is what this amendment is all about.

I appreciate, once again, the observations and the leadership provided by the Senator from Montana.

I hope we could have votes at least on the two amendments that were offered last week. I await the word from our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. If the distinguished manager of the bill does not object, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER are printed in today's RECORD under "Morning Business.")

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HISTORIC SENATE DEBATE

Mr. DORGAN. Mr. President, we are awaiting a couple of votes, I believe, at 5:30. We will vote on a couple of judgeships. Following the votes today, we are going to see an event in the Senate that is unique. I will describe briefly what this is about.

Senator KYL, who is the chairman of the Republican Policy Committee, and I have visited about sponsoring debates in the Senate on a series of very big issues. I am chairman of the Democratic Policy Committee. We thought it would be interesting and useful to create a setting in the Senate that is not connected to a specific piece of legislation on the Senate floor and have a debate back and forth, a structured debate about a big issue. We will do a series of those debates.

This evening, following the two votes will be the first of such debates. I have asked, on the Democratic side, Senator DURBIN and Senator CORZINE to be involved in this debate. The debate will be on the subject of Social Security. I believe—I hope I am not misstating the hypothesis—I believe the Republican side, which will be represented by Senator SUNUNU and Senator SANTORUM, will be describing their proposition that we ought to have private accounts in Social Security and the Democratic side will describe, I believe, why having private accounts in the Social Security system is inherently risky and moving in the wrong direction to provide security for this important program.

The point is, this is considered, and has always been considered, one of the great deliberative bodies in the world. Senate debate is a fascinating opportunity to not only inform Senators but inform the American people about the respective positions of the Republican caucus or the Democratic caucus on very significant issues that have national importance or worldwide importance.

I suspect my colleague, Senator KYL, will be here in a while, perhaps when the debate begins. I wish to describe what will happen following the two votes today.

I am pleased we are going to be able to do this with our two policy committees. It is important to have an aggressive, structured debate with ground rules and portray to the American people the importance of an issue of this type. This is the first, but there will be a number of additional debates in the coming months. We hope this will enhance the reputation and ability of the Senate to sink its teeth into big and important issues.

This is a great country in which we live. We are lucky to be Americans. We are lucky to be alive now. Those who are fortunate to be able to serve, or are given the privilege of serving in this great body, never for a moment misunderstand the wonder of it all. As you stand at these desks that have served this country in public debate and the development of public policy for now two centuries, the more you understand the grandeur of this great body. There are times all of us grit our teeth a bit or wipe our brow and wring our hands and wonder if the partisanship or the way these issues are presented is very attractive to the American people. Yet for over two centuries this democracy has endured, and the Senate, this great Chamber of debate about significant, important national policies, about who we are as Americans, about what we aspire to become as Americans, this Chamber has been the location of all of those great debates.

Those in the Senate who describe our experiences very often describe our experiences in the context of the Senate desk. I sat at a desk on that side of the room. The first desk I was assigned permanently was a desk of a man named Robert La Follette. He stood for many hours on May 29, 1908, doing a filibuster. Apparently, according to history, he sat down for a turkey sandwich and a glass of eggnog. He lifted the eggnog to his lips and spat it out and began screaming: "I've been poisoned." This was 1908. They sent the glass of eggnog to a laboratory to have it analyzed and discovered someone had put enough poison in his drink to have killed him if he had drunk it. One little moment on the floor of the Senate. They never figured out who did that, by the way. That is one little desk and one little story. There are stories of majesty and courage and wonderful representation, great debate.

This is the Chamber where Webster stood and gave his orations. It is the Chamber where the great debates about this country's history and future occur. I am not suggesting tonight's debate will rise to quite that occasion, but we are starting tonight to have an opportunity to exchange views in a debate sponsored by the Republican Policy Committee and the Democratic Policy Committee. I say thank you to the four colleagues who will participate and say I think this does advance the opportunity to exchange views and to have the American people learn from that exchange of views about the two parties' positions on some very important issues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, on behalf of the leader, as in executive session, I ask unanimous consent that, at 5:30 this evening, the Senate proceed to a vote on the confirmation of Calendar No. 356, to be followed immediately by a vote on the confirmation of No. 361, provided that immediately following those votes the President be notified of the Senate's action, and the Senate then resume legislative session; finally, that there be 2 minutes equally divided for debate prior to each of the votes.

Mr. REID. Reserving the right to object—and I shall not object—I do want to have the RECORD spread with the same statement Senator DASCHLE made earlier today. We have a number of amendments pending, two of which were offered by our Democratic leader, on which we are ready to vote. Senator BINGAMAN offered an amendment. We are ready to vote on that. We are going to do everything we can to proceed through the amendments tomorrow. We will cooperate as much as we can. There are other Senators who have amendments to offer. We have indicated to the majority leader that we want to finish this bill tomorrow so we can move on to another appropriations bill.

I want the RECORD spread with the fact it is not we who are holding up this bill. We are ready to vote as of 5 today—as of now. We still think we can do the bill tomorrow. There are Senators who are going to offer amendments, and we do not want them to believe they are rushed because of our inactivity today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I am informed that the manager is working hard to try to establish a time in the morning for those votes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 356, which the clerk will report.

The legislative clerk read the nomination of Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia.

The PRESIDING OFFICER. There will be a period of 2 minutes of debate equally divided prior to the vote.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Glen Conrad, who has been nominated to serve as a judge on the United States District Court for the Western District of Virginia. I had the pleasure of introducing him before the Senate Judiciary Committee this past July.

Judge Conrad has been nominated to fill the vacancy of Judge James Turk who began his service on this court in 1972 and recently took senior status. After Judge Turk informed Senator

ALLEN and me about his intent to take senior status, Senator ALLEN and I began our search to find the most qualified and well-respected individual to fill Judge Turk's seat on the bench. During that process one name repeatedly was brought up—that name was Glen Conrad.

After interviewing Judge Conrad personally, Senator ALLEN and I were pleased to send this fine nominee's name to President Bush for consideration. President Bush promptly thereafter nominated Judge Conrad on April 28, 2003.

Judge Conrad's background makes him highly qualified for this position, and I strongly support his nomination. His experience with the law is extensive.

After graduating from the Marshall Wythe School of Law at the College of William and Mary, Mr. Conrad served as a probation officer in the Western District of Virginia. A little more than a year later, Mr. Conrad was selected to serve as a United States magistrate judge in the Western District. And, for the last 27 years, Judge Conrad has served as a magistrate judge in the Western District.

During his over a quarter of a century as a magistrate judge in the Western District of Virginia, Judge Conrad has earned a stellar reputation. From the many letters that I have received in support of his nomination, there is unanimity in describing Judge Conrad as intelligent, courteous, hard working and having an excellent judicial temperament.

I am confident that Judge Conrad will continue his service on the Western District of Virginia bench consistent with this reputation.

I urge my colleagues to support Judge Conrad's nomination.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Glen Conrad, who has been nominated for the United States District Court for the Western District of Virginia.

Judge Conrad is no stranger to the Western District or its Federal court: He has served there as a magistrate judge for 27 years. Following his graduation from the Marshall Wythe School of Law at the College of William and Mary in 1974, he clerked for district judge Ted Dalton of the Western District of Virginia—the same court to which Judge Conrad has been nominated. During the time of his clerkship, Judge Conrad also served as Federal probation officer.

Since the end of his clerkship in 1976, to the present day, Judge Conrad has served as Federal magistrate judge in various districts throughout Virginia. During his lengthy tenure on the bench, Judge Conrad has been recommended for reappointment by three separate Merit Selection Committees.

Judge Conrad has illustrated exemplary care and concern for the state of the law in his home district. He has contributed to continuing legal education efforts over the course of his career, helping to produce course materials for young lawyers starting their practice in the Western District of Virginia. He has also served as a member of the Civil Justice Reform Act Advisory Committee, where he has helped recommend measures to improve the efficiency of the Virginia court system and reduce the costs of civil litigation.

In addition to being a model citizen, Judge Conrad is an extremely qualified judge. I urge my colleagues to support his nomination.

Mr. LEAHY. Mr. President, today, we vote to confirm two district court nominees, United States Magistrate Judge Glen Allen Conrad and South Carolina Judge Henry Floyd. Unfortunately, we are still needlessly awaiting a vote on the judicial nominees from California, for the emergency vacancies in the Southern District, the busiest court in the country.

With today's confirmations, the Senate will now have confirmed 153 judicial nominees for this President. As I mentioned last week, this pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton Administration. It was not until well into the fourth year of President Clinton's second term, when Republicans controlled the Senate, before this many judicial nominees were confirmed. It took President Reagan, during his first term, almost to the end of his fourth year to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party. It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken a little more than 2 years of rapid Senate action to confirm 153 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 53 judicial nominees, including 11 circuit court nominees in 2003. That is more confirmations in just 9 months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

The records of these two judicial nominees stands in contrast to the record of many of this President's judicial nominees, particularly for circuit court positions. Both Judge Conrad and Judge Floyd have significant judicial experience, with Judge Conrad serving as a Magistrate Judge for more than a quarter of a century. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience.

I note that there are now more George W. Bush appointees on the bench than there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than 3.

With these confirmations, there are no more vacancies in the district court in Virginia, as Judge Conrad joins Judge Hudson, who we confirmed last year to the district court in Virginia. Judge Floyd will join Judge Terry Wooten on the district court in South Carolina. Judge Floyd's confirmation will fill the vacancy created by the elevation of the controversial Judge Dennis Shedd last year. I congratulate Judge Conrad and Judge Floyd and their families.

Mr. ALLEN. Mr. President, I rise to speak on behalf of the nomination of Glen E. Conrad to be District Court Judge for the Western District of Virginia.

I have known Glen Conrad since the day I got out of law school at the University of Virginia, and I was a law clerk for Judge Williams in Abingdon, VA, not far from the Tennessee line. Glen Conrad was a U.S. magistrate judge in Abingdon and then he later moved up to Roanoke.

Judge Conrad is tremendously qualified not only to be a judge in the U.S. district court for the Western District of Virginia but a leader—a judge who is a leader, who understands the system and the operation of the court in the Western District of Virginia. In fact—and I know I speak for my colleague, JOHN WARNER—we examine many highly qualified individuals and we truly could find nobody more qualified by a proven record of experience and performance, with the proper judicial philosophy, with a proven temperament to fill this judgeship.

Indeed, this judgeship has been declared a judicial emergency by the Judicial Conference. Glen Conrad is experienced, knowledgeable, fair, and possesses an outstanding reputation and proven judicial experience.

As I said, I have known him for many years. His wife is someone who I have admired, and I put her on the community college board when I was Governor of Virginia. Glen Conrad is a graduate of the College of William and Mary, and that is a very good undergraduate and law school. He is looked upon highly by his peers who know and acknowledge his qualifications and his experience.

He has been positively endorsed by the Virginia Bar Association, the Roanoke Bar Association, the Virginia Association of Defense Attorneys. He has been highly recommended by the Virginia Women Attorneys Association and by the Virginia State Bar. In fact, he received a highly qualified endorsement from the American Bar Association as well. So whether he is serving in this very large 51-county district, which includes courts in Danville, Lynchburg, Charlottesville, and then in the valley of Harrisonburg, as well as in Roanoke, Abingdon, and Big Stone Gap, regardless whether on the south side, the Piedmont, western, or southwestern Virginia, I believe the President has chosen a very outstanding nominee who will honorably and fairly administer justice in the Western District of Virginia and I urge my colleagues to support him.

I endorse him with my full confidence and recommend his approval this evening because we need to get him to work for the people and the litigants in the Western District of Virginia.

I yield the floor, and I yield the remainder of our time.

Mr. BINGAMAN. Mr. President, we yield back our time.

The PRESIDING OFFICER. All time is yielded back on the nomination.

Mr. ALLEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Glen E. Conrad, of Virginia, to be United States District Judge for the Western District of Virginia? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 354 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
McCain
McConnell
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—11

Biden
Edwards
Graham (FL)
Gregg
Kerry
Lieberman
Lincoln
Mikulski
Miller
Murkowski
Specter

The nomination was confirmed.

NOMINATION OF HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider the nomination of Henry F. Floyd, which the clerk will report.

The legislative clerk read as follows:

The nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be a period of 2 minutes of debate equally divided prior to the vote.

Mr. HOLLINGS. Mr. President, I rise to encourage my colleagues to vote for Henry Floyd to be a judge on the United States District Court for the District of South Carolina.

Judge Floyd is known throughout my State as a fine, fair, and even-handed jurist. There is no question a good judge has to possess a balanced judicial temperament. Judge Floyd showed as a State circuit court judge he is balanced. He has presided over complex class action litigation; felony criminal cases including capital murder cases; cases with difficult constitutional issues, and everything else like that. By all accounts, he has applied the law fairly, and the South Carolina Bar supports him.

This nominee also has a breadth of experience as a private practitioner, representing civil and criminal clients in all sorts of matters; he was a lieutenant in the Army; and he was a South Carolina State legislator. He obviously is well qualified.

I think our colleagues on both sides of the aisle will find it refreshing to vote on a nominee who doesn't make us quarrel over religion, or advance any political agenda, and who answers our questions. For 37 years, Senator Thurmond and I practiced bipartisan cooperation in filling South Carolina's Federal bench. I thank Senator GRAHAM for continuing in this collegial tradition.

Mr. GRAHAM of South Carolina. Mr. President, Henry Floyd was the first person I thought of when a district court judgeship came open in South Carolina. I am pleased that the Senate has confirmed him today. Prior to becoming involved in politics, I had the good fortune of practicing before Judge Floyd on a number of occasions. He is the model of judicial temperament; learned, objective, and courteous.

A product of some of our State's finest educational institutions, Judge Floyd received his undergraduate degree at Wofford College and his law degree from the University of South Carolina. In 1992, after a decade of very successful private practice, he assumed the bench as a judge on the Thirteenth Judicial Circuit Court of South Carolina. Since that time, Judge Floyd has presided over several South Carolina's most controversial cases with skill and professionalism.

It was a pleasure to recommend Judge Floyd to President Bush. I wanted my first recommendation to be an example of how our judicial nominations process should work. We should seek only the best for the Federal judiciary. I believe my first recommendation fits that criterion.

I'm confident Judge Floyd will demonstrate the highest degree of professionalism and serve our State and Nation well. Judge Floyd has an exceptional legal mind, impeccable character, and a legacy of fair application of the law. He is a fine man and will be a great addition to the Federal bench.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Henry Floyd, who has been confirmed for the United States District Court for the District of South Carolina.

Judge Floyd has had a stellar legal career on both sides of the bench. He served as a private practice litigator for 19 years before being elevated to the 13th Judicial Circuit of South Carolina in 1992, where he currently sits. He has also served as a 1st Lieutenant in the U.S. Army and as a member of the South Carolina House of Representatives.

During his tenure in private practice, Judge Floyd specialized in civil, criminal, and domestic relations litigation, with a general practice of deeds, wills, and estates, and real estate closings. He represented regulated utilities, including an electric cooperative, municipalities, and the County of Pickens.

Judge Floyd served on the Board of Commissioners on Grievances and Discipline, which was empowered to deal with complaints against members of the bar in the State and to make certain recommendations for disciplinary conduct.

Since his elevation to the bench, Judge Floyd has also been designated to sit as an Acting Justice on the South Carolina Supreme Court from time to time.

Judge Floyd is an extremely well-qualified nominee. He brings more than 30 years of legal experience to the Federal bench. I am confident that he will be a fine addition to the bench and urge my colleagues to support his nomination.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea".

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 355 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
McCain
McConnell
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—11

Biden
Edwards
Graham (FL)
Gregg
Kerry
Lieberman
Lincoln
Mikulski
Miller
Murkowski
Specter

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENTS NOS. 1734 AND 1739 AS FURTHER MODIFIED

Mr. REID. Mr. President, earlier today there were two modifications to amendments offered by the Democratic leader, Senator DASCHLE. Since placing those modifications at the desk, staff has discovered some clerical errors. I ask unanimous consent that amendments Nos. 1734 and 1739 be further modified with the changes I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as further modified, are as follows:

AMENDMENT NO. 1734, AS FURTHER MODIFIED

On page 88, beginning on line 17, strike "$2,546,524,000" and all that follows through "*Provided*" on line 20, and insert the following: "$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*,

AMENDMENT NO. 1739, AS MODIFIED FURTHER

On page 46, line 7, strike "*Provided*, That" and insert the following: ", and of which $79,000,000 (composed of $20,000,000 from administrative accounts for operation and support, $6,000,000 from the trust accountability account, $15,000,000 from the field operations account, and $38,000,000 from the historical accounting account) shall be deducted from that amount, of which deducted amount $63,000,000 shall be transferred to the Indian Health Service and available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that immediately following morning business on Tuesday morning, there be an additional 10 minutes equally divided prior to a vote in relation to the Daschle amendment No. 1734, as further modified, provided that no second-degree amendment be in order to the amendment prior to the vote.

Mr. REID. No objection. It is my understanding we will go into session at about 9:30, so the vote will be somewhere around 10:30 in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period of morning business not to exceed 70 minutes with the time divided as follows: Senators KYL and DORGAN in control of the first 5 minutes, which will be equally divided; the majority leader or designee in control of the next 6 minutes; the minority leader or designee in control of the second 6-minute period; the minority leader or designee in control of the next 6 minutes; the majority leader or designee in control of the final 6-minute period.

I further ask unanimous consent that the next period of time be divided as follows: Each side permitted to ask up to five questions for up to 1 minute each in an alternating fashion, to be followed by a response of up to 2 minutes to be controlled by the other side of the aisle, with the Democrats to ask the first question.

I further ask unanimous consent that the final 10 minutes be equally divided for closing comments.

Finally, I ask unanimous consent that upon yielding of the floor, any debate time remaining during that period of controlled time be yielded back.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, the time on this side will be controlled by the Senator from Illinois, Mr. DURBIN, rather than the Democratic leader.

Mr. KYL. Time on the Republican side will be controlled by Senator SANTORUM or Senator SUNUNU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me explain what that very rapidly read unanimous consent order provides for. Senator DORGAN and I chair the policy committees of the Democratic and Republican sides and have agreed that every month or so we should have a debate which is really a debate, rather than just a bunch of speeches read, which frequently characterizes what passes for debate here on the Senate floor. Our constituents might tune in and see us reading speeches and wonder whether we have a debate on a specific issue where we mix it up together, respond to each other's points, and have that all relative to a very specific question.

So we agreed we would do that: we would try to pick a topic that was not really current: that we would have different Members on each side engage in these debates when they were held. And we agreed that the first debate topic would be on the general subject of Social Security.

As a result, tonight we have the first of these debates with two Members from the Republican side and two Members from the Democratic side debating a general topic relating to Social Security. All of the requests for time will be through the President, of course, pursuant to this unanimous consent agreement.

It is hoped that as a result of Democrats responding to Republicans and vice versa, asking each other questions, actually there may some elucidation, some light that would come out of this debate, rather than heat, and that we could agree or disagree in an agreeable spirit on an important topic to people around this country.

I am looking forward to this debate. This will be the first of our experiments. Obviously, if the participants have suggestions about how to conduct future debates, we would like to hear those so we can continue, and maybe it will become a tradition in the Senate. I think we are ready for that.

The debate will be started with Senator SUNUNU from New Hampshire and therefore, again, with Senators SUNUNU and SANTORUM having time on this side. I yield now to the Senator from New Hampshire, Mr. SUNUNU.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

SOCIAL SECURITY

Mr. SUNUNU. Mr. President, I welcome the remarks of the Senator from Arizona and my colleagues tonight for what I hope will be an enjoyable evening and will set the tone for further debates to follow.

Tonight we are talking about the important issue of Social Security. Let us begin by recognizing together that this is an important issue, one that deserves to be talked about with substance and in a direct and clear way. It is also an issue that we need to address with substantive legislation, because the one thing I think we can agree on is that not acting provides us with the greatest risk of all.

If we look at what the Social Security actuaries have said, the President's bipartisan commission has said, and countless committees in Congress which have looked at this issue have said and recognize that if we don't act, we are faced with the stark choices of raising taxes or cutting benefits, which is not something any of us wish to do.

We need to strengthen Social Security by improving the rate of return of investments made within the system, and strengthen Social Security by extending the solvency of the trust fund by, I believe, empowering individuals.

Tonight, I want to talk about that important notion, empowering individuals and allowing them, as part of the Social Security reform package, to invest a portion of what they pay in taxes every week in a personal retirement account. We are going to hear a lot tonight about how these personal retirement accounts might be risky, how we cannot trust individuals or count on individuals to make good choices or decisions, how we cannot count on the Government to enact a substantive regulatory regime that protects the markets or the individual investors, and how this is risky because it takes money out of the Social Security trust fund. But I believe we need to recognize that empowering individuals to make such investments and control their retirement accounts is central to strengthening the rate of return I talked about, to improving the solvency of the Social Security system, and making a stronger retirement system for future generations.

Let's be clear about what we are talking about here. The kinds of investment options that most all of the legislation that has been introduced deals with offer voluntary accounts but don't touch the benefits of anybody who is retired today or any near-retirees, and they still provide a guaranteed minimum benefit. If you look at the legislation introduced by Congressman KOLBE or Congressman STENHOLM in the House, or Senators GREGG and BREAUX in the Senate, or Congressman NICK SMITH from Michigan in the House as well, these are pieces of legislation that reflect and respect the individual's strength to make good decisions, and the potential to improve the rate of return of the system, but at the same time protects the guaranteed minimum benefit that our retirees, and especially those without a strong economic means, have come to count on.

There are two issues I want to focus on in my remarks. First is this notion of empowerment and why it is so important to the strength of a retirement system that allows personal accounts. Second is the issue of solvency, on which I am sure we will get into some detail.

First, empowerment. When I talk about power, I think it is hard not to talk about money. Money is power; we all understand that working here in Washington. Any time we can take money out of Washington and return it to the individual or give the individual more control of their own money, we are strengthening and empowering them. In particular, these personal investment accounts—all of them I have seen structured in legislation more often than not increase opportunities for low-income people.

Those with high incomes in America have IRAs and 401(k)s; they have access to personal retirement accounts or retirement security investments that are independent from Government. Why is it that we are afraid to give that same economic empowerment to those at the lower side of the income scale?

These personal accounts create a real asset. Why are we afraid to allow individuals to control and own a real asset, a tangible asset that they can pass on to their family when they die? The opponents of personal retirement accounts say: We make a promise; we have a retirement promise within Social Security; we don't need to allow the individual to own the asset.

Well, I maintain that a promise is something very different than owning an asset. If you don't believe that, you can go to developing countries where they don't have private property rights, to former Communist countries where the state always promised to allow them to keep their land or promised to provide a pension. Owning something is very different indeed than simply having a government promise.

We want to empower them with a real asset that they can count on to be there when they retire. Over time, with a higher, stronger rate of return, the solvency of the overall retirement security system will be strengthened. The worst thing is to do nothing.

Between 2017 and 2041, we will begin paying out of Social Security. We may have Social Security surpluses today, and the trust fund may be growing today, but come 2017 it will stop growing and begin to shrink. There will be $6 trillion in outflows from general revenues in that timeframe and a $25 trillion unfunded liability over the next 75 years.

If we don't take action, we will be forced to increase taxes or forced to cut benefits. But thoughtful, substantive action that includes the power of personal retirement accounts will make a difference for the individuals across the entire country.

There is a lot of opposition here because these are not Government-controlled investments. There is a lot of opposition because the individuals won't be beholden to the whims of the Government. There is a lot of opposition here because some people don't want to harness the power of private markets, the power of compound interest, and the power of economic growth in order to create something that the Federal Government no longer controls.

I submit that those individuals and workers who are paying 13 percent today in payroll taxes will benefit greatly from this change. I think the risk is not to act. I think we need to act, and I look forward to hearing from the other side.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I thank the leadership on both sides of the aisle for sponsoring this debate on the future of America's Social Security system. It is one of the most important debates I think we can have as a nation, and I think many on this side of the aisle believe Social Security is the clearest expression of our Nation's values.

The Social Security system, for 70 years, has provided a promise, a commitment between generations, that if you work hard, pay your taxes, and play by the rules, one day you will be able to retire. Actually, no expression of the common good of our Nation has been more broadly accepted nor admired for the results: That the reduction in poverty of America's seniors went from about 50 percent to 8 percent during the existence of Social Security is a testimony to its great success.

It is not a handout; it is not welfare. It is an earned benefit that rewards work. It promotes and rewards what I think all of us would like to see in our society. Senator DURBIN and I could not be more privileged to stand in support of this national commitment to America's seniors, disabled, and children who lose a parent.

This universal insurance program provides guaranteed security for all seniors. Let me emphasize the word "guaranteed." Regardless of the state of the economy, rate of inflation, fluctuations in the financial markets, or the length of one's life, security is guaranteed, dignity is guaranteed.

It is hard to underestimate the importance of Social Security for our Nation's elderly. Of the two-thirds of our seniors and the disabled, 50 percent or more of their income comes from Social Security. For 20 percent of seniors in this society, it is their only income. For women and minorities, it is a much higher percentage of their protection as they go forward. Nearly 2 million children receive survivor benefits. For the disabled, it is more than 50 percent of their income. It is the ultimate safety net and one that is earned.

I think it is important for us as Democrats—and we certainly argue this—that Social Security's guarantee of financial security should be at the top of our Nation's priorities, along with educating our kids and protecting national security. "Social Security first" is more than a rhetorical phrase; it is a policy that works. That is why we so strongly oppose privatization views on Social Security through so-called personal accounts.

Privatization, in our view, is not about choice. Privatization is about mandatory cuts in guaranteed benefits. That is by the analysis from the President's own commission. All of the Social Security actuarial analyses admit that we will raid the trust funds for up to $2 trillion and will force deep cuts in guaranteed benefits—up to 25 percent for many current workers and, as the years unfold, as much as 45 percent for future enrollees. Those benefit cuts would not be voluntary. They would apply to all retirees—even those who choose not to invest in private accounts. We think that is a major problem, a major flaw in the direction you take.

Seniors simply cannot afford to have benefits cut, particularly those on the low-income side of our society. After all, today's Social Security guaranteed benefits are simply an average of $900 a month, or less than $11,000 a year. In fact, for women, it is $780 a month, or about $9,300 a year. I think that is pretty tough to live on in New Jersey; I don't know in Illinois, or Pennsylvania, or New Hampshire; but $9,300 doesn't cut it. It is very hard to presume that somebody is going to live successfully in their retirement. Many of us look at this and argue about priorities. Some argue that we need deep cuts to make sure Social Security is solvent. But the numbers prove that wrong, in my view.

In the next 75 years, the entire Social Security shortfall, in present value terms, is $3.8 trillion. That is a lot of money. Meanwhile, the Bush tax cuts would cost more than $12 trillion, present value, in the same amount of time. We need to make priority choices. We believe we can fund this, since it ought to be one of the highest priorities in society that would necessarily be on our agenda. We have the resources. It is a matter of will and of whether we want to make sure we have the fiscal discipline to set the priorities to make it happen.

I also want to talk about this rate of return. I am an old grizzled 30-year veteran of the financial markets, and I can tell you they go up, down, and move sideways for years on end. It is an uncertainty and a risk that you build into markets if you put it into these personal accounts.

We believe in that three-legged stool. We are not against private investing. We are not against personal savings. We encourage 401(k)s and IRAs, but I think it is a mistake to put at risk the guaranteed benefits for those 20 or 50 percent who are so dependent on Social Security.

There are a number of other problems I could find with private accounts. As to management fees, I assure my colleagues, the smaller the account, the higher the fees. They accumulate. We have had a number of problems with them in Great Britain and other countries. There are serious issues that need to be addressed before one even thinks about it.

I hope we do not lose track of that compact, of that commitment we have, that promise to make sure that if one plays by the rules, they pay their taxes and work hard, they will have a dignified retirement benefit. That is how the world has changed post the creation of Social Security, and we believe strongly that we ought to implement a plan that guarantees benefits.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleagues for staying this evening. The world's greatest deliberative body does not spend a lot of time debating. That was one of the biggest surprises that I learned when I first came over to the Senate. I hope tonight, if we have a good debate, it will set a standard that will lead to even more debates on the Senate floor.

For 66 years, Social Security has been America's insurance policy. Social Security has been America's promise that when all else fails, the monthly check from Social Security is going to be there to help you pay for your food, your utilities, and your prescription drugs.

Social Security has never been Uncle Charlie's red hot investment tip, that stock that just could not lose. Social Security has always been that rainy day fund that your dad and your grandfather told you to take care of first before you even listened to Uncle Charlie.

Some politicians do not like Social Security. It is an old idea. It has been around for several years. It is conservative. It is a Government program. It was created by Franklin Roosevelt during the New Deal. It is also the horse, though it never sets a track record, that always finishes the race.

The critics want to dismantle Social Security for a flashy, dazzling money maker that just cannot lose. They want to cut the current Social Security monthly benefit and add higher administrative costs at the expense of your parents' retirement and your own.

Now, they tell us that Social Security privatization adds up, but like that hot stock tip, their privatization argument is all about faith and not facts. As every good magician, they want to divert your attention from the most important part of their presentation.

The supporters of privatizing Social Security cannot explain how they will fill the $2 trillion hole in the Social Security trust fund that will be created when people lift out money to put in privatization personal accounts. If they were honest about their $2 trillion shortfall, they would tell you that the options are very limited and very painful.

For one thing, they might suggest we raise payroll taxes to make up the difference, but who needs an increased payroll tax with this lame economy? They could tell you honestly that we can raise the retirement age under Social Security and make up for the $2 trillion shortfall in privatization. But is that something you want the Government to mandate at this point in your life? Or they could cut Social Security monthly benefits, but that might come just at the time when your mother's prescription drug bill goes up $100 a month.

If it turns out that Uncle Charlie's hot stock tip, or the Republican privatization of Social Security, fails, guess who ends up holding the bag. Well, first, your parents, then you as their children, and ultimately, when the bottom falls out, future taxpayers.

The bad news about Social Security is not the bedrock principle on which it was founded. The bad news about Social Security is that this President and this Republican Congress, with their tax cuts for the wealthy and record-breaking deficits, are endangering Social Security and Medicare at exactly the wrong time.

This is a news flash from those who are supporting privatization, which I think they should crawl across every TV screen in America whenever this debate starts, and it ought to say, just so you did not miss it: The baby boomers are on the way.

We have only known that for 50 years. We have seen them coming. We know they expect Social Security to be there because they paid into it. So instead of historic deficits and Social Security privatization schemes, how about some conservatism for a change? How about protecting the Social Security trust fund?

In closing, this is a historic moment. Since the Republicans chose the issue of privatizing Social Security as our topic tonight, it now can be said officially to Republicans across America that it is now safe to say privatize Social Security again. For 3 years, they would not do it while the Dow Jones was diving, the Standard & Poor's was sliding, mutual funds were muddling, and corporate robbers were led away in shackles. Welcome back Social Security privatization. But there is one problem: the Republicans may now think it is safe to dive again into the Social Security privatization pool, but when it comes to common sense that pool is still empty.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to make sure the record is straight. I do not believe the Senator from New Hampshire used the word "privatization." My colleagues will not hear me use the term "privatization."

Privatization intimates to the American public that we are going to abandon the current Social Security system and turn it over to completely private accounts, which is not what any proposal on this side of the aisle or what the President's commission suggested.

What the President's commission suggested, what every bill over on this side of the aisle proposes—and, by the way, joined in a bipartisan fashion and has historically been a bipartisan issue—is to take a portion of the contribution that comes into the Social Security Administration and give people the option voluntarily to establish a personal retirement account to be part of their Social Security benefit which continues to be guaranteed as it is, as much as it is, under current law.

So let's understand that we are still talking about the foundation of this system being the same. What we are talking about is trying to solve the problem, a problem that my two colleagues on the other side of the aisle did not address. They talked about the criticisms of the personal retirement account option for people to help finance the shortfall in Social Security, that $25 trillion shortfall. They did not propose one solution as to how to do that.

We have proposed a solution that uses the power of the market, which uses individual choice. If my colleagues want to talk about guarantees, ask the people back in 1978 and 1984, after the 1977 and 1983 changes in Social Security, whether that benefit is guaranteed. In both 1977 and 1983 benefits were reduced. So this idea that there is some guarantee out there is only as good as the next Congress's vote. The real guarantee is ownership. One owns that money in their account. That is a private property right that is now not subject to the whim of the next Congress to take away from an individual. So what we are doing is giving real guarantees, real security to Social Security, No. 1.

No. 2, this idea that if we don't do anything, things will be fine? I hold up a comment by David Walker before the Aging Committee in the Senate. He said:

> Taking action now on Social Security would not only promote increased budget flexibility in the future and stronger economic growth but would also make less dramatic action necessary than if we wait.

Waiting is not an option. There are three things we can do to fix the Social Security shortfall. No. 1, raise taxes; No. 2, cut benefits; No. 3, grow through investment and thereby make up the shortfall. Those are the three options.

Senator SUNUNU and I think most Republicans, and some Democrats, thankfully, have said we prefer option 3.

By the way, this debate has been around a while, as the Senators have suggested. One of the issues is, Do we include people who are not now in Social Security in Social Security, like teachers, local government employees, State employees who are now exempt? They are vehemently against losing their investment-based Social Security system if they have to trade it for a pay-as-you-go, promise-from-politicians system that we have. If it is such a bad system, then why do all the people who have an investment-based system, at least in part, not want to be in this other system? The reason is because it works. Every other pension system in this country is based on that. And virtually every other pension system, Social Security system in the world, has some component of private investment.

We will be—I underscore "will" because I think it will eventually happen—the last to do this. But we should not wait because waiting costs. The longer we wait, the deeper the cuts in benefits that will have to be made if we do not go the personal retirement route, or the higher the taxes must go, again, if we do not come up with another method to solve this problem.

I want to put up a chart from Senator Moynihan. I heard talk that somehow or another, if this money is put aside, we are robbing money from the Social Security system. I have a couple of comments on that.

No. 1, the Social Security actuaries say:

> If the personal accounts are considered as part of Social Security, it is reasonable to combine the amounts of the trust fund assets and the personal accounts for representation of the total system.

So when the Senator from New Jersey said you are taking this money out of the system, you are not actually taking the money out. Actuaries say you actually should include it as part of it since it is going to pay benefits.

The Senator from New York said:

> Critics charge that establishing personal savings accounts would turn Social Security over to Wall Street. Dock workers would become day traders. A market downturn could wipe out benefits. The latter charge is obscene. The present progressive retirement benefit would remain.

That is the point I was making before.

> We are not eliminating the base Social Security Program. We are enhancing it, we are stabilizing it, and we are better securing it through investment. There is no occasion to touch it.

Not one proposal the President has put forward or one proposal put forward on this side of the aisle, in a bipartisan fashion I might add, does anything to undermine the basic Social Security system. It is, in fact, a response to shore it up, to make it stronger, and to make it secure and guaranteed for future generations. That is why we so strongly believe in it.

I yield.

The PRESIDING OFFICER. Under the previous order, there will now be a period for questions and answers: 1 minute has been allocated for questions, 2 minutes for response. The Democrats are to propose the first question. The Senator from Illinois.

Mr. DURBIN. Paul Krugman of the New York Times summarized this pretty well.

> Social Security as we know it is a system in which each generation's payroll taxes are

> mainly used to support the previous generation's retirement. If contributions from younger workers go into personal accounts instead, the problem is obvious. Who will pay benefits to today's retirees and older workers? Privatization creates a financial hole that must be filled by slashing benefits, providing large financial transfers.

The obvious question to the supporters of privatization is, Where will you find the $2 trillion that makes your proposal honest? Without filling that financial hole with $2 trillion, you have a theory that is too good to be true.

Mr. SANTORUM. That is a very good question.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. This question always hearkens me back to a commercial which dates me a little bit. It was Fram Oil Filters. The question was: Pay me now or pay me later?

The issue is, and the issue that, again, my colleagues on the other side of the aisle fail to address, and that is there is an unfunded liability here. How are we going to make it up? The question is, What is the best way to guarantee that for future generations?

What I believe is, by allowing individuals to put money into accounts which they own, which increase in value, we will secure that system to the future. Does that mean coming up with more money now to secure the system later? Yes. But if you don't do that, you are going to pay much more later. So the question is, Pay me now—do it in a way that is progressive in the sense that individuals own money and have control of that investment, have real guarantees because it is their money—or pay me later, on a promise that my benefits will not be cut, which they will have to be, or taxes will not increase, which they will be.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, in their opening statements we heard the other side use the word "guarantee" numerous times. To be sure, my colleagues and I believe strongly in the moral obligation that we have to ensure a sound retirement system. But to simply say "guarantee," "guarantee," as if that will solve the fundamental problems in our retirement security system is a huge mistake and it ignores both demographics and the baby boom generation and history because, we all know, in 1977 and 1983, significant changes were made.

We are willing to stand up and talk about ways that have been actuarially shown to strengthen the solvency of the system, but we still have not heard a single idea or proposal of substance from the other side. If you are not going to cut benefits, and you are not going to raise taxes, what ever are you going to do?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I appreciate the comments of the Senator from New Hampshire about guarantees. The idea of making certain that those payments, that $900 average that we are talking about, is available is going to take some of those kinds of choices that the Senator outlined, as did the Senator from Pennsylvania. We have to make some tough choices.

We made a very tough choice when we said we are going to cut taxes, the present value of taxes, $12.1 billion, which put us into deficit financing of $550 to $600 billion in the upcoming fiscal year, when the Social Security shortfall in this country, on a present value basis as opposed to accumulating all those totals over 75 years, is $3.8 trillion—three times the coverage of the estate tax. Even if you reformed it up to a $4 million or $5 million exemption, it would fill about one-quarter of that hole. The dividend exclusion, the cut in capital gains, would take it up a little over half.

There are other options than just sitting here and suggesting that there are no ways to fund this Social Security gap. That was why it was so important to emphasize "Save Social Security First" when we were running surpluses. We wanted to build up that Social Security trust fund so there would be income from it, but also have the ability to meet those needs as we go forward.

I think it is absolutely essential that we focus on guaranteed benefits because we are looking at the core, the fundamental cornerstone of what retirement savings is for a vast number of Americans. Fifty percent plus depend mostly on Social Security.

So having that at the risk of the whims of the market is a whole different kettle of fish than having what a guaranteed benefit is about. That is why we emphasize it.

The PRESIDING OFFICER. Next question, Democrat Senator.

Mr. DURBIN. I ask my colleagues on the Republican side, they say it is voluntary and all about giving people a choice. What kind of choice do you give people who do not want to open a personal account, who don't want to privatize? The choice you give them is to see their monthly Social Security benefit reduced. The average benefit of $900 will go down, if you decide that you don't want to play the stock market, you don't want to invest.

I have to ask you, How voluntary is that, if you are going to reduce the monthly benefit payment to those who do not sign up? And, the ultimate cost of this, since you cannot come up with a way to pay for the $2 trillion, could be as much as 40 percent of that current $900 monthly value. How voluntary is that? What kind of choice does that person have, when they lose the benefit they counted on all their working years?

Mr. SANTORUM. I assume what the Senator is referring to is the proposal by the administration to use price indexing versus wage indexing. Is that correct?

Mr. DURBIN. I was talking about the overall $2 trillion.

Mr. SANTORUM. Maybe I am confused. When the Senator says what change would then occur, my guess is—I am confused by the question.

Mr. SUNUNU. If the Senator from Pennsylvania will yield on this point because it was a confusing question, to say the least, but I think it gets the facts completely wrong. There are pieces of legislation that protect the guaranteed minimum benefit and that make no changes to those in the current system. To suggest that simply the act of proposing to allow some worker to control 2 or 3 percent of what they earn every week in a private account means that somebody else's benefits will be cut is simply demagoguery.

The Senator from Pennsylvania addressed the question of pay me now or pay me later. To be sure, if you allow personal accounts to be set up, you won't have as much money flowing into the trust fund today, but you will earn a rate of return and increase the value of those accounts in such a way that the total value of all the assets in your retirement system will be greater in the long run.

I think the Senator who worked on Wall Street understands that fact. I think anyone who has an IRA or a 401(k) understands that fact.

The legislation that has been introduced in a bipartisan way in this Chamber and in the House has been scored by the Social Security actuary to increase the solvency of the Social Security trust fund over that 75-year window.

That may be a frustration to those who vehemently oppose personal accounts in any way, shape, or form, but it is a fact. The Social Security actuaries are not partisan in this debate.

The PRESIDING OFFICER. The next question is from the Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I reiterate the first question which the Senator from New Hampshire offered, which is, What specific plans are out there? But I am not sure we are going to get an answer to that tonight. I will go to a second question.

We hear a lot, as I mentioned in my remarks, about their guarantee, and I know both Senators know about the Fleming v. Nestor case in 1960—a U.S. Supreme Court case that said that Social Security benefits are not guaranteed. You do not have a private property right to Social Security benefits. It is a political promise.

We saw evidence of that in 1977 and 1983 with those amendments to the Social Security Act which reduced benefits. So we are talking about this great guarantee, this incredible, infallible promise. Yet we have seen cuts in Social Security by previous Congresses.

My question is, Can the Senator tell me that the 1977 and the 1983 amendments are not examples of what you would call a guaranteed benefit and how those reductions in benefits square with you telling the American public that there is a guaranteed benefit?

Mr. DURBIN. Mr. President, let me just say that we can argue for some time as to whether this is a guaranteed entitlement. This much I can guarantee you. In a nation where 40 million people rely on Social Security for their checks, and where their families rely on receiving them, trust me; the people who are elected to this Chamber and the House of Representatives will be responsive to guaranteeing the future of Social Security. There is much less political risk when it comes to the future of Social Security than there is market risk when you decide that you are going to take a chunk of your savings and hope that you happen to retire at the right moment when the stock market is on the up tick rather than the down tick. The market risk is far greater than the political risk.

We might be able to suspend the rules of political science in this debate. We certainly cannot suspend logic, common sense, and mathematics.

If you wonder why this Nation is in deficit, listen to the argument on the other side. They will allow workers to opt out of Social Security and go into personal accounts and argue here calling this demagoguery when we raise the question that even if these workers opt out, that did not endanger Social Security. That doesn't add up. Once the workers opt out, there is not enough money to make current payments to retirees. They cannot explain to you how they will make up the difference. That is the problem—if we are going to maintain benefits, make it voluntary and not penalize current Social Security retirees. You have to explain to us how we make up the difference.

The PRESIDING OFFICER. The next question is from the Democratic side.

Mr. CORZINE. Thank you, Mr. President. Let me say on the constitutional question, the Court rules. But if there is a law that has to be changed, it has to come before this body. The political risk is no higher, in my view, than the market risk, being one who has lived with market risk for a fairly substantial period of my life and understanding that those risks are real and tangible. We have very real and tangible examples of that in the world today.

Look at the underfunded pension liabilities that are managed for some of those teachers and other people who have been talked about.

I think we are talking about two relationships. And I think when you are talking about—which gets to my question: Is $900 a month too much to promise our seniors? Is a guaranteed benefit of $900—and then adjusted for wage indexes so it is a standard of living and replacement wage—is that really too much? I ask the Senators.

Mr. SANTORUM. Only two-thirds of that $900—$600—is funded under the system we have right now. Three hundred dollars of that benefit—in other words, two-thirds of that benefit—over the course of the next 75 years is going to be funded. So the question is, How are you going to make up this difference? We have put forth a plan that reduces that unfunded liability, that makes up that gap substantially. If we were to do one of the plans, it makes it up completely.

So I suggest that we have plans on the table on how you get there. What we have not heard from the other side is how they get there. We have heard about the Bush tax cut. Are you suggesting we should increase taxes? What taxes do you want to increase to pay for these benefits? Are you suggesting that you don't want to increase taxes but somehow you want to reduce benefits? What benefits are we going to reduce to pay for this? But the fact is, you can't say to folks, It would cost this much—and it is not costing anything because all of the money stays in the system—to do their personal retirement account.

The question is, How do you make up the difference? Again, no answer and no ideas. We can do this or we can make up the difference or we will make sure the guarantee is good—but no plan and no ideas and no honesty to the American public as to what the particular solution is to solve this problem.

We have been courageous enough and bold enough to put forward a plan which, by the way, looks remarkably, in part, like the Thrift Savings Plan. Over these last few years, as bad as the market was, I didn't hear any Member of Congress or anybody else say we will abolish the Thrift Savings Plan. A diversified and balanced fund leads to good, long-term, stable investments over time.

That is what we are talking about. If it is good enough for Federal employees, it should be good enough for Social Security recipients.

Mr. SUNUNU. Mr. President, we always hear the opponents of personal accounts talk about risk. They love to talk about the fact that the market was down yesterday or the day before, or a particular stock didn't perform well. But, of course, nobody is talking about investing their retirement savings in the market the day before they retire. We are not even talking about investment for 1 or 2 years. We are talking about investing for 20, 30, or 35 years. Everybody knows the market goes up and down. But in a portfolio that is balanced and that is mixed with stocks and bonds, or with a blend of the two, the return over the long term will be strong but will be much higher than you could otherwise get from Social Security.

As a proof of that, I ask my colleagues if they can find any 20-year period in the last 100 years when this stock market didn't outperform U.S. Treasuries?

Mr. DURBIN. Mr. President, if you will look at the funds to invest in for individuals, virtually all of them suggest there is going to be an administrative cost in that instance. Most of them require a minimum investment of $2,000 because, frankly, the administrative costs can be so overwhelming. You tend to ignore that when you talk about the creation of personal accounts.

The British, in their experience in the United Kingdom, found that the administrative costs got out of hand to the point where they had to step in after several years. They also will step in because fraud was taking place. People were deluding future retirees into believing they were going to win in the market if they invested. That is a case in point where they tried to take the retirement savings in the United Kingdom using your model, and it didn't work. The administrative costs were far greater than they anticipated. Also, there was a fraud involved.

Taking money and putting it in the stock market is an option every American should have. But to use the Social Security funds of an individual for that purpose raises a risk that is too great for some people.

If the Senator from Pennsylvania suggests in the Thrift Savings Plan, the Federal retirees—he did not say that is part of our retirement; that is our savings account, over and above our retirement. I support what Al Gore supported, as do most Democrats, Social Security Plus. That allows people to invest in the Social Security over and above their Social Security. That would give them a chance to take advantage of a good market and not be eaten alive by administrative costs or defrauded out of the basic needs to survive.

The PRESIDING OFFICER (Mr. BROWNBACK). The next question is from the Democrats.

Mr. CORZINE. If the Senator from Pennsylvania will wait, I will ask that question.

The question we have to get to when we are talking about an intellectually honest debate about Social Security and whether people have a plan—you can ask whether one wants to talk about capital gains, tax dividend exclusion, inheritance tax, as I suggested, as a means to fill some of this gap. Others may have other choices. It happens to be this Senator's choice with regard to these particular issues, but there are other ways to do it.

There is no answer that I am hearing from my Republican colleagues about where you get the $2 trillion that is going to finance these transitions to private accounts—there is none; I have yet to hear it—without entering into the general funds at a time when we already have denigrated our fiscal posture in this country to an extraordinary degree, switching from $250 billion surpluses.

The PRESIDING OFFICER. The time of the Senator has expired.

The Republican response.

Mr. SANTORUM. First, I say again what we are talking about here with this thrift savings model—and I know many have been critical of that. It was stated that administrative costs would eat up the benefit. The administrative costs on Thrift Savings was .05 percent, .07—only 50 cents on every $1,000 investment. So it will not eat up the benefits of investment. That is No. 1. It can be done in a way that makes sense from the market return point of view.

The question the Senator from New Jersey poses is, How are we going to finance this? Again, the cost of not doing something is much larger than the cost of doing something.

The Senator has said he would increase taxes. I suggest that is certainly not an option I support. But I certainly respect the Senator from New Jersey for coming forward and saying we can solve this problem by increasing taxes.

The Senator suggests we increase taxes on things having nothing to do with Social Security, which would separate the covenant we have had, that Franklin Roosevelt put forward, that the contribution would somehow tie directly to the benefit you receive. So we will finance Social Security with things outside of Social Security.

I am not suggesting that. I am suggesting we will finance the shortfall through allowing people to take a portion of what is already being paid. If we did it immediately, we could put a little over 2 percent into personal retirement accounts and it would not affect anything. We have a surplus right now big enough to finance 2 or 3 percent of benefits going to that account. And over time, yes, we would have to come up with a mechanism in the short term to finance that 2 or 3 percent, whatever we put aside. Again, that would grow, so we would not have to do so over the long time.

The PRESIDING OFFICER. The time has expired.

The next question is from the Republicans.

Mr. SANTORUM. The Senator from Illinois mentioned the British system. The Senator from Illinois knows that the current Prime Minister of Britain, who is not a Conservative-Republican but a Labor-Democrat, if you will, has suggested expanding the personal retirement accounts in Britain, saying they have learned from their mistakes, the system has been improved and reformed, and he wants to expand the system to create more opportunities.

Just recently—in the last couple of years—Sweden—that conservative bastion in Scandinavia—has gone to personal retirement accounts. Most European countries have done so. Almost all of the South American countries have done so. Russia and China are going in that direction. The rest of the developed world has recognized the power of the market as a reliable tool to finance long-term commitments for retirement. Not here in America. Now, that is not a surprise because when we adopted Social Security in the late 1930s, we were one of the last to do so.

I ask the Senator who asked the question, if it is good enough for the rest of the world, why isn't it good enough for us?

Mr. DURBIN. I thank the Senator from Pennsylvania. It is rare of him to argue that the social programs in Russia and China should be emulated here in the United States.

It is interesting he would start with the British because they certainly have a much grander view when it comes to government responsibility on health care. If we were to guarantee the same type of health care protection to Americans as the British, not only for retirees but for the people, perhaps we could follow their logic in saying we may have failed over the last 10 or 15 years with their private savings accounts but people were not hurt that badly.

In the United States, if the experiment which the Senator has suggested with Social Security benefits tries and fails, we will have a generation or two of retirees on the hook, people who will not have what they anticipated they would have at the time of retirement. Then where does the burden fall? It falls on their children, first, to try to take care of their parents, and ultimately on the rest of the taxpayers.

This noble experiment, unfortunately, still has this big gap in it—$2 trillion—which the Republicans, suggesting privatization of Social Security, cannot come up with. Until they do, we are going to have to cut benefits. Cutting benefits is certainly not the answer to providing any kind of security for our retirees.

The PRESIDING OFFICER. The next question is from the Democrats.

Mr. CORZINE. I know my colleagues on the other side of the aisle are a little resistant to talking about avoiding making permanent some of the Bush tax cuts, but I wonder if there is any proposal at all, among the tax cuts that the President has laid down and we as a Congress have supported, that one would feel were appropriate to help finance this incredible deficit that I think we all agree is so important, whether it is to fill that $2 trillion gap that you admit is there and will have to default. Is it looking at people who make more than $1 million? Is that worth trading off financing adequately the Social Security system? Is there no tax cut that has come through that would not be justified relative to the cost of having it?

The PRESIDING OFFICER. The time has expired.

Mr. SUNUNU. Mr. President, let me provide for my colleagues an example of what it is to answer a question: No. Of course not.

Cutting taxes is about strengthening the economy. If you have not noticed, we have been in a recession. When you are in a recession, you want the economy to grow because economic growth is the single most important thing to increasing revenues. If you want to balance the budget, you need to do two things: Strengthen the economy and strengthen revenue growth, and of course control spending. I am not willing to forgo the tax cuts that have strengthened the economy.

When we asked the Democrats in this Chamber tonight for a plan to strengthen Social Security, we heard no answer. When we pointed out that the long-term success of markets in generating economic growth and a strong rate of return is historically without argument, they ignored the question. When we asked about the success of personal retirement accounts in country after country around the world, they changed the subject and decided they wanted to talk about health care.

We cannot ignore the challenge before us. We have talked about substantive solutions here. The suggestion that simply because we are creating personal accounts means we have to cut benefits and the fact that the Democrats want to ignore the rate of return that strengthens the assets in the entire system is not reason not to take action. We need to take action. We need to take up this challenge. And we need to be clear in the answers to the questions that are being asked tonight.

The PRESIDING OFFICER. This will be the final question that will be asked by the Republican side, which will have 1 minute.

Mr. SUNUNU. Mr. President, to that point about this suggestion that there is $2 trillion or $3 trillion—the number seems to get greater—in this so-called hole that does not exist because in the long run the system will be in better actuarial balance and because those assets will always be part of this system—to this point precisely, the nonpartisan actuaries of Social Security found that under a reformed system as proposed by the President's commission almost all workers could expect to receive higher benefits with a personal account plan, and the biggest increase in benefits would go to low-income workers.

In 2050, a low-wage retiree could expect 26 percent higher benefits from the commission's personal account proposal. Why, if this kind of a proposal is not just actuarially sound but better for low-income workers, are my opponents unwilling to even consider the idea of personal accounts?

The PRESIDING OFFICER. Two minute response from the Democratic side.

Mr. CORZINE. The Senator from New Hampshire makes the assertion that the Social Security actuaries have said that these plans—at least the President's commission's plans—will resolve the problem related to solvency. I, for the life of me, do not read those actuarial reports with that conclusion. In fact, the reason we are talking about the $2 trillion that seems to be missing—the magic asterisk—is that that, in fact, is talked about in these actuarial reports as a basis for cutting guaranteed benefits—25 percent for near termers, 45 percent for people out in that 50-year timeframe.

There is a missing hole. It is not enough just to assert that this is actuarially sound when that is not, in fact, what the reports say, at least as I read them. And I do not understand how we are going to get through those transition costs, which are repeated by almost any objective analyst I have heard talking about moving to privatized accounts.

That is why we so strongly stand and speak to guaranteed benefits because that is what the program is about. Yes, it has the political risk, but, as I think the Senator from New Hampshire knows, markets have a risk. They have real risk.

The Senator talked about a 20-year timeframe. I think if one looked from 1929 to 1949, you would find a 20-year period where returns were at best flat, if not diminished. So it is a very tough analysis to show that any individual retiring at any given point in time is going to be secure because the markets have produced a 7-percent return, which, if you look at 100 years or 50 years, may very well be the actuarial result. But you don't eat actuarial results; you eat benefits.

The PRESIDING OFFICER. There will now be a period for closing arguments on either side. Each side has 5 minutes in which to close their arguments.

Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I would like to be recognized for 2½ minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 2½ minutes.

Mr. SANTORUM. Thank you, Mr. President.

I thank my colleagues for this debate and appreciate the opportunity to talk about this very important issue in a way that talks about the bigger issues of the day. I thank them for their engagement on this issue.

I end my part of this debate by going back to someone who is not necessarily a great favorite of mine but someone who knew a little bit about the Social Security system, and that is Franklin Delano Roosevelt. He was adamant—adamant—that we have a funded Social Security system. He did not agree with the pay-as-you-go system that was adopted in the late 1930s. In fact, his Secretary of Labor, Frances Perkins, said that he—"he" being FDR—described building such a system, a pay-as-you-go system—which is the system today—as "immoral," immoral because he understood that a pay-as-you-go system would pile up obligations on future generations of taxpayers.

That is exactly what is going on. Back in 1940, there were 40 workers for every 1 beneficiary. Today, there are 3.4 workers for every 1 beneficiary. In 20 years, there will be less than 2 workers for every 1 beneficiary.

This system is becoming more and more and more inequitable. Franklin Roosevelt was right when he said such a system is immoral. A moral system, which every other retirement system in America is funded upon, is a funded system, a system that says you will contribute so much, invest that money and have that money funded—real assets to pay benefits, not taxing future generations for accrued benefits of someone in the past.

We are in a system that has what I described. We will keep that system forever. But we should at least have a partially funded system that has some buildup of equities to be able to pay benefits for future generations. That is what we are trying to do. It is a more moral system. It is a better and more equitable system. Considering the changes in demographics that we have going on in this country, it is one that is necessary to avoid big cuts in benefits or big tax increases. It is the fairest, most equitable, just way—most moral way, according to Franklin Roosevelt—and we should adopt it.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, to clarify the UC, do I understand we have 5 minutes to close, and we will be the final speakers?

The PRESIDING OFFICER. The Democratic side has 5 minutes. The Republican side had 5 minutes, and they have used 2½ minutes. There is nothing in the UC to determine which side goes last.

Mr. DURBIN. If I could read to the Chair—and perhaps I am mistaken here—it said: Further, I ask consent that the next 10 minutes be equally divided for closing comments, with the Republicans controlling the first 5 minutes.

The PRESIDING OFFICER. That order was not obtained.

Mr. DURBIN. It was changed.

Could I have clarification what the order is, then, so we can end this appropriately?

The PRESIDING OFFICER. It was simply 10 minutes for closing argument. There was no delineation as to who would go first or second in the final determination of the order that was obtained.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, I would ask to be notified when I have used 2½ minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. DURBIN. Mr. President, I have listened carefully to the debate tonight and I have listened to the suggestions to privatize Social Security with personal accounts, and I have waited to hear the following: If you take current people paying into Social Security for today's retirees out of the mix, who is going to make up the difference? Who is going to make up the money that is lost currently being paid to retirees?

That is an unanswered question. Until that question is answered, this cannot be an honest proposal. That gap, that failure of any discussion on privatization of Social Security, leaves current retirees in the lurch—and those about to retire—because people will be bailing out if they decide to take personal accounts proposed by the Republican side—and nobody makes up the difference.

I will say that the Republican side has been resolute in saying they will not even consider looking at the tax cuts that President Bush has proposed twice now during his administration, resolute in their belief that though they have failed to revive the economy—these tax cuts have driven us into the deepest deficits in our history—and though the total cost of these tax cuts will be three times the amount of money that we need to save Social Security on a permanent basis, they are resolute that we cannot ask one millionaire in America to give up a penny in his Bush tax cuts—too much, too far to go.

It shows you how this cannot be resolved in honest terms because unless and until we are all committed to the future of Social Security, unless and until we realize that rich and poor in this country all benefit from having this insurance policy—which Franklin Roosevelt conceived so that our parents and grandparents could live in dignity—we will continue to reach a stalemate in this conversation.

Stick with the basics. We should not cut current benefits. We should make any program voluntary, and it should be an add-on to the Social Security retirement. It should not be in place of it, unless you can come up with an honest answer of how we are going to fill the hole.

I yield the floor.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

The Republicans have 2 minutes 30 seconds remaining.

Mr. SUNUNU. Mr. President, earlier in the debate I made clear that it was frustrating that we had asked the other side for a proposal, a plan, specifics to strengthen the Social Security system, and they had not given an answer.

Here, finally, in the last minutes of a debate that has gone over 1 hour, we get an answer: They will commit to raising taxes. Because to suspend or eliminate tax cuts in order to cover this shortfall in Social Security is to make a firm commitment that you will raise taxes, that you will take new taxes into the general revenues and divert them to Social Security. That is a tax increase. There is no ifs, ands, or buts about it.

Every worker in the country already pays over 12 percent of their payroll every week in taxes into the Social Security system. I say that is enough. We can reform, strengthen, and vitalize this program by empowering workers, giving them the option to control 2 or 3 or 4 percent of those payroll taxes every week and put it in a personal retirement account, not to gamble it on penny stocks but to put it in a fund similar to the Federal Thrift Savings Plan, a mixed basket of stocks, a very secure investment in bonds, perhaps a mix of the two, to invest not for 1 or 2 years but for 20 or 30 or 40 years; empower workers today to control more of what they earn. Surely that is a good thing for those workers because it gives them an asset they can leave to their family.

When we take money out of the hands of bureaucrats and give more control to individuals, we are making them more powerful and, to be sure, we are making the bureaucracies less powerful. That is indeed a step in the right direction.

When they set up these accounts, the assets don't disappear or go away. They stay part of the retirement security system. If you look at the proposal just introduced last week by Representative NICK SMITH, that has been scored by the actuaries as returning more to the system in the long run to cover any shortfall that you claim. Whether it is $500 million or $500 billion or $1 trillion or $2 trillion, whatever number you choose to pick today, over the long run there are more assets in the system to be used to pay benefits, and that is what makes it actuarially sound. That is what makes it a good idea for workers and a good idea for the American people.

I thank my colleagues.

The PRESIDING OFFICER. The Democratic side is recognized for 2½ minutes. The Senator from New Jersey.

Mr. CORZINE. Mr. President, we could get into a debate about whether making tax cuts that have not occurred yet permanent is a tax hike. I think that is not what we are talking about tonight.

Are there ways this can be financed? At least this Senator made some specific suggestions about where one could look for funding that would cover this gap, and I think there are a number of ways of looking at it. They require tough choices. Is providing $900 monthly income to seniors more important than eliminating the estate tax, providing a dividend exclusion to a very narrow sector of our society, or is it better to provide $900, $11,000 a year on average, to the American people, providing also for 2 million kids who lost their parents, dealing with the disabled in this country? It is hard for me to understand these tradeoffs, but at least I believe that that is an argument the American people would find winning.

I also believe Social Security has been a promise to the American people—again, that if you live by the rules, you pay your taxes, if you show up and work, if you are committed to a lifetime of work, you will have a dignified retirement. And putting this into the risk of a marketplace—a world that, both fortunately and unfortunately, from time to time I have lived in—can lead to results for individuals that are much different than what the expectations or whatever actuarial numbers are projected by people who are bureaucrats thinking about what returns will average out over some long period of time. Because people live in the here and now, in a 20-year timeframe or 40-year. They work and they retire at a certain point in time. And if the market is not performing at that point in time, when that account they own comes up, they don't have those guaranteed benefits.

By the way, this is a zero sum game. When you take out that $2 trillion, it requires that somebody else give, not only the people who are choosing to leave the system but those people who choose to stay in the system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CORZINE. We should protect Social Security and oppose privatization.

The PRESIDING OFFICER. The debate is concluded.

STEEL TARIFFS

Mr. ALEXANDER. Mr. President, I would like to make a few remarks about the report of the International Trade Commission on steel tariffs, which was made over the weekend. Late last Friday night, the International Trade Commission released its report on the impact of the steel tariff. The steel tariff is a tax. It is a tax that the administration imposed in March of 2002 on at least 10 different kinds of imported steel, including the kind of steel that is used to make automobiles and trucks in this country. The effect of the tariff was to increase the price of that steel up to 30 percent. It had a noble purpose. The President hoped to save some steel jobs in this country.

The International Trade Commission (ITC) over the last several months has taken a lot of testimony and done a good deal of study to see what was the impact of that decision made in March of 2002 on both the steel industry, the steel producing part of our country, and on the automobile industry and on the other steel consuming parts of our economy. The report's finding on the overall economic impact of the steel tariff was not very surprising. According to the report, the steel tariff has saved a few steel jobs by raising the price of steel. But it has cost U.S. manufacturers, the auto parts suppliers, for example, over $680 million. The report also claims that somehow to make up for this, the tariff revenue to the U.S. Government, collected on the steel that came in from outside the country, was about $650 million. So the ITC estimates that there was not too much damage to the economy, only a $30 million loss in GDP.

But what that overlooks is who paid the tax? It was, in part, the struggling auto parts suppliers who are manufacturing parts in this country in competition with auto parts suppliers all over the world. They paid the tariff to the federal government directly when they shipped in foreign steel themselves and in part indirectly when they paid higher prices to their distributors who brought in steel from abroad for them. They paid the tax.

What has happened over the last year and a half, when all of us have been making speeches about how our greatest economic challenge may be how to keep our manufacturing jobs from moving overseas, is that we have imposed upon our manufacturers a tax, a tariff that has increased their costs by up to 30 percent and made them less competitive.

As a result, they have done what manufacturers have to do. Rather than lose money, they have laid off a few employees or they have begun in a few cases—I know this in my own State of Tennessee; we are a big manufacturing State and one-third of the manufacturing jobs are automotive jobs—they have begun to move their parts suppliers to Mexico or Japan or Korea or other parts of the world where parts can be made, paying the global steel price.

So, yes, we may have brought in $650 million to the U.S. Treasury in the tariff, but it has been paid on the backs of the steel-producing auto parts suppliers and other steel consumers of this country, and it has had the effect of driving jobs overseas.

The report also illustrated something we knew to be true; that the steel tariff is hurting steel-consuming firms all across the United States, from auto parts suppliers to home appliance manufacturers, to tool and die shops to metal stamping facilities. All of these steel-consuming firms have been affected by the burden of the steel tariff in some shape or form.

Here are a few things the report said: One-half of the steel-consuming firms surveyed reported they had difficulty in obtaining steel in the qualities and quantities they needed. That is an added cost.

Second, almost a third of these firms relocated or shifted production to foreign plants, facilities, after the implementation of the tariff.

That is exactly what we do not want in this country is any kind of new cost added by the Federal Government which causes a parts supplier in New Hampshire or Tennessee to move a plant overseas.

Third, one-quarter of these steel-consuming firms reported that their customers shifted to purchasing finished parts or assemblies overseas as a result of the steel tariff.

Let's say you are making a sunroof in Gordonsville, TN, and the cost of steel goes up 15 or 20 percent and that is the major raw material you are using. The Nissan Smyrna plant in Tennessee can buy that roof from just down the road in Gordonsville, everything else being equal, but the sunroof can also be made to a high standard of quality in many other countries in the world—in Japan, in Korea, in Mexico, in Canada. If costs are too high, too much out of whack, then the American automobile plant, in order to keep its costs down so it can be competitive, will buy that finished part from overseas. That is not subject to any tariff.

Fourth, almost one-third of these firms reported the contracts they had in place to purchase steel were broken or modified after the tariff was imposed and reported a loss in profits due to these problems of approximately $190 million.

Finally, one-third of these firms reported longer lead and delivery times.

This also is very important. There is such a thing as just-in-time delivery in the automobile business. That is why in Tennessee we have gone from having two dozen auto parts suppliers 12 or 14 years ago to more than 950 today. The Toyota plant and the Nissan plant and the Saturn plant and the Mercedes plant—all of them located in the South, some still located in the Midwest—they like to have their parts suppliers nearby. If those firms have longer lead and delivery times, it makes that just-in-time delivery advantage less reliable.

In addition, the report further highlighted the impact the steel tariff had specifically on auto parts suppliers. There are a lot of automotive people in the country. Historically, they have been in Michigan and in Ohio—the song "Detroit City" was written about Tennesseans who went to the Midwest to get good jobs and send the money home, and then they would come back themselves one day. Now, a lot of those auto parts suppliers have followed the auto plants to the rest of the country, to the Southeast and the Deep South.

As I mentioned earlier, Tennessee is home to about 950 of these auto parts suppliers. They make up about one-third of all our State's manufacturing jobs.

Mr. President, 85 percent of the auto parts suppliers surveyed in the ITC report said that their steel prices in the United States were higher than global prices; 31 percent reported that customers had shifted purchases to buying finished parts or assemblies overseas as a result of the tariff; 74 percent reported changes in contract prices for steel; and 55 percent reported the steel tariff was the only important factor in these changes in steel prices. Mr. President, 79 percent reported an inability to pass on steel price increases to customers.

There is a lot of back and forth about just to what extent these steel prices have gone up. The report mentioned a variety of figures. It mentioned a figure of an 8 percent increase in hot bar steel. I wonder if maybe taking a snapshot of 8 percent in March of this year over March of last year ignores some of what goes in between.

But here is what some of the auto parts suppliers said in testimony before the International Trade Commission was the effect of the steel tariff on steel prices.

Arvin Meritor said its price increases were 25 percent to 40 percent on cold rolled and galvanized steel. Delphi said its prices increased 5 percent to 48 percent. DURA saw its prices increase 30 percent. Federal Mogul saw its prices increase 25 percent. Metaldyne saw its prices increase 10 percent. Transpro saw its prices increase 25 percent.

Maybe some were lower and maybe some were higher, but these plants found in a very competitive business that even a few pennies more in cost per part makes a difference in their ability to keep a job in the United States. They found their costs suddenly way up—15 percent, 20 percent, or 25 percent. All of these burdens have meant extra costs to steel-consuming firms—extra costs that have affected steel-consuming jobs all across America. The steel tariff may have saved some steel-producing jobs, but it has already destroyed a lot more steel-consuming jobs. The findings of the ITC report alone should give the President ample reason to end the steel tariffs.

I spoke on this subject on July 16 in this Chamber. I tried to point out at that time how both steel-consuming and steel-producing jobs are important to our country. But if that is all you are considering, there are a whole lot more steel-consuming jobs than there are steel-producing jobs. For example, in Tennessee, there are about 328,000 steel-consuming jobs. There are only about 3,000 steel-producing jobs. There are 100 times more steel-consuming jobs than steel-producing jobs.

The United States has 12.8 million steel-consuming jobs—2.1 million of which are in the auto business. The United States has 226,000 steel-producing jobs.

Everybody's job is important. Just to come along and say we want to save steel jobs cannot be used as a rationale for a steel tariff when the effect is that it destroys a lot more steel-consuming jobs. Even in States such as West Virginia and Pennsylvania, there are a lot more steel-consuming jobs than there are steel-producing jobs. There are more auto jobs in Pennsylvania than there are steel-producing jobs. That is no reason for the steel tariff.

The economy is beginning to recover. Manufacturing is up. Manufacturing jobs are not up. We are more productive. So there are fewer jobs. But manufacturing for the last 3 months, according to the Wall Street Journal, is up.

I strongly believe this recovery is a direct result of the President's job and economic growth plan. The last thing we need now is to continue any new costs such as the steel tariff on a major manufacturing sector that slows down our economic growth. I fear that if the steel tariff remains, we will see more plant costs during 2004 in Tennessee and across America.

I believe the President has made an honest, good-faith effort to save steel jobs. But it has backfired by destroying auto and other steel-consuming jobs. I hope he takes into account the information that was revealed in this report this weekend. The President is a very good listener. He has given this decision almost 2 years to operate. I hope he will decide based on the fact that the tariff is destroying auto jobs that the best decision he could make for the American worker is to end the steel tariff, and to end the steel tariff now.

WAR ON TERRORISM

Mr. THOMAS. Mr. President, of course we have an important bill before the Senate. However, one of the overriding activities, and it is unfortunate, is the discussion of our efforts in Iraq and probably the highest priority now, the fight over terrorism.

It is a challenge, of course, to deal with terrorism, which is not only focused in one place but particularly in that part of the world. We have a commitment to win on our terms. We are highly committed.

Our world changed September 11. The things attached to September 11 went beyond Iraq, went beyond Afghanistan. We are dedicated to complete our work there. We are dedicated to completing the job we have begun. Everyone understands that. It is a difficult task.

Never before have our troops done such a wonderful job. We have ahead following up with stability in Iraq. It is a long-term, difficult job.

We have heard stated our involvement in Iraq is based on fraud put forth in Texas. This is unreal and something that we do not need to put up with in the Senate.

Our involvement with Iraq goes back a long time, to the gulf war. Our troops did a great job there. We worked with Iraq following that. They failed to agree with the United Nations agreement on the followup. So obviously, there were many reasons to do something with Saddam Hussein. I don't think there is any question about that.

The key to Iraq is winning the war on terrorism. That is why we are there. The President has asked for a large amount of money to fund the war on terrorism. We knew that would be the case. Certainly of the $87 billion, some is for our troops. No one argues with the notion we have to give our troops the support they need. The majority of the money will go to our troops in Iraq and Afghanistan while we continue to give them the resources they need to continue to win.

There are also other needs if we are going to finally get this country to be self-supportive, which is our goal, and to do away with terrorism so it is not a source of danger around the world. We have to be committed. The stakes are high. And our spending has been high.

We have been, since September 11, in some unusual arrangements. I am serious about trying to control spending and to keep it within the budget, but when there are extraordinary circumstances, you have to take extraordinary steps. And certainly September 11 is extraordinary. Certainly the economy now, which we are trying to strengthen, is extraordinary. The terrorism that continues to take place is extraordinary.

So if we are to be successful in this global war, we must be willing to pay that price, and we must do the job correctly. I think that is particularly important after we are there. I guess before we began, you could talk about all kinds of things. The fact is, we are there. The fact is, we are committed. The fact is, we have done a great deal. We need to continue to see it through and see our duty through.

Where are we today? We are winning the war in Iraq. The situation remains dangerous, of course, and it is not settled, it is not steady. But great progress has been made.

It is interesting how much of a different picture you receive from people who have been to Iraq and then come back and tell what they have seen and what they feel as compared to what you see on the news nightly. I understand that bad things are always news, and so that is not a new idea. But progress is being made. There is no food crisis, no refugee crisis, no public health crisis.

The coalition is helping Iraq establish a representative basis for a democratic government of their own, something they, of course, have never had. And it is part of our goal for the future. The coalition authorities continue to help repair the vital infrastructure all across the country. We are seeing increasingly other countries becoming involved. I think soon we will see the U.N. be more involved than it is now. Coalition forces are aggressively hunting down members of the former regime.

Unfortunately, some would rather ignore the achievements, I think, for political purposes. That is too bad. I understand there can be differences of view. That is perfectly legitimate. But when you get the sense that sort of thing is being designed toward an election in 2004, it is a little disturbing.

The former regime in Iraq had ties to al-Qaida; there is no question. It harbored and supported terrorists; there is no question. It possessed weapons and used weapons of mass destruction. They had done that; there is no question. They were a threat to the region and the world. We know that was the case.

When we decided to use military force, the President made the best decision he could make. To suggest this was dreamed up in Texas for political purposes is not realistic, nor is it fair. Using the best information available at the time, the President made his decision—a tough decision. Can you imagine having to make that kind of decision following September 11?

So it is a very difficult issue. But I think, truly—and my only point is—we can disagree, but we ought to disagree taking into account the facts, letting people make their own judgments. I understand that. But I think to portray the President as deliberately misleading the public is not a reasonable approach and one that should not take place among our associates. The war on terrorism takes time and patience and dollars, and we must see it through.

Mr. President, I feel very strongly about this issue, so I wanted to make those comments today.

CONGRATULATIONS TO LAIRD LARSON AND BOB DUXBURY

Mr. DASCHLE. Mr. President, today I want to offer my warmest regards and sincere congratulations to Laird Larson of Clark, SD, and Bob Duxbury of Wessington, South Dakota, on their receipt of South Dakota State University's Eminent Farmer award for 2003 in Brookings last Friday night.

Laird Larson and Bob Duxbury are well known and highly respected within SD, not only as dedicated farmers, but also as innovative community leaders. I know of no individuals more deserving of this recognition than Laird and Bob.

Laird and his wife, Kathy, have farmed in Clark County, SD, for almost 30 years. They are active in a number of farm organizations, including the South Dakota Crop Improvement Association, SDCIA, where Laird has served on the county board of directors for nearly 20 years and as State president. This year the SDCIA recognized Laird as is its Premier Certified Seed Grower.

Laird also has a long history promoting agricultural education. He has raised funds for renovating greenhouses at South Dakota State University and is currently working to develop a seed science center at the school.

Laird and Kathy Larson understand the unique character of rural life and have passed on its values to their three accomplished children: Heidi, who works for Wisconsin Crop Improvement; Shane, who I had the pleasure of getting to know when he worked on my Senate staff several years ago; and Sara, who is majoring in special education at Augustana College in Sioux Falls. The Larson family reflects the strength and character of rural life in America today.

Bob Duxbury and his wife, Rose, farm and ranch near Wessington, in central South Dakota. In a landscape dotted with farms, ranches and small communities, farmers and ranchers not only are called upon to feed our Nation with safe and affordable food, but in many instances are also called upon to serve in public office. Bob exemplifies that dual commitment, standing today as a shining example of Thomas Jefferson's enduring ideal of the citizen farmer.

Bob's commitment to agriculture started at a very young age, with his own participation in 4–H and continued with his degree from South Dakota State University in 1956, which he used to teach animal science. He served as the State's Secretary of Agriculture from 1975 to 1978 and was a member of the State Fair Board from 1971 to 1975. He also has been a member of the South Dakota legislature for nearly 20 years, many of those in leadership positions.

It is instructive that Bob has maintained his interest in 4–H programs for six decades, serving as president of the South Dakota 4–H Leaders Association, and was a recipient of the first National 4–H Alumni Award for South Dakota in 1973. As chair of the Hand County 4–H Leaders Association, he helped secure the current county 4–H site and assisted with construction of the other facilities. His love of agriculture and rural South Dakota is being carried forward, as his grandchildren are now involved with 4–H.

Again, congratulations to Laird Larson and Bob Duxbury for their recognition by South Dakota State University for their contributions to South Dakota agriculture.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Redwood City, CA. On September 13, 2003, a Sikh cab driver, Devinder Singh, was shot and killed in an apparent hate crime. Two days after the anniversary of the September 11, 2001, bombing tragedy, Devinder Singh was called to pick up two passengers and drive them from Redwood City, CA to Menlo Park, CA. One or both of the passengers shot and killed him after driving less than four blocks in the cab.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FOR FISCAL YEAR 2004

Mr. MCCAIN. Mr. President, last week the Senate passed the annual energy and water appropriations bill. As my colleagues well know, the energy and water development appropriations bill is perhaps one of the most important measures this body considers each year. This bill provides funding for our Nation's energy resources, finances much-needed improvements to our water infrastructure and provides funding for critical aspects of our national security needs.

Let me begin, by commending the managers of this bill, Senator DOMENICI, the chairman of the subcommittee on energy and water development, and Senator REID, the subcommittee's ranking member, for their hard work on this legislation. The task before them was great, and they successfully completed this bill in a timely fashion, allowing the appropriations process to move forward.

As my colleagues know, this legislation funds critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corps of Engineers and the Bureau of Reclamation. Furthermore, the bill increases funding for the energy supply, designed to develop new energy technologies and improve existing energy programs. These are significant aspects of this legislation and seek to ensure a diverse energy supply for our nation.

Given the energy problems facing our country, these aspects of the bill are worthy pursuits. Again, I have tremendous respect for the hard work done by the managers in putting this bill together. I am, however, disappointed that once again my colleagues on the Appropriations Committee have succumbed to temptation and loaded this bill with numerous locality-specific earmarks, special deals and unnecessary, wasteful porkbarrel spending projects.

This bill contains nearly $1.2 billion more than what was appropriated for fiscal year 2003 and is over $700 million more than the administration's budget request. In this bill, I have identified over 700 items of unrequested, locality specific earmarks, unauthorized spending and special deals for certain states totaling nearly $1.5 billion. I will post a list of these items on my official Senate website.

Let me highlight just some of the egregious aspects of this bill. There is $6.9 million for the New Mexico Education Enrichment Foundation. Aren't any of the other 49 States in this country entitled to "Education Enrichment"? There is $1 million for water management in Hawaii. There is $1.5 million above the budget request for oyster recovery in Maryland and Virginia. There is $500,000 for exhibits at the Atomic Testing History Institute in Nevada. History Institute—a pretty fancy name for a museum. There is language directing the Corps of Engineers to repair a Fish Viewing Building in Washington State. There is $13 million above the budget request for the Kanawha River in West Virginia.

There is $1.5 million for the University of Nevada-Las Vegas to conduct safety and risk analysis. There is $20 million for the Lewis and Clark Water Project in South Dakota. There is $3 million above the budget request for the Tropicana and Flamingo Washes in Nevada. There is $105 million to build a "microsystem and engineering" facility in New Mexico. There is $690 million to build a waste treatment plant in Richland, WA. There is $14 million to build an "immobilized" interim waste storage facility in Richland, WA. Just how many wastes facilities does Richland, WA need? Thankfully this one is "immobilized"—there is nothing more disturbing than "mobilized" waste.

There is $20.2 million to build a glass waste storage building in Savannah River, SC. There is $38 million above the request for the Appalachian Regional Commission. There is $5 million above the budget request for the Delta Regional Authority. There is $39 million above the budget request for the Denali Commission.

The Corps of Engineers general construction account itself contains 128 unrequested, locality-specific projects which total over $382 million. Let me read a few of those for the RECORD. I ask unanimous consent that the list of these 128 projects be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNREQUESTED ARMY CORPS OF ENGINEER CONSTRUCTION PROJECTS

ALASKA

$4 Million for Dillingham Emergency Bank
$3 Million for Dillingham Small Boak
$4 Million for Kake Dam
$1 Million for Sand Point
$1 Million for Sitka
$10 Million for Wrangell

ARIZONA:

$3.5 Million for Rio De Flagg, Flagstaff
$7 Million for Tres Rios
$5 Million for Tucson Drainage Area

ARKANSAS

An increase of $7 Million over the budget request for Montgomery Point Lock and Dam
$3 Million for Ozark-Jeta Taylor (Rehabilitation for powerhouse)
$750,000 for the Red River below Denison Dam
$1.25 Million for the Red River Emergency Bank

CALIFORNIA

An increase of $1 Million over the budget request for Hamilton Airfield Wetlands Restoration
$4 Million for Harbor South Bay Water Recycling
$200,000 for Imperial Beach
An increase of $2.5 Million over the budget request for Napa River
An increase of $13 Million over the budget request amount for Oakland Harbor
$15 Million for the Port of Los Angeles Main Deepening

DELAWARE

$214,000 for the Delaware Cost from Cape Henlopen to Fenwick Island
$500,000 for the Delaware Bay Coastline, Port Mahon

FLORIDA

$1 Million for Florida Keys Water Quality Improvement
$500,000 for Tampa Harbor

GEORGIA

An increase of $1.5 Million over the budget request for Brunswick Harbor
$3.85 Million for the Richard B. Russell Dam and Lake

HAWAII

$1 Million for Hawaii Water Management
$175,000 for Lao Stream Flood Control
$2.5 Million for Kaumalapau Harbor in Lanai

ILLINOIS

$1 Million for the Chicago Shoreline
$4 Million for Lock and Dam 24 of the Mississippi River
$100,000 for Nutwood Levee

INDIANA

$500,000 for the City of Indianapolis

IOWA

$500,000 for the Des Moines Recreational River and Greenbelt

$750,000 for Lock and Dam 19
An increase of $6.6 Million over the budget request for the Missouri River Levee System

LOUISIANA

$500,000 for Ascension Parish
An increase of $2 Million over the budget request for Comite River
$500,000 for East Baton Rouge Parish
$200,000 for Grand Isle and vicinity
An increase of $5 Million over the budget request for the Inner Harbor Navigational Canal Lock
An increase of $1.3 Million over the budget request for the J. Bennett Johnston Waterway
An increase of $3 Million over the budget request for Lake Pontchartrain and vicinity
$500,000 for Livingston Parish
$200,000 for Mississippi River, Gulf Outlet

MARYLAND

$1.6 Million for Chesapeake Bay Environmental Restitution and Protection
An increase of $1.5 Million over the budget request for Chesapeake Bay Oyster Recovery
$4 Million for Cumberland

MASSACHUSETTS

$1 Million for Muddy River, Brookline and Boston

MICHIGAN

$200,000 for Genessee County
$250,000 for Negaunee
$2 Million for Sault Ste. Marie Lock Replacement
$388,000 for Twelve Towns Drain Retention Facility

MINNESOTA

$1 Million for Breckenridge
$250,000 for Upper Mississippi River, Mississippi Place, and St. Paul

MISSISSIPPI

$11 Million for Desoto County
$2.5 Million for Gulfport Harbor
$8 Million for Mississippi Environmental Infrastructure

MISSOURI

An increase of $500,000 over the budget request for Blue River Basin
An increase of $4 Million over the budget request for Blue River Channel
$500,000 for Bois Brule Leves and Drainage
An increase of $1 Million over the budget request for Meramec River Basin
$3 Million for Missouri and Middle Mississippi Rivers Enhancement
An increase of $500,000 over the budget request for Table Rock Lake for Dam Safety

MONTANA

$8 Million for Fort Peck Fish Hatchery
$3 Million for Rural Montana

NEBRASKA

$1.5 Million for Antelope Creek
$500,000 for Sand Creek Watershed
$500,000 for Western Sarpy and Clear Creek

NEVADA

$10 Million for rural Nevada
An increase of $3.3 Million over the budget request for the Tropicana and Flamingo Washes

NEW JERSEY

$500,000 for Brigantine Inlet to Great Egg
An increase of $9.6 Million over the budget request for the Delaware River Main Channel
An increase of $659,000 for the Lower Cape May Meadows, Cape May Point
$500,000 for Passaic River Flood Management
$500,000 for the Passaic River Steambank Restoration
$250,000 for the Ramapo and Mahwah Rivers
An increase of $522,000 over the budget request for the Raritan River Basin and the Green Book Sub-basin
An increase of $800,000 over the budget request for Townsends Inlet to Cap May Inlet

NEW MEXICO

An increase of $700,000 over the budget request for the Acequias Irrigation System
An increase of $600,000 over the budget request for Alamogordo
$6 Million for Central New Mexico
$600,000 for Middle Rio Grande Flood Damage Reduction
$600,000 for the Rio Grande Floodway, from San Acacia to Bosque Del Apache

NORTH CAROLINA

$1 Million for Dare County Beaches, and Bodie Island
$200,000 for West Onslow Beach and New River
An increase of $10.4 Million over the budget request for Wilmington Harbor

NORTH DAKOTA

An increase of $482,000 over the budget request for the Buford Trenton Irrigation District Land Acquisition
$1 Million for Grafton Park River
An increase of $13.5 Million over the budget request for Grand Forks and East Grand Forks
$50,000 for Missouri River restoration

OHIO

$2 Million for Holes Creek in West Carrollton
$3 Million for the metropolitan region of Cincinnati, Duck Creek

OKLAHOMA

$2 Million for Canton Lake Dam Safety
$2.5 Million for Lawton

OREGON

$5 Million for Bonneville Powerhouse Phase II

PENNSYLVANIA

$1 Million for the Schuykill River Park

SOUTH CAROLINA

$200,000 for Folly Beach
$350,000 for Lake Marion and Moultrie

SOUTH DAKOTA

An increase of $6.2 Million over the budget request for the Cheyenne River Sioux Tribe and Lower Brule Sioux
$500,000 for Missouri River Restoration
An increase of $1.7 Million for Pierre

TENNESSEE

$1 Million for Black Fix, Oaklands, and Murfee Springs Wetlands
$1.7 for the Cumberland County Water Supply

TEXAS

An increase of $1.3 Million over the budget request for Brays Bayou
$9.28 Million for Dallas Floodway extension
An increase of $21 Million over the budget request for Houston Galveston Navigation Channels
$5 Million for North Padre Island Packery Channel
$2 million for Red River Chloride Control

VERMONT

$500,000 Lake Champlain Watershed Initiative

VIRGINIA

$3 Million for Embrey Dam
$3 Million for Lake Merriweather, Little Calfpasture
$4 Million for Norfolk Channel Harbor

WASHINGTON

An increase of $2.1 Million over the budget request for Chief Joseph Dam Gas Abatement
An increase of $700,000 for Mt St. Helens Sediment Control
$1.5 Million for Puget Sound and adjacent Waters
$1 Million for Shoalwater Bay Shoreline Erosion
An increase of $250,000 over the budget request for the Dalles Powerhouse (Units 1-14)

WEST VIRGINIA

An increase of $1.7 Million for Bluestone Lake Dam Safety
$3 Million for Greenbriar River
An increase of $8.4 Million over the budget request for Levisa and Tug Forks and Upper Cumberland River
An increase of $13 Million over the budget request for Marmet Lock, on the Kanawha River

WYOMING

$500,000 for Jackson Hole Miscellaneous Provisions

MISCELLANEOUS PROVISIONS

An increase of $5 Million over the budget request for Aquatic Ecosystem Restoration
An increase of $6 Million over the budget request for Dam Safety and Seepage/Stability Correction Program
An increase of $2 Million over the budget request for Emergency Stream bank and Shoreline Protection
An increase of $10 Million over the budget request for Flood Control Projects
An increase of $3 Million over the budget request for navigation projects
An increase of $3 Million over the budget request for project modifications for improving the environment.

Mr. McCAIN. I am confident that many of my colleagues will maintain the importance of the need to fully fund these and many of the other projects in their respective States. That is fine. I do not fault them for it. In fact, let me state clearly, that I do not question the merits of these projects. Most of them, I am sure, are very important and worthy of Federal funds.

It is the process, with which I have a serious problem. The Appropriations Committee has effectively usurped the power of the authorizing committees and acts as one, all-powerful funding machine. Projects are often funded with little or no background study, and are approved after simply being requested by a fellow Senator. These same projects are directed to certain states and localities, completely circumventing the proper, competitive-based awards process. Additionally, as is the case throughout this bill, members of the Appropriations Committee use directive language to force cabinet secretaries and agency heads to use scarce taxpayer dollars to fund members' pet projects, while not allotting them a single dime with which to fulfill the requirements imposed upon them by the appropriators.

Additionally, this bill deauthorizes 20 inactive corps projects, some dating as far back as 1946. While I appreciate the committee recognizing the need for inactive projects to be deauthorized, I must point out that an appropriations bill is simply not the place for this type of language. A project should be deauthorized in the same way it is supposed to be authorized—by the appropriate authorizing committee, not by the Appropriations Committee.

As I often do during consideration of the appropriations bills, I had planned to offer an amendment to this bill to strip a provision that is designed to benefit one specific water project in the State of New Mexico. I chose not to offer my amendment in this case for various reasons. But I am putting the Senate on notice—I will continue to offer amendments to the remaining appropriations bills if these bills continue to come before this body loaded with unrequested earmarks or other unnecessary or wasteful spending.

As all of my colleagues know, CBO recently projected a potentially debilitating $480 billion deficit for 2004. More importantly, we are at war. President Bush is poised to request a supplemental appropriation of $87 billion for the ongoing military operations in Iraq and Afghanistan. Every one of us has asked ourselves the same question: Where is that money going to come from? I have an idea. Let's start with this bill. Let's eliminate all of the unrequested earmarks, all of the special deals, all of the pork and all of the waste. Let's prove to the American taxpayer that we in Washington do not see them as simply a cash cow for our every financial whim.

Both the President and the Vice President have recently called on Congress to control spending at this crucial time. Is it too much to ask Congress to tighten their own belts in order to benefit the men and women of the armed forces who continue to fight—and die—so that others may live free of tyranny and oppression? I don't think it is a lot to ask, I think it is our responsibility. We simply cannot continue to spend hardworking American's tax dollars in such an irresponsible manner any longer.

MR. KIRK BLOODSWORTH

Mr. LEAHY. Mr. President, I rise today to talk about a man, Kirk Noble Bloodsworth, who was the victim of a grossly imperfect system. I first met Kirk Bloodsworth in 2000 when he came to me as a man who had been exonerated after almost 9 years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to reform capital punishment in America.

For 8 years, 11 months and 19 days, Kirk Bloodsworth served time in prison as an innocent man. And for the next 10 years, Mr. Bloodsworth lived in a jail without bars. He lived in a world where people questioned his innocence, where rumors followed him everywhere he went, and where he was unable to find stable employment.

On July 25, 1984, 9-year-old Dawn Hamilton was brutally raped and murdered. Fifteen days later, Kirk Bloodsworth was arrested based on the testimony of several witnesses who said they had seen him near the spot where they found Miss Hamilton. There was no physical evidence linking Mr. Bloodsworth to the crime.

In March, 1985, Mr. Bloodsworth, a former Marine with no criminal background, was convicted and sentenced to death in Maryland. He was 24 years old. Subsequently, the Maryland Court of Appeals overturned Mr. Bloodsworth's conviction. However, a second jury trial found him guilty, and sentenced him to two consecutive life terms. In 1992, at the request of Mr. Bloodsworth and his attorney, the evidence from his trial—Miss Hamilton's shirt and underpants—was tested for DNA. By June 1993, two DNA fingerprinting tests—one conducted by the Federal Bureau of Investigation and one conducted by Forensic Science Associates concluded that Mr. Bloodsworth's DNA was not the same as DNA found on Miss Hamilton's underpants.

On June 28, 1993, Mr. Bloodsworth was released from prison; in December, 1993, Maryland Governor William Schaefer pardoned him; and in June, 1994, the State of Maryland awarded him $300,000 in compensation.

The wheels of justice broke down in this case, but we cannot pretend that what happened to Kirk Bloodsworth was an exceptional occurrence. Mr. Bloodsworth's nightmare of wrongful conviction has been repeated again and again across the country. To date, 111 individuals convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center.

Today Mr. Bloodsworth is outspoken about the importance of making post-conviction DNA testing available to defendants with a credible claim of innocence, something I have fought hard to accomplish as part of the Innocence Protection Act. People of good conscience can and will disagree on the morality of the death penalty. But we can all agree that a system that sentences innocent persons to death has no place in a civilized society, much less in 21st century America.

While DNA testing freed Mr. Bloodsworth from prison in 1993, the test results did not convince everyone that Kirk Bloodsworth was not guilty. Prosecutors refused to lift the veil of suspicion over him, in effect saying that the DNA tests might be sufficient to undermine his conviction, but not to prove his innocence. Mr. Bloodsworth told the Baltimore Sun that he spent years asking the county to run the DNA found on Dawn Hamilton's clothing through the State DNA database. Finally, last week, the State ran the DNA evidence through its database and the black cloud that had followed Mr. Bloodsworth for 10 years was lifted.

On September 5, 2003, Mr. Bloodsworth was told that the State tests implicated Mr. Kimberly Shay Ruffner, a convicted sex offender, as the rapist and murderer of Dawn Hamilton. Mr. Ruffner has now been charged with first-degree murder. The prosecutor who previously refused to acknowledge Mr. Bloodsworth's innocence went to his home to apologize to him.

I know that I am joined by many others when I say that I am delighted that Mr. Bloodsworth can finally feel truly free. His fight to prove his own innocence has been won. I am certain that he will continue with his efforts to fix the broken machinery of capital punishment in America and especially to assist others who experienced wrongful conviction.

I ask unanimous consent that a Baltimore Sun article detailing the recent events in Mr. Bloodsworth's case be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 6, 2003]

DNA That Freed Man Leads to New Suspect: Killing: Kirk Bloodsworth, Convicted and Then Cleared in the Rape-Murder of a Child, Learns a Man he Knew in Prison is Charged With the Crimes

(By Stephanie Hanes)

The same DNA evidence that freed Kirk Bloodsworth from prison 10 years ago has now implicated another man in the 1984 rape and murder of 9-year-old Dawn Hamilton of Rosedale, quashing any lingering questions about Bloodsworth's involvement in the crime.

Kimberly Shay Ruffner, a 45-year-old convicted sex offender who went to prison for an attempted rape and attempted murder in Fells Point only weeks after Dawn Hamilton was killed, was charged yesterday with first-degree murder.

The Baltimore County state's attorney's office—which has never publicly acknowledged Bloodsworth's innocence—announced the development, and a prosecutor apologized to Bloodsworth in person.

"Even though I was cleared, there were so many people who didn't believe me," said Bloodsworth, 42, who was reached at his home in Cambridge. "This is the proof everyone needs."

Ruffner is still in prison for the Fells Point attack, with a release date of 2020. Baltimore County State's Attorney Sandra A. O'Connor said prosecutors will seek the death penalty in Dawn's killing.

"This was a horrendous rape-murder of a 9-year-old girl," O'Connor said. "Whether or not he is incarcerated, he will be held accountable."

While Bloodsworth's supporters said they were delighted with the outcome, they criticized Baltimore County law enforcement officials for not testing the DNA earlier.

In June, The Sun wrote that the DNA in Bloodsworth's case had not been compared to the state's DNA database of convicted felons. As a convicted sex offender, Ruffner's DNA would have been in the state's database as early as 1994.

Baltimore County police spokesman Bill Toohey said the comparison was made last month.

"I can't tell you how pleased I am for Kirk,but what happened here today should have happened earlier," said Barry C. Scheck, the co-founder of the New York-based Innocence Project, which tries to free the wrongly convicted.

DELAY IN TESTING

Scheck, who helped exonerate Bloodsworth, said he has been asking for this sort of testing for years. It was after Scheck's most recent letter to the Baltimore County State's Attorney's Office that police and prosecutors started moving toward testing the DNA against the database, The Sun reported in June.

Yesterday morning, Assistant State's Attorney S. Ann Brobst, who prosecuted Bloodsworth and who had been criticized by his supporters for refusing to admit his innocence, went to Bloodsworth's home to tell him the news.

"She apologized up and down," Bloodsworth said yesterday. "She had to eat a lot of crow to come. You've got to give her something for it."

O'Connor said Dawn's father, Thomas Hamilton, was also told of the new arrest. He was unavailable for comment.

DEATH ROW, THEN LIFE

Bloodsworth was convicted of Dawn's murder in 1985 and sent to death row. Multiple witnesses had testified that they saw him near the crime scene.

The next year, the Maryland Court of Appeals overturned his conviction. But when Bloodsworth was retried, he was again found guilty and this time sentenced to life in prison.

In 1992, prosecutors agreed to run DNA tests on a semen stain found on Dawn's underwear—a stain that law enforcement officials said they had not noticed earlier. Those tests showed that Bloodsworth was not the person who had sexually assaulted the little girl.

Prosecutors agreed to release Bloodsworth immediately but would not apologize or say he was innocent.

"I believe that he is not guilty," O'Connor said at the time. "I'm not prepared to say he's innocent. Only the people who were there know what happened."

LINGERING DOUBTS

Bloodsworth was pardoned by former Gov. William Donald Schaefer and given $300,000 from the state. But life after prison was a struggle, one that he now talks about openly.

At first, he had trouble holding jobs and grappled with freedom after nine years behind bars. He heard the derogatory whispers and saw the dirty looks. He once wiped the scrawled words "Child Killer" off his car.

"He has confided to me many, many times that people echo what Ann Brobst kept saying: (The DNA) doesn't mean he's innocent," Scheck said.

In recent years, Bloodsworth married and started working as a consultant for the Justice Project, a Washington advocacy group for justice reform. He has testified for lawmakers and spoken in classrooms across the country about the importance of DNA evidence.

In his own case, he said he has pushed for years for county law enforcement to run the preserved DNA evidence through the state's database.

A month after Dawn Hamilton was killed, Kimberly Ruffner was arrested for the Fells Point attack.

He had broken into a woman's house Aug. 28, 1984, and had tried to rape her, police said. When she struggled, he tried to kill her with a pair of scissors. The woman managed to escape, and police found Ruffner hours later.

He was tried and convicted of breaking and entering, assault with intent to murder and attempted rape, said Mark Vernarelli, spokesman for the Maryland Department of Public Safety and Correctional Services. He was sentenced to 45 years in prison.

According to court records, Ruffner had been charged with two other sex offenses in 1983.

In the Maryland Correctional Institution at Jessup, Ruffner slept on the tier below Bloodsworth in the same building.

The two men lifted weights together, and Bloodsworth, who worked in the prison library, would give him books, Bloodsworth said. They both had red hair. But Bloodsworth said they were nothing more than acquaintances.

Not once, Bloodsworth said, did Ruffner indicate that he was responsible for Dawn's murder.

"It's spooky," Bloodsworth said. "The whole time he was there. I just can't get over it."

CASE TIMELINE

July 1984—The body of 9-year-old Dawn Hamilton is found in a wooded area near the Fontana Village apartments in Rosedale, Baltimore County.

August 1984—Police arrest and charge Kirk Noble Bloodsworth, a former waterman from Cambridge, in Dawn Hamilton's death.

Also, Kimberly Shay Ruffner is arrested on charges of breaking and entering, assault with intent to murder and attempted rape after attacking a Fells Point woman with a pair of scissors.

March 1985—A jury convicts Bloodsworth of Dawn Hamilton's murder. Baltimore County Judge J. William Hinkel sentences Bloodsworth to death.

July 185—Ruffner is convicted on charges in the Fells Point attack and is sentenced to 45 years in prison.

July 1986—The Maryland Court of Appeals overturns Bloodsworth's conviction, saying prosecutors withheld evidence about another suspect.

April 1987—A second jury convicts Bloodsworth of murder. He is sentenced to two consecutive life terms—one for sexual assault and the other for murder.

April 1992—At the request of Bloodsworth's attorney, Baltimore County prosecutors agree to release evidence from Bloodsworth's trial—panties, a shirt and a stick—for DNA testing.

May 1993—A California DNA lab reports that a semen stain on the victim's panties cannot have come from Bloodsworth.

June 25, 1993—The FBI, conducting its own test, agrees the semen found on the panties could not have come from Bloodsworth.

June 28, 1993—Bloodsworth walks out of the House of Correction in Jessup, a free man.

December 1993—Gov. William Donald Schaefer pardons Bloodsworth.

June 22, 1994—Bloodsworth is awarded $300,000 by the state of Maryland for nine years of wrongful imprisonment.

Sept. 5, 2003—Baltimore County Assistant State's Attorney S. Ann Brobst, who prosecuted Bloodsworth, visits him at his Cambridge home and tells him further DNA tests matched the semen found in Dawn Hamilton's panties to Ruffner, a Maryland prison inmate.

She also apologizes.

ADDITIONAL STATEMENTS

CELEBRATING THE 155TH ANNIVERSARY OF SAINTS PETER AND PAUL CHURCH

• Mr. LEVIN. Mr. President, it is my great pleasure to congratulate Saints Peter and Paul Church for 155 years of dedication and service to the Detroit community. On September 24, 2003, people will be gathering in my hometown of Detroit, MI to celebrate this important achievement. I am also pleased that Michigan's First Gentleman, Dan Mulhern, husband of Governor Jennifer Granholm, will share in the celebration of Saints Peter and Paul's anniversary.

Completed and dedicated on June 29, 1848, Saints Peter and Paul Church was originally built as the cathedral for the Catholic Church in Detroit. It is the oldest church building in continuous use in the city. In 1877, Saints Peter and Paul Church was given to the Jesuits to be used as a local center for Jesuit ministry and a church for the University of Detroit, then named Detroit College. Toward the end of the 19th century, working class people, many of them recent immigrants, became a large part of the parish population. As a result, Saints Peter and Paul Church refocused its ministry in response to the changing needs of its congregation.

After World War I, the prosperity of the church declined because its neighborhood became more commercial and industrial. In spite of a diminished congregation, loyal community members remained intent on a preserving Saints Peter and Paul Church as a place of worship. A sharp increase in homelessness in the area toward the end of the 20th century strengthened the church's dedication to members of the community in need.

Today, Saints Peter and Paul Church remains committed to serving urban Detroit. One of its most important outreach programs is the Warming Center, which serves nearly 100 guests a day. Most of the visitors are people in need. The Warming Center offers its guests a safe haven, a warm meal, hospitality, and an opportunity to engage in mutual reflection and sharing. The center also offers free use of a telephone, laundry facilities, a shower, and clothing.

I take great pride in recognizing the commitment of Saints Peter and Paul Church to Detroit throughout its 155-year history. The church attends to the physical, emotional, and spiritual needs of the Detroit community. I know my Senate colleagues join me in saluting the ministry of Saints Peter and Paul Church and in wishing the church continued support and success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

REPORT RELATIVE TO WAIVING THE SUSPENSIONS UNDER SECTION 920(a) OF THE FOREIGN RELATIONS AUTHORIZATIONS ACT, FISCAL YEARS 1990 AND 1991, WITH RESPECT TO THE ISSUANCE OF LICENSES FOR QSR 11 SENSORS—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the suspensions under section 902(a) of the Act with respect to the issuance of licenses for QSR-11 sensors that serve as components of an Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft. License requirements remain in place for these exports.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2003.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4307. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxsulfuron; Pesticide Tolerance" (FRL#7325-1) received on September 9, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4308. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a vacancy for the position of Treasurer of the United States, received on September 15, 2003; to the Committee on Finance.

EC-4309. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a vacancy and designation of acting officer for the position of Assistant General Counsel/Chief Counsel, Internal Revenue Service, received on September 15, 2003; to the Committee on Finance.

EC-4310. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination for the position of Deputy Secretary, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4311. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination confirmed for the position of Assistant Secretary (Management), received on September 15, 2003; to the Committee on Finance.

EC-4312. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a discontinuation of service in acting role for the position of Chief Financial Officer, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4313. A communication from the White House Liaison, Department of the Treasury, transmitting, the report of a nomination confirmed for the position of Assistant Secretary, Public Affairs, Department of the Treasury, received on September 15, 2003; to the Committee on Finance.

EC-4314. A communication from the Acting Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Split-Dollar Life Insurance Arrangements" (RIN1545-BA44) received on September 15, 2003; to the Committee on Finance.

EC-4315. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the pending accession to the World Trade Organization of the Kingdom of Nepal; to the Committee on Finance.

EC-4316. A communication from the Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)" (RIN1219-AA98) received on September 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-4317. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the interim report on Human Papillomavirus; to the Committee on Health, Education, Labor, and Pensions.

EC-4318. A communication from the Director, Office of Personnel Policy, Office of the Assistant Secretary for Indian Affairs, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Indian Affairs, received on September 15, 2003; to the Committee on Indian Affairs.

EC-4319. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Fiscal Year 2002 Activities Under the Civil Rights of Institutionalized Persons Act"; to the Committee on the Judiciary.

EC-4320. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Medications" (RIN1120-AA81) received on September 15, 2003; to the Committee on the Judiciary.

EC-4321. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296—Delivery of Explosive Materials by Common or Contract Carrier" (RIN1140-AA20) received on September 15, 2003; to the Committee on the Judiciary.

EC-4322. A communication from the Assistant Division Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Realignment of the Alexander Valley and Dry Creek Valley Viticultural Areas" (RIN1512-AA07) received on September 15, 2003; to the Committee on the Judiciary.

EC-4323. A communication from the Assistant Division Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Organic Claims in Labeling and Advertising of Alcohol Beverages" (RIN1512-AC87) received on September 15, 2003; to the Committee on the Judiciary.

EC-4324. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the Report of the Attorney General on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2002; to the Committee on the Judiciary.

EC-4325. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, a report that the Commission voted to recharter the Connecticut State Advisory Committee; to the Committee on the Judiciary.

EC-4326. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

EC-4327. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Effective Dates of Benefits for Disability Caused By Herbicide Exposure: Disposition of Unpaid Benefits After Death of Beneficiary" (RIN2900-AL37) received on September 15, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 281. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes (Rept. No. 108-150).

S. 618. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes (Rept. No. 108-151).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. COCHRAN):

S. 1638. A bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. BURNS, and Mr. ENSIGN):

S. 1639. A bill to amend the Petroleum Marketing Practices Act to extend certain protections to franchised refiners or distributors of lubricating oil; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD):

S. 1640. A bill to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself and Mr. DEWINE):

S. Con. Res. 70. A concurrent resolution supporting National Funeral Service Education Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 595

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 973

At the request of Mr. NICKLES, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1465

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1637

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 222, a resolution designating October 17, 2003 as "National Mammography Day."

AMENDMENT NO. 1544

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1544 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1731

At the request of Mr. REID, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 1731 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1737

At the request of Mr. ENSIGN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1737 intended to be proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. COCHRAN):

S. 1638. A bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I am introducing a bill to help prepare new teachers to recognize and meet the needs of gifted and talented students. As many of my colleagues are aware, I have been working for some time to advance a comprehensive approach aimed at improving access to gifted and talented educational services in every State. My proposal has been introduced in this Congress as S. 501. While I will continue to work to enact this needed legislation, the bill I am introducing today addresses the different but related need to raise awareness among all teachers about the unique educational needs of gifted and talented students.

Unfortunately, many misconceptions persist about the needs of gifted children in both the educational community and in public policy circles. There is often a tendency to think of gifted kids as those kids who will succeed with or without help. This is simply not the case and reflects a misunderstanding of giftedness. What makes a child gifted and talented is not how well the child does in school, but how he or she learns. A student may get straight A's and not be a gifted learner, while a gifted and talented student might do poorly on his or her schoolwork. Gifted and talented children actually have a different way of looking at the world. They tend to have distinct approaches to learning and interacting socially, and they frequently learn at a different pace, and to different depths, than others their age.

The bottom line is that gifted and talented children have unique learning needs that need to be met in order for them to succeed in school.

Earlier this year, when I re-introduced my bill to expand the availability of gifted education services, I told the Senate about a third grade student from Iowa City named Jose. I would like to remind the Senate about Jose's experience because I think it illustrates some important points about gifted students and their needs. Jose wasn't completing his assignments and his grades were suffering. He had trouble paying attention and would act up in class. He got along with his classmates, but didn't have much social interaction with others. Jose's teacher tried to get him to pay attention and do his work like the other kids, but was left frustrated. Still, Jose's parents recognized in him a real hunger for learning and had his IQ tested over the summer. It turns out that, while Jose's teacher saw him as a problem student, the problems she noticed were really symptoms of a gifted student who was bored because he was not being properly challenged. Jose now leaves his regular classroom a couple of times a week for what Iowa City schools call the "extended learning program." As a result of the added stimulation he now receives, Jose enjoys school more, has made friends with his gifted peers, and is doing great with his regular school work.

Jose's experience is more than just a success story showing how quality gifted education services can make a real difference for a child. It also illustrates that gifted students have real needs that can all too easily go unrecognized and unmet. Moreover, Jose' experience highlights the need for teachers to understand the characteristics of gifted kids. In Jose's case, he had parents who were able to recognize his gifts and have him assessed privately. Jose's parents were then able to take these findings to the gifted education teacher at Jose's school and have him identified to receive gifted education services. Had his former teacher been able to recognize the indications of giftedness, she could have referred him for services earlier and she would have been better able to help him succeed in the regular classroom.

I would like to cite another real-life example; this time of a 12-year-old girl from Shenandoah, IA named Leah. Leah has two parents with a high school education who work hard to provide for her, but they don't have much discretionary income. Her parents want her to be successful, but they rely on the public school system to meet her educational needs. Leah came to school able to read, but was a very quiet child so no one noticed anything exceptional about her. A year later, the first grade teacher caught Leah reading in the coat closet and realized that she could read exceptionally well. Leah's teacher referred her to the gifted and talented teacher and she has thrived in the gifted and talented program ever since. Leah's experiences have been limited by her circumstances. She lives in a small town in rural south-west Iowa and has not traveled farther than Des Moines or Omaha. Leah hasn't grown up with every advantage, yet she is lucky to have had an astute classroom teacher who recognized her abilities. Leah now has access to a quality gifted education program of services that includes a specially trained teacher available to help Leah develop her gifts.

While Leah is another success story, it is easy to see the important role that teachers played in her experience. It is important to remember that gifted and talented students come from all backgrounds and can be found in any community. A gifted student could be the child of a single mom working three jobs, the child of recent immigrants, or a foster child. I've even heard stories of a gifted child in Iowa who missed school because her parents had her begging for money on the streets. Not all gifted children have parents who are equipped to recognize their child's gifts or have the resources and ability to see that their child gets the services he or she needs to be successful. That is why it is so important that classroom teachers have some understanding of how to identify gifted kids and how to meet their needs while they are in the regular classroom. It is impossible to know how many gifted students are overlooked because their teachers do not know how to recognize the signs of giftedness or are unprepared to deal with the unique needs that gifted kids have. While Iowa requires school districts to provide gifted and talented services, a great many school districts in many States have little or no programs for gifted kids. Moreover, according to the federally funded National Research Center on the Gifted and Talented, the large majority of gifted and talented students spend at least 80 percent of their time in a regular education classroom. As a result, it is vital that all teachers have at least basic knowledge and skills to address gifted students' learning needs. However, a national survey of third and fourth grade teachers by the National Research Center on the Gifted and Talented found that 61 percent had no training whatsoever in teaching highly able students.

Ultimately, all teachers should have at least some exposure to the characteristics of gifted and talented students and strategies to address their needs. Yet, only one State currently requires regular classroom teachers to have coursework in gifted education. Some of the techniques used in classrooms to accommodate gifted kids include differentiated curriculum, cluster grouping, and accelerated learning. The time to make sure teachers have the necessary knowledge is when prospective teachers are in their pre-service training programs. If teachers aren't exposed to information about the needs of gifted students in their pre-service training, they may never acquire the necessary knowledge. Title II of the Higher Education Act already contains grants designed to enhance the quality of teacher preparation programs. My bill would simply add allowable uses to these existing grants to provide an incentive for States and teacher training programs to incorporate the needs of gifted and talented students into teacher preparation and licensure requirements.

Under current law, Title II State grants are awarded directly to States and are to be used to reform State teacher preparation requirements. The law lists seven potential reforms under the allowable uses for grant funds. The first three allowable uses include: strengthening State requirements for teacher preparation programs to ensure teachers are highly competent in their respective academic content areas, reforming certification and licensure requirements with respect to competency in content areas, and providing alternatives to traditional teacher preparation programs. My legislation would add another allowable use, referencing these three reforms, to encourage States to incorporate a focus on the learning needs of gifted and talented students into reforms of State requirements for teacher preparation programs, reforms of State certification and licensure requirements, or new alternative teacher preparation programs. In addition, my bill would add a new allowable use so that States could use grant funds to create or expand new-teacher mentoring programs on the needs of gifted and talented students. This way, new teachers could learn from veteran teachers about how to identify classroom indicators of giftedness and provide appropriate instruction to gifted students.

My bill would also add language to the Partnership Grants, which provide funds to partnerships among teacher preparation institutions, school of arts and sciences, and high-need school districts to strengthen new teacher education. These grants come with three required uses, including reforming teacher preparation programs to ensure teachers are highly competent in academic content areas, providing preservice clinical experience, and creating opportunities for enhanced and ongoing professional development. One allowable use for which a partnership may use funds is preparing teachers to work with diverse populations, including individuals with disabilities and limited English proficient individuals. To this section, my legislation would add gifted and talented students. Recognizing that every teacher will have gifted students in his or her classroom, my bill would also add a new allowable use so that teacher preparation programs could use the funds to infuse teacher coursework with units on the characteristics of high-ability learners. In other words, the idea is not to require additional courses, but rather to discuss how to accommodate for the needs of gifted students throughout the teacher preparation curriculum when new teachers are learning how to present lessons.

My bill does not create a new grant program or require new funds. It simply provides an incentive through existing grant programs that will encourage States and teacher preparation programs to improve the knowledge of new teachers about the unique needs of gifted and talented students. New teachers will encounter gifted and talented students. It is important they know how to recognize them and how to help them succeed. As we have seen with Jose and Leah, having a teacher that understands a child's needs can make a huge difference. In fact, it can mean the difference between a child hating school and a child loving school; a child falling behind, and a child succeeding beyond all expectations. When a gifted child is left behind, the loss of human potential is tragic. We may not know what we are missing, but it is more than we can afford to lose. The legislation I have proposed today is a relatively modest step that could have a tremendous impact. I urge my colleagues to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE II OF THE HIGHER EDUCATION ACT OF 1965.

(a) STATE GRANTS.—Section 202(d) of the Higher Education Act of 1965 (20 U.S.C. 1022(d)) is amended by adding at the end the following:

"(8) GIFTED AND TALENTED STUDENTS.—Incorporating the learning needs of gifted and talented students into the activity described in paragraph (1), (2), or (3) in order to ensure that new teachers possess basic knowledge and skills necessary to meet the educational needs of gifted and talented students.

"(9) NEW-TEACHER MENTORING ON THE NEEDS OF GIFTED AND TALENTED STUDENTS.—Establishing or expanding new-teacher mentoring and assessment programs (including induction and evaluation programs) that are a part of the licensure process that includes the development of a portfolio produced by the new teacher, under the supervision and guidance of a veteran teacher mentor, which is designed to demonstrate that the new teacher possesses basic knowledge of the classroom indicators of giftedness, is able to identify student learning differences among gifted students, and is able to provide instruction to accommodate such differences.".

(b) PARTNERSHIP GRANTS.—Section 203(e) of the Higher Education Act of 1965 (20 U.S.C. 1023(e)) is amended—

(1) in paragraph (1), by striking "and limited English proficient individuals" and inserting ", limited English proficient individuals, and gifted and talented students"; and

(2) by adding at the end the following:

"(5) GIFTED AND TALENTED STUDENTS.—Increasing the knowledge and skills of preservice teachers participating in activities under subsection (d) in the educational and related needs of gifted and talented students by, among other strategies, infusing teacher coursework with units on the characteristics of high-ability learners, using assessments to identify preexisting knowledge and skills among students, and developing teaching strategies that are driven by the learner's progress.".

By Mr. REID (for himself, Mr.
BURNS, and Mr. ENSIGN):

S. 1639. A bill to amend the Petroleum Marketing Practices Act to extend certain protections to franchised refiners or distributors of lubricating oil; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, during the 103rd Congress in 1994, the Petroleum Marketing Practices Act, PMPA, was amended to protect independent petroleum wholesalers and retailers from arbitrary and unfair termination or nonrenewal of their franchise relationships with major oil companies.

However, this protection was provided only to motor and diesel fuel franchisees.

Franchisees of other petroleum products sold by the major oil companies lack similar protection.

Today, I rise with Senators BURNS and ENSIGN to introduce a bill that extends the same protections enjoyed by the motor fuel industry to the lubricant industry.

I have heard from a constituent in Nevada that his franchise agreement to sell lubricating oils to car dealers in Las Vegas was arbitrarily canceled with 30 days notice.

In essence, he had thirty days to convert all of his customers to a new brand.

This seems grossly unfair and, in fact, if the product sold by my constituent were gasoline or diesel fuel rather than lubricating oil, it would have been illegal.

I have been made aware of similar terminations or non-renewals in other States.

Without equal protection under the law, lubricant franchisees are vulnerable to predatory cancellation by their suppliers. This situation is exacerbated by recent mergers and acquisitions in the petroleum industry.

The merger of oil giants Chevron and Texaco and Shell Oil's recent acquisition of Penzoil-Quaker State will undoubtedly result in the termination of many independent lubricant franchisees.

In New Mexico, there was a lubricant franchisee who had been promoting and distributing a branded lubricant to his customers for over 30 years, only to be canceled with 30 days notice following a merger of refiners.

This unfair practice stifles competition in the marketplace and invariably results in raising the price of the product, which hurts American consumers and small businesses.

This is especially troublesome in rural areas.

Given the increasingly anti-competitive nature of the petroleum industry, the time has come to extend protections under current law for motor fuel marketers to include lubricant franchisees.

There are approximately 3,500 independent distributors and nearly 25,000 commercial retail lube oil outlets that could be impacted by the increasing frequency of lubricant franchise cancellations.

Refiners have not suffered by complying with PMPA in motor fuels.

Consequently, it is hard to believe it would be much of an imposition to include the much smaller segment of lubricant franchisees.

I introduce this bill today because it protects small businesses, benefits consumers and ensures fair competition in the marketplace.

In short, this bill is the right thing to do and I hope my colleagues will support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF FRANCHISED DISTRIBUTORS OF LUBRICATING OIL.

(a) DEFINITIONS.—Section 101 of the Petroleum Marketing Practices Act (15 U.S.C. 2801) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii)(II), by striking "and" at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) any contract under which a refiner authorizes or permits a distributor to use, in connection with the sale, consignment, or distribution of lubricating oil, a trademark that is owned or controlled by the refiner; and";

(2) in paragraphs (2), (5), and (6), by inserting "or lubricating oil" after "motor fuel" each place it appears;

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) FRANCHISEE.—The term 'franchisee' means—

"(A) a retailer or distributor that is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel; or

"(B) a distributor that is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of lubricating oil.

"(4) FRANCHISOR.—The term 'franchisor' means—

"(A) a refiner or distributor that authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel; or

"(B) a refiner that authorizes or permits, under a franchise, a distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel."; and

(4) by adding at the end the following:

"(20) LUBRICATING OIL.—The term 'lubricating oil' means any grade of paraffinic or naphthenic lubricating oil stock that is refined from crude oil or synthetic lubricants.".

(b) PROTECTION OF FRANCHISED DISTRIBUTORS OF LUBRICATING OIL.—Section 102(b)(2) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(2)) is amended by inserting after subparagraph (E) the following:

"(F) FRANCHISED DISTRIBUTORS OF LUBRICATING OIL.—In the case of a franchise between a refiner or a distributor for the sale, distribution, or consignment of trademarked lubricating oil, a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of the lubricating oil in the relevant geographic market in which the franchised lubricating oil is distributed, if—

"(i) the determination is made—

"(I) after the date on which the franchise is entered into or renewed; and

"(II) on the basis of a change in relevant facts or circumstances relating to the franchise that occurs after the date specified in subclause (I); and

"(ii) the termination or nonrenewal is not for the purpose of converting any accounts subject to the franchise to the account of the franchisor.".

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, Mr. WARNER, Mr. VOINOVICH, Mr. CRAPO, Mr. CHAFEE, Mr. CORNYN, Ms. MURKOWSKI, Mr. THOMAS, and Mr. ALLARD):

S. 1640. A bill to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I am introducing today the Transportation Extension Act of 2003 which will extend the expiring Transportation Equity Act for the 21st Century an additional 5 months. Senators, JEFFORDS, BOND, WARNER, VOINOVICH, CRAPO, CHAFEE, CORNYN, MURKOWSKI, THOMAS, and ALLARD join me as original cosponsors on this short-term extension.

As my colleagues may be aware, we are now 7 days from the expiration of TEA-21. Despite the best efforts of Senator BOND and myself, we have been unable to secure the necessary floor time for consideration of a comprehensive 6-year bill.

This bill provides 5 months worth of the $35.5 billion allowed under the Budget Resolution and a corresponding amount of obligation limitation. This is a significant, 7-percent increase in highway funding over 2003, which will translate into over 100,000 new jobs.

Of course, the best thing we can do to create economic opportunity is enact a comprehensive, 6-year reauthorization. As we all know, highway bills are jobs bills. A highway bill drafted at $255 billion over 6 years as proposed by the Environment and Public Works Committee will create about two million new American jobs. This combined with the tax cuts signed by President Bush is the best stimulus the economy can receive.

Let me be very clear that my preference is that we would be completing a 6-year comprehensive bill, not working on a five-month extension, but reality is that the funding needed to do a comprehensive 6-year bill at $255 billion has not yet been identified. Because of that, I believe the best outcome for the long term program is to do a 5-month extension and continue to work on a comprehensive 6-year bill.

Mr. JEFFORDS. Mr. President, I wish to make some brief remarks about the extension of the Transportation Equity Act, often referred to as TEA-21.

Chairman INHOFE and I, along with subcommittee Chairman BOND and ranking member HARRY REID, have been working together on drafting a comprehensive, bipartisan 6-year transportation reauthorization bill. Unfortunately, that reauthorization effort will not be completed before TEA-21 expires on September 30.

Thus, as with the previous reauthorization of ISTEA by TEA-21, we will need to do a short extension of TEA-21. In the interest of time, and to avoid any concerns about potential disruptions, we have used major portions of the same short-extension language used for ISTEA in 1997 for this extension.

It is important that I clarify some aspects of this short extension with the chairman of the committee, Senator INHOFE.

The purpose of this short extension is to continue the Federal surface transportation programs and transportation investment patterns. For that reason, we have provided considerable short-term spending flexibility to the States.

However, in a longer term extension, if any were needed, we should be consistent with Congressional goals set forth in TEA-21. Thus, I want to ensure that if there is a need for another extension we more closely adhere to the flexibility provisions set forth in TEA-21. This would require, for example, changes to the text used in this short-term extension regarding section 133(d).

In a short-term extension there is little risk that investment patterns would be altered in a manner inconsistent with TEA-21 and thus the proposed language is acceptable for the short term.

Senator INHOFE do you agree with my understanding that the bipartisan extension we have proposed works well in the short term but would require some modification to its flexibility provisions if it were to apply for a longer period of time? In addition, will you agree to work with me to make changes to the language if we have to do another extension to address the concerns I have raised?

Mr. INHOFE. Yes, I will work with the Senator on his concerns if we have to do a longer term extension.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 70—SUPPORTING NATIONAL FUNERAL SERVICE EDUCATION WEEK

Mr. WYDEN (for himself and Mr. DEWINE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 70

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas people must have all of the information necessary to make informed funeral service choices and to maintain total trust in their funeral service provider;

Whereas memorialization and celebration of life are the fabric of the modern funeral service;

Whereas the memorialization of a loved one is important to grieving families and is beneficial to the healing process;

Whereas families have traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of meaningful funeral ceremonies; and

Whereas national funeral service organizations have designated the week of September 21 through 27, 2003, as National Funeral Service Education Week, a week which reflects the efforts of funeral directors to meet the needs of families who want a meaningful service that celebrates the lives of their loved ones: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports efforts to establish National Funeral Service Education Week as a week during which funeral service professionals and consumer advocates work together to provide consumers with timely and detailed information about choices in the planning of a meaningful funeral and the selection of funeral goods and services.

Mr. WYDEN. Mr. President, today my colleague Senator DEWINE and I are submitting a concurrent resolution to support the consumer education efforts of the National Funeral Directors Association during National Funeral Services Education Week, September 21 through 27, 2003.

When we are called upon to make funeral arrangements it is often at an emotional time when making important funeral-related decisions are confusing and difficult. In order to help remove confusion and concerns about funeral service planning, the National

Funeral Directors Association is beginning a nationwide consumer education effort the week of September 21. The theme of the educational effort is "For a Life Worth Celebrating" which reflects funeral directors efforts to meet the needs of families who want a meaningful service that celebrates their loved one's life.

This important week will provide consumers an opportunity to ask questions, obtain information about how to make informed funeral-related decisions. Funeral directors across the country will hold special community events including "open houses" and events in local malls, schools or community centers.

I would encourage the public to participate in these activities so they can become informed consumers and I urge the Congress to support this educational effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1740. Mr. BINGAMAN (for himself, Mr. DORGAN, and Mr. REID) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1741. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1742. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1743. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1744. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1745. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1746. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1747. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1748. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1740. Mr. BINGAMAN (for himself, Mr. DORGAN, and Mr. REID) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events, provided that the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SA 1741. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) The Secretary of Agriculture may request up to $250 million in a fiscal year from the Secretary of the Treasury to cover fire suppression costs that exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) Upon such request, the Secretary of the Treasury shall make such sums available to the Secretary of Agriculture, without further appropriation.

(c) Upon amounts being appropriated by Congress to reimburse funds transferred to the Secretary of Agriculture pursuant to this section, such amounts shall be deposited in the Treasury.

SA 1742. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After Section 334, insert the following:

SEC. 335. (a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled 'Green Mountain Expansion Area Map I' and 'Green Mountain Expansion Area Map II', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-9)., the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SA 1743. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Funds appropriated for the Green Mountain National Forest previously or in this report may be used for the acquisition of lands in the Blueberry Lake area.

SA 1744. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 13, after "expended," insert the following: "of which $4,000,000 shall be available for the rehabilitation of Cuyahoga Valley National Park, Ohio, and".

SA 1745. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 4, after "expended" insert the following: ", 'of which $5,300,000 shall be available for the Metal Casting Industry of the Future program".

SA 1746. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, line 9, after "2005" insert the following: ", of which $1,000,000 shall be available to the Dayton/Montgomery Port Authority for the restoration and development of buildings in the West Third St. National Historic District in Dayton, Ohio".

SA 1747. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24 insert the following:

SEC. 3 . PROHIBITION OF USE OF FUNDS FOR INDIAN GAMING IN THE STATE OF OHIO.

None of the funds made available by this Act may be used by the Secretary of the Interior to allow any Indian tribe to conduct gaming in the State of Ohio.

SA 1748. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 24, after "Units" insert the following: ", and of which $950,000 shall be available for a United States-Mexico binational groundwater study of transborder aquifers".

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, October 2, 2003 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, and other purposes; S. 1472, to authorize the Secretary of the Interior to provide for the construction of a statue of Harry S. Truman at Union Station in Kansas City, Missouri; and S. 1576, to revise the boundary of Harpers Ferry National Historic Park, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Pete Lucero at (202) 224–6293.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

(On Tuesday, September 16, 2003, the Senate passed H.R. 2754, as follows:)

H.R. 2754

Resolved, That the bill from the House of Representatives (H.R. 2754) entitled "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $131,700,000, to remain available until expended, of which $500,000, along with $500,000 of the unobligated balance of funds made available under this heading in the Energy and Water Appropriations Act, 2003, may be transferred to the Bureau of Reclamation to conduct a feasibility study for the purposes of providing water to Park City and the Snyderville Basin, Utah: Provided, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $250,000 for preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $250,000 for the continuation and completion of feasibility studies of Kihei Beach, Maui, Hawaii. Any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,538,000,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified: Provided, That using $9,280,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,500,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $6,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features and to design and construct repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $17,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $6,400,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to continue the work to replace and upgrade the dam and all connections to the existing system at Kake, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Breckenridge, Minnesota, project in accordance with the Breckenridge, Minnesota Feasibility Report and Environmental Impact Statement dated September 2000, approved April

8, 2002: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of repairs to the Bois Brule, Missouri, project in accordance with the Bois Brule Deficiency Correction Report including applicable NEPA compliance submitted to the Mississippi Valley Division in June 2003: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with construction of the DeSoto County Regional Wastewater System Project in accordance with the DeSoto County, Mississippi Environmental Infrastructure-Letter Reports prepared pursuant to guidance for Section 219 projects: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with construction of the Des Moines Recreational River and Greenbelt, Iowa, project in accordance with the Des Moines Recreation River and Greenbelt, Iowa, General Design Memorandum with Programmatic Environmental Impact Statement dated September 1987, as amended by the Annual Program Management Reports which serve as the Master Plan for the overall project, and site specific decision documents for the added work: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to continue with construction of the Rio de Flag, Flagstaff, Arizona, project generally in accordance with the Chief of Engineers report dated December 29, 2000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed to continue with construction of the Tucson Drainage Area, Arizona, generally in accordance with the Chief of Engineers report dated May 20, 1998: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Zuni and Sun Valley Reaches, South Platte River, Denver County, Colorado, project, in accordance with the Report of the Chief of Engineers, dated May 16, 2003, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Delaware Bay Coastline, Point Mahon, Delaware, project, in accordance with the Report of the Chief of Engineers, dated September 28, 1998, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Delaware Coast from Cape Henlopen to Fenwick Island, Fenwick Island, Delaware, project, in accordance with the Report of the Chief of Engineers, dated December 29, 2000, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preparation of the General Re-evaluation Report (GRR) to determine the feasibility of additional deepening and widening of the Federal Project at Gulfport Harbor, Mississippi: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction for the Sand Creek Watershed, Nebraska, project in accordance with the Report of the Chief of Engineers, dated December 29, 2000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is to proceed with the construction of the Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, project, in accordance with the Report of the Chief of Engineers, dated December 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with planning, engineering, and design and initiate floodway buy outs for the Passaic River Management, New Jersey, project, generally in accordance with the Corps of Engineers Passaic River Floodway Buy-out Report, dated October 1995: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use $1,000,000 of the funds made available under this heading to continue construction of the project for Passaic River Streambank Restoration, Minish Park, New Jersey, and $6,500,000 of the funds made available under this heading to carry out the project for the Raritan River Basin, Green Brook Sub-Basin, New Jersey: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue engineering and design for the Ramapo and Mahwah Rivers, Mahwah, New Jersey and Suffern, New York, project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dare County Beaches, North Carolina (Bodie Island), project, in accordance with the Report of the Chief of Engineers, dated December 29, 2000, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Holes Creek, Ohio, project including the additional floodwall and relocations, generally in accordance with the Chief of Engineers report dated December 23, 1981 and the Supplement to the Reevaluation Report, dated 2003: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the design and construction of the Canton Lake, Oklahoma (Dam Safety) project, in accordance with the Corps of Engineer's Dam Safety Assurance Report, dated March 22, 2002: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with design and construction of the Lawton, Oklahoma, Waste Water Infrastructure Rehabilitation project, in accordance with the requirements identified in the City of Lawton's Sewer Rehabilitation Program in conjunction with the Oklahoma Department of Environmental Quality's consent order: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Columbia River Channel Improvements, Oregon and Washington, project in accordance with the Report of the Chief of Engineers, dated December 23, 1999 and the economic justification and environmental features stated therein, as amended by the Final Supplemental Integrated Feasibility Report and Environmental Impact Statement dated January 28, 2003: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Schuylkill River Park, Philadelphia, Pennsylvania, project, in accordance with the Letter Report, dated February 2003, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the preparation of plans and specifications for periodic nourishment of the Folly Beach, South Carolina, project, in accordance with the General Design Memorandum, dated May 1991 and approved by the Chief of Engineers on July 22, 1992, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed to construction of the Missouri River, South Dakota, project, in accordance with the provisions contained in Title IX of WRDA 2000: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Puget Sound Adjacent Waters Restoration, Washington project, as directed by Section 544 of Public Law 106–541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the Shoalwater Bay Shoreline Erosion, Washington, project as directed by Section 545 of Public Law 106–541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Jackson Hole, Wyoming, project, in accordance with Public Law 106–541, and the economic justification contained therein: Provided further, That the Secretary of the Army is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: Provided further, That no funds appropriated in this Act for the purpose of construction of the projects for the Everglades and South Florida Ecosystem Restoration shall be available for expenditure unless the Administrator of the Environmental Protection Agency certifies that the projects meet all applicable state water quality standards and numeric criteria adopted for phosphorus as well as water quality requirements set forth in the Consent Decree by September 30, 2003 and every 12 months thereafter until September 30, 2006: Provided further, That within funds provided herein, $500,000 may be used for completion of design and initiation of construction of the McCarran Ranch, NV, environmental restoration project: Provided further, That within funds provided herein, $100,000 may be used for initiation of feasibility studies to address erosion along Bayou Teche, LA within the Chitimacha Reservation: Provided further, That the Secretary of the Army may use at least $1,000,000 of the funds provided under this heading for the Great Lakes fishery and ecosystem restoration program: Provided further, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay. During preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement. In addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement. Notwithstanding the cost sharing provisions of section 510(d) of the Water Resources Development Act of 1996 (110 Stat. 3760), the preparation of the environmental impact statement shall be cost shared 50 percent Federal and 50 percent non-Federal, for an estimated cost of $2,000,000. The non-Federal sponsors may meet their 50 percent matching cost share through in-kind services: Provided, That the Secretary determines that work performed by the non-Federal sponsors is reasonable, allowable, allocable, and integral to the development of the environmental impact statement.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $329,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $12,000,000 of the *funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed, with funds previously appropriated, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project.*

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $2,014,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities; and of which $500,000 may be available for dredging and other operation and maintenance of the Rogue River, Gold Beach, Oregon; and of which $500,000 may be available for dredging and other operation and maintenance of the Umpqua River, Oregon: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2003, and September 30, 2004: Provided further, That none of the funds appropriated under this heading may be used for the Great Lakes Sediment Transport Models: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use not less than $5,461,000 of the funds made available under this heading for the Alabama-Coosa River, Alabama (including for routine operations and maintenance work at Swift Creek Park), of which not less than $2,500,000 may be used for annual maintenance dredging of navigational channels of the Alabama-Coosa River: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: Provided further, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities: Provided further, That the Corps of Engineers shall not allocate any funds, to deposit dredge material, without the consent of the landowners, on private property located along Reach 1, Reach 2, Reach 4, Reach 5, and Reach 6 of the Gulf Coast Intracoastal Waterway as defined by the Draft Laguna Madre GIWW Dredged Material Management Plan prepared by the Corps of Engineers and the Interagency Coordination Team dated October 11, 2002: Provided further, That the Secretary is directed to use $5,000,000 of the funds appropriated herein to undertake the restoration of Tar Creek and Vicinity, Oklahoma project: Provided further, That the Secretary of the Army may use $3,000,000 of the funds provided under this heading to undertake, in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks: Provided further, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection and related activities, $40,000,000, to remain available until expended.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $139,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $160,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this Act, or any other Act, shall be used to demonstrate or implement any plans divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 103. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (Public Law 87–874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood detention basin shall be consistent with Section 103(a) of the Water Resources Development Act of 1986, notwithstanding Section 202(a) of the Water Resources Development Act of 1996.

SEC. 104. Section 10 of the Rivers and Harbors Act of 1922, 42 Stat. 1043, 33 U.S.C. 621, is amended by inserting a comma after the word "Congress" and inserting immediately thereafter "to include any and all pre-authorization planning, engineering, design, construction, and operation and maintenance,".

SEC. 105. The Secretary is authorized and may design, remove and dispose of oil bollards and associated debris in Burlington Harbor, Vermont, at full Federal expense.

SEC. 106. KAKE DAM REPLACEMENT, KAKE, ALASKA TECHNICAL CORRECTIONS. Section 105, Public Law 106–377, is amended by striking "$7,000,000" and inserting in lieu thereof "$11,000,000 at full Federal expense".

SEC. 107. DEAUTHORIZATION OF INACTIVE CORPS PROJECTS. The following projects, with a total estimated authorized cost of $404,000,000, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood control, Green Bay Levee & Drainage District No. 2, Iowa, authorized by the Water Resources Development Act of 1986, deauthorized in fiscal year 1991, and reauthorized by the Water Resources Development Act of 1992;

(2) The project for navigation, Illinois Waterway Cal-Sag Part III, Illinois, authorized by the River and Harbor Act of 1946;

(3) The project for flood control, Lake George, Hobart, Indiana, authorized by the Water Resources Development Act of 1986;

(4) The project for flood control, Hazard, Kentucky, authorized by the Water Resources Development Act of 1988 (Public Law 100–876) and the Water Resources Development Act of 1990 (Public Law 101–640);

(5) The project for recreation, Taylorsville Lake (Uncompleted Recreation), Kentucky, authorized by the Flood Control Act of 1966;

(6) The project for flood control, Vanceburg, Kentucky, LPP, authorized by the Flood Control Act of 1937;

(7) The project for flood control, Libby Dam (Units 6–8), Montana, authorized by the Water Resources Development Act of 1996;

(8) The project for flood control, Epping, New Hampshire, authorized by the Water Resources Development Act of 1992;

(9) The project for flood control, Manchester, New Hampshire, authorized by the Water Resources Development Act of 1992;

(10) The project for flood control, Rochester, New Hampshire, authorized by the Water Resources Development Act of 1992;

(11) The project for multiple purposes, Fort Gibson Lake, Oklahoma (Units 5 and 6), authorized by the Water Resources Development Act of 1986;

(12) The project for flood control, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by the Water Resources Development Act of 1986;

(13) The project for flood control, Tamaqua, Pennsylvania, authorized by the Water Resources Development Act of 1974;

(14) The project for shoreline protection, Cliff Walk, Newport, Rhode Island, authorized by the River and Harbor Act of 1956 and amended by the Water Resources Development Act of 1992;

(15) The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by the Water Resources Development Act of 1992 and amended by the Water Resources Development Act of 1996;

(16) The project for navigation, Quonset Point-Davisville, Rhode Island (Bulkhead Repairs), authorized by the Water Resources Development Act of 1996;

(17) The project for flood control, Arroyo Colorado, Texas, authorized by the Water Resources Development Act of 1986;

(18) The project for flood control, Cypress Creek-Structural, Texas, authorized by the Water Resources Development Act of 1988; and

(19) The project for flood control, Cache County, Utah, authorized by the Water Resources Development Act of 1992 and amended by the Water Resources Development Act of 1999.

SEC. 108. DEAUTHORIZATION OF PROJECT FOR NAVIGATION, PAWTUXET COVE, RHODE ISLAND. (a) IN GENERAL.—The portions of the project for navigation, Pawtuxet Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and described in subsection (b) shall no longer be authorized after the date of enactment of this Act.

(b) DESCRIPTIONS.—The portions of the project referred to in subsection (a) are the following:

(1) Beginning at a point along the western edge of the 6-foot channel just south of the 6-foot turning basin: N247,856.00, E530,338.00, thence running north 51 degrees 44 minutes 12.5 seconds west 214.77 feet to a point N247,989.00, E530,169.37, thence running north 13 degrees 14 minutes 48.8 seconds west 149.99 feet to a point N248,135.00, E530,135.00, thence running north 44 degrees 11 minutes 7.4 seconds east 137.77 feet to a point N248,233.79, E530,231.02, thence running north 3 degrees 58 minutes 18.8 seconds west 300.00 feet to a point N248,533.07, E530,210.24 thence running north 86 degrees 1 minute 34.3 seconds east 35.00 feet to a point N248,535.50, E530,245.16, thence running south 3 degrees 58 minutes 21.0 seconds east 342.49 feet to a point N248,193.83, E530,268.88, thence running south 44 degrees 11 minutes 7.4 seconds west 135.04 feet to a point N248,097.00, E530,174.77, thence running south 13 degrees 14 minutes 48.8 seconds east 85.38 feet to a point N248,013.89, E530,194.33, thence running south 51 degrees 44 minutes 12.5 seconds east 166.56 feet to a point N247,910.74, E530,325.11 thence running south 13 degrees 14 minutes 49.2 seconds east 56.24 feet to the point of origin.

(2) Beginning at a point along the eastern edge of the 6-foot channel opposite the 6-foot turning basin: N248,180.00, E530,335.00, thence running south 32 degrees 12 minutes 35.3 seconds east 88.25 feet to a point N248,105.33, E530,382.04, thence running south 13 degrees 14 minutes 49.2 seconds east 138.48 feet to a point N247,970.53, E530,413.77, thence running north 32 degrees 12 minutes 35.3 seconds west 135.42 feet to a point N248,085.12, E530,341.59, thence running north 3 degrees 58 minutes 21.0 seconds west 95.11 feet to the point of origin.

(3) Beginning at a point along the eastern edge of the channel adjacent to the 6-foot entrance channel: N246,630.77, E530,729.17, thence running south 13 degrees 14 minutes 49.2 seconds east 35.55 feet to a point N246,596.16, E530,737.32, thence running south 51 degrees 31 minutes 38.6 seconds east 283.15 feet to a point N246,420.00, E530,959.00, thence running north 47 degrees 28 minutes 37.2 seconds west 311.84 feet returning to a point N246,630.77, E530,729.17.

SEC. 109. (a) The Secretary of the Army is authorized to provide technical, planning, design and construction assistance to non-Federal interests to remedy adverse environmental and human health impacts in Ottawa County, Oklahoma. In providing assistance, the Secretary shall coordinate with the State, Tribal, and local interests. The Secretary may undertake implementation of such activities as the Secretary determines to be necessary or advisable to demonstrate practicable alternatives, such activities shall include measures to address lead exposure and other environmental problems related to historical mining activities in the area.

(b) In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of the University of Oklahoma, the Oklahoma Department of Environmental Quality, or such other entities as the Secretary determines to be appropriate.

(c) Notwithstanding any other provision of law, the Secretary shall not incur liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601, et seq.) for activities undertaken pursuant to this section.

(d) Non-Federal interests shall be responsible for providing any necessary lands, easements or rights-of-way required for implementation of activities authorized by this section and shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section. All other costs shall be borne by the Federal Government.

(e) There is authorized to be appropriated $15,000,000 to carry out the purposes of this section.

SEC. 110. The amount of $2,000,000 previously provided under the heading "Construction, General" in Title I of the Energy and Water Development Appropriations Act, 2003, Division D of Public Law 108-7, is to be used to provide technical assistance at full Federal expense, to Alaskan communities to address the serious impacts of coastal erosion.

SEC. 111. The project for flood control for the American and Sacramento Rivers, California, authorized by Section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104–303) and Section 366 of the Water Resources Development Act of 1999, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $205,000,000, with an estimated Federal share of $153,840,000 and an estimated non-Federal share of $51,160,000. For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project authorized by 101(a)(1) of the Water Resources Development Act of 1996.

SEC. 112. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 113. Section 214(a) of Public Law 106–541 is amended by striking "2003" and inserting in lieu thereof "2005".

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, shall direct construction of Alternative 1 (Northeast Corner) for the project authorized in section 353 of Public Law 105–277 notwithstanding any other provision of law.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake appropriate planning, design, and construction measures for wildfire prevention and restoration in the Middle Rio Grande bosque in and around the City of Albuquerque. Work shall be directed toward those portions of the bosque which have been damaged by wildfire or are in imminent danger of damage from wildfire due to heavy fuel loads and impediments to emergency vehicle access. This work shall be undertaken at full Federal expense.

SEC. 116. Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through "means—" and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) RURAL NEVADA.—The term 'rural Nevada' means"; and

(C) by adding at the end the following:

"(2) RURAL UTAH.—The term 'rural Utah' means—

"(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch, Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

"(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.";

(3) in subsections (b) and (c), by striking "Nevada, Montana, and Idaho" and inserting "Idaho, Montana, rural Nevada, New Mexico, and rural Utah"; and

(4) in subsection (h), by striking "2001—" and all that follows and inserting "2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.".

SEC. 117. Of the amounts provided in section 312, the Secretary of Energy shall make the funds available to "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General" account, to remain available until expended, for the following: $5,000,000 for the Walter F. George Powerhouse, AL; $3,400,000 for the Rio Salado, Phoenix and Tempe Reaches, AZ project; $3,000,000 for the Montgomery Point Lock and Dam, AR project; $2,250,000 for the Red River Below Denison Dam, AR and LA and TX project; $3,750,000 for the Red River Emergency Bank, AR and LA project; $5,000,000 for the Napa River, CA project; $5,000,000 for the Oakland Harbor, CA project; $5,000,000 for the Port of Los Angeles project; $4,300,000 for the Santa Ana River Mainstem, CA project; $2,900,000 for the South Sacramento Streams, CA project; $1,286,000 for the Delaware Coast from Cape Henlopen to Fenwick Island, DE project; $1,000,000 for the Delaware Bay Coastline, Port Mahon, DE project; $1,250,000 for the Martin County, FL project; $3,000,000 for the Brunswick Harbor, GA project; $5,000,000 for the McCook and Thornton, IL project; $15,000,000 for the Olmsted Locks and Dam, Ohio River, IL and KY project; $600,000 for the Des Moines Recreational River and Greenbelt, IA project;

$250,000 for the Lock and Dam 19, IA project; $800,000 for the Perry Creek, IA project; $10,134,000 for the Kentucky Lock and Dam, KY project; $4,565,000 for the Inner Harbor Navigation Canal Lock, LA project; $3,000,000 for the J Bennett Johnston Waterway, LA project; $10,000,000 for the Southeast Louisiana project; $262,000 for the Genessee County, MI project; $287,000 for the Negaunee, MI project; $1,000,000 for the Breckenridge, MN project; $1,500,000 for the Blue River Basin, Kansas City, MO project; $3,000,000 for the Meramec River Basin, Valley Park Levee, MO project; $5,000,000 for the Mississippi River between the Ohio and Missouri Rivers, MO project; $2,000,000 for the Fort Peck Fish Hatchery, MT project; $2,000,000 for the Rural Montana, MT project; $1,000,000 for the Western Sarpy and Clear Creek, NE project; $1,000,000 for the Great Egg Harbor Inlet and Peck Beach, NJ project; $1,000,000 for the Hackensack-Meadowlands, Environmental Improvement, NJ project; $500,000 for the Passaic River Preservation of Natural Storage Areas, NJ project; $1,000,000 for the Passaic River Streambank Restoration, (Minish Park), NJ project; $500,000 for the Dare County Beaches, Bodie Island, NC project; $5,000,000 for the Wilmington Harbor, NC project; $3,000,000 for the Grand Forks, ND-East Grand Forks, MN project; $1,600,000 for the Tenkiller Ferry Lake, OK (Dam Safety) project; $5,000,000 for the Columbia River Channel Improvements, OR project; $5,000,000 for the Locks and Dams 2, 3, and 4, PA project; $3,000,000 for the Chief Joseph Dam Gas Abatement, WA project; $4,000,000 for the Marmet Lock, Kanawa River, WV project; and $2,366,000 for the Jackson Hole, WY project.

SEC. 118. Section 560(f) of Public Law 106–53 is amended by striking "$5,000,000" and inserting in lieu thereof "$7,500,000".

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 335) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public law 106–554; 114 Stat. 2763A-220), is further amended by adding at the end the following:

"(71) CORONADO, CALIFORNIA.—$10,000,000 may be authorized for wastewater infrastructure, Coronado, California.".

SEC. 120. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION PROGRAMS. Of the amounts made available by this title under the heading "GENERAL INVESTIGATIONS", not less than $1,500,000 may be available for Great Lakes remedial action plans and sediment remediation programs under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; Public Law 101–640).

SEC. 121. Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking "$25,000,000 for the period beginning with fiscal year 2000" and inserting "$100,000,000".

SEC. 122. Of the funds made available under Operation and Maintenance, General, an additional $500,000 may be made available to the Recreation Management Support Program to work with the International Mountain Bicycling Association to design, build, and maintain trails at Corps of Engineers projects.

SEC. 123. PARK RIVER, GRAFTON, NORTH DAKOTA. Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking "$18,265,000" and inserting "$21,075,000"; and

(2) by striking "$9,835,000" and inserting "$7,025,000".

SEC. 124. SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA. The Secretary of the Army may provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3785), as contained in the May 2000 report of the Philadelphia District based on regional economic development benefits, at a Federal share of 50 percent and a non-Federal share of 50 percent.

SEC. 125. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND. The Secretary of the Army may implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the city of Baltimore, Maryland.

SEC. 126. SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON. (a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the "Secretary") is authorized and may carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

SEC. 127. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO. Not later than 1 year after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall complete the general reevaluation report for the project for flood damage reduction, Mill Creek, Cincinnati, Ohio.

SEC. 128. Of the funds made available under Construction, General, $1,500,000 may be made available for work to be carried out under section 560 of the Water Resources Development Act of 1999 (Public Law 106–53).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $36,463,000, to remain available until expended, of which $9,423,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,728,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $859,517,000, to remain available until expended, of which $56,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,570,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2003, and 2004" in lieu of "and 2003": Provided further, That of the funds provided under this heading, an additional $5,000,000 may be available for the Mni Wiconi project, South Dakota.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, $200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $39,600,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,425,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: Provided further, That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.

WORKING CAPITAL FUND

(RESCISSION)

From unobligated balances under this heading $4,525,000 are rescinded.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 12 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301-6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 205. (a) Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not obligate funds appropriated for the current fiscal year or any prior Energy and Water Development Appropriations Act, or funds otherwise made available to the Commissioner of the Bureau of Reclamation, and may not use discretion, if any, to reduce or reallocate water to be delivered pursuant to San Juan-Chama Project contracts, including execution of said contracts facilitated by the Middle Rio Grande Project, to meet the requirements of the Endangered Species Act, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of New Mexico, including but not limited to, permitting requirements.

(b) Complying with the reasonable and prudent alternatives and the incidental take limits defined in the Biological Opinion released by the United States Fish and Wildlife Service dated March 17, 2003 combined with efforts carried out pursuant to Public Law 106–377, Public Law 107–66, and Public Law 108–7 fully meet all requirements of the Endangered Species Act (16 U.S.C. 1531 et seq.) for the conservation of the Rio Grande Silvery Minnow (Hybognathus amarus) and the Southwestern Willow Flycatcher (Empidonax trailii extimus) on the Middle Rio Grande in New Mexico.

SEC. 206. ENDANGERED SPECIES COLLABORATIVE PROGRAM. (a) Using funds previously appropriated, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation and the Director of the Fish and Wildlife Service, for purposes of improving the efficiency and expediting the efforts of the Endangered Species Act Collaborative Program Workgroup, is directed to establish an executive committee of seven members consisting of—

(1) one member from the Bureau of Reclamation;

(2) one member from the Fish and Wildlife Service; and

(3) one member at large representing each of the following six entities (selected at the discretion of the entity in consultation with the Bureau of Reclamation and the Fish and Wildlife Service) currently participating as signatories to the existing Memorandum of Understanding:

(A) other Federal agencies;

(B) State agencies;

(C) municipalities;

(D) universities and environmental groups; and

(E) business and industrial interests.

(b) Formation of this committee shall occur not later than 45 days after enactment of this Act.

(c) Fiscal year 2004 appropriations shall not be obligated or expended prior to approval by the Committee of a detailed spending plan.

SEC. 207. TULAROSA BASIN NATIONAL DESALINATION RESEARCH FACILITY. (a) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Pursuant to section 4(a) of Public Law 104–298, 110 Stat. 3622 (October 11, 1996), the Secretary may hereafter conduct or contract for the design, construction, testing and operation of the Tularosa Basin National Desalination Research Facility.

(b) The Tularosa Basin National Desalination Research Facility is hereafter exempt from all provisions of section 7 of Public Law 104–298, 110 Stat. 3622 (October 11, 1996). The Federal share of the cost of the Tularosa Basin National Desalination Research Facility may be up to 100 percent, including the cost of design, construction, operation, maintenance, repair and rehabilitation.

SEC. 208. The Secretary of the Interior, in carrying out CALFED-related activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Reservoir Enlargement, and Upper San Joaquin Storage projects, hereafter. These storage studies should be pursued along with ongoing environmental and other projects in a balanced manner.

SEC. 209. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the states identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to Federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority. The Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 210. HAWAII WATER RESOURCES STUDY. The Hawaii Water Resources Act of 2000 (Public Law 106–566, 114 Stat. 2818) is amended—

(1) in section 103—

(A) in subsection (b)(1), by striking "Not" and all that follows through "the Secretary" and inserting "The Secretary" and

(B) in subsection (e), by striking "$300,000" and all that follows and inserting "$2,000,000 for the Federal share of the activities authorized under this section"; and

(2) in section 104(b), by striking "cost-effective," and all that follows and inserting "cost-effective.".

SEC. 211. Notwithstanding the provisions of Title IV of Public Law 102–575 (106 STAT. 4648), the contributions of the Western Area Power Administration to the Utah Reclamation Mitigation and Conservation Account shall expire ten fiscal years from the date of enactment of this Act. Such contributions shall be from an account established by the Western Area Power Administration for this purpose and such contributions shall be made available to the Utah Reclamation Mitigation and Conservation Account subject to appropriations. After ten fiscal *years from the date of enactment of this Act, the Utah Reclamation Mitigation and Conservation Commission is hereby authorized to utilize interest earned and accrued to the Utah Reclamation Mitigation and Conservation Account.*

Sec. 212. That of the funds provided, an additional $3,000,000 shall be available for the Middle Rio Grande, New Mexico project and an additional $3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

Sec. 213. Lower Colorado River Basin Development. (a) In General.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) Payment to General Fund.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) Authorization.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury may not be expended until further Act of Congress.

Sec. 214. Tualatin River Basin, Oregon. (a) Authorization To Conduct Feasibility Study.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) Federal Share.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) Activities.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) Funding.—

(1) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

Sec. 215. Facilitation of Indian Water Rights. The Secretary of the Interior may extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C. 485h(d)) to facilitate Indian water rights settlements in the State of Arizona.

Sec. 216. Restoration of Fish and Wildlife Habitat and Provision of Bottled Water for Fallon Schoolchildren. (a) In General.—In carrying out section 2507 of Public Law 101–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) notwithstanding section 2507(b) of Public Law 101–171, provide $2,500,000 to the State of Nevada to purchase water rights from willing sellers and make necessary improvements for Carson Lake and Pasture;

(2) provide $100,000 to Families in Search of Truth, Fallon, Nevada, for the purchase of bottled water for schoolchildren in Fallon-area schools.

(b) Limitation.—The funds specified to be provided in subsection (a)(1) shall only be provided by the Bureau of Reclamation when the title to Carson Lake and Pasture is conveyed to the State of Nevada; the waiver of section 2507(b) of Public Law 101–171 shall only apply to water purchases for Carson Lake and Pasture.

(c) Administration.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 101–171.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Supply

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, including two buses; $920,357,000, to remain available until expended, of which $400,000 may be made available to the Office of International Market Development to carry out a program to implement, and serve as an administrative center in support of, the multi-agency Clean Energy Technology Exports Initiative, of which $3,000,000 may be available for the Navajo electrification demonstration program under section 602 of Public Law 106–511 (114 Stat. 2376): Provided, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may provide grants to States and regional organizations to work with system operators, including regional transmission organizations and independent system operators, on transmission system planning. The Office may require that grantees consider a full range of technology and policy options for transmission system planning, including energy efficiency at customer facilities and in transmission equipment, customer demand response, distributed generation and advanced communications and controls: Provided further, That of the funds made available for the Office of Electricity and Energy Assurance, the Office may develop regional training and technical assistance programs for State regulators and system operators to improve operation of the electricity grid.

Non-Defense Site Acceleration Completion

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $171,875,000, to remain available until expended.

Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, $396,124,000, to be derived from the Fund, to remain available until expended, of which $26,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Non-Defense Environmental Services

For Department of Energy expenses necessary for non-defense environmental services activities conducted as a result of nuclear energy research and development activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, as well as new work scope transferred to the Environmental Management program, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $302,121,000, to remain available until expended.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 15 passenger motor vehicles for replacement only, including not to exceed one ambulance, $3,360,435,000, to remain available until expended, of which $3,000,000 may be available for a defense and security research center.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $140,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $7,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for *litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.*

DEPARTMENTAL ADMINISTRATION

Departmental Administration

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $309,564,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $146,668,000 in fiscal year 2004 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2004, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than $162,896,000: Provided further, That of this amount, sufficient funds shall be available for the Secretary of Energy, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Energy during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Energy that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Energy shall make the report publicly available by posting the report on an Internet website.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,462,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; one fixed wing aircraft for replacement only; and the purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only, including not to exceed two buses; $6,473,814,000, to remain available until expended: Provided, That the Secretary of Energy may use $1,000,000 of available funds to preserve historical sites associated with, and other aspects of the history of, the Manhattan Project: Provided further, That $105,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, That $3,564,000 is authorized to be appropriated for Project 04–D–103, Project engineering and design (PED), various locations: Provided further, That a plant or construction project for which amounts are made available under this heading in this fiscal year with a current estimated cost of less than $10,000,000 is considered for purposes of section 3622 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 3623 of Public Law 107–314 as a construction project with a current estimated cost of less than the minor construction threshold.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,340,195,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, and the purchase of not to exceed one bus; $768,400,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $337,980,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Site Acceleration Completion

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; $5,770,695,000, to remain available until expended: Provided, That the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing WIPP Hazardous Waste Permit to comply with the provisions of section 310 of this Act.

Defense Environmental Services

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed one ambulance for replacement only, $987,679,000, to remain available until expended.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $492,209,000, to remain available until expended: Provided, That from the funds made available under this heading for transfer to the National Institute for Occupational Safety and Health for epidemiological research, $7,500,000 shall be transferred to include projects to conduct epidemiological research and carry out other activities to establish the scientific link between radiation exposure and the occurrence of chronic lymphocytic leukemia.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $285,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2004, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,100,000, to remain available until expended; in addition, notwithstanding the provision of 31 U.S.C. 3302, up to $34,400,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,600,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, beginning in fiscal year 2004 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with

Southwestern's transmission facilities, consistent with that authorized in section 5 of the Flood Control Act, shall be credited to this account and be available until expended: Provided, That notwithstanding the provision of 31 U.S.C. 3302, up to $2,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $177,950,000, to remain available until expended, of which $167,236,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,200,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $186,100,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable: Provided further, That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,640,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $199,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $199,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2004 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than $0.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

Of the funds appropriated in prior Energy and Water Development Appropriation Acts, $15,329,000 of unexpended balances of prior appropriations are rescinded: Provided, That $13,329,000 shall be derived from the Paducah Disposal Facility Privatization (OR–574) and $2,000,000 shall be derived from the Portsmouth Disposal Facility Privatization (OR–674).

GENERAL PROVISIONS

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $12,321,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 308. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. (a) The Secretary of Energy is directed to file a permit modification to the Waste Analysis Plan (WAP) and associated provisions contained in the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP). For purposes of determining compliance of the modifications to the WAP with the hazardous waste analysis requirements of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or other applicable laws waste confirmation for all waste received for storage and disposal shall be limited to (1) confirmation that the waste contains no ignitable, corrosive, or reactive waste through the use of either radiography or visual examination of a statistically representative subpopulation of the waste; and (2) review of the Waste Stream Profile Form to verify that the waste contains no ignitable, corrosive, or reactive waste and that assigned Environmental Protection Agency hazardous waste numbers are allowed for storage and disposal by the WIPP Hazardous Waste Facility Permit.

(b) Compliance with the disposal room performance standards of the WAP shall be demonstrated exclusively by monitoring airborne volatile organic compounds in underground disposal rooms in which waste has been emplaced until panel closure.

SEC. 311. Notwithstanding any other provision of law, the material in the concrete silos at the Fernald uranium processing facility currently managed by the Department of Energy shall be considered "byproduct material" as defined by *section 11e.(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2)). The Nuclear Regulatory Commission or an Agreement State, as appropriate, shall regulate the material as "11e.(2) by-product material" in the event that the Department of Energy proposes to dispose of the material in an NRC-regulated or Agreement State-regulated facility.*

SEC. 312. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING. (a) Notwithstanding 31 U.S.C. 3302 and the last sentence of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s) and subject to (d), the Secretary of Energy shall collect fees, as offsetting collections, in the amount of $145,000,000, pursuant to those acts which authorize Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration to collect revenues for power provided. The Secretary of Energy shall make the collection available to the Secretary of the Army hereafter referred to as "the Secretary".

(b) The Secretary shall accept funds made available pursuant to subsection (a) and shall use such funds for Construction, General. The funds provided under this section shall remain available until expended.

(c) Subsection (b) of this section shall be carried out in consultation with preference customers under Federal law to the marketing of power.

(d) This section shall become effective only upon the enactment of authorizing legislation changing the nature of receipts collected by Southeastern Power Administration, Southwestern Power Administration, and the Western Area Power Administration by making the collection of not less than $145,000,000 of such receipts in fiscal year 2004 subject to approval in an annual appropriations Act.

SEC. 313. No funds appropriated or otherwise made available to the Department of Energy by this Act may be available for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the robust nuclear earth penetrator.

SEC. 314. No funds appropriated or otherwise made available under this title under the heading "ATOMIC ENERGY DEFENSE ACTIVITIES" may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 315. MARTIN'S COVE LEASE. (a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term "Bureau of Land Management", hereafter referred to as the "BLM", means an agency of the Department of the Interior.

(2) CORPORATION.—The term "Corporation" means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term "Martin's Cove" means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC–001.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary may enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC–001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environmental and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridgement, modification, termination, or other taking in the event any surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Gate.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the leasehold, provided that the leased lands shall be withdrawn from all forms of entry, appropriations, or disposal under the public land laws and disposition under all laws relating to oil and gas leasing.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

SEC. 316. (a) MEMORANDUM OF AGREEMENT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall enter into a Memorandum of Agreement (referred to in this section as the "MOA") under which the Secretary of Labor shall agree to provide technical and managerial assistance pursuant to subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.).

(b) REQUIREMENT.—Under the MOA entered into under subsection (a), the Secretary of Labor shall, not later than 90 days after the date of enactment of this Act, assume management and operational responsibility for the development and preparation of claims filed with the Department of Energy under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), consistent with the regulations under part 852 of title 10, Code of Federal Regulations, including the development of information necessary for the informed consideration of such claims by a physicians panel (which shall include work histories, medical records, and exposure assessments with respect to toxic substances).

(c) PROCUREMENT OF SERVICES.—The Secretary of Labor may procure temporary services in carrying out the duties of the Secretary under the MOA.

(d) DUTIES OF SECRETARY OF ENERGY.—Under the MOA entered into under subsection (a), the Secretary of Energy shall—

(1) consistent with subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o et seq.), manage physician panels and secure necessary records in response to requests from the Secretary of Labor; and

(2) subject to the availability of appropriations, transfer funds pursuant to requests by the Secretary of Labor.

(e) SUBMISSION TO CONGRESS.—The MOA entered into under subsection (a) shall be submitted to the appropriate committees of Congress and made available to the general public in both printed and electronic forms.

SEC. 317. REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696. (a) DEFINITIONS.—

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) TOWN.—The term "town" means the town of Stuyvesant, New York the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

SEC. 318. REPORT ON EXPENDITURES FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION ACT. Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Secretary for the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.).

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,145,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $19,559,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $7,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $48,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $618,800,000, to remain available until expended: Provided, That of the amount appropriated herein, $33,100,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than $79,956,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $7,300,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,716,000 in fiscal year 2004 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than $584,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. (a) Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

"(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).".

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2004".

APPOINTMENT OF CONFEREES—S. 3

The PRESIDING OFFICER. Under a previous order, the Chair is authorized to appoint conferees on S. 3.

The PRESIDING OFFICER appointed Mr. HATCH, Mr. DEWINE, Mr. SANTORUM, Mrs. FEINSTEIN, and Mrs. BOXER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ORDERS FOR TUESDAY, SEPTEMBER 23, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, September 23. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the remaining 30 minutes under the control of Senator HUTCHISON or her designee, provided that following morning business, the Senate resume consideration of H.R. 2691, the Interior appropriations bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Senators, tomorrow following morning business, the Senate will resume debate on H.R. 2691, the Interior appropriations bill. Under a previous order, the Senate will vote on or in relation to the Daschle amendment No. 1734 regarding Indian health care. The vote in relation to the Daschle amendment will be the first vote of tomorrow's session.

For the remainder of the day, the Senate will continue to work through amendments to the Interior appropriations bill. There are several pending amendments that will require votes, and several Senators have indicated they will offer additional amendments. On behalf of the leader, I encourage all Senators who wish to offer an amendment to contact the bill managers as soon as possible. It is the leader's intention to complete action on the Interior appropriations bill during tomorrow's session. Therefore, Senators should expect rollcall votes throughout the day and into the evening tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Tuesday, September 23, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 2003:

DEPARTMENT OF EDUCATION

RAYMOND SIMON, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE SUSAN B. NEUMAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. GEORGE W. CASEY JR., 1204

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 2003:

THE JUDICIARY

GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

EXTENSIONS OF REMARKS

HONORING SONORA HIGH SCHOOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Sonora High School as it celebrates its 100th anniversary. A special Centennial Celebration will be held on September 26th and 27th at the Sonora High campus to honor the occasion.

Sonora High School is located in Tuolumne County in the town of Sonora, CA. The school officially opened on September 21, 1903. It was originally named Tuolumne County High School and was located in the County Court House. In 1906, a new school building was constructed, and the school was later renamed Sonora High School. Today there are 1,550 students attending the high school from seven elementary school districts.

Sonora High School offers a variety of educational programs. It provides a Regional Occupation Program which includes 12 courses to prepare high school students and adults for careers. The high school receives Gifted and Talented Funds that provide enriching activities for high achieving students. Sonora High School also offers an extensive Advanced Placement program which includes 18 college level courses in English, Social Studies, Math, Science, Music, and Computer Science.

Through the years the students at Sonora High School have excelled at numerous extracurricular activities. They participate in 15 sanctioned California Interscholastic Federation sports, and in 2002 the football field, Dunlavy Field, was rated by USA Today as one of the top 10 stadiums in the United States. The 300 member Golden Regiment Band has also received recognition for being the finest in the region. Sonora High's student leadership program encompasses over 150 participating students as well.

Mr. Speaker, it is my pleasure to congratulate the Sonora High School community on its accomplishments and contributions over the past 100 years. I urge my colleagues to join me in commending Sonora High School.

INSUFFICIENT FUNDING IN THE FY 2004 TRANSPORTATION APPROPRIATIONS BILL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mr. RAHALL. Mr. Speaker, I rise today to discuss the Fiscal Year 2004 Transportation appropriations bill.

I voted for the Transportation appropriations bill because there are many worthwhile and appropriate provisions in the bill such as highway funding, funding for the Airport Improvement Program, and restored funding for the Transportation Enhancements Program. Our economy and lifestyles are dependent upon our integrated transportation network, and my vote reflects my support for our infrastructure.

However, I voted for the bill with many misgivings. This bill grossly underfunds passenger rail in this country. As a long-time supporter of passenger rail in this country, I say that Amtrak has never been given adequate support by the U.S. Congress. Instead, it has frequently been made a convenient scapegoat for those eager to say that they support reducing federal spending, but who do not hesitate to fund other transportation modes. For many individuals from my Congressional district in Southern West Virginia, and for those in other areas, Amtrak serves as the primary source of travel even just for routine visits to the doctor's office or the Veterans Administration. Amtrak President David Gunn said he needs $1.8 billion in 2004 to continue to carry out his reforms, which have been very successful to this point. I think we ought to give him the money to do his job.

Similarly, the bill underfunds the Essential Air Services Program. I realize $63 million is no small amount, but it represents a dramatic cut to air travel in rural areas. As we recognized at the time of deregulation, and as we should recognize right now, we need to ensure that rural airports can continue to operate. Small communities in over 35 states rely on this federal funding for much-needed air service and jobs.

Furthermore, were it not for the efforts of Transportation Appropriations Subcommittee Ranking Member JOHN OLVER, my friend TOM PETRI, who is Chairman of the Highways and Transit Subcommittee to the Transportation and Infrastructure Committee, and several others as well as myself, the funding for the Transportation Enhancements program would not have been preserved as authorized. When we on the Public Works Committee, the precursor to the Transportation and Infrastructure Committee, authorized this valuable program with the enactment of the Intermodal Surface Transportation Efficiency Act in 1991, we heard the requests of the American people for a transportation bill that reflected lifestyle interests over and above the construction of the highways. In addition to a sufficient roads network, the American people want opportunities to preserve and visit historic, archaeological, cultural, and scenic treasures. As my good friend, JIM OBERSTAR, the respected Ranking Member of the Transportation and Infrastructure Committee, can no doubt attest, Americans also want to pursue recreational activities such as bike trails as alternatives to increasingly sedentary lifestyles.

Attempting to alter programs through the appropriations process such as the Transportation Enhancements, or the National Scenic Byways program, encroaches upon the jurisdiction of the Transportation and Infrastructure Committee. This raises an additional point of concern. Mr. Speaker, the Transportation Equity Act of the 21st Century (TEA–21) will expire at the end of this month with no successor bill in place. This key surface transportation bill provides authorization and appropriations to address measurable needs in our infrastructure, but Congress has yet to even embark on a meaningful bill due to unresolved funding issues. This leaves the appropriators with no current, updated authorization language upon which to rely when crafting the transportation appropriations.

The United States Department of Transportation says we need to provide $375 billion in federal funding just to maintain our surface transportation system in its current condition, which the American Society of Civil Engineers recently described as "substandard." Congress should not oppose investment in our infrastructure to ensure our future. We know what needs to be done, yet we are being delinquent in our responsibility to the American people by not doing it.

Congress should enact a surface transportation bill as quickly as possible.

RANDI'S CLEANERS: SMALL BUSINESS OF THE MONTH FOR SEPTEMBER 2003

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mrs. McCARTHY of New York. I rise to name Randi's Cleaners the Small Business of the Month for September 2003 for the Fourth Congressional District of New York.

September 15–20 is National Small Business Week. I am excited to celebrate the contributions of local businesses on Long Island through the inauguration of a new Small Business of the Month program. Many in our community know that small businesses are the backbone of Long Island's economic well being. As the national economy struggles to stay afloat, the energy, flexibility and innovation of our local small businesses have become essential. It is time to spotlight some of these businesses' extraordinary achievements and contributions.

Randi's Cleaners, located in my hometown of Mineola, is a successful small business and an excellent addition to our community on Long Island. Known throughout Mineola as friendly and reliable, Randi's Cleaners also has a reputation for community improvement. Every year, Randi's Cleaners hosts a two-month-long "Coats for Kids" Drive, during which time members of the community donate their coats for people in need.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Arthur Epstein, Chairman of Randi's Cleaners' "Coats for Kids" Drive, has been collecting coats for both children and adults for 20 years. Originally, Arthur collected donations from individual dry cleaners. In 2000, he launched the "Coats for Kids" Drive as a community-wide effort. This fall, he expects donations from hundreds of individuals, schools, municipalities and private organizations.

Mr. Speaker, I thank Arthur Epstein and everyone at Randi's Cleaners for their hard work in making their annual "Coats for Kids" Drive an overwhelming success.

COMMENDING THE FRESNO CHAPTER OF THE AMERICAN HEART ASSOCIATION IN HONOR OF THE AMERICAN HEART WALK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to commend the Fresno Chapter of the American Heart Association for hosting the 12th Annual American Heart Walk. The event will be held Saturday, September 20th at Woodward Park in Fresno, California.

The American Heart Walk is committed to increasing public awareness of walking as a heart healthy exercise, while raising funds to battle heart disease and stroke. The event also provides special recognition for survivors of stroke and heart disease. It has become the American Heart Association's fastest growing special event with 2,500 walkers and runners, as well as more than 100 volunteers expected to participate this year. By attracting both individuals and corporate teams, the walk has seen great communitarian and financial success. Although the event itself is noncompetitive, participants take seriously the task of soliciting donations which fund the Association's many programs.

The American Heart Association's fundraising goal for the event is $200,000: money that will help support research and community outreach programs. American Heart Association-funded research is responsible for numerous medical advances including pacemakers, bypass surgery, CPR, artificial heart valves, and blood pressure medication. Funds raised will also go toward educational programs for the community that emphasize healthy eating, smoking cessation, high blood pressure control, and promotion of physical activity.

Mr. Speaker, it is my pleasure to praise the American Heart Association for hosting the American Heart Walk. I urge my colleagues to join me in wishing the American Heart Association many years of continued success.

TO HONOR THE OUTSTANDING PUBLIC SERVICE CAREER OF MAY W. NEWBURGER, TOWN SUPERVISOR OF NORTH HEMPSTEAD, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to honor May W. Newburger on the occasion of her retirement from public service. During her long and distinguished career, Ms. Newburger served for two years as Town Councilwoman as well as for eight highly productive years in the New York State Assembly. She was the first woman to be elected chief executive of a Nassau County town and is currently serving her fifth term as Town Supervisor of North Hempstead, New York.

As Town Supervisor, May Newburger has been the driving force behind long-term strategic financial planning in North Hempstead, most notably through the Debt Management and Capital Plans. She has already transformed a $7 million budget deficit into a surplus of $7.7 million and will reduce the town debt by $107 million over the next ten years. This planning has helped move the town from the lowest bond rating to the highest in its history.

Under May Newburger's leadership, North Hempstead was named "Town of the Year 1999" by the Long Island Development Corporation and received the "Quality of Life" award from the Long Island Division of the American Society of Civil Engineers. May also spearheaded the initiative to reclaim the Morewood Property, an environmentally damaged area, turning it into the Harbor Links municipal golf course, one of the country's most environmentally friendly championship level golf courses and the winner of the "Environmental Stewardship Award" as well as the prestigious "Audubon Signature Distinction." Supervisor Newburger also successfully lobbied the Environmental Protection Agency for $200,000 to designate New Cassel as a Brownfields Pilot Community.

Throughout her career in public service, May Newburger has received innumerable awards and honors and has served on many State and national committees. In 1981, she served as a New York State Delegate to the White House Conference on Families and from 1987 to 1989 she chaired the American Jewish Congress' National Commission on Women's Equality. She was also a member of the State Judicial Committee on Women in the Courts, the Governor's Commission of Domestic Violence and the State Commission on Child Care.

I commend May W. Newburger for her commitment and tireless dedication to improving the lives of others. I ask my colleagues in the House of Representatives to please join me in celebrating her outstanding career in public service.

THE IMPORTANCE OF INDEPENDENCE FOR FASB

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this year, I received a very thoughtful letter from Eugene O'Kelly, the Chairman and Chief Executive Officer of KPMG. I was thoroughly impressed to receive a strong letter in favor of the independence of accounting standards from the Chief Executive of this major accounting firm. I believe Mr. O'Kelly's letter makes a very important contribution to the debate on a significant public policy issue and I ask that it be printed here.

KPMG,
PARK AVENUE,
New York, NY, July 9, 2003.

Hon. BARNEY FRANK,
Ranking Minority Member, House Committee on Financial Services
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN FRANK: That public trust in our capital markets institutions has been badly shaken by recent corporate scandals is a truth that hardly needs repeating. Congress recognized the need to restore that trust when it passed the Sarbanes-Oxley Act. Among its many reforms, the Act established an independent funding source for the Financial Accounting Standards Board, to avoid any appearance of undue influence. It would be sadly ironic if the Congress itself were now to undermine the independence of the FASB.

The immediate controversy, of course, is accounting for stock options, but it is not my purpose here to debate that subject (KPMG is on record that they should be expensed). Rather, I am concerned about a more fundamental issue—namely, the integrity of the independent standard-setting process that has served out financial markets remarkably well for decades.

To do right by investors, the FASB must be free to render its judgments on the basis of sound accounting and financial reporting, the lodestar of which is transparency. As the FASB patiently (if sometimes inartfully) explains, it does not, indeed it must not, take into account the economic consequences of the standards it writes. Critics seize upon this position to justify legislative intervention on the basis of economic policy. But this criticism misses the point. The FASB bases its standards on clarity and transparency rather than other factors precisely because this is the only approach beneficial to a free-market economy.

The purpose of financial reporting is to provide investors as clear a window as possible into a company's underlying operations and results. When it succeeds, the markets efficiently allocate capital to its highest and best uses, and the economy prospers. To set accounting standards in order to engineer a particular outcome or to benefit a certain industry would distort the true picture of company performance and misdirect the flow of investment. To understand the ensuing damage, we need look no farther than to the end of the last century, littered with the failures of central economic planning.

To provide transparency to investors, in other words, accounting standard setters must be neutral with respect to economic winners and losers. They cannot be influenced by concerns over which industry is in favor or in need. This is a task for which an elected body is frankly ill suited. Just consider the consequences to our capital markets if financial reporting were subject to the same vicissitudes of politics and public opinion as, say, fiscal policy.

Congress, like all interested parties, has every right to make its views known on the standards proposed by the FASB. And all those affected have a right to thorough due process in the FASB's decision-making. Ultimately, however, the FASB must be free from political pressure to make its decisions on the merits of transparency. Over the years, Congress wisely has resisted the temptation to intervene. Today, when more than ever investors need to know that financial reports tell the straight story, nothing less than a truly independent accounting standard-setting body will do.

Sincerely,

EUGENE D. O'KELLY,
Chairman and Chief Executive.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 23, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

9 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine the findings of the GAO concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11th, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security.

SD-406

9:30 a.m.

Foreign Relations

To hold hearings to examine a five-year plan for the current situation in Iraq.

SD-106

Governmental Affairs

To hold hearings to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions.

SD-342

9:45 a.m.

Armed Services

To hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.

SR-325

10 a.m.

Appropriations

To hold hearings to examine the President's fiscal year 2004 supplemental request for Iraq and Afghanistan.

SR-325

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity.

SD-430

2 p.m.

Indian Affairs

To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.

SR-485

2:30 p.m.

Judiciary

Crime, Corrections and Victims' Rights Subcommittee

To hold hearings to examine elder abuse, neglect, and exploitation.

SD-226

Foreign Relations

To hold hearings regarding democratic institutions in Iraq and the Middle East.

SD-106

SEPTEMBER 25

2:30 a.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

9:30 a.m.

Armed Services

To hold hearings to examine ongoing operations and reconstruction efforts in Iraq.

SH-216

Judiciary

Business meeting to consider pending calendar business.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine counterterror initiatives in the terror finance program.

SD-538

Health, Education, Labor, and Pensions

Business meeting to consider S. 606, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, the Workforce Investment Act Amendments of 2003, the Family Smoking Prevention and Tobacco Control Act, and pending nominations.

SD-430

Indian Affairs

To hold hearings to examine proposed legislation to reauthorize the Head Start program.

SD-562

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, and James Casey Kenny, of Illinois, to be Ambassador to Ireland.

SD-419

3 p.m.

Foreign Relations

African Affairs Subcommittee

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold joint hearings to receive a briefing from Senator Frist on HIV/AIDS in Africa.

SH-216

SEPTEMBER 30

9 a.m.

Governmental Affairs

To hold hearings to examine the nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, Craig S. Iscoe, to be Associate Judge of the Superior Court of the District of Columbia, and Brian F. Holeman, to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities industry.

SD-538

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine underage drinking.

SD-430

OCTOBER 2

10 a.m.

Health, Education, Labor, and Pensions

To hold joint hearings with the House Committee on Energy and Commerce to examine activities of the National Institutes of Health.

SD-106

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park.

SD-366

2 p.m.

Indian Affairs

To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.

SR-485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

POSTPONEMENTS

SEPTEMBER 24

9:30 a.m.
Judiciary
To hold hearings to examine the nominations of Dale S. Fischer to be United States District Judge for the Central District of California, Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Gary L. Sharpe to be United States District Judge for the Northern District of New York.
SD–226

SENATE—*Tuesday, September 23, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the source of our highest joy, remind us that only in Your will can we find true peace and happiness. Change our hearts so that our actions will glorify Your name. Lord, bring us from behind our barricades of selfishness and teach us that it is more blessed to give than to receive. As Senators labor today, fill them with Your spirit so that they will seek to know and do the right thing. Save them from disunity and from decisions made solely in the name of politics. Give wisdom to their advisers, and throughout each day may each of us find moments to seek You in prayer. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will conduct a period for morning business to allow Senators to speak. Following morning business, at approximately 10:30 a.m., the Senate will resume consideration of the Interior appropriations bill. Under the order from last night, there will be 10 additional minutes for debate in relation to Senator DASCHLE's amendment on Indian health care. Therefore, the first vote of today's session will occur at approximately 10:45 a.m. Following that vote, we hope to be in a position to schedule additional votes on some of the other pending amendments.

We will recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons to meet, and it is our hope to have additional votes prior to that recess.

We do expect to finish the appropriations bill today or this evening, if necessary. Once completed, we will continue with other appropriations bills, possibly the DC appropriations legislation.

I also remind Members once again that we will be scheduling votes on available judicial nominations and others throughout the week.

Over the course of the last 24 hours, people have been recovering in the region from the natural disaster we had last week. Our thoughts and prayers go out to them, of course. There are many people, including many people in this body, who do not have electricity or are having water problems. We had rain last night, so we have continued problems. We will continue to work together to get people back to normal lives, but our thoughts and prayers are with them.

Lastly, as I mentioned yesterday, this week is a very busy week in addressing the request for $87 billion to further the war against terrorism, and our goal is to have a good debate, good exchange of information, asking the tough questions. That started yesterday afternoon with some fantastic hearings chaired by the President pro tempore, who is in the Chair now, that went into last evening. Hearings will be held by a number of other committees over the course of this week, both in the Senate and the House of Representatives.

Next week, I hope to be able to address the request on the floor of the Senate. I would like to aim for having that request completed by the end of next week and before we go out for the following week.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant minority leader.

Mr. REID. Mr. President, there are a number of amendments pending—the Bingaman amendment and another Daschle amendment. Unless something can be worked out with the managers, I am sure we can dispose of those by votes prior to the recess. Also, I say to the leader, that with respect to the contracting-out amendment, which will take a little more debate, we will be ready to vote around 3 o'clock on that amendment. At least the way amendments are now stacked, that is the most contentious amendment that has been filed.

I also say in the presence of the majority leader, and for Senators on our side and on the other side, the two managers are waiting for amendments. If there are amendments to be offered, they should do that as quickly as possible. Progress has been made more rapidly than I thought on this bill. With a little bit of good fortune, we can complete this bill fairly early this evening.

Mr. FRIST. Mr. President, I will close. I know people will be coming over to speak in morning business. We have an hour.

PRESIDENT BUSH'S VISIT TO THE UNITED NATIONS

Mr. FRIST. Mr. President, today President Bush will be addressing the United Nations, and he is asking those who champion freedom to pull together and support the reconstruction of Iraq. He will make a powerful case because freedom is a powerful force. Freedom is a beacon to people all over this land—indeed, all over the world. It leads countries to greatness and men and women to their highest aspirations. We look forward to hearing his comments later this morning.

It is clear this body will stand by the Iraqis, will help them build a free, prosperous, and democratic Iraq. Their future, indeed, our security and the security of civilized people everywhere depends on it.

Mr. REID. Mr. President, I also certainly wish the President the best of luck at the United Nations today. I think it is extremely important we have more support from the international community. I am very happy to see the President going there seeking that help.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to exceed 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the Democratic leader or his designee, and the remaining 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. I ask unanimous consent that I be allowed to proceed for 15 minutes on the Republican time.

Mr. WARNER. Mr. President, I have no objection, but I will indicate that I desire to follow the distinguished Senator from Utah. I will seek recognition at that time for another 4 to 6 minutes.

The PRESIDENT pro tempore. Does the Senator seek unanimous consent at this time?

Mr. WARNER. Yes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Virginia will be recognized following the Senator from Utah.

The Senator from Utah is recognized.

A CHARGE AGAINST THE PRESIDENT

Mr. BENNETT. Mr. President, over the weekend the country heard one of the more senior Members of this body, the senior Senator from Massachusetts, make a charge against the President of the United States, particularly with respect to the war in Iraq.

The senior Senator from Massachusetts said the war in Iraq was "hatched in Texas" in a conversation between the President of the United States and the Republican leadership and that the purpose of attacking Iraq was to help the Republicans politically in the congressional elections of 2002. The Senator from Massachusetts summarized the President's position with respect to the war in a single word. He called it a "fraud."

To quote a comment from the Washington Post in another situation dealing with Iraq, this is a serious charge and it deserves a serious response. It is my attempt today to give a serious response to this charge.

If the charge made by the senior Senator from Massachusetts is accurate, then the President is deserving of a serious rebuke. If in fact the charge is not accurate, the senior Senator from Massachusetts is deserving of a serious rebuke.

I intend to examine whether or not the charge could be substantiated and give it the attention that I think it does in fact deserve.

I will turn not to sources that are friendly to the President of the United States; I will go in my analysis to those who have been critical of President Bush with respect to Iraq and to his Presidency generally.

Let me start by quoting a Presidential statement with respect to Iraq:

> Saddam Hussein's priorities are painfully clear, not caring for his citizens but building weapons of mass destruction and using them—using them not once, but repeatedly in the terrible war Iraq fought with Iran, and not only against combatants but against civilians, and not only against a foreign adversary but against his own people, and he has targeted Scud missiles against fellow Arabs in Iran, Saudi Arabia, and Bahrain.
>
> Nobody wants to use force, but if Saddam Hussein refuses to keep his commitments to the international community, we must be prepared to deal directly with the threat these weapons pose to the Iraqi people, to Iraq's neighbors, and to the rest of the world. Either Saddam acts, or we will have to.

As I say, that was a Presidential quote, but it was not from George W. Bush, and it was not after a meeting in Texas between George W. Bush and Republican leaders. That was a statement made by President William Jefferson Clinton on February 20, 1998—long before the congressional elections of 2002 and 2 years before George W. Bush became President of the United States.

The suggestion that President Bush created the fraud or the specter that Saddam Hussein had weapons of mass destruction does not stand up against that statement by President Clinton.

I make reference to the Washington Post. This is a newspaper that is not known for its support of either Republicans or President Bush. But they were a supporter of attacking Iraq and, as I have said, there were those who charged the Washington Post editors with a "jingoistic rush to war," and the paper said, as I have noted:

> That is a serious charge and it deserves a serious response.

Then the paper goes on to make these comments:

> In fact, there is nothing sudden or precipitous about our view that Saddam Hussein poses a grave danger.

Quoting further:

> In 1997 and 1998, we strongly backed President Clinton when he vowed that Iraq must finally honor its commitments to the United Nations to give up its nuclear, biological, and chemical weapons, and we strongly criticized him when he retreated from those vows.

Again, that was a comment made after the supposed meeting in Texas and made after the congressional elections of 2002. If, indeed, President Bush made the decision to go into Iraq for purely political reasons, why would the Washington Post, which is not one of President Bush's supporters, be commenting after those congressional elections in a way that makes it clear they came to the same conclusion that President Bush did?

Would the Senator from Massachusetts suggest that the Washington Post was part of the conspiracy that went on in Texas prior to the congressional elections, and that the Washington Post was complicit in the fraud visited on the American people by the decision to go ahead in Iraq?

The Post editorial goes on, and this was February 27, 2003:

> When we cite Mr. Clinton's perceptive but ultimately empty comments, it is in part to chide him and other Democrats who take a different view now that a Republican is in charge. But it has a more serious purpose, too. Mr. Clinton could not muster the will, or the domestic or international support, to force Saddam Hussein to live up to the promises he had made in 1991, though even then the danger was well understood.

We need not stay within our shores to find those who believe the President made the right decision in Iraq. Let us go overseas. I had occasion to visit with a group of European Parliamentarians. One of them, who came from Great Britain, made this comment to me. He said they have never had a politician in Great Britain who is as poll-driven as Tony Blair, and they never had one who pays so much attention to focus groups. The man said Tony Blair almost allows focus groups to determine what kind of tie he will wear in the morning. Yet when we come to this Iraq business, said this particular Parliamentarian, Tony Blair is going against all of the polls and all of the focus groups. He is acting in a manner that is completely uncharacteristic for him as a politician. He is actually willing to risk his position as Prime Minister in order to make sure we go after Saddam Hussein. He said they cannot understand it, except on one possible basis, and that is that Tony Blair must be completely convinced that the information is correct, that the intelligence is right, and that Saddam Hussein does indeed pose a threat. He said that there is otherwise no explanation for the way he is behaving, that it is contrary to his entire political experience.

Would the senior Senator from Massachusetts suggest that Tony Blair was part of a conspiracy in Texas prior to the 2002 elections, and that Tony Blair was convinced by the President of the United States he should help him win a Republican victory in the congressional elections by supporting the action in Iraq?

It is interesting when we are talking about Tony Blair we can once again turn to the words of William Jefferson Clinton. On March 18, 2003, once again, after the congressional elections had taken place, President Clinton had this to say in the Guardian Newspaper, published in Great Britain. He talked about those in America who were calling for action. Then he says:

> On the other side, France, Germany and Russia are adamantly opposed to the use of force or imposing any ultimatum on Saddam as long as the inspectors are working. They believe that, at least as long as the inspectors are there, Iraq will not use or give away its chemical and biological stock and therefore no matter how unhelpful Saddam is, he does not pose a threat sufficient to justify invasion.

Here is President Clinton using a phrase that is now current in the Democratic Presidential race: "He does not pose a threat sufficient to justify invasion."

Then President Clinton goes on and responds to that statement by saying this:

> The problem with their position is that only the threat of force from the US and the UK got inspectors back into Iraq in the first place. Without a credible threat of force, Saddam will not disarm.

Then President Clinton goes on to conclude:

> If we leave Iraq with chemical and biological weapons, after 12 years of defiance, there is a considerable risk that one day these weapons will fall into the wrong hands and put many more lives at risk than will be lost in overthrowing Saddam.
>
> . . . Prime Minister Blair will have to do what he believes to be right. I trust him to do that and hope the labor MP's and the British people will, too.

This is President Clinton supporting Prime Minister Blair in his support of President Bush after the congressional elections of 2002 have taken place.

Are we suggesting again that President Clinton and Prime Minister Blair and the Washington Post were all part of the conspiracy to perpetuate a fraud on the American people? I don't think so.

Now, I come to my final comment that I wish to make, again, from a source not friendly to the President. Once again, it is the Washington Post. I began with them and I shall conclude with them. This is an editorial published on August 10, 2003, almost a year after the congressional elections are over. They are referring to a speech made by the former Vice President, Al Gore:

> The notion—that we were all somehow bamboozled into war—is part of Mr. Gore's larger conviction that Mr. Bush has put one over on the nation, and not just with regard to Iraq.

That is essentially what the senior Senator from Massachusetts said, and which the former Vice President said, and the Washington Post repeats that. This is the comment they make, referring to that proposal President Bush "put one over on the nation."

The Washington Post says of that idea that it is:

> . . . one that many Americans might find a tad insulting: The administration has developed a highly effective propaganda machine to embed in the public mind mythologies . . .

Again, that is Vice President Gore's comment, and that was the gist of what the senior Senator from Massachusetts said.

Back to the Washington Post:

> Thus, Mr. Gore maintains, we were all under the "false impression" that Saddam Hussein was "on the verge of building nuclear bombs," that he was "about to give the terrorists poison gas and deadly germs," that he was partly responsible for the 9/11 attacks. And because of these "false impressions," the nation didn't conduct a proper debate about the war. But there was extensive debate going back many years; last fall and winter the nation debated little else. Mr. Bush took his case to the United Nations. Congress argued about and approved a resolution authorizing war. And the approval did not come, as Mr. Gore and other Democrats now maintain, because people were deceived into believing that Saddam Hussein was an "imminent" threat who had attacked the World Trade Center or was about to do so.

They conclude:

> It would certainly be fair now to argue that the logic was wrong. There was a cogent case to be made against the war, and even those who supported it might now say that the absence of any uncovered weapons of mass destruction, or the continuing violence against Americans, gives them, in hindsight, a different view. There's plenty to criticize in the administration's postwar effort, too. What isn't persuasive, or even very smart politically, is to pretend to have been fooled by what Mr. Gore breathlessly calls the Bush "systematic effort to manipulate facts . . ."

From these sources outside of the Republican base and outside of the administration, it is clear the senior Senator from Massachusetts has made a charge he cannot substantiate.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I compliment my distinguished colleague from Utah. The Bennett family has given two generations of service to the Senate, and the Senator can speak with a background and understanding of this institution and a conscience for this institution to follow. I commend my distinguished colleague.

I join this morning in speaking out about this situation, and indeed, if I may say, the responsibility of this Chamber, each individually and collectively, as we deal with these issues. I have been privileged to be a member of this Chamber for a quarter of a century. I, too, was gravely concerned to hear remarks from several of our colleagues regarding criticism of this operation in Iraq. Criticism is welcome. Our President welcomes it. It is freedom of speech. But there seems to be a responsibility, if you criticize, answer the question. Are we as a nation—is the world better off today, having deposed Saddam Hussein and his regime of terrorism, or should we have left it as it was?

That question has to be answered by those who wish to employ this strident rhetoric, but they fail to do so.

Throughout the military history of this country, from World War I, World War II, Korea, Vietnam, Afghanistan, Iraq, our military planners have done their best—a clear victory in World War I, a clear victory in World War II, an indecisive conclusion in Korea—still there is no armistice as such—and an indecisive and somewhat tragic conclusion in Vietnam. So as we look at the records in Afghanistan, militarily, it clearly was a success. Could the planning have been more comprehensive? Possibly so. And there will come a time—and I wish to stress that—there will come a time when this Chamber and the House of Representatives and the Congress as a whole can determine the accountability for these operations.

At this time, our focus should be behind the Commander in Chief, our President, who at this very moment is addressing the United Nations on the policies and the goals of our Nation working with a coalition of forces in Iraq.

Mr. BENNETT. Will the Senator yield for a question?

Mr. WARNER. I yield.

Mr. BENNETT. Mr. President, the Senator is the military historian and has served as Secretary of the Navy. Could the Senator confirm my recollection that General Eisenhower once said, before the attack: The plan is everything? After the attack starts, the plan goes out the window.

Is that a correct quote? And does that apply in this situation?

Mr. WARNER. Mr. President, I think that carefully paraphrases what that brilliant strategist and President said. There is no doubt about it. And there will be a time to determine what went right, what did not go according to plan, and such deficiencies, and the accountability. But right now our obligation is owing to the men and the women who are fighting there and their families at home. Stop to think of the reaction of a young wife, surrounded by small children, not knowing from day to day whether her husband will survive another day's engagement in Afghanistan or Iraq, and they hear this whole thing has been a fraud perpetrated upon this family and was made up in Texas. I find that very painful.

I have had the privilege of almost a lifetime of association with the men and women of the Armed Forces of the United States--over half a century. Modest was my contribution on active duty, but through this half century I have learned much from these men and women with whom I have been privileged to work and support now as a Member of the Senate.

We always have to focus on that family and their reaction to every word we say on this floor, every word that is said in the Congress. How does it affect that young wife or spouse of a female serving in uniform, as many are in these troubled areas of the world? How is that family affected, and not only the children but the parents?

By and large, people who go into uniform do so solely for patriotism. It is an all-volunteer force. There is no draft. No one is compelled to do this. They volunteer. They volunteer as a consequence of the inspiration of their older brothers and sisters, their fathers, their uncles, their grandfathers who have served in previous military conflicts.

They look upon the Congress as that bastion that safeguards—safeguards—those who are put in harm's way. I ask, do these comments constitute embracing, as we should, those families, those children? Is that safeguarding those put in harm's way? I say no.

I simply say the goal of this operation in Iraq and the goal of the operation in Afghanistan is to bring to those troubled regions of the world, at long last, a measure of freedom for the peoples of those nations, a measure of their ability to govern themselves.

I am proud the United States, behind our President, has taken that leadership to bring about that measure of freedom and democracy in those foreign lands. Yes, each of us is paying by the loss of life, the loss of limb, but history will record, in this hour of world history, America stands strong. It is committed to its goals. I am confident this body will support our President on measures that he needs to fulfill these objectives.

The decision to confront Saddam Hussein was not without careful deliberation, extensive diplomacy, and substantial effort to find a peaceful solution. It had been the conclusion of three consecutive American administrations, countless other nations, and the United Nations that Saddam Hussein's Iraqi regime had weapons of mass destruction, had used them on his own people and neighboring countries, and was a clear and present danger to regional and world peace. It had been the conclusion of the Clinton administration that Saddam Hussein had stockpiles of weapons of mass destruction, was actively seeking more, and would ultimately use them again. The United Nations Security Council had passed 17 resolutions, stretching back to 1991—12 years—requiring full cooperation in disarming itself of weapons of mass destruction. Saddam Hussein's response was defiance and deception.

In October 2002, after an unprecedented amount of debate, the Senate voted 77–23 to authorize the President to use force in Iraq. The House of Representatives also voted overwhelmingly in favor of authorizing the use of force. By that act, it became our war and the American people's war, not the President's war. At this critical juncture, it is our responsibility to provide the resources necessary to finish the job.

American armed forces, joined by a robust coalition, achieved extraordinary, rapid military success in Iraq, with minimum casualties and damage. This is a clear tribute to the professionalism and dedication of our young men and women in uniform and those who support them. We have succeeded in ridding the world of a brutal tyrant and have revealed the extent of his barbarism. We should be congratulating our President and our armed forces on a job well done, not criticizing and undermining their heroic efforts.

Extensive planning was done for combat operations, as well as post conflict stability operations. We all know that no plan survives its initial confrontation with reality on the battlefield. Plans must be flexible and adapt to conditions as they are encountered. No one could have anticipated the complete disintegration of Iraqi security and governance institutions. No one knew how badly the Iraqi infrastructure had deteriorated under Saddam Hussein's 30-plus years of mismanagement.

American forces and coalition partners have done a remarkable job of restoring basic services, rebuilding schools and hospitals, preventing ethnic violence and creating an environment where reconstruction can succeed. This is being done in a difficult environment of harsh conditions and significant risk, as those who have been removed from power seek to delay inevitable defeat and as terrorists lash out at the loss of another haven.

What is the best way to reduce U.S. casualties and create the conditions for withdrawing U.S. troops? The key is to improve the security situation by restoring essential services, recruiting and training dependable, indigenous Iraqi security forces, and repairing the infrastructure so that real economic growth and opportunity can flourish. The emergency supplemental request of $87 billion submitted by President Bush specifically addresses this need.

It is imperative that we give our President and our troops the resources they need to complete their missions in Iraq and Afghanistan. The faster the money gets to these countries, the faster conditions will improve, and the faster our troops will come home. We must, and we will, stay the course and achieve our goals. This is also a clear message of support and resolve to our troops, their families, and the neighborhoods and communities that support them.

Lasting peace and security in Iraq will be achieved when we establish the environment for a democratic, economically viable Iraq. The supplemental request now before the Congress will ensure such an environment and is the best path to the earliest possible return of our troops. Half a century ago, the Marshall plan brought peace and prosperity to a war-ravaged continent. That modest investment has been repaid a hundredfold or more. The funding we are being asked to provide for this important region is an equally important investment that will, likewise, be repaid many times over in the decades to come. I urge my colleagues to support and rapidly approve the President's request and send a message of overwhelming bipartisan support to our troops, and to all American citizens, of the need to stay the course and secure this important victory in the war on terrorism.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it was my understanding that the Democratic side had from 9:30 to 10, and the Republican side from 10 to 10:30. Could you clarify where we stand at this point?

The PRESIDING OFFICER. There were 60 minutes divided starting at 9:38 a.m. Currently on the majority side there are 6½ minutes; on the minority side there are 7 minutes 40 seconds.

Mrs. HUTCHISON. Mr. President, I would like to ask, then, that the minority take its time, after which I would like to reserve the remainder of our time for Senator SANTORUM.

Mr. REID. Mr. President, we are not going to take our time now.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me clarify that. What is the status, then, of the minority's time allocation?

The PRESIDING OFFICER. They have 7 minutes 41 seconds. The majority has 6 minutes 25 seconds.

Mrs. HUTCHISON. Mr. President, it was my understanding that——

The PRESIDING OFFICER. There is no agreement. The time is just equally divided.

Mrs. HUTCHISON. May I ask the distinguished minority leader what his intentions are, then, with regard to the minority time, because we had thought we had a division that is the tradition here where the minority takes the last 30 minutes on one day and then the majority the next.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Texas is correct. What happened this morning is the majority went ahead of their normal time. I say to my friend, the Senator from Texas, we are going to ask for more time, anyway. Quite frankly, we didn't know when morning business was scheduled that the purpose was to attack another Senator. Based upon that, we are going to ask, when all time expires, for more time. So we should all have time to state our respective positions.

We have a number of Senators who are on their way to the Chamber now. Senator DODD is here now to say a word regarding the statements that have been made by the majority. So we are going to ask for more time.

Mrs. HUTCHISON. Mr. President, in that case, I will withhold for our majority leader to make a decision about what the time allocation would be, and I yield up to 5 minutes to Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. And I thank the Senator from Texas.

Having reflected on this debate on Iraq and postwar Iraq, a lot of what I am hearing—the rhetoric I am hearing about this administration not having a plan, this administration not preparing for all the contingencies, this administration not having an exit strategy or an end strategy—reminds me of a couple of things. No. 1, it reminds me about the same people making the same criticism about the same administration about a month into the war that the generals didn't consider all the different problems they were going to confront, they didn't have a plan, didn't have an exit strategy, et cetera—and then 2 weeks later the war was over.

I am not suggesting that 2 weeks from now everything in Iraq is going to be settled, but this idea that every contingency had to be considered is ridiculous. No one is smart enough anywhere to consider every contingency. What you are smart enough to do is put a basic game plan in place, and then, as things develop, have that game plan flexible enough to adjust and meet those contingencies. It is exactly what Tommy Franks did when he put the game plan together for the war in Iraq. As things changed and developed, as new things came up, they adjusted. It is exactly what is going on with Jerry Bremer over in Iraq today.

I also harken back to postwar Germany after World War II. A lot of analogies are being made by both sides about the importance of this reconstruction of Iraq as was the reconstruction of the Axis powers after World War II. I remind my colleagues that this plan Truman gets a lot of credit for, Marshall gets a lot of credit for, was not in place until 2 years—2 years—after Germany fell. It was not passed in the Congress until 3 years after Germany fell.

I remind my colleagues of some of the comments some Members of this body made and some Members of the House made back then. A House Member, a Mr. Vursell, from Illinois, said—this is in the CONGRESSIONAL RECORD—

> There is little question in my mind but that the launching of the Marshall plan asking 16 nations to gather in conference and determine how much aid they needed from the United States was a colossal blunder in the very beginning.

Does this sound familiar—"a colossal blunder"?

He said:

> It will be less disastrous to this country if the Members of this Congress will now take over and have the courage to try to salvage what we can in the interest of our Government and the [American] people.

Now you are hearing the same thing today.

History proved that great leadership and great vision have their place in the world. Sometimes Members of Congress, with very narrow vision and very parochial interests, don't necessarily do what is in the best interest of the Nation or the best interest of the world.

What the President is doing is providing true leadership at a time when leadership is at a premium. He provided in the Iraq war a great plan. He stuck to it in spite of criticism and followed that plan to its successful conclusion.

There were speeches in the Senate, both sides of the aisle, about how difficult not the war was going to be but how difficult postwar Iraq was going to be, that it would be the difficult and long challenge. Yet here we are a few months afterwards and we are already carping, saying it is not finished, it has not been accomplished. Yet by every measure, we are doing much better in postwar Iraq than they did with the most successful reconstruction plan in the history of the world, the Marshall plan. We are moving forward with economic reforms, currency reforms, banking reforms, money to be put in to restore their infrastructure at a much faster and more effective rate than what occurred after World War II. This is a plan that needs time to work.

I understand the pressures of the 24-hour news cycle. Thankfully, in 1947 they didn't have that. But we have it today. And so the need is always immediate. There can be no room for delay or failure. We are in a push-button world, and we have to solve the problems today.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, what is the status of the time?

The PRESIDING OFFICER. One minute 14 seconds left.

Mrs. HUTCHISON. For the majority side. And how much on the minority side?

The PRESIDING OFFICER. Seven minutes 41 seconds.

Mrs. HUTCHISON. Mr. President, I am going to use the 1 minute 14 seconds to say that there is one thing I must object to that was said recently by Senator KENNEDY, when he said that the war is "a fraud that was made up in Texas to give the President a political boost." I have great respect for Senator KENNEDY and every Senator who represents his or her State in this body. But that is a slur on my home State of Texas, to say this plot was made up in Texas.

I remind the people of America that Texas is a patriotic State, that Texas has 1 in 10 Active-Duty military. On the very day that statement was made, a plot in Texas to help a political campaign of a President, in fact, on that very day, three Texas soldiers were ambushed in Iraq and lost their lives serving our country. Those are great Texans. The 4th Infantry Division from Fort Hood, TX, is there now, as we speak.

As I traveled through Afghanistan and Iraq, I met Texans who were serving their country. I don't think there should ever be a slur on another State when we are talking about foreign policy or the policies of a President.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACK ON SENATOR KENNEDY

Mr. DASCHLE. Mr. President, I know we are still negotiating with regard to the schedule for the course of the next hour or so. We will ask for some additional time to respond to this attack on Senator KENNEDY. I believe this is getting to be a real practice here. I was the brunt of similar criticism last spring. It seems as if anyone who comes to the floor to express concern or to express his or her views on Iraq is now the subject of attack.

Regardless of one's views, to impugn someone's patriotism, to question the motives, to challenge the integrity is wrong. We ought to have an opportunity to have an open, candid expression of views without challenging——

Mr. BENNETT. Will the Senator yield for a question?

Mr. DASCHLE. I am going to finish my statement and I will be happy to yield to the Senator from Utah.

We ought to have an opportunity to have this open discussion and expression of views without challenging the motives, the patriotism, or the very right of any Senator to express him or herself. Senator KENNEDY did that. Many of us have done that now over the course of the debate. We may ultimately come to different conclusions about what the facts are or about the specific policies involving Iraq or our involvement in the questions we are facing right now with regard to the $87 billion. But I must say, let's keep this an open and fair discussion of the facts, without always impugning someone's integrity or personal motivation.

I am happy to yield to the Senator from Utah. I am told we only have a couple minutes left. Until we reach agreement, I will yield at this time to the Senator from Connecticut.

Mr. BENNETT. Mr. President, I asked unanimous consent that the exchange between the Democratic leader and myself not be charged to their time, if he would be willing to yield for a question.

The PRESIDING OFFICER. Is there objection? Does the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Utah for a question.

Mr. DODD. Under the circumstances the Senator from Utah has described, this will not detract from the time?

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. BENNETT. My question is very simple: I ask the Democratic leader if at any time in my presentation did he find where I attacked the motives, the patriotism, or the rights of the Senator from Massachusetts? My intent was—and it is my belief that I stood up to my intent—to challenge the accuracy of the statement of the Senator from Massachusetts, never having made any reference to his motives, his patriotism, or his rights. If the Democratic leader has instances where I did that, I would appreciate it if he would point that out to me so I can make the appropriate response.

Mr. DASCHLE. Mr. President, I was not on the floor when the distinguished Senator from Utah spoke. I am relating not necessarily to his comments specifically but to this general approach Members on the other side seem to use any time one of those in the Democratic caucus speaks out, expresses him or herself, raises concerns or in some way criticizes this administration with regard to its policy in Iraq. There is an orchestrated effort to attack those who criticize.

I am not saying that the Senator from Utah may have done so specifically on the floor this morning. I will look forward to reading his comments. But that is the approach. I think it is unfair. I think it is unfortunate. It demeans the debate that we ought to be having in the Senate about these important issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes fifteen seconds.

Mr. DODD. I yield myself 2 minutes. I wish to quickly respond to my colleagues and friends on the other side. I supported the President's request for authority in Iraq. I believed at the time that was the right vote to cast.

But it is important to focus on the war issue and what is going on in Iraq in the construction period, the economic and political efforts there. There is growing concern, both here and abroad, that this is not going well. We can spend all day debating about what our colleagues said or didn't say, what their motives or intentions were, but that diverts attention from what the debate ought to be; that is, we have a request before us for $87 billion. We will have to vote on that in the coming days. The American people want to know where we stand on that. How is the money going to be spent? Where is it going?

Why are we losing a soldier a day it seems, or 10 are being wounded every day? Why isn't the rest of the world joining us? What efforts are being made? The President may be giving a speech right now at the United Nations. Spending our time in this great deliberative body arguing over what one of our colleagues said over the weekend in an interview detracts from what ought to be the real debate, and that is whether we are on the right track or the wrong track when it comes to rebuilding Iraq, getting the government turned over to the Iraqi people, getting international support for the efforts and how the taxpayer money is going to be used.

Spending our time talking about what Senator KENNEDY said—I think his spirit reflects where many Americans are. You may not agree with every word. That is not the point. We rarely agree around here on speeches we give, but we ought to be debating how we get it right in Iraq instead of spending time this morning arguing about whether or not we agree or disagree with what our colleague said in an interview in his home State. The American public wants to know what is happening in Iraq, not what is happening in Massachusetts—not what one said but what is the policy of this Government and what is the Senate saying about it. That ought to be the debate.

Mr. President, I don't know if any of my colleagues want to be yielded some time.

Mr. REID. Mr. President, morning business has expired. I would ask unanimous consent—and I do this with the greatest respect—that we, the minority, be given the next 20 minutes and that the minority have 10 minutes to respond.

The reason I suggest that is that there has been a half hour here directed toward one Senator. We think that we would, with the 7 minutes we have been given and the 20 minutes that I am asking, be nearly balanced—not totally balanced. In fact, it would still be out of balance, with 40 minutes for one side and about 30 to respond to that—in fact, 27. So I would ask unanimous consent that we be given the next 20 minutes; following that, the majority be recognized for 10 minutes, still as if in morning business, and that the work of the Interior appropriations subcommittee, the vote, plus the 10-minute speeches prior to the vote, be set aside for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator cannot suggest the absence of a quorum until he gets time.

Mr. REID. I withdraw my unanimous consent request and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

Mrs. HUTCHISON. As to the unanimous consent request, for clarification, after the 30 minutes that we have just allocated by unanimous consent, there will be 10 minutes equally divided on the Daschle amendment, after which there will be a rollcall vote. So Members would know that at about 11:20 to 11:25 we will have a vote.

Mr. REID. That is true.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am not quite sure. What is the parliamentary situation?

Mr. DASCHLE. Mr. President, as I understand it, if I could answer the Senator from Vermont, we have 20 minutes now. The Republicans have 10 minutes. We will allocate that time as if in morning business. I would be happy to yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I have listened to my friends on the other side of the aisle who have come to the Senate floor this morning to criticize the senior Senator from Massachusetts, Mr. KENNEDY.

Last week, Senator KENNEDY, speaking for millions of concerned Americans, challenged the President and his advisers for misleading the country about the war in Iraq.

Every Senator is free to disagree with the views of another Senator. That is the nature of debate. But too often, officials in this administration, and some of my Republican friends, have questioned the patriotism, and the right to disagree, of those who criticize policies they believe are fundamentally flawed.

Senator KENNEDY has asked hard and important questions about a policy that—contrary to what the American people were told to expect—has already resulted in the loss of life or limb of hundreds of American soldiers and is costing billions of dollars with no end in sight.

The reality is that since the fall of Baghdad, practically everything the White House and the Pentagon predicted about Iraq has turned out to be wrong. Yet you would hardly know it from listening to officials in Washington who consistently give evasive and overly optimistic assessments.

The administration's own shifting statements show that the threat posed by Iraq was not what we were led to believe.

Just a few months ago, Vice President CHENEY insisted that Saddam Hussein had reconstituted nuclear weapons. No weapons of mass destruction have yet been found.

Last week, Secretary Powell said the use of chemical weapons against the Kurds was the justification for a preemptive war 15 years later. As much as I admire and respect the Secretary, that is grasping at straws.

For months, the White House and the Pentagon tried mightily to draw a connection between Saddam Hussein and the attack against the World Trade Towers. Last week, the President belatedly conceded that there was no link.

Vice President CHENEY said our troops would be treated as liberators. I am sure that most Iraqis are grateful that Saddam Hussein is gone. I am too. But it is clear the Iraqi people increasingly don't want us there.

We should all be concerned that when our soldiers—who have performed so bravely—are ambushed and killed, there seems to be increasing jubilation in the streets, and not just by the remnants of Saddam's regime.

Then, there is the issue of cost. Five months ago we passed a wartime supplemental with $2.5 billion for reconstruction in Iraq. At the time, we were told that was all that U.S. taxpayers would be asked for this year. That, we have learned, was a gross miscalculation.

Former-OMB Director Mitch Daniels said the total cost would be between $50 and $60 billion. Deputy Defense Secretary Wolfowitz said:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon. The oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years.

We now know those predictions were wildly off the mark.

We are also paying other countries to support us. The State Department's own documents show that since April, the United States has provided almost $4 billion to coalition partners, other nations who supported our efforts in Iraq, and allies in the region. This does not include billions of dollars in loans.

Now the President wants another $87 billion for Iraq. Within a year, we will have spent far more than $100 billion, and it is clear that the administration will be back for many more tens of billions of dollars before next year is out.

We don't have this money in the bank. It is red ink. We are headed for a $1 trillion deficit, which will fall squarely on the backs of our children and grandchildren. That could very well be our most lasting legacy.

We are spending all this money in Iraq, but there is no supplemental to help the hundreds of thousands of Americans who have lost their jobs here at home. There is no money to fix our dilapidated public schools. There is no money for health care for the millions of Americans who lack health insurance. None for low income housing for Americans living in poverty.

I hope my Republican friends who have rushed here to defend the President's preemptive war and his policy of nation building, are also concerned about how much it may cost, how long it may take, and how many American troops may be needed in the years to come. They should be asking these questions too.

We cannot continue to drift along, spending more than $1 billion a week, with no plan other than business as usual, no realistic time table, every week another four or five Americans killed or wounded, and the growing resentment of the Iraqi people.

It is long past time to abandon the same old "go it alone" strategy. We need to get the international community involved. We need to work towards bringing our soldiers home sooner rather than later.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I thank very much the Senator from Vermont for his comments. I think I will simply add that the vast majority of the American people agree with him. I appreciate very much his contribution to this discussion.

Teddy Roosevelt once said:

> To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but it is also morally treasonable to the American public.

There has to be open dialog, candid discussion about the extraordinary ramifications of many of the issues that are confronting us relating to Iraq, or we will be morally treasonable.

The President has requested an additional $87 billion in money for Iraq over the next several months. Requesting the money is no substitute for a plan, and the President has no plan. In fact, we don't know where the money has gone so far. There is little accounting of the billion dollars a week that we are currently sending to Iraq—$1 billion a week, with very little if any transparency with regard to that commitment.

Now the President is saying he wants $87 billion more. General Anthony Zinni recently spoke to a group of Marine officers, and here is what he said:

> [Our troops] should never be put on a battlefield without a strategic plan, not only for the fighting—our generals will take care of that—but for the aftermath and winning that war. Where are we, the American people, if we accept this, if we accept this level of sacrifice without that level of planning? Almost everyone in this room, of my contemporaries—our feelings and our sensitivities were forged on the battlefields of Vietnam: where we heard the garbage and the lies, and we saw the sacrifice. We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again? And you're going to have to answer that question, just like the American people are. And remember, every one of those young men and women that don't come back is not a personal tragedy, it's a national tragedy.

You cannot say it any more powerfully than that. That was not some politician. That wasn't one of our elected Senators. That was General Anthony Zinni, who knows a great deal about sacrifice and about what it is to go into circumstances like this without a plan.

So I think it is incumbent upon us to ask the questions: Where is the plan? What will it cost? Why can't we get better international support? How long will our troops be there? When will they come back? What level of cooperation are we getting from the Iraqis themselves?

If you read the papers in the last couple of days, we are not even getting full support from the Iraqi Council.

I think it is critical, especially in these days before the supplemental is brought before the Senate floor, that the level of debate, the questions that we have a right to ask, are asked and answers are given. Where is the sacrifice, you might ask, when the average tax cut for those at the top 1 percent is $238,000 this year? Where is the sacrifice for those who benefit the most?

We are asking a lot of sacrifice from our soldiers. We are asking a lot of sacrifice for those veterans who come back. Then we tell them we are not going to give them the full measure of support in the budget for the health care needs they have once they are here? You see the bumper stickers: "Support Our Troops." What happened to our veterans? Why don't we see the same bumper stickers with some advocacy, some recognition of the need to support our veterans, too? But it is not in the administration's budget. We are told we can't afford it. We are told they have to just suck it up and sacrifice. The sacrifice is not being borne equally, and that is what many of us have been asking a long time—why not? Why not?

So I look forward to the coming days where we can have an all-out debate. Many of us will be presenting alternatives, amendments to this request by the President. We will have more debate about that matter. I know there are other Senators who wish to be recognized and to speak in the time that we have remaining.

I yield such time as he may wish to the distinguished Democratic whip.

Mr. REID. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 20 seconds.

Mr. REID. I ask Senator DODD be given the last 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in baseball you have seen the teams pile onto each other. That only happens on one occasion, generally, in baseball, which I understand quite well. One of the pitcher's weapons is to throw a ball inside, and that happens all the time to keep the batter loose. But you never throw at someone's head. That, in effect, is what happened here, and that is why we have had the Senators rallying here because, in effect, someone threw a ball at the head of one of our Senators, and that is not right.

I appreciate very much Senator DODD, whom we all know is a close personal friend of Senator KENNEDY—I would expect nothing less—defending his close personal friend. But he also defends the institution itself. He is in the process not only of defending his close personal friend but the institution.

As we have said, people who deliver a message that this administration doesn't like are attacked. There is no better example of that than Senator DASCHLE, who has been attacked personally with TV ads being run against him in his own State by people who are just voicing the administration's line. There have been many other ways he has been attacked.

When it comes to rebuilding Iraq's infrastructure—the electric grid, the water supply, the highways—I think there are a number of questions that need to be answered for the American people. People may not have liked how Senator KENNEDY phrased his objection to what has gone on and what is going on, but he said it. He raised issues. Let's not attack him; let's talk about the issues.

I have some questions. What are the assumptions underlying the President's request for $87 billion, and how many months for reconstruction will it cover? Why haven't we done more for Afghanistan? That is a question I have. What is the best case scenario for international contributions? What will the administration request next year? What is going on with Iraqi oil revenue, which we were led to believe would pay to rebuild the country? What happened to their seized assets?

Another question is, Why is the contracting process less transparent than U.S. law requires, and which companies are profiting from these contracts? What is the status of the Iraqi Army and the police?

The American people deserve answers to these questions. That is why Members of Congress, including decorated Members such as Congressman MURTHA and Senator HAGEL, have been raising these and other questions. No one should question their patriotism. They are doing their duty just as Congressman MURTHA and Senator HAGEL did when they wore the uniform of the American military.

No one should dream of questioning the patriotism of Senator KENNEDY, who has served the body for four decades. He doesn't have all the answers of what is going on in Iraq, but he has a right to ask questions. The responses to his questions, unfortunately, have all been too familiar. Whenever someone has the temerity to criticize the actions of this administration, the response is a personal attack.

A former Member of this body, Senator Max Cleland, was the first to recognize the need for the Department of Homeland Security. But he didn't agree with every detail of the administration's plan for that Department. So this man was attacked and his patriotism was questioned during the 2000 Presidential race. Even Senator McCAIN, who served 7 years in a prisoner of war camp in Vietnam, was attacked because he did not agree with the President on every issue.

The list goes on. It should trouble any of us when Americans feel free to raise questions about the policies of their Government and then are criticized. What troubles me is when those questions go unanswered and personal attacks take place.

I have asked questions about today's plan in Iraq because my ultimate concern is the protection and safety of our troops. I will do anything I can to support our troops in every way possible. They will get every dollar they need for security and ongoing military operations. But I don't want to give Iraq a blank check, while our children get a bounced check for education, while our efforts to rebuild our own roads and power grids go begging.

The President has the responsibility as commander in chief to bring the international community together and rally our allies behind a comprehensive plan that will complete our mission in Iraq. We cannot continue to fight a war without a plan for victory.

Mr. President, we have a lot of questions. It has nothing to do with one's patriotism. We have a right to ask these questions. I say to the administration, please don't attack the person who asked the question. Answer the question.

I yield whatever time I have remaining to the Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 4 minutes 45 seconds.

Mr. DODD. Mr. President, I thank my colleagues, the Democratic leader and the Democratic whip, Senator REID, for their comments, and Senator LEAHY for his comments as well.

As I said a few minutes ago, I voted to give the President the authority to use force. Others didn't. I respected that decision but reached a different conclusion. I am just concerned when I hear the debate shift, as it has this morning, from what we need to be doing in Iraq to get this right, to those who take a different position or question the motivations that led us to this particular point. By the way, going back looking historically, the comments Senator KENNEDY made—whether you agree or disagree with them, and I don't think they ought to be the subject of the debate; the debate ought to be about Iraq—go back to January 19, 2002, and Karl Rove, Chief of Staff of the White House addressing the Republican National Committee. I quote him while speaking to that group. According to the Washington Post story, his top political advisor said this:

> . . . Republicans will make the President's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections.
>
> We can go to the country on this issue because they trust the Republican Party to do a better job of protecting and strengthening America's military might and thereby protecting America.

He goes on to say:

> The second place we should go to the country is on protecting the homeland. We can go to the country confidently on this issue because Americans trust the Republican party to do a better job of keeping our communities and families safe.

That is the top political advisor to the President in January of 2002 suggesting that in fact we can make this a partisan issue. You may not like the statements of Senator KENNEDY, but there is a genesis here that could draw a conclusion that there have been political motivations.

My view is simply, look, to spend this morning debating what one of our colleagues said on an interview someplace detracts from what ought to be the subject of debate: how do we get it right in Iraq? That ought to be the common challenge. We have a major request of $87 billion in front of us and there are legitimate questions being raised about how to do this, how to get this right. We ought to be spending our energy and time and that of our staffs on organizing and debating and discussing how we can get this right as a coequal branch of Government, constitutionally charged with the conduct of foreign policy. This body deserves—in fact, its history and the country demand that we do a much better job of focusing on the foreign policy matter before the Nation and the world, getting about the reconstruction, and getting the political and economic questions right in Iraq, and taking our time to debate what one Senator says seems to be, quite transparently, an effort to divert the attention of the country and the media to one of our colleagues rather than the far larger issue, and that is whether we are going to go further into debt without paying for these additional moneys that are deserved for our military, certainly, and questionably on the reconstruction effort.

My hope is we can move away from the debate of what one colleague says and start talking about what needs to be done to get this situation in Iraq on the right track.

Certainly, if you go back and look at the history, as I said earlier, the suspicions that the administration was motivated in part by politics are rooted in the fact that the top political advisers of this administration have made the case to their own party faithful that in fact part of their motivations are to look at gaining political favor. It was a great disappointment then because there was a sense of unity in the country about fighting terrorism together, getting homeland security right together, and certainly getting Iraq right together is what we ought to talk about. There are legitimate issues. Why are we not getting the international support? Where will the money come from? Are we going to get ourselves further into debt? How are our needs at home going to be addressed? How are we going to get the Iraqis back in control of their country?

These are the questions we ought to be working on—not whether some colleague made a statement you disagree with and that we organize ourselves in a structured response to that, rather than take the time we ought to in order to get a situation that the American public wanted to know more about, which is a deep problem that is getting worse. The longer we fail to address it and try to divert attention to other matters, it does a great disservice to our men and women in uniform and to the American taxpayers.

Mr. President, I hope any further debate about what one colleague says would be confined to how we can get the Iraq situation on the right track and how we are going to spend the bulk or a good part of the $87 billion on the reconstruction phase of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

STANDING UP FOR THE PRESIDENT

Mrs. HUTCHISON. Mr. President, I yield myself up to 4 minutes. I think a lot has been said here about the words of Senator KENNEDY. I don't think anyone on the floor has cast aspersions on the Senator. He certainly has a right to say anything he wants to say. But I also think many of us who believe the President is trying very hard to do the right thing for our country have the right to take up for our President, stand up for our President, and talk about the issues.

I think Senator KENNEDY would be the first to say he should stand by his words, he must take responsibility for his words. It is my opinion that when you use words such as "fraud" and "bribery" in talking about the policies of the United States, it is fair game for us to respond to that and say I think it is absolutely wrong to say we are bribing political leaders all over the world by giving them American dollars.

We are giving foreign countries American dollars for a variety of reasons. Is it a bribe that we would make a loan to the country of Turkey after Turkey has just led the command and control of the security forces in Afghanistan, doing a great service for all of the people of the world to try to help keep the peace and security in Afghanistan, which was very costly to a relatively small country? That we would be making loans to Turkey, is that a bribe? I don't think so. Is it a bribe to give money to Russia for part of its economic improvement? I don't think so. I think Russia has shown it can be quite independent. So has Turkey. No one is accusing them of doing everything the United States has asked them to do. But foreign aid is part of American policy and, in most instances, foreign aid goes for buying American products. It gives them the money to buy American products to help our economy.

So I think when people use words, they should be able to take responsibility for those words, and I don't think it casts aspersions on anyone's patriotism.

But if anyone questions my right to stand up for my President who is speaking before the United Nations as we are talking on the floor today, then I think they are wrong. Of course, we are going to stand up for him. Why would that be a surprise? We are in a terrible war on terrorism. We are doing everything we can to support the President as he prosecutes that war. It is not for helping other countries exclusively. It is for helping America. It is for American security that we are in Iraq and Afghanistan—to keep terrorists on their soil so they do not come to American soil again.

The President has not forgotten 9/11. Sometimes I think when I hear people talking that they have forgotten America was attacked.

People are talking about an $87 billion package. It is a big package. Many of us are trying to ask for contributions from other countries to help defray the cost of rebuilding Iraq and Afghanistan. But let me remind you about the cost of 9/11. The cost of 9/11 is estimated at $300 billion, and that was one incident. What will be the cost if we allow terrorists to come in here because we haven't contained them in Iraq and Afghanistan? What will be the cost to the American people?

We have a right to stand up for our President, and that is exactly what we are doing. We are trying to talk about the policies that are important to our country.

I yield up to 4 minutes to the Senator from Pennsylvania, after which I will yield the remainder of our time to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank the Senator from Texas.

The Senator from Texas noted the irony of our standing on the floor of the Senate at the very moment the President is speaking to the United Nations. He is speaking before the United Nations to rally the world for our efforts in Iraq. As we stand on the floor of the Senate, some Members are calling into question the President's actions and calling into question the President's motives. It is one thing to call into question his action. It is one thing to call into question his plan. But to call into question his motives is one of the things that I think disturbs many people on this side of the aisle, and, frankly, many members of the American public.

The Senator from Nevada said that some Members here have been using the baseball analogy of throwing a high hard one at Senator KENNEDY's head to back him off the plate. Having reviewed what was said here this morning, I think the best thing we can throw is a change-up on the outside corner. Hopefully, we have gotten a strike since we have been accurate in what we are saying. But it was not put to anybody's head and it was not thrown hard. These were principled statements about the accuracy of the statement of the Senator from Massachusetts. We did not comment on his motives. We did not comment on his patriotism. We commented on the accuracy of his statement, which is a legitimate discussion here in the Senate. I hope we keep to that.

We have had a debate on the floor of the Senate. Senator DASCHLE again questions the planning and actually questioned whether there was a plan. He used terms which were used back in 1948. A Senator Revercomb said, "I charge tonight that there are no restraints placed upon those who administer this act"—similar to what Senator DASCHLE and Senator BYRD said. In fact, the statement has been made describing it as a "blank check." Senator BYRD from West Virginia has used that term repeatedly on the Senate floor—only this comment is not about, obviously, the Bush plan in Iraq; it was about the Marshall plan of the Truman administration.

It is remarkable as I have gone through the CONGRESSIONAL RECORD of the House and the Senate about the debate and the way it happened 3 years after V-E Day. Not 3 months was the plan put into place, not 3 weeks was this plan put into place—it took 3 years for the Truman administration to put a recovery plan into place in Europe and for Congress to act on it.

Back then Members of Congress talked about how this was a blank check which was going to be a failure and it was unwise policy. Of course, it is now seen as one of the greatest foreign policy accomplishments of this country's history. Why? Because we had a President at the time—and who at the time was not popular among the American people for what he was doing—who was seen as someone who was not providing a great plan or strong leadership but he stuck to his guns. He went to the American people at election time, and the American people sustained him in office because he provided leadership at a time when leadership was needed; when Members of Congress were looking at their own parochial interests instead of the interests of the country and of the world such as, again, is the case here today.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Thank you, Mr. President.

I certainly join my colleagues in underscoring the fact that, of course, this shouldn't be a discussion about motives or patriotism. This is not a discussion about a former Senator, Mr. Cleland, or any other individual. All of us have the right to disagree on issues of substance.

Senator DODD was absolutely right. The issues of substance that we should be discussing are how to succeed in Iraq and how to do the right thing for homeland security. But at the same time, all of us are responsible for the words we use and the terms we use and what it conveys not just to the American people but to our allies abroad.

In this regard, I was most concerned about the use of the word "bribery" in reference to foreign assistance. I think that was a mistake. I think that was not just a poor choice of words but a counterproductive choice of words, because to suggest that the funds we provide for reconstruction is bribery suggests that all of the foreign assistance we engage in around the world is misspent, or, again in the worst case here, bribery.

I believe our foreign assistance should be scrutinized, should be debated, and that we should strike the right balance, but in all cases the foreign assistance that we provide around the world should be used to further our national security interests. That is an important issue of substance. The funds we are providing to Iraq should strengthen security in the United States and should strengthen the stability and security of the people in Iraq and in the region of the Middle East.

In all cases, we should scrutinize that foreign assistance budget. But to refer to it as "bribery" I think is a mistake. It sent the wrong message to our allies and to those who are benefiting from our economic support, foreign military financing program, and even our humanitarian aid around the world. It is for our national security interests and the purposes for which we do that, and our debate should reflect that point.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

Reid amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors.

Daschle further modified amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

Daschle further modified amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service.

Bingaman amendment No. 1740, to ban commercial advertising on The National Mall.

AMENDMENT NO. 1734

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided prior to the vote in relation to the amendment No. 1734.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I will take 5 minutes to talk briefly about this amendment.

I have had an opportunity to come to the floor on a couple of occasions. Basically this comes down to whether or not we mean it when we say we will provide meaningful health care to our Native American population. That is what we are talking about today. Unfortunately, as most people know, we are far from that promise. It would take about $5 billion for us to fulfill the promise and to live up to the expectations on the reservations that we see with health care delivery in the rest of the country—$5 billion for the IHS clinical services account.

This year's budget is $1.9 billion—less than half of what it would take to meet that obligation. As a result, today there is severe rationing of health care on every reservation—rationing so severe that they call it the "life or limb" test. Unless your life or limb is in jeopardy, you often do not get care on a reservation today.

This chart shows as clearly as anything can just what the commitment made to the Native American people is today when it comes to health care.

We spend about $5,915 per capita on Medicare. We spend about $5,200 per capita within the VA. We spend about $5,000 per capita in our population generally for health care. We spend about $3,800 per capita for every Federal prisoner—$3,800 a year goes to our Federal prisons on a per capita basis for health care alone. We spend $1,900 for Indian children and their families, in spite of commitments we have made for four generations.

What this amendment does is very simple. Last spring, when we had this debate and when we offered the amendment to the budget resolution to make whole the Indian health care budget, it was defeated. We proposed that we try to level the playing field. That was defeated.

What the Senate agreed to, reluctantly on my part, but agreed to nonetheless, was $292 million, one-tenth of the amount required to make the IHS clinical services budget whole, to provide some parity between Indian health and prison health. That was incorporated in the Senate version of the budget.

Now we are simply saying: Let's live up to what the Senate said we would do on Indian health this year during the budget debate. Let's provide that $292 million, one-tenth of the amount required, if we are going to do this right.

For the life of me, I cannot understand how someone could vote against this, knowing, as we do, we are giving one-half the amount of money to Indian children as we are to Federal prisoners. We are giving a fraction to the Native-American population that we give to Medicare beneficiaries.

This amendment simply acknowledges our need to rectify that extraordinary disparity, to deal with it in a way that only we can, to say it is not enough just to talk about it, not enough just to lament it, we have to do something about it. Granted, $292 million is a far cry from what is required, but at least it is what the Senate said we would do last spring. It is now time to put our money where our mouth was last spring. This amendment is intended to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this amendment provides an additional $292 million for the Indian Health Service. There is no offset.

I don't doubt the numbers the Senator from South Dakota presented. They are factual. I do not doubt his passion for this subject. But let's take a look at what is really happening.

Once we have focused on that, over the last 5 years we have added $725 million funding to the IHS account. In addition, thanks to the work of my colleague from New Mexico, Senator DOMENICI, and the Balanced Budget Act of 1997, we have provided $30 million per year for diabetes efforts. We know that is one of the primary focuses in

Indian health for the following 5 years. That amount was increased to a total of $100 million beginning in fiscal year 2001. Reauthorization of this program has ensured that $150 million for the next 5 years will be available beginning in fiscal year 2004. In short, over the last 5 years, well over $1 billion in new money has been provided in order to improve the health care within our Native-American community.

Within the extremely limited resources this subcommittee has been given over the past several years, we have been responsive to the needs of Native Americans and we will continue to make every effort to provide the additional dollars within the overall allocation we were given.

We know well, and my colleagues on the other side of the aisle know well, what happened last year. Under their leadership, the IHS account was reduced by $75 million in the final hours before markup in order to reduce the subcommittee's allocation. Clinical services alone were reduced by $50 million.

Saying that, despite the decrease, we still have a problem even with the additional moneys we put in this year. We understand the problems in the Indian Health Service. We are $88 million over last year's level, and the adoption of this amendment would exceed the subcommittee's allocation and is subject to a point of order.

Mr. DASCHLE. If the Senator yields the floor, I will be recognized for what remaining time I have.

This amendment is not offset. Yes, we are told we cannot afford $292 million. We need $2.9 billion. We are told we cannot afford that. I hope someone will come to the floor next week or the week after on the other side and say we cannot afford $87 billion for Iraq, then, either. If we cannot afford $292 million for our Native-American population, who are experiencing life or limb tests, then I sure hope we will not hear the argument on the other side that somehow we can afford providing health care dollars to the Iraqi children. I bet that is exactly what we are going to hear—$87 billion worth of requests. It is a double standard.

I yield the floor.

Mr. BURNS. The pending amendment No. 1734, offered by the Senator from South Dakota, increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior of the Appropriations Committee. Therefore, I raise a point of order against the amendment pursuant to section 302 of the Budget Act.

Mr. DASCHLE. I move to waive the relevant portions of the balanced budget amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 45, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Clinton
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Stevens
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Mikulski
Miller

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session and immediately vote on the confirmation of Executive Calendar No. 357, the nomination of Kim R. Gibson to be U.S. District Judge for the Western District of Pennsylvania, with no intervening action or debate; further, that there be 2 minutes equally divided in the usual form prior to the vote; further, that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, the Senate then return to legislative session, and Senator KENNEDY be recognized for up to 10 minutes in morning business, to be followed by Senator FEINGOLD for up to 8 minutes, to be followed by the majority leader, or his designee, for up to 10 minutes, and the Senate then stand in recess under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the two managers of the bill are contemplating, at 2:15, when we come back, the Senator from California taking up her amendment. She has requested 20 minutes. Then it is my understanding the managers of the bill, in conjunction with the leaders, are going to try to set a series of votes after the debate on the Boxer amendment is completed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. I thank the Chair.

EXECUTIVE SESSION

NOMINATION OF KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The Senate will proceed to executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield my time to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I am sure my colleagues want to hear about the outstanding qualifications of this judicial nominee so they will be prepared to vote yea or nay.

The Senate is about to vote on the nomination of Common Pleas Judge Kim Gibson for the U.S. District Court for the Western District of Pennsylvania. Judge Gibson now serves on the State court, where he has been a distinguished jurist since 1998. He has gone through the bipartisan, nonpartisan nominating panel that Senator SANTORUM and I have set up. He is a graduate of the U.S. Military Academy in 1974. He has a law degree from Dickinson Law School, magna cum laude, 1975. He served with the defenders office helping the indigent. He has had a distinguished practice and now is on the Common Pleas bench in Somerset County, PA. He is well grounded academically, well grounded professionally, and I recommend to my colleagues that he will make an outstanding Federal judge.

I now yield to Senator SANTORUM.

Mr. SANTORUM. Mr. President, I associate myself with the remarks of the senior Senator from Pennsylvania. I thank my colleagues for allowing the vote to go forward on this very distinguished individual.

Mr. LEAHY. Mr. President, today we vote to confirm another district court nominee, to the Western District of Pennsylvania. This nominee, Mr. Kim Gibson, is currently a judge on the Court of Common Pleas in Somerset County, in Western Pennsylvania. Judge Gibson is a graduate of West Point Military Academy and graduated second in his class from Dickinson School of Law in Carlisle, PA. Over the course of his career he has served in the Army's Judge Advocate General Corps and the public defender service. Not surprisingly, the ABA gave this nominee its highest rating—unanimous "well qualified."

With today's confirmation, the Senate has now confirmed 154 judicial nominees for this President. As I noted this week, the current pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton administration. It was not until well into the fourth year of President Clinton's second term when Republicans controlled the Senate, before this many judicial nominees were confirmed. It took President Reagan, during his first term, almost to the end of his fourth year to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party. It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken a little more than 2 years of rapid Senate action to confirm 154 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 54 judicial nominees, including 11 circuit court nominees in 2003. That is more confirmations in just nine months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

The Senate has held hearings for 13 Pennsylvania nominees of President Bush's to the Federal courts in Pennsylvania. While I was chairman, the Senate held hearings for and confirmed 10 nominees to the district courts in Pennsylvania, plus Judge D. Brooks Smith to the Third Circuit Court of Appeals.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated far better than President Clinton's. Today, there is no State in the union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House, particularly regarding nominees in the western half of the State.

Just a few months ago, on May 16, 2003, Jon Delano wrote in the Pittsburgh Business Times, an article titled "Despite Bush Protests, Court Vacancies are Down," about how this President's nominees in the western part of Pennsylvania have been treated more fairly than President Clinton's nominees. He wrote:

> Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees—Judges Joy Contie, David Cercone, Terry McVerry, and Art Schwab—and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.
>
> With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named—and the Senate will have confirmed—six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were nine nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole, John Bingler, Robert Freedberg, Lynett Norton, Legrome Davis, David Fineman, Harry Litman, Stephen Lieberman, and Robert Cindrich to the Third Circuit. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered.

The record of this nominee stands in contrast to the record of many of this President's judicial nominees, particularly for circuit positions. Judge Gibson received a unanimous "well qualified" rating from the American Bar Association and has enjoyed a tremendous career as both a litigator and a judge. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience. In fact, 23 of this President's judicial nominees have earned partial or majority "not qualified" ratings from the ABA. Another nominee to the same court, Tom Hardiman, has significantly less litigation experience, no judicial experience and was give a partial "not qualified" rating by the ABA. It is also interesting to note that their local bar association, the Allegheny County Bar Association, gave the two nominees very different peer-review ratings. Judge Gibson received a rating of "highly recommended" for the district court position. Mr. Hardiman, however, received a rating of "not recommended" by the same local bar association.

Certainly, the citizens of Western Pennsylvania deserve a well qualified judiciary to hear their important legal claims in Federal court. I am pleased to lend my support to Judge Gibson's nomination. He will be the 13th judicial nominee of this President confirmed to the State of Pennsylvania and the fifth judge confirmed to the Western District of Pennsylvania. I congratulate Judge Gibson and his family.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy

Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—6

Edwards
Graham (FL)
Kerry
Lieberman
Mikulski
Miller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, Senator KENNEDY is to be recognized for 10 minutes. His remarks will take longer than that. I ask unanimous consent that he be recognized for an additional five minutes and the majority have five minutes in addition to whatever time the majority leader has under his control.

The PRESIDING OFFICER. In my capacity as a Senator, I will object at this time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8½ minutes of my 10 minutes.

FAILED POLICY IN IRAQ

Mr. KENNEDY. Mr. President, I heard many of my colleagues today discussing my remarks on this administration's go-it-alone policy in Iraq. This administration and my colleagues across the aisle are trying to deflect attention away from the administration's failed policy in Iraq. For the sake of our troops, it is time for this administration to speak honestly about its failures in Iraq. Many Americans share my views, and I regret that the President considers them uncivil and not in the national interest. The real action that was not in the American interest was the decision to go to war unilaterally without the support of our allies and without a plan to win the peace.

There is no question that the White House sees political advantage in the war. You can see it in Karl Rove's speeches to Republican strategists. Just this morning, the New York Times reports that "the White House goal is to show substantial improvement in Iraq before next fall's reelection campaign." You can see it in the way they attack the patriotism of those who question them.

There are valid questions and deep concerns about the administration's rush to war in Iraq—in its rationale, whether there is a plan for winning the peace, how the money is being spent, and when our troops can come home with honor. Our troops, their families, and the American people deserve answers—not more politics as usual.

The administration has no plan for Iraq, and it shows. American service men and women are paying with their lives. The President's trip to the United Nations this week is now the most important journey of his administration but it didn't have to be this way.

The situation in Iraq is out of control, and American troops are paying the price every day with their lives. We have now lost more troops since the President declared an end to major combat than during the war itself. The administration says it has an international coalition, but it is paper-thin. America has 85 percent of all the coalition troops on the ground, and we are taking 85 percent of the casualties. This administration is muddling through day-by-day, while the lives of our soldiers are at risk and their families worry here at home. The administration has been unwilling so far to make the compromises needed at the United Nations to obtain the support our troops need to ease their burden and bring stability and peace to Iraq. The American people want to know from President Bush, when can their sons and daughters, their husbands and wives, their fathers and mothers, return from Iraq with dignity, having fulfilled their mission?

The White House may be saying things are going well and we should stay the course. But the American people know that major changes in policy are essential. We need a plan from the administration—a real plan—before we write an $87 billion blank check to pay for this administration's hollow policy in Iraq. Terrorist are sabotaging the reconstruction efforts, lashing out in every way they can. U.S. casualties continue to rise. The headquarters of the United Nations was devastated by a truck bomb that specifically targeted and killed the U.N.'s highly respected chief representative in Baghdad. Nothing is sacred. A key Shiite cleric was assassinated in the bombing of a mosque. Even the Jordanian Embassy in Baghdad was bombed, in an ominous message to other Middle East nations that cooperate with the U.S. Terrorists are said to be streaming into Iraq to take advantage of the new breeding ground that our failed policy has given them.

President Bush has asked Congress to provide $87 billion more in the coming year to set it right in Iraq, but it is essentially a blank check. He says he will internationalize the conflict, but he doesn't want to share power on the ground. The administration had a brilliant plan to fight the war, but no plan to win the peace. It had a brilliant plan to overthrow a government, but no plan to deliver on the promise of democracy. The American people are confused about why we fought this war, and what our strategy is for winning the peace.

Last fall, the President said that Iraq was developing nuclear weapons. The, he said Iraq has an active weapons of mass destruction program. This spring, the administration claimed that Iraq was linked to al-Qaida. None of these are true. No one doubts that Saddam Hussein was an evil dictator, but what was the imminent threat to our national security? The administration's rationale was built on a quicksand of false assumptions. In terms of how we will win the peace, the administration also seems confused. The Secretary of State has argued that additional time is needed to establish a new government in Iraq. A few weeks ago, he said, "it will be some time before any new government could take over the responsibilities inherent in being in charge of security." But Secretary Rumsfeld, in an effort to assure that we are not getting bogged down, says that things are "moving at a very rapid pace in Iraq."

Which is it?

These and other facts lead the American people to question whether the administration has an effective plan to share the security burden with the international community, reduce the burden on our troops, and deliver on the promise of democracy. The American people deserve answers.

How will the administration obtain a broader international mandate—through the United Nations—to bring in other countries' troops and provide a greater role for the United Nations in the political development and reconstruction of Iraq? How many additional troops are needed to prevent the sabotage undermining the reconstruction? What nations will supply troops? What is the estimate of the duration of the U.S. military occupation and the likely levels of U.S. and foreign troops required for security? What is the estimate of the total cost of security and reconstruction, including the likely amount of international contributions?

What is the schedule for restoring electricity, water, and other basic services to the Iraqi people? What is the long-term schedule for the withdrawal of foreign and American armed forces?

The administration must answer these questions and provide a credible long-term plan for Iraq. We can't afford to continue our failed strategy of making it up day-by-day as we go along, when our soldiers are paying for it with their lives. We all hope the window to peace will stay open. If it closes, history will have no mercy—it will say this is how we went to war against Iraq, for the wrong reason, and lost the war on terrorism. That is the precipice we now stand on. The administration needs to show the American people and the world a plausible plan to correct this colossal failure in our policy.

In addressing the United Nations, the President should have taken responsibility for his administration's mistakes in going to war without the broad support of the international community. We need to involve the United Nations in a meaningful way in the transition in Iraq. Our policy cannot be all take and no give. The President should work with the United Nations as long as it takes to get an agreement to help our troops and bring stability to Iraq. Our troops are doing their jobs in Baghdad; now President Bush must do his in New York.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wisconsin.

HELPING DOMESTIC MANUFACTURERS

Mr. FEINGOLD. Mr. President, I rise today to offer some comments on one of the most serious problems we face in this Nation—the severe erosion of our manufacturing base.

This crisis has been well documented, and the statistics are dismaying. According to the Economic Policy Institute, between January 1998 and August 2003, manufacturing employment dropped by three million, and manufacturing's share of total gross domestic product fell from 16.3 percent in 1998 to 13.9 percent in 2002. In my own State of Wisconsin, 77,000 manufacturing jobs have been lost just in the last 2½ years.

Of course, as shocking as those numbers are, they do not begin to convey the depth of the personal tragedies behind them. Millions of families have had their breadwinner thrown out of work, and entire communities have been ravaged. When the factory shuts down, everybody in town feels the impact. Across my home State of Wisconsin communities are trying to cope with this crisis on a daily basis. There are, no doubt, a number of reasons for this sudden loss of manufacturing jobs, but at the absolute center has been our appalling trade policy. The trade agreements into which we have entered have failed to protect our businesses and workers against unfair competition from overseas competitors. This failed trade policy was the result of an unholy alliance of leaders of both the Democratic and Republican parties over the past decade and more. I opposed those trade agreements, and until this country's trade policy is changed we will see more and more jobs shipped overseas.

We have seen this most clearly in the manufacturing jobs lost to China, but the problem is broader than just China. People have turned a blind eye to the impact of these trade agreements for too long. It is time for reality to set in here in Congress: These trade agreements have failed the American people. They have taken Americans' livelihoods and shipped them overseas. People in my State are left wondering who these trade agreements were for, if they weren't for America's workers? These men and women are the heart and soul of the economy in Wisconsin, and these agreements have taken their jobs out from under them.

The tool and die industry is one of the hardest-hit parts of the manufacturing sector in my State. In the town of Kewaskum, it was reported that the county board has taken the extraordinary step of making a loan to a local tool and die company to help it stay afloat in the face of competition with China. That is not typical for a county board, but it just goes to show how hard communities across Wisconsin, and across the country, are fighting to keep manufacturing businesses alive. These businesses are the lifeblood of our communities, and we turn our back on them every time we say yes to another one of these kinds of trade agreements.

Mr. President, no single policy can adequately address this problem. If we are to stop this hemorrhaging of manufacturing jobs it will take a concerted effort on several fronts, and over the next few weeks I will come to the floor to discuss some of the steps I think we ought to take.

Today I want to very briefly discuss one, and that is tax policy. A number of my colleagues have advocated changing our Tax Code to help beleaguered domestic manufacturers. In the other body, Representatives CRANE and RANGEL have proposed legislation to help domestic manufacturers by providing them with a tax incentive to keep production here at home, and to encourage those runaway plants that left our shore to return. In our body, Senator HOLLINGS has introduced the Senate companion to that proposal, S. 970, the Jobs Protection Act, and I am proud to be a cosponsor of that measure.

Under this bill, the new tax incentive for domestic manufacturers is offset by repealing the extraterritorial income provisions of the Tax Code. This offset means that the bill is paid for, and won't increase our already exploding budget deficit. I think that feature is essential to any measure we propose to spur economic growth for, as we know, budget deficits undermine long-term economic growth.

The repeal of the extraterritorial income provision deserves at least a brief comment. The foreign sales corporation tax benefit, and it successor, the extraterritorial income, ETI, tax subsidy, were challenged by the European Union before the World Trade Organization as illegal export subsidies, and the WTO ruled in favor of the EU.

I opposed the ETI provisions when they were before the Senate in the fall of 2000 in part because, as I noted at the time, I fully expected the WTO to rule against them, which would subject American firms and workers to a possible multibillion dollar tax on American products purchased in the EU.

I regret to say that we now face that very problem. If we fail to repeal the ETI provisions enacted in November of 2000, American firms and workers will bear the brunt of billions of dollars in trade sanctions.

This situation is a testament to the failed trade policy that has, in great part, led to the crisis we are seeking in American manufacturing. Our tax policy is being held hostage to the rulings of an international bureaucracy, making decisions largely in secret.

As I noted 3 years ago, while the ETI tax subsidy may be bad tax policy, it is our tax policy—a policy arrived at through the elected Representatives of the people of this Nation. The ability of some international bureaucracy to impose punitive taxes or tariffs on American goods should offend all of us. Unfortunately, that is what we face because of the action Congress took in 1994 to ratify the GATT. And unless we eliminate the ETI export tax subsidy, American firms and American workers are at risk.

Faced with that situation, the best possible choice is to take this opportunity to repeal the ETI tax subsidy and use the additional revenue raised by that repeal to help our domestic manufacturers, many of whom are directly impacted by the WTO's ruling against the ETI tax subsidy.

As I noted earlier, I have cosponsored legislation offered by Senator HOLLINGS, and I was pleased to do so, but that bill certainly is not the only possible model, and I am willing to consider supporting other approaches so long as they are focused on domestic operations and are also fiscally responsible. I understand the chairman and ranking member of the Finance Committee are developing a measure that may fit the bill. I commend them for doing so, and look forward to reviewing their proposal. Our manufacturers are facing a crisis that is in great part the result of the policies promoted by our Government over the past several years. It is essential that we reform those policies to stop more jobs from being shipped overseas. But we must also take other steps to help American workers, and this sensible change to our Tax Code should be one of them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of

Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1753

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. BOXER] proposes an amendment numbered 1753.

Mrs. BOXER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To strike section 333 relating to a special judicial appeals process for cases involving timber harvesting in the Tongass National Forest)
>
> Strike section 333.

Mrs. BOXER. Mr. President, the amendment I offer today is to strike section 333 from the Interior appropriations bill. Essentially, section 333 is an anti-environmental rider which would impose a 30-day statute of limitations for the public to seek judicial review of certain Forest Service timber sales in the Tongass National Forest in Alaska. In other words, it is putting on very tough time constraints for the public to follow if they have a problem with timber sales in the Tongass.

I want to show you a little bit of what the Tongass Forest looks like. I was very fortunate to spend a week in Alaska looking at this magnificent park. I think I may well have been right in this area depicted in the photo. You can see how magnificent these pictures are and why this rider could be so damaging. If there was, say, some movement by the Forest Service to cut down trees and put roads in here, we want the public to have a chance to make their case to a court as to why this is not the right thing to do. So that is one photo. I will show you some other photos.

This photo represents the area we are talking about. As I said, I had the joy of being in Alaska to actually see this with my own eyes. It is so magnificent there. When I was there, of course, daylight lasted until about midnight. You can see this beautiful land.

I will show you one more beautiful photograph. Again, what we are talking about is an anti-environmental rider which would take away the public's right to go to court if they believed some of these lands were going to be destroyed. The other thing the amendment does is it interferes with the ability of the Federal district court to manage its docket because that section also puts a deadline on the court. So it not only puts a deadline on the people in terms of their inability to study timber sales, it says to a judge who may have a very busy docket that he or she has to act on this case in 180 days.

The Tongass National Forest is the last remaining old-growth temperate rain forest in the world, spanning nearly 70 acres. You have seen it here with some of these beautiful photographs. It is the crown jewel of America's natural forests, and conservation is very much in the interest of all Americans because it is our land and we are the stewards of that land.

When I was up there, I saw glaciers, mountains, growths of hemlock and cedar that grow to be over 200 feet tall. The trees can live as long as a thousand years. I am not a person large in stature anyway, but when you see some of this beauty and realize how comparatively weak we are to the forces of nature, it seems to me when we have a magnificent national forest such as this, at the minimum you don't change the rules just for this one forest. It does not seem right.

The species that thrive in this forest include the brown bear—I saw some of those—bald eagles—and I saw some of them. I did not see gray wolves and wolverines, but I am told they are there. And there are lots of salmon.

We have this temperate rain forest. It is really a jewel. We want to make sure that, at the minimum, there is a check and balance in the courts if somebody feels or a group feels or a resident feels they are not being protected enough.

We are not telling the court they cannot make a decision that favors cutting down trees or building roads. We are just saying don't contract the time. It does not seem right.

I am going to read parts of letters I have seen. This is one from a couple who is very upset about this anti-environmental rider. They are owners of the Clover Bay Lodge, a fishing lodge on Prince of Wales Island in the Tongass. They write:

> We recently received a bad decision from the U.S. Forest Service that will probably mean the end of our very successful fishing lodge business. The Forest Service had no interest in listening to us or others affected by their decisions or even using the correct data regarding our business.

Then they talk about other elected officials who tried to intercede. They said:

> We wrote letters, we had meetings for over 6 years with the Forest Service and came to the same conclusion time and time again: The U.S. Forest Service had the money and the power and the control to force any decision, good or bad, down the taxpayers' throats. So sometimes the courts are the only place left and the people should not be constrained. Please stop this damaging rider, and do not accept any limitations on the American people's right to defend against the actions of the Federal Government.

This is really important because so many of my colleagues on the other side of the aisle talk about how big Government is bad and we shouldn't intrude in private property. Here we have a couple who owns a fishing lodge who wants to make a living doing that and says they have no other recourse but to go to court. They cannot make headway. With this rider, they will be constrained to get their whole act together in 30 days, and the court will have to act in 180 days. It seems to me not right.

I am going to read another paragraph from a letter written by a group of scientists who talk about the Tongass in this fashion:

> Alaska's national forests occur within the Pacific Coast's temperate rainforest ecosystem. Throughout the world, old-growth temperate rainforests are rapidly disappearing. Today, the Tongass National Forest represents the largest remaining tracts of old-growth temperate rainforest in the world.

We are talking about an incredible resource for our Nation.

They continue:

> Established in 1907 by President Theodore Roosevelt, the Tongass is the country's largest national forest. . . . Unlike most national forests, both the Tongass and Chugach still encompass many undisturbed watersheds with a full complement of all native species, including productive populations of bald eagles, wolves, brown bears, and five species of anadromous salmon. And we still have much to learn about the unique biodiversity and archeological resources of this forest.

The reason I took a moment to read this is because this is quite a group of people who signed on to this description of this land we are trying to protect: Craig Benkman, Ph.D., from New

Mexico State University; Andrew Hansen, Ph.D, from the Department of Biology, Montana State University; Robert Jarvis, Ph.D., Oregon State University; David Klein, Ph.D., Institute of Arctic Biology in Alaska; Russell Lande, Ph.D., from the University of California, San Diego; William Lidicker, Ph.D., University of California, Berkeley; Dale Mccullough, Ph.D., University of California, Berkeley; Sterling Miller, Ph.D., Missoula, MT; Paul Paquet, Ph.D., University of Calgary in Calgary, Alberta; Roger Powell, Ph.D., from Raleigh, NC; John Ratti, Ph.D., University of Idaho; John Schoen, Ph.D., senior scientist at the National Audubon Society, Department of Biology and Wildlife, University of Alaska Fairbanks; Mark Shaffer, Ph.D., Defenders of Wildlife; Christopher Smith, Ph.D., Kansas State University; Richard Taber, Ph.D., University of Montana; and Mary Willson, affiliate professor, School of Fisheries and Ocean Science, University of Alaska Fairbanks.

The point I am making is, if this is, indeed, a national gift to us, why we would want to make special rules for 39 timber sales there really escapes me. It just does not seem right, and it does not seem fair, and it seems to go against bipartisan support for this magnificent place.

I have read parts of a letter from a fishing lodge owner and I have read parts of a letter from scientists who do not want to see this damaging rider. I have received another letter from a lodge operator in the same area, Larry McQuarrie, who owns Sportsman's Cove Lodge. I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPORTSMAN'S COVE LODGE,
Ketchikan, AK, September 17, 2003.

Hon. Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to describe what's at stake if Senator Stevens rider limiting the public's ability to fully defend their interests in timber sale decisions (Sec. 333 of S. 1391) are passed. If this rider passes, my business would be deprived of my rights to defend my commercial interests against actions of the Federal Government. Any limitation of my right to sue is unreasonable because it would curtail my ability to uphold major business interests and protect my business's economic well-being.

I am the owner of Sportsman's Cove Lodge, which is located in Saltery Cove—an area slated for logging. My business relies on the undeveloped nature of the surrounding area. I assure you that our clientele would be singularly unhappy at the sights and sounds of timber harvest dashing their expectations of wild and pristine Alaska. In most cases they would not return until the activity was over—if at all. While the lodge is filled to capacity every season, it is not because there are clients lined up, beating down our doors. It is because we have learned, like other businesses have, that marketing is the key to success.

As fishing lodges go, ours is a marketing challenge. We do not have the spectacular King Salmon fishing of the west coast resorts, nor do we have the nearby population centers and draw of the Kenai Peninsula and South Central Alaska. What we do have going for us is excellent service in a beautiful Inside Passage setting. Timber harvest activities, scarred landscapes, log dumps in our cove and in scenic McKenzie inlet, road blasting, helicopters buzzing overhead, and log trucks rumbling across our now pristine backlands would necessitate an increased marketing burden that indeed could very well place our operation in jeopardy. If we lose the one thing that we can always market—the solitude and pristine nature of the surrounding—then we face business failure.

We have tried to work with the Forest Service to find logging plans that would allow the sale to proceed while not causing problems with our business. Yet the Forest Service has turned a deaf ear to my business concerns and those of other Saltery Cove residents.

In FY 2000, Sportsman's Cove Lodge grossed just under $1.9 million. Payroll for the year was $498,000, Capital investment in the lodge and its associated equipment (including a new $250,000 heated winter boat storage and boat hauling facility in Ketchikan) totals approximately $3.7 million. This family business has contributed approximately $1.0 million to the Ketchikan community annually for the past ten years. That contribution is expected to increase for many, many years to come. These are not estimates or projections. These are real numbers of an existing, ongoing, vibrant business that will be in operation far past the 3–4 year life of this project. Make no mistake, this business, the 30 seasonal and 8 full time employees, and the financial contributions it makes to the local economy will be seriously at risk if this sale proceeds as planned.

Forest Service timber sales plans show that logging the Saltery Cove area would generate only a total of 42 seasonable timber-related jobs divided up over a period of 5 years. This represents direct earnings of $1.99 million, again, not annually, but for the total of the 5-year project lifetime. Almost apologetically, the Forest Service says that this is justified to "help maintain the capital investment [in existing mills and lodging operations] already in place in several communities." By contrast, the payroll for the lodge during the same 5-year period, assuming nothing happens to impact it, will be approximately $2.5 million, and it will not stop at the end of those 5 years.

Let me state that I am not opposed to the responsible harvest of timber in the Tongass, or anywhere else for that matter. I was born and raised in a community that was heavily dependent upon timber. I understand and appreciate all of the reasons for responsibly harvesting our great renewable forest resources.

In searching my own soul over these issues I have repeatedly asked myself the question, "Are the lodge and logging mutually exclusive?" Sadly, I have come to the conclusion that when the two are in close proximity, they are. I wish that it were not so, but that is the reality. Each one is the antithesis of the other, and no amount of mitigation will resolve the differences other than to physically distance the two. The lodge, is already established in Saltery Cove and cannot be relocated. Logging however is not established, does not make economic sense here, and can go somewhere else.

If this rider passes, then there is no due process for the lodge or for my neighbors, and my business and community will suffer major and unnecessary economic harm. Ordinary Alaskan businessmen should be allowed to sue to protect our business and economic interests. Please take actions to remove Sec. 333 from the Interior Appropriations bill.

Respectfully submitted,
LARRY G. MCQUARRIE,
Owner, Sportsman's Cove Lodge.

Mrs. BOXER. Mr. President, Mr. McQuarrie, who owns the Sportsman's Cove Lodge, says:

> This family business has contributed approximately $1.0 million to the Ketchikan community annually for the past ten years . . .
>
> If the rider passes, then there is no due process for the lodge or for my neighbors, and my business and community will suffer major and unnecessary economic harm.

Let's look at Chomley Sound again. That is where this lodge is located. We can see it is magnificent, but it is unprotected, and it is on Prince of Wales Island in the southern Tongass. We can see how unbelievable this forest is. This small businessman is saying he is going to suffer irreparable harm if he cannot protect this area. What sometimes gets lost is there are so many who seem to say the only way we are going to make money, to lift the economy, is to go after resources—cut down trees and drill for oil. Of course, we need to do that in areas where it makes sense, but I am here to say that when you go in to an area that is as magnificent as this forest, the whole economic potential revolves around tourism. I saw that when I was in Alaska. It was a pretty wonderful trip.

The bottom line is, if there were a lot of trees being cut down and noise being made, we would lose the wildlife and we would lose the tourism. That is why I oppose this rider that I think is completely unnecessary.

I do not have much else to say except I think it is a bad rider and interferes with the judiciary, which I don't think is our job to do. It says to the court: You must hear this in so many days. A lot of us know the courts are backed up. There are a lot of people waiting for justice, whether it is one business suing another or somebody has a problem. Now we are saying go to the head of the class. You get to go to the head of the line if you want to cut down trees or build a road in one of these areas or there is a question about any of these timber sales.

We encourage courts to move quickly, but it seems to me we don't want to force them to have to act on one particular case in a certain number of days. It doesn't seem fair to me, and I don't think this section solves any problem.

The last lawsuit challenging a Tongass timber sale was 4 years ago. It is not like this is a pressing problem. There are no pressing problems challenging or enjoining the timber sales in Tongass, and timber companies on the Tongass have a huge backlog of timber under contract to be cut. As a matter of fact, they have about 300 million board feet left to be cut. They only logged 34 million board feet last year. So it is hard to understand why we have to make this rule for a problem that doesn't seem to exist. Yet it would take away a fundamental right of judicial review for timber sales in Alaska.

Maybe there is some good reason this should be done. I have been trying to figure it out myself. Maybe they actually want to reopen these sales. I don't know what it is. But I can say I have looked up and down to figure out what is going on. We have people here who are very nervous. They don't want to see a series of attacks continue on the Tongass National Forest. We had an attack last year. I spoke out in opposition to it. And we have it again this year.

Once again, I hope we strike this rider from the bill and assure the public is given an opportunity to seek judicial review, and that the judicial system is not unjustly hindered. The beauty of our country is the checks and balances that we have. All of us learn that when we go to school, in the sixth grade, eighth grade, high school, college—the checks and balances between the executive branch, the legislative branch, and the courts. When Congress starts standing up and saying: Judge, you have to hear a particular case in 180 days and, people, you better get your act together, get your case together in 30 days, in my view, this is really interfering in the rights of the people we represent and interfering in the duties of the courts.

Once again, feast your eyes on this magnificent area. It was my joy to be there for 7 days. I will never forget that trip. The last thing I want to see happen is to weaken the protections we have afforded this temperate rain forest that is so magnificent.

It honestly takes your breath way.

I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, while we are waiting for some other presenters, speakers on the amendments that are pending, I ask unanimous consent to speak in morning business for 5 minutes, and ask it appear in the morning business section of today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to address the pending Boxer amendment. Is that still the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. STEVENS. Mr. President, this provision which Senator BOXER seeks to strike—which I call the expedited judicial review provision—has been misconstrued by the Senator from California. Let me give you first a little history of the Tongass Forest.

In 1917 this forest was established, 17 million acres. It is the largest national forest in the United States. It encompasses over 80 percent of all of southeastern Alaska, which is roughly the size of New England.

In 1947, the Tongass Act set aside an allowable sale quantity level of 1.38 billion board feet per year. Let me repeat that—1.38 billion board feet per year.

In 1959, as part of the Statehood Act, there was an allowable sale quantity level established at 1.3 billion board feet per year.

Congress continued to review the Tongass. In 1971, the Alaska Native Land Claims Settlement Act set what we called the ASQ—the allowable sale quantity—level at 950 million board feet.

In 1980, that was reduced to 250 million board feet. Under the law, we call it ANICA—the Alaska National Interest Conservation Act—from 1980 to 1987, the average volume of timber sold and harvested per year in the Tongass was 280 million board feet per year.

In 1990, the Tongass Timber Reform Act set the ASQ at 440 million board feet. That act also directed the Forest Service to provide a supply of timber to meet the market demand.

But in 1997, Congress further reduced the level to 260 million board feet. That was through the Tongass land management plan. We call it the TLMP process.

So today only 676,000 acres of the 17 million acres in the Tongass National Forest is currently available for timber or timber harvesting for the timber industry. That is from the largest national forest in the United States.

Due to litigation, only 34 million board feet in total was cut in 2002.

This forest once supported 4,000 timber jobs. Now the lumber jobs have been reduced by 50 percent. Some of them work for independent operators or outside of the national forest on Native land. But 99 percent of the jobs associated with the processing of timber, particularly the pulp industry, have been eliminated.

In 2001, the timber industry had about 2,000 workers—again, a lot of them not on Federal land—with an annual payroll of $108 million.

The Senator from California represents a State that also has national forests. In California, there is a healthy and robust timber industry. Over 259 million board feet of timber was harvested in 2002 on 10 million acres of California land. In 2001, the timber industry supported 110,000 jobs with $3.4 billion in annual payroll.

Despite the rhetoric of the Senator from California, my amendment does not cripple the public's due process at all. It seeks to deal with the lawsuits pertaining to timber sales in the Alaska region and the way they have been handled by those who oppose cutting timber in Alaska but support cutting timber in a national forest half the size of one of Alaska's forests, the Tongass Forest. Lawsuits pertaining to timber sales are filed in a way that delays the process through the administrative courts, then through the Federal courts. By the time they are through, they are not harvesting.

My amendment provides that suits be filed in Alaska District Court within 30 days after the administrative appeals have been exhausted, or 30 days after enactment of this act. It directs the District Court of Alaska to render a decision within 180 days of the date the lawsuit was filed. We are dealing with judicial process, not environmental process, not the rights of individuals, but abuse, primarily from lawyers from California who file these lawsuits in Alaska. If the court has not rendered its decision, the provision in this bill authorizes the Secretary of Agriculture to petition the court to proceed with the action.

The timber sales at issue are subject to an intense public review process. For each timber sale, a notice of intent to prepare an environmental impact statement is published. The environmental impact statement is prepared, which generally takes 2 to 3 years. Each one of them costs $1 to $3 million. The draft EIS is issued, at which time there is a public comment period. The final EIS is then issued which addresses the public comments and makes any necessary changes.

Again, the public is invited to comment on the final EIS. Once that extensive review process is completed, a record of decision is released which stipulates the conditions under which the timber sale may proceed. My amendment does not cover that part of this process at all. There is no limitation put upon the administrative side at all.

If the public has additional concerns, they have an opportunity to appeal the record of decision administratively to the Forest Service. Invariably that happens. An appeal is made to the Forest Service. After that appeal, there is what we call the record of decision. Of the last 36 records of decision, 32 were administratively appealed.

Despite the extensive environmental review, public participation, and administrative use, lawsuits are still filed. Of the 32 claims administratively appealed, 9 have been litigated. It takes an average of 2 years from the time the complaint is filed in district court until a final judgment is reached, and then it is usually by the Ninth Circuit Court of Appeals in California.

These lawsuits add enormously to the expense of the taxpayers. They have a devastating effect on the men and women involved in the timber industry in my State. This process can take between 4 and 7 years before a single tree is harvested under a contract that authorizes harvesting of the timber. My provision does not limit access to the judicial system, nor does it impair the rights of those seeking judicial review of records of decisions. It does not affect the environmental process. It does not affect the public's right to comment. There is no time line for filing appeals to the district court's decision. That would be the Ninth Circuit.

This provision merely ensures there will be timely consideration of this equal process that is fair to environmental groups, the Forest Service, and men and women of my State who rely upon the timber industry for their livelihood. We merely set a time line for the judicial review of records of decision that have been made after the administrative process has been completed. That normally takes 1 to 2 years. Each of these is then appealed to the courts, the district courts, but there is no requirement now that those appeals be filed on a timely basis. This requires that within 30 days after the decision, there has to be a decision whether they will appeal. If they appeal, the district court must render the decision within 180 days. After that, they have the right to consider the process and appeal to the Ninth Circuit Court of Appeals if they wish. As a practical matter, we have eliminated the basic area where delay has taken place.

Again, let me point out, what we are seeking to do is to require that this judicial review process be expedited. That is a fair way to handle this process which has been so abused by these lawyers. I am a California lawyer, incidentally. California lawyers in my day did not act the way these guys are acting; I can state that right now. This says if you take an appeal from the Forest Service—mind you, they are after public hearings on the EIS, they are after public hearings and comments, and after administrative appeals to the Forest Service; and then the time for the basic delay. After they fail to file appeals, delay, delay, and delay, and they get to the court and the court delays. This is relieving the delay in the courts and relieving the delay in filing the appeal from the administrative court.

I urge that the motion to strike of the Senator from California be eliminated. Today these lawyers have 6 years within which to file that complaint after it has gone through the process of two public hearings, administrative appeal. For the record of decision, they can wait up to 6 years to file for review of the record of decision. This is, as far as I am concerned, a defect in the administrative process for judicial review. That is all we are dealing with.

We do not affect environmental rights. We do not affect the right to appeal. All we say is, you have to do it within a timely period. The district court must act within a timely period so we can tell whether the contracts that have been issued and approved by the Forest Service can be carried out by those who seek to make a living off harvesting the small amount of timber still available from forests in my State.

I point out the inconsistency of the Senator from California in complaining about relieving this process, the delay in this judicial process, when in the State of California they harvest an enormous amount of timber from an area that is less than half the size of our national forests. Surely the people of the State of California would understand that if a decision is made, the small amount of Alaska's timber area, 676,000 acres in the Tongass Forest, is available for harvesting, there has to be certainty in the review process so the economics of the timber industry will be sound.

I urge defeat of the motion to strike of the Senator from California and I move to table that amendment.

Mrs. MURRAY. Mr. President, I intend to speak on the Reid amendment and I would ask what the pending business is.

Mr. BURNS. The order of business now is the Boxer amendment. We have set aside some time for the Senator to speak on the outsourcing amendment.

The PRESIDING OFFICER. Is the Senator from Alaska making a motion?

Mr. STEVENS. I did inquire whether the Senator from Washington was seeking to speak on the Boxer amendment. I made a motion to table the Boxer amendment and ask unanimous consent that the time for the vote on my motion be determined by the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield the floor.

Mr. BURNS. If the Senator from Washington wants to speak on the Reid amendment, I ask unanimous consent that the present amendment be set aside and the Senator from Washington retain the floor.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 1731

Mrs. MURRAY. Mr. President, I rise today to speak in support of the amendment offered by Senator REID that temporarily bars the Department of the Interior from spending any more money on competitive sourcing studies.

The House has already inserted this language into its Interior spending bill, and I hope the Senate will do the same.

This amendment is critical so we can assure the people who visit our already overstressed national parks that they will not be subjected to even fewer services. "Competitive sourcing" is a new term that has been created to describe the opening up of public sector jobs to private sector competition. Now, we have all been told that competitive sourcing is not the same as outsourcing, but I think it is pretty safe to say it is not a whole lot different.

As all of us know, one of the primary goals of this current administration is to privatize large numbers of Federal workers. This administration, under its initial outsourcing policy, mandated that each Federal agency review for privatization no less than 15 percent of its commercial activities by the end of fiscal year 2003. Unfortunately, this onerous and apparently arbitrary privatization quota did not take into account the different agencies' unique conditions.

After a lot of pressure from Federal workers, environmentalists, and labor groups, the White House finally abandoned its original blanket competitive sourcing scheme. But now the initial plan has been replaced by a new plan that actually pushes for more outsourcing, not less.

Although there is no concrete timeline, this new incentive-based plan encourages Federal agencies to outsource 50 percent or more of their commercial activities. So while we in Congress are trying to slow down this outsourcing drive, the administration is now working to speed it up.

So what does that mean for an agency such as the National Park Service? I am very concerned that the President's outsourcing policy may well cause critically needed maintenance funds in our parks to be spent, instead, on further studies for competitive sourcing.

In my home State of Washington, we are very concerned about the reports that Mount Rainier National Park, for instance, could possibly have to divert up to 40 percent of its repair budget due to this outsourcing and antiterrorism requirements. So when they were faced with this possibility, the National Park Service director at Mount Rainier promised that at Mount Rainier no more outsourcing studies would be conducted using 2003 and 2004 dollars. This comes as a great relief to the users of Mount Rainier National Park and the surrounding communities, but now everyone is asking, What about Olympic National Park?

What about Cascade National Park? Those are national treasures that are in my home State. And what about all the other national parks across the country that remain vulnerable to this proposal?

Outsourcing is by no means a new policy for the Department of Interior, especially in the National Park Service. The Park Service, in fact, currently outsources nearly $2 billion in services, including over $800 million in concessions and over $1 billion for contractors.

Those contractors currently provide functions such as janitorial services, tree work, garbage pickup, construction, and management consulting—things like that. So when the Department of Interior is now told to outsource up to 50 percent of its commercial responsibilities, we are very concerned that some of the National Park Service's key functions are going to be threatened.

The Park Service, as we all know, was initially created to preserve the natural and cultural resources of the Park System and to provide recreational opportunities for generations of Americans. The last thing we should be doing is lessening the agency's ability to do just that.

The amendment now before the Senate, that was offered by the Senator from Nevada, Mr. REID, will not completely stop all outsourcing efforts. It will simply slow them down. I believe that is the right thing to do.

So far, in the case of the Department of Interior, OMB's outsourcing initiative has been on the fast track. The Reid amendment will simply prevent funds from this year from being used to initiate any new studies for competitive sourcing. It will, however, still allow the studies initiated with money from the last 2 years to be completed. I think that is the right course to take.

Slowing down this outsourcing initiative will allow us in Congress to have the time to analyze the costs and implications of this administration's proposal—I believe something we should have done in the first place.

The National Park Service is truly a mission-driven organization. Its core responsibilities include promoting the highest level of environmental stewardship, and, in turn, providing the best possible service to each and every park visitor.

So far, as we all know, the Park Service has done a tremendous job of doing just that. Consistently, 97 percent of our national park visitors have indicated they are "satisfied" or "very satisfied" with their national park experience. A lot of this public regard is attributed to the high quality and high morale of our Park Service employees.

Historically, National Park Service workers have maintained an extremely high level of camaraderie and positive spirit. Often these wonderful employees of ours are called upon to perform multiple duties that fall outside any one particular job title. It is not uncommon, in our national parks, for a maintenance worker to give interpretive talks on the weekends, or a park geologist to perform first aid, when it is necessary, or for a visitor assistant to help in fighting forest fires.

This kind of overlap of job duties is possible because of the way in which Park Service employees are currently cross-trained and because of the workers' extraordinary commitment to their jobs. In my opinion, having these kinds of outcomes with 9-to-5 contract workers would be very unlikely.

All of the implications of the President's policy of outsourcing in the National Park Service are not yet known or understood by those who use the parks or by Members of Congress who are passing this legislation. I think Congress has yet to carefully consider the consequences of this policy, especially when it comes to the services we expect for our families when they visit our national parks.

I am on the floor of the Senate today to thank Senator REID for putting this amendment forward, and I urge the Members of the Senate to follow the House and slow down the President's outsourcing policy to protect the core mission of the National Park Service by voting for the Reid amendment, and then thoroughly taking the time to analyze and understand how this will impact our incredible heritage at our national parks before we move forward.

Mr. President, I yield the floor.

Mr. REID. Mr. President, last week I proposed an amendment to this bill that would prevent the administration from privatizing parts of the Park Service, Forest Service, BLM, and related agencies.

I would like to submit for the RECORD some statements supporting my amendment. These are from the National Parks Conservation Association, the Wilderness Society, the National Trust for Historic Preservation, and the American Federation of Government Employees.

These organizations support my amendment because they share my belief that our National Parks and National Forests are public treasures that should be managed for posterity, not for profit.

Their letters cite many reasons why privatizing the operation of our National Parks and Forests would reduce the quality of maintenance and service.

As the letter from the Wilderness Society points out, the director of the National Parks Service wrote an internal memo warning that the administration's privatization policy could reduce visitor services, and cause layoffs of Parks Service workers.

These organizations realize that if we lose dedicated foresters, fire fighters, archaeologists and scientists, we will lose valuable knowledge about our precious public lands.

Protecting our National Parks and Forests is not just a job for these dedicated workers; it is a way of life. No job description can do justice to their dedication.

Just last month at Shenandoah National Park, a search team of four Park Service employees found a 10-year-old boy who was lost.

Today, the Park Service is reviewing their jobs, trying to determine whether they ought to be turned over to private contractors. Trying telling that little boy's parents that it isn't important to have workers who are familiar with our parks and forests.

These are some of the reasons that these organizations are opposed to privatization. There is another reason, which ought to concern every Member of this Senate. That is the unauthorized expenditure of public funds. It is our job as legislators to direct public funds to agencies and projects that will serve a public need. Congress has never authorized funds for outsourcing studies.

The Forest Service spent $10 million just last year on its outsourcing studies, 10 million that Congress had designated for preserving and protecting our national treasures. The Park Service has estimated that it could spend $3 million just to hire consultants. President Bush made a campaign promise to eliminate the $4.9 billion maintenance backlog that existed in the Park Service when he took office. That backlog is now estimated at $6.1 billion. Meanwhile, the Park Service has diverted funds from maintenance projects to conduct studies about outsourcing.

In the Pacific West region, several projects are being put off to pay for security measures and outsourcing, including: removing asbestos from old buildings in Yellowstone National Park, seismic safety rehabilitation for 18 buildings in Golden Gate National Recreation Area, and upgrading the sewage lagoon at Crater Lake National Park. These projects would protect our parks and visitors. That's why Congress set aside money for them.

Just because a private contractor knows how to run a business doesn't mean he knows how to take care of our public parks. A few years ago, one park needed five new courtesy docks on a lake. The lowest bidding contractor designed metal docks for an area where temperatures in the summer reach 115 to 120 degrees. Metal docks would have burned visitors, so the design had to be thrown out. That wasted $21,000, and only two docks could be built with the remaining funds.

In another incident, public workers used to handle their own garbage collection, at a cost of about $150,000 a year. Then they contracted it out. Six years later, the cost is about $500,000 a year. It is no wonder that environmentalists, park visitors, and public employees are so concerned about the effect this policy is having on our public resources. The Bureau of Land Management just wasted $60,000 to study 26 positions in two States. The BLM employees won their competitions.

In all, BLM will spend almost $2 million this year to show the administration that its employees are the most capable and efficient to do their jobs. The public servants at BLM don't need an expensive consultant to prove their commitment to preserving our public resources; they prove it every day. Congress doesn't need that, either. That is why we never voted for it

Ten million dollars in the Forest Service, $3 million in the Park Service, $12 million in BLM, and next year it will be more—unless we stop it.

Article I of the Constitution requires Congress, not the President, to authorize and appropriate funds. The administration is bypassing Congress to implement its own agenda and is using unauthorized funds to do it. We work hard to make sure we fund projects that are in the best interest of the taxpayers. The administration wants to take away that role. Mr. President, I hope my colleagues will join me in doing our duty as United States Senators.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS CONSERVATION ASSOCIATION,
Washington, DC, September 17, 2003.

DEAR SENATOR: On behalf of the more than 300,000 members of the National Parks Conservation Association (NPCA), we urge you to support the Reid amendment to the FY 2004 Interior Appropriations Act, which forestalls the Administration's effort that could privatize more than half of the National Park Service workforce.

The House passed a bipartisan provision sponsored by Interior appropriations chairman Charles Taylor (R-NC) that slows the initiative that is already harming one of the most beloved institutions of American government—the National Park Service. The Park Service, comprised of some of the most dedicated and underpaid public servants in our nation, is the guardian of our most precious natural and cultural treasures. Our collective American heritage should not be placed at risk by a politically driven, inside-the-beltway top-down strategy that places the guardianship of our parks in the hands of the lowest bidder without regard for the impact on the values embodied by our national parks.

Outsourcing is an appropriate tool when appropriately used. But that's not what the administration is doing. Although Clay Johnson III, OMB's deputy director for management, argued recently that the administration is interested in allowing contracting on work that is "really, really commercial," such as food service, check processing, and other similar functions, the thousands of Park Service positions the administration has defined as commercial include archaeologists, biologists, museum curators, masons, and other workers who serve park visitors, educate school groups, and protect the parks for future generations.

A few points to consider: The Park Service is spending millions of dollars to fund, competitive sourcing efforts without authorization from the appropriations committee, and at the expense of the enormous pressing fiscal needs of the parks; No study has been undertaken about the extensive outsourcing that has already occurred in the National Park Service, to determine the cumulative impact of the administration's proposals. Privatization could adversely impact the diversity of the Park Service as well as the quality of local jobs available in many areas; Protection of our national parks is a way of life for the National Park Service, not just a job. The esprit-de-corps of the Park Service is something businesses try to emulate, not something that should be easily discarded or put at risk; The Reid amendment does not prevent the Department of the Interior from contracting out services or existing outsourcing studies. Interior agencies retain the ability to hire contractors to supplement the existing federal employee workforce.

A vote for the Reid amendment is a vote to protect our national parks, and we will consider using this significant vote in our biennial "Friend of the National Parks" scorecard for the 108th Congress.

Sincerely,

THOMAS C. KIERNAN,
President.

THE WILDERNESS SOCIETY—SUPPORT THE REID AMENDMENT TO PROTECT JOBS IN THE NATIONAL PARK SERVICE

Senator Harry Reid (D-NV) has filed an amendment to the FY04 Interior Appropriations bill that provides protection for National Park Service employees' jobs. The language in the Park Service section of the bill reads . . .

"None of the funds in this act can be used to initiate any new competitive sourcing studies."

This is the exact language that the House Subcommittee on Interior Appropriations added as a bipartisan provision earlier this summer. The provision protects the National Park Service (NPS) from losing some of its most skilled employees. The Office of Management and Budget has imposed an onerous quota on all agencies to review for privatization 15% of their "commercial" activities by the end of this year. This assault on dedicated park employees applies regardless of its impact on the agency.

The Park Service has the potential to lose irreplaceable institutional knowledge of dedicated park scientists, archeologists, architects, curators, engineers, fire fighters, and laborers . . . jobs considered to be "commercial" in nature.

The Reid amendment limits the use of funds for competitive sourcing studies to those already initiated in fiscal years 2002 and 2003. At this point the Park Service has already expended $2 to $3 million on privatization studies at the expense of funding daily operations within the parks!

An internal memo penned by NPS Director Mainella as reported in an April 19 Los Angeles Times article says this policy could reduce visitor services and cause unexpected layoffs, as well as undermine the agency's efforts to create a more ethnically diverse work force.

For further information contact: Sue Gunn, Director, National Park Program, (202) 429-2676.

NATIONAL TRUST FOR HISTORIC PRESERVATION,
Washington, DC, September 17, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, the Capitol, Washington, DC.

DEAR SENATOR FRIST: Congress chartered the National Trust for Historic Preservation more than 50 years ago to protect America's irreplaceable historic and cultural treasures including those that are part of the country's great inventory of federal lands. As a private nonprofit organization with more than a quarter million members, the National Trust is the leader of a vigorous preservation movement that is having the best of our past for the future. Because of our concern for the welfare of the nation's historic and cultural resources, we urge you to support Senator Reid's amendment to the Interior appropriations bill that would place a temporary hold on the large-scale privatization effort already underway at the Department of Interior and related agencies—especially within the National Park Service and the Forest Service. This privatization effort would outsource many of the professional and expert responsibilities now performed by federal employees.

The National Trust supports a similar bipartisan provision that is now part of the House version of the bill. It would withhold FY'04 funds from the rampant privatization program so that Congress can make a comprehensive assessment of outsourcing's effects on the important work performed by scientists, archeologists, architects, curators, engineers, fire fighters, and laborers. Before advancing headlong into this initiative, Congress would have an "in-depth report" on the results of pending privatization efforts including information related to "specific schedules, plans, and cost estimates for implementing [the privatization initiative]." The Department's FY'02 and FY'03 privatization work in progress would be unaffected by the provision.

The Interior Department and related agencies have been under intense pressure to privatize key programs because of an Office of Management and Budget (OMB) government-wide quota that requires all agencies to review 15 percent of their "commercial" activities for privatization by the close of this fiscal year. OMB is applying this quota regardless of the effect on the government's responsibility to all Americans who depend on efficient and reliable service. Last year Congress was so concerned about OMB proceeding too hastily that it included a reporting requirement in the FY'03 Omnibus Appropriations Bill. So far, however, OMB has not provided any research or analysis to justify the quota as it quickly progresses on outsourcing positions and imposes sanctions on agencies that fail to fulfill the quota. Those penalties are severe, ranging from arbitrary reductions in staff to punitive budget cuts.

The National Trust, like many Republican and Democratic lawmakers on Capitol Hill, is concerned by the scale, lack of methodology, and expense associated with this initiative, which comes at a time when federal budgets are declining and resources are thin. Congress and the public need more time to assess the process adequately, and fully understand the costs and implications of the decisions being made before outsourcing diverts governmental staff from high-priority assignments, consumes funding that is directed towards mission-essential requirements, and undermines efforts to ensure that the federal workforce reflects the American people in its diversity.

Services provided by the federal government should always include a mix of public and private sector resources where appropriate. Contractors can play a valuable role in an agency's mission to service the American public. OMB's privatization quota, however, is forcing the Interior Department and other agencies to privatize services without heed to the full effects on safeguarding the nation's historic and cultural treasures. The National Trust asks you to support Senator Reid's amendment to the Interior appropriations bill and take a more measured approach to outsourcing those federal responsibilities best performed by governmental staff.

Sincerely,

RICHARD MOE.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, September 17, 2003.

DEAR SENATOR: On behalf of the American federation of Government Employees, which represents more than 600,000 federal employees who serve the American people across the nation and around the world, I urge you to supoprt the Reid Amendment to the Interior Appropriations Bill that would temporarily suspend new privatization studies in the Department of Interior and related agencies. These privatization studies have been ordered by the Office of Management and Budget (OMB), regardless of need or impact on those agencies' services, in order to fulfill a wholly political privatization quota.

The Reid Amendment is identical to language that was earlier included in the House Interior Appropriations Bill by Chairman Charles Taylor (R-NC). The Taylor provision was inspired by the diversion of staff and resources to conduct costly privatization reviews instead of fulfilling agencies' missions, even if that meant not eliminating longstanding maintenance backlogs in the National Park Service or protecting Forest Service lands from the scourge of fire.

We appreciate the leadership of Senate Interior Appropriations Committee Chairman Conrad Burns (R–Mt) in defunding all new and ongoing privatization studies in the Forest Service without Congressional approval. However, the same problems caused by OMB's wholesale privatization effort in the Forest Service are adversely affecting all agencies funded under the Interior Appropriations Bill. Moreover, the Reid Amendment strikes a fair balance in that it allows ongoing privatization reviews to continue but suspends new ones until the Congress has a better understanding of OMB's extremely controversial wholesale privatization initiative.

That the recently revised OMB Circular A–76, which governs the rules for privatization, has been tilted dangerously in favor of contractors, is no longer subject to dispute. In fact, the House of Representatives, in bipartisan fashion, recently passed an amendment to the Transportation and Treasury Appropriations Bill that would completely defund the new A–76 and force OMB to craft a more fair and balanced process, one that exalts the interests of taxpayers and every American who depends on the federal government for important services, not contractors.

Among the many flaws, the new privatization process denies federal employees opportunities to submit their best bids in most competitions, fails to require contractors to at least promise appreciable savings before taking work from federal employees, and doesn't ensure that a subjective and unprecedented privatization process is first tested and evaluated in the limited context of information technology before it is used across-the-board on all services, as was required by Senate Armed Services Committee Chairman John Warner in this year's defense authorization bill, instead of using it across-the-board on all services, as would be allowed by the new A–76.

Despite OMB's professed determination to ensure competition, the new circular requires federal employees to be subject to public-private competitions to perform new work, to be recompeted in the event of failure to perform, and be automatically recompeted every five years except in isolated circumstances. In those same circumstances, no such competition or recompetition requirements apply to contractors. And although OMB is determined to review for outsourcing at least 416,000 federal employee jobs, no contractor jobs are scheduled to be reviewed for insourcing.

At the same time, the new circular appears to give the interests of taxpayers short shrift. The rewritten A–76 makes no changes of any significance with respect to the administration of contracts. Moreover, despite the imposition of the privatization quota, OMB provides already overwhelmed agencies with no new resources to conduct fair competitions and satisfactorily administer resulting contracts. In addition, the new A–76 does little to encourage the use of alternatives to A–76 that can generate superior savings—but without the significant costs and wrenching controversies associated with privatization reviews. And despite the documented disproportionately adverse impact on women and minorities who are part of the civil service, a particular problem in the National Parks Service, according to the Director, the new circular does nothing to ensure that the OMB privatizaiton initiative does not force federal agencies to turn the clock back on diversity and inclusiveness in the civil service.

Finally, we note that the new A–76 does not discourage contracting out from being undertaken in order to undercut the pay and benefits of those who work for the federal government. The Senate recently passed, without opposition, an amendment to the defense appropriations bill that would exclude health care costs from the cost comparison process if a contractor provides inferior health care benefits. The new A–76 fails to take that approach.

Again, AFGE, standing proudly with many different environmental groups, urges Senators to support the Reid Amendment to the Interior Appropriations Bill and prevent privatization from polluting the agencies that the American people have entrusted to safeguard our nation's most valuable natural treasurers. Please contact John Threlkeld in AFGE's Legislative Department at (202) 639–6413 if you have any questions about our position on this important matter.

Sincerely yours,

BETH MOTEN,
Director, Legislation & Political Action Department.

Mr. REID. Mr. President, before the Senator from Washington leaves the floor, I would like to say it was only recently that I had the opportunity to see some of the natural beauty of the State of Washington. I, of course, had been to Seattle a number of times—the airport, went into town, and left. But I had the opportunity, within the past couple of months, to see various parts of Washington.

I will never forget the drive from Pasco, WA, to Seattle over the great Cascades. Those mountains and trees, the forests are so much different than the forests of Nevada. We are very proud of the great treasures we have around Lake Tahoe and other forests we have in Nevada. But the Cascades are in a different class, with totally different kinds of trees, different forests.

That is what the Forest Service is all about, having these people, who sign on to the Forest Service for life, to be the guardians and protectors of these great national treasures such as those around Lake Tahoe and those beautiful Cascades that I drove through.

To think we are considering putting these great national treasures out for profit rather than posterity frightens me. I appreciate very much the Senator from Washington standing up for the great Cascades. I am sure there are other beautiful parks in the State of Washington that you have described here that are as beautiful as I can imagine. But I want the Senator from Washington to know—and everyone within the sound of my voice—I was so impressed driving through those Cascades.

I repeat, I hope—and I know there is going to be efforts made to second degree this amendment because the majority is afraid of an up-or-down vote because we will win an up-or-down vote because people of both parties do not want to put these national treasures up for bid. What they are going to do is offer some kind of an amendment saying: Well, we have studied them. Let's get a report. And we will go ahead and continue doing the studies around Lake Mead, around the areas the Senator from Washington pointed out.

The reason this is such a calculated effort to hurt our parks is that they are taking money, as I outlined earlier, that has been set aside by congressional votes to take away the asbestos we have in some of our park facilities, to do work on sewers, and a lot of other things. They are taking money from that and studying whether it is a good idea to privatize. That is wrong. If they were going to do it the right way, they would come before Congress and say: We want to study what is going on in our national parks. Appropriate money for us.

They are doing indirectly what they know they can't do directly.

I hope everyone understands that this second-degree amendment, which will be offered shortly, is only an effort to help those who want to defeat this amendment to, in effect, get well by saying: Well, we voted for a study and the President has to report on these studies.

I want everyone to know a vote for this second-degree amendment—it may be a side-by-side amendment—is a vote to allow the outsourcing, the privatizing of the workforce of our national parks.

Mrs. MURRAY. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield for a question.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mrs. MURRAY. Mr. President, if I heard the Senator from Nevada correctly, am I to understand there is going to be a second-degree amendment to his amendment that I just spoke about that will essentially allow the outsourcing to continue while we move forward in the appropriations process this year? If that is the case, I ask the Senator from Nevada, if you are a park employee in one of our beautiful parks—and you referenced the Cascades; we have Olympia National Park, Mt. Rainier. I invite all of our colleagues to come and see—if you were an employee and you knew Congress was going to continue to move forward with this proposal or some type of variation, would you not be worried that you would not continue to do the same good job that our employees do right now because really your future is up in the air and you would be looking for something else?

Mr. REID. Mr. President, I respond to my friend from Washington that this second-degree amendment, which I haven't seen but I have been told what is in it, would basically allow the outsourcing studies to go on. And they have no money to do that so they are robbing other programs to do it. So the answer to the Senator's question is, yes, they would continue doing the outsourcing studies, as they call them, in an effort to privatize the workforce in the national parks.

There is a handout that has been distributed. When you can't defeat a measure on its face, what you resort to is name-calling. Here is what they have written:

> Now is not the time to promote inefficiency. The Reid amendment would support the Federal employees union agenda to grow the size of the Federal workforce and avoid competition of any kind.

That is so mean spirited and so wrong. When you can't defeat an issue on its face, what you do is resort to name-calling. What they have done here is say, this is all a big ploy of the unions. I offered into the RECORD earlier today groups that support this amendment that is sponsored by the Senator from Washington and the Senator from Nevada. There wasn't a single union I put forward as favoring this. I am sure they do, but I haven't talked to them. But we have resorted to name-calling, saying this is bad because the unions like it. I am sure the unions do like it if, in fact, there are unions there. I don't really know. But this has nothing to do with unions.

It has everything to do with protecting a dedicated workforce and to not put these employees out to minimum wage. That is in effect what it is. I know what we will do as we do in all of these privatizing methods: We will come in with a low-ball figure. We can do it so much cheaper. And then as soon as the contract is entered, it balloons. I gave an example this morning. One of the parks was picking up garbage. It cost $150,000. They put it out for private bid. And now within 3 years time it is a half a million dollars for the same work Government employees were doing.

I appreciate very much the support of my friend from Washington. Again, I recognize her ability to support working men and women and not corporate America. I do know the Senator from Washington has done a great job of protecting the corporations in her State. But here is an issue that deals directly with working men and women. And, of course, the Senator from Washington has sided with the working men and women of our country.

Mr. AKAKA. Mr. President, I rise today in strong support of the amendment offered by the Senator from Nevada, Mr. REID, to prohibit the use of fiscal year 2004 Interior funds to initiate public private competitions at the Department of the Interior, including the National Park Service. This amendment takes an important step to ensure that vital public services at Interior are not put at risk by the administration's aggressive plans to contract out Federal jobs.

As the ranking member of the National Parks Subcommittee, I view the administration's outsourcing policies as especially harmful to the National Park Service. I am particularly concerned that the outsourcing of Park Service jobs could target biologists, anthropologists and archaeologists.

During a Parks Subcommittee hearing this summer, Scot McElveen, the president of the Association of National Park Rangers testified that current outsourcing policies seriously threaten reliable, effective, and efficient service to the public.

Mr. McElveen said the administration's outsourcing plan is incompatible with the Parks Service's decentralized workforce. Furthermore, he noted that it would only worsen National Parks' current staffing and budgetary shortfalls by diverting funds for operations and maintenance to contract out jobs.

I agree with Mr. McElveen. I fail to see how outsourcing functions within the Parks Service will improve their mission to protect our national parks, historic sites, monuments, and other treasured places. Park Service employees have a strong sense of public service which cannot be replicated by the private sector.

I believe this amendment takes the measures needed to ensure that contracting out at the Department of the Interior does not come at the expense of our National Parks.

The Reid amendment is identical to language included in H.R. 2691, the House Interior Appropriations bill. I urge my colleagues to support this amendment.

AMENDMENT NO. 1754 TO AMENDMENT NO. 1731

(Purpose: To substitute a requirement for an annual report on competitive sourcing activities on lists required under the Federal Activities Inventory Reform Act of 1998 that are performed for the Department of the Interior by Federal Government sources)

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I call for the regular order with respect to amendment 1731. I have an amendment to send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Amendment 1731 is now pending.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself and Mr. THOMAS, proposes an amendment numbered 1754 to amendment No. 1731:

Strike lines 3 through 6, and insert the following:

SEC. . Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied —under completed competitions;

(4) the total number of full-time equivalent Federal employees being —studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable —description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in —service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

Mr. VOINOVICH. Mr. President, I rise to offer a second-degree amendment to the Reid amendment to the Interior appropriations bill. Before I speak to the specifics of the underlying Reid amendment, I will first describe my examination of the administration's competitive sourcing initiative which I have spent a great deal of time on.

Competitive sourcing is one of the five management initiatives included in the President's management agenda. As I said, I paid close attention to this initiative because it is closely related to the Federal Government's strategic human capital management. It is fair to say I have spent more time on this issue than anyone in the Senate during the last 5 years.

It is important to note that competitive sourcing is not privatization, nor is it outsourcing. It is public-private competition, a methodical process for evaluating the most efficient and cost-effective manner of providing a service that is commercial in nature and not inherently governmental.

I would like to make clear to my colleagues that the total Government workforce is about 1.609 million. And inherently governmental is about 751,000; commercial, about 858,000; and of the 858,000 that are commercial, only about 416,000 are available for competition. That is 26 percent of the Federal workforce. The Department of Interior positions being evaluated, which we are talking about today, under U.S. Fish and Wildlife Service, clerical support and appraisers; National Park Service, maintenance of vehicle, lawn, bathroom, and air conditioner, archeological support; Bureau of Reclamation, Job Corps Centers; Bureau of Land Management, maintenance of lawn, vehicle, bathroom, and air conditioner, geographic information services, and photography.

These are positions that are being evaluated. It doesn't necessarily mean they are going to be put out for competitive outsourcing. Contrary to what has been said on the floor of the Senate, I want to quote from the Government Executive, which talks about:

> April 25, 2003.
>
> Feds Win Job Competition at Park Service Agriculture Department.
>
> Federal employees have won several small public-private job competitions in land management agencies, including a competition at the National Park Service Office that had run into opposition on Capitol Hill.
>
> A team of 45 archaeologists at the Southeastern Archeological Center in Tallahassee, Florida, defeated private contractors earlier this month, according to Park Service officials. The in-house team re-organized itself into the "most efficient organization," eliminating 17 seasonal jobs and trimming $850,000 in annual personnel costs, according to Donna Calvels, coordinator of the Park Service's competitive sourcing program.
>
> "Not one permanent employee lost their job."

Hear me?

> "Not one permanent employee lost their job, and the competition will save $4.2 million over the next five years," Calvels said Thursday.
>
> Federal workers have prevailed in other small competitions decided recently. In the Forest Service, civil servants won competitions at six Job Corps centers across the country, according to Thomas Mills, the agency's deputy director for business operations. The Forest Service operates 18 Job Corps centers as part of a job training program for young adults, which dates back to the New Deal programs of the 1930s. Employees at every center—940 workers in all—are now competing for their jobs.
>
> So far, roughly 300 civil servants at Job Corps centers in Anaconda and Darby, Montana; Franklin, North Carolina; Estacada, Oregon, and Pine Knot and Mariba, Kentucky, have won their competitions. At each center, the Forest Service is using the "streamlined" competition method, which compares the cost of the in-house team with the going rate in the private sector. The agency received a waiver from the Office of Management and Budget that allows it to give incumbent workers a 10 percent cost advantage in the competitions, according to Mills. The cost advantage is prohibited under the revised OMB Circular A-76, issued in late May.
>
> Federal workers have also fared well in several streamlined competitions held by the Agriculture Department's Natural Resources Conservation Service.

So the point is what we are talking about here is evaluating positions in various Federal agencies to determine whether those positions can be competitively bid and, in most of the cases, the in-house people win those competitions. In most cases, it is found after it is done that those people have been given an opportunity to get together and figure out how they can do a better job in order to save their job and compete with the private sector. That is what this is about. This is not like, well, if we don't pass this amendment, everything is going to be farmed out in the Interior Department.

Historically, Government employees at the Department of Defense, the agency with by far the most experience in conducting competitions, have won more than two-thirds of public-private competitions since 1997 and in the process have saved taxpayers billions of dollars. Furthermore, from 1997 to 2001, Federal employees won 98 percent of the streamlined competitions conducted at the Defense Department.

This demonstrates that Federal employees can compete and win. During the competition process, Federal employees form a most efficient organization—an MEO—to develop the most competitive bid possible. Through this process, employees make substantive changes to their organization in a collaborative process involving both managers and line employees.

What I like is that is quality management—going to the employees and asking them how they can do their job better than they are now doing it. The result is, regardless of who wins the competition, performance is improved and savings are realized. Isn't that what we want, better performance and savings? Ultimately, MEOs allow agencies to work harder and smarter and do more with less. The teamwork and collaboration that characterize most efficient organizations should be present at all Federal agencies, not just those that are undergoing competition.

The original goal of competitive sourcing was to compete a percentage of the Federal commercial functions with the private sector to cut costs and improve performance. This policy has merit. As a former mayor and Governor, I know from experience there are times when it is appropriate to compete government functions to obtain the best value for the taxpayers. At the same time, I know what motivated and well-trained public employees can accomplish.

The original sourcing goals of this administration—and I had real problems with it—were to compete 5 percent of commercial functions in the first year, an additional 10 percent in the second year, and eventually 50 percent of eligible commercial activities. I have been very concerned with these goals since they were announced. My chief concern was that the governmentwide goals for competitive sourcing had not been based on comprehensive analysis of the Federal workforce on an agency-by-agency basis. The amendment I offer today requires that be done and reported on.

In that regard, these goals reminded me of the workforce downsizing of the Clinton administration. The U.S. General Accounting Office has documented that little or no strategic workforce planning was conducted in Federal agencies before downsizing took place. It was a mindless downsizing, without looking at the jobs agencies had to perform. What this administration is trying to do right now is reshape their workforce to be able to do the job they have been asked to do.

Therefore, I have endeavored to learn more about the initiative. I attended a Governmental Affairs Committee oversight hearing on sourcing in March 2002 and criticized—that was Chairman Durbin—the manner in which the administration was pursuing this program. Over the last 2 years, I have pressed this point in meetings with various officials from the OMB and the White House, urging them to modify the goals of the program. To its credit, the Bush administration has agreed. Clay Johnson was in my office last week. He gets it.

At a Governmental Affairs subcommittee hearing I held on July 24, 2003, Angela Styles, who was, until recently, the administrator of Federal procurement policy, announced the administration would drop its governmentwide goals for competitive sourcing.

I was pleased to learn that each Federal agency will decide the way in which competitive sourcing will proceed. Furthermore, the administration will release a report later this month that will outline the manner in which they have conducted this initiative over the last 3 years.

The administration has demonstrated flexibility and a willingness to make significant modifications to this program. This is a significant step in the right direction and demonstrates that congressional oversight can yield positive results.

However, Congress is considering several amendments that undermine the administration's progress on competitive sourcing. The amendment offered by Senator REID would prohibit competitive sourcing studies and activities at the Department of the Interior. This is, in my opinion, misguided, for several reasons.

First and foremost, since the Eisenhower administration decreed that the public sector should not compete with the private sector, the decision of whether or not to initiate competitions and the rules governing these competitions has been the purview of the executive branch of Government. We are stepping on the prerogatives of the executive branch of Government. There is another way we can do that, and that is what our amendment does—in a way that I think is appropriate. This authority has been exercised in the past by both Democratic and Republican administrations.

Legislatively exempting the Department of the Interior from competitive sourcing circumvents longstanding executive branch prerogative. It is not surprising the administration would strenuously resist efforts to diminish this authority, which is why OMB has said it will recommend a veto of any bill that abolishes or weakens existing management prerogatives.

Second, this amendment is one of a variety of different restrictions on competitive sourcing that have been placed on 5 appropriations bills that, if enacted, would constitute an incoherent set of restrictions. I agree Congress needs additional information on the implementation of this initiative. However, any reporting requirements, which I support and will discuss in the context of my second-degree amendment with Senator THOMAS, should be uniform across the executive branch, not willy-nilly from one department to another department.

Third, I consider this issue the jurisdiction of the Governmental Affairs Committee. That committee has held hearings on this initiative under both Republican and Democratic leadership.

Any Senator seeking to make changes to this initiative should introduce a bill, have it referred to the Governmental Affairs Committee, and advance it through the normal committee process. It should not be addressed through a series of disjointed amendments to appropriations bills.

Fourth, as I noted a moment ago, the administration announced a major change to its sourcing initiative at my subcommittee July 24 hearing. It dropped its governmentwide goals and plans and will now do this on an agency-by-agency basis. It is reasonable for us to monitor how this change is implemented. Therefore, I strongly urge my colleagues to support the amendment being offered by Senator THOMAS and me.

Our amendment would require the Interior Department to provide Congress with detailed information on how it is implementing public-private competitions. This includes a description of how the Department's competitive sourcing decisionmaking process is aligned with the Department's strategic workforce plan. It also requires the Department to report the projected number of full-time equivalent employees covered by competitions scheduled to be announced in the next fiscal year.

If this amendment is adopted, it will not affect the Interior Department's consideration this year, but if they want to do them next year, in this report they are going to be required to say which ones next year they are going to be putting out for competition and why they are putting them out for competition. This is not some arbitrary type of activity as some people would like to characterize it.

Imposing rigorous reporting requirements is the right approach. It has been the prerogative of every administration since the 1950s to decide when to conduct public-private competitions and the manner in which these competitions would be conducted. Congress, in its oversight role, has a right and responsibility to know what the executive branch is doing. The amendment would require the Bush administration to provide exactly that information.

Mr. President, I ask unanimous consent that this report from Government Executive magazine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Government Executive Magazine, Aug. 25, 2003]

FEDS WIN JOB COMPETITIONS AT PARK SERVICE, AGRICULTURE DEPARTMENT

(By Jason Peckenpaugh)

Federal employees have won several small public-private job competitions in land management agencies, including a competition at a National Park Service office that had run into opposition on Capitol Hill.

A team of 45 archaeologists at the Southeastern Archaeological Center in Tallahassee, Fla., defeated private contractors earlier this month, according to Park Service officials. The in-house team reorganized itself into a "most efficient organization," eliminating 17 seasonal jobs and trimming $850,000 in annual personnel costs, according to Donna Kalvels, coordinator of the Park Service's competitive sourcing program.

"Not one permanent employee lost their job, and the competition will save $4.2 million over the next five years," Kalvels said Thursday.

Last month, the House voted overwhelmingly to cut off funds for job competitions at the Southeastern Center and at the Midwest Archaeological Center in Lincoln, Neb., where the competition still is ongoing. The funding freeze would not take effect until fiscal 2004, meaning it would not apply to competitions finished during this fiscal year.

But John Ehrenhard, director of the Southeastern Center, said the legislation is still needed to protect other Park Service archaeologists from the Bush administration's competitive sourcing push. "Even though we won our competition, I'd like to see some [legislation] saying that no more money could be put toward . . . competitive sourcing," he said. "It's just another layer of protection."

Ehrenhard added that four employees left the center during the competition because they didn't want to risk losing their jobs. "Most were in their late 20s and early 30s, and they were looking forward to having a career in the National Park Service, and they felt they were denied that," he said.

Federal workers have prevailed in other small competitions decided recently. In the Forest Service, civil servants won competitions at six job corps centers across the country, according to Thomas Mills, the agency's deputy director for business operations. The Forest Service operates 18 job corps centers as part of a job-training program for young adults, which dates back to the New Deal programs of the 1930s. Employees at every center—940 workers in all—are now competing for their jobs.

So far, roughly 300 civil servants at job corps centers in Anaconda and Darby, Mont.; Franklin, N.C., Estacada, Ore.; and Pine Knot and Mariba, Ky., have won their competitions. At each center, the Forest Service is using the "streamlined" competition method, which compares the cost of the in-house team with the going rate in the private sector. The agency received a waiver from the Office of Management and Budget that allows it to give incumbent workers a 10 percent cost advantage in the competitions, according to Mills. The cost advantage is prohibited under the revised OMB Circular A–76, issued in late May.

Federal workers have also fared well in several streamlined competitions held by the Agriculture Department's Natural Resource Conservation Service (NRCS). In Columbus, Ohio, NRCS workers won three competitions involving mail, clerical and soil-mapping work because procurement officials did not receive valid private sector offers, according to Michelle Lohstroh, state administrative officer with NRCS. Seven and one-half full-time equivalent positions (FTEs) were involved in these competitions.

In Annapolis, Md., four NRCS employees triumphed in a competition, according to Debra Hepburn, a contracting specialist with the agency. "We have a pretty small office out here in Annapolis," she said.

Competitions involving a single NRCS employee in Auburn, Ala., and Lake City, Fla., respectively, also went to federal employees. In Lake City, officials put a vacant position up for competition, to minimize the possible impact on workers, according to Lynn Merrill, an NRCS contract specialist.

Meanwhile, in Michigan, four soil-mapping specialists edged out companies in a competition for their jobs, and in Oklahoma, 17 soil conservation technicians successfully defended their jobs, according to Luann Lillie, an NRCS contracting officer in Stillwater, Okla. And in California, in-house workers triumphed in competitions involving 12 and one-half FTEs, according to Ray Miller, a contract specialist in Davis, Calif.

The NRCS is competing roughly 800 soil conservation technician positions on a state-by-state basis, according to Patty Brown, competitive sourcing coordinator with the agency. These technicians help farmers and ranchers apply conservation techniques to their land, she said in an interview last month.

Mr. VOINOVICH. Mr. President, this report contradicts some of the arguments that have been made for the Reid amendment this afternoon.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I have a unanimous consent request to propound. I ask unanimous consent that prior to a series of stacked votes, which will begin at 4:45 p.m., there be 10 minutes of debate equally divided in relation to the Bingaman amendment No. 1740; further, that there be a total of 50 minutes equally divided in the usual form in relation to the Voinovich and Reid amendments on competitive sourcing.

I further ask unanimous consent that at the hour of 4:45 p.m., the Senate proceed to a vote in relation to the Bingaman amendment No. 1740, to be followed by a vote in relation to the Boxer amendment No. 1753, to be followed by a vote in relation to the Voinovich amendment which is to be modified to be a first-degree amendment, to be followed by a vote in relation to the Reid amendment No. 1731; provided, further, that no second-degree amendments be in order to the amendments prior to the vote, with 2 minutes equally divided prior to each vote.

Mr. REID. Mr. President, it is my understanding that the time consumed by the distinguished Senator from Ohio, Mr. VOINOVICH, will be counted toward the 25 minutes; is that right?

Mr. BURNS. Is that agreeable?

The PRESIDING OFFICER. The unanimous consent request is related to the next hour.

Mr. REID. The unanimous consent request has 50 minutes divided—actually 60 minutes. That time is equally divided. It is my understanding that the 50 minutes between Senator VOINOVICH and myself is to be equally divided. I simply ask that the time he already consumed should be counted against the 25 minutes. That is my statement in the form of a question.

The PRESIDING OFFICER. The Chair does not interpret the unanimous consent request that way. Would the Senator like to amend the unanimous consent request?

Mr. REID. I ask for that modification.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, we have some statements on our side we would like to give. That is why we wanted 25 minutes. If we take Senator VOINOVICH's time out of it—I am not sure how long he spoke—it will not give time for Senator THOMAS and me.

Mr. REID. I object.

The PRESIDING OFFICER (Mr. CHAFEE). Objection is heard.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, in my day-to-day life, I have worn many hats. In my life, I have been a small business owner, a mayor, a parent, and a consumer, just to name a few of the roles I have played over the years. I mention them because with each of them, whenever there was a job that had to be done, I always knew the best way to ensure I got the best deal on a project or product was to put it up for bid and place the job in competition. It is a simple philosophy, and it just makes sense to apply the same logic even to Government.

President Bush has said Government should be market based; we should not be afraid of competition, innovation, and choice. Why is the administration so enthusiastic about competitive sourcing? Because it saves money while holding quality standards high. In other words, we get the same quality at less cost. Who wouldn't like a deal like that?

We do not need to look far to find the results of competitive sourcing. The Department of Defense, NASA, and the Coast Guard have a fair amount of experience in the field. In fact, the Department of Defense reports that it will have saved $6 billion from 2000 to 2003 through A-76 reviews.

Another telling example cited by this study was OMB's decision to take a job usually given to the Government Printing Office and put it up for bid. The job was the printing of the 2004 Federal budget. When forced to compete, the Government Printing Office turned in a bid for the project that was 24 percent lower than the previous year.

I do not think there can be any doubt that competitive sourcing saves money. But it does more than that by allowing Government to more actively engage in contracts with the private sector. Government can increase its access to the skills, technologies, and innovations of the small business communities throughout the country.

This spring, I had an opportunity to visit the Mint in Philadelphia, and the employees there told me what a good job they were doing. I observed them doing a good job. They let me know they were doing that so their jobs would not be outsourced. It was a good attitude. They were doing quality work. They were improving. I saw an article in last week's USA Today that talked about the improvement at the Mint since the new director, a business person, was put in charge.

We have before us an amendment to slow the process and prohibit the continuation of funding for competitive sourcing in the Department of the Interior. Adopting this amendment would turn back the clock and head us in the wrong direction. At a time when budget deficits must be controlled, we should be taking full advantage of tried and true methods to cut spending and control costs, not trying to remove the option.

One concern that has been raised about competitive sourcing is that it might have a seriously negative impact on the Federal workforce. This is not true. Competitive sourcing is about increasing efficiency, not eliminating workers.

As Senator VOINOVICH said, it is about asking the employees how it can be done best. The person actually doing the job usually knows how and best. As a case in point, the Department of the Interior has reported that of more than 2,500 full-time employees whose jobs have been analyzed under A-76, none have been involuntarily dismissed from their jobs. Those who claim we are out to toss out the Federal workforce are missing the point about this program.

Simply stated, competitive sourcing is better for taxpayers and the Federal Government. It makes Federal dollars go further, and it forces Federal agencies to perform more like businesses where the highest level of efficiency is the only acceptable level, and it is working.

If we allow passage of the Reid amendment, we are in fact taking away the one tool a Federal agency has to ensure it is getting maximum efficiency and quality. As a member of the Small Business and Entrepreneurship Committee, I have a responsibility to oppose legislation that may harm our small business community. I cannot support the Reid amendment because it would have a negative impact on the small businesses of our Nation by refusing to allow them to compete. I have been holding some procurement conferences in Wyoming for small business so they could learn how to compete, how to combine if the job is too big for one small business. It has been working. It hasn't kicked Federal employees out of their jobs, but it has produced some lower prices and some employment for small businesspeople.

Studies have shown that when the private sector does win public/private competitions through Circular A-76, a small business, a woman-owned business, or a minority-owned business wins that competition 60 percent of the time. By cutting funding for competitive sourcing in the Department of the Interior, we would be blocking off one of the few entryways that small businesses have available to gain access to jobs in the Federal Government.

With more than 50 percent of the Federal workforce eligible for retirement within the next 5 years—let me repeat that—with more than 50 percent of the Federal workforce eligible for retirement within the next 5 years, it is essential to ensure we have the right people in the right positions.

Competitive sourcing creates an atmosphere in which the Government is not forced to deflect its valuable Federal employees to tasks that are not inherently governmental. It allows Federal agencies to more effectively manage their personnel.

That kind of management was clearly in evidence when a number of national parks on the eastern seaboard used temporary employees during the summer as lifeguards. Through competitive sourcing, the National Park Service contracted this work to private lifeguard companies. These companies then hired the Park Service's temporary employees, giving them full-time year-round jobs. The local communities benefited through the enhanced opportunities for local businesses and the former Park Service employees benefited by getting better pay and more work.

Circular A–76 is important because it represents a win-win situation for small businesses; also for the Government; also for the taxpayer; and for all those who need and perform the work.

We are all familiar with the old adage, if it isn't broke, don't fix it. Circular A–76 is working well and will only get better as we fine-tune the process. It is a process that isn't broke and it deserves to keep doing what it does best, saving the Government money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I will wait for the floor manager here.

Mr. BURNS. Mr. President, thanking my good friend from Wyoming for allowing me to interrupt here, I renew the unanimous consent request with regard to the votes.

I ask unanimous consent that prior to a series of stacked votes, which will begin at 4:45, there will be 10 minutes of debate equally divided in relation to the Bingaman amendment No. 1740; further, that there be a total of 50 minutes equally divided in the usual form in relation to the Voinovich and Reid amendments on competitive sourcing.

I further ask that at the hour of 4:45, the Senate proceed to a vote in relation to the Bingaman amendment No. 1740, to be followed by a vote in relation to the Boxer amendment No. 1753, to be followed by a vote in relation to the Voinovich amendment, which is to be modified to be a first-degree amendment, to be followed by a vote in relation to the Reid amendment No. 1731; provided further that no second-degree amendments be in order to the amendments prior to the vote, with 2 minutes equally divided prior to each vote.

Mr. REID. Mr. President, we will try this again. Is the time for Senator ENZI going to be counted toward the 25 minutes that the majority has?

Mr. BURNS. I would advise that that is acceptable, that the Enzi statement would be part of that 25 minutes.

Mr. REID. Will the Chair inform me how long the Senator from Wyoming spoke?

The PRESIDING OFFICER (Mr. CHAFEE). Seven minutes.

Is there objection? Without objection, it is so ordered.

Mr. BURNS. I yield the floor to the Senator from Wyoming.

Mr. THOMAS. I am sorry, Mr. President, how much time is there?

The PRESIDING OFFICER. Eighteen minutes.

AMENDMENT NO. 1731

Mr. THOMAS. Thank you very much, I say to the Senator from Montana.

It is interesting to be talking about this issue. The fact is, I suspect all of us are looking for the most efficient way to operate the Government. I guess that is what we spend a lot of time doing. We spend a lot of time looking for ways to make it less costly to get the job done. We spend a lot of time providing opportunities for small businesses. These are the very things that are involved here. Yet we seem to be trying to keep that from happening. It is a bit of a surprise.

Competitive sourcing seeks to streamline Federal agencies. This has been going on, by the way, for a long time. In 1996 we passed the FAIR Act and began to do something with it. There were different kinds of reactions to it. There were some efforts made in the Clinton administration that did not go very far to utilize this.

Then 2 years ago we started to revamp the thing a little bit and make it work. That is what this administration has done—to make the Government more accountable to the taxpayers, to reduce the Government's direct competition in the private sector. These are the purposes of this competitive sourcing.

The President's competitive sourcing initiative is designed to improve performance and efficiency. That is really the bottom line. When the Government competes with the private sector, we erode the local tax base, we drive up prices, decrease performance of Federal agencies because there is no competition, and we know that is a key to our whole effort within the sector.

Regarding cost savings, both the General Accounting Office and the Center for Naval Analysis, two independent groups, have found through extensive research that competitive sourcing reduces costs by 30 percent—regardless of who wins. Keep in mind, this is competitive sourcing. When this particular job or this particular task is set up for competitive sourcing, the Federal employees have a chance to compete for it as well as the outside. In most cases, over half the cases in the past, Federal employees have won.

Nevertheless, because of that, because of looking for ways to do it more efficiently, there has been a 30-percent reduction in costs. So the Government can save billions of dollars by allowing the private/public competition to occur. Stopping this competition only wastes taxpayer dollars, increases the inefficiency of a Government monopoly, and prevents us from improving upon services the taxpayers receive.

One of the troublesome things has been that the image of that kind of action has not often been clear. I have here an article by Fran Mainella, who is the Director of the National Park Service.

> Over the past several months, a number of media reports have mischaracterized the scope, purpose and effects of the National Park Service competitive sourcing efforts.

She goes on:

> Our competitive sourcing initiative challenges us to put our finger on our own pulse. It provides a framework by which we examine whether we have the right skills, the right techniques, organizational structures to provide Americans the best possible service—service that is effective and efficient.

So we have had a great deal of success in doing that. Actually, the competitive sourcing idea is not a new one. It has been talked about for a good long time. In fact, I point out here—this is a statement made in 1996 by the unions publicly supporting competition. It says:

> Over the years, the OMB Circular A–76 competitive process has benefited taxpayers with billions of dollars in savings. I am proud of the fact that these competitions have shown Federal workers to be just as competitive as their private-sector counterparts in terms of their cost, efficiency and overall quality of performance.
>
> Mr. Chairman, you have often heard me say that Federal employees are not afraid of competition. If we cannot provide the services better, faster and cheaper than our private-sector competition, then we do not deserve to perform the work in the first place. We ask you and the members of this committee not to deny us the opportunity and dignity of competing.

This is the national president of the American Federation of Government Employees. This is, of course, some time back.

So what we are dealing with here, of course, is an amendment that prevents the improvement of the Department of the Interior's commercial activity competitive sourcing. This is something we have dealt with for a good amount of time.

We talked about the Printing Office and the money that has been saved there. We talk a lot about parks. Of course, I come from a State with parks, such as the Grand Tetons.

There is an idea that we are going to replace the park rangers. That isn't true at all. This has nothing to do with park rangers and people who have those kinds of professional jobs. We are talking about people who do maintenance work and people who do other kinds of activities. That is the case.

We agree parks are special. It is one of the things we hear about a great deal. We hear about it incorrectly from time to time. That, I guess, is what is happening here.

Secretary Norton noted that 2,500 positions have been reviewed under competitive sourcing since 2001. Not one full-time Federal employee has been involuntarily separated. These are things that change. We have a great deal of retirement coming up, and there will be some opportunity to do some things here that will give us a chance to make our Federal Government more effective and more efficient.

Over the past several years it has been our Government policy not to compete with the private sector. However, the Federal Government currently has about 416,000 positions that are characterized as commercial in nature. Seeing that Congress has done a poor job with sourcing policy, President Bush initiated competitive sourcing to improve the way it functions. We are now in the process of seeing that improvement take place.

My colleagues on the other side of the aisle are always concerned about economic developments. They should support this opportunity to improve competitive sourcing. Keep in mind that Government competition in the private sector erodes the local tax base and creates a Government monopoly.

Here we are. I think we have an opportunity to continue to strengthen that. The amendment before us is certainly not one that helps that. It precludes going forward with this very useful thing. The amendment we will be voting on is a first second-degree amendment.

This reporting requirement addresses a number of the concerns many Senators had about competitive sourcing. This second-degree amendment does the following:

It requires the Secretary of the Interior to report annually on its competitive sourcing efforts, including listing the total number of competitions completed; list the total number of competitions announced; the activity covering the total number of full-time equivalent Federal employees studied under the completed competitions; total number of full-time equivalent Federal employees being studied but not completed; the incremental costs directly attributable to conducting the competition, including costs attributable to paying outside consultants; estimate of the total and completed savings; description of the improvements in services and performance derived from the competition actually reported; and total number of full-time equivalent employees covered by competition rescheduling for next fiscal year.

That is the kind of reporting we will have.

We have a number of letters. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR TAX REFORM,
Washington, DC.

LEGISLATIVE ALERT—SUPPORT COMPETITION AMONG THE FEDERAL GOVERNMENT AND PRIVATE BUSINESSES

The Senate will likely debate and vote on an amendment offered by Senator Harry Reid (D-NV) to H.R. 2961, the Department of the Interior (DoI) and Related Agencies Appropriations Act for fiscal year 2004, which is currently being debated by the Senate. The amendment prohibits the initiation or continuation of any competitive sourcing studies until the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal and have approved in writing such proposal.

Because the amendment significantly limits the DoI's management flexibility and prevents the agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities, Americans for Tax Reform (ATR) strongly opposes Senator Reid's amendment.

In his two years in office, President Bush has worked to make government more efficient by streamlining federal regulations and holding government bureaucracies accountable to the American taxpayer who funds their departments. The president constructed a strong Management Agenda, focusing on public-private competition to create a performance-based management initiative designed to improve performance and efficiency.

Public-private competition, or competitive sourcing, is the process for determining if the government's commercial jobs, like computer services, food services, or maintenance, should be performed by federal agencies or by private sector companies. However, President Bush's plan to subject federal workers to competition has come under constant attack from labor unions and liberal lawmakers on Capital Hill.

While Senator Reid claims that the bill will eliminate thousands of federal jobs, it is simply not true. For example, of the 1,600 full-time employees the Department has already analyzed for competitive sourcing, not one federal employee has been involuntarily dismissed from his job. In addition, DoI employees have won roughly 50% of the sourcing competitions and not a single DoI employee has been involuntarily separated as a result of competition.

Competition among public and private entities drives down costs and ratchets up performance. According to the General Accounting Office and the Center of the Naval Analysis, two independent and objective groups that have conducted the most thorough research on competitive sourcing, the cost of a function goes down 30 percent regardless of whether the in-house government employees or a private contractor win the competition. These efficiencies translate into savings of billions of dollars that can be used for much needed tax relief for all Americans.

More competition leads to huge savings. Absent competition, inefficient government monopolies will continue to waste tax dollars while failing to provide even a reasonable level of service. Therefore, the taxpayer is the ultimate loser when competitive sourcing is stymied.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, July 28, 2003.

AN OPEN LETTER TO CONGRESS: COMPETITIVE CONTRACTING SAVES TAXPAYERS DOLLARS

DEAR MEMBER OF CONGRESS: The undersigned organizations strongly support implementation of President Bush's competitive contracting program and oppose Congressional schemes to make implementation of this vital initiative more difficult or impossible. According to official government estimates, there are 850,000 jobs in the federal government that qualify as "commercial positions." These jobs include everything from writing software to mowing lawns and are done every day by private firms. President Bush's Management Agenda set the goal of having half of the commercial activities performed by federal agencies face competition over the next four years.

The potential benefits of increased outsourcing are clear. For example, in 2002, the Office of Management and Budget decided to use competition in response to poor performance by the Government Printing Office (GPO) and opened the job of printing the fiscal 2004 federal budget to competitive bidding. GPO turned in a bid that was almost 24 percent lower than its price from the previous year in order to keep its job. That was $100,000 a year that GPO could have saved taxpayers any time it chose, but didn't until it faced competition.

Contrary to popular belief, competitive bidding does not achieve cost savings by simply reducing the ranks of federal employees. Research by the General Accounting Office and other agencies has shown that federal workers win competitive sourcing bids against private firms about half the time, and when they do lose, the majority go to work for the contractor or shift to other jobs in the federal government. Typically, less than 7 percent of them are laid off.

In spite of the obvious benefits of competition in other areas of the economy, several efforts are underway in Congress that would kill competition at the federal level. Legislative proposals have been introduced to prohibit competitive outsourcing in the Departments of Agriculture and Interior, and attempts to prevent reform of air traffic control are proliferating.

Competition and choice are important marketplace forces. Harnessing them to provide commercial activities within the federal government will save taxpayer money and allow federal agencies to do their jobs more effectively and offer better service. Congress should be embracing competitive contracting rather than undermining it.

Sincerely,

PAUL J. GESSING,
Director of Government Affairs, National Taxpayers Union.
DR. ADRIAN T. MOORE,
Vice President, Research, Reason Foundation.
RANDALL W. HATCHER,
President, MAU, Inc.
GROVER NORQUIST,
President, Americans for Tax Reform.

AMERICAN COUNCIL
OF ENGINEERING COMPANIES,
September 22, 2003.

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the 6,000 member companies of the American Council of Engineering Companies, I urge you to vote against an amendment offered by Senator Harry Reid (D-NV) to the Fiscal Year 2004 Interior Appropriations bill. The amendment would block funding for all future public-private competitions, thereby sacrificing government efficiency, innovation and cost savings.

The competitive sourcing program is a centerpiece of the President's Management Agenda. The Bush Administration's plan to open non-inherently governmental functions to competition from the private market will ensure that taxpayers receive the best services for their tax dollars. If passed, the Reid Amendment would prevent Interior from realizing cost savings that result from public-private competitions. A report from the General Accounting Office states that public-private competitions typically result in savings of over 30%.

Private engineering companies provide a range of highly technical services to the Federal government, including the Forest Service and the U.S. Geological Survey. Over the past several years, our member firms have grown increasingly frustrated over the practice of some Interior agencies that actively market their services to state and local governments in direct competition with the private sector. This practice hits our smaller firms particularly hard. The Bush plan would help to correct this problem and as such, any attempt to derail this process is strongly opposed by the engineering industry.

ACEC respectfully urges you to place the interests of the taxpayers first, and support effectiveness and efficiency in government. Again, we urge you to vote against the Reid Amendment to the F.Y. 2004 Interior Appropriations bill as well as any other amendment that may be attached during the remainder of the 108th Congress.

Sincerely,

CAMILLE FLEENOR,
Director, Federal Procurement Policy.

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 22, 2003.

DEAR SENATOR: On behalf of the more than one million members and supporters of the Council of Citizens Against Government Waste (CCAGW), we urge you to vote against an amendment being offered by Sen. Harry Reid (D-Nev.) to H.R. 2691, the Interior Appropriations Bill for FY 2004, which would defund competitive sourcing studies provided for under OMB Circular A-76.

OMB Circular A-76 is the federal process of obtaining commercial services at the best price through open and fair competition. This practice is also known as competitive sourcing, and is the cornerstone of President Bush's Management Agenda reforms. Competition between the private sector and government employees performing commercial work ensures accountability, efficiency, and budget savings.

An inventory of government services conducted during the Clinton administration identified more than 850,000 of the 1.8 million jobs in the federal government as commercial in nature. Opening up these services to competition promotes the principles of government reform and service to the taxpayers. Numerous studies demonstrate that public-private competition improves service delivery and decreases costs to taxpayers by anywhere from 10-40 percent on average.

Opponents of A-76 contend that staging job competitions is cost prohibitive. This argument is a political smoke screen meant to derail the administration's management reforms. The President's commonsense proposals would follow private sector management practices, such as linking budgets with performance targets, improving general agency performance through development and implementation of strategic plans, and improving service while providing the best value to the taxpayer.

We urge you to vote "No" on Sen. Reid's amendment to H.R. 2691 and allow the continuation of public-private competition. CCAGW will consider rating this amendment, and any votes related to competitive sourcing, in our annual 2003 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

CONGRESSIONAL & PUBLIC AFFAIRS,
U.S. CHAMBER OF COMMERCE,
Washington, DC, September 22, 2003.

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations every size, sector and region, I urge you to vote against an amendment offered by Senator Harry Reid (D-NV) to the Fiscal Year 2004 Interior Appropriations bill. This amendment would prohibit the Department of Interior (DOI) from conducting competitive sourcing studies, thereby sacrificing government efficiency, innovation and significant cost savings.

Prohibiting competition within DOI strikes at the heart of the President's Management Agenda, particularly the Competitive Sourcing Initiative, which aims to increase government efficiency, improve government performance and save taxpayer dollars through competition. On average, a 30% cost savings is realized when a competition between the public and private sector is held on commercial government functions, regardless of who wins. In this era of sharply constrained resources it seems particularly irresponsible to arbitrarily limit an agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities. Senior Administration officials have recommended that the President veto the FY04 Interior Appropriations bill if such language is included.

Contrary to common rhetoric, competitive sourcing does not achieve cost savings by simply reducing the ranks of federal employees. In fact, of the 2,500 positions that have been reviewed under competitive sourcing since 2001 in DOI, not one full-time federal employee has been involuntarily separated. Federal workers win competitive sourcing bids against private firms over half the time, and when they do lose, the majority go to work for the competitive or shift to other jobs in the federal government.

We respectfully urge you to place the interests of the taxpayers first, and support effectiveness and efficiency in government by voting against any anti-outsourcing provisions in the Fiscal Year 2004 Interior Appropriations bill. The Chamber may consider votes on or in relation to this matter in our annual "How They Voted" scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
September 22, 2003.

STAND UP FOR MAIN STREET AND SMALL BUSINESS

DEAR SENATOR: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I urge you to oppose the Reid competitive sourcing amendment to the Fiscal Year 2004 Interior Appropriations Bill. The amendment would prohibit the Department from conducting any competitive sourcing studies and deny small businesses the opportunity to compete for Interior's commercial activities.

Competitive sourcing is not only an opportunity for federal agencies to improve the efficiency of their operations, but it also saves taxpayer dollars. Independent studies by the General Accounting Administration, among others, contend that competition will save taxpayers an average of 30 percent. Congress should not limit the management flexibility of the Department to study ways to optimize their delivery of services to the taxpayer. We believe, for example, that allowing small businesses to bid on services they already successfully provide in the commercial marketplace will lead to improving government efficiency and decreasing costs.

We strongly urge a "no" vote on any amendment that would prevent the Interior Department from moving forward on this important initiative.

This vote will be recorded as a NFIB "Key Vote" for the 108th Congress.

Sincerely,

DAN DANNER,
Sr. Vice President, Public Policy.

Mr. THOMAS. Here is one in behalf of the U.S. Chamber of Commerce favoring the competitive sourcing and opposing the amendment.

Here is the NFIB, the National Federation of Independent Businesses, which opposes the amendment.

Citizens Against Government Waste is also in support of this.

American Council of Engineering Companies, the National Taxpayers Union, and Americans for Tax Reform—all of these are in strong support of continuing to give the private sector an opportunity in these areas.

I also finally would like to tell you there is a statement of administration policy here in which the administration indicates they will veto a bill that includes this kind of program. They say the administration understands the amendment will be offered on the Senate floor which would effectively shut down the administration's competitive sourcing initiative to fundamentally improve the performance of government in many commercial activities. The administration seeks to improve performance of Government services based on the comprehensive principle of competition, a proven way of protecting taxpayer dollars while providing better services and performance. Now is the wrong time to short circuit the implementation of this principle, especially since numerous agencies are starting to make real progress in providing public/private competition. If the final version of the bill contains such a provision, the President's senior advisers would recommend he veto the bill.

I urge we get support for this amendment so we can continue the competitive notion.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, everyone should understand a vote for the Enzi-Craig-Voinovich amendment is a vote to allow further outsourcing studies to go on. That is wrong.

What is this amendment about? It is about the Park Service spending millions of dollars in outsourcing studies which would siphon off funds critical to the needs within the parks.

The amendment that has been offered by a significant number of Senators—and I ask unanimous consent to add Senator KERRY and Senator CLINTON as cosponsors—allows current studies to move forward on the implications to be evaluated. Current studies can go forward. A short pause is not too much to ask, for the protection of our national heritage is at stake.

The House included the same reasonable language in its bill. According to the House report, the Appropriations Committee was "concerned about the massive scale of seemingly arbitrary targets and considerable costs of initiatives which are on such vast tracts that Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made."

That is the end of the quote. That is from the Republican House of Representatives report language in their appropriations bill.

The administration's own Park Service director has indicated the current plan will reduce services to the public, will negatively impact the diversity of the Park Service, and will not save resources. That is from the administration's own Park Service director.

I would like to read from a letter sent to me by a Park Service employee. Remember, this applies to more than just the Park Service. The Forest Service, the BLM, and other Interior agencies are affected. This man even signed his name, and, of course, it jeopardizes his job. But he is a substantial man, I am sure. His name is Chuck Luttrell. It is a long letter. I will not read all of it.

Among other things, he said:

> . . . will the public be tolerant of the selling of the care and operation of our national treasures to a profit corporation? Will our parks get the same care, will our culture and natural heritage be safe in the hands of companies that could turn out to be Enrons, Worldcoms?

He further states:

> The United States of America owes and has pledged a commitment to our military veterans. We have preferential hiring regulations for veterans. A private contractor has no such obligation. The Federal Government has the strongest commitment to diversity and equality there is.

He says if it is put out to the private sector, veterans will have no further preference, and diversity will go out the window.

> In recent years the Congress wrestled with the issues of health care and insurance. Federal employees have excellent health insurance options. Again contractors have far different priorities and as we all know millions of people working in private industry have no insurance.
>
> Years ago Congress passed the Davis Bacon Act to ensure that some workers earned a fair, liveable, negotiated wage. We employees of Lake Mead's Maintenance Division are an example of Congress' will. But any contractor that would replace us has no such obligation.
>
> The Park Service, in my 22 years of service, has never been sufficiently funded. As an agency, we have always been on starvation rations, and I can assure you that at my level, Lake Mead N.R.A., there is absolutely no fat in the system. For years our managers have been required to do more with less.

The National Park System he talks about has 10 million visitors a year. Lake Mead is the second busiest park in the whole United States.

He goes on to say:

> When it comes to saving the taxpayer's dollars nothing is more efficient than having the work done for free. Nationwide the National Park Service receives hundreds of thousands of hours of donated labor. At Lake Mead N.R.A. alone last year the public volunteered over 92,000 hours of which nearly 21,000 hours were in performing maintenance work. People will volunteer to work for the National Park Service because they recognize it is a noble and worthy gift to the country. People do not, as we all know, volunteer to work for private contractors.

He goes on to say:

> Beyond being a workforce for our respective Parks, we employees of the National Park Service are a national work force. Lake Mead N.R.A. has sent people out over the years to help with everything from oil spill cleanups to hurricane relief. Every year Lake Mead employees are fighting this Nation's wildland fires. This year, as always, we are on the line protecting places like Denver, Colorado, and Show Low, Arizona. But who will serve and man the fire camps when we are gone?
>
> It sounds cliche, but for the large majority of the National Park Service's employees their work is more than just a job. It is commonplace for people in my outfit to do much more than just what is written in their position descriptions. I am a carpenter. I also teach all of our Rangers how to conduct water search and rescues. I'm not special. The maintenance employees of Lake Mead N.R.A. serve on the SCUBA team, on District fire engine companies, and with search and rescue teams. We serve on Park committees and often volunteer for special details. We are trained in first-aid and are first responders. We direct traffic at accident sites, we help land medical evacuation helicopters, and we help handle victims and patients. We are also the eyes and ears for our Rangers. We often are the ones who discover trouble and report it. I don't think that it is too far of a stretch to say that in some small way we are even part of homeland security . . . let me say that we are essentially ambassadors for the National Park Service. We are uniformed employees constantly in the public eye. We are often the first and sometimes the only "official" contact visitors have with the Service. We answer questions, give directions, and not all that uncommonly change a tire or two. We do all these things and more, yet they are not in our job descriptions and a contractor replacing us would not be obligated to perform any of them.

I ask unanimous consent the full text of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 5, 2002.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: My name is Chuck Luttrell and I am an employee of Lake Mead National Recreation Area. I am writing to you on behalf of my fellow employees of the Maintenance Division. The reason I am writing is because we believe a process is taking place that is detrimental to the National Park Service in general and Lake Mead in particular. It is my hope that I can adequately articulate our concerns and enlist your support and the power of your office to stop a bureaucratic train before it becomes a train wreck.

As you know the Federal Activities Inventory Reform (FAIR) Act, along with the President's Management Agenda has required Federal agencies to start implementing the requirements of the Office of Management and Budget's Circular A–76. The Department of the Interior and the National Park Service have begun this "Competitive Sourcing" process. The Lake Mead N.R.A. Maintenance Division is part of the first round of studies and will begin its evaluation in June of 2003.

The stated purpose and goals of Competitive Sourcing are efficiency and cost savings. The dedicated people I work with welcome ways to improve and do our jobs better. However, we are very concerned that the Competitive Sourcing or A–76 process is flawed when applied to the National Park Service. We suspect that not only will it fail in its basic objectives, but worse it will betray public trust and threaten the very resources the Service was created to protect. Our ranks provide services that will be ignored by the Competitive Sourcing process and therefore lost to the visitor. Private contractors simply can never completely replace our own work force. Much of what we do and represent isn't even on the bid sheet.

It is my understanding that in dozens and dozens of A–76 conversions from the public to the private sector, no real and tangible cost savings can be shown. Rather, substantial cost such as employee severance packages, contract change orders, contract disputes, litigation, etc. more than eliminate any anticipated savings. But more importantly, will the public be tolerant of the selling of the care and operation of our National treasures to a for profit corporation? Will our Parks get the same care, will our cultural and natural heritage be safe in the hands of companies that could turn out to be ENRON's or WORLDCOM's?

I realize that what I have written so far could be dismissed as the ravings of a man fighting to save his job. Indeed it would be easy for irrational fear to drive my pen. But Sir, that is not it at all. If only you could speak to the real managers and leaders of the Park Service. The career professionals who actually run this outfit and who are the ones responsible for getting the job done day to day, I have confidence that you would hear that our concerns are valid.

The United States of America owes and has pledged a commitment to our military veterans. We have preferential hiring regulations for veterans. A private contractor has no such obligation. The Federal Government has the strongest commitment to diversity and equality there is. While all contractors are required by law to provide equal opportunity, as we see in courts all across this land not all live up fully to those requirements. We've all heard it, "Social Security is not a retirement plan." Yet while the Federal work force is provided a fair retirement package, contractors have very different priorities and their employees may or may not have some type of retirement future. In recent years Congress has wrestled with the issues of health care and insurance. Federal employees have excellent health insurance options. Again contractors have far different priorities, and as we all know millions of people working in private industry have no insurance. Federal employees that have been "competitively sourced" out of their jobs may add to those uninsured rolls. Years ago Congress passed the Davis Bacon Act to ensure that some workers earned a fair, liveable, negotiated wage. We employees of Lake Mead's Maintenance Division are an example of Congress's will. But any contractor that would replace us has no such obligation.

However, rather than focus on issues we believe are important but can be viewed as self serving, let me now turn to why we are the best option for the public and this country. The Park Service, in my 22 years of service, has never been sufficiently funded. As an agency we have always been on starvation rations and I can assure you that at my level, Lake Mead N.R.A., there is absolutely no fat in the system. For years our managers have been required to do more with less. Being efficient is how we get the job done. Long ago we made decisions to contract out certain maintenance functions, namely garbage collection, lawn services, and certain custodial work, because those things could be done cost effectively by contractors. Unfortunately the Competitive Sourcing study we now face gives us no credit for this forward thinking.

When it comes to saving the taxpayer's dollars nothing is more efficient than having the work done for free. Nationwide the National Park Service receives hundreds of thousands of hours of donated labor. At Lake Mead N.R.A. alone last year the public volunteered over 92,000 hours of which nearly 21,000 hours were in performing maintenance work. People will volunteer to work for the National Park Service because they recognize that it is a noble and worthy gift to this country. People do not, as we all know, volunteer to work for private contractors. Despite this reality, the A–76 process prohibits us from counting volunteers as part of our efficiency/cost savings model.

When it comes to getting the job done the National Park Service's proud tradition of employees being "generalists" make us extremely efficient. Here at Lake Mead N.R.A. even though our maintenance employees are classified as electricians, mechanics, operators, or whatever, the bottom line is we get the work done by using all of our people in the most efficient combinations. For example on a day when there are no pressing plumbing issues we might use our plumbers to help our carpenters pour concrete, rather than hire day labor. Our Maintenance Division has the flexibility and capacity to respond to any situation. Whether it be to repair storm damage or to prepare for an unscheduled event like the recent visit of the Secretary of the Interior to our area, our work force is agile and immediately responsive. With contractors however, if it isn't in the contract it doesn't happen without delays, change orders, and renegotiated fees.

Beyond being a work force for our respective Parks, we employees of the National Park Service are a national work force. Lake Meed N.R.A. has sent people out over the years to help with everything from oil spill clean ups to hurricane relief. Every year Lake Meed employees are out there fighting this Nation's wildland fires. This year, as always, we are on the line protecting places like Denver, Colorado and Show Low, Arizona. But who will serve and man the fire camps when we are gone?

It sounds cliche, but for the large majority of the National Park Service's employees their work is more than just a job. It is common place for people in my outfit to do much more than just what is written in their position descriptions. I am a carpenter. I also teach all of our Rangers how to conduct water search and rescues. I'm not special. The maintenance employees of Lake Meed N.R.A. serve on the SCUBA team, on District fire engine companies, and with search and rescue teams. We serve on Park committees and often volunteer for special details. Because our maintenance staff is slightly larger than the Ranger force, and we are in the field all day, everyday, we effectively bolster their ranks. We are often the first on the scene or the first person contacted when incidents occur. We are trained in first-aid and are first responders. We direct traffic at accident sites, we help land medical evacuation helicopters, and we help handle victims and patients. We are also the years and ears for our Rangers. We often are the first ones to discover trouble and report it. I don't think that it is too far of a stretch to say that in some small way we are even part of our homeland security. After all it could well turn out the some maintenances worker at the Statue of Liberty or Mount Rushmore and could see something that would make a difference. But without speculating what could be, let me say that we are essentially ambassadors for the National Park Service. We are uniformed employees that are constantly in the public eye. We are often the first and sometimes only "official" contact visitors have with the Service. We answer questions, give directions, are not all that uncommonly change a tire or two. We do all of these things and more, yet they are not in our job descriptions and a contractor replacing us would not be obligated to perform any of them.

Up until now I have been talking about things that in some way could be counted or measured. There is however one more point I wish to make. Something that is there but can't be bought or sold at any price. Every organization has a culture, an ethic, and a personality. Employees of the National Park Service are no different. We believe what we do is special and important beyond merely just doing a good job. We see ourselves as partners in the stewardship of this Country's heritage. Virtually all embrace our over riding mission from the 1916 act creating the National Park Service: "which purpose is to conserve the scenery and natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Our motivation is much different than those who would replace us. The goal of commercial industry is efficiency in pursuit of profit. That objective could not be more different than our goal of preserving and protecting our National treasures. I would strongly argue that no matter how conscientious a contractor is, he could never match the service and dedication we give to this Nation and our Parks. The public instinctively recognizes that motivation counts. As we saw with the issue of airport security, the public wanted a Federal work force because they knew quality and profit margins are opposing forces in the private sector.

As a Statesman I know any action you take is taken in light of the greater good of the Nation and Nevada. In this letter I have tried to persuade you that Competitive Sourcing, while it sounds good on paper, is not good for the National Park Service or Lake Mead National Recreation Area. I have tried to describe why we believe we are the best value for the public, but most importantly I hope I have been able to convey to you that we are a fundamental part of the National Park Service's mission. It is our sweat and toil that keeps this Park open. We are central in the 1916 act creating us. We help preserve and protect this special place with our tools and our skills.

It is my understanding that the A–76 and Competitive Sourcing processes have provisions to exclude certain work because it is either inherently governmental or represents a core function of the agency. It is also my understanding the decision as to whether an activity should be retained in-house rests with the director of that agency. We hope that you agree with us that the work we do is so closely related to the public interest that it would be a mistake to put it on the auction block. If you are sympathetic with our cause I would like to most respectfully ask that we be removed from further consideration in the Competitive Sourcing process. I know not where your authority rests in matters concerning the Executive Branch's internal business, but I do know right is might.

Finally, Sir, my apology for the length of this letter. I know your time is extremely valuable and we the proud and dedicated people of the Maintenance Division are most grateful for your time and consideration in this matter.

Sincerely,

CHUCK LUTTRELL,
Carpenter, Lake Mead N.R.A.

Also signed by 40 members of the Maintenance Staff of Lake Mead National Recreation Area.

Mr. REID. But it is just not employees trying to protect their jobs. They are people of good will who enjoy our parks. This is not a statement from an employee of the Park Service or BLM or the Forest Service. This is a letter from a person who cares about what is going on.

This letter is intended to voice my outrage at President Bush's plans for privatizing our Nation's National Park System.

The President's planned study and outsourcing of our Nation's most valuable and symbolic resource should create indignation in the heart of any American. Our parks have been on the short end of the funding stick for years, but this recent maneuver goes too far. As you know, private contracted companies are only interested in generating the maximum profit, no matter what corners and services get cut in the process.

Will you allow our National Parks to become another victim of the "Wal-Mart Syndrome"? Are we going to allow a system that services our nation's last natural treasures with a network of uninsured low wage caretakers from the lowest contract bidder?

The other factor that you should consider is the loss of thousands of annual volunteer hours that our parks receive from the American public. Hundreds of men and women give on themselves each year to support our parks. However, no one will wish to denote their personal time to maintain the thousands of miles of roads and trails in our parks to the benefit of some private company.

The President has gotten his war and desired tax cuts, but I urge you as my representative to put your foot down and stop this plan from proceeding.

Mr. President, from another citizen:

> As a resident of Nevada I find the proposed outsourcing of National Park Service personnel to be outrageous and almost offensive.
>
> Employees of the Park Service are driven by a respect for the parks and love of what they do. Nevadans visiting our national parks want members of the Park Service, not profit-minded corporations, enriching their experiences. I oppose privatizing the Park Service because it would hurt Nevadans, endanger our national parks, and waste taxpayer money.
>
> Too many private firms have gone this route, costing jobs in local communities, opening doors for big business, while causing the local economies to falter.
>
> We live, work, and play in this State. Many of the Park personnel are our neighbors and friends. They care deeply about what they do.
>
> I do not think a commercial corporation can do this—I have visions of an HMO system for our National Lands and shudder. Who gets the profit from this private enterprise? We've seen enough of the favoritism the current administration employs, and frankly, this seems another opportunity for more of the same.
>
> I would certainly no longer volunteer for the Forest Stewardship activities in the Lake Tahoe basin. I doubt that many would. Volunteering time for a profitmaking concern is not logical—why help a corporation that doesn't care diddly about the land, the lakes, or the environment increase their profits and not be paid for the "contribution?"
>
> I'm one small voice but I am convinced that privatization of our national park system would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> As a resident of Nevada I find the proposed outsourcing of National Park Service personnel and resources to be outrageous and almost offensive.
>
> Senator Reid is so "right on" with the statement, "Employees of the Park Service are driven by a respect for the parks and a love of what they do. Nevadans visiting our National Parks want members of the Park Service, not profit-minded corporations, enriching their experiences." I oppose privatizing the Park Service because it would hurt Nevadans, endanger our National Parks and waste taxpayer money.
>
> Too many private firms have gone this route, costing jobs in local communities opening doors for big business while causing the local economies to falter (GE in San Jose, CA, outsourced their printing to a national company to save money. It ultimately led to layoffs in the local community and an increase in their operating expenses). We're having enough trouble with the local and Nevada budget without adding additional unemployment which will ultimately mean increased tax burdens via supplemental income, job retraining, and money for employees in Nevada going outside the State to bigger business. This is not simply an issue to be addressed for our own State, but for the Nation as a whole.
>
> We live, work and play in this State. Many of the Park personnel are our neighbors and friends. They care deeply about what they do. (Their pay is relatively low for the expertise they must have—they do it because they know the value of protecting our parks, wildlife habitats, and the environment.)
>
> I do NOT think a commercial corporation can do this.—I have visions of an HMO system for our National Lands and shudder. Who gets the profit from this private enterprise? We've seen enough of the favoritism the current administration employs, and frankly, this seems another opportunity for more of the same. This aspect of what the administration is proposing bears watching closely.
>
> What about the numbers of people and hours required to maintain our Parks as best we can? With dollar to cost averaging, they cannot factor in the vast number of hours spent by volunteers to assist the Park Service. I would certainly no longer volunteer for the Forest Stewardship activities in the Lake Tahoe Basin. I doubt that many would. Volunteering time for a profit making concern is not logical—why help a corporation that doesn't care diddly about the land, the lakes or the environment increase their profits and not be paid for your "contribution?"
>
> I'm one small voice but I am convinced that privatization of our National Park system would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.
>
> What can we do to help see this does not happen and ensure that our Parks Service maintains its integrity?
>
> Thank you.
>
> LIN YEAZELL.

Mr. REID. We read editorial comments from all over America opposing what is happening here. I have one editorial from the Las Vegas Sun newspaper, written by Michael O'Callaghan: "These Are Your Parks."

Among other things, he says:

> Americans who love and use our nation's parks have been wondering when former secretaries of the Interior were going to speak. Two of them just did that Tuesday when Bruce Babbitt and Stewart Udall challenged the attempt to privatize the positions servicing the parks and the public visitors . . . They both see the turning over of 70 percent of the jobs to the private sector as both "radical" and "reckless."

Among other things, O'Callaghan states:

> Privatization of services forces within our park system would be but the first deadly step to turning them away from public recreation into a big business. Next they could have neon signs at park gates leading to Yellowstone Enron, RCA Zion, U.S. Cellular, Crater Lake, or Death Valley Coors. How about Basin Bank One? They already have signs in big city ballparks and this could be their next big step.

I ask unanimous consent the full context of the O'Callaghan editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Sun, Aug. 1, 2003]

WHERE I STAND—MIKE O'CALLAGHAN: THESE ARE YOUR PARKS

> Americans who love and use our nation's parks have been wondering when former secretaries of the Interior were going to speak. Two of them did just that Tuesday when Bruce Babbitt and Stewart Udall challenged the attempt to privatize the positions servicing the parks and their public visitors. Both challenged the present secretary's attempt to have almost all of the loyal public servants replaced by private sector employees. They both see the turning over of 70 percent of these jobs to the private sector as both "radical" and "reckless."
>
> This situation has outdoor enthusiasts recalling when Interior Secretary Gale Norton's mentor, then-Interior boss James Watt, had his own agenda that threatened public lands and parks. That's when a former assistant secretary from the Ford and Nixon years, Nathaniel Reed, recommended that President Ronald Reagan fire Watt.
>
> It was in May 1981, during a speech, when Reed reminded his fellow Republicans of their party's role in protecting public lands. He started by telling them it was President Abraham Lincoln who first withdrew Yosemite Valley for protection, U.S. Grant's signing of a bill to create Yellowstone, and Theodore Roosevelt's creation of the Forest Service and the first national wildlife refuge. Yes, and it was Dwight D. Eisenhower who created the Arctic Game Refuge that Norton now wants to drill for oil.
>
> The Reed went to work on Watt saying, "But two of Watt's actions have convinced me that he is already a disaster as secretary. One of these is his butchery of the Land and Water Conservation Fund. The other is the talk that he delivered to the Conference of National Park Concessioners on March 9 of this year—surely one of the most fawning, disgusting performances ever given by a Secretary of the Interior. He was so eager to please that he all but gave away the park system."
>
> Privatization of the service forces within our park system would be but the first deadly step to turning them away from public recreation into a big business. Next they could have neon signs at park gates leading to Yellowstone Enron, RCA Zion, U.S. Cellular Crater Lake or Death Valley Coors. How about Basin Bank One? They already have signs in big city ballparks and this could be their next big step.
>
> If Nevada Sen. Harry Reid has his way this won't happen. Reid's Park Professionals Protection Act, if passed, will take care of this challenge. It is designed to "prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service."
>
> In support of his bill, Reid gave some insight to the work of park professionals when writing: "Many of these Park Service jobs have direct contact with visitors to our parks. They not only collect fees and maintain parks but also give directions, fight wildfires when necessary, and provide emergency medical assistance to injured park visitors. They are not required to do these things; they are driven by a love for the parks and commitment to public service that contractors lack.
>
> "Privatizing the Park Service would jeopardize our national parks. Members of the Park Service have a career-long interest in maintaining the parks and perform their jobs because they are dedicated to serving the public. They often go beyond the call of duty to fix a problem in the middle of the night or change a tire for an unlucky park visitor. Can we be sure that a contractor would do the same? No."
>
> Friends of our national parks have suddenly awakened and the gloves are off. Let's hope it's not too late. How about Basin Bank One?

Mr. REID. How much of my 25 minutes remains?

The PRESIDING OFFICER. Thirteen and a half minutes.

Mr. REID. I repeat, anyone who supports the amendment of my friends, the distinguished Senator from Ohio and the two Senators from Wyoming, is voting to allow privatization of our national treasures to continue. Muddle it up—and that is what this amendment does—muddle it all you want, that is what it is. Some people think you can privatize everything. You cannot do that. You cannot do that. There are certain things that should be off limits. Our national treasures should be one of them.

I repeat for the third time, anyone who votes for the amendment of my friends from Ohio and Wyoming is voting to privatize. Say it however you want, but Udall and Babbitt, former Secretaries of the Interior, recognize what is taking place. We have been told by my friends that there is no such privatization plan underway. If that is true, I point out there should be no objection to my amendment.

Why study a plan, a privatization plan that will never be put into effect? My amendment puts a hold on the administration's privatization plans for this coming fiscal year.

I am getting more concerned each day. This Constitution I carry around with me sets forth the separation of powers doctrine, executive branch of government, legislative branch of government, judicial branch of government, separate but equal. One is not superior to the other. I see more and more coming from this administration that the Congress is not relevant.

If the President of the United States and his people want to study the privatization of our national treasures, let them come to Congress and get the money to do it. What are they doing? They are scavenging the money from present programs. I listed today a number not being done because they were using this money for studies.

We have already learned from the Park Service director who works under George Bush that the current plan will reduce service to the public, negatively impact the diversity of the Park Service workforce, and will not save resources. This is something that should be under the prerogative of the legislative branch.

Let us provide money if it is such a good idea. Do not just steal it from other programs within the agencies. That is what they are doing. Therefore, we cannot do things to remove asbestos, to repair sewer systems, to take care of water systems, and to provide renovation in the parks.

President Bush said when he took office that he wanted to reduce the backlog of renovation, repair, and maintenance that needed to be done in our parks. Well, that was doublespeak, I guess. That is "1984" revisited—Orwell's book—because, in fact, it has gone up. The backlog has gone up from 4.9 billion to 6.1 billion. Let's do it the right way. Let's protect our constitutional prerogatives.

In 2002 and 2003 the agencies under the jurisdiction of this bill reprogrammed funds to study privatization. I repeat what the House committee report on the Interior bill noted: The massive privatization initiative appears to be "on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made" by the administration. The committee's required programming guidelines are not being followed by the administration.

That is report language from the Republican-controlled House of Representatives. Shouldn't we go along with them? The answer is yes. This was in the Republican committee report. That is why, in part, the House Interior Appropriations Subcommittee prohibited the expenditure of funds for more studies in 2004. That is precisely what my amendment does. We agree with the House.

Others have argued privatization will save money. The General Accounting Office estimated this may or may not be true. Studies of outsourcing at the Department of Defense, by contrast, where outsourcing is common, have been unable to demonstrate a single penny of cost saving. What we do know is that private companies will take care of our parks under their agenda.

We should be very proud that since World War II veterans get a preference. If you served in the military, you apply for a job, you take a test, and we give you a few extra bonus points because you served our country. The private sector will not have to do that. They do not have to follow the same rules and regulations we have dealing with hiring the handicapped. They have all kinds of ways to cut corners in the private sector. It is not going to save money.

What I believe, and lots of other people believe, is private companies will not take care of our parks and forests and other public lands with the same motivation the people who are now working there do. This has nothing to do with labor unions. I know there is a letter circulating saying this is an effort by the minority to protect labor unions. As I said earlier today, I read into the RECORD different entities which support this amendment: the Wilderness Society, the National Trust for Historic Preservation, the National Parks Conservation Association, the American Federation of Government Employees. There is one union and three public service groups. This has nothing to do with unions. It has everything to do with protecting our national treasures.

I talked about one contractor who wasted $21,000 on a workable design to build courtesy docks on a lake in a park. Of course, the Park Service employees would have known that in a second. I talked about garbage collection. When the garbage was collected by Federal employees, it cost $150,000. Now it is done in the private sector, and it costs over $500,000.

I talked about public employees at Shenandoah National Park who rescued a lost boy. An official at Glacier National Park, who contracted out their janitorial services, said: "We didn't really save anything from a dollars and cents perspective. The costs came in the above and beyond things the Park Service janitors regularly did that were outside their regular job descriptions."

Privatization does not always work. It has not worked in Nevada at our two military bases. Privatization can affect the experience visitors have at our parks, as the Director of the Park Service has said. And I quoted that on two separate occasions just in the last few minutes.

I urge my colleagues to support this amendment. Although my friend from Ohio and the two Senators from Wyoming have said privatization saves money for maintenance projects at our parks, in every instance that has proven to be false. These agencies have reprogrammed millions of dollars in 2002 and 2003 from maintenance projects to perform these unauthorized maintenance studies. These funds were diverted from maintenance projects in our parks.

I personally think privatization is a bad idea, but my amendment does not stop current studies. It prevents new ones from starting until Congress has more information about the administration's initiative and the effects it is having on our national parks and forests. They have already wasted all that money studying what goes on. Why don't they issue a report on that and stop, have a slowdown, a pause, a timeout on going forward with more study? That is what I have asked for in my amendment.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. Mr. President, I am happy to yield to my friend, the manager of this bill.

Mr. DORGAN. I support the amendment offered by the Senator from Nevada. I must point out I think there are wonderful public servants in this country serving, day and night, the public interest, the public need. I think this simple, easy notion that you can just contract everything out and things will be better is really pretty much wrong-headed.

Oh, there may be some circumstances where it is appropriate, but I will tell you, you take a look at firefighters, the police officers, go back to 9/11 and talk to the folks who responded to the calls on 9/11 when that terrible tragedy occurred in New York City, the devastating attack on this country—and, yes, those were public employees who were rushing up those stairs—firefighters, law enforcement men and women, rushing up those stairs—losing their lives, as the building was collapsing, trying to save lives. These were public employees. There are so many serving in so many different ways—the archaeologists and biologists working in the Park Service and in so many different areas.

In this piece of legislation, one of the agencies had spent money they should not have spent studying contracting out when, in fact, they did not have the money for the kind of basic repairs and maintenance necessary to be done in the parks. So instead of doing what they should have done to keep the parks in the kind of shape they should be, they were using money to study: How can we contract these jobs out?

Well, there are plenty of examples—my colleague from Nevada has used some of them—where you completely lose control with respect to contracting out. I just think it is important sometimes to stop and take a look at the workforce that belongs to the public sector, and to say that, in many instances—most instances—they do a wonderful job to serve this country very well, and there is no substitute—no, not contracting out, and no other substitute I know of—that could replace that group of dedicated public workers who serve this country day after day after day. That is why I am happy to support this amendment.

Mr. REID. Mr. President, I want the RECORD to reflect—I have been somewhat impersonal, and I do not want to do that—the Park Service Director now is a woman by the name of Fran Mainella. I want the RECORD to reflect she is the one who has indicated the current plan would reduce services to the public, negatively impact the diversity of the Park Service workforce, and will not save resources.

I reserve the remainder of my time.

Ms. CANTWELL. Mr. President, I rise today to voice my support for the amendment offered by my colleague, Senator REID. This amendment is important and it's fitting that we discuss this measure this week, just days after the 10th anniversary of National Public Lands Day.

On Saturday, thousands of Americans around the country contributed their time and labor to help improve our shared national lands. In my home State of Washington, volunteers restored trails, planted trees, and improved oyster habitat, to name a few projects. I commend everyone who was involved in this effort for their commitment to protecting and preserving our public lands.

Today's debate is about the many thousands of federal employees who dedicate themselves to this important cause every day. In our national parks, national forests, national wildlife refuges, and other public lands, these men and women work every day of the year to protect and preserve these national treasures.

An article by Seattle Post-Intelligencer columnist, Joel Connelly, quoted Stewart Udall, the Interior Department boss under Presidents Kennedy and Johnson as saying "These are the best people in the government . . . It's extraordinary they would pick on this Teddy Roosevelt agency."

Unfortunately, the Bush administration has proposed a rule change that would radically alter the management of our public lands. The President has proposed "outsourcing" important stewardship roles to for-profit contractors. Under his proposal, private contractors could fill more than 800,000 jobs, including posts in the National Park Service like at Olympic National Park, U.S. Fish and Wildlife Service, and U.S. Geological Survey, among other agencies. In my home State of Washington, this proposal could affect 10,000 government-wide jobs, including 348 national park biologists, educators, and maintenance staff.

I believe this is the wrong approach. When it comes to our public lands, our first concern should be protecting our national treasures by ensuring the highest level of natural resource stewardship.

There are many legitimate questions as to whether this outsourcing scheme would even save any money. In June, the General Accounting Office concluded a comprehensive 2-year study on outsourcing and found that "competitions took longer than projects, costs and resources required for competitions were underestimated, [and] determining and maintaining reliable estimates of savings was difficult."

Even though the long term "savings" are suspect, we know for sure that outsourcing is hurting our national parks. Park Service Director Mainella estimated that the first round of competitive sourcing would cost $3 million, much of which will have to come out of maintenance. Even though Mount Rainier was taken off the list of parks subject to outsourcing this year, Park Superintendent Dave Uberuaga had to set aside $335,000 of badly needed money for park maintenance to pay for a privatization study. The cost of simply studying these Park Service positions is estimated to begin at $3,000 and go up from there.

The Federal workers entrusted with the preservation of our public lands can't simply be replaced by private workers. They are dedicated professionals who know the parks and public lands better than anyone, and they are not beholden to private interests who seek to exploit our public lands.

Don't just take my word for it. Listen to what 145 former National Park Service employees—including four former directors—said in a recent letter to President Bush decrying his proposal:

> While publicizing glossy reports to convince the public that your Administration cares about this country's national treasures, you are strangling the very core of park stewardship, sidestepping the important issues that are facing the parks and ignoring the operational budgets of the parks. We are seeing evidence at every turn that when private for-profit interests vie with resources of the park, the private interests, and not principle, governs.

Even the current Director of the National Park Service, Fran Mainella, disagrees with the administration's approach. Earlier this year, in an intradepartmental memo, she expressed her concerns about the President's initiative. She noted that because the administration did not seek funding to cover the costs of the thousands of competitive sourcing studies it has mandated, those costs must be absorbed by reductions in park operations and other worthy activities, which will result in reduced visitor services and the deferment of essential park maintenance.

Losing current National Park Service employees will also cause our national parks to lose a great deal of institutional knowledge to individuals who may not have training in these fields. National Park Service employees, who often live in rural communities surrounding the parks, are dedicated public servants committed to preserving our parks for all Americans' enjoyment and benefit now and in the future. They are also versatile and provide irreplaceable services during emergencies. The same employee that helps maintain park infrastructure, is also one of the first firefighters on the scene, providing invaluable information about the parks' terrain.

Without this amendment, the Park Service could also lose tens of thousands of volunteers. These are dedicated citizens who contribute their time to help out in some of the most beautiful parts of the country. I have heard from a number of my constituents that they volunteer because they feel they are sharing their love of the outdoors with others and maintaining our public lands for future generations. But they warned me they would feel very different about giving their time to help support some for-profit contractor.

Conservation and protection of our public lands is not a partisan issue. The majestic herd of Roosevelt Elk in my home State's Olympic National Park is a fitting reminder that throughout the past century, Republicans and Democrats have been able to come together to preserve our Nation's public lands.

In that spirit, I encourage my colleagues on both sides of the aisle to support this amendment, and vote to prevent the "outsourcing" of the stewardship of our natural treasures.

I ask unanimous consent to print the above-referenced article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, July 30, 2003]

IN THE NORTHWEST: 'OUTSOURCING' A SWEEPING ATTACK ON NATIONAL PARKS

(By Joel Connelly)

National parks are "the best idea America ever had," wrote author Wallace Stegner, an idea that has spread around the globe since Yellowstone became the world's first national park 130 years ago.

Lately, the Bush administration has come up with what it believes is a better idea: "outsourcing" key work performed by the National Park Service to private contractors.

It appears to be an initial step toward privatizing management at the crown jewels of America's natural beauty and historic sites where our country's freedom was won and the Union sustained.

A hundred park employees recently signed a protest letter to the president. Mount Rainier National Park has been a center of resistance, so much so that Park Service Director Fran Mainella just visited.

Yesterday, two Arizona outdoorsmen and long-serving Interior secretaries, who supervised the park system, broke their silence in a telephone interview with a half-dozen reporters around the country.

"What we are talking about is an attempt to dismantle the National Park Service as we know it today. It turns its back on 100 years, and a national park system that is the envy of the world," said Bruce Babbitt, Interior secretary from 1993 to 2001.

Added Stewart Udall, Interior's boss under Presidents Kennedy and Johnson, "These are the best people in the government . . . It's extraordinary they would pick on this Teddy Roosevelt agency."

In an April 4 memo, Mainella disclosed that 900 park jobs across the nation are marked for "direct conversion" to private contractors and that an additional 1,323 jobs are to be bid out in the next few months. The first phase of "outsourcing" will privatize about 13 percent of the Park Service's permanent work force.

The administration is not talking just about big road repairs, or lodging and food services, jobs already performed by private contractors.

Quite the contrary. The initial privatization list includes hundreds of park archaeologists, biologists and historians—the very people whose professional judgment is needed to safeguard park resources.

As a Mount Rainier climbing ranger, and later superintendent of Virginia's much-visited Shenandoah National Park, Bill Wade learned care in where to put his feet and his choice of words.

At a recent U.S. Senate hearing, however, the now-retired second-generation Park Service employee cut loose with a scathing critique.

"Never before have we seen so many simultaneous assaults on the purposes for which the national park system exists," said Wade. "Such assaults are undermining the role of the National Park Service professionals who steward our great natural and cultural legacy. Such assaults are contributing to the failure of the Park Service to carry out its intended mission on behalf of America's public."

Why is the administration doing this?

After all, candidate George W. Bush spoke at Haskel Slough near Monroe in 2000, pledging a major drive to complete urgently needed maintenance at the national parks. First lady Laura Bush has spent this week hiking with old school friends in Olympic National Park.

Due to "outsourcing" studies, moreover, the Park Service has warned supervisors in the West that their maintenance-repair budget would be scaled back by more than 25 percent—largely to pay for consultants. Mount Rainier, with a $100 million backlog, has been forced to put off urgently needed projects.

An administration management agenda for fiscal year 2002 gives the rationale: "Competition promotes innovation, efficiency and greater effectiveness. For many activities, citizens do not care whether the private or public sector provides the service or administers the program."

One wonders whether the right-wing ideologue who wrote this has ever visited a national park. He or she would discover:

The National Park Service is an agency of legendary esprit de corps, in which people move around the country, frequently work extra hours and endure low pay for love of the job.

Park jobs are not compartmentalized and suitable for "outsourcing." Rangers do a range of jobs for rescue to firefighting to interpretation. At Shenandoah, for instance, park maintenance staff—trained as emergency medical technicians—are frequently first to the scene of traffic accidents on the Blue Ridge Parkway.

The public trusts rangers, flocks to interpretive programs and expects park resources to be maintained. National parks are not amusement parks.

Efficiency is not the end-all of park management. Sure, it would have been more efficient to cut a wide swath of trees to widen state Route 410 in Mount Rainier National Park. It would also have created an eyesore in the midst of a scenic treasure.

The protest against "outsourcing" has made an impact.

While slashing worthy programs such as AmeriCorps and the Land and Water Conservation Fund, the House of Representatives has voted to block new privatizing studies.

The administration has responded with a hard line: "If the final version of the (appropriations) bill were to contain such a provision, the president's senior advisers would recommend that he veto the bill," the Office of Management and Budget said in a statement.

Curiously, however, Mainella showered Mount Rainier with reassurances on the eve of her visit, saying that no jobs at the park would be reviewed for private-sector replacement for two years.

Can we trust these people? About as far as I can hand-roll a snowplow.

Looking at similar moves with the U.S. Forest Service and Bureau of Land Management, what's likely unfolding is a sweeping, below-the-radar-screen attack on public lands and public land managers.

As Babbitt put it yesterday, "The only thing that will stop this radical, reckless effort to take things apart is public opinion."

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. THOMAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. THOMAS. Mr. President, I will take just a portion of that. I think we have covered this issue fairly well. I would like to comment on a couple things that were said on the other side of the aisle. The Senator said we are going to contract everything out. That is part of the problem here, making statements like that which are absolutely untrue. It makes it kind of tough to understand what is going on. No one is talking about contracting everything out. No one is even talking about privatizing. We are talking about competitive competition. So I think we ought to be just a little more careful about that.

This idea that this is being done entirely by the executive branch, remember, we passed a law in 1998 called the FAIR Act. You know what that was. It authorized what we are doing here now. Circular A-76 has been on the books from Congress since 1976. Congress passed that. Surprising as it may seem, a lot of people in Congress think the private sector is a good thing, that it does a pretty good job. That is kind of what this country is about, the private sector. This idea that somehow you hire people and take away all their benefits—the Service Acquisition Act, passed by Congress, ensures that health benefits and pay are not reduced in Government contracts to the private sector. Those are things that are done there.

We are not talking about contracting everything. Here are the positions being evaluated to give you some idea. From U.S. Fish and Wildlife Service, clerical support and appraisers; National Park Service, maintenance vehicles, lawns, bathrooms, air-conditioners—is that going to change the emotions in the park? I don't think so—Bureau of Reclamation, Job Corps centers; Bureau of Land Management, maintenance vehicles, bathrooms, air-conditioners, geographic information services. These are the kinds of jobs that are done all the time in the private sector, the professionals, many of them in the private sector.

It is too bad we continue to say some of these things that just aren't the case. I hope we continue to provide, as the Congress has said, an opportunity to have competition for some of the activities within Government, and those that can be done better in the private sector can be done. Those savings then will go to offset some of the backlog of the Park Service that has existed without any competition. This is kind of where we are.

I certainly encourage my fellow Senators to support our second-degree amendment when it comes to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I urge my colleagues to vote for the second-degree amendment.

I certainly understand some of Senator REID's concerns about the competitive sourcing initiative.

For one, most of the agencies funded in this bill failed to budget adequately for the costs of the competitive sourcing studies. As a result, funds that would have been available for other purposes—such as maintenance projects or grazing management—were diverted. Ultimately, I regard this as a failure of the Office of Management and Budget as much as anything.

Yes, competitive sourcing in some cases may result in actual savings. But those savings are likely to be over the long term, and the fact that there may be savings doesn't relieve agencies of the need to budget for the implementation costs up front.

It is for that very reason that we included language in this bill that made further competitive sourcing work by the Forest Service contingent on approval of a detailed reprogramming request. The Forest Service is slated to spend more than any other agency in this bill on this initiative.

But the question before us now is whether to shut down any and all competitive sourcing studies by agencies in this bill. This strikes me as overkill. Has the administration flawlessly implemented its initiative? Certainly not. We have already discussed its failure to adequately budget for the initiative.

I would also note that the administration initially proposed quotas of positions that each agency was to competitively source. I think this was inappropriate. Competitive sourcing makes more sense in some agencies than it does in others. And some agencies have already used forms of competitive sourcing to great advantage. There should be some recognition what these agencies have done previously.

Finally, I know there is much concern among my colleagues on this side of the aisle about the potential impact of competitive sourcing on rural areas. I absolutely understand and share this concern. In such areas the potential loss of a handful of well-paying Government jobs is not a trivial thing. This is particularly true if there is no guarantee that any jobs that are outsourced will remain in the community. I don't think the administration has fully appreciated this fact. But the root of the question raised by this amendment is whether competitive sourcing is, in all cases, a bad thing. The answer is clearly no.

Competitive sourcing experts can cite numerous examples—and they have been cited in the Chamber—of success in the Department of Defense. But even within the Department of the Interior, careful use of outsourcing has resulted in both dollar savings and improved performance. The construction program of the National Park Service is one such example. I have one of those in Great Falls, MT.

Proponents of this amendment can certainly cite examples of poor performance or malfeasance by contractors. Without question, there are cases of this. But we know well enough that there are at least as many instances of poor performance by Federal employees. This argument simply doesn't fly. Finally, I note that the pending amendment is identical to language included in the House bill. The Statement of Administration Policy states that the President's senior advisers will recommend a veto of the Interior bill if such language is included. While I am not generally one to back down in the face of such a threat, I do think we should consider whether we want to take that trip. Wouldn't it be better to see if we can't go to conference and produce language that further improves the quality of the competitive sourcing initiative, rather than simply throwing what amounts to a legislative tantrum?

I vow to my colleagues that I will work hard with the administration to see that their concerns are addressed. But do we put an absolute stop to a management practice that has been available to agencies in this bill for many years? Or do we instead try to improve the product, and increase congressional oversight of competitive sourcing efforts? I simply find it hard to accept that in all cases competitive sourcing is a bad thing. And I am guessing Federal employees will win more of the competitions than people think if they're well structured. I urge my colleagues to vote against the Reid amendment, and to work with me as we go to conference to produce a better solution.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for my friend, Senator THOMAS, from Wyoming. He has always been so cordial and polite to me, as I am sure he is to everyone. He is a real advocate. My point is, he is absolutely wrong on this issue. His argument makes our point. He says: We are not privatizing. But that is what they are doing. They are studying all these different programs, and the purpose is to privatize.

The FAIR legislation: Of course, I understand what that bill was, but it also took into consideration that the money was to be appropriated to do the studies, not to be scavenged from other operations.

I read only one editorial from the Las Vegas Sun newspaper, but there are others. Here is one from the Los Angeles Times: "Keep Pros Who Love Parks."

The first paragraph reads:

> In a memo to her bosses at the Department of the Interior, National Park Service Director Fran Mainella said the administrative costs of a plan to contract out some Park Service jobs to private companies could seriously cut the already rock-bottom level of visitor services and seasonal operations. Unfortunately, that would only be one piece of the damage.

They go on to say that this is a wrongheaded idea and bad for our national treasures:

> The nation's most important natural and historic sites deserve to be protected by workers with expertise, experience and dedication to the parks. They are there now, and in the proud green uniform of the National Park Service.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 26, 2003]

KEEP PROS WHO LOVE PARKS

> Jobs targeted for possible outsourcing—as many as 4 percent of the Park Service total—include firefighters, with 40 positions at risk in California alone. Others such as fee collectors and maintenance workers don't sound so bad as candidates for contracting out, through visitors do turn to the collectors for advice as they enter the park.
>
> However, the list also covers Park Service scientists and specialists such as archaeologists, museum curators, historians and cartographers. Where will they find competent private experts who will work for the salaries of the current Park Service employees, or less?
>
> These scientists are passionate about protecting park resources from the effects of development, whereas the Bush administration often has sided with economic interests.
>
> High-level Interior Department officials—up to and including Secretary Gale A. Norton—repeatedly have trashed the scientific work underlying such sound decisions as the 2000 Park Service ban on snowmobiles in Yellowstone National Park. The ban is being reversed in response to objections from tourist businesses in the region.
>
> Similarly, Yosemite-area businesses are campaigning for more parking and reconstruction of campgrounds along the Merced River in Yosemite Valley that were flooded out in 1997. They want to sell the additional campers beer, groceries and gasoline. Naturalists correctly argue that the campsites should not be there—that the riverbank should be restored to its natural beauty. The region's congressman, siding with business, is pushing for their return.
>
> The nation's most important natural and historic sites deserve to be protected by workers with expertise, experience and dedication to the parks. They are there now, in the proud green uniform of the National Park Service. There they should stay.

Mr. REID. A small newspaper, smaller than the Las Vegas Sun, one from Missoula—of course, Missoula, MT—also talks about how wrong it is. They are so specific, and they know because they live in Glacier National Park. They say outsourcing simply is not good.

There are editorials from all over the country that talk about how bad an idea this is. Remember, anyone voting for the amendment offered by my friend from Ohio, Senator VOINOVICH, is voting to outsource, to privatize our national treasures. You can say: I really didn't mean to do that; all I did was want studies to be completed.

That isn't what we have here. We have agreed that they can complete the studies they have already engaged in, even though they stole the money from other things that needed to be done within the entities. But to vote for the Voinovich amendment is to vote for privatization. To vote for the Reid amendment is to vote for a time-out, a pause.

AMENDMENT NO. 1740

The PRESIDING OFFICER. There are now 10 minutes equally divided on the Bingaman amendment.

Mr. BINGAMAN. Mr. President, I yield myself the first 3 minutes of my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, amendment No. 1740 is straightforward. It would prohibit the Secretary of the Interior, working through the Park Service, from issuing any permit allowing a special event on The National Mall unless the permit expressly prohibited the use of structures or signs bearing commercial advertising.

The amendment does provide that there can be sponsor recognition of special events, but it makes clear we intend to have the Park Service interpret that in a way that is consistent with the special nature of The National Mall.

We would also require that the lettering or design that identifies the sponsor not be more than a third the size of the lettering identifying what the special event is.

I have shown this photograph before. I will show it again so people have an idea of what prompted my amendment. This is a special event that the Park Service approved and issued a permit for a couple of weeks ago on The National Mall. This event was a football and music festival entitled "NFL Kickoff Live From The National Mall Presented by Pepsi Vanilla".

This photograph is from the Washington Post. This is an enlarged photograph that was in the Washington Post. You can see that there are a whole series of banners up and down The Mall. There is one for Verizon, and this one is for Pepsi Vanilla, and here is a giant football with NFL signs on it.

It seemed clear to me that this was commercial advertising any way you look at it. The Park Service, unfortunately, takes the position that this was entirely appropriate. No commercial advertising here. This is sponsor recognition. We were giving some recognition to those that were underwriting this important event for a public purpose. You may say, what was the public purpose? Well, it was to take pride in America—you can find that phrase way down here—and this is the idea that there is voluntarism, and that was the reason we opened this up with the NFL. It gave them a permit for 17 days, during which time they could block off The Mall, prepare for the festival, have the festival, and break down the equipment after the festival and so on.

I will show the other photograph. This is another photograph that shows the fence that was put around The Mall, with advertisements for AOL, Pepsi Vanilla, Coors, and Verizon. This, of course, was blocking access to The Mall for the public. If you wanted to walk or jog on The Mall, or do anything else, you were prohibited from doing so during this period.

We need to clarify what the law is. My amendment will do that. It says we don't want commercial advertisement on The Mall. I always thought that was the policy, and, up until now, I think it has generally been the policy. But it is clearly not recognized that way by the current Secretary of the Interior and the head of the Park Service. We need to clarify that.

I hope my colleagues will support the amendment. It puts into law a prohibition of commercial advertising on The National Mall for the first time.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise to comment on the amendment that is before us. I was concerned when I first talked to the Senator about it. I was concerned that it would be difficult to differentiate between commercial signs, advertising, on the one hand, and sponsors, for instance, the Race for the Cure, on the other. However, we talked together about that. We talked with the Park Service about that, and I believe the wording of the amendment is such that that kind of emotion, that kind of recognition of the sponsors for voluntary events would be allowable.

I am chairman of the National Parks Subcommittee and we deal with The Mall, and we have had several hearings and considerable consideration about what we do on The Mall and how many buildings there are and how it is used. So I think it is important to set standards for the use of something that is very unique and in the national interest.

I think the Senator has a worthwhile amendment, and I support it.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes 40 seconds. The Senator from New Mexico has 41 seconds.

Mr. BURNS. Mr. President, I yield part of my time to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I support and cosponsored the amendment offered by the Senator from New Mexico. I think it is not only written appropriately at this point and has proper safeguards, but I think it is also a necessary amendment for the reasons that my colleague from New Mexico has described.

I understand my colleague from Wyoming, who is chairman of the subcommittee on these issues, and his statement as well. If we pass this amendment with this particular wording, I think it accomplishes something important, and I am happy to cosponsor it and support it.

Mr. BURNS. Mr. President, I ask my colleagues to support this amendment. A long time ago, I wanted to go much further than this. But I think the Senator from New Mexico has hit the nail on the head. So I support it, and I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, let me first thank Senator THOMAS and Senator BURNS for their support and, of course, Senator DORGAN, who is a cosponsor.

I ask unanimous consent that Senator AKAKA, who is the ranking member on the National Parks Subcommittee in our Energy and Natural Resources Committee, be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I appreciate the broad support we are receiving for the amendment, and I hope all Senators will vote in favor.

I yield the floor.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—92

Akaka
Alexander
Baucus
Bayh
Bennett
Biden

Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—4

Allard
Allen
Bond
Campbell

NOT VOTING—4

Dodd
Edwards
Kerry
Lieberman

The amendment (No. 1740) was agreed to.

AMENDMENT NO. 1753

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote on a motion to table the Boxer amendment No. 1753.

Mrs. BOXER. Madam President, colleagues, I hope Members will vote against the motion to table my amendment. I am simply trying to strike section 333, which is an anti-environmental rider that singles out 39 timber sales in the Tongass Forest and only allows a 30-day appeals process for citizens, small businesses, and community groups to act. It also says a judge must act in 180 days, pushing this ahead of other pending cases.

Now, why is it important to all of us? If you can change the rules in the largest temperate rain forest in the world, think about what would happen to you in your States. We have not had any hearings on this issue. I don't think this is the right way to legislate.

If it is a question of jobs, there are 300 million board feet of timber in the Tongass that could be cut today. There are no lawsuits pending on those.

This is a process question. I hope colleagues would not take away the rights of their constituents.

Ms. MURKOWSKI. Mr. President, the Senator from California, Ms. BOXER, has offered an amendment seeking to strike expedited judicial review of timber sales from U.S. Forest Service Regional X, covering the Tongass National Forest in Alaska.

While some use flowery terms to characterized the Tongass National Forest as the "last intact temperate rain forest" or the "crown jewel of our national forest system," they merely gloss over the realities of our forest. The Sierra Club, the National Wildlife Federation, and others use overstated hyperbole meant to shift the focus of the debate from what we truly ought to be looking; that is, creating more jobs in America.

For months now Senators from the other party have come to floor to decry job losses in the United States—lost jobs that they somehow blame on President Bush.

Yet they need only look at the pursuit of their own policies that have led to our increased reliance on foreign natural resources and lost economic opportunity.

Alaska has the highest unemployment rate in the country, and every time I go back home to see my constituents—which is quite frequently—they ask me how we can create more jobs.

In Alaska we used to have thousands of timber and timber-related jobs. Now we have less than one thousand. That is criminal in a State that boasts the largest single national forest in the country.

The Tongass Forest is large enough to set aside land for future generations while also providing valuable timber for American manufacturing and U.S. jobs. Allow me to put it in perspective. In 2002 there were 110,000 people employed by the timber industry in California. In Alaska just 650 people were employed in the timber industry in 2002—again, in a State with the largest national forest. These are statistics from the American Forest and Paper Association.

In 2002, California produced 2.63 billion board feet of timber. During the same time in Alaska just 30 million board feet were produced. That figure makes California the fourth largest wood producer in the U.S. That means during FY 2002 Region X (the largest region in the Forest Service system) produced the least amount of timber—(Source: U.S. Forest Service).

While the Senator is offering an amendment that she thinks is the right thing to do to protect the environment, she must realize that this issue has been debated for literally decades, going back to when Alaska was a territory. Just as timber harvests take place in other national forests the Government saw fit to allow some limited, but sustainable, timber harvests to take place in the Tongass. Unfortunately some misguided and illegal policy changes under the Clinton administration set back timber jobs in Alaska during the 1990s. Fortunately the courts and the current administration have seen fit to reverse those rulings to follow the law. Unfortunately there are those who want to continue filing lawsuit after lawsuit, clogging up an already overpacked docket to keep Alaskans out of work.

I would say to those who continue to criticize job losses in the United States that one way to overcome them is to allow people to get back to work.

The problem is we can't get people back to work with the continued threat of frivolous litigation. The Senator's amendment seeks to allow people to further burden our courts under false pretenses of saving Alaska from Alaskans. It is an insult to me and my constituents to hear people attack our State.

We have a right to good jobs—just like those in California. We have a right to send our kids to good schools, just like in California. We have a right to have parks and hospitals and all the other infrastructure that is in the towns and cities in California, but our towns in Alaska needs jobs and industry to make them a reality.

As a State in this Union we entered to become an equal among equals. But that does not mean that we don't know what is in our best interest as a State and as individuals. The amendment my colleague offers seeks to provide more opportunities for litigation after we have already undergone lawsuit after lawsuit and lengthy administrative processes.

The language in the current bill does not cut off access to the courts. It merely requires that any application for judicial review be filed within 30 days after exhaustion of the Forest Service appeals process. Currently I am told the time limit is 6 years. The language applies for Record of Decisions for any timber sales in Region X of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003.

The language does not restrict the right of the public to litigate timber sales; it simply speeds up the process by encouraging the court to render a decision within 180 days of the application.

Since 1990, at least nine timber sales on the Tongass have been litigated. Individual sales have been held up sometimes for years during the litigation process. What the families and the people who depend on the timber industry seek is simply some finality and a reasonable time for decisions.

According the Alaska Forest Association, my State has lost over 1,400 jobs in the recent years and the timber industry has ground down to a virtual standstill. Only 650 people remain employed in an industry that was once year round and spread throughout the region. Whole communities have vanished.

These people are not threatening the last remaining temperate rain forest in the United States, but their ability to provide for their families and for their families to have a future is threatened by lawyers and protracted litigation. The protracted litigation and the time to resolve that litigation could cost them their livelihoods and their family owned businesses. The ripple effect extends way beyond the individuals and the employees—it rips into the fabric of the communities in southeast Alaska. These are the things that the language of the appropriations bill seeks to address.

I support that language in the bill because I have seen firsthand what the endless litigation has done to my communities. I oppose the Boxer amendment because it seeks to empower more frivolous law suits and more delays. I urge my colleagues to oppose this amendment and to support more jobs in Alaska and America.

Mr. STEVENS. Madam President, this amendment has nothing to do with environmental concerns. This is a judicial process amendment. These contracts for timber go through a review process involving an EIS, then public hearings, then an opportunity to appeal to the Forest Service, and then an opportunity to file, administratively, appeals within the Forest Service.

After a final record of decision, they have 6 years to take it to the district court. All we are asking is that be shortened to the normal process of 30 days and the process for appeal from the administrative court be 30 days and the court take no longer than 180 days to review that appeal. It does not limit the time for the appeal to the circuit court but is strictly a judicial process shortening the time.

It now takes 3 to 4 years for every contract before we can possibly try to use those contracts to harvest the trees, within 676,000 acres out of 17 million acres. We need this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DORGAN. I ask unanimous consent the vote be a 10-minute vote and all succeeding votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Durbin
Feingold
Feinstein
Fitzgerald
Graham (FL)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—4

Dodd
Edwards
Kerry
Lieberman

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1754, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote on the Voinovich amendment No. 1754.

The Senator from Montana.

Mr. BURNS. Madam President, I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, this second-degree amendment on which we will be voting, the reporting requirement, addresses a number of concerns various Senators have had with competitive sourcing.

The second-degree amendment does the following: It requires the Secretary of the Interior to annually report on its competitive sourcing efforts—including a list of the total number of competitions completed, a list of the total number of competitions announced and the activities covered, and a list of the total number of full-time equivalent Federal employees studied under completed competitions.

The second-degree amendment is a responsible measure that will bring additional accountability and transparency to public-private competitions.

Two weeks ago, the House overwhelmingly adopted a similar reporting requirement during consideration of the Treasury/Transportation appropriations bill.

The Thomas-Voinovich amendment will give Congress additional oversight of competitive sourcing, unlike the Reid amendment that stops it altogether. Competitive sourcing allows tax dollars to be used more efficiently, more effectively. It will improve agency efficiency. I urge my colleagues to support the second-degree amendment.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, anyone who supports this amendment is supporting contracting out. All you have to do is read their amendment and that is what it says. They say the President will issue reports. He has not done that. That is the only thing it does. It allows contracting out to go forward without authorization of Congress and without any appropriation for the studies to be taken. Remember what they are doing now is scavenging the money from other work that needs to be done within the various public land entities. It is unfair. It is wrong. Anyone who supports the Voinovich amendment supports contracting out, without question. I urge a "nay" vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1754.

Mr. BURNS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—53

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—4

Dodd
Edwards
Kerry
Lieberman

The amendment (No. 1754), as modified, was agreed to, as follows:

At the appropriate place insert the following:

SEC. . Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied —under completed competitions;

(4) the total number of full-time equivalent Federal employees being —studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable —description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in —service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

AMENDMENT NO. 1731

The PRESIDING OFFICER. There will now be 2 minutes of debate evenly divided on the Reid amendment.

Mr. REID. Mr. President, everyone should understand that what has just taken place is to allow privatization to continue in our public land agencies. Clearly, that is what happened. I hope the Members of this body will approve the Reid amendment and allow this matter to go to conference. It appears this last vote was a cover-your-rear-end vote. So we probably will lose on this amendment. I think it is a shame. I read into the RECORD how people who work at the agencies feel, editorial comments from all over the country, and comments from private people who know how important the parks are. Veterans preference would not be there; disabilities act would not apply. There are so many things that are unfair to the dedicated people working for our public land agencies.

I hope there will be a "yea" vote for this amendment.

The PRESIDING OFFICER. Who seeks time? The Senator from Ohio.

Mr. VOINOVICH. Mr. President, the amendment that was just adopted makes sense out of competitive sourcing, makes the agencies accountable for competitive sourcing, and makes it part of the shaping of their workforce. It is long overdue.

The Reid amendment completely eliminates competitive sourcing period. It leaves it out. If you look at other Federal agencies that have competitively sourced, for example at the Department of Defense, in about 98 percent of streamlined competitions—and these all have to be commercial functions—98 percent of the time, the Federal workers win the competition. They win because they come together, use quality management, and figure out a way to do the job better than they were doing it before.

Anyone who supported our amendment should vote no on this amendment which just eliminates competitive sourcing altogether and is not good public policy.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1731.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Dodd
Edwards
Graham (FL)
Kerry
Lieberman

The amendment (No. 1731) was rejected.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, we are working on the managers' package. It will be done momentarily. Then there is a package that has been agreed to on both sides. Both of those packages have been agreed to so far. There is one more vote tonight, and that is the Daschle amendment regarding Indian Health Service. Then we are also, probably—if no one shows up, why, we would go to final passage on a voice vote, and we could be out of here pretty early, in time to make it home for supper.

As soon as the minority leader comes to the floor, why, we would have the closing arguments on his amendment and our colloquy.

I yield the floor to my good friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1750

Mr. LEVIN. Mr. President, I call up amendment No. 1750 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Ms. COLLINS, proposes an amendment numbered 1750.

Mr. LEVIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 21, insert after "until expended" the following:

> : *Provided*, That the Department of Energy shall develop, with an opportunity for public comment, procedures to obtain oil for the Strategic Petroleum Reserve in a manner that maximizes the overall domestic supply of crude oil (including amounts stored in private sector inventories) and minimizes the costs to the Department of Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the Royalty-in-Kind program), consistent with national security. Such procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries. No later than 120 days following the enactment of this Act of Department shall propose and no later than 180 days following the enactment of this Act the Department shall publish and follow such procedures when acquiring oil for the Reserve.

Mr. LEVIN. This amendment establishes a cost-effective program to fill the Strategic Petroleum Reserve. I understand it has been cleared by both of the managers.

Since late 2001 the Department of Energy—DOE—has been steadily adding oil to the U.S. Strategic Petroleum Reserve, SPR, in order to fill the reserve to its maximum capacity of 700 million barrels. In late 2001, the reserve held about 560 million barrels of oil; today holds nearly 620 million barrels. DOE anticipates that at the current fill rate it will reach its goal of 700 million barrels sometime in 2005.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price of oil. Prior to that time, DOE sought to acquire more oil when the price of oil was low, and less oil when the price of oil was high. In early 2002, however, DOE abandoned this cost-based approach and instead adopted the current approach, which does not consider cost when buying oil for the SPR. Since over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and, of great significance, put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

The bipartisan amendment Senator COLLINS and I are offering today is simple. It would encourage DOE to consider the price and supply of oil when buying oil for the SPR. It would direct DOE to minimize the program's cost to the taxpayer while maximizing our energy security.

The Permanent Subcommittee on Investigations spend a year and a half looking at oil markets and the SPR. In March of this year my staff on the subcommittee published the repot of the investigation. In summary our investigation found:

> In 2002, DOE began to fill the SPR without regard to the price of oil.
>
> Filling the SPR in tight market increased U.S. oil prices and hurt U.S. consumers.
>
> Filling the SPR regardless of oil prices increased taxpayer costs.
>
> Despite its high cost, filling the SPR [in 2002] did not increase overall U.S. oil supplies.

The March report also warned that the deliveries that were then scheduled for later in 2003 would drive oil prices higher because prices were high and inventories were low. Unfortunately, this prediction turned out to be accurate.

Our Report recommended:

> DOE should defer all SPR deliveries . . . until near-term crude oil prices fall and U.S. commercial inventories increase.
>
> DOE should conduct a cost-benefit analysis of the previous SPR fill policy compared to the current policy.
>
> DOE should restore its SPR business procedures allowing deferrals of oil deliveries to the SPR when crude oil prices are high or commercial crude oil supplies are tight.

Both Houses of Congress support the goal of filling the SPR to its capacity. I support this goal, too. This amendment seeks to further this goal and our national energy security at least cost to the taxpayers. For many years the SPR program followed the types of procedures that DOE has recently abandoned. The SPR program office itself has recommended the DOE return to using these market-based procedures. Under the amendment DOE would continue to have the discretion to determine when to buy oil for the SPR, and under which procedures, but DOE would be encouraged to use that discretion in a way to minimize costs while maximizing national energy security.

Any successful businessperson knows the saying, "Buy low, sell high." This is as true for oil as it is for pork bellies and stocks. It is as true for the Strategic Petroleum Reserve as it is for any business involving a commodity. Indeed, in a recent presentation to other countries on how to create and manage a strategic reserve, DOE itself states: "The Key To A Successful Strategic Reserve Is Cost Control." DOE identifies the major cost elements of a strategic reserve as capital costs, maintenance costs, and oil acquisition costs. Once constructed, the capital costs and the maintenance costs are largely fixed. The main variable cost, therefore, is the cost of acquiring oil for the SPR. DOE itself identifies for other countries the "Lessons Learned to Control Oil Acquisition Costs" as follows:

> Let the markets determine your buying pattern.
>
> Buy in weak markets.
>
> Delay deliveries during strong markets.
>
> Use your acquisition strategy to stabilize markets.

Prior to early 2002 DOE followed this sensible strategy when acquiring oil for the SPR. Mr. President, I ask unanimous consent that excerpts from this DOE presentation to other countries be entered into the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Part of this strategy—allowing deliveries to be deferred when prices were high and supplies tight—was spelled out in the "Business Procedures" for the SPR program issued by DOE in January 2002. The Business Procedures spell out how scheduled deliveries of oil to the SPR can be deferred. Generally, companies will ask for a deferral when the market is tight so they can meet their supply commitments to refiners who have an immediate need for the oil. DOE's procedures provided that a company could be granted a deferral in return for additional barrels of oil to be delivered at the later date. DOE calculated the amount of additional oil that would be delivered by comparing the market prices at the time of delivery was originally scheduled and at the time of the deferred delivery.

DOE's own documents state that deferrals of oil scheduled to be delivered in 2001 provided an additional 3½ million barrels of oil for the SPR at no additional cost to the Government. Deferrals of deliveries scheduled for 1999 and 2000 had added another 3½ million barrels. At an average cost of $25 per barrel, these deferrals added a total of 7 million barrels of oil to the Reserve, worth about $175 million, for no cost to the taxpayer. The SPR program projected:

> The potential for savings to the Treasury if we continue to follow this business model until the Reserve is full is additional hundreds of millions of dollars.

But in April 2002, DOE stopped allowing deferrals of scheduled deliveries. Instead, DOE began to buy oil for the SPR without regard to the cost of oil or the supply of oil, and refused requests for deferrals. DOE has not explained the reason for abandoning its previous policy.

In addition to losing the benefits from deferrals, both in terms of oil gained and dollars saved, the abandonment of the previous policy is costing taxpayers because DOE has been paying top dollar for the oil placed into the SPR. Oil acquired for the SPR at $35 per barrel costs the taxpayers $10 more per barrel than oil acquired at $25 per barrel. Even more modest savings per barrel add up to large savings over the course of the program. In 2002, DOE's SPR program calculated:

> If the SPR can average down the price of oil it injects in the Reserve by $1 per barrel between now and 2005, the U.S. Treasury will be better off by $125 million, a direct benefit.

But in these times of high gas prices, the DOE shift has another highly negative effect.

Filling up the SPR affects the price of oil and gasoline. In a tight market, filling the SPR reduces the amount of oil in private sector inventories, which, because it reduces available supply, will then lead to increases in the price of oil and petroleum products, such as gasoline, diesel fuel, jet fuel, and home heating oil. When prices are high and the market is tight, refiners will use up the oil in their inventories rather than purchase new oil in an expensive market, and wait for prices to fall before buying more oil. In a tight market, therefore, the additional demand for oil created by the SPR program will lead companies to take even more oil out of their own inventories to fill Government needs. In a tight market, the net result of the SPR program will not be any overall increase in domestic oil supplies, since the amounts of oil added to the SPR will come at the expense of oil in private sector inventories. These private commercial inventories are thereby reduced as a result of filling the SPR.

Oil prices are directly related to the supply of oil. When supplies are plentiful, prices fall. When supplies are scarce, prices rise. The supply of oil is determined by the amount of oil produced in oil wells around the world and the amount of oil in storage. As either the amount of oil produced or the amount of oil in storage decreases, prices will increase. In a tight market, therefore, when supplies are scarce, filling the SPR will lead both to a decrease in private sector inventories and a corresponding increase in the price of oil.

The Department of Ehergy's own documents explain this effect as follows:

> If we look at the SPR from the perspective of daily supply and demand, the SPR fill rates are inconsequential. The fill rate is 100–170,000 barrels per day compared to world production and consumption of 75 million barrels per day. However, when OPEC countries are determined to maintain discipline in their export quotas, the cumulative impact of filling the SPR becomes more significant when compared to U.S. and Atlantic basin inventories. Essentially, if the SPR inventory grows, the OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.

Oil companies doing business with the SPR program supported DOE's business procedures in place prior to the spring of last year. These procedures afforded the contractors the flexibility to re-schedule deliveries to the SPR in accordance with market conditions. In exchange for providing the oil companies with this flexibility, the U.S. government was able to obtain additional barrels of oil for the SPR at no additional cost to the taxpayer. This enabled the Reserve to be filled faster and at less cost than if contractors were not allowed to reschedule their deliveries. These procedures were a win-win for taxpayers and the SPR.

And, of course, any increase in the price of oil will soon lead to an increase in the price of the various petroleum products, including gasoline, diesel fuel, home heating oil, and jet fuel. Hence, the SPR program affects price of basic oil products for a wide variety of American consumers and businesses.

The amendment I am offering today would encourage DOE to reinstate these "win-win" procedures for filling the SPR.

Mr. President, I ask unanimous consent to have printed in the RECORD a recent editorial critical of DOE's cost-blind approach to filling the SPR.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEVIN. The editorial, in the Omaha World Herald, dated August 14, reads:

> In general, we are strong supporters of keeping the nation's Strategic Petroleum Reserve at or near capacity in case of a national emergency. However, there is such a thing as bad timing. We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May. Commercial U.S. oil stocks have been low for months. Filling the reserve just now puts upward pressure on prices. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.

Under our amendment DOE would retain the complete discretion to determine the pace and schedule for filling the SPR. However, DOE would be required to issue procedures to guide this discretion, and would be required to consider how to maximize our national energy security and minimize costs to the taxpayers while filling the SPR. If implemented properly, such procedures can promote our national energy security, save taxpayers money, and lower oil and gasoline prices for consumers.

EXHIBIT 1

PROCEEDINGS OF APEC ENERGY SECURITY INITIATIVE WORKSHOP ON ELEMENTS OF ENERGY SECURITY POLICY IN THE CONTEXT OF PETROLEUM, AMARI WATERGATE HOTEL, BANGKOK, THAILAND, SEPTEMBER 14–15, 2001

ASIA-PACIFIC ECONOMIC COOPERATION, ENERGY WORKING GROUP, CLEAN FOSSIL ENERGY EXPERTS' GROUP

Jointly Organized by: Department of Industry, Science and Resource (ISR), Australia; The Institute of Energy Economics, Japan (IEEJ), Japan; Ministry of Commerce, Industry & Energy (MOCIE), Republic of Korea; Ministry of Energy, Mexico; National Energy Policy Office (NEPO), Thailand; and Department of Energy (DOE), United States.

Supported by: Asia Pacific Economic Cooperation (APEC) and Ministry of Economy, Trade and Industry (METI), Japan

STRATEGIC PETROLEUM RESERVE

APEC Workshop on Energy Security Policy: John Shages.

UNITED STATES POLICY ON RESPONDING TO OIL SUPPLY DISRUPTIONS

The policy of the United States regarding oil supply disruptions is to rely on market forces to allocate supply, and to ordinarily supplement supply by the early drawdown of the Strategic Petroleum Reserve in large volumes and in coordination with our allies and trading partners.

CRITICAL ELEMENTS TO JUSTIFY A DRAWDOWN

A Disruption Event.

Evidence of Supply Stress.

A Price Spike.

THE KEY TO A SUCCESSFUL STRATEGIC RESERVE IS COST CONTROL

The benefits come with a drawdown—but the number and extent of futures disruptions is unknown.

Measuring the degree of damage from a disruption, and the consequent benefits of a petroleum reserve, to an individual economy is an uncertain science.

Cost is the easiest aspect to control and has the highest probability of making the Reserve cost beneficial.

MAJOR COST ELEMENTS

Capital Costs—Including land, facilities, and logistics systems.

Maintenance Costs.

Oil Acquisition Costs.

CAPITAL COSTS

Dependent on location.

Technology and type of storage facilities.

Refer to the 1999 APERC Study supported by conceptual designs and cost estimates from PBKBB, Inc.

LESSONS LEARNED TO CONTROL OIL ACQUISITION COSTS

Let the markets determine your buying pattern.

Buy in weak markets.

Delay deliveries during strong markets.

Use your acquisition strategy to stabilize markets.

EXHIBIT 2

[From the Omaha World Herald, Aug. 14, 2003]

OIL'S NOT WELL—FILLING THE STRATEGIC RESERVE IS A GOOD IDEA—BUT NOT RIGHT NOW.

In general, we are strong supporters of keeping the nation's Strategic Petroleum Reserve at or near capacity in case of a national emergency. However, there is such a thing as bad timing. We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May.

Commercial U.S. oil stocks have been low for months. Filling the reserve just now puts upwards pressure on prices. Every motorists sees this at the gasoline pump, where regular-grade gas is hovering around $1.60.

Oil has again begun to flow from Iraq's vast fields, which will help somewhat—weeks from now. Meanwhile, the strategic reserve is at 84 percent of capacity. This seems to us a comfortable level.

Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.

Ms. COLLINS. Mr. President, I rise today to join the ranking member of the Senate Permanent Subcommittee on Investigations, Senator LEVIN, in offering an amendment that would require the U.S. Department of Energy to develop and maintain cost-effective procedures to fill the nation's Strategic Petroleum Reserve. The amendment simply requires the Department of Energy to publish procedures for obtaining oil for the Strategic Petroleum Reserve in a manner that maximizes supplies, minimizes costs, and is consistent with national security. The amendment would give the Department of Energy 180 days to publish these procedures and would allow an opportunity for public comment prior to final publication.

Two years ago, Senator CARL LEVIN, who at the time was chairman of the Senate Permanent Subcommittee on Investigations, initiated an investigation into gas prices in the United States. Part-way through this effort he expanded the investigation to include analysis of Department of Energy policies with respect to the Strategic Petroleum Reserve. Last year, I joined Senator LEVIN in requesting information from the Department of Energy on the impacts of filling the Strategic Petroleum Reserve on crude oil prices.

In March of this year, the Permanent Subcommittee on Investigations released a report which described the findings of the investigation. Among other things, the Committee found that inconsistent Department of Energy policies had led to filling the reserve during tight market conditions. The Committee found that this action had increased oil prices, hurt U.S. consumers, and increased the cost to taxpayers.

The Department of Energy should adopt procedures to ensure that oil purchases for the SPR minimize the economic impact on consumers. The Department of Energy needs to take full advantage of techniques such as deferred payments, use of the futures market, and careful cost-benefit analysis in order to lessen the impact of oil purchases on consumers. Although the Department has used all of these policies on occasion, it should do so consistently.

The United States has the ability to partially mitigate dramatic spikes in gas prices, if we properly use and maintain our domestic reserve. In fact, it is our duty to do so, to ease the economic impact that drastically rising gas prices have on Americans who need to fill their tanks in order to do their jobs, buy their groceries, and drive their kids to school.

Our amendment would ensure that price and market impact are top considerations in managing this vital domestic emergency oil supply. It would give the Department of Energy an opportunity to focus increased attention on its policies and procedures for filling the Strategic Petroleum Reserve, with particular regard to the effect of its policies on gas prices and oil markets. I ask my colleagues to join Senator LEVIN and me in supporting this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1750) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I come to the floor to talk, as I do quite frequently, about the number of unrequested, unauthorized, and locality-specific earmarks contained in this bill. Fortunately, this year's Interior appropriations bill does not contain as many pork projects as the bill the Senate passed last year. This year's bill has over $403 million in porkbarrel projects. Last year's had $429 million, so I guess there is a $26 million improvement. I guess I should be grateful for this apparent savings, but I do not see this as evidence of tremendous fiscal restraint.

Citizens Against Government Waste, a nationally recognized, well-respected, nonpartisan government watchdog organization found that in fiscal year 2003, the Appropriations Committee stuck 9,362 projects into the 13 annual appropriations bills, an increase of over 12 percent from the previous year's total of 8,341. A further note: in the last 2 years the total number of projects has increased by some 48 percent.

I have compiled a 21-page list of 332 objectionable provisions contained within this bill, totaling $423 million. I will post the full list on my official Senate Web site.

Let me just highlight some of the more egregious projects in this bill: An earmark for $4 million for the construction, renovation, and furnishing and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, WV, and Pittsburg, PA; $15 million for alcohol control enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, distributed in lump sum payments to various entities; one of our old favorites, $1 million above the request to continue work at the National Center for Ecologically-Based Noxious Weed Management at Montana State University—they got an extra $1 million; $500,000 for continued funding of the Idaho Sage Grouse Management Plan through the Idaho Office of Species Conservation; $2 million above the budget request of the President for Atlantic salmon recovery activities; $900,000 above the budget request for Eider Duck recovery work by the Alaska SeaLife Center; $1.2 million above the budget request for the Wolf Recovery Program in the State of Idaho; $1.4 million for the Washington State Regional Salmon Enhancement; $200,000 for bald eagle restoration work performed in cooperation with the Vermont National Heritage Partners Program; $500,000 for the Native Roadside Vegetation Center at the University of Northern Idaho; $700,000 for invasive species control in Hawaii; $500,000 for the Delaware Bay Oyster Revitalization Project in the States of Delaware and New Jersey; $500,000 for salmon restoration work in Puget Sound in cooperation with the Seattle Art Museum—the Seattle Art Museum is going to work in cooperation with Puget Sound for salmon restoration—$750,000 for ferret reintroduction in the Rosebud Sioux tribal lands; $1.5 million for the Bitter Lake, NM, Visitors Center—that is sweet—$1 million for Kenai, AK, for cabins, trails, and campgrounds; $3 million for the Kodiak, AK, Visitors Center—I can tell you that Alaska is doing very well by doing good—$2.1 million for the Ohio River Islands, WV, Visitors Center and miscellaneous improvements; $525,000 for the Okefenokee Concession Facility in Georgia; $300,000 for the Garrison Dam, ND, fishpond improvements; $850,000 for the Savannah, GA, Visitors Center—we are big on visitors centers in this particular bill—$2 million for the World Birding Center in Texas; $3 million for the Abraham Lincoln Library in Illinois; $500,000 to design a visitors center on Assateague Island in Maryland; $1.1 million to rehabilitate offroad vehicle trails in Big Cypress National Park in Florida; $1.7 million to rehabilitate General Grant's tomb in New York—I wonder if we should ascertain whether General Grant is actually there before we rehabilitate his tomb—$3 million for a visitors center in the Grand Teton National Park; $7.4 million for rehabilitation of the Horace Albright Training Center in Arizona. I am told that the Horace Albright Training Center in Arizona is a place near the bottom of the Grand Canyon where park personnel are trained.

The committee report directs 26 separate unrequested land acquisitions under the Fish and Wildlife Service totaling nearly $35 million.

It is the process that I have a problem with. The committee effectively usurps the power of the authorizing committee and acts as one all-powerful funding machine. Projects are often funded with little or no background study and are approved simply after being requested by a fellow Member.

As all my colleagues know, the Congressional Budget Office recently projected a potentially debilitating $480 billion deficit for 2004 and the President has asked for additional appropriations of $87 billion for the military operations in Iraq and Afghanistan, and everybody is asking: Where is the money coming from? After years of unchecked and questionable spending, we are in the unfortunate position of facing critical budget constraints that will hamper our ability to fully fund necessary programs. Instead, we are cutting deep into the taxpayers' pockets once again by expecting them to shell out more than $403 million in porkbarrel spending included in this bill.

I think at some point the President of the United States is going to have to veto one of these bills and demand that this unnecessary, unwarranted, unauthorized, and unrequested spending be removed because we really are talking about real money.

I understand we are going to have a voice vote on final passage of this bill. I would be recorded as voting no if there were a recorded vote.

I yield the floor.

AMENDMENT NO. 1739

Mr. DASCHLE. Mr. President, I call for the regular order, and I believe my amendment is pending.

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. Mr. President, I had the opportunity to speak to this amendment a couple of times, so I will not belabor it. I know we are getting close to the end of the debate.

I compliment the distinguished manager of the bill and ranking member for a job well done on the bill.

This amendment recognizes two things. It recognizes, first, when it comes to trust responsibility and the very vexing problems we have had in carrying out trust responsibility with all Indian tribes, that we are a long way from any implementation of that responsibility today. What efforts have been made in trying to establish some mechanism for carrying out those responsibilities in a fair and meaningful way are yet to be found. In fact, if anything, we are mired more than we have been in a long time.

There is a need to create a better partnership with all tribal governments, and, as a result of that need for greater partnership, a recognition that until we have meaningful trust responsibility in policy and in law, to put an infrastructure in place which is supposedly designed to implement a policy that doesn't exist is premature. In fact, it sends all the wrong messages about what the intention of the BIA, the Congress, or this administration is with regard to that responsibility in the first place.

The National Congress of American Indians has written to Congress asking Congress not to fund the implementation of the policy today because it is premature. Virtually every national Indian organization has pleaded with the Congress to recognize the importance of tribal sovereignty and tribal partnership with their government and has asked us not to implement the policy.

That is the first point I would make with this amendment. The second point is equally as important.

We have, as I said this morning, an extraordinary deficiency in health care. We are underfunded by about $2.9 billion in health care funding on reservations today, with regard to IHS clinical services alone. As a result of that underfunding, the per capita commitment to Indian health care today is about $1,900. That is half of what our per capita commitment is today for Federal prisoners' health care. In other words, an Indian child on a reservation gets half the commitment through the Federal Government that a prisoner does regardless of that prisoner's crime in the Federal system today.

What I simply am proposing with this amendment is that we take part of the money allocated for the implementation of this trust responsibility effort that is now underway in the BIA and shift it over to where it can do the most good; that is, in health care. We need every dollar we can get in health care, and $79 million—which is what this amendment provides—will go at least a little ways.

Since we weren't able to pass the amendment offering $292 million for IHS clinical services, $79 million transferred to Indian health care from the trust fund budget that is within the BIA would at least send the right message to NCAI and to all of the Native American organizations that we listen, that we understand, and that this is important to us as well.

Some will argue that to do so would actually prevent us from cutting checks to allottees. If this bill were enacted today, the Office of Special Trustee would receive $143 million, the same as last year. So we would have the same amount of money for allottees through the Office of Special Trustee that we had in the last fiscal year. The system that cuts the checks—the Trust Fund Accounting System—would not be affected. That costs approximately $14 million. According to the President's budget request, my amendment would still allow $32 million in the Operation and Support Account. In the Operation and Support Account we strike $20 million. We leave $32 million.

There is a $6 million reduction in the trust accountability account. We leave $51 million. We take $15 million from field operations and still leave $24 million. We take $38 million from the historical accounting fund and we still leave $27 million. The total amount available for the Office of Special Trustee under this amendment is $143 million.

This is our last opportunity on this bill to do something worthwhile, to recognize we have failed to meet our obligations in addressing the crisis we have in health care on reservations in the country today and to recognize, as well, the Office of the Special Trustee, as we consider our challenges as well as our responsibilities in carrying out the intent and the spirit of the treaty obligations we have not met and that will not be met under this bill.

Let's use this money where it can do the most good. Let's shift it out of the Office of Special Trustee and into health care. I hope my colleagues on both sides of the aisle could support this amendment.

Mr. President, the United States of America has been struggling to strike the correct Indian policy for literally 200 years. Since the days of the Louisiana Purchase and the Lewis and Clark exploration, we have attempted to find a policy that was both fair to Native people and yet, at the same time, allowed for the expansion and progress of the United States. That search continues today.

From the treaties of the mid-1800s, to the Dawes Act of 1887, which sought to break up tribal land, to the Indian Reorganization Act of 1934, which sought to undo the damage of the Dawes Act, the United States has vacillated on Indian policy. From a policy of termination to the Indian Self Determination and Education Assistance Act of 1975, we have struggled. In more recent times, through several administrations of both parties, the United States has been committed to honoring its treaty obligations and interacting with Indian tribes on a government-to-government basis.

Through a government-to-government policy, our goal is to respect the integrity of tribal governments and allow them to function with greater autonomy. Tribal governments are administering more and more programs and are being looked to for the provision of local services.

President Bush, discussing his administration's policy on Indian affairs had this to say:

> To enhance our efforts to help Indian nations be self-governing, self-supporting, and self-reliant, my Administration will continue to honor tribal sovereignty by working on a government-to-government basis with American Indians and Alaska Natives. We will honor the rights of Indian tribes and work to protect and enhance tribal resources.

With that background in mind, the question before the Senate is whether or not we should appropriate money to reorganize the Bureau of Indian Affairs when the reorganization plan put forward by the Department of Interior is opposed by Indian tribes all across the country. I think that the answer is clearly "no."

What does the phrase "government-to-government" mean if we are going to ignore the opinion of tribal leaders on a question of unique importance to Indian people? What does it say if we pay no heed to tribal leaders on how to organize the Bureau of Indian Affairs? I ask my colleagues who have an Indian reservation in their State, how many of you have said you are committed to government-to-government relations between the United States and Indian tribes?

The tribal Chairs in South Dakota are against the proposed BIA reorganization plan. The senior Chairman in South Dakota, Chairman Mike Jandreau of the Lower Brule Sioux Tribe, has been a national leader on this subject. The National Congress of American Indians has written to Congress asking us not to fund the reorganization. If a government-to-government policy means anything, then Congress should respect these tribal leaders, not fund the reorganization, and transfer the proposed funding to higher priorities, health care first and foremost.

I am therefore proposing that we transfer $79 million from accounts that would fund a reorganization of the Department of Interior, Bureau of Indian Affairs, to increase funding for Indian health programs.

The health care statistics on the reservations of South Dakota, and throughout the country, are closer to the statistics of the developing Third World than they are to the national statistics for the United States. Infant mortality and diabetes rates on the reservations far exceed that of the rest of the Nation; every health barometer calls out for prompt intervention and assistance.

There is little disagreement that the Department's stewardship of Indian trust funds has been a colossal and longstanding failure. For over 100 years, the Department of Interior has served as the trustee for the proceeds from the leasing of oil, gas, land and mineral rights on Indian land. Many billions of dollars are at stake. Money that is desperately needed to address basic human needs cannot be accounted for and distributed.

But rather than get directly at the underlying problem, the Department continues to focus on reorganization in order to demonstrate to the tribes, Congress, and the Court that something is happening and that progress is being made. The money in the trust fund belongs to the tribes and its enrolled members.

Congress should not appropriate one more dollar for reorganization of the BIA until the tribes tell us they support the reorganization plan and, most importantly, that the reorganization plan will adequately address the mismanagement of the trust fund.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we pretty much laid out the facts in this debate. There is no question about the Indian Health Service. I completely agree with my friend from South Dakota.

There are a couple of points I make. If his amendment is successful, it has great ramifications regarding the amount of money going to individual Native Americans, to the tribes, and to trust accounts this year. This transfer of funds shuts down the operation of this historical accounting procedure. This is a problem that has been building for the last 10 or 15 years. In fact, it got so bad under the last administration, the court finally held the Department of Interior in contempt because they were not forthcoming with the figures. Why? Because there was no way to do it. There was no way to present the court with any actual figures to settle the litigation.

The ramifications, if we shut this down: South Dakota alone has 35,714 open accounts. Their annual disbursement to those accounts now under present conditions is over $84 million; Oklahoma, $90 million; my home State, $87 million; $101 million, the State of Washington. That money will not be mailed this year.

On this old reorganization—and we have heard a lot of talk about where is it going, what policy shall we have—the policy is being dictated by the courts. Maybe the policy is we should be on historical accounting so we know accurately what is owed and what is not.

Prior to implementing a major restructuring of the Department's Indian trust functions, Interior engaged in the most extensive consultation in history by senior Department officials with the Indian tribes. Before the new organization was developed, the Department officials held over 45 meetings with tribal leaders throughout the United States, testified at several congressional hearings during the consultation process, and obtained the approval of the House and concurrence of the Senate Appropriations Committee.

What we are talking about is a problem being caused mainly because we stuck our head in the sand and would not face reality when dealing with this. It could be huge. Some plaintiffs say it could go as high as $176 billion. I don't think we are ready to do that just now.

Even if you disagree with the accounting procedure, the Department, regardless of those procedures, the court findings, will be required to implement the court decision should it be made. This amendment will ensure no money is there for implementation.

Now I will focus on IHS for a moment. We have already been down that particular road. We have added money to IHS the last 5 years. We continue to do so. Under the leadership of Senator DOMENICI and also Senator DASCHLE of South Dakota and a lot of Members who live in Indian country, we have worked very hard to pump up those accounts, understanding that we have situations on Indian reservations that are characteristic of their problems.

This amendment should not pass. It should not pass. It should allow the process to go forward and settle this problem that has been completely ignored over the past 10 or 15 years.

I hope the Senators will take a look at this. This is the first administration that has stepped up and said we have to do something about it; we have to address it. Not only are we under the cloud of litigation but it is the right thing to do. It is the right thing to do for our individuals. It is the right thing to do for our tribal governments, tribes, and for their trust funds. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration and respect for the Senator from Montana. I ask him, if it is the right thing to do, why did we exempt the tribes from Montana from this very provision, this very requirement? Section 134 of the bill exempts certain tribes. All of those tribes in Montana are exempt.

We are simply saying, if the exemption is good enough for Montana, it ought to be good enough for the rest of the country, as well. I start with that. It cannot be too good or we would include Montana. But we do not. That is an issue that ought to be clarified.

I also simply say, if it is true these allottees are not going to receive income as a result of the passage of this amendment, how is it possible that virtually every tribal leader in the country, virtually every Indian organization in the country, has expressed support for the amendment? Would they not be concerned for the allottees? Would they not be concerned about the economic impact this would have? The fact is, they support the amendment. The fact is, they know we have money in this bill with this amendment that allows at least some of these responsibilities to be carried forward.

Why would we ever implement a bureaucratic response to a policy that is yet to be written, that is yet to be confirmed and acknowledged and authorized by the courts? Why would we put the organization in place before we know what the responsibilities are? That is what we ask with this amendment.

We have debated it now on several occasions. I am not going to convince the Senator from Montana, even though he looks out for his State, and I don't blame him for doing so. I want the same opportunity to look out for the rest of the country and my State, as well.

I yield the floor.

Mr. BURNS. Mr. President, the exemption he was talking about for Montana, the exemption is the tribes are self-governance tribes. They all have clean audits. They are ready. It is those here in Washington who are not. And we cannot stop the process if we are to be fair to everybody in Indian country.

We have made our points. I am ready to vote if the distinguished minority leader is ready to vote. I know one thing, nobody has greater passion for this issue and for his State than my good friend from South Dakota. But I feel we have kept our head in the sand too long. There has to be some finality to it. We cannot short-circuit the system before it is completed.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. TALENT). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Yea."

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Dodd
Edwards
Graham (FL)
Kerry
Lieberman

The amendment (No. 1739), as further modified, was rejected.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, we will have our two managers' packages and then final passage. We will have the packages ready in about 5 or 10 minutes. That is the last vote of the evening, I assume. The leader will be here soon. He will make that announcement.

In the meantime, I thank my good friend from North Dakota, Senator DORGAN, for working on this bill because I think we did it in record time this year. We had some issues that had to be dealt with and we dealt with them. We had a good, spirited debate. I thank all Senators for their cooperation on this piece of legislation.

I yield the floor to my friend from North Dakota.

Mr. DORGAN. Mr. President, let me, too, thank my colleague, Senator BURNS. This is a very significant piece of legislation. We have had excellent cooperation. I also thank the staff, if I might: Peter Kiefhaber, Brooke Livingston, and, of course, the majority staff: Bruce Evans, Ginny James, Steve Fonnesbeck, and also Ryan Thomas.

The Interior bill has, on occasion, been a bill that has taken a long time to move through the floor in some years. Other years, it has moved rather quickly. I think we have had a good discussion on some very important issues. I appreciate the work of my colleague from Montana. I believe we have a couple of managers' packages, and then I think we will have an opportunity to voice vote final. There is one additional amendment as well.

I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. First of all, I congratulate the managers. The bill has been handled perfectly. It allows us to continue on in the appropriations process in an orderly manner. It allows adequate and good time for debate and discussion. I congratulate them.

As the managers just said, there are a couple of packages being worked on now. Then we will have final passage by voice vote. Tonight there will be no more rollcall votes. The exact times will be announced later tonight, but we plan on going to DC appropriations at 10:30 tomorrow morning. The specific times in terms of morning business and all will be announced later. I congratulate the managers and all our colleagues on making tremendous progress in the overall appropriations process. I appreciate everybody's cooperation and patience on these very important bills.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we have the first package of amendments. They have been agreed to on both sides of the aisle. This is in package No. 1, for identification for my good friend from North Dakota. There are two other packages to come, and we are working on those.

AMENDMENT NOS. 1757; 1758; 1752, AS MODIFIED; 1759; 1760; 1761; 1762; 1728, AS MODIFIED; 1763, 1726, 1764, 1765, AND 1766, EN BLOC

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments in package No. 1 be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are considered en bloc and are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1757

(Purpose: To provide funds for trail construction on the Wasatch-Cache National Forest)

On page 70, line 18, immediately following the number "205" insert the following:

", of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest"

AMENDMENT NO. 1758

(Purpose: To provide funds to facilitate a land exchange between the State of Montana and the Lolo National Forest)

On page 64, line 21, immediately following number "6a(i))" insert the following:

", of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest"

AMENDMENT NO. 1752, AS MODIFIED

On page 20, line 16, after "$1,636,299,000" insert the following: ", of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 may be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 may be available to the Oklahoma City National Memorial Trust".

AMENDMENT NO. 1759

(Purpose: To set aside funds for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi)

On page 11, line 24, after "2005" insert the following: ", of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi".

AMENDMENT NO. 1760

(Purpose: To improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming)

On page 27, line 17, immediately following "industries;" insert:

and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming.

AMENDMENT NO. 1761

(Purpose: To allow fiscal year 2004 funds for futuregen)

On page 82, line 7, insert before the period "; *Provided Further*, That notwithstanding any other provision of law, within fiscal year 2004 up to $9,000,000 of the funds made available under this heading for obligation in prior years, of funds not obligated or committed to existing Clean Coal Technology projects, and funds committed or obligated to a project that is or may be terminated, may be used for the development of technologies and research facilities that support the production of electricity and hydrogen from coal including sequestration of associated carbon dioxide; provided that, the Secretary may enter into a lease or other agreement, not subject to the conditions or requirements established for Clean Coal Technology projects under any prior law, for a cost-shared public-private partnership with a non-Federal entity representing the coal industry and coal-fueled utilities; and provided further, that the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders".

AMENDMENT NO. 1762

(Purpose: To provide funding for DES applications integration)

On page 85, on line 4 beginning after "expended" insert ", of which $1,500,000 is for DES applications integration".

AMENDMENT NO. 1728, AS MODIFIED

On page 21, line 21, after "$60,154,000" insert the following: ", of which $175,000 may be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana".

AMENDMENT NO. 1763

On page 36, line 4, insert before the period ": *Provided further*, That $48,115,000 shall be operating grants for Tribally Controlled Community Colleges, and $34,710,000 shall be for Information Resources Technology"

AMENDMENT NO. 1726

(Purpose: To provide for a payment of $11,750 to the Harriet Tubman Home in Auburn, New York)

At the end of title I, add the following:

SEC. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

AMENDMENT NO. 1764

(Purpose: To include electric thermal storage technology as a weatherization material under the Energy Conservation in Existing Buildings Act of 1976)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . ELECTRIC THERMAL STORAGE TECHNOLOGY.

Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

"(J) electric thermal storage technology; and".

AMENDMENT NO. 1765

(Purpose: To provide funds for the Mesa Verde Cultural Center in the State of Colorado, with an offset)

On page 23, beginning on line 12, strike "$341,531,000" and all that follows through line 17 and insert "$342,131,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a and of which $600,000 shall be available for the planning and design of the Mesa Verde Cultural Center in the State of Colorado: *Provided*, That none of the funds".

On page 71, beginning on line 9, strike "$77,040,000" and all that follows through line 11 and insert "$76,440,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $5,400,000 shall be available for the Beaver Brook Watershed in the State of Colorado: *Provided*, That".

AMENDMENT NO. 1766

(Purpose: To provide funding for the construction of a statue of Harry S Truman in Kansas City, Missouri, with an offset)

On page, 23, line 17, insert before the ":" the following: ", and of which $50,000 shall be available for the construction of a statue of Harry S Truman in Union Station in Kansas City, Missouri, and of which $4,289,000 shall be available for the construction of a security fence for the Jefferson National Expansion Memorial in the State of Missouri".

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DORGAN. Mr. President, we should momentarily come to the floor with the final managers' package and wrap up this bill and I think we will have a voice vote at the end. I did want to make a couple of comments while we were waiting for the final pieces of this appropriations bill.

Earlier today I visited just a bit about the issue of reconstruction in the country of Iraq. Today we were visited in our Democratic caucus by Ambassador Bremer who just returned from Iraq. He appeared before the Senate Appropriations Committee yesterday, before our caucus today. He talked about the request of $87 billion, both for military appropriations for our defense establishment—that is appropriations of about $60 billion necessary for the efforts we are making in the country of Iraq—and, in addition to that, there is about slightly more than $20 billion for reconstruction in Iraq.

I want to make the point that first I think every dollar requested for the military could, should, and I believe will be appropriated quickly to support the efforts of our troops. This Congress has to understand when we ask our sons and daughters to go to war and to commit themselves for the mission this country asks of them, we must support them with appropriations.

The second issue, the reconstruction in Iraq that is necessary, is a different and an interesting problem. Should the American taxpayer pay for the reconstruction of Iraq? First of all, we did not target Iraq infrastructure. Shock and Awe was a campaign that began with smart bombs and smart weapons. It did not target their electric grid. It did not target their dams. It did not target their roads. It did not target the infrastructure of Iraq. The destruction of the infrastructure of Iraq has come from a guerrilla insurgent movement inside Iraq, but it has not come from American military force. So the question is, who should provide the $20-plus billion for reconstruction of Iraq?

Let me make a point about that. Iraq is a country of 24 million people sitting on sandy soil that contains the second largest reserves of oil in the world, the second largest reserves in the world next to Saudi Arabia. It is estimated that by next July the Iraqi oil wells will be producing around 3 million barrels per day. It is also estimated at that level the net export value of Iraqi oil will be about $16 billion a year. So over the next 10 years the Iraqi oil revenues should produce about $160 billion.

In addition to that, I asked Ambassador Bremer what do you intend to do with respect to the Iraqi oil revenue and what do you intend to do with respect to debts that are owed to other countries from the country of Iraq? The reason I ask that question is, I said: Why don't you use Iraqi oil to reconstruct Iraq? It seems to me logical you would do that.

He said, We can't do that because Iraq owes a great deal of money. It has great debt.

I said, Who holds the debt?

Yesterday during the Appropriations Committee hearing, he said Russia—Iraq owes Russia money, it owes France money, and Germany money.

Since yesterday I have gotten more information about that. It turns out the largest holders of Iraq debt are Saudi Arabia and Kuwait. It is very interesting to me: Saudi Arabia and Kuwait, the largest holders of debt, according to published reports, from the Iraqi government.

So the Iraqi government owes Kuwait and the Saudis perhaps $50 billion. Who is the Iraqi government? Saddam Hussein. Saddam Hussein obligated the Iraqi government, the Iraqi people, to pay certain moneys to other countries for the debts incurred. But Saddam Hussein does not exist; his government is gone. So who should repay that debt? Ambassador Bremer says the American taxpayer should repay that debt. I don't think so. I think what ought to happen is you ought to collateralize or securitize the next 10 years of Iraqi oil. You can easily provide the resources for the reconstruction in Iraq from the oil that will be pumped from the sands of Iraq in the next 10 years. Iraqi oil ought to be used to pay for the reconstruction in the country of Iraq.

With respect to the debt Ambassador Bremer says under international obligations is owed by the country of Iraq to other countries, it seems to me there is a term called debt forgiveness. I don't know how you say to the Saudis and the Kuwaitis: You were owed money by Iraq. Go find Saddam Hussein and collect it. I don't know quite how you say that, but there must be a way of saying that. Go find Saddam Hussein and try to collect that debt. That is who obligated that debt on behalf of the Iraqi people.

It seems to me, the first thing we ought to do is say this debt that overhangs the people of Iraq ought to be negotiated down, first and foremost. Second, it seems to me we ought to say we will provide all the money that is requested, first for the military side of the request for the appropriations the President asked for, and second, we will provide the money, because we should, with respect to reconstruction. But it will not be American taxpayers' money. We will provide the mechanism by which we monetize or rather collateralize or securitize the oil revenues that we pump from under the sands of Iraq over the next 10 years.

Ambassador Bremer says that will be up to 3 million barrels per day by next July. At 3 million barrels per day you produce about $20 billion a year, about $4 billion of which is going to be needed for Iraqi oil needs, the rest of which is available for export. That is $16 billion of export earnings. That is the way you reinvest in Iraq. Invest in Iraq infrastructure with oil revenue from Iraq.

Ambassador Bremer said one other thing that was interesting to me. He said, by the way, we have just put together a tax structure in Iraq. I might point out that a nonoil state, that is a nation that doesn't have oil reserves, and that's a good many nations around the world, they put together a revenue structure, a tax system by which they raise the money to build the schools, to build the roads, to maintain the electric grid. They put together a tax system to do that.

They have just put together a new tax system in the country of Iraq and Ambassador Bremer pointed out yesterday we have a new tax system. Apparently that is designed to produce the revenue to run the Government of Iraq. He said the top income tax rate is 15 percent.

I am thinking to myself, so those at the highest income levels in Iraq—and there are some very high income-earners in Iraq—will pay a 15 percent tax and then American taxpayers at the highest level will pay a 39 percent tax and we should pay a 39 percent tax so we can send money to the Government of Iraq so the Government of Iraq can send money to the Saudis and the Kuwaitis to satisfy past debt obligations while the Iraqi citizens at the top of the income level are paying 15 percent income tax. I don't think so. That is not a construct that makes much sense to me.

I am not saying by all of this that we don't have obligations—we do—or that we don't have a priority interest in dealing with the military and the nonmilitary needs in Iraq. We do. The question is not whether; it is how.

My hope is we will bifurcate this request for appropriations of $87 million, and take the military side first and pass that. I support all of that. We ought to move that through this Congress quickly.

Second, we ought to work with Ambassador Bremer and others and describe to those folks how we want to reconstruct Iraq to rebuild the infrastructure.

Let me describe what they are talking about. It is restoring marshland, building seven communities with 3,500 new homes, rehabilitating 1,000 schools, developing a telecommunications system. Need I go on?

Is the reconstruction of Iraq necessary in which to build a market system and a healthy economy? Perhaps. Should it be done? Sure. With whose money? Who pays the bill?

In this case, it makes no sense to me for us to say the American taxpayer should foot that bill for reconstruction. It makes eminent good sense, in my judgment, for us to say we will help, as we already have, to develop the central banking system of Iraq, develop the economy that is now emerging in Iraq, and through that process securitize future Iraqi oil revenues. As I see it, that is $320 billion in revenues over the next 20 years. It just seems to me that $320 billion in 20 years provides the collateral to easily provide the upfront funds—not a grant from the American taxpayer, but a loan in the form of a security document securitizing or collateralizing future oil production in Iraq.

We will have a lot of discussion about this. I suspect some will say if you do not believe in every single sentence or every punctuation mark in the President's request that somehow you are not thinking squarely. I really believe the piece we ought to describe in some great detail here and the piece we ought to debate is the issue of who should pay for the reconstruction of Iraq—not the issue of security. We need to do that. Not the issue of military needs; we need to do that, and now. But we need to have a good, strong debate here in this Congress about how to provide the funds for the reconstruction that is being proposed in Iraq. I for one come down on the side of saying let us have Iraqi oil produce the revenues to invest in Iraq. That is what makes good sense to me.

For the record, let me describe the circumstances with Iraqi debt. The reason I do this is because Ambassador Bremer says that is why they propose the American taxpayer pay the money for Iraqi reconstruction rather than have Iraqi oil do it. The World Bank Debtor Reporting System is where you find the evidence of which countries have how much debt. Saddam Hussein's Iraq was one of the few countries that did not report its debt statistics to the World Bank Debtor Reporting System. So you have to rely on other pieces of information.

The best we can determine, the biggest lenders to Saddam Hussein were France, Germany, Gulf states, Japan, Kuwait, Russia, and Saudi Arabia. Of those, the largest was Saudi Arabia, then Kuwait, and Russia a close third. All the other Gulf states together were substantial—close to $30 billion, France and Germany in the $6 billion range.

I think it is really important to ask the question. If you are saying we can't use Iraqi oil to reconstruct Iraq because Iraq has all of these debts Saddam Hussein apparently incurred, then how do you tell countries such as Saudi Arabia and Kuwait, and how do you tell them quickly, by the way, that the debt you have, that paper you hold, is the debt you incurred in negotiations with Saddam Hussein. We are sorry. He doesn't live here anymore. You might want to put that piece of paper somewhere where you have other things to collect which have very little worth, then start over understanding that Iraqi oil can be used to reconstruct the urgent needs that exist in the country of Iraq.

I will have more to say about this at some future point. Because Ambassador Bremer is here, I wanted to make that point. Let me also say that I said to Ambassador Bremer we pray for his safety. He has a very difficult job and dangerous job, as do the men and women who wear our country's uniform and who are in Iraq today and stationed in other parts of the world as well. We pray for their safety and thank them for their services to our country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1768

Mr. BURNS. Mr. President, I send an amendment to the desk which has been agreed to by both sides. This happens to be an amendment that covers almost the core of the debate during this piece of legislation. This has moneys which replace the moneys that were borrowed from all the funds to fight fires.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself and Mr. DORGAN, proposes an amendment numbered 1768.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to repay accounts from which funds were borrowed for wildfire suppression)

Immediately following Title III of the bill insert the following new Title:

"TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $75,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Providing further*, That the $75,000,000, that includes designation of the entire amount of $75,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for wildfire suppression and emergency rehabilitation activities of the Forest Service, $325,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $325,000,000, that includes designation of the entire amount of $325,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress."

Mr. BURNS. Mr. President, this amendment provides for $400 million under consequential emergency conditions. It is not offset. We want to thank the administration and the folks down at OMB. We have been working very hard with them. As this moves, we are asking that the Forest Service and the Department of the Interior get out their pencils and give us the number. This number could go up slightly. It could go down by the time the conference is over because that is where it will be settled.

I urge its adoption.

Mr. DORGAN. Mr. President, I support this amendment. We have reviewed it. I am a cosponsor. I asked Senator BURNS to include me as a cosponsor.

This really needs to be done. In fact, we need to do more than this. This is what we can do at this moment and we will continue to work on this in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1768) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, if I might, while we are waiting, on this issue of fire and fire suppression, I know Senator BURNS has spoken on this floor at some length, and we have had a discussion in the committee. We have to really stop this process of underfunding these accounts at the start of the year. It is not a great surprise that we are going to have forest fires. I come from a State that doesn't have a lot of trees. But my colleague, Senator BURNS, comes from a State that is full of trees.

In a good many States in this country, we have seen the devastation by massive forest fires. They cause a substantial amount of damage. The amount of money that is required to deal with the issue of forest firefighting and forest fire suppression is a very substantial amount of money. We know at the start of the year and in recent years that the money has not been requested which is going to be necessary. Then we come later on in the year acting wide-eyed and surprised—not my colleague from Montana. He never acts wide-eyed and surprised. But there are some who walk around here acting like they have just been hit with this huge surprise. It is not a surprise to us.

At the start of the year we need to ask OMB to request the money that is necessary, and we need the Congress to appropriate the money necessary so we are not in this bind every single year.

The amendment we have just agreed to, the Burns amendment, is an amendment that moves us in the direction of restoring the funding that has been taken from other accounts. But it doesn't provide all the money necessary for that. We have much more to do in conference.

Senator BURNS has done a remarkably good job in trying to fight with those with whom you have to fight to get the resources. We will continue this fight in conference.

Mr. BURNS. Mr. President, you do not do anything by yourself. They say you always like to be like a turtle; a turtle never gets anywhere unless he sticks his neck out. Some folks are proud of that. But if you find one on the top of a fence post, he did not get there by himself.

I appreciate the support we have had from Senator DORGAN and his side of the aisle. It is something that needed doing. We are getting a different fire nowadays. It has a different characteristic. It is hotter and more damaging. We have to deal with it and we have to pay for it.

It is the people's land. It is the people's timber. It is the people's place where they recreate, hunt, and fish. There is a lumber industry that depends on the forest lands. This is a vital resource for this country.

AMENDMENTS NOS. 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1725 AS MODIFIED, 1777, 1737, 1732 AS MODIFIED, 1778, 1779, 1743 AS MODIFIED, 1733, 1780, 1749, 1781 AND 1782, EN BLOC

Mr. BURNS. I ask unanimous consent to send to the desk the managers' amendments to this bill and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc.

Mr. DORGAN. The amendments have been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1769

(Purpose: To cancel certain unobligated balances in the Department of the Interior's foreign currency account)

On page 44, insert the following after line 23:

"Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled."

AMENDMENT NO. 1770

(Purpose: To provide authority for the Forest Service to reimburse cooperators who assist with emergency response)

On page 66, line 20, immediately following the ":" insert the following:

"Provided further, That such funds may be available to reimburse state and other cooperating entities for services provided in response to wildfire and other emergencies or disasters:"

AMENDMENT NO. 1771

(Purpose: To provide authority for the Forest Service to sell certain excess facilities on the Wasatch-Cache National Forest)

On page 81 immediately following line 16, insert the following new paragraph:

"The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which may be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest."

AMENDMENT NO. 1772

(Purpose: To facilitate rehabilitation efforts on the Kootenai and Flathead National Forests)

Immediately following Title III of the bill insert the following new Title:

"Title IV—The Flathead and Kootenai National Forest Rehabilitation Act

SECTION 1. SHORT TITLE.

This act may be cited as the "Flathead and Kootenai National Forest Rehabilitation Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) The Robert and Wedge Fire of 2003 caused extensive resource damage to the Flathead National Forest;,

(2) The fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) The environmental planning and analysis to restore areas affected by the Robert and Wedge Fire will be completed through a collaborative community process;

(4) The rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) Wildlife and watershed resource values will be maintained in areas affected by the Robert and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this Act is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 3. REHABILITATION PROJECTS.

(a) In General.—The Secretary of Agriculture (in this Act referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief Forest Service, Washington, D.C.

(b) Procedure.—

(1) In General.—Except as otherwise provided by this Act, the Secretary shall conduct projects under this Act in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) Environmental Assessment or Impact Statement.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this Act, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) Public Collaboration.—To encourage meaningful participation during preparation of a project under this Act, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildlife Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) Compliance with Clean Water Act.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this Act due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) Endangered Species Act Consultation.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this Act, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) Administrative Appeals.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this Act, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this Act is necessary for relief from—

(i) adverse effects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

SEC. 4. CONTRACTING AND COOPERATIVE AGREEMENTS.

(a) In General.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this Act.

(b) Exemption.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 5. MONITORING REQUIREMENTS.

(a) In General.—The Secretary shall establish a multi-party monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this Act.

(b) Reporting Requirements.—The multi-party monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this act in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 6. SUNSET.

The authority for the Secretary to issue a decision to carry out a project under this Act shall expire 5 years from the date of enactment.

SEC. 7. IMPLEMENTATION OF RECORDS OF DECISION.

The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30 day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10% designated old growth in the project area.

AMENDMENT NO. 1773

(Purpose: To ensure the perpetual operation of water treatment centers at the Zortman/Landusky mine reclamation site.)

At the end of Title III of the bill insert the following:

SEC. . ZORTMAN/LANDUSKY MINE RECLAMATION TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the "Zortman/Landusky Mine Reclamation Trust Fund" (referred to in this section as the "Fund").

(b) For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $22,500,000, the Secretary of the Treasury shall deposit $2,250,000 in the Fund.

(c) Investments.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) Payments.—

(1) In general.—All amounts credited as interest under subsection (c) may be available, without fiscal year limitation, to the State of Montana for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) Withdrawal and transfer of funds.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of Montana for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) Use of transferred funds.—The State of Montana shall use the amounts transferred under paragraph (2) only to supplement funding available from the State Administered "Zortman/Landusky Long-Term Water Treatment Trust Fund" to fund annual operation and maintenance costs for water treatment related to the Zortman/Landusky mine site and reclamation areas.

(e) TRANSFERS AND WITHDRAWALS.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

AMENDMENT NO. 1774

(Purpose: To facilitate renewal of grazing permits managed by the Bureau of Land Management's Jarbridge office)

At the end of Title I, insert the following:

SEC. . Nonrenewable grazing permits authorized in the Jarbridge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

REPORT LANGUAGE

SEC. . Allows for the renewal of grazing permits in the Jarbridge Field Office and makes the completion of the required NEPA analysis a high priority while ensuring completion of the necessary documents as soon as possible.

AMENDMENT NO. 1775

(Purpose: To modify a provision relating to interim compensation payments for Glacier Bay, Alaska)

On page 63, between lines 2 and 3, insert the following:

SEC. 1 . INTERIM COMPENSATION PAYMENTS.

Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: ", unless the amount of the interim compensation exceeds the amount of the final compensation".

AMENDMENT NO. 1776

(Purpose: To modify a provision relating to applications for waivers of certain maintenance fees)

On page 63, between lines 2 and 3, insert the following:

SEC. 1 . APPLICATIONS FOR WAIVERS OF MAINTENANCE FEES.

Section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by inserting after "reason" the following: "(including, with respect to any application filed on or after January 1, 1999, the filing of the application after the statutory deadline)".

AMENDMENT NO. 1725, AS MODIFIED

On page 44, line 23, strike the period at the end and insert ": *Provided*, That of this amount, sufficient funds may be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.".

AMENDMENT NO. 1777

(Purpose: To amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle)

On page 24, line 5, immediately following the colon, insert "Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations:"

AMENDMENT NO. 1737

(Purpose: To authorize the use of proceeds from land sales in the State of Nevada for Lake Tahoe restoration projects)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . LAKE TAHOE RESTORATION PROJECTS.

Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking "and" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and".

AMENDMENT NO. 1732, AS MODIFIED

On page 137, between lines 23 and 24, insert the following:

SEC. . ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior (referred to in this section as the "Secretary") may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not accept for donation under subsection (a) any land or structure if the Secretary determines that the land or structure, or a portion of the land or structure, has or or may be contaminated with—

(A) hazardous substances, pollutants, or contaminants, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); or

(B) any petroleum substance, fraction, or derivative.

(2) CERTIFICATION.—Before accepting a donation of land under subsection (a), the Secretary shall certify that any structures on the land to be donated—

(A) meet all applicable building code requirements, as determined by an independent contractor; and

(B) are in good condition, as determined by the Director of the National Park Service.

(d) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

AMENDMENT NO. 1778

(Purpose: To amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking "or a dual fueled vehicle" at the end of subparagraph (3) and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of subparagraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

"(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

"(B) a zero-emission vehicle, as such term is defined in Section 86.1702–99 of title 40, Code of Federal Regulations".

AMENDMENT NO. 1779

(Purpose: To facilitate renewal of grazing permits)

On page 122, strike Section 324 and insert:

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. *Provided further*, Beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every year thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals; *Provided further*, Notwithstanding Section 504 of the Rescissions Act (109 Stat 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose.

AMENDMENT NO. 1743, AS MODIFIED

(Purpose: To authorize the Secretary to use funds for the Blueberry Lake project)

At the appropriate place, insert the following:

Funds appropriated for the Green Mountain National Forest previously or in this Act may be used for the acquisition of lands in the Blueberry Lake area.

AMENDMENT NO. 1733

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking "parcels of land" and all that follows through the period at the end and inserting the following: "parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.".

AMENDMENT NO. 1780

(Purpose: To direct the Secretary of Energy to submit to Congress a report on the use of the Northeast Home Heating Oil Reserve)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . NORTHEAST HOME HEATING OIL RESERVE REPORT.

Not later than December 1, 2003, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes—

(A) the various scenarios under which the Northeast Home Heating Oil Reserve may be used; and

(B) the underlying assumptions for each of the scenarios; and

(2) includes recommendations for alternative formulas to determine supply disruption.

AMENDMENT NO. 1749

(Purpose: To exempt the rural business enterprise grants awarded to Oakridge, OR from the business size restrictions)

At the appropriate place, insert the following: "The business size restrictions for the rural business enterprise grants for Oakridge, OR do not apply."

AMENDMENT NO. 1781

(Purpose: To ensure that funds allocated to the Indian Health Service are not redirected to programs and projects that have not been fully justified in the agency's annual budget request and concurred in by the House and Senate Appropriations Committees)

On page 95, at the end of line 17, insert the following new paragraph:

None of the funds made available to the Indian Health Service in this Act shall be used for any Department of Health and Human Services-wide consolidation, restructuring or realignment of functions or for any assessments or charges associated with any such consolidation, restructuring or realignment, except for purposes for which funds are specifically provided in this Act.

AMENDMENT NO. 1782

(Purpose: To make technical modification to the Marine Mammal Protection Act)

At the appropriate place at the end of Title III, insert the following new section:

SEC. . Section 104 (16 U.S.C. 1374) is amended—(1) in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

FUNDING FOR DOWNEAST LAKES FORESTRY PARTNERSHIP, MAINE

Ms. COLLINS. I congratulate the distinguished chairman of the Interior Appropriations subcommittee for the fine work he has done putting together this bill. The bill includes substantial funding for programs to conserve our Nation's treasured lands and resources, including $85 million for the forest legacy program; a program that means so much to my home State of Maine.

There is one Maine conservation project, however, that does not receive funds through the Senate bill. It is the Downeast Lakes Forestry Partnership, the goal of which is the sustainable conservation of 342,000 acres in Maine, including 78,800 acres of pristine lakes, 54,000 acres of productive wetlands, 445 miles of unspoiled shoreline, and 342,000 acres of remote forestland. This important project, which enjoys widespread support in my State, including the support of the Governor, is at a critical stage. But it requires Federal support in the coming fiscal year to help bring the project to fruition.

I would therefore ask the chairman whether he will commit to doing all he can to consider funding the Downeast Lakes Forestry Partnership when this bill goes to conference?

Mr. BURNS. I thank the Senator from Maine for her comments and do pledge to help find funds in conference for the Downeast Lakes Forestry Partnership. The Senator from Maine has been a tireless advocate for this worthy project, and I know that she has suggested that it receive funds from the Forest Service's National Forest System account, or the U.S. Fish and Wildlife Service's Resource Management account. I will use my best efforts to consider funding the Downeast Lakes project as the Senator suggests.

Ms. COLLINS. Thank you, Mr. Chairman, for your pledge of support, and for the leadership you consistently demonstrate on conservation issues.

LAND REMOTE SENSING

Mr. DASCHLE. Mr. President, the Interior Appropriations bill includes funding for the United States Geological Survey, USGS, to conduct land remote sensing. I would like to enter into a colloquy with my colleagues from Montana and North Dakota regarding this funding in the Interior Appropriations bill.

It is my understanding that a significant portion of the USGS mapping program budget comes from the sale of data collected from the Landsat 7 satellite. Over the past several months, that satellite has been experiencing problems that will severely hamper its ability to collect scientifically-useful data. Just last week, USGS determined that the problem affecting the Landsat 7 satellite is permanent. While the USGS is working to develop a long-term solution to address this situation, it is clear that USGS will not be collecting the full amount of income from data sales originally planned for when the Senate Appropriations Committee reported out the Interior Appropriations bill. As a result, USGS will not be able to operate in accordance with the budget on which this will is based.

Mr. President, I ask the Senator from Montana and the Senator from North Dakota if the Interior Subcommittee is aware of this problem and willing to work with the United States Geological Survey to address this issue during the conference with the House?

Mr. BURNS. Mr. President, I would respond that, yes, the subcommittee is aware of the problem affecting the Landsat 7 satellite, and we are willing to work with USGS and our friend from South Dakota to address this situation in conference.

Mr. DORGAN. Mr. President, I concur. The chairman is correct, and I, too, want to help ensure this situation is addressed in conference.

Mr. DASCHLE. Mr. President, I thank the Senator from Montana and the Senator from North Dakota for their cooperation and their clarification regarding this matter.

NATIONAL ZOO

Mr. FRIST. Mr. President I want to enter into a colloquy with the distinguished chairman of the Interior Subcommittee concerning the funding in this bill for our National Zoo.

I know that the chairman is very aware of the problems that have plagued our National Zoo over this last year. Many of these problems simply relate to deteriorating physical conditions of the zoo. Buildings and other animal habitats are literally falling apart.

This crown jewel of the Smithsonian is actually at risk of losing its accreditation from the American Zoo and Aquarian Association. What a terrible message this would send to the American public that its national zoo cannot even meet accreditation standards. We owe it to the American people, the thousands of children who visit the zoo annually, to visitors from all over the world, and most importantly to the safety and protection of these wonderful animals to do all we can to restore the conditions there to a safe and healthy environment.

I ask the chairman of the subcommittee, in conference with the House on this bill will you work to provide a level of funding that will once again restore this wonderful institution to the level befitting of being a "national" zoo and to help maintain its accreditation?

Mr. BURNS. Yes, I can assure the leader that I am very aware of the physical problems that are now plaguing our National Zoo, and I commit to him that I will work in conference to help address the funding needs of that institution to help maintain its accreditation. I agree that our National Zoo is a symbol of this Capitol City, and more importantly of this country, and we must not let it lose that accreditation.

LITTLE ROCK AUDUBON NATURE CENTER

Mr. PRYOR. I come to the floor today to ask my colleagues to join me in supporting Federal funding for the Little Rock Audubon Nature Center. The Little Rock Audubon Nature Center is a collaborative private-public effort to provide tools and services to historically underserved children. Using the prestige of the Audubon Society's reputation, this project will pull together all stakeholders to promote national science and math goals, environmental education, and wildlife observation.

This isn't the nature center we grew up with. This is a new concept that creates a place to learn math, science, and other academic subjects in a nurturing environment reinforced by a hands-on, out-of-doors experiences. This is a chance to support what our children learn in the classroom and in the textbooks with stimulating reality. This model of learning will stoke our children's curiosity and provoke them to start asking the questions all great thinkers pose: Why does this work? How can that happen? What makes this possible?

Mrs. LINCOLN. I join my friend and colleague in supporting this project. I believe this will be a place that junior high and high school kids will truly enjoy and where they can be engaged. According to the Pew Foundation, academic achievement, student engagement, and teacher satisfaction all improve significantly when schools link academics with hands-on study of the surrounding environment and community and that is exactly what the Little Rock Audubon Nature Center will do.

The Nature Center site is just a 15-minute school bus ride from 50 schools in southeast Little Rock, giving it the ability to serve as an outdoor classroom for thousands of school children.

In short, this is a kid-friendly, cost-effective approach to reaching the underserved and teaching science and math. This is the kind of project this body must support to help our kids meet the challenges of the future.

Mr. PRYOR. Given current budget constraints, it is more important than even to use scarce resources wisely and I rise today to provide my colleagues with not only the numerous benefits associated with this innovative approach to educating our children, but also the costs. Specifically, I am seeking an appropriation of $1.2 million for the project but $1.2 million that will be leveraged by private funding on a better than 2 to 1 match. As Senator LINCOLN pointed out, this Center will serve thousands of children and I believe that federal investment in the Little Rock Audubon Nature Center will produce broad returns that deserve the attention of this body.

Mr. DORGAN. Will the Senator yield for a question?

Mr. PRYOR. I would be delighted to yield to the Senator from North Dakota and our ranking member.

Mr. DORGAN. I am aware of the Senator's interest in the Little Rock Audubon Nature Center, but did the Senator say that the Center will support national science and math goals?

Mr. PRYOR. I did. The Little Rock Audubon Nature Center will assist schools in teaching the sciences of ornithology, ecology, biology, botany and environmental health, to name a few; to excite young people's minds and prepare them for careers in the sciences; and to help improve state science scores. Senator DORGAN, are you aware that our childrens' math and science scores in America are continuing to decline throughout the country? As compared to 38 countries around the world the United States ranks 19th in Mathematics Achievement Scores, according to a 1999 Trends in International Mathematics and Science Study. I am particularly concerned about this decline in our students' performance in my home state of Arkansas. We need fresh ideas and new approaches to turn this situation around. So, I was very interested to learn of a recent study in Northwest Arkansas showed that nature education can be a very powerful tool for helping to address this problem.

Mrs. LINCOLN. What we are talking about here is stimulating the minds of children and fostering their aspirations to become our next great scientists and engineers. The education investments we make now can lead our country to the discovery of the next vital scientific finding, invention or cure. This is an opportunity to inspire our children to strive for greatness in science and mathematics and to harvest their creativity, curiosity and knowledge so they may one day help their fellow man and society at large.

Mr. BURNS. I am aware of the serious problem regarding the decline in our children's math and science scores and I am intrigued by the idea that we might address this problem through nature education.

Mr. DORGAN. Let me add to the chairman's remarks that I, too, am interested in investing in programs that support math and science.

Mr. PRYOR. I appreciate the comments from the distinguished Chairman and Ranking Member and I would like to call to their attention other benefits associated with the Little Rock Audubon Nature Center which would benefit underserved minority communities. In fact, the nature center is located in a former federal housing site for African American veterans from World War II, which has been closed for years. The center is located in the Granite Mountain community in my home state of Arkansas that lies within the boundary of a Federal empowerment zone and would serve, in particular, the minority community and school children of southeast Little Rock.

Mr. DORGAN. So this project would not only help to improve math and science scores for all children but in particular help to assist underserved communities? What other benefits would it provide?

Mr. PRYOR. The Nature Center also would provide access to a beautiful 450 acre park that is currently unavailable to the citizens of Arkansas due to inadequate city funds. This park represents one of the most unique natural areas in Southeast Arkansas because of its incredible biodiversity and a globally significant geological formation, making this site both ecologically important and of great educational value.

Mr. DORGAN. I agree that this sounds like a very worthwhile project. What Federal appropriation would be necessary to begin work on it?

Mr. PRYOR. I am seeking $1.2 million which could be phased in over a multi-year programming plan with a private fund match. I want to point out the Audubon Society's great success in my home state of Arkansas in leveraging private funding to match federal outlays for conservation projects. For example, the Audubon Society successfully restored thousands of acres of Fourche Creek by leveraging private funds to match federal dollars at a ratio of more than 2-to-1. The track record has been established and the private community has made its pledge to allow this Federal appropriation to be a catalyst for private additional investment in this worthwhile project.

Mr. DORGAN. I appreciate this thorough report about the benefits of the Little Rock Audubon Nature Center.

Mr. BURNS. Yes, I thank the Senators for the clarification. There is more to this project than suggested by its name and I hope that we might give your request every possible consideration.

Mr. PRYOR. I appreciate those remarks. I am making a personal request that the Senate give this project the initial funding needed to help it become a reality for the children of Arkansas. I thank the Senators for assistance in this matter.

FOSSIL ENERGY RESEARCH

Mr. SPECTER. Mr. President, I seek recognition to engage in a short colloquy with the distinguished Chairman of the Appropriations Subcommittee on the Interior, Senator BURNS. The matter is of great importance to my constituent, Air Products and Chemicals of Allentown, PA, and involves two programs in the Fossil Energy Research and Development section of the Interior Appropriations bill.

Mr. BURNS. I am glad to discuss this with my colleague.

Mr. SPECTER. Air Products and its partners, including the Department of Energy, are developing a unique, oxygen-producing technology to use in producing oxygen and electric power for the utility, iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. This project, ITM Oxygen, is a cornerstone project in the Department of Energy's Vision-21 Program that has the potential to significantly reduce the cost of tonnage oxygen plants for Integrated Gasification Combined Cycle, IGCC, systems. The ITM Oxygen program is entering its final three funding years during which Air Products and its partners plan to demonstrate and test this unique technology with a pilot unit at a suitable field site. Air Products and the Department of Energy are sharing the cost of this program together with each party responsible for 50 percent. Underfunding this program in FY04 will result in slowing the technical process and schedule of this important project, will halt crucial expansion of test platforms for the final demonstration unit, and in the end will add approximately $10 million more to the total program cost.

Mr. BURNS. I understand the Senator's concerns about the ITM Oxygen program. For this reason I included language in the Committee Report encouraging the Department of Energy to fund ITM Oxygen at a level higher than identified in the budget request in order to keep the program on track for completion. I hope the Department heeds this report language and responds appropriately to avoid unnecessary program costs for the completion of the project.

Mr. SPECTER. I thank the distinguished Chairman for recognizing the importance of the ITM Oxygen program and look forward to working with him and his staff to see that the Department of Energy follows the Committee's intentions.

Another project Air Products is involved in with the Department of Energy is the ITM Syngas project, the purpose of which is to develop and demonstrate a ceramic membrane reactor able to separate oxygen from air in a way that produces hydrogen for use in centralized power generation or with regional distribution for fuel cell applications. This technology also captures the carbon dioxide in the process leading to reduced greenhouse gas emissions, a goal we should all support. The bill includes increases in the Transportation fuels section for syngas membrane technology. I would like to ask the Chairman if part of this increase is intended to be used to fully fund the Air Products ITM Syngas project.

Mr. BURNS. In drafting the Senate Interior Appropriations bill, my staff and I consulted with the Department of Energy to ensure the amount provided in the bill would fully support the fiscal year needs of the ITM syngas membrane technology the Senator just described.

Mr. SPECTER. I appreciate the opportunity to discuss these important items with the Chairman today and thank him for his attention to these crucial fossil energy research and development projects.

FETAL ALCOHOL SYNDROME

Mrs. MURRAY. I would like to enter into a colloquy with Chairman BURNS and Senator DORGAN. The Indian Health Service and the University of Washington have been conducting research into Fetal Alcohol Syndrome with funds provided in the Interior Appropriations bill. I want to thank the Chairman and Senator DORGAN for the Subcommittee's continued support for these research efforts. I hope to work with the Senators in conference related to this on-going research.

Mr. BURNS. I appreciate my colleague's interest in the fetal alcohol syndrome research being conducted by the Indian Health Service and the University of Washington. I look forward to working with my colleague on the continued funding for these research efforts.

Mr. DORGAN. Fetal Alcohol Syndrome is one of the most pressing health issues facing Native Americans and I am committed to helping advance our research efforts in this field.

Mrs. MURRAY. I thank Chairman BURNS and Senator DORGAN.

USGS BINATIONAL GROUNDWATER STUDY

Mr. BINGAMAN. Mr. President, I have filed an amendment to S. 1391 that would allocate $950,000 from the United States Geological Survey's, USGS, Ground-Water Resources Program to initiate a United States-Mexico binational groundwater study of transboundary aquifers. The parameters of this study have been developed by the USGS in cooperation with the Water Resources Research Institutes in Texas, New Mexico, Arizona, and California, and other interested parties. It is very important that the USGS receive funding to implement its plan. During the past decade, the United States-Mexico border region experienced significant economic expansion that was accompanied by rapid population growth and urban development. It is now anticipated that water quantity and water quality will most likely be the limiting factors that ultimately control future economic development, population growth, and human health in the border region. The binational program funded by this request will be a scientific partnership between the USGS, the border states, and several key Universities in the region. It will systematically assess priority transboundary aquifers, and will provide a scientific foundation and create sophisticated tools for State and local water resource managers to address the challenges facing them in the border region.

I have discussed the need for this amendment with the distinguished chairman, and he has been very helpful in discussing various options to secure funding to initiate this study. The President's budget requested $1.0 million for USGS to begin work on a closely related United States-Mexico Border Human Health Initiative. The House of Representatives has provided the full amount in its version of the Interior appropriations bill, but the Senate has only been able to provide $500,000 for this effort. In conference, I have requested that the chairman agree to the higher amount that the House has provided for the Border Health Initiative but to direct the USGS to use the additional $500,000 to begin the binational groundwater study. I believe this work will address the critical need I just described while also providing valuable data and information that is consistent with the border health initiative.

Mr. BURNS. I appreciate that my colleague, Senator BINGAMAN, is willing to forego offering his amendment and that he will work with me to address the issue of funding the USGS to conduct the binational groundwater study. I think this is a worthy program, and I will work closely with my colleagues in the Senate and House of Representatives to attempt to fully fund the border health initiative at the House level and to specify that the increased funding above the Senate mark, $500,000, be used to initiate the groundwater study consistent with Senator BINGAMAN's suggestion.

Mr. BINGAMAN. I thank the distinguished chairman for his consideration and his work on this important matter. I look forward to continue working with him as the Interior appropriations bill goes to conference.

E85 INFRASTRUCTURE

Mr. DORGAN. Mr. President, I thank the Senator from Montana, the distinguished chairman of the Interior Appropriations Subcommittee, for the committee's recognition of the important environmental and energy security benefits of expanding our nation's E85 Infrastructure.

E85 is a form of alternative transportation fuel consisting of 85 percent Ethanol and 15 percent gasoline developed to address America's air quality needs and dependence on foreign oil. Currently, there are over 3 million E85-capable vehicles in the National Vehicle Fleet. The use of E85 in these vehicles has the potential to reduce foreign oil imports by 34 million barrels a year, while adding $3 billion to total farm income and reduce greenhouse gas emissions.

In the fiscal year 2003 Interior bill, in the committee report for the transportation sector, the committee recommended a $2 million increase in technology deployment for the Clean Cities Program. The report language further recognizes the work being done by the National Ethanol Vehicle Coalition to increase E85 fueling capacity and urges the Department of Energy to give careful consideration to proposals that might be submitted to further this goal. My understanding, is that the Department, consistent with this language, has awarded funds to the NEVC and others for the continued development of E85 Infrastructure and E85 promotion.

On page 69 of the fiscal year 2004 Interior Subcommittee report, under weatherization and intergovernmental activities, it states:

> Within the amount provided for clean cities, the department should continue efforts to expand E85 fueling capacity.

I ask the distinguished Chairman whether I am correct in my understanding that the committee intends that a portion of these funds be used by the Department to continue the existing E85 Infrastructure development initiatives that were funded in fiscal year 2003.

Mr. BURNS. That is my understanding.

Mr. DORGAN. I thank the Chairman.

AIR PRODUCTS AND CHEMICALS

Mr. SPECTER. Mr. President, I seek recognition to engage in a short colloquy with the distinguished chairman of the Appropriations Subcommittee on the Interior, Senator CONRAD BURNS. The matter is of great importance to my constituent, Air Products and Chemicals of Allentown, PA and involves two programs in the Fossil Energy Research and Development section of the Interior Appropriations bill.

Mr. BURNS. I am glad to discuss this with my colleague.

Mr. SPECTER. Air Products and its partners, including the Department of Energy, are developing a unique, oxygen-producing technology to use in producing oxygen and electric power for the utility, iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. This project, ITM Oxygen, is a cornerstone project in the Department of Energy's Vision-21 Program that has the potential to significantly reduce the cost of tonnage oxygen plants for Integrated Gasification Combined Cycle, IGCC, systems. The ITM Oxygen program is entering its final three funding years during which Air Products and its partners plan to demonstrate and test this unique technology with a pilot unit at a suitable field site. Air Products and the Department of Energy are sharing the cost of this program together with each party responsible for 50 percent. Underfunding this program in Fiscal Year 2004 will result in slowing the technical process and schedule of this important project, will halt crucial expansion of test platforms for the final demonstration unit, and in the end will add approximately $10 million more to the total program cost.

Mr. BURNS. I understand your concerns about the ITM Oxygen program. For this reason I included language in the committee report encouraging the Department of Energy to fund ITM Oxygen at a level higher than identified in the budget request in order to keep the program on track for completion. I hope the Department heeds this report language and responds appropriately to avoid unnecessary program costs for the completion of the project.

Mr. SPECTER. I thank the distinguished chairman for recognizing the importance of the ITM Oxygen program and look forward to working with him and his staff to see that the Department of Energy follows the committee's intentions.

Another project Air Products is involved in with the Department of Energy is the ITM Syngas project, the purpose of which is to develop and demonstrate a ceramic membrane reactor able to separate oxygen from air in a way that produces hydrogen for use in centralized power generation or with regional distribution for fuel cell applications. This technology also captures the carbon dioxide in the process leading to reduced greenhouse gas emissions, a goal we should all support. The bill includes increases in the Transportation fuels section for syngas membrane technology. I would like to ask the chairman if part of this increase is intended to be used to fully fund the Air Products ITM Syngas project.

Mr. BURNS. In drafting the Senate Interior Appropriations bill, my staff and I consulted with the Department of Energy to ensure the amount provided in the bill would fully support the fiscal year needs of the ITM syngas membrane technology you just described.

Mr. SPECTER. I appreciate the opportunity to discuss these important items with the chairman today, and thank him for his attention to these crucial fossil energy research and development projects.

WIND RIVER IRRIGATION PROJECT

Mr. ENZI. Mr. President, today, I rise to talk about a promise the Federal Government made to Wyoming's Eastern Shoshone and Northern Arapaho Tribes nearly 100 years ago. A promise my colleague from Wyoming and I tried to fulfill this year through the appropriations process. Unfortunately, due to confusion about the project, we came up short-handed. As a result, I would like to take a few minutes to set the record straight.

In 1905, the Federal Government entered into an agreement with the Wind River Tribes to initiate and complete an irrigation project in exchange for the opening of 1.4 million acres of land to the United States. The Tribes lived up to their end of the bargain. The United States, on the other hand, has not. Since 1905, the project, known as the Wind River Irrigation Project has continually battled budgetary shortfalls, inadequate maintenance, and bureaucratic red tape.

The history of the Project's funding is long and complex. Construction began in the early 1900s and was funded under the Public Works Administration Project's budget. Significant improvements were made to the Project under this funding scheme and the Project grew to 13 main canals, 94 main laterals, 268 sub-laterals, two feeder canals and a couple of drainage canals. However, in the 1950s, new construction essentially stopped as Congress changed the way it funded Indian irrigation projects. When Congress began making lump sum appropriations to the Bureau of Indian Affairs for the Construction of Indian Irrigation Projects in 1951, funding became even more sporadic and unpredictable. Sometimes the system was in fair condition, but most of the time it was in poor condition. Finally, in the 1980s, Congress stopped appropriating all together for the construction of Indian Irrigation projects. As a result, the only significant Federal funds the Wind River Irrigation Project has received in nearly 20 years has been for the rehabilitation of the Washakie Dam, which was funded using money from the Safety in Dams program within the BIA.

Mr. BURNS. Will the Senator yield for a question?

Mr. ENZI. Yes.

Mr. BURNS. When my Subcomittee on Interior Appropriations reviewed your request for $3.4 million for the Wind River Irrigation Project, there was some question as to whether or not the BIA is "legally obligated" to maintain this system. Has the Senator been able to find out what the BIA's responsibilities are?

Mr. ENZI. It is my understanding that the BIA owns and operates this system and has been responsible for the collection of the operation and management fees since the project was authorized in 1905.

Mr. THOMAS. Would my fellow Senator from Wyoming yield?

Mr. ENZI. Yes.

Mr. THOMAS. It is also my understanding that the BIA assessed the need for repairs on several occasions, including a 1968 Completion Report that found 74 percent of the irrigation structures and 61 percent of the canals needed serious rehabilitation at a cost of $6.6 million in 1968 dollars or approximately $26.0 million in 1993 dollars.

Furthermore, since the BIA's 1968 Completion Report, several additional studies have been conducted, specifically one in 1988 which indicates that $50 million would be needed to completely rehabilitate the Wind River Irrigation system. The most recent study completed in 1994 cited that over 60 percent, or 1200 structures need repair or replacement, and 45 percent, or 190 miles of canals and laterals need repair or reconstruction. Due to the Project's current configuration, it has only 66 acres of irrigated land per mile of canal. In comparison, Midvale Irrigation District, which lies adjacent to the Wind River Reservation, has over 160 acres per mile of canal.

Mr. ENZI. Is the Senator aware that as a general guideline, the Bureau of Reclamation suggests that irrigation projects in the region need at least 140 acres of irrigated land per mile of canal to be economically self sufficient? No wonder the Wind River Irrigation Project has been forced into a state of disrepair. It is pretty difficult to collect enough user fees to maintain a system when it is only serving 55 acres of irrigated land per mile of canal.

Mr. THOMAS. My colleague is exactly right. This situation has resulted in a critical shortage of financial resources to maintain Project facilities, causing less efficient use of water, progressively deteriorating crop quality, and an increase in the proportion of income water users' pay in fee assessments.

This lack of resources should not continue in the Wind River Basin, or catastrophic events like major floods from dam failure and/or severe droughts could occur. The Wind River Irrigation Project needs rehabilitation. The water users in the area—folks who have been hit hard by region's drought—cannot continue to operate their ranches and farms without addressing the root of the problem. The Wind River Irrigation Project is the source of water problems on the Reservation. It affects Indians and non-Indians, and it is recognized by the State of Wyoming as the most critical agricultural and economic issue facing residents on and near the Reservation.

Mr. ENZI. We are both from the great State of Wyoming and I am extremely encouraged by the leadership our State government has shown in helping to address the water problems on the Reservation. We both received letters from our Governor, the Director of the Wyoming Water Development Commission, county commissioners from that area and three State legislators in full support of the project. We have also heard from the Mayor of Riverton, which sits adjacent to the Wind River Reservation, and the three surrounding irrigation districts. While the vocal support is helpful, I am even more encouraged by the State's willingness to put its money where its mouth is.

Mr. THOMAS. My colleague is correct. I would also like to add that during Wyoming's last legislative session, the Wyoming legislature and the Wyoming Water Development Commission worked closely with the Wind River Tribes to develop and pass legislation that will enable the Tribes to act as sponsors of water development projects through the Wyoming Water Development Program. According to the Director of the Wyoming Water Commission, funding for the Wyoming Water Development Program is appropriated annually by the legislature for specific projects, like rehabilitating certain parts of the Wind River Irrigation Project. Unfortunately, the State does not have the financial means or the desire to fund a federally owned and operated system by itself. However, this cooperation highlights that Federal dollars spent on the Wind River Irrigation Project would go a long way towards not only its rehabilitation, but would also encourage the State of Wyoming to become more involved in addressing the water needs of that area.

Mr. BURNS. Senator, we included language in the Interior Subcommittee Report that required the BIA, if legally responsible, to formulate a plan to address the rehabilitation cost no later than 120 days after the Interior Appropriations bill is enacted. Do you believe the BIA has clarified its legal obligation?

Mr. ENZI. I thank the Senator for the question and yes, according to information provided by the Department of the Interior, the Bureau of Indian Affairs owns the system. Although a portion is managed by the Tribes under a 638 contract, the BIA clearly owns and operates the Wind River Irrigation Project.

That is why it is so critical that the Federal Government step up and help fulfill this promise to the Tribes on the Wind River Reservation. Rehabilitating the Wind River Irrigation Project is the only way farmers, ranchers and other land users can produce their commodities. Furthermore, unless we improve the system so that it is a reliable water source, the Tribes cannot attract new and diverse businesses. Without funds to fix this problem, the Reservation cannot move into the 21st century successfully.

Mr. BURNS. I appreciate the interest my colleagues have shown in the Bureau of Indian Affairs' irrigation program. As I have discussed with them in the past, I have similar problems in my own home state of Montana and hope to address them in the near future. Insufficient fee collections and mismanagement have taken their toll on the irrigation systems and both tribal and non-tribal members are now having their livelihoods placed at risk. Unfortunately, within the current Subcommittee allocation we can not even begin to tackle the problem with the current funding levels. I invite my colleagues to work with me in next year's budget process to reform this program and work to provide additional funding specifically for Bureau of Indian Affairs irrigation projects so the Subcommittee on Interior Appropriations has the opportunity to begin addressing the problem.

Mr. ENZI. We will have to find a way to fund the Wind River Irrigation Project and other similar Indian Irrigation projects in the future. I hope we can work with our colleagues on the Budget Committee and Appropriations Committee next year to address the critical shortfall in funding and the lack of planning to address these problems within the BIA.

PRIVATE LANDOWNER'S INCENTIVE PROGRAM

Mr. ENZI. Mr. President, I thank my colleague from Montana, the distinguished chairman of the Senate Interior appropriations subcommittee, for his leadership in bringing this important spending bill to the floor and for helping us establish the spending priorities for our Nation's public lands. Wyoming is greatly impacted by this bill and Senator BURNS' leadership is very much appreciated. Because of this tremendous impact on Wyoming, I would like to ask my colleague if he would join me in a colloquy to discuss one of the programs that is funded in his bill.

Specifically, I would like to discuss the Department of the Interior's Private Landowner's Incentive Program and its potential impact on land management planning on private lands within the U.S. Forest Service's Thunder Basin National Grasslands.

Mr. BURNS. I would be glad to join my colleague from Wyoming in a discussion about this program. The Senate Interior appropriations bill is proposing to fund this program at $40 million and should provide States and private landowners some of the dollars they need to protect and restore habitats on private lands, to benefit federally listed, proposed or candidate species or other species determined to be at-risk, and it provides technical and financial assistance to private landowners for habitat protection and restoration. I agree with my colleague from Wyoming that this is an important program for the West, and, if it is implemented properly, it should help States like Wyoming and Montana to maximize local habitat restoration efforts by allowing them to target dollars where they are needed most.

Mr. ENZI. I would like to share one example of an effort in Wyoming that has already benefited from this program and which I feel could greatly benefit in the future from its continued participation. Three years ago I met with officials from the Thunder Basin National Grasslands Landowners Association, the Department of the Interior and the U.S. Department of Agriculture to discuss the role that private landowners could play in developing land management plans on western national grasslands. The Landowners Association presented a revolutionary proposal to combine the talent and resources of all local landowners to develop an ecosystem assessment and to enter into a series of ecosystem management strategy and conservation agreements with the Forest Service and the U.S. Fish and Wildlife Service that would integrate a comprehensive, multi-species land management proposal for more than 260,000 acres of Federal and private lands within the U.S. Forest Service's Thunder Basin National Grasslands. Their proposal was to first establish a scientific baseline where they catalogued what was on the land and what species existed. Then they proposed to use that baseline to make ecosystem-wide management decisions that would make the land as a whole more vibrant and more sustainable for a number of species including the black-tailed prairie dog, the black footed ferret, and the sage grouse. What they would not do was make management plans based on the presence or absence of any one specific species or to pit different species' habitat requirements against each other. Their goal was to make the land healthier as a whole so that all species would be better off.

As a result of their efforts the Department of the Interior was able to provide an initial grant to the association through the Landowner's Incentive Program of $150,000 that allowed them to assemble an advisory committee made up of national grasslands experts that has helped them develop scientific research and monitoring protocols that are now being used to establish baseline information on area wildlife and ecosystem concerns. In fiscal year 2003, we funded this program at $175,000 which allowed the association to continue its monitoring efforts and to host a symposium in Wyoming on cooperative land use efforts. I would like to see this group funded again in fiscal year 2004 at a minimum of $175,000 to ensure that their efforts have not been wasted.

I would like to ask my colleague if he has any thoughts on whether or not we should continue funding this program.

Mr. BURNS. I agree with my colleague that this appears to be a worthy project whose goals of habitat protection and species restoration are consistent with the expressed goals of the Private Landowner's Incentive Program. I believe this is the kind of innovative effort that should be considered for funding by the Department of the Interior and I encourage them to apply for a competitive grant through the LIP program.

Mr. ENZI. I thank my colleague for his thoughts and once again express my appreciation for his leadership in these important issues. I thank the Chair for the opportunity to discuss this program.

REBUILD AMERICA

Mr. LEAHY. Mr. President. I rise to engage the chairman and Senator DORGAN in a colloquy concerning the Rebuild America Program at the Department of Energy. The events of August have dramatically shown all of us that we need to take immediate steps to increase the reliability of our electricity grid. In Vermont, we came very close to being swept up in the blackout cascade. Our transmission grid is under increasing demand pressure. Although there are several proposals to upgrade the transmission grid, everyone recognizes that the only action we can take immediately is energy conservation. This is why I strongly support the Rebuild America Program to help bring emerging technologies to our States to improve energy efficiency in buildings. I would like to work with the chairman and Senator DORGAN to increase funding for this program to bring it closer to the Fiscal Year 2003 level.

Mr. BURNS. I thank the Senator from Vermont and also recognize that Rebuild America can help alleviate the pressure on our transmission grid in the near term. The Department's budget request indicates that every dollar the taxpayer invests in this program gets a return of about $10 in benefits. The program focuses on our schools, hospitals, small communities, and small businesses. It successfully enables the upgrading of millions of square feet per year. I will work with Senators LEAHY and DORGAN to improve funding for this program in conference with the House.

Mr. LEAHY. I thank the chairman and Senator DORGAN. With the events of last month, Vermonters and people across the country need the information and outreach that this program provides. I strongly urge the chairman to use the conference to return this program to a level approaching its Fiscal Year 2003 funding of $12.7 million.

ZERO ENERGY BUILDINGS

Mr. REID. Mr. President, as the ranking member of the Energy and Water Development Committee and a member of the Interior Committee, I rise to express my support for the Zero Energy Buildings program. As a result of the administration's reorganization of the Energy Efficiency and Renewable Energy account, this program was shifted from the solar technologies account to the buildings account. Yet, the administration requested $4 million to fund this program from the Energy and Water Bill—a position that both the House and Senate subcommittees did not support.

This awkward funding situation, if not fixed, will cause us to lose momentum on this important program. Solar initiatives are generally funded from the Energy and Water development bill. Building initiatives are generally funded from Interior. It is my intention to work to restore funding for this program in a manner acceptable to both subcommittees.

ZEB boasts some major achievements given its relative youth. The United States Department of Energy, teaming with homebuilders, energy efficiency professionals, and the renewables industry—primarily the solar industry—are responsible for the creation of the next generation of homes. These homes are more energy efficient than ever and self-generate to the point where their progeny are expected to reach net zero energy consumption. We need these homes to proliferate so that we can enjoy increased national security through a reduction in imported fuels; a cleaner environment; a more reliable grid; and as important as any element, cheaper and more predictable energy costs for American homeowners and small businesses.

Several of the largest homebuilders in the United States now participate in this program, including: Pulte Homes, Centex Homes, Shea Homes, Pardee/Weyerhauser, Morrison Homes, and Mercedes Homes. Many of these have sent letters of support for the program, and it is my understanding that about one dozen additional homebuilders are planning to join with DOE on this program.

The Solar Decathlon held on the Mall in Washington, DC last year, which attracted over 100,000 visitors, featured Zero Energy Homes constructed by university teams from across the United States.

I am proud to say that a Zero Energy Home is now under construction in Las Vegas and will serve as the "show home" for next year's International Builders Show hosted by NAHB, which is expected to be attended by more than 90,000 building industry representatives.

In a strong endorsement letter of the program, Michael Luzier, president of the NAHB Research Center, states:

> I urge you to find funds within DOE's budget so the Zero Energy Home program continuity will not be lost. To lose the momentum toward energy independence that this program has created within the home building industry would be a shame. I fear that without funding in FY '04, we will lose the interest of builders we have been working with and the progress in home energy efficiency we all support.

For all of the above reasons, I request the chairman's assistance in working with the Energy and Water Development Subcommittee to find funding for this program in a way that compliments and does not harm other worthy efforts.

Mr. BURNS. I agree that the Zero Energy Buildings program is worthy of support, and I pledge to assist in efforts to provide appropriate funding.

AMENDMENT NO. 1725, AS MODIFIED

Mr. FEINGOLD. Mr. President, the amendment that I am offering today would provide sufficient funding from the underlying bill to enable the Secretary of the Interior to submit to Congress a report on the amount of goods acquired by that Department in fiscal year 2004 that were made overseas.

I want to thank the chairman and the ranking member of the subcommittee for working with me to include this important provision in the bill.

My amendment requires that this report include the following information: (a) the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and (c) a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

The amendment also requires that these reports should be made publicly available on the Internet.

Current law requires that only the Department of Defense report annually on its use of waivers of domestic procurement laws. Earlier this year, I introduced legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the Federal Government. The name of the act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods. One part of my bill would require that all Federal Departments and Agencies submit the annual reports that are currently required only of the Pentagon. The amendment that I am offering today is based on that provision in my bill. Recently, the Senate adopted a similar amendment that I offered to the fiscal year 2004 Labor-HHS-Education and energy and water appropriations bills.

The Buy American Act requires that the Federal Government support domestic businesses and domestic workers by buying American-made goods. The underlying bill expresses the sense of the Senate that goods and equipment purchased with the funds included in this bill should be American-made.

It only makes sense that Federal Departments and Agencies be required to report to Congress on their compliance with Federal law and with congressional intent regarding this important matter.

The Department of Labor reported recently that the United States economy lost 93,000 jobs in the month of August, including 44,000 manufacturing jobs. The stagnant economy and continued loss of high-paying manufacturing jobs underscore the need for the Federal Government to support American workers and businesses by buying American-made goods.

Again, I thank the chairman and ranking member of the subcommittee for agreeing to accept my amendment.

Mr. LAUTENBERG. Mr. President, I rise today to speak about a disturbing shift in our country's historic support for programs that protect our wildlife refuges, forests and other open spaces. Particularly, the Land and Water Conservation Fund, LWCF.

The Bush administration's 2004 funding request represents a significant decrease in support for land acquisition.

Yet this direction is the opposite of what then Governor Bush promised during his 2000 campaign.

Governor Bush issued a campaign paper on September 13, 2000, that promised to fully fund the Land and Water Conservation Fund at $900 million.

The fund has been enormously effective over the years and is funded, not by taxpayers but from a portion of fees from oil and gas receipts which Congress committed in 1965.

Yet despite the President's pledge, 1 year later the Administration diverted $456 million of that fund to other purposes.

According to the Congressional Research Service, for Fiscal Year 2004, the administration has proposed to decrease Federal land acquisition funding to $128 million below the FY2003 funding level, which will more than offset proposed increases in State grants.

I want to commend by colleagues on the Interior Appropriations Subcommittee who have worked very hard under difficult budgetary conditions to develop the best bill they could.

But the President is playing a funding "shell game." While he claims to support conservation funding, he once again proposes to use $246 million of the LWCF to pay for non-conservation programs.

Only by counting as many as 15 other programs in its annual budget request programs NOT authorized for LWCF funding under the original 1965 law does the President's budget make it appear that the LWCF is well-funded.

Turning his back on campaign promises aside, the President's budget would actually cut the fund's core Federal land acquisition programs by 40 percent from FY03 levels, and fully 60 percent below the authorized level of $900 million for both the Federal and stateside portions!

This direction reverses years of progress in increasing the funding we need to protect our dwindling natural resources. And unfortunately, the funding levels approved by the House are even more abysmal.

Today, there is a $10 billion backlog in needed Federal acquisitions, and billions of dollars in unmet needs at the State and local levels.

This is certainly contrary to the spirit of another Republican president, Theodore Roosevelt, who during his time in the White House had the vision to protect 230 million acres of land.

Today, those lands are enjoyed by hikers, vacationing families, hunters, and many others.

Between 1999 and 2000, the Clinton administration increased funding for the LWCF by 35 percent. President Clinton understood how vital these programs are to preserving our American heritage.

This year the U.S. Forest Service reported that even with all of our land conservation programs, in one decade between 1990 and 2000—our Nation's urban and suburban areas grew in size by an astonishing 25 percent!

This growth has been at the cost of lost forest and farmland all across the Nation and it poses a significant threat to the integrity of these valuable lands.

Forest lands that are intact supply timber products, wildlife habitat, soil and watershed protection, and recreation. But when these areas fragment and disappear, so do the benefits they provide.

Many local governments work hard to guide development away from the most sensitive areas through zoning and other measures.

But in New Jersey, and many other States, these measures are simply not enough to fully protect our forests and open spaces.

New Jersey is the most densely populated State in the Nation and we understand that over-development endangers our water supplies and places severe pressure on all our environmental amenities.

Forest Legacy and the Land to Parks Program are examples of the Federal Government at its best—working in partnership with States and local governments to protect environmentally sensitive lands.

These programs are entirely voluntary. No landowner is required or pressured to participate.

Forest Legacy encourages the protection of privately owned forest lands and helps States develop and carry out their own forest conservation plans.

Aldo Leopold said, "Our remnants of wilderness will yield bigger values to the Nation's character and health than they will to its pocketbook, and to destroy them will be to admit that the latter are the only values that interest us."

I don't believe that is true for Americans, and I don't believe that is true for my colleagues in this body.

I urge my colleagues in the Senate and especially those who will represent this body in the conference committee to support the highest levels possible for our land acquisition programs.

Mr. NICKLES. Mr. President, I rise in support of S. 1391, the FY 2004 Interior and Related Agencies Appropriations Bill, as reported by the Senate Committee on Appropriations.

I commend the distinguished Chairman and the Ranking Member for bringing the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $19.6 billion in discretionary budget authority and $19.4 billion in discretionary outlays in FY 2004 for the Department of the Interior, the Forest Service, Energy conservation and research, the Smithsonian and the National Endowment for the Arts, and National Endowment for Humanities.

The bill is at the Subcommittee's 302(b) allocation for budget authority and $4 million in outlays below the 302(b) allocation. The bill provides $155 million or .8 percent more in discretionary budget authority and $1.0 billion or 5.6 percent more in discretionary outlays than last year's bill. The bill provides $72 million more in discretionary budget authority and $93 million more in discretionary outlays than the President's budget request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD. I urge the adoption of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1391, INTERIOR APPROPRIATIONS, 2004—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	19,627	64	19,691
Outlays	19,359	70	19,429
Senate Committee allocation:			
Budget authority	19,627	64	19,691
Outlays	19,363	70	19,433
2003 level:			
Budget authority	19,472	64	19,536
Outlays	18,340	73	18,413
President's request:			
Budget authority	19,555	64	19,619
Outlays	19,266	70	19,336
House-passed bill:			
Budget authority	19,627	64	19,691
Outlays	19,393	70	19,463
Senate Reported bill compared to:			
Senate 302(b) allocation:			
Budget authority			
Outlays	(4)		(4)
2003 level:			
Budget authority	155		155
Outlays	1,019	(3)	1,016
President's request:			
Budget authority	72		72
Outlays	93		93
House-passed bill:			
Budget authority			
Outlays	(34)		(34)

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BURNS. I ask unanimous consent that the Interior appropriations bill move to third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BURNS. I ask unanimous consent that the bill be considered and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the passage of the bill, as amended.

The bill (H.R. 2691), as amended, was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Again, I thank my good friend from North Dakota. We worked very closely on this bill. I think we set a record. Actually, we started last Thursday and everyone shuffled out of town for some reason or other—Isabel or something. But we actually have only worked on this bill—this is Tuesday—we did not have votes yesterday and we got some work done.

I appreciate the Senator's contribution to this bill. His staff has been very good.

I ask unanimous consent that the Senate insist on the amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BROWNBACK, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI conferees on the part of the Senate.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DORGAN. Mr. President, yesterday we had a hearing in the Senate Appropriations Committee with Ambassador Bremer, who has just returned from Iraq and is here for the week to talk about the needs in the country of Iraq, especially to talk about the requested $87 billion that is the part of the President's request he says is necessary for both the military needs in Iraq, to support the troops stationed in Iraq and now completing their mission in Iraq, and also $20 billion for the reconstruction of Iraq. I want to make a couple of comments about that because, since our hearing yesterday, I have been doing some research.

At the hearing yesterday I said to the Ambassador: It is quite clear to me the Congress will respond affirmatively. First of all, it is unthinkable to send America's sons and daughters wearing our military uniform to war anywhere in the world and not provide all the support that is necessary and that is requested. The military portion of that request, in my judgment, will be granted, should be granted completely and quickly.

Second, on the question of reconstructing Iraq, the $20 billion necessary for the reconstruction of this country, I asked Ambassador Bremer a number of questions. I want to make a comment about that and some of the research I have done since that time.

It is the case that the campaign that was called "Shock and Awe," which we all saw on the television, of bombing and the ensuing military action with smart bombs, smart weapons—that campaign did not target Iraq's infrastructure. It did not target the electric facilities, did not target the power facilities or dams or roads or bridges. It targeted military targets, palaces, and other items of strategic value, but it specifically did not target infrastructure in Iraq. So the damage to the infrastructure in Iraq is not damage caused by America's military action in Iraq. It is caused now, increasingly, by the insurgent movement in Iraq, the terrorists and others who are engaged in destruction in Iraq.

But the question I was asking the Ambassador about reconstructing Iraq is, if we did not destroy Iraq's infrastructure, then why should the American taxpayer be paying money to reconstruct the infrastructure? I suggested the infrastructure obviously needs to be dealt with, but should not the oil reserves in Iraq be used to pump the oil and produce the revenue for the reconstruction of this country? Iraq has the second largest oil reserves in the world. Those oil reserves, it seems to me, ought to be used for the reconstruction of Iraq. Let Iraqi oil pay for the reconstruction of Iraq.

Ambassador Bremer said to me: One of the problems with that approach is Iraq has a substantial amount of accumulated debt.

Since yesterday I began to research what is this debt that Iraq owes the rest of the world. My guess is it is the Saddam Hussein government that owes the rest of the world. That government does not exist. He is in hiding somewhere. The government doesn't exist any longer.

Here are the countries that Saddam Hussein presumably owes money to: Kuwait, probably somewhere around $20 billion; Saudi Arabia, $25 billion; the other gulf states, probably $25 billion; Russia, $10 billion; France, $6 billion. These are not specific amounts that are tied down very well because the World Bank Debtor Reporter System tells us there are no collated figures available from Iraq because Iraq is one of the few countries which did not report its debt statistics.

So no documents exist in the Iraqi Ministry of Finance. None of it has yet emerged. They may well have been lost in the chaos. But would it be ironic if the American taxpayer is told that they must use their money to reconstruct Iraq and the Iraqi oil wells will pump oil, the proceeds of which will be used to pay Saudi Arabia and Kuwait for debts incurred while Saddam Hussein ran the Iraqi Government? You talk about a Byzantine result, that is it.

I believe reconstruction is necessary. But I also believe that reconstruction ought to be paid for with Iraqi oil. The Ambassador will say, Well, there is not enough money left for the operation of the Iraqi Government, but the Ambassador also said yesterday with some satisfaction that they just put a new tax system in the country of Iraq. He said with some satisfaction that the top income tax rate is 15 percent.

So we are going to ask the Americans who will pay a top rate of 39-percent income tax to send reconstruction money to Iraq whose economy is generating an income tax against that with respect to its wealthiest citizens at a rate of a 15-percent tax rate. I don't think that makes much sense.

My only point is this: Of the $20 billion, $5 billion is for security. So there is $15 billion for security and reconstruction above the military needs. I believe that what we ought to do is have the Ambassador and the administration work very hard to resolve these debts. It seems to me one might well tell the Saudis and the Kuwaitis: You loaned the money to the Saddam Hussein regime. You know that debt is owed to you by Saddam Hussein. Go find him and go collect it. If you think you can find him, tell us where he is. But go find him and collect it. That ought not be a burden on the country of Iraq. The government with which you engaged in this credit transaction no longer exists.

Following that, it seems to me that it would be reasonable to securitize or collateralize Iraqi oil. We know they will by next June or July be pumping 3 million barrels per day. The amount that is not needed in Iraq but that is available for export will yield revenues of about $16 billion a year. That is $160 billion in 10 years, or $320 billion in 20 years, this for a country of 24 million people. If you can't securitize or collateralize $320 billion over 10 years to pay for a $20 billion reconstruction of Iraq, then there is something wrong with all the financiers and all the tall thinkers who are working on this.

I believe the money requested is necessary. But I believe the construct of the reconstruction in Iraq and the payment for that reconstruction should not be a burden on the shoulders of the American taxpayer—not taxpayers who are paying more than double the rate the top taxpayers in Iraq will be asked to bear and not taxpayers who should pay taxes so Iraqi oil wells can pump oil to send money to Saudi Arabia and Kuwait. What a perverse result that would be.

We are going to have a lot of discussion about that, and we should have. The President has made a request and said the money is necessary. He is right. The money is necessary. The question is not whether it is necessary on the military side because we ought to appropriate that money. We ought to do it now, and we ought not delay.

On the reconstruction side, let us understand the money is necessary but it ought to come from the resources from Iraqi oil. By my calculation, those resources would be $320 billion conservatively in the next 20 years. It is easy to collateralize or securitize that with the private sector. Or, for that matter, if you do not want the private sector with the IMF or the World Bank in order not to impose this burden on the American taxpayer but instead rely on Iraqi oil, once again the second largest reserves of oil in the world under the sands of Iraq, a country with 24 million people, they surely can afford to construct a plan—that is, the Iraqi council, and also the allies that are involved, including this country—can surely construct a plan by which we use that resource to reconstruct and reinvest in that country. It is Iraq's resource. It is Iraq's oil. It ought not be an obligation of the American taxpayer to pay for that portion of the emergency request.

My hope is, as we begin these discussions in the coming days, that two things will emerge: No. 1, the President and others will understand that Congress is going to respond and respond affirmatively to the needs that exist, especially for our soldiers but also with respect to reconstruction, and, No. 2, that Congress does not, should not, and will not respond by imposing a burden on the taxpayers of this country for the reconstruction needs that should be financed with Iraqi oil. That is a debate that we must have.

I hope the result will be positive for the American taxpayer and positive for the people of Iraq, for that matter, because they have substantial resources with which to reconstruct the infrastructure of Iraq, which, by the way, was not destroyed by this country. That infrastructure in Iraq was not destroyed by this country's military campaign. This country's military campaign removed a brutal dictator. We are now opening football-field-size graves containing 10,000 and 12,000 skeletons.

That campaign, however, while removing the Saddam Hussein government, did not destroy their country's infrastructure, and there are plenty of resources under the sands of Iraq to produce oil with which to produce revenue to reinvest in that infrastructure and in the future without having the American people bear that burden.

NOMINATION OF GOVERNOR MIKE LEAVITT TO HEAD THE EPA

Mr. ALEXANDER. Mr. President, I rise to commend President Bush for nominating Gov. Mike Leavitt to be head of the Environmental Protection Agency. Governor Leavitt's hearing was this morning and, from all accounts, he performed admirably, as I would expect. He is a distinguished public servant who has worked diligently to address the environmental problems in Utah and the Western States.

I believe the President has found the right person for the job of leading the EPA. The EPA Administrator must establish realistic regulations that often require compromise and balance. In my experience, almost all of the issues that deal with our environment require a good sense of balance because there are so many competing interests. Governor Leavitt has demonstrated his ability to work with all groups affected by environmental regulation. He pulled together, for example, Governors, tribal leaders, industrial leaders, and environmental activists to get behind a comprehensive plan to clear the haze obscuring the scenic views in the West, including the Grand Canyon.

For nearly 11 years, Governor Leavitt managed to bring together a diverse group of State and tribal officials, industrial leaders, and environmental activists who focused on developing a plan which led to action that is clearing the air in the West.

I hope that a similar plan can be developed to clear the haze in the great Smoky Mountain National Park, which is about 2 miles from where I live. It is the Nation's most visited national park, and it also has earned the unwelcome distinction of becoming the most polluted national park in America.

We welcome the help of Governor Leavitt as head of the EPA in coming up and working with our Governor and Federal delegation and our communities in Tennessee, who are very concerned about this, to help get on a long-term path that would clear the haze in the Smokies and restore its natural beauty.

This will require cooperation among local, State, and Federal Governments and industry and environmental activists. I believe Governor Leavitt is the right person to help lead that effort. He has demonstrated he can do this by getting collaboration among groups instead of polarization.

As Governor, Mike Leavitt has encouraged results-oriented environmental action. I strongly support his views that policy should encourage outside-the-box thinking in solving problems rather than just complying with Federal programs.

Our environmental problems are complex. They require examination of many strategies to achieve our Nation's goals. The EPA Administrator plays a crucial role in balancing our desire to protect the environment and our desire for jobs and prosperity.

I believe we can have good jobs and strong industry and clean air and clean energy. The solutions are not easy, and in most cases—many cases—require new technology. However, with Governor Leavitt's leadership, I believe we will be able to develop the solutions and partnership to meet realistic environmental goals.

The job of protecting the environment is a difficult one, one in which I take a great personal interest. The President of the United States—this President—has distinguished himself by making a number of superb appointments. He has made another such nomination, and I look forward to the chance to vote for Mike Leavitt as EPA Administrator.

May I add just a personal note, Mr. President? I was elected Governor first in 1978 in Tennessee. Since then, I have known more than 200 Governors, probably served with 80 or 100. Only a handful of those Governors, some on each side of the aisle—Democratic and Republican—have really understood the job, have used that office to set a clear agenda to develop a strategy to meet the agenda, and then persuade at least half the people they are right. All three of those elements are being part of being a good Governor. Those Governors have transformed their States.

Mike Leavitt is one of those Governors. Because of that, he was elected to be the chair of the National Governors' Association. He would not have been elected, and he would not have succeeded in the job if he had not been able to work with both Democratic and Republican Governors. He has earned and shares the respect of all who have known and worked with him. He is one of the outstanding State leaders of the last quarter of a century. He has a great sense of balance. He has an imaginative sense of what is possible, and he has an excellent ability to persuade half that he is right, which is a very important part of doing that job.

I am very pleased to see him coming to Washington, and I am delighted with President Bush's appointment. I wanted to be among the first to welcome him here. I thank the Chair.

CEASAR SALICCHI

Mr. REID. Mr. President, in 1970, a young man in Elko, NV spent $365 to run for the position of Elko County Treasurer.

That was the last time Ceasar Salicchi ever had to spend a dime in a political campaign . . . and the last time he had an opponent.

Since then, Salicchi has won eight additional terms as county treasurer. Overall, his career in public service to the people of Elko County has spanned five different decades . . . almost 42 years.

For those who have never had the fortune of visiting northeast Nevada, it is in the opinion of many the most beautiful part of the Silver State. Elko County boasts majestic mountains, and unlike most other parts of our state, gets enough rain to provide good range for livestock. So Elko is a prime area for ranching—a place, it would seem, where many beautiful scenes in cowboy movies could have been filmed.

Salicchi is the son of local ranchers Cesare and Nella Salicchi, Italian immigrants who are now deceased. Ceasar served in the Army in 1945 and '46, and returned home to start ranching with his father and his brother, Alfred. He married his first wife, Jeanine, in 1950, and they started a family and settled into life on the ranch.

I am sure Ceasar expected to spend his life as a rancher, as so many in that part of the country do. But on December 15, 1952, at age 25, he was stricken with polio. After his recovery, he faced living with disabilities that required him to walk with crutches.

Salicchi vowed that he wouldn't let his disabilities keep him down . . . and they certainly did not. Since ranching was no longer a viable way for him to support a young family, he went to the Reno Business College, earned a degree in business administration, and set out to forge a new career.

His exceptional skills in organization and fiscal management not only allowed him to succeed in that endeavor, but also benefited the people of Elko County.

In 1962, Ceasar was working in the local hardware store on Commercial Street in downtown Elko. A man named Al Huber, the accountant for the county-owned Elko General Hospital, offered him a job as the hospital's business manager.

Ceasar immediately started making positive changes in the hospital's operations. For example, he is credited with bringing the first computer to the hospital, an IBM Model 3. As he continued to look for ways to make things run better, he developed a reputation as a good steward of the public's money.

He decided to run for county treasurer in 1970, promising to modernize operations in the same way he had done at the hospital. The people of Elko County had faith in him, and he won the election. Since then, he has been re-elected eight times without opposition.

Salicchi is a life-long Democrat, and he reminisces with razor-sharp clarity about voting for President Harry Truman after he returned home from his Army tour in 1948.

But the secret to his political success is a personal approach to the job, not ideology.

"I enjoy this job," he says. "Serving the public and friends provides me with personal satisfaction, and service is my main objective."

He has provided tremendous service. At the time Ceasar took office, all of the financial operations at the Elko courthouse were still performed by hand. About 9,000 tax bills were processed by hand, and kept on the treasurer's office counter for people to walk in and pay.

Salicchi's efforts to modernize the office began in 1976 with the installation of the first computer system, and modernization has continued to this day. Earlier this year, following approval from the county commission, the treasurer's office successfully began auctioning delinquent property on the Internet.

Today, Ceasar's office processes more than 37,000 tax bills each year. He also oversees the management and investment of public money. The portfolio for Elko County runs from $55 million to $60 million, and the interest and dividends are distributed to the local school district and other public funds.

In the 1970s, when national efforts to protect the rights of persons with disabilities were just beginning, Salicchi served on several Governor-appointed committees to implement those policies in Nevada. That was around the same time I first met Ceasar, when I was running for Lieutenant Governor.

Since then, it has always been a delight to visit Elko and see Ceasar. I was there just a few weeks ago, and I asked him if he was planning to retire anytime soon.

He responded with that familiar twinkle in his eye and sly grin: "Maybe."

But his wife Darlene, who is also his biggest supporter, said, "We'll see about that."

While Ceasar has faithfully served the people of Elko County, his first love has always been his family.

His first wife, Jeanine, passed away on October 23, 1969. In 1984 he married Darlene, whom he had met when they both worked at the county hospital. Their children include Judy Trotter and Chet Gilbert, both of Elko; Tina Snow of Anchorage, Alaska; Dee Dee Kelsey of Aldrich, Minnesota; and Paul Gilbert of Los Angeles. Two sons, Ceasar Raymond Salicchi and Doug Shatto, are deceased.

Ceasar Salicchi has been a fixture in the public life of Elko, NV since 1962. The city of Elko, Elko County, and the State of Nevada are all better places because of a man who doesn't know the meaning of defeat—Ceasar Salicchi.

TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to salute a great Nevadan, a great human being and a great athlete . . . my friend, Greg Maddux.

Mr. Maddux pitches for the Atlanta Braves baseball club. Since he went to Atlanta almost 11 years ago,the Braves have won their division every single season.

This is no coincidence. Greg Maddux has been the heart and soul of the Atlanta Braves and the key to their remarkable string of success.

From 1992 through 1995, he won the Cy Young award as the best pitcher in baseball—4 years in a row. No other pitcher has ever accomplished that—and I doubt anyone else ever will.

He finished the 1990s with a 2.54 earned run average for the decade. Only two pitchers had posted a better ERA over a decade since 1910—Hoyt Wilhelm and Sandy Koufax. That's pretty good company. And in 1995, Maddux became the first pitcher to log back-to-back seasons with an ERA under 1.80.

From 1990 through 2001—12 consecutive years—Greg won the National League Gold Glove as the league's best-fielding pitcher.

He pitched nine scoreless innings in game one of the 1995 World Series, leading the Braves over the Cleveland Indians.

Greg could have retired years ago, and he would still be assured of entering the Baseball Hall of Fame on the first day he is eligible.

But he keeps pitching, and he keeps setting a new standard of excellence.

Sunday, he broke a record that had been held by the great Cy Young himself, winning at least 15 games for the 16th consecutive season.

For a major league pitcher, winning 15 games in a season is a feat that only the best will ever accomplish. To do it for 16 straight years is almost unthinkable.

They say records are made to be broken. Well, I think this one will stand for a long, long time.

The success of Greg Maddux is even more amazing when you consider that he doesn't have overwhelming speed. In an era of 100 mph fastballs, his clock in the mid-80s. He doesn't try to overpower hitters . . . he just outsmarts them.

Maddux is an unsurpassed student of the game who relies on his pinpoint control and his unyielding determination. He never gives in to hitters. He makes them swing at his pitches.

After he defeated the Florida Marlins to break Cy Young's record, 72-year-old Florida manager Jack McKeon said, "He doesn't get you out—he makes you get yourself out."

Anybody who is a baseball fan, as I am, would be proud to know Greg Maddux. But he is more than a great athlete . . . he's a great person.

He is a devoted family man, married to a wonderful wife Kathy. They have a daughter Amanda Paige and a son Chase Alan.

Obviously, the Maddux family could live anywhere they want to. I am proud that they have chosen to live in Las Vegas, where Greg grew up and graduated from Valley High School.

Greg doesn't endorse commercial products, and he has no interest in the glamorous life of a celebrity. Instead, he and his family live quietly, giving generously of their time and money for causes that benefit our community.

Kathy and Greg lead the Maddux Foundation, which is involved in several charitable activities in Las Vegas and Atlanta. The Foundation supports children's homes, domestic crisis shelters, and boys and girls clubs.

In recent years, the Madduxes have expanded their philanthropic efforts, and his brother Mike also has a foundation that helps children.

Baseball fans all over America know Greg Maddux as one of the greatest pitchers in the history of the game.

In southern Nevada, we know him as a devoted family man, a positive role model for kids, and a great neighbor.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on August 30, 2003, in New Orleans, LA. There, a 53-year old gay man from Pennsylvania was stabbed in the back. Upon arrest, his attacker confessed that he "wanted to kill a gay man."

I believe that our Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Hagerstown, IN. Staff Sergeant Frederick L. Miller, Jr., 27 years old, was killed in Ar Ramadi on September 20, 2003 when an explosive device hit his vehicle while he was on security patrol. Frederick joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Frederick was the sixteenth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He leaves behind his parents, Ann and Frederick Miller, his wife, Jamie, and two daughters, Haley and Sierra. Jamie is pregnant with the couple's third child, a boy. Today, I join Frederick's family, his friends, and the entire Hagerstown community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Frederick, a memory that will burn brightly during these continuing days of conflict and grief.

Frederick L. Miller, Jr., joined the Army after graduating from Richmond High School in 1994 and would have marked his eighth year of military service next month. He commanded a Bradley Fighting Vehicle in Troop K in the 3rd Squadron of the 3rd Armored Cavalry Regiment. Before Iraq, he served in combat zones in Kosovo, Yugoslavia and Bosnia. Frederick was discharged after his first tour of duty, but chose to re-enlist after the September 11 attacks. His family remembers him as a true American hero, who returned to the Army during our Nation's most trying time because he felt bound by duty, and today, we honor the sacrifice he made while serving his country.

As I search for words to do justice in honoring Frederick L. Miller, Jr.'s sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow his ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did there." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Frederick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Frederick L. Miller, Jr. in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Frederick's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

ADDITIONAL STATEMENTS

AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

• Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2003 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They go to work every day with little recognition, providing much needed and greatly valued care and assistance.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2003 Direct Service Professional Award: Marsha Andrews, Abelardo Cabreros, Janice Davila, Linda Dunlap, Sylvia Eiland, Guy Evans, Liz Foose, Tanya Garrett, Emma Grebenick, Jenny Greiner, James Harden, Susan Jauch, Carolyn Jones, Greg LeRette, Luvinia Mayfield, Broderick Porter, and Ginny Seaworth.

I know my fellow Senators will join me in congratulating the winners of the 2003 Direct Service Professional Award. I applaud their dedication and thank them for their service.•

TREEPEOPLE'S 30TH ANNIVERSARY

• Mrs. BOXER. Mr. President, on October 11, TreePeople will celebrate the 30th anniversary of its founding. Few organizations have had such an impact, have energized so many volunteers or have so transformed a community as has TreePeople. I applaud them and thank them for their wonderful work over the past 30 years.

TreePeople, much like the trees it plants, started as a tiny seed before blossoming into the powerful organization it is today. TreePeople was founded by a then-15-year-old summer camper, Andy Lipkis. Andy, like many foresters, understood that substantial tree die offs in the local mountains were the consequence of Los Angeles' smog, and wanted to do something about it. Andy organized his fellow campers, and together they ripped up a parking lot and planted a meadow. But he was not finished. Andy next obtained 8,000 seedlings from the California Department of Forestry's surplus stock and started the California Conservation Project, later renamed "TreePeople."

Since its founding, TreePeople has been committed to planting trees—millions of trees. They began by planting 50,000 trees with 50,000 student volunteers in environmental programs at Coldwater Canyon Park. Several years later, after the City of Los Angeles estimated that it would take 20 years to plant a million trees in order to comply with the Clean Air Act, TreePeople took on the project and did it in three years. Later, TreePeople helped launch the Los Angeles Conservation Corps, and Kate and Andy Lipkis were elected to the United Nations Environmental Programme's Global 500 Honor Roll. TreePeople's work has extended across international boundaries with thousands of fruit trees being shipped to foreign lands to avert hunger and starvation.

TreePeople has also focused on environmental education programs and played an important part in getting 60,000 elementary school children to work toward the City's goal of mandatory recycling. In the 1990s, TreePeople launched the Campus Forestry Program, now boasting the participation of more than one million children and teenagers. TreePeople has also developed the Trans-Agency Resources for Environment and Economic Sustainability, or T.R.E.E.S., program to promote better watershed management practices.

Today, TreePeople continues to work tirelessly to make Los Angeles a better and healthier place to live. TreePeople started modestly as one person with a dream. With steadfast determination and passion, his dream became a reality. Andy Lipkis is living proof that one person, with a corps of countless volunteers, can make a big difference. I commend his vision, and I applaud him and all those who helped make his vision tangible. TreePeople's greatest strength is in its ability to attract volunteers who are willing to work for a better community. I thank them for their great work.

I extend my congratulations to everyone involved with TreePeople on this special anniversary and wish them all many more years of continued success.•

RECOGNIZING ROBERT G. MacEACHRAN

• Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an exceptional educator from my home State of Michigan. On September 27th, Robert G. MacEachran will retire after 16 years as Superintendent of the Suttons Bay Public Schools. Mr. MacEachran's dedication to his students and lifelong commitment to maintaining a standard of excellence for the Suttons Bay Public Schools has made a great difference in the lives of many residents of northern Michigan.

Mr. MacEachran began his work in public education as a junior high school math teacher in the Battle Creek School District. He then moved to the East Grand Rapids School District and taught high school math for several years. With many years of teaching under his belt, he decided to pursue his longtime goal of becoming an educational administrator to ensure that schools maintained an environment that encouraged learning by stimulating the minds of all students. Mr. MacEachran moved to the Comstock Park Schools where he served as Assistant Principal, Athletic Director, and Director of Community Service.

After 22 years of service as an educator, Mr. MacEachran moved to northern Michigan and took the position of Superintendent for the Suttons Bay public school system. In this position, he has stressed the importance of using the newest technology to ensure that students have all the resources needed to enrich their learning experience. Mr. MacEachran has also made great strides in developing new relationships between private and public schools. He developed a partnership between the local Montessori school and Suttons Bay Public Schools that incorporates the Montessori educators and their techniques into the public school curriculum. He was also pivotal in the construction of a new high school. This new building allowed all K–12 grades to be moved to new classrooms.

The dedication and innovation that Robert MacEachran has brought to the Suttons Bay Public Schools during his 16-year tenure as Superintendent and 38 years within the Michigan public school community is exceptional. He has demonstrated unwavering support for the education of Michigan's youth. The legacy that he has left within the Suttons Bay public school system will endure after his retirement. Future generations will greatly benefit from his commitment to the education and development of all children. I am confident my colleagues will join me in offering our heartfelt thanks and appreciation to Robert G. MacEachran and in wishing him well in his retirement.•

RECOGNIZING TONY AUTORE

• Mr. LEVIN. Mr. President, it is my pleasure to recognize Tony Autore for his outstanding commitment to community service in my home State of Michigan. On September 26, 2003, the Chippewa-Luce-Mackinac Community Action Agency will honor Tony for his exemplary service to the Eastern Upper Peninsula and to the Community Action Agency.

Tony began his service to the community in 1952, when he entered the United States Army and served until he was honorably discharged in 1954. After his two years in the Army, Tony moved to Cedarville, MI, with his wife Ethel and began a successful local business. Tony's service continued as he became a member of the Les Cheneaux Chamber of Commerce. The Chamber recently hosted the Michigan Outdoor Writers' winter and summer conventions, bringing over 300 writers to the area to discuss and celebrate the conservation and preservation of the state of Michigan's natural resources.

Tony has also served his community on the Clark Township volunteer fire department and the Les Cheneaux Community Foundation Board and was instrumental in establishing a Boy Scout Troop in the area. Along with these activities, Tony has devoted his time and talent improving his community for others as a member of the planning commission, the Mackinac County Housing Commission, and the economic development corporation. Tony has also been involved with other local organizations. He is a member of the Lions Club, the Knights of Columbus, and the Christopher Columbus Association.

For the past 18 years, Tony has served on the Board of the Chippewa-Luce-Mackinac Community Action Agency. He is currently the treasurer of the group, which strives to address poverty by helping to enable people to become self-sufficient members of society. The counsel and advice he has given the Agency Director and staff have been invaluable. During his time with the agency he has helped provide a truck and driver free of charge to help with the periodic distribution of food commodities in the area. Additionally, through his ties to the local community, Tony helped the agency secure use of the town hall for senior congregate meals. Tony also assisted the Community Action Agency in the development of a Head Start Center in Cedarville. Appropriately, this center will be dedicated as the "Autore Center, Community Action Agency Head Start".

I am confident that my colleagues in the Senate will join with me in thanking Tony Autore for his outstanding service to his community and congratulate him on receiving this high honor from the Community Action Agency.•

KEN FERGESON, CHAIRMAN OF THE ABA

• Mr. NICKLES. Mr. President, today I rise to honor an Oklahoman who has climbed to the top of his profession. Today, Ken Fergeson, from Altus, OK, is being installed as the American Bankers Association chairman. He is also the chairman of National Bank Commerce in Altus.

Ken has been active in the ABA for many years. He has chaired its Government Relations Council, Community Bankers Council, a joint trade association Credit Union Steering Committee and Minbanc Capital Corp., in addition to serving on the board of the Corporation for American Banking. He also served on the ABA Communications Council, Education Foundation and Professional Development Council, and chaired the Oklahoma Banker's Association.

After graduating from college Ken began his career at Liberty Bank in Oklahoma City. A native Texan, Ken had interviewed and considered a better job offer from a Houston Bank, but he decided to go with the Liberty job in part because, as he joked, it had cheaper parking.

It was at Liberty that Ken first became involved in the ABA and the Oklahoma Bankers Association as well as numerous charitable organizations, trade groups and civic organizations.

After leaving Liberty, Ken went on to purchase National Bank Commerce in Altus. At the time of the purchase the 38-year-old father of two didn't have the money to buy the bank, but he knew if he could somehow find it he could make the venture work. So he decided to take some risks that he admits were "stupid" in retrospect: he got the biggest loan he could get, sold his house, withdrew his kid's college funds, and issued debentures and subordinated notes. His risk was rewarded as he expanded the bank's markets and customer base.

Ken's success has grown over the decades, and for good reason. He conducts business with one concern in mind: What is best for the customer? He understands that a bank that conducts business in this manner will retain customers for life. Ken tells his employees not to "sell anything you wouldn't sell your mother." Many today will see this mentality as old fashioned, but you can't argue with success.

When Ken was approached by his daughter about her desire to be a foreign missionary, his response was telling of his view of his business. He encouraged her to come to work for the bank. Ken noted that there is no greater mission field than the "ministry of banking." In his own words he explains that the banking industry helps people "plan for their children's education, or buy their first home, or plan for retirement, or expand a business. If those outcomes are not a ministry, I don't know what is."

The next chairman of the ABA will bring this experience and worldview to bear upon his new post. He plans on making ethics a central theme of his chairmanship. Ken believes that in life and in business you need a set of ethics to live by so that when tough decisions come your way, you will have a moral reference point to help you reach a conclusion. I am excited about Ken's chairmanship and the ideas and values he will bring to the table.

I extend my sincere congratulations to Ken and his family and I wish him all the best as he takes his new post.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the

House, were signed on September 18, 2003, by the President pro tempore (Mr. STEVENS):

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. BINGAMAN):

S. 1641. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for certain qualifying individuals (QI-1s); to the Committee on Finance.

By Mr. LEAHY:

S. 1642. A bill to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1643. A bill to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1644. A bill to amend the Packers and Stockyards Act, 1921, to limit the number of packer-owned swine that certain packers may slaughter in any calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself, Mr. KENNEDY, Mr. SMITH, Mr. GRAHAM of Florida, Mr. COCHRAN, Mr. SCHUMER, Mr. GREGG, Mr. LIEBERMAN, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Ms. CANTWELL, Mr. VOINOVICH, Mr. WYDEN, Mr. COLEMAN, Mrs. CLINTON, Mr. DEWINE, Mrs. BOXER, and Mrs. MURRAY):

S. 1645. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1646. A bill to provide a 5-month extension of highway safety programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida:

S. Res. 228. A resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. Res. 229. A resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; considered and agreed to.

By Mr. LUGAR (for himself, Mr. SARBANES, Mr. HAGEL, Mr. BIDEN, Mr. DODD, and Mr. BROWNBACK):

S. Res. 230. A resolution calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Mr. ALEXANDER):

S. Res. 231. A resolution commending the Government and people of Kenya; to the Committee on Foreign Relations.

By Mr. MILLER (for himself, Mr. BURNS, Mr. CHAMBLISS, and Mr. CORZINE):

S. Res. 232. A resolution expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 233. A resolution commending the Rochester, Minnesota A's American Legion baseball team for winning the 2003 National American Legion World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 18, a bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 300

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 596

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 596, supra.

S. 606

At the request of Mr. GREGG, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1404

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1404, a bill to amend the Ted Stevens Olympic and Amateur Sports Act.

S. 1454

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1454, a bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 1483

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1483, a bill to amend the Head Start Act to reauthorize that Act, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Utah (Mr. BENNETT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1557 , a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1568

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1586

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1594

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1594, a bill to require a report on reconstruction efforts in Iraq.

S. 1618

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1618, a bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. CON. RES. 61

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 61, a concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 202

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Delaware (Mr. BIDEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

AMENDMENT NO. 1731

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 1731 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1731

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 1731 proposed to H.R. 2691, supra.

AMENDMENT NO. 1731

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 1731 proposed to H.R. 2691, supra.

AMENDMENT NO. 1734

At the request of Mr. DASCHLE, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 1734 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1740

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 1740 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. BINGAMAN):

S. 1641. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for certain qualifying individuals (QI-1s); to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "QI-1s Medicare Cost-Sharing Extension Act of 2003".

SEC. 2. EXTENSION OF MEDICARE COST-SHARING FOR CERTAIN QUALIFYING INDIVIDUALS.

(a) EXTENSION OF SUNSET.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended—

(1) by striking subclause (II);

(2) beginning in the matter preceding subclause (I), by striking "ending with December 2002" and all that follows through "for medicare cost-sharing described" in subclause (I) and inserting "ending with March 2004) for medicare cost-sharing described"; and

(3) by striking ", and" at the end and inserting a semicolon.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c) of the Social Security Act (42 U.S.C. 1396u-3(c)) is amended—

(1) in paragraph (1)(E), by striking "fiscal year 2002" and inserting "each of fiscal years 2002 and 2003"; and

(2) in paragraph (2)(A), by striking "the sum of" and all that follows through "1902(a)(10)(E)(iv)(II) in the State; to" and inserting "the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to".

(c) SPECIAL RULE FOR FIRST QUARTER OF 2004.—Section 1933 of the Social Security Act (42 U.S.C. 1396u-3) is amended by adding at the end the following:

"(g) SPECIAL RULE.—With respect to the period that begins on January 1, 2004, and ends on March 31, 2004, a State shall select qualifying individuals, and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

"(1) references in the preceding subsections of this section to 'fiscal year' and 'calendar year' shall be deemed to be references to such period; and

"(2) the total allocation amount under subsection (c) for such period shall be $100,000,000.".

By Mr. GRASSLEY:

S. 1644. A bill to amend the Packers and Stockyards Act, 1921, to limit the number of packer-owned swine that certain packers may slaughter in any calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing legislation which will set a ceiling on vertical integration in the pork industry. Specifically, this bill will make it unlawful for any packer with an annual slaughter capacity of more than 20 million swine to slaughter more than 10 million packer-owned swine in any calendar year.

I am offering this because I believe the pork industry is at a critical juncture due to the impending sale of Farmland's pork division.

Either we stop the trend toward vertical integration, or we prepare for the inevitable "chicken-ization" of the pork industry.

It is vital that we sustain a place in the market for the independent pork producer. This legislation will at least limit the cancerous growth of vertical integration until we can pass a cure.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUAL LIMITATION ON NUMBER OF PACKER-OWNED SWINE SLAUGHTERED BY CERTAIN PACKERS.

(a) IN GENERAL.—Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended by adding at the end the following:

"Subtitle C—Annual Limitation on Number of Packer-Owned Swine Slaughtered by Certain Packers

"SEC. 231. DEFINITIONS.

"In this subtitle:

"(1) AFFILIATE.—The term 'affiliate' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

"(2) PACKER.—The term 'packer' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

"(3) PACKER-OWNED SWINE.—The term 'packer-owned swine' means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 7 days (excluding any Saturday or Sunday) before slaughter.

"(4) SLAUGHTER CAPACITY.—The term 'slaughter capacity' means the total number of swine that a packer (including a subsidiary or affiliate of the packer) could slaughter in a calendar year if all federally inspected swine processing plants operated by the packer were operated at full capacity for 260 days each calendar year.

"(5) SWINE.—The term 'swine' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

"SEC. 232. UNLAWFUL PRACTICE.

"It shall be unlawful for any packer with an annual slaughter capacity of more than 20,000,000 swine to slaughter more than 10,000,000 packer-owned swine in any calendar year.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) takes effect on the date of enactment of this Act.

(2) EXISTING PACKERS.—In the case of a packer that, on the date of enactment of this Act, would otherwise be in violation of section 232 of the Packers and Stockyards Act, 1921 (as added by subsection (a)), the amendment made by subsection (a) takes effect on the date that is 18 months after the date of enactment of this Act.

By Mr. CRAIG (for himself, Mr. KENNEDY, Mr. SMITH, Mr. GRAHAM of Florida, Mr. COCHRAN, Mr. SCHUMER, Mr. GREGG, Mr. LIEBERMAN, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Ms. CANTWELL, Mr. VOINOVICH, Mr. WYDEN, Mr. COLEMAN, Mrs. CLINTON, Mr. DEWINE, Mrs. BOXER, and Mrs. MURRAY):

S. 1645. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I am pleased to announce today the introduction of bipartisan farmworker reform legislation with a bipartisan group of Members in both the Senate and the House of Representatives. Our leading sponsors include Senator TED KENNEDY, Congressman HOWARD BERMAN, and Congressman CHRIS CANNON.

The name of the bill says it all—"AgJOBS." That stands for the "Agricultural Job Opportunity, Benefits, and Security Act of 2003." We are introducing this bill today because Members of Congress realize our Nation is facing a growing crisis—for farm workers, growers, and the wider public. We want and need a stable, predictable, legal work force in American agriculture.

Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. We want all workers to receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

Yet Americans are being threatened on all these counts, because agriculture, more than any other sector of the economy, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic workers, the H-2A Guest Workers Program, is profoundly broken. Outside of H-2A, farm employers have no effective, reliable assurance that their employees are legal. Our own government has estimated that half of the total 1.6 million agricultural work force are not legally authorized to work in this country, based, astoundingly, on self-disclosure in worker surveys. Responsible private estimates run to 85 percent.

Several more times in recent months, we have read of the senseless and inhuman deaths of farmworkers being smuggled illegally into the United States. Those who survive to work in the fields are among the most vulnerable persons in this country, unable to assert the most basic legal rights and protections. This situation never was acceptable. It has become intolerable. Immigrants not legally authorized to work in this country know they must work in hiding. They have been known to pay "coyotes"—labor smugglers—thousands of dollars to be smuggled into this country. They cannot even claim basic legal rights and protections. They are vulnerable to predation and exploitation. They sometimes have been stuffed inhumanly into dangerously enclosed truck trailers and car trunks, in order to be transported, hidden from the view of the law. We heard with horror of the young girl who died this summer when a labor smuggler abandoned her entire family in the desert in the Southwest.

In contrast, legal workers have legal protections. They can assert wage, safety, and other legal protections. They can bargain openly and join unions. H-2A workers, in fact, are guaranteed housing and transportation. Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. A growing number of family farms simply are going out of business as growers try to, but cannot, secure a legal work force. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Many farmers have seen recently hired workers scattered unpredictably by a government letter or random raid. As enforcement of our immigration and employment documentation laws has been stepped up—sporadically and haphazardly—workers are rarely deported, but the workplace is frequently and widely disrupted. Between computerized checking by the Social Security Administration and audits and raids by the Immigration and Naturalization Service, more and more employers have discovered they have undocumented employees. More and more workers here illegally are being discovered and evicted from their jobs. The larger the so-called "underground economy," the harder it is to knowledgeably and effectively provide for our homeland security needs.

The H-2A status quo is complicated and legalistic. The Department of Labor's compliance manual alone is more than 300 pages long. A General Accounting Office study found that DOL missed deadlines in processing H-2A applications 40 percent of the time. For workers and growers alike, the H-2A status quo is slow, bureaucratic, and inflexible. It does nothing to recognize the uncertainties farmers face, from changes in the weather to global market demands. The current H-2A process is so hard to use, it will place only about 40,000 legal guest workers this year—2 to 3 percent of the total agricultural work force.

The answer is AgJOBS. This farmworker reform legislation builds upon some six years of discussion and ideas from among growers, farmworker advocates, Latino and immigration issue groups, Members of both parties in both Houses of Congress, and others. The coming together of all these diverse viewpoints and interests makes AgJOBS truly an historic piece of legislation. Our AgJOBS bill offers a thoughtful, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H-2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure. AgJOBS takes a win-win-win approach for our nation, workers, and farmers.

AgJOBS may be no one's idea of perfect labor and immigration legislation in an ideal world. However, for the imperfect world we live in, it is a balanced, practical, and achievable approach to resolving urgent problems that require immediate attention. The broad bipartism support for this approach is reflected already in the cosponsorship of a number of our colleagues. Among others, I am happy we are joined by Senators GORDON SMITH and BOB GRAHAM as original cosponsors, both of whom have invested years of work in this issue. Supporters of this legislation include the United Farm Workers of America, the National Council of La Raza, and the AFL-CIO, all of whom participated in a press conference the principal sponsors held earlier today, as well as the U.S. Chamber of Commerce. This bill has overwhelming support in the agriculture community, including the National Council of Agricultural Employers, the American Nursery and Landscape Association, and the American Farm Bureau Federation.

I ask unanimous consent to print in the RECORD a list from the Agriculture Coalition for Immigration Reform that includes a large number of agricultural groups around the country who support this bill. I also ask unanimous consent to print a technical summary of the bill; a side-by-side comparison with current law; an open letter to Congress from our former Secretary of Agriculture, Ambassador Clayton Yeutter; and the next of the AgJOBS bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURE COALITION FOR IMMIGRATION REFORM

NATIONAL CO-CHAIRS

American Nursery & Landscape Association; National Council of Agricultural Employers; New England Apple Council.

ASSOCIATION MEMBERS AND SUPPORTERS

Agricultural Affiliates; American Farm Bureau Federation; American Frozen Foods Institute; American Horse Council; American Mushroom Institute; CoBank-Northeast Farm Credit Regional Council; Council of Northeast Farmer Cooperatives; National Association of State Departments of Agriculture; National Cattleman's Beef Association; National Chicken Council; National Christmas Tree Association; National Cotton Council; National Council of Farmer Cooperatives; National Potato Council; National Watermelon Association, Inc.; Nisei Farmers League; Northeast Dairy Coops; Northern Christmas Tree Growers; Northern Ohio Growers Association; Northwest Horticultural Council.

Society of American Florists; United Egg Association; United Egg Producers; United Fresh Fruit & Vegetable Association; U.S. Apple Association; U.S. Custom Harvesters Association; Western Growers Association; Agricultural Council of California; Alabama Farmers Federation; Alabama Nursery Association; Arizona Nursery Associations; Arkansas Green Industry Association; Associated Landscape Contractors of Colorado; Associated Landscape Contractors of Massachusetts; California Association of Nurserymen; California Citrus Mutual; California Farm Bureau; California Grape and Tree Fruit League; Nursery Growers Association (CA); Colorado Nursery Association.

Connecticut Nursery & Landscape Association; Florida Citrus Mutual; Florida Farm Bureau Federation; Florida Nurserymen & Growers Association; Florida Fruit and Vegetable Association; Georgia Green Industry Association; Gulf Citrus Growers, Association; Idaho Nursery Association; Illinois Landscape Contractors Association; Illinois Nurserymen's Association; Illinois Specialty Growers Association; Indiana Nursery & Landscape Association; Iowa Nursery and Landscape Association; Kansas Nursery and Landscape Association; Kentucky Nursery & Landscape Association; Louisiana Nursery & Landscape Association; Massachusetts Nursery & Landscape Association; Michigan Nursery and Landscape Association; Minnesota Nursery & Landscape Association; Mississippi Nursery Association.

Missouri Landscape & Nursery Association; New England Nursery Association; New Jersey Nursery & Landscape Association; New York State Nursery & Landscape Association; New York State Vegetable Growers Association; North Carolina Association of Nurserymen; Northern California Growers Association; Nursery Growers of Lake County Ohio, Inc.; Ohio Nursery & Landscape Association; Oregon Association of Nurserymen; Oregon Farm Bureau Federation; Pacific Tomato Growers; Pennsylvania Landscape & Nursery Association; Rhode Island Nursery and Landscape Association; Senseny South Corporation; Snake River Farmers Association; South Carolina Nursery Association; Southern Nursery Association; State Horticultural Association of Pennsylvania; Tennessee Nursery & Landscape Association.

Texas Nursery & Landscape Association; Texas Produce Association; Turfgrass Producers International; Ventura County Agriculture Association; Virginia Agricultural Growers Association; Virginia Nursery and Landscape Association; Wasco County Fruit & Produce League; Washington Growers Clearing House Association, Inc.; Washington Growers League; Washington Potato & Onion Association; Washington State Nursery & Landscape Association; Western Grower Law Group; West Virginia Nursery and Landscape Association; Wisconsin Nursery Association; Wisconsin Landscape Federation; Wisconsin Christmas Tree Producers.

Agricultural Job Opportunity, Benefits, and Security Act of 2003—Summary of Significant Provisions—September 2003

TITLE I—ADJUSTMENT OF AGRICULTURAL WORKERS TO TEMPORARY AND PERMANENT RESIDENT STATUS

Title I establishes a program whereby agricultural workers in the United States who lack authorized immigration status but who can demonstrate that they have worked 100 or more days in a 12 consecutive month period during the 18-month period ending on August 31, 2003 can apply for adjustment of status. Eligible applicants would be granted temporary resident status. If the farmworker performs at least 360 work days of agricultural employment during the 6-year period ending on August 31, 2009, including at least 240 work days during the first 3 years following adjustment, and at least 75 days of agricultural work during each of three 12-month periods in the 6-years following adjustment to temporary resident status, the farmworker may apply for permanent resident status.

During the period of temporary resident status the farmworker is employment authorized, and can travel abroad and re-enter the United States. Workers adjusting to temporary resident status may work in non-agricultural occupations, as long as their agricultural work requirements are met. While in temporary resident status, workers may select their employers and may switch employers. During the period of temporary resident status, the farmworker's spouse and minor children who are residing in the United States may remain in the United States, but are not employment authorized. The spouse and minor children may adjust to permanent resident status once the farmworker adjusts to permanent resident status. Unauthorized workers who do not apply or are not qualified for adjustment to temporary resident status are subject to removal. Temporary residents under this program who do not fulfill the agricultural work requirement or are inadmissible under immigration law or commit a felony or three or more misdemeanors as temporary residents are denied adjustment to permanent resident status and are subject to removal. The adjustment program is funded through application fees.

TITLES II AND III—REFORM OF THE H–2A TEMPORARY AND SEASONAL AGRICULTURAL WORKER PROGRAM

This section modifies the existing H-2A temporary and seasonal foreign agricultural worker program. Employers desiring to employ H-2A foreign workers in seasonal jobs (10 months or less) will file an application and a job offer with the Secretary of Labor. If the application and job offer meets the requirements of the program and there are no obvious deficiencies the Secretary must approve the application. Employers must seek to employ qualified U.S. workers prior to the arrival of H-2A foreign workers by filing a job order with a local job service office at least 28 days prior to date of need and also authorizing the posting of the job on an electronic job registry.

All workers in job opportunities covered by an H-2A application must be provided with workers' compensation insurance, and no job may be filled by an H-2A worker that is vacant because the previous occupant is on strike or involved in a labor dispute. If the job is covered by a collective bargaining agreement, the employer must also notify the bargaining agent of the filing of the application. If the job opportunity is not covered by a collective bargaining agreement, the employer is required to provide additional benefits, as follows. The employer must provide housing at no cost, or a monetary housing allowance where the governor of a State has determined that there is sufficient migrant housing available, to workers whose place of residence is beyond normal commuting distance. The employer must also reimburse inbound and return transportation costs to workers who meet employment requirements and who travel more than 100 miles to come to work for the employer. The employer must also guarantee employment for at least three quarters of the period of employment, and assure at least the highest of the applicable statutory minimum wage, the prevailing wage in the occupation and area of intended employment, or a reformed Adverse Effect Wage Rate (AEWR). If the AEWR applies, it will not be higher than that existing on 1/01/03 and if Congress fails to enact a new wage rate within 3 years, the AEWR will be indexed to the change in the consumer price index, capped at 4 percent per year beginning December 1, 2006. Employers must meet specific motor vehicle safety standards.

H–2A foreign workers are admitted for the duration of the initial job, not to exceed 10 months, and may extend their stay if recruited for additional seasonal jobs, to a maximum continuous stay of 3 years, after which the H–2A foreign worker must depart the United States. H–2A foreign workers are authorized to be employed only in the job opportunity and by the employer for which they were admitted. Workers who abandon their employment or are terminated for cause must be reported by the employer, and are subject to removal. H–2A foreign workers are provided with a counterfeit resistant identity and employment authorization document.

The Secretary of Labor is required to provide a process for filing, investigating and disposing of complaints, and may order back wages and civil money penalties for program violators. The Secretary of Homeland Security may order debarment of violators for up to 2 years. H–2A workers are provided with a limited Federal private right of action to enforce the requirements of housing, transportation, wages, the employment guarantee, motor vehicle safety, retaliation and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. State contract claims seeking to enforce terms of the H–2A program are preempted by the limited Federal right of action. No other State law rights are preempted or restricted.

The administration of the H–2A program is funded through a user fee paid by agricultural employers.

COMPARISON OF THE CURRENT H-2A AGRICULTURAL GUEST WORKER PROGRAM AND THE CRAIG / KENNEDY AGRICULTURAL JOB OPPORTUNITY, BENEFTIS, AND SECURITY ACT OF 2003

September 22, 2003

One-Time Adjustment to Legal Status (non-H-2A)

(Legislation would create a new program; therefore, this table contains no "Current Law" column)

Issue	Bipartisan AgJOBS Reform Plan
Agricultural Work Required to Adjust to Legal Status	Workers must prove that they worked in agricultural employment in the U.S. the lesser of 575 hours or 100 work days, during any 12 consecutive months in the 18 month period ending on August 31, 2003.
Application Process to Qualify to Adjust to Legal Status	Application must be made beginning 7 months after enactment (after regulations are issued) and not later than 18 months thereafter.
Proof of Qualifying Employment	Workers applying for adjustment have the burden of proving by a preponderance of evidence the qualifying days or hours of agricultural employment through employment records from employers, unions, government agencies and other reliable documentation.
Status of Adjusted Workers	Adjusted workers obtain temporary resident status. They may remain in the U.S. year-round. To qualify for temporary and permanent resident status, applicants are subject to the same admissibility standards as any other alien, except that they are granted a one-time waiver of ineligibility for unlawful presence.
Right to Work and Travel of Adjusted Workers	Adjusted workers must satisfy an annual agricultural work requirement during the qualifying adjustment of status period. They are allowed to work in industries outside of agriculture during periods in which they are not working in agriculture. Workers have the right to travel within the U.S. and between the U.S. and their resident country and will be given a counterfeit-resistant document of authorization to enter or reenter the U.S.
Agricultural Work Requirements to Adjust to Permanent Resident Status	The adjusting worker must perform at least 2060 hours or 360 work days, whichever is less, of agricultural employment in the U.S. during the 6 year period ending on August 31, 2009. Adjusting workers must work at least 75 work days of agricultural employment in each of three 12 month periods ending on August 31, 2006 and at least 240 work days of agricultural employment during the first 3 of the 6 years following adjustment to temporary resident status. Upon completion of the work requirement, workers obtain permanent resident status.

Issue	Bipartisan AgJOBS Reform Plan
Status of Spouses and Dependents	Spouses and minor children of workers who adjust status may not be removed nor given employment authorization while the qualifying worker is in temporary resident status. Once a worker obtains permanent resident status through satisfaction of the agricultural work requirement, he/she may seek to adjust the status of a spouse and minor child
Proof of Agricultural Work During Qualifying Period After Enactment	Adjusting workers claiming that they are deprived of qualifying days of work in agriculture through termination without just cause are entitled to arbitration of their termination. A favorable arbitration decision for a worker can result only in a credit of work days or hours but cannot be used for any other purpose in any other litigation. Workers also can get credit for days lost through an inability to work due to injury or disease arising out of agricultural employment during the qualifying period, as long as proven through medical records. Secretary of the Department of Homeland Security (DHS) has limited authority to relax hours of agricultural work requirement during the first 3 years due to a natural disaster.
Confidentiality of Information	Information provided by workers and employers to the Secretary of DHS shall remain confidential and can only be used to determine whether a worker qualifies to adjust to legal status.

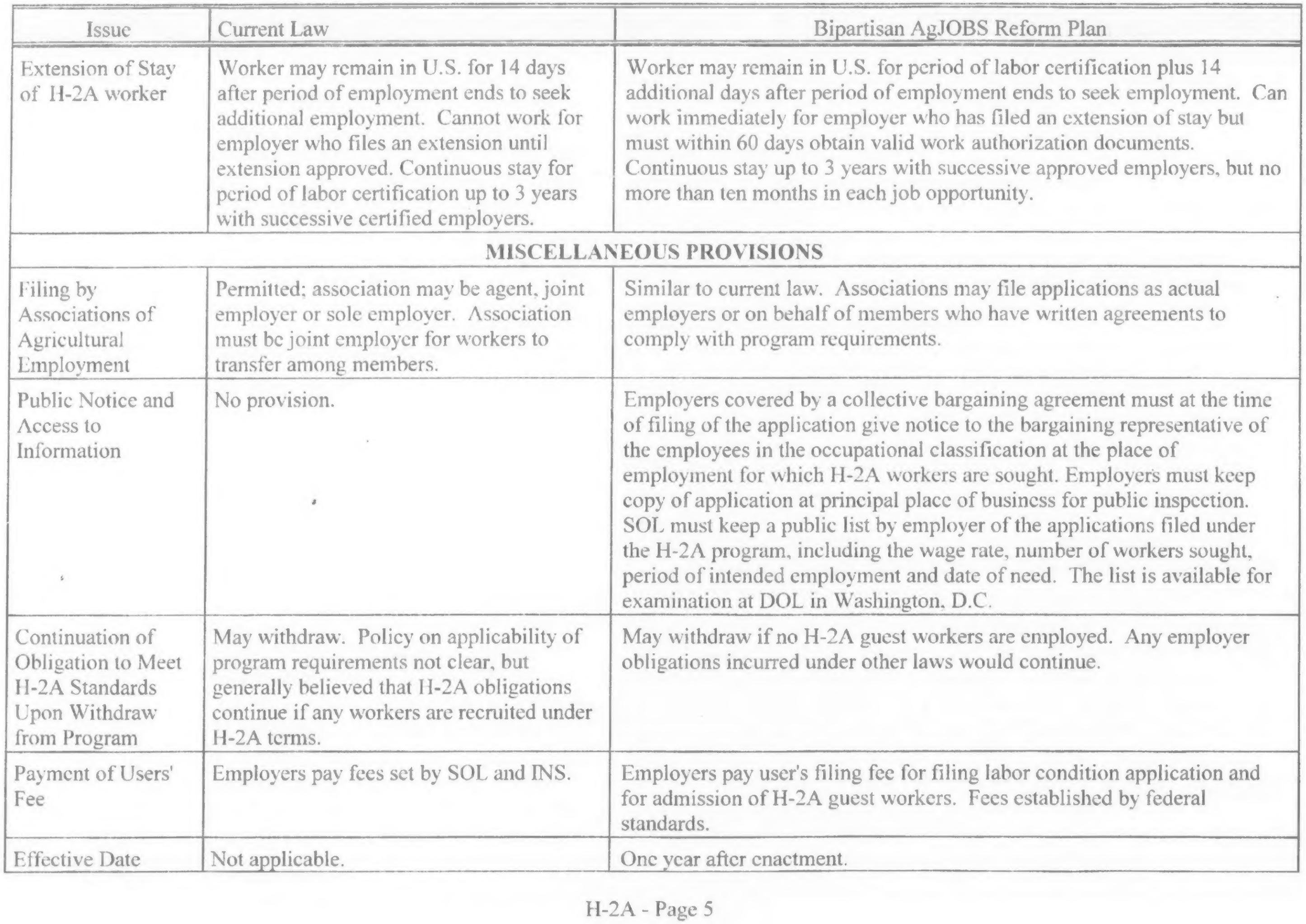
H-2A GUEST WORKER REFORMS

Issue	Current Law	Bipartisan AgJOBS Reform Plan
DOMESTIC WORKER RECRUITMENT AND SEC. OF LABOR CERTIFICATION OF EMPLOYERS TO EMPLOY H-2A *FOREIGN GUEST* WORKERS		
Limitation on Covered Job Opportufnities	Job opportunities must be "agricultural" and must be "temporary" or "seasonal". Maximum duration of temporary jobs 364 days; maximum practical duration of seasonal jobs 10 months. Agriculture defined as in FLSA and Internal Revenue Code.	Job opportunities must be "agricultural" and must be "temporary" or "seasonal". Maximum duration of jobs 10 months. Agriculture defined as in Fair Labor Standards Act and Internal Revenue Code.
Mechanics of Process	Labor Certification: Application for temporary guest worker labor certification must be filed at least 45 days before date of need with local office and DOL regional office. DOL accepts or requests modification in 7 days. Certification 30 days before date of need. DOL has discretion to waive time frames in "emergency" situations. Requests for redetermination allowed.	Labor Condition Application: Process similar to H-1B high-tech program. Application for H-2A workers is filed with Secretary of Labor (SOL). Application provides assurances that employer will comply with program requirements most of which are set forth in the following Labor Standards section. Unless the application is incomplete or contains obvious inaccuracies, SOL must approve it.
Domestic Recruitment	Local and interstate orders, filed with DOL 45 days before date of need for workers. Newspaper, radio advertising and other requirements imposed by Secretary of Labor (SOL). Emergency provisions allow SOL to waive recruitment requirements where there is insufficient time before date of need and need could not have reasonably been foreseen.	Employer must contact former workers and advertise jobs in local paper likely to be patronized by farmworkers no later than 14 days before date of need for workers. Employer must file job order with local job service office 28 days prior to date of need and authorize posting of job on an electronic job registry. Interstate recruitment of workers is not required. Emergency provisions allow SOL to waive recruitment requirements where there is insufficient time before date of need and need could not have reasonably been foreseen.

Issue	Current Law	Bipartisan AgJOBS Reform Plan
LABOR STANDARDS		
In General	Open-ended, terms and conditions of employment may not adversely affect U.S. workers.	Limited to standards in statute unless higher wages, benefits or working conditions are offered or provided to H-2A workers.
Wages	Highest of Adverse Effect Wage Rate (AEWR) administratively established by DOL, prevailing wage, or federal or state minimum wage. AEWR methodology set by SOL by regulation.	Similar to existing H-2A, except AEWR may not be higher than the applicable AEWR on 1-1-03. If Congress fails to enact a new wage rate within 3 years of enactment, thereafter the existing AEWRs will be annually indexed by the % change in the CPI, with a maximum adjustment of 4% annually. During 3 year period after enactment, GAO and Congressional commission study wage rate and make recommendations to Congress.
Housing	Employer must offer housing to all non-local workers. H-2A application limited to capacity of available housing. May use public accommodation housing. Local workers not requiring housing not counted against H-2A request up to number of local workers usually employed. No charge for housing permitted.	Employer must provide housing or a housing allowance. From the date of enactment, the housing allowance may be offered only if the Governor of State certifies that housing is available in the area of intended employment. Housing allowance is based on HUD Section 8 statewide average fair market rental rates for existing housing. In non-metropolitan counties the allowance is the statewide average fair market rental for existing housing for non-metropolitan counties and for metropolitan counties it is the statewide average for metropolitan counties.
Transportation	Reimburse in-bound if worker completes 50% of period of employment; pay outbound if worker completes 100% of period of employment. Transportation must be advanced if it is prevailing practice.	Same as existing H-2A program except no reimbursement if worker travels less than 100 miles or does not reside in employer provided housing or housing obtained through an allowance.
Workers' Compensation	State coverage or equivalent.	State coverage or equivalent.

Issue	Current Law	Bipartisan AgJOBS Reform Plan
Employment Guarantee	Employer guarantees employment for 3/4 of work hours of anticipated period of employment. Guarantee terminated if an "Act of God" terminates need for workers. Guarantee waived for workers terminated for lawful job related reasons or who abandon employment.	Same as existing H-2A program except statute defines "Act of God" circumstances that cause termination of guarantee.
Collective Bargaining Agreement	No Provision.	If the job opportunity is covered by a collective bargaining agreement, the employer does not have to provide the wages and other benefits required of employers without such an agreement.
Preference for U.S. Workers	Must hire qualified U.S. worker who applies until 50% of period of employment has expired. Prohibits entities from withholding U.S. workers until H-2A workers arrive.	Must hire qualified U.S. worker who applies until 50% of period of employment has expired. Prohibits entities from withholding U.S. workers until H-2A workers arrive and requires SOL to place U.S. workers with other employers for which DOL has job orders for similar job opportunities in the area of intended employment prior to displacing H-2A workers. If a U.S. worker displaces an H-2A worker and then quits the job, the employer may obtain a replacement H-2A worker in an expedited manner.
Lawful Job-Related Requirements	Permitted at the discretion of SOL. Complicated scheme for regulating productivity standards.	Permitted. Employers may use legitimate selection criteria that are normal or customary to the job.
Application of MSPA to H-2A Workers	H-2A workers are exempt from the coverage of MSPA.	H-2A workers are exempt from the coverage of MSPA. H-2A workers are provided a federal private right of action to enforce the housing, transportation, wage, employment guarantee, motor vehicle safety and retaliation provisions and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. H-2A worker must elect between DOL enforcement of rights or right to sue. State contract claims based on H-2A program requirements are preempted by federal right of action.

Issue	Current Law	Bipartisan AgJOBS Reform Plan
Enforcement of Labor Standards	SOL has the authority to investigate compliance with H-2A requirements and assurances. SOL has authority to seek civil money penalties and backpay through an administrative hearing process for alleged violations of program requirements and has the authority to debar employers from the H-2A program for program violations.	Aggrieved persons or third parties can bring a complaint to SOL within 12 months of employer's alleged failure to comply with assurances, for misrepresentations in the labor condition application, and for displacement of U.S. workers. If, after investigation, SOL finds reasonable cause, the parties are entitled to a hearing and the SOL must make a finding not less than 60 days after the hearing. If a violation is found after a hearing, SOL may require backpay for wages and benefits not paid, as well as civil money penalties (CMPs) of up to $1,000 for non-willful violations, $5,000 for willful violations and $15,000 for displacement of U.S. workers. CMPs are capped for all types of violations at no more than $90,000.
Initial Waiver of Ineligibility for Unlawful Presence	Banned from admission up to 10 years for previous unlawful presence. Must show non-immigrant intent and meet other criteria for admissibility.	One time waiver of bar on admission for unlawful presence. Must show non-immigrant intent and meet other criteria for admissibility.
Strike and Lockout	Cannot hire an H-2A worker if the specific job opportunity for which the employer is requesting an H-2A worker is vacant because the former occupant is on strike or being out in the course of a labor dispute.	Same as current law.
GUEST WORKER ADMISSION AND ELIGIBILITY PROVISIONS		
Procedures for Admission of H-2A guest workers	Governed by current INS statute and regulations. Employer petitions INS and, upon approval, workers apply for visas and admission.	Employer files petition with Secretary of the Dept. of Homeland Security (DHS), accompanied by valid labor certification covering petitioner. Secretary of DHS is required to adjudicate petitions on an expedited basis within 7 working days and send copies of approved petition to petitioning employer and consular office where worker will apply.
Issuance of Identity and Employment Eligibility Document	Subject to current INS regulations and law. Receives same documents as all other admissions.	Requires counterfeit–proof document.



Issue	Current Law	Bipartisan AgJOBS Reform Plan
Extension of Stay of H-2A worker	Worker may remain in U.S. for 14 days after period of employment ends to seek additional employment. Cannot work for employer who files an extension until extension approved. Continuous stay for period of labor certification up to 3 years with successive certified employers.	Worker may remain in U.S. for period of labor certification plus 14 additional days after period of employment ends to seek employment. Can work immediately for employer who has filed an extension of stay but must within 60 days obtain valid work authorization documents. Continuous stay up to 3 years with successive approved employers, but no more than ten months in each job opportunity.
MISCELLANEOUS PROVISIONS		
Filing by Associations of Agricultural Employment	Permitted; association may be agent, joint employer or sole employer. Association must be joint employer for workers to transfer among members.	Similar to current law. Associations may file applications as actual employers or on behalf of members who have written agreements to comply with program requirements.
Public Notice and Access to Information	No provision.	Employers covered by a collective bargaining agreement must at the time of filing of the application give notice to the bargaining representative of the employees in the occupational classification at the place of employment for which H-2A workers are sought. Employers must keep copy of application at principal place of business for public inspection. SOL must keep a public list by employer of the applications filed under the H-2A program, including the wage rate, number of workers sought, period of intended employment and date of need. The list is available for examination at DOL in Washington, D.C.
Continuation of Obligation to Meet H-2A Standards Upon Withdraw from Program	May withdraw. Policy on applicability of program requirements not clear, but generally believed that H-2A obligations continue if any workers are recruited under H-2A terms.	May withdraw if no H-2A guest workers are employed. Any employer obligations incurred under other laws would continue.
Payment of Users' Fee	Employers pay fees set by SOL and INS.	Employers pay user's filing fee for filing labor condition application and for admission of H-2A guest workers. Fees established by federal standards.
Effective Date	Not applicable.	One year after enactment.

H-2A - Page 5

Issue	Current Law	Bipartisan AgJOBS Reform Plan
Regulations	Not applicable.	Secretaries of Labor and Agriculture and DHS consult regarding regulations, which must be issued 1 year after enactment.

TEXT OF OPEN LETTER TO CONGRESS ON AGRICULTURAL LABOR REFORM, AUGUST, 2003

The recent tragic truck-trailer deaths of Mexican workers seeking illegal entry to the U.S. have raised once again the wisdom and feasibility of our immigration policies at the U.S./Mexico border. This is an issue that many of us in American agriculture have tried to address over the years, but few have listened. Perhaps our views can now be heard.

Many of the workers entering the U.S. from Mexico are hoping for jobs on farms or in nurseries. As you know, such jobs often await them, for thousands of American farmers wonder every year whether they'll have dependable help at harvest time. This is especially critical for our fruit and vegetable industries, where the "open window" for harvest can be very short-lived. But similar concerns are now emerging in many other farm enterprises, ranging from dairy to poultry to greenhouse crops to beef to Christmas trees. This has become a national problem, and a recurring nightmare for our agricultural employers nationwide.

Government statistics and other evidence suggest that at least 50% and perhaps 70% of the current agricultural workforce is not in this country legally. The immediate reaction of some is to say that these workers have broken the law and should be deported, and that U.S. farmers and other employers have brought this problem on themselves by not doing a better job of detecting fraudulent documents.

That "easy" answer ignores the reality that few Americans are drawn to highly seasonal and physically demanding work in agriculture. At chaotic harvest times, a stable, dependable workforce is essential. Instead, American farmers are in a "damned if you do, damned if you don't" situation where they're required by law to be policemen, immigration officials, and security experts while simultaneously trying to get their crops harvested before they spoil.

My experience over many years tells me that agricultural employers do not want to hire illegal immigrants. What they want is a stable, viable program with integrity that will meet their labor force needs in a timely, effective way. What they do not want is a program with major shortcomings, for which they will inevitably be blamed. Unfortunately, that is what our laws have imposed upon them.

As a nation, we can and must do better—for agricultural employers and for immigrant workers. Many of these workers have come to the U.S. on a regular basis. Many have lived here for years doing our toughest jobs, and some would like to earn the privilege of living here permanently. Why not permit them to do so, over a specified timeframe, thereby keeping the best workers here? That has the additional advantage of permitting our government to better focus its limited monitoring/enforcement resources, particularly where security may be a concern. Let's use entry/exit tracking, tamper proof documentation, biometric identification, etc. where it will truly pay security dividends, and let's stop painting all immigrants with the same brush.

A limited, earned legalization for agriculture is nothing like an amnesty program. It would apply only to immigrants who are at work, paying taxes, and are willing to earn their way to citizenship so that they can share in the American dream. These workers form the foundation of much of our nation's agricultural workforce. We need them!

Agricultural employers need an updated guest work program to replace the antiquated "H2A" temporary worker system, which is too expensive and too bureaucratic to be of practical use. Necessary reforms include fair and stronger security and identification measures, market-based wage rates, and comprehensive application procedures.

The reform program I have outlined already has broad bipartisan support, thanks to the good work and leadership of Sens. Larry Craig, Gordon Smith, Ted Kennedy, and Bob Graham, among others, and a bipartisan group of House colleagues. Their work product deserves immediate and serious consideration by the Congress. The status quo is simply unacceptable. It puts both American employers and immigrant workers in an untenable situation—with a high cost in economic efficiency, respect for the law, and sometimes even in human life. The reforms now being proposed are a practical solution to a serious problem that is evolving into a national crisis.

As President Bush has stated, we can and must do better to match a willing and hardworking immigrant worker with producers who are in desperate need of a lawful workforce. It is time, and in our great country's interest, to enact these reforms.

Sincerely,

CLAYTON YEUTTER
(Former Agriculture Secretary and U.S. Trade Representative).

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunity, Benefits, and Security Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ADJUSTMENT TO LAWFUL STATUS

Sec. 101. Agricultural workers.
Sec. 102. Correction of Social Security records.

TITLE II—REFORM OF H-2A WORKER PROGRAM

Sec. 201. Amendment to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.
Sec. 302. Regulations.
Sec. 303. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture.

TITLE I—ADJUSTMENT TO LAWFUL STATUS

SEC. 101. AGRICULTURAL WORKERS.

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) PERFORMANCE OF AGRICULTURAL EMPLOYMENT IN THE UNITED STATES.—The alien must establish that the alien has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) APPLICATION PERIOD.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this Act.

(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this Act that the alien is deportable.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 2,060 hours or 360 work days, whichever is less, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) QUALIFYING YEARS.—The alien has performed at least 430 hours or 75 work days, whichever is less, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 1,380 hours or 240 work days, whichever is less, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than August 31, 2010.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN PRIOR TO ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an "employment authorized" endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an "employment authorized" endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this Act.

(ii) DEFINITION.—For purposes of clause (i), the term "preliminary application" means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89-732, Public Law 95-145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this Act as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) Special rule for determination of public charge.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) Administrative and Judicial Review.—

(1) In general.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) Administrative review.—

(A) Single level of administrative appellate review.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) Judicial review.—

(A) Limitation to review of removal.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) Standard for judicial review.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) Dissemination of Information on Adjustment Program.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) Regulations.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) Effective Date.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) Funding.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $40,000,000 for each of fiscal years 2004 through 2007 to the Secretary to carry out this section.

SEC. 102. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2003,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien was granted lawful temporary resident status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

TITLE II—REFORM OF H-2A WORKER PROGRAM

SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

"H-2A EMPLOYER APPLICATIONS

"Sec. 218. (a) Applications to the Secretary of Labor.—

"(1) In general.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) Accompanied by job offer.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

"(b) Assurances for Inclusion in Applications.—The assurances referred to in subsection (a)(1) are the following:

"(1) Job opportunities covered by collective bargaining agreements.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) Union contract described.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) Strike or lockout.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) Notification of bargaining representatives.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(E) Offers to United States workers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) Job opportunities not covered by collective bargaining agreements.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) Strike or lockout.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(C) Benefit, wage, and working conditions.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) Nondisplacement of United States workers.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

"(E) Requirements for placement of nonimmigrant with other employers.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) Statement of liability.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) Employment of United States workers.—

"(i) Recruitment.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) Contacting former workers.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) Filing a job offer with the local office of the State employment security agency.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) Advertising of job opportunities.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) Emergency procedures.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) Job offers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) Period of employment.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) Prohibition.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) Complaints.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) Placement of United States workers.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) Statutory construction.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) Applications by Associations on Behalf of Employer Members.—

"(1) In general.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

"(2) Treatment of associations acting as employers.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) Withdrawal of Applications.—

"(1) In general.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) Limitation.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) Obligations under other statutes.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) Review and Approval of Applications.—

"(1) Responsibility of employers.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) Responsibility of the Secretary of Labor.—

"(A) Compilation of list.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) Review of applications.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"H–2A EMPLOYMENT REQUIREMENTS

"Sec. 218A. (a) Preferential Treatment of Aliens Prohibited.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218 shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2003 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

‘‘(i) The worker's total earnings for the pay period.

‘‘(ii) The worker's hourly rate of pay, piece rate of pay, or both.

‘‘(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

‘‘(iv) The hours actually worked by the worker.

‘‘(v) An itemization of the deductions made from the worker's wages.

‘‘(vi) If piece rates of pay are used, the units produced daily.

‘‘(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

‘‘(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

‘‘(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

‘‘(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

‘‘(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

‘‘(v) recommendations for future wage protection under this section.

‘‘(H) COMMISSION ON WAGE STANDARDS.—

‘‘(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ‘Commission’).

‘‘(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

‘‘(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

‘‘(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

‘‘(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

‘‘(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

‘‘(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

‘‘(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

‘‘(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

‘‘(V) recommendations for future wage protection under this section.

‘‘(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

‘‘(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

‘‘(4) GUARANTEE OF EMPLOYMENT.—

‘‘(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

‘‘(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

‘‘(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘three-fourths guarantee’ described in subparagraph (A).

‘‘(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

‘‘(5) MOTOR VEHICLE SAFETY.—

‘‘(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

‘‘(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

‘‘(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term ‘uses or causes to be used’ applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer.

‘‘(II) The term ‘uses or causes to be used’ does not apply to—

‘‘(aa) transportation provided, or transportation arrangements made, by an H–2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

‘‘(bb) carpooling arrangements made by H–2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

‘‘(III) The mere providing of a job offer by an employer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

‘‘(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

‘‘(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

‘‘(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

‘‘(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

‘‘(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

‘‘(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

‘‘(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

‘‘(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

‘‘(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) Compliance With Labor Laws.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) Copy of Job Offer.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) Range Production of Livestock.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

"Sec. 218B. (a) Petitioning for Admission.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) Expedited Adjudication by the Secretary.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) Criteria for Admissibility.—

"(1) In general.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) Disqualification.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) Waiver of ineligibility for unlawful presence.—

"(A) In general.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) Maintenance of waiver.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) Period of Admission.—

"(1) In general.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) Construction.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) Abandonment of Employment.—

"(1) In general.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) Report by employer.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

"(3) Removal by the secretary.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) Voluntary termination.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) Replacement of Alien.—

"(1) In general.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) Construction.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) Identification Document.—

"(1) In general.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) Requirements.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) Extension of Stay of H–2A Aliens in the United States.—

"(1) Extension of stay.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) Limitation on filing a petition for extension of stay.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) Work authorization upon filing a petition for extension of stay.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

“(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

“(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2003, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

“(1) may be admitted for a period of 12 months;

“(2) may be extended for a continuous period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

“WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

“SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 2 years.

“(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

“(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

“(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

“(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

“(2) The reimbursement of transportation as required under section 218A(b)(2).

“(3) The payment of wages required under section 218A(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218A(b)(4).

“(6) The motor vehicle safety requirements under section 218A(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) PRIVATE RIGHT OF ACTION.—

“(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"DEFINITIONS

"SEC. 218D. For purposes of sections 218 through 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H-2A EMPLOYER.—The term 'H-2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H-2A WORKER.—The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H-2A employer applications.
"Sec. 218A. H-2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H-2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this Act, and a collection process for such fees from employers participating in the program provided under this Act. Such fees shall be the only fees chargeable to employers for services provided under this Act.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 201 of this Act, and the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this Act.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 201, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 201 and 301 shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this Act.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Agricultural Jobs, Opportunity, Benefits, and Security Act.

The treatment of immigrant farm workers, dating back to the Bracero program, represents a shameful chapter in our history. The decades of exploitation these workers have endured continues to this day. Large numbers of men and women employed in agriculture today are indispensable workers who also happen to be undocumented. As a result, they are easily exploited by unscrupulous employers, who get away with paying them very low wages and forcing them to work in dangerous conditions. Inevitably, that means lower wages for legal farm workers.

We have been struggling for decades to find a solution to this emotional heart-wrenching problem. This legislation—a historic and far-reaching agreement between the United Farm Workers of America and the representatives of agricultural industries—provides a common sense solution to this longstanding problem. It will provide farm workers and their families with dignity and justice and give agricultural industries with a legal workforce.

We need an agriculture policy grounded in reality, a policy that recognizes their contributions and respects and rewards their work. This legislation will improve the wages and working conditions of all farm workers, and provide a way for foreign-born workers to become permanent residents.

Under this bill, 500,000 farm workers currently working the United States will be able to legalize their status. These changes will benefit both workers and growers. The legislation will improve the wages and working conditions of all farm workers, and provide a way for foreign-born workers to become permanent residents.

Agriculture is a unique industry. Growers must have an immediate and reliable workforce at harvest time. Everyone is harmed when crops rot in the field because the workers are not available. With these changes, growers will have greater access to dependable, hard-working employees, and a workforce that is no longer subject to sudden immigration raids.

I urge my colleagues to support this needed legislation. These reforms are long overdue, to improve the lives and working conditions of all farm workers, and it is long past time for Congress to act.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senator KENNEDY of Massachusetts and Senator CRAIG of Idaho, in introducing the Agricultural Job Opportunity Benefits and Security Act of 2003. For the last six years, I have been working closely with several of my colleagues in the Senate and House of Representatives, including the Senators from Massachusetts and Idaho, to enact legislation that would provide a balanced approach to reforming our agricultural guest worker program.

There is one thing I believe we can all agree on—the status quo of agricultural guest workers in America is unacceptable. Under the status quo, we have created an underground society and pushed many of our Nation's hardest workers into the shadows. This is unfair treatment for workers who play such a vital part in our Nation's economic health.

Recently, the Miami Herald published a series documenting the horrible working and living conditions of agricultural workers in Florida. I have attached parts of that series for the RECORD. This series substantiates what we have all known anecdotally for years. Farm workers in our country—those who are legal citizens or residents of the United States as well as those who are undocumented—live in uninhabitable housing, are transported in vehicles that do not meet basic safety standards, and are subject to predatory lending practices that require payment of as much as 100 percent interest on accumulated debt.

Mr. President, I ask unanimous consent that the text of the series be printed in the RECORD.

There being no objection, the series was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 31, 2003]

FIELDS OF DESPAIR—FLORIDA FARMHANDS REAP A HARVEST OF POVERTY, PAIN AND EXPLOITATION

(By Ronnie Green)

First of three parts

JACKSONVILLE.—The recruiters come rolling through in roomy vans, searching for a fresh crop of farmworkers from the homeless shelters, haggard parks and soup kitchens dotting North Florida's urban hubs.

They target the addicted, the vulnerable, the desperate with promises of good pay, cash upfront, cold beer. Some talk of crack cocaine and ready sex.

Step inside that van, say those who have, and journey straight to hell.

Florida is America's second-richest agricultural state. But for the farmhands who labor along the lowest rung of the food chain, the riches are a mirage.

Their world is filled with sweatshop hours, slum housing, poverty pay and criminal abuse. At its extreme, it includes modern-day slavery in a state where oranges adorn license plates and tourists pull in for a free cup of juice when they cross the border.

The brutality in North Florida has an unusual, bitter twist, a Herald examination has found. While most farmworkers in Florida and nationwide are undocumented Mexicans who have trekked through the desert in search of fortune, the laborers who toil unnoticed in hamlets like East Palatka and Hastings are mostly poor black Americans.

They are recruited by crew-chief contractors who serve as middlemen between the farmers who grow crops and the laborers who pick, package and sort them. These bosses can control nearly every aspect of the workers' lives: their housing, their food, their transportation and even their paycheck.

In interviews with The Herald, farmworkers told harrowing stories of life in a hot stretch of North Florida farm country that welcomes passersby with signs saying "Jesus is Lord, Welcome to Hastings" and "Florida's Potato Capital."

Many were recruited from gathering spots for the homeless—soup kitchens, parks and shelters in Jacksonville, Orlando, Tampa. They say they were lured with vows of good pay, sprinkled with promises of partying and $15 in cash when they reached the farm.

What they didn't know: They would live in slum housing, work long hours for scant pay, and, in several cases, have to pay back $1 of interest for most every $1 loaned to them to buy food—including the $15 that first lured them into the van.

Poor, isolated, without transportation, these men said they became slaves to the boss and their debts. One said he was beaten about the face this year when he couldn't repay his "debt." Two nights later, he slipped away at midnight and walked for hours to escape.

CASES INVESTIGATED

Focus is on recruitment by farm labor contractors

Federal prosecutors are now examining cases in which North Florida farm labor contractors recruited from homeless shelters—only to exploit the laborers who stepped into those vans. Investigators confirmed the inquiry, but would not elaborate.

"We've been contacted about this situation," Douglas Molloy, managing assistant U.S. attorney in Fort Myers, said last week.

One former worker, Angelo Jennings, said a Hastings crew boss lured him from a scraggly lot across from the Clara White Mission in Jacksonville, a lot where birds snip at dirty bread and shopping carts and beer cans cover the grounds.

"This is when he catches you at your lowest point," said Jennings, a recovering drug addict working to reform his ways. "If you have any good sense, he doesn't want you. He wants you where he can use you.

"If you're tired and hungry, they'll go out and buy some food and a six-pack, and put it on ice."

Then, almost as an afterthought, he said: "Just like a rat trying to get some cheese."

The mission's chief executive officer, Ju'Coby Pittman, said: "They go from shelter to shelter and prey on them"

Such tactics became so routine, and the promises so hollow, that Pittman once posted a sign: "Do not get in the van."

But the vans still roll through here, through Tampa, through Orlando, on the road to farm country.

A BIG FARM STATE

Abuse is an unseen element in Florida's No. 2 industry

Agriculture is a huge business in Florida. The state produces three-fourths of the citrus harvested across the United States each year, and it leads the world in production of grapefruit. In 2000, the top 10 vegetable growers in the Southeastern United States were based in Florida. Across the country, only California boasts a richer agricultural crop.

Yet behind the sunny image of Florida's No. 2 industry, abuse abounds, and it is not limited to one rough boss or one patch of hard-luck laborers.

"It's incredibly widespread," said prosecutor Molloy, who has previously sent bosses away for enslaving farmworkers. "There is someone who has been making money off the misery—and off the hopes and dreams—of other people."

At the bottom rung of the system are the 200,000 seasonal farmworkers who harvest crops from outside the State's urban hubs to its dusty corridors.

"You've made a job so bad that the only people who are going to do farm work are undocumented aliens or crack addicts," said Gregory S. Schell, a Lake Worth lawyer with the Migrant Farmworker Justice Project of Florida Legal Services. "That's a tremendous indictment of the agricultural industry."

His criticism is not of the workers who harvest Florida's bountiful crops, but of the industry enriched by their sweat labor.

Most pickers in Florida and nationwide are undocumented foreign workers, and many native farmhands have had run-ins with the law. There is a reason for that worker profile, advocates say: Crew bosses hire the vulnerable because they can exploit them. The laborers, hungry for a fresh start, are quick to take the job.

Florida is home to more crew-chief contractors than any State in the Nation, with more than one in three—3,027 of 8,832—based in the State. Florida also leads the Nation in the number of crew-chief contractors and assistants currently stripped of licenses to work because of labor violations, with 43 percent of the total, The Herald has found. They have relegated workers to shabby housing, cheated them of pay or otherwise skirted Federal migrant worker laws.

For a glimpse inside this world, follow Lisa Butler, a Florida Rural Legal Services attorney representing workers who fled their contractors' employ in far North Florida.

Butler does her legwork at night and in potentially dangerous environs, visiting housing camps to pass out fliers letting workers know their rights. More than once, she has been confronted by crew chiefs or their workers.

"There is a pattern up here of severe violations," Butler said as she wheeled through Hastings and Spuds and East Palatka, on her way to the next cramped housing camp. "It's a function of how this industry lets crew leaders control the pay."

The picture she sees evokes images of America's darkest days.

"I felt like being a slave, just working to support his family," farmworker Isiah Brown, 43, a native of South Carolina, said of the boss who controlled him.

That boss, Ronald M. Jones, is a six-foot-four, 250-pound homegrown son who spins through town in a muscular Cadillac Escalade and flashes cash he gets from Florida farmers to employ laborers at the lowest, dirtiest rung of the chain. He did not respond to multiple interview requests.

START OF A JOURNEY

Promise of work and pay is irresistible—and elusive

Brown's journey to Jones began on a Sunday in Orlando, when another farm recruiter approached him as he lounged in a park.

There's work up north, the man said. Honest day, honest pay.

Brown hopped in, traveling 100 miles to Hastings and neighboring East Palatka, where he ultimately lived in a squalid, illegal hellhole for farmworkers operated by Jones and stood for long hours sorting potatoes for a few dollars' pay.

Brown came to the job poor and said boss Jones made him poorer, fronting him cash for food and supplies, but demand $1 in interest for most ever $1 loaned. With no car and little cash, he was captive to the debts—struggling to work enough hours to pay back the 100 percent interest.

Five former workers said in interviews that Jones forced the same arrangement on them.

"It was the only way I could eat," Brown said. "This farm thing, you put in the work, but the money just don't match the work."

In East Palatka, he slept in a decrepit trailer along with nine other farmworkers in a trashy compound that housed up to two dozen workers. His trailer had no running water and no air conditioning.

When workers returned to the camp after long days, area drug dealers and bootleggers showed up, Brown said, the bootleggers selling 65-cent beer for $1.25.

"Everybody makes money off farmworkers," he said at a nearby park days after fleeing. "It seems like when farmworkers come to town, everything goes up 20 percent."

HIRING OF FARMHANDS

Homeless people in park described as "easy targets"

Crew leader Jones was employed by Bulls-Hit Ranch & Farm, maker of gourmet potato chips, to provide farm laborers like Brown.

William Oglesby, 50, a one-time truck driver, also worked at Bulls-Hit under Jones and lived in the same compound.

Like Brown, he had been recruited where the homeless congregate, at Confederate Park in Jacksonville. "Most of them were easy targets," Oglesby said.

He said he wasn't homeless but needed work. "They told me I could go with them today and work," he said "And they said I could make some money. But money, I haven't seen."

One week, Oglesby calculated, he should have earned $300 by sorting potatoes and packing them into trucks, rising at 5:30 a.m. and sometimes not returning to the camp until 10 p.m.

His pay stub from Jones showed $154.51. Bug Oglesby—like Brown—said even the pay stub did not reflect what actually went into his pocket. To understand how that could happen, follow the money.

Bulls-Hit President Thomas R. Lee said he would write Jones a check each week to cover the work completed. But then the boss, not the farmer, was responsible for paying workers from that bounty.

"He pays them, I don't," Lee said. "He has a daily record of what he pays the crew."

Lee said he told Jones not to make any loans at Bulls-Hit, since such transactions on farm property could reflect upon the farmer. "I told him that whatever he did off my property was his business," Lee said.

Critics say this arrangement is ripe for abuse. When crew bosses control the cash, they are more apt to cheat the workers below them. Simply put, every $1 they skimp from workers is an extra $1 in their pocket. Jones' former workers say they were cheated of thousands.

Contrary to the figure on his pay stub, Oglesby said he got $35 in cash stuffed into an envelope at week's end. Brown said he pocketed $32.06 one week.

The men say Jones did not pay them for all the hours they worked. They say he also docked from their pay the loans and interest he charged them, and billed $30 a week to live in the slum complex.

"They've got a way to make sure you stay in their debt," Oglesby said. "You don't think straight when you're tired and hungry."

Jones, 40, is known in these parts as "Too Tall." He did not reply to written questions delivered to his house in Hastings, nor did he respond to three requests for an interview placed with his wife, Sylvia.

Jennings, the Jacksonville man recruited near a homeless shelter, said he lived at another Jones compound in Palatka and also sorted potatoes at Bulls-Hit. He said Jones zeroed in on his weakness at that scraggly Jacksonville lot, luring him and four others.

"I've got a deal for you, and y'all can make a lot of money," he quoted Jones as saying. "If you smoke crack, that's the place to be."

Once he was in Palatka, Jennings said, prostitutes were ready visitors to the housing camp—at a cost. "They would come there and smoke crack," he said.

Jennings is working to get straight at the Trinity Rescue Ministries in Jacksonville. The program supervisor, Cornell Robinson, said: "They find your weakness and they force this on you."

The city is a ready target for farm recruiters. The Jacksonville/Duval County hub is home to nearly 15,000 homeless people a year, according to a recent study by the Emergency Services and Homeless Coalition of Jacksonville.

For the homeless who turn to farm work, the cycle can become brutal. Many become fearful of talking publicly.

In late May, The Herald encountered a Jones worker at another of Jones' properties, a house in Hastings. With an elderly man sitting on a porch chair that day, the worker said he had no complaints.

Later that day, the worker was carrying a sack of potatoes back to the house, out of sight of the man in the chair. "That housing is unfit," he said, saying he was billed $30 a week to live there.

Two months later, by chance, The Herald ran into the worker outside a Jacksonville feeding line. Now free of the boss, he said that "Too Tall" had recruited him at a soup kitchen with the same tired promises: good pay, nice housing, plentiful food.

"Nothing was true," he said. "It's a death trap. You can't get out of there."

He said that Jones loaned him money each day, and that a Jones associate loaned him cash each afternoon. Both demanded 100 percent interest. The debts got so heavy, he said, that one week he pocketed $1.08 for six days of work.

"It keeps you in a hole you can never get out of," said the worker, who asked that his name not be used.

He said the Jones associate beat him when he didn't have money to repay the debt, hitting him in the face two or three times and knocking him to the ground. "He told me I better have his money or I'll be in trouble." Two days later, he made his midnight exit.

Misery in North Florida isn't limited to Jones' camps, and poverty pay and slum housing are not the only abuses. Many workers, struggling when they start their farm duty, quickly find themselves in dangerous conditions. Injuries, or worse, become part of the trade.

In January, a migrant worker at the nearby Uzzles Labor Camp in Elkton was stabbed to death with a butcher knife after a dispute with another laborer.

Three months later, attorney Butler went to the camp to hand out fliers letting workers know their rights. She was not well received, nor were journalists who accompanied her for this report.

Ron Uzzle, the burly crew boss, became angry when a photographer started snapping pictures. He had little patience for Butler either. "Does anyone want to talk to these people?" Uzzle bellowed.

"Hell no!" came the reply. Some of his crew members refused to accept fliers from Butler as Uzzle watched. Uzzle refused a request for an interview.

Another nearby complex housed a catalog of pain. To one side of that squat blue building, Butler inspected farmworker William Durham, who pulled up his shirt to expose a stomach covered by an unsightly, itchy white rash.

Durham feared that the rash came from pesticides. "It did happen on the job," he told Butler. She took his story and his picture.

Nearby, Richard Williams, 53, a picker for nine years, worked without a right forefinger.

Wearing a T-shirt that said "Nature Can't Be Restocked," Williams said he thinks pesticides got under his fingernail as he picked winter cabbage in North Carolina in 2001.

"By the time I got here, it was too late," he said. The finger was amputated.

Butler took his information. Another potential case at a camp oozing booze and misery.

William Anderson said he heard the promises at a Tampa Salvation Army shelter and went to a camp run by Ronald Evans, a veteran East Palatka contractor. Evans did not reply to four interview requests, nor did he respond to written questions.

"A van rolled around," Anderson recounted. "They said, 'Are you looking for work? . . . We've got a swimming pool.' When we got there, it was more like a slave camp. After he gets you there, he's got you."

At night at the camp, next to the dinner line, more goods were for sale. "You get your cigarettes, your beer and your drugs. Everything was there on the camp," Anderson said from an upstate shelter, to which he turned after leaving.

"A couple of guys said they owed $10,000. You might as well owe them your soul, because where can you go?

"I'm not going to sugarcoat it. We were doing what everyone else was doing. You do your beer, your cigarettes and your drugs."

After four months of work, he left with $90 in his pocket, he said. "I've been down and out. Right now, I'm sleeping wherever I can."

Tammy Byrer, executive director of the St. Francis House shelter in St. Augustine, which provides a roof and job counseling for displaced workers like Anderson, said Florida's farmers surely know what's going on.

"Don't ask, don't tell," was how she described the prevailing attitude, as volunteers prepared 600 sandwiches delivered daily to area farmworkers.

"Somebody needs to come up to the plate."

FARM CAMP "UNSAFE FOR HUMAN OCCUPANCY"

(By Ronnie Greene)

EAST PALATKA.—When inspectors showed up at Ronald Jones' farmworker housing camp here, they found a place unfit for humans.

Within a day in early May, the multicolored buildings were condemned, with bright red "Danger" signs on each door: "This building is deemed unsafe for human occupancy."

Inspectors found five open septic systems; bad plumbing; substandard floors, roofs and ceilings—and "evidence of occupancy of the cabins" even though the complex didn't have the proper permits to house migrant workers.

As dragonflies buzzed overhead one May day, an exposed septic tank was filled with sewage. A 32-ounce Schlitz Malt Liquor bottle lay nearby.

"It just was miserable living there. And I just wanted out of that filth," farmworker Earnest Louis Mitchell, 57, said in a telephone interview from a homeless shelter.

"The commode wouldn't flush, you smelled all through the house at night, and water was all on the floor. You could get electrocuted when you went into the bathroom."

He doesn't intend to go back. "I'm just going to bum the street—no more farm work."

Mitchell had walked away from Jones' employ and called the number on a Legal Services flier. Lisa Butler, a Florida Rural Legal Services attorney, notified the state Department of Health, which investigated along with the Putnam County code enforcement division.

Jones, who owns several farm housing camps in the area, did not reply to written questions. But later that May day, his wife happened to stop by the housing camp.

"A lot of things we didn't know about," said Sylvia Jones, who said she co-owns the property with her husband. "It was like this when we got it."

The Jones camp is just one of many around the state where workers live in squalor. Yet little is done to help them—unless someone complains.

"Migrant workers aren't one to complain too much," said John Salmons, the Putnam County code enforcement supervisor, who examined the buildings with Code Officer Dina K. Trull.

"I think they're afraid for whatever reason. If they're illegal aliens or just happy to be working, we don't get a lot of calls on migrant labor camps."

THE FACE OF FLORIDA'S FARMWORKERS—DRIVEN BY HARSH CONDITIONS IN THEIR HOMELANDS, LABORERS TRAVEL FAR, ONLY TO SEE NEW HARDSHIPS HERE

(By Ronnie Greene)

IMMOKALEE.—At dawn, the migrant workers huddle around the red-and-blue buses that deliver them to Florida's rich farm fields. One by one, they pile into the rickety carriers, their fingers dirty with Florida soil, their faces weathered from sun-soaked labor.

This is farm country, Immokalee, Florida. Just 100 short miles from South Florida's urban shuffle, Immokalee feels a century away. The streets are dusty, the traffic slow—farmhands trudging or riding bikes, cars a luxury beyond the reach of most.

By day, they pluck the tomatoes and oranges that are the lifeblood of Florida's agriculture economy. By night, they return to their modest camps, where they turn on fans to shoo the heat and tally the earnings they will send back home.

In Immokalee, you will find the face of Florida's farmworkers. While some pockets of the Sunshine State include American men recruited from homeless camps to harvest crops, Immokalee's workforce, mirroring the farmworker profile across the nation, is largely Mexican-born.

The men, women and some children laboring here paid steep fees for the privilege. Many walked through the desert to touch U.S. soil in Arizona, then paid $1,000 or more to be smuggled to Florida on the back floor of furtive vans.

And, like farmworkers nationwide, they struggle. Certainly, the long hours under the sun provide more pay than most ever earned back home.

But this prosperity is relative. Most farmworkers nationwide earn less than poverty pay. And in Florida, some have been criminally abused. Immokalee and the farm beyond it have been home to three of the five farmworkers slavery prosecutions brought against Florida farm contractors and smugglers since 1996.

In 2000, the U.S. Department of Labor issued A Demographic and Employment Profile of U.S. Farmworkers, which was based on interviews with 4,199 farmworkers in 85 counties from 1996 to 1998.

The study found that:

61 percent of U.S. farmworkers had income below the poverty level.

The median income was less than $7,500 a year.

14 percent of farmworkers owned or were buying a home in 1997-98. Three years earlier, the ratio had been one in three.

77 percent of U.S. farmworkers were Mexican-born.

More than half of America's farmworkers—52 of every 100—were unauthorized workers.

In Immokalee, these numbers have faces.

ADVOCATES DON'T FEEL LABOR DEPARTMENT IS ALLY

(By Ronnie Greene)

Farmworker advocates say the federal government does little to protect the laborers whose sweat brings fruit and vegetables to the state's tables.

Now they fear even less protection. The head of the agency overseeing farm work conditions recently told Florida growers that she wants to work with—not against—them.

"If you have an issue with an investigator [who cites you], you shouldn't just pay the money. Go up the chain of command and complain. You will get fair treatment from us," Tammy McCutchen, the U.S. Department of Labor's wage and hour administrator, told growers in Orlando last year, according to an industry publication.

Her comments were viewed by many growers as "the most encouraging they had heard from a Department of Labor administrator in years," Gempler's Alert newsletter said. Her remarks came at a time when the department faced dwindling investigative staffing.

In an interview with The Herald, McCutchen said critics are mistaken if they accuse her office of lax supervision.

She said her approach is to work with companies that act in "good faith" and if farmers don't work to fix flaws, "we will hit them hard with enforcement."

"If you can get employers to voluntarily comply early on, you can do a lot better job for the workers. Instead of waiting two or three years for litigation, you are able to fix the problem in a few weeks or a few months."

Statistics from wage and hour show the division collected 30 percent more in back wages for agriculture workers last year than a year earlier.

In fiscal year 2002, it assessed $230,600 in civil penalties against growers and contractors in the Southeast.

"Defending one of our lawsuits cost [growers] that much," said Rob Williams, director of the Migrant Farmworker Justice Project of Florida Legal Services, which has tangled with growers over wage and other inequities.

He believes McCutchen's message means that enforcement will be rarer still.

McCutchen had also told growers that a checklist used to inspect migrant housing would be significantly pared down, to weed out minor items in order to focus on major housing concerns. She said her own inspectors would undergo "professional conduct" training to improve relations with growers they inspect.

Other numbers support critics' concerns. The wage and hour division had 945 investigators to examine agriculture and other industries at the end of fiscal year 2001, but 862 as of March. In Florida, the number dipped from 77 to 73 in January 2003. "I'm very proud of our enforcement efforts, no matter what the raw numbers show," McCutchen said.

Last year, the Labor Department conducted an informal study to see how many growers and contractors were in compliance with the four main provisions of the Migrant and Seasonal Agricultural Worker Protection Act. It found:

Thirty-nine percent did not comply with the law's disclosure rules, which require employers to inform workers of their rights.

Twenty-six percent did not comply with housing safety and health rules.

Ten percent to 15 percent did not comply with various transportation requirements.

Nine percent did not comply with wage laws.

Although the federal agency is more apt to punish labor contractors, it sometimes goes after farmers.

In August 2002, it fined West Coast Tomato $3,650 for operating a Manatee County camp in squalid condition.

Former Manatee County Commissioner Daniel P. McClure is president of West Coast, the ninth-largest vegetable grower in the Southeast.

At 6747 Prospect Rd. in Bradenton, inspectors found the roof rotting and leaking. The garage was used as a sleeping room, four beds on the floor. Gas tanks had been installed without a permit.

McClure, who lives in a Bradenton mansion with a $1.6 million market value, had blamed the camp conditions on a former crew boss.

"That's past history, fella," McClure said, declining interview requests. "Sounds like you're looking for some way to sensationalize the news. If you want to talk about the past, don't come."

Mr. GRAHAM of Florida. Hard-working, law-abiding farmers and growers also suffer under the current system. They continue to be at legal risk for hiring undocumented workers who frequently present fraudulent documents that appear to be credible. The current agricultural guest worker program also fails to provide for unforeseen labor shortages.

The bill before us provides an essential balance. It establishes a legal system that ensures basic rights and protections for workers who make significant contributions to our nation's economy. It also ensures the development of an efficient agricultural guest worker program that improves farmer and grower access to legal agricultural workers.

Agricultural workers do extremely grueling work, work that puts fruits, vegetables and flowers on the tables of many American households. Dedicated, experienced farm workers deserve the dignity, empowerment and improved quality of life that come with earning legal status. Farmers that play by the rules should have a modern, streamlined program that provides easier access to legal agricultural workers.

Congress has not focused on farm worker issues since the mid-1980s. Reform of our agricultural guest worker program is long overdue, and I am hopeful that we will move beyond our status quo and address this important issue this year.

By Mr. McCAIN (for himself and Mr. HOLLINGS):

S. 1646. A bill to provide a 5-month extension of highway safety programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today, I am joined by Senator HOLLINGS in introducing legislation to provide a short-term extension of the safety programs administered by the Federal Motor Carrier Safety Administration (FMCSA), the National Highway Traffic Safety Administration (NHTSA), and the boating safety program administered by the Coast Guard. It is our expectation that this measure will be joined with broader legislation to extend the highway and transit programs for five months.

I take pride in the fact that the Senate Commerce Committee completed work last June on a 6-year reauthorization of the safety programs under its jurisdiction. The bipartisan bill is designed to meet the level of commitment to safety needed to achieve aggressive goals for reducing accidents and fatalities on the nation's roadways. This short-term extension is consistent with our Committee's longer-term reauthorization proposal. It is also consistent with the President's budget request for fiscal year 2004 and with the appropriations bill for fiscal year 2004 that has been reported by the Senate Appropriations Committee.

We look forward to working with our colleagues to approve the extension to ensure the continuity of these important safety programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Safety Program Extension Act of 2003".

SEC. 2. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation for administration of motor carrier safety programs, motor carrier safety research, and border enforcement activities, including the border enforcement program authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002, $119,125,000 for the period beginning on October 1, 2003, and ending on February 29, 2004, to carry out the functions and operations of the Federal Motor Carrier Safety Administration of which $19,583,000 shall be available for the construction of State border safety inspection facilities at the border between the United States and Mexico and at the border between the United States and Canada and of which $4,583,000 shall be used for regulatory development.

(b) MOTOR CARRIER SAFETY ACCOUNT.—Funds made available under subsection (a) shall be administered in the account established in the Treasury entitled "Motor Carrier Safety 69–8055–0–7–401".

(c) MAINTENANCE OF EXPENDITURES.—The Secretary of Transportation may make a grant under section 31107 of title 49, United States Code, to a State from funds made available under subsection (a) only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years before October 1, 2003.

(d) CONTRACT AUTHORITY.—Funds made available under subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 3. EXTENSION OF MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

"(7) Not more than $77,125,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(b) INFORMATION SYSTEMS.—Section 31107(a) of title 49, United States Code, is amended—

(1) by striking "and" after the semicolon in paragraph (2);

(2) by striking "2002." in paragraph (3) and inserting "2002;";

(3) by striking "2003." in paragraph (4) and inserting "2003; and"; and

(4) by adding at the end the following:

"(5) $8,333,000 for the period beginning on October 1, 2003, and ending on February 29, 2004."

(c) MAINTENANCE OF EXPENDITURES.—The Secretary of Transportation may make a grant to a State from funds made available under section 31104(a)(7) of title 49, United States Code, only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years before October 1, 2003.

SEC. 4. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act of the 21st Century (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by striking "2003." and inserting "2003, and $68,640,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of that Act (112 Stat. 337) is amended by striking "2003." and inserting "2003, and $29,952,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of that Act (112 Stat. 337) is amended—

(1) by striking "and"; and

(2) by striking "2003." and inserting "2003, and $8,320,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(d) INCENTIVE GRANTS FOR ALCOHOL-IMPAIRED DRIVING COUNTER-MEASURES.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) by striking "6" in subsection (a)(3) and inserting "7"; and

(B) by striking "fifth and sixth" in subsection (a)(4)(C) and inserting "fifth, sixth, and seventh".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2009(a)(4) of the Transportation Equity Act of the 21st Century (112 Stat. 337) is amended—

(A) by striking "and" the last place it appears; and

(B) by striking "2003." and inserting "2003, and $16,640,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of that Act (112 Stat. 338) is amended by striking "2003." and inserting "2003, and $1,498,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.".

(f) ALLOCATIONS.—Section 2009(b) of that Act (112 Stat. 338) is amended by striking "2003," each place it appears and inserting "2004,".

(g) APPLICABILITY OF TITLE 23.—Section 2009(c) of that Act (112 Stat. 338) is amended by striking "2003" and inserting "2004".

SEC. 5. EXTENSION OF SPORT FISHING AND BOATING SAFETY PROGRAM.

Section 13106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) BOATING SAFETY FUNDS.—

"(1) IN GENERAL.—Of the amount transferred to the Secretary of Homeland Security under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), $2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title.

"(2) USE OF FUNDS.—No funds available to the Secretary of Homeland Security under this sub-section may be used—

"(A) to replace funding traditionally provided through general appropriations; or

"(B) for any purposes except a purpose authorized by this section.

"(3) AVAILABILITY OF FUNDS.—Amounts made available by this subsection shall remain available until expended.

"(4) ACCOUNTING.—The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 228—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 228

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves;

Whereas in 1997 Major League Baseball created a pension plan for former players of the Negro Baseball Leagues who went on to play in Major League Baseball; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages Major League Baseball to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major League Baseball's 1997 pension plan.

SENATE RESOLUTION 229—SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas chronic obstructive pulmonary disease (''COPD'') is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

SENATE RESOLUTION 230—CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself, Mr. SARBANES, Mr. HAGEL, Mr. BIDEN, Mr. DODD, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 230

Whereas Rebiya Kadeer, a prominent businesswoman from Xinjiang Uighur Autonomous Region of the People's Republic of China, was arrested in September 1999, while trying to meet United States Congressional staff;

Whereas the Congressional staff was on an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rebiya Kadeer was convicted at a secret trial and sentenced on March 10, 2000, to 8 years in prison for ''illegally giving state information across the border'';

Whereas the newspapers she was carrying with her at the time of her arrest were all available to the public;

Whereas from 1993 to 1998, Rebiya Kadeer was elected as a member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Rebiya Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas Rebiya Kadeer's health is deteriorating in prison and she is finding it difficult to perform her prison labor due to sickness;

Whereas Rebiya Kadeer is the mother of 10 children;

Whereas the United States Department of State has repeatedly expressed concerns about the continued imprisonment of Rebiya Kadeer;

Whereas United States Assistant Secretary of State for Democracy, Human Rights, and Labor, Lorne Craner, visited Xinjiang in December 2002 with the expectation that she would soon be released;

Whereas the day before Secretary Craner's visit to Xinjiang, 3 of Rebiya Kadeer's children were taken into custody and were released later with strict instructions not to talk to anyone about their mother's case;

Whereas Rebiya Kadeer's case was brought up before a hearing of the Senate Foreign Relations Committee on September 11, 2003, by T. Kumar of Amnesty International USA;

Whereas Chinese authorities are ignoring repeated requests from the United States Congress to release her; and

Whereas President Bush is planning to attend the APEC Conference in October 2003, in Thailand and is planning to have meetings with the Chinese President Hu Jintao, at the Conference: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and deplores the detention of Rebiya Kadeer and calls for her immediate and unconditional release;

(2) urges President Bush to take urgent steps to secure the release of Rebiya Kadeer as soon as possible; and

(3) urges President Bush to demand Rebiya Kadeer's immediate release when he meets with Chinese President Hu Jintao at the APEC Conference.

SENATE RESOLUTION 231—COMMENDING THE GOVERNMENT AND PEOPLE OF KENYA

Mr. FEINGOLD (for himself and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 231

Whereas on December 27, 2002, the Republic of Kenya successfully held presidential, parliamentary, and local elections;

Whereas the elections were widely praised by objective international observers as free and fair;

Whereas the elections signal a major step forward for democracy in Kenya, particularly when compared with other elections held in Kenya since Kenya became an independent state in 1963;

Whereas the transition of power started by the elections culminated on December 30, 2002, when former President Daniel Toroitich arap Moi peaceably transferred the Kenyan presidency to President Mwai Kibaki;

Whereas the people of Kenya have manifested a strong desire to combat the endemic corruption that has crippled Kenyan society for years; and

Whereas the Government of Kenya has responded to this desire with concrete initiatives aimed at fostering transparency and accountability in Kenya: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of the Republic of Kenya for conducting free and fair elections;

(2) commends the Government of Kenya for the successful completion of a peaceful and orderly transition of power;

(3) expresses its desire to see this new democracy in Kenya thrive;

(4) acknowledges the suffering inflicted on the people of Kenya as a result of terrorist activity and appreciates the assistance and cooperation of Kenya to the global fight against terrorism;

(5) reaffirms the friendship that exists between the people of the United States and the people of Kenya, as 2 nations bound together by the shared values of democracy;

(6) applauds the regional peacemaking efforts of Kenya and the contributions of Kenya to international peacekeeping;

(7) commends the commitment and concrete steps taken by the Government and people of Kenya—

(A) to strengthen democracy, human rights, and the rule of law;

(B) to combat corruption, including through the passage by the Kenyan Parliament of the Public Officer Ethics Bill and the Anti-Corruption and Economic Crimes Bill;

(C) to improve access to education; and

(D) to prevent the transmission of HIV/AIDS;

(8) commits to working with the people of Kenya to continue making progress in combating corruption, encouraging development, fighting HIV/AIDS, and fostering respect for the rule of law and a climate of transparency; and

(9) welcomes the October 2003 visit of Kenyan President Mwai Kibaki to the United States.

SENATE RESOLUTION 232—EXPRESSING THE CONDOLENCES OF THE SENATE UPON THE DEATH ON SEPTEMBER 3, 2003, OF THE LATE GENERAL RAYMOND G. DAVIS (UNITED STATES MARINE CORPS, RETIRED) AND EXPRESSING THE APPRECIATION AND ADMIRATION OF THE SENATE FOR THE UNWAVERING COMMITMENT DEMONSTRATED BY GENERAL DAVIS TO HIS FAMILY, THE MARINE CORPS, AND THE NATION

Mr. MILLER (for himself, Mr. BURNS, Mr. CHAMBLISS, and Mr. CORZINE) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas General Raymond Gilbert Davis (United States Marine Corps, retired) of Stockbridge, Georgia, an American hero who represented the supreme ideals of an American and a Marine, died on Wednesday, September 3, 2003, at the age of 88;

Whereas Raymond Gilbert Davis, born on January 13, 1915, in Fitzgerald, Georgia, was commissioned as a second lieutenant in the United States Marine Corps in 1938 following graduation from the Georgia School of Technology;

Whereas during World War II, he participated in the Guadalcanal Tulagi landings, the capture and defense of Guadalcanal, the Eastern New Guinea and Cape Gloucester campaigns, and the Peleliu operation;

Whereas during the fighting on Peleliu, although wounded during the first hour of the landing, he refused evacuation to remain with his men and, on one occasion, when heavy Marine casualties and the enemy's point-blank cannon fire had enabled the Japanese to break through, he personally rallied and led his men in fighting to reestablish defense positions;

Whereas his actions while commanding the 1st Battalion of the 1st Marines at Peleliu in September 1944 earned him the Navy Cross and the Purple Heart and a promotion to lieutenant colonel;

Whereas returning to the United States in November 1944, Lieutenant Colonel Davis was assigned to the Quantico Marine Barracks, Quantico, Virginia, as Tactical Inspector, Marine Corps Schools, and was named chief of the Infantry Section, Marine Air-Infantry School, Quantico, in May 1945, and served in that post for two years before returning to the Pacific area in July 1947 to serve with the 1st Provisional Marine Brigade on Guam;

Whereas following other peace-time duties, in August 1950 he embarked for Korea to command the 1st Battalion, 7th Marines, 1st Marine Division, in the Korean conflict and, in that capacity, heroically enabled the historic breakout of the 1st Marine Division from an entrapment by overwhelming numbers of Chinese soldiers at the Chosin Reservoir in North Korea;

Whereas on the night before the breakout then Lieutenant Colonel Davis led his battalion in an epic across-country fight against vastly superior numbers of entrenched enemy soldiers, across ice- and snow-covered terrain, in subzero temperatures to save a beleaguered rifle company and seize a critical mountain pass that enabled the escape of two Marine regiments, arriving three days later at the port of Hagaru-ri with every one of his wounded Marines;

Whereas as a result of his actions in Korea, Lieutenant Colonel Davis was awarded the Medal of Honor for his actions in the Chosin Reservoir, twice earned the Silver Star Medal by exposing himself to heavy enemy fire while leading and encouraging his men in the face of strong enemy opposition, received the Legion of Merit with Combat "V" for exceptionally meritorious conduct and professional skill in welding the 1st Battalion into a highly effective combat team, and earned the Bronze Star Medal with Combat "V" for his part in rebuilding the regiment after the Chosin Reservoir campaign;

Whereas following service in the Korean conflict, Lieutenant Colonel Davis served in a series of increasingly responsible staff and training positions, while being promoted to colonel in October 1953 and brigadier general in July 1963;

Whereas his first assignment as a general officer was in the Far East where he served as Assistant Division Commander, 3d Marine Division, on Okinawa, from October 1963 to November 1964;

Whereas he was assigned to Headquarters, Marine Corps, from December 1964 until March 1968 and during that service was awarded a second Legion of Merit and was promoted to major general;

Whereas when ordered to the Republic of Vietnam in March 1968, Major General Davis served briefly as Deputy Commanding General, Provisional Corps, and then became Commanding General, 3d Marine Division where he was awarded the Distinguished Service Medal and three personal decorations by the Vietnamese Government for service in the latter capacity from May 2, 1968 until April 14, 1969;

Whereas upon his return to the United States in May 1969, he was assigned duty as Deputy for Education with additional duty as Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia, and upon his promotion to lieutenant general on July 1, 1970, he was assigned as Commanding General, Marine Corps Development and Education Command;

Whereas on February 23, 1971, President Nixon nominated General Davis for appointment to the grade of general and assignment to the position of Assistant Commandant of the Marine Corps and, after confirmation by the Senate for service in that position, he received his fourth star upon assuming those duties on March 12, 1971;

Whereas upon his retirement on March 31, 1972, after more than 33 years of active commissioned service, he ended his military career as Assistant Commandant of the Marine Corps, the second highest ranking Marine;

Whereas General Davis' decorations include the Medal of Honor, the Navy Cross, the Distinguished Service Medal with Gold Star in lieu of a second award, the Silver Star Medal with Gold Star in lieu of a second award, the Legion of Merit with Combat "V" and Gold Star in lieu of a second award, the Bronze Star Medal with Combat "V", the Purple Heart, the Presidential Unit Citation with four bronze stars indicative of second through fifth awards, the Navy Unit Commendation, numerous campaign and service medals, and numerous foreign decorations;

Whereas following retirement from his beloved Corps, General Davis directed the Georgia Chamber of Commerce for several years and later took on the challenge of design, funding, and dedication of the Korean War Veterans Memorial in Washington, DC;

Whereas General Davis continued to work in support of issues concerning the national interest, including a visit to North Korea in an effort to persuade that government to allow more travel and to become more active in identifying missing American soldiers; and

Whereas General Raymond G. Davis is survived by his wife of 61 years, Knox Heafner Davis, two sons Raymond Gil Davis Jr. of Covington, Georgia, and Gordon Miles Davis of Seminole, Alabama, a daughter Willa Kerr of Stockbridge, Georgia, seven grandchildren, and two great-grandchildren: Now, therefore, be it

Resolved,

SECTION 1. CONDOLENCES AND RECOGNITION.

The Senate—

(1) has learned with profound sorrow of the death of General Raymond G. Davis (United

States Marine Corps, retired) on September 3, 2003, and extends its condolences to his family; and

(2) recognizes and expresses its appreciation and admiration for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of General Raymond G. Davis.

SENATE RESOLUTION 233—COMMENDING THE ROCHESTER, MINNESOTA A'S AMERICAN LEGION BASEBALL TEAM FOR WINNING THE 2003 NATIONAL AMERICAN LEGION WORLD SERIES

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas on Wednesday, August 27, 2003, the Rochester, Minnesota A's won the National American Legion World Series by defeating Cherry Hill, North Carolina 5 to 2 in Bartlesville, Oklahoma;

Whereas the American Legion Baseball League is the oldest and most prestigious baseball league in the United States with over 5,200 teams competing nationwide, nearly 50 percent of major league baseball players having played American Legion baseball as teenagers, and nearly 70 percent of all college players having played American Legion baseball as teenagers;

Whereas the A's became only the fourth team from Minnesota to ever win the National American Legion World Series in the 77-year history of the Series;

Whereas the A's finished a stellar season with a record of 52 wins and 5 losses;

Whereas the A's displayed determination and resolve by battling back from a 2 to 0 deficit in the championship game to prove themselves the best high school age baseball team in the Nation;

Whereas the American Legions of America, including Rochester American Legion Post 92, should be commended for their service to the youth of the United States and to the entire Nation;

Whereas the players and coaches of the A's represented Rochester and the State of Minnesota in outstanding fashion with their masterful play, competitive spirit, and good sportsmanship on and off the field, despite 100 degree-plus heat; and

Whereas the players, coaches, managers, and their families exemplified the heart of Minnesota during a special season that has made all of Minnesota proud: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Rochester, Minnesota A's for winning the 2003 National American Legion World Series;

(2) recognizes the achievements of all the players, coaches, and support staff of the team; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Rochester American Legion Post 92 for appropriate display; and

(B) each coach and member of the 2003 National American Legion World Series championship team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1749. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1750. Mr. LEVIN (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra.

SA 1751. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1752. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra.

SA 1753. Mrs. BOXER proposed an amendment to the bill H.R. 2691, supra.

SA 1754. Mr. VOINOVICH (for himself and Mr. THOMAS) proposed an amendment to the bill H.R. 2691, supra.

SA 1755. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1756. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1757. Mr. BURNS (for himself and Mr. BENNETT) proposed an amendment to the bill H.R. 2691, supra.

SA 1758. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1759. Mr. BURNS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1760. Mr. BURNS (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill H.R. 2691, supra .

SA 1761. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1762. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1763. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1764. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1765. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill H.R. 2691, supra.

SA 1766. Mr. BURNS (for Mr. TALENT) proposed an amendment to the bill H.R. 2691, supra.

SA 1767. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act.

SA 1768. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1769. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1770. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1771. Mr. BURNS (for Mr. BENNETT) proposed an amendment to the bill H.R. 2691, supra.

SA 1772. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1773. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1774. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2691, supra.

SA 1775. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, supra.

SA 1776. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, supra.

SA 1777. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1778. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1779. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1780. Mr. BURNS (for Ms. SNOWE (for herself and Mr. DODD)) proposed an amendment to the bill H.R. 2691, supra.

SA 1781. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1782. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

TEXT OF AMENDMENTS

SA 1749. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following: "The business size restrictions for the rural business enterprise grants for Oakridge, OR do not apply."

SA 1750. Mr. LEVIN (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 85, line 21, insert after "until expended" the following:

": *Provided*, That the Department of Energy shall develop, with an opportunity for public comment, procedures to obtain oil for the Strategic Petroleum Reserve in a manner that maximizes the overall domestic supply of crude oil (including amounts stored in private sector inventories) and minimizes the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the Royalty-in-Kind program), consistent with national security. Such procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries. No later than 120 days following the enactment of this act the Department shall propose and no later than 180 days following the enactment of this Act the Department shall publish and follow such procedures when acquiring oil for the Reserve".

SA 1751. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, strike "$1,636,299,000" and insert the following: "$1,638,499,000, of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 shall be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 shall be available to the Oklahoma City National Memorial Trust".

On page 44, line 18, strike "$78,433,000" and insert "$76,233,000".

SA 1752. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, after "$1,636,299,000" insert the following: ", of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 shall be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 shall be available to the Oklahoma City National Memorial Trust".

SA 1753. Mrs. BOXER proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 333.

SA 1754. Mr. VOINOVICH (for himself and Mr. THOMAS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike lines 3 through 6, and insert the following:

SEC. . Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied under completed competitions;

(4) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

SA 1755. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following.

SEC. 3 . ACQUISITION OF LAND IN THE STATE OF MICHIGAN.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may acquire by purchase from a willing seller all right, title, and interest in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 104.45 acres of unimproved land, as generally depicted on National Park Service map entitled "Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore" and numbered 634/80078.

(c) LIMITATION.—The Secretary may not acquire the land described in subsection (b) through an exchange or conveyance of land that is within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of enactment of this Act.

(d) AVAILABILITY OF MAP.—The map referred to in subsection (b) shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service.

SA 1756. Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill under TITLE , DEPARTMENT OF THE INTERIOR GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR, insert the following:

"SEC. . The document entitled the "Agreement for the Acquisition and Donation of the Mineral Estate between the United States of America and the Collier Family" (hereinafter the "Agreement"), dated January 13, 2003, executed by the Department of the Interior and the Collier Family, together with any technical amendments or modifications that may be agreed to by the parties, is hereby ratified, confirmed and approved, and the terms, conditions, procedures and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States and the Collier Family, subject to appropriation.

SA 1757. Mr. BURNS (for himself and Mr. BENNETT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 70, line 18, immediately following the number "205" insert the following:

", of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest"

SA 1758. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 64, line 21, immediately following the number "6a(i))" insert the following:

", of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest"

SA 1759. Mr. BURNS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 11, line 24, after "2005" insert the following: ", of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi".

SA 1760. Mr. BURNS (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 17, immediately following "industries;" insert: and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming.

SA 1761. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 82, line 7, insert before the period ": *Provided further*, That notwithstanding any other provision of law, within fiscal year 2004 up to $9,000,000 of the funds made available under this heading for obligation in prior years, of funds not obligated or committed to existing Clean Coal Technology projects, and funds committed or obligated to a project that is or may be terminated, may be used for the development of technologies and research facilities that support the production of electricity and hydrogen from coal including sequestration of associated carbon dioxide; provided that, the Secretary may enter into a lease or other agreement, not subject to the conditions or requirements established for Clean Coal Technology projects under any prior law, for a cost-shared public-private partnership with a non-Federal entity representing the coal industry and coal-fueled utilities; and provided further, that the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders”

SA 1762. Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 85, on line 4 beginning after “expended” insert “, of which $1,500,000 is for DES applications integration”.

SA 1763. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 4, insert before the period “: *Provided further*, That $48,115,000 shall be for operating grants for Tribally Controlled Community Colleges, and $34,710,000 shall be for Information Resources Technology”

SA 1764. Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . ELECTRIC THERMAL STORAGE TECHNOLOGY.

Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

“(J) electric thermal storage technology; and”.

SA 1765. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, beginning on line 12, strike “$341,531,000” and all that follows through line 17 and insert “$342,131,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a and of which $600,000 shall be available for the planning and design of the Mesa Verde Cultural Center in the State of Colorado: *Provided*, That none of the funds”.

On page 71, beginning on line 9, strike “$77,040,000” and all that follows through line 11 and insert “$76,440,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $5,400,000 shall be available for the Beaver Brook Watershed in the State of Colorado: *Provided*, That”.

SA 1766. Mr. BURNS (for Mr. TALENT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page, 23, line 17, insert before the “:” the following: “, and of which” and insert the following: “of which $50,000 shall be available for the construction of a statue of Harry S Truman in Union Station in Kansas City, Missouri, and of which $4,289,000 shall be available for the construction of a security fence for the Jefferson National Expansion Memorial in the State of Missouri”.

SA 1767. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act; as follows:

On page 22, between lines 18 and 19, insert the following:

SEC. 6. RELOCATION OF HEADQUARTERS.

Section 220508 is amended—

(1) by inserting “(a) IN GENERAL.—” before “The corporation shall”; and

(2) by adding at the end the following:

“(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

“(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

“(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

“(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.”.

SA 1768. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Immediately following Title III of the bill insert the following new Title:

“TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $75,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $75,000,000, that includes designation of the entire amount of $75,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for wildfire suppression and emergency rehabilitation activities of the Forest Service, $325,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $325,000,000, that includes designation of the entire amount of $325,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.”

SA 1769. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 44, insert the following after line 23:

“Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.”

SA 1770. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 66, line 20, immediately following the “:” insert the following:

“*Provided further*, That such funds may be available to reimburse state and other cooperating entities for services provided in response to wildfire and other emergencies or disasters:”

SA 1771. Mr. BURNS (for Mr. BENNETT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 81 immediately following line 16, insert the following new paragraph:

“The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which may be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.”

SA 1772. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Immediately following Title III of the bill insert the following new Title:

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SECTION 1. SHORT TITLE.

This act may be cited as the "Flathead and Kootenai National Forest Rehabilitation Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) The fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) The environmental planning and analysis to restore areas affected by the Robert and Wedge Fire will be completed through a collaborative community process;

(4) The rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) Wildlife and watershed resource values will be maintained in areas affected by the Robert and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this Act is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 3. REHABILITATION PROJECTS.

(a) IN GENERAL.—The Secretary of Agriculture (in this Act referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this Act, the Secretary shall conduct projects under this Act in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this Act, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this Act, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this Act due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this Act, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this Act, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Code of Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this Act is necessary for relief from—

(i) adverse affects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

SEC. 4. CONTRACTING AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this Act.

(b) EXEMPTION.—Notwithstanding any other provision of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 5. MONITORING REQUIREMENTS.

(a) IN GENERAL.—The Secretary shall establish a multi-party monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this Act.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this Act in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 6. SUNSET.

The authority for the Secretary to issue a decision to carry out a project under this Act shall expire 5 years from the date of enactment.

SEC. 7. IMPLEMENTATION OF RECORDS OF DECISION.

The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30 day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10% designated old growth in the project area.

SA 1773. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of Title III of the bill insert the following:

SEC. XXX. ZORTMAN/LANDUSKY MINE RECLAMATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Zortman/Landusky Mine Reclamation Trust Fund" referred to in this section as the "Fund").

(b) For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $22,500,000, the Secretary of the Treasury shall deposit $2,250,000 in the Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) may be available, without fiscal year limitation, to the State of Montana for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of Montana for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—The State of Montana shall use the amounts transferred under paragraph (2) only to supplement funding available from the State Administered "Zortman/Landusky Long-Term Water Treatment Trust Fund" to fund annual operation and maintenance costs for water treatment related to the Zortman/Landusky mine site and reclamation areas.

(e) TRANSFERS AND WITHDRAWALS.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SA 1774. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

"SEC. XXX. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended, or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

REPORT LANGUAGE

SECTION XXX. Allows for the renewal of grazing permits in the Jarbidge Field Office and makes the completion of the required NEPA analysis a high priority while ensuring completion of the necessary documents as soon as possible.

SA 1775. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3, insert the following:

SEC. 1 . INTERIM COMPENSATION PAYMENTS.

Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: ", unless the amount of the interim compensation exceeds the amount of the final compensation".

SA 1776. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 63, between lines 2 and 3, insert the following:

SEC. 1 . APPLICATIONS FOR WAIVERS OF MAINTENANCE FEES.

Section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by inserting after "reason" the following: "(including, with respect to any application filed on or after January 1, 1999, the filing of the application after the statutory deadline)".

SA 1777. Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 24, line 5, immediately following the colon, insert "*Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations:"

SA 1778. Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. . Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking "or a dual fueled vehicle" at the end of subparagraph (3) and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of subparagraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

"(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

"(B) a zero-emission vehicle, as such term is defined in Section 86.1702-99 of title 40, Code of Federal Regulations.".

SA 1779. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 122, Strike Section 324 and insert:

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. *Provided Further*, Beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and two year thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: *Provided Further*, Notwithstanding Section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose.

SA 1780. Mr. BURNS (for Ms. SNOWE (for herself and Mr. DODD)) proposed an amendment to the bill HR. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . NORTHEAST HOME HEATING OIL RESERVE REPORT.

Not later than December 1, 2003, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes—

(A) the various scenarios under which the Northeast Home Heating Oil Reserve may be used; and

(B) the underlying assumptions for each of the scenarios; and

(2) includes recommendations for alternative formulas to determine supply disruption.

SA 1781. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 95, at the end of line 17, insert the following paragraph:

None of the funds made available to the Indian Health Service in this Act shall be used for any Department of Health and Human Services-wide consolidation, restructuring, or realignment of functions or for any assessments or charges associated with any such consolidation, restructuring or realignment, except for purposes for which funds are specifically provided in this Act.

SA 1782. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

"SEC. . Section 104 (16 U.S.C. 1374) is amended—(1) in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".".

NOTICE OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

COMMITTEE ON INDIAN AFFAIRS

Ms. MURKOWSKI. Mr. President, I would like to announce for the information on the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs will hold a joint-hearing on September 30, 2003 at 10 a.m. in SD-366.

The purpose of this hearing is to examine of S. 437, the Arizona Water Settlements Acts, which is a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364, Washington, D.C. 20510-6150 prior to the hearing date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 23, 2003, at 11 a.m., in open session to consider the nomination of the Honorable Gordon R. England to be Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 23, 2003, at 10 a.m. to conduct a hearing on "The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 23, 2003, at 2 p.m., to conduct a markup of the following original legislation: the "National Consumer Credit Reporting System Improvement Act of 2003"; the "Defense Production Reauthorization Act of 2003"; and the "Federal Transit Extension Act of 2003."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, September 23 at 9 a.m. to conduct a business meeting to consider the TEA-21 extension and to conduct a hearing immediately following the markup to consider the nomination of Michael O. Leavitt, to be Administrator of the Environment Protection Agency.

The business meeting and the hearing will take place in SD-406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 23, 2003, at 10 a.m., to hear testimony on "Unfulfilled Promises: Mexican Barrier to U.S. Agricultural Exports."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 23, 2003 at 2:30 p.m. to hold a hearing on Iraq: Next Steps

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 23, 2003, at 9:30 a.m. for a classified hearing titled "Combating Terrorist Financing: Are We on the Right Track?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Health Technology during the session of the Senate on Tuesday, September 23, 2003 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2003, for a hearing on proposals to limit eligibility for veterans' compensation benefits to disabilities directly related to "performance of duty" injuries only.

The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BURNS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, September 23, 2003 from 9:30 a.m.-11:30 a.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on "Information Sharing and Coordination for Visa Issuance: Our first line of defense for homeland security" on Tuesday, September 23, 2003, at 2:30 p.m., in SD226.

WITNESS LIST

Panel I: Maura Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, D.C.; C. Stewart Verdery, Jr., Assistant Secretary for Policy and Planning, Border and Transportation Security, Department of Homeland Security, Arlington, Virginia.

Panel II: John O. Brennan, Director, Terrorist Threat Integration Center (TTIC), Office of the Director of Central Intelligence, McLean, Virginia; Larry A. Mefford, Executive Assistant Director, Counter-terrorism and Counter-intelligence, Federal Bureau of Investigation, Department of Justice, Washington, D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 23, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 213, a bill to clear title to certain real property in New Mexico associated with the middle Rio Grande Project, and for other purposes; S. 1236, a bill directing the Secretary of the Interior to establish a program to control or eradicate Tamarisk in the western United States, and for other purposes; S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive; H.R. 856, a bill authorizing the Secretary of the Interior to revise a repayment contract with the Tom Green county water control and improvement district No. 1 San Angelo Project, Texas, and for other purposes; and H.R. 961, a bill to promote Department of the of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the upper Mississippi

River Basin, and for other purposes. (Contact: Shelly Randel 202–224–7933, Erik Webb 202–224–4756 or Meghan Beal at 202–224–7556).

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Larry Kennedy, a fellow on my staff, be permitted the privilege of the floor during debate on the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES OLYMPIC COMMITTEE REFORM ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 237, S. 1404.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1404) to amend the Ted Stevens Olympic and Amateur Sports Act.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Olympic Committee Reform Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

“SUBCHAPTER III. GOVERNANCE

“§ 220541. Board of directors

“(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

“(b) STRUCTURE OF THE BOARD.—

“(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

“(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

“(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

“(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

“(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

“(3) EX OFFICIO MEMBERS.—The ex officio members are—

“(A) the speaker of the assembly; and

“(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

“(c) TERMS OF OFFICE.—

“(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

“(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

“(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

“(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

“(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

“(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

“(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

“(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

“(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

“(d) VOTING.—

“(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

“(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

“(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

“(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

“(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

“(f) COMMITTEES.—

“(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

“(A) The Audit Committee.

“(B) The Compensation Committee.

“(C) The Ethics Committee.

“(D) The Nominating and Governance Committee.

“(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

“(A) 3 board members described in subsection (b)(2)(A), selected by the board;

“(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

“(C) 1 board member described in subsection (b)(2)(C), selected by the board.

“(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

“(g) NOMINATION AND ELECTION.—

“(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

“(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

“(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

"§ 220542. Assembly

"(a) In General.—

"(1) Forum function.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

"(2) Voting on matters relating to the Olympic games.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

"(3) Meetings.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

"(4) Annual budget.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

"(b) Structure of the Assembly.—

"(1) In general.—The assembly shall consist of—

"(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

"(B) the International Olympic Committee's members for the United States; and

"(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

"(2) Amateur athlete representation.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

"(c) Voting.—

"(1) Representatives of the national governing bodies.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

"(2) Amateur athletes.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

"(d) Speaker of the Assembly.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

"§ 220543. Chief executive officer

"(a) In General.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

"(b) Duties.—The chief executive officer shall, either directly or by delegation—

"(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

"(2) implement the mission and policies of the corporation, as determined by the Board.

"§ 220544. Whistleblower procedures and protections

"The corporation, through the board of directors, shall establish procedures for—

"(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

"(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

"§ 220545. Ethics and compliance

"(a) In General.—The ethics committee shall be responsible for oversight of—

"(1) all matters relating to ethics policy and practices of the corporation's employees, board members, and volunteers;

"(2) officers or directors of a member organization insofar as their activities relate to corporation business; and

"(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.

"(b) Internal Ethics Officer.—

"(1) In general.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.

"(2) Duties.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.

"(3) Line of authority.—

"(A) In general.—The chief ethics officer shall report to the chief executive officer of the corporation.

"(B) Certain parties.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—

"(i) senior management or directors of the corporation;

"(ii) officers or directors of a member organization;

"(iii) a bid city; or

"(iv) the International Olympic Committee.

"(c) Ethics Policy.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—

"(1) a conflict of interest policy;

"(2) an anti-discrimination policy;

"(3) a workplace harassment policy;

"(4) a gift, travel reimbursement, honorarium, and outside income policy;

"(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;

"(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;

"(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;

"(8) a procedure for reporting and investigating potential ethics violations; and

"(9) procedures to assure due process for any individual accused of an ethics violation, including—

"(A) a timely hearing before the ethics committee;

"(B) the right to be represented by counsel; and

"(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.

"(d) Written Statement Required.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation's ethics policy and agree to abide by its rules.

"(e) Ethics Committee Adjudication of Violations.—When the ethics committee determines that an individual has violated the corporation's ethics policy, it will report to the Board and may make recommendations for action to be taken.

"(f) Investigation, Reporting, and Review Procedures.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations, and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.

"(g) Outside Counsel.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.

"(h) Bid City Defined.—In this section, the term 'bid city' means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.".

(b) Transition.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) Initial Nominating and Governance Committee.—

(1) In general.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) Election of new board of directors.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking "representation of—" and inserting "representation on its board of directors and in its assembly of—"; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) ensure that—

"(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

"(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;".

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking "bylaws." and inserting "bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.";

(B) by inserting "the board of directors proposes and approves by majority vote such an amendment and" after "only if"; and

(C) by striking "publication," in paragraph (1) and inserting "publication and on its website,".

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting "the board of directors and" in paragraph (1)(C) after "report to";

(B) by striking "corporation's executive director" in paragraph (2)(A)(i) and inserting "board of directors";

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

"(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.";

(D) by striking "corporation" the first place it appears in paragraph (2)(B) and inserting "board of directors";

(E) by striking "to the corporation's executive committee by either the corporation's executive director" in paragraph (2)(B)(ii) and inserting "by 1 or more members of the board of directors"; and

(F) by striking "corporation's executive committee" in paragraph (2)(B)(iii) and inserting "board of directors".

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking "corporation's executive committee" and inserting "board of directors".

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 [of title 36, United States Code,] is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"220541. Board of directors
"220542. Assembly
"220543. Chief executive officer
"220544. Whistleblower procedures and protections
"220545. Ethics and compliance".

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

"(1) annual financial statements—

"(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

"(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;";

(2) by striking "4-year period;" in subsection (a)(2) and inserting "2-year period;"; and

(3) by inserting "free of charge on its website (or via a similar medium that is widely available to the public), and otherwise" in subsection (b) after "persons".

SEC. 6. SENIOR OLYMPICS.

Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words "Senior Olympics" to promote national athletic competition among senior citizens.

Mr. MCCAIN. The amendment to the United States Olympic Committee Reform Act of 2003, S. 1404, being offered by Senator CAMPBELL permits the new USOC board, together with the new USOC assembly, to determine the location of the organization's headquarters. This amendment is consistent with what is already in the USOC's Federal charter, which currently allows the USOC to determine where in the United States the organization's headquarters should be maintained.

To move the headquarters, the newly constituted board would first determine whether it is in the best interest of the USOC to relocate the headquarters. A unanimous vote by the board would be required to refer the matter to the assembly for consideration, and then, only by a three-fifths majority of the assembly could the USOC headquarters be relocated.

Mr. STEVENS. Mr. President, I thank Senators MCCAIN and CAMPBELL for their work on this important issue. My work on the Olympic Sports Act began in the 1970s. I believe the reforms in our bill today are necessary adjustments that will return the focus of the United States Olympic Committee to our original intent—our American athletes!

The USOC Internal Taskforce and the Senate appointed Independent Commission did excellent jobs in reviewing the problems and offering solutions to the recent problems that have plagued the USOC. I thank the USOC Taskforce and the Independent Commission on the United States Olympic Committee for their hard work. S. 1404 includes many of the suggested changes from both groups.

This is a good bill and I support all but one aspect of it. I cannot support and will work to remove the section that gives special consideration to the Senior Olympics. The only fundraising tool that Congress gave the USOC was the exclusive rights to the name, seals, emblems and badges of the USOC. The language that allows the Senior Olympics to use the Olympic symbols without the USOC permission will lead to the destruction of the fundraising ability of the USOC. Above all, the use of these symbols should not be subject to being "licensed out" by any entity but the USOC. I would have opposed this language in committee but unfortunately I was chairing a Defense Appropriations hearing when the language was offered. I will not hold up the passage of this important legislation but will work to remove the language creating a death knell to the USOC's ability to raise the funds necessary to meet the objectives of our Nation ion international competitions.

This is an important agreement on the location of the USOC headquarters. Now this bill can go to conference, after which, with the President's approval, it will become law and our American athletes can focus all of their efforts on the 2004 Olympic Games.

I thank Senator MCCAIN's Commerce staff for their hard work on this issue. Especially Ken Nahigian and also Brian Feintech of Senator CAMPBELL's staff. Their hard work along with that of George Lowe on my staff have insured that this important legislation is ready to move forward.

Mr. CAMPBELL. Mr. President, I thank Senator MCCAIN for his patience and understanding in this matter and ask to be an original cosponsor of this legislation.

The USOC was crying out for reform. There was the mismanagement of funds, poor judgments, and frequent turnover of management. I would like to recognize the USOC's internal efforts for reform. Reform has been long overdue.

My opposition to this legislation was to protect not only my constituents, but the USOC employees and athletes training in Colorado Springs, CO, as well. Again and again, I have heard rumblings about moving the headquarters of the USOC to another city, possibly New York City. This would be a terrible mistake and I cannot and will not allow this to happen.

The moving expenses would far outweigh the benefits of moving the headquarters and I do not want another dime wasted on the governance and management of the USOC. I cannot, and I do not think that we can make it clear enough: the money raised is first and foremost for the benefit and training of athletes, not for extra cushions on the chairs of those sitting in offices with pretty views of skylines.

The costs to the State of Colorado must be recognized too. The presence of the USOC in Colorado Springs generates over $300 million per year in revenue. My State cannot afford taking a hit like that now. To be exact, the USOC generates $315.9 million a year for the Pikes Peak Region; employs over 500 fund-raising staff; is home to 250 Olympic hopefuls, resident athletes in various sports; provides about 4,800 jobs in the Colorado Springs area, directly and indirectly; and serves about 38,000 tourists each year.

I would like to point out Colorado's own commitment to the United States Olympic Committee. The Colorado State legislature passed law allowing out-of-State doctors to practice medicine at the center without having to pass a Colorado test for a medical license; passed a law allowing out-of-State athletes at the training center to pay instate college tuition so they could continue their education while training; and created a check-off box on State income tax returns allowing taxpayers to donate $1, which initially raised about $200,000 a year.

The argument that moving to a major metropolitan area to have better access to marketing and mass media is completely invalid. NBC agreed to pay $2.2 billion for U.S. television rights to the 2010 Winter Olympic Games and the 2012 Summer Olympic Games. That deal includes a sponsorship by NBC parent company, General Electric, which is based in Connecticut. San Francisco-based VISA continues to support the Olympic movement as does Bank of America, based in Charlotte, NC. Obviously, the USOC is not having any problem securing media coverage or sponsorships.

Lastly, I would like to point out Section 834 of Public Law 99-167, passed during the 1st Session of the 99th Congress, in 1985. The current home of the USOC used to be part of Ent Air Force Base in Colorado Springs. Section 834 conveyed land that the USOC had been leasing from the U.S. Air Force to the USOC under the conditions that the property be used by the USOC solely for USOC activities and if it is not used for that purpose, the property shall be repossessed by the Government. This did not imply that the USOC could use it for a while or use it only in part. If the USOC is not going to use it, then the property should be given back to us.

Mr. BURNS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the Campbell amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1767) was agreed to, as follows:

On page 22, between lines 18 and 19, insert the following:

SEC. 6. RELOCATION OF HEADQUARTERS.

Section 220508 is amended—

(1) by inserting "(a) IN GENERAL.—" before "The corporation shall"; and

(2) by adding at the end the following:

"(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

"(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

"(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

"(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.".

The bill (S. 1404), as amended, was read the third time and passed, as follows:

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Olympic Committee Reform Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"§ 220541. Board of directors

"(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

"(b) STRUCTURE OF THE BOARD.—

"(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

"(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

"(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

"(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

"(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

"(3) EX OFFICIO MEMBERS.—The ex officio members are—

"(A) the speaker of the assembly; and

"(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

"(c) TERMS OF OFFICE.—

"(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for re-election, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

"(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

"(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

"(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

"(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

"(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

"(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

"(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

"(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

"(d) VOTING.—

"(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

"(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

"(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

"(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

“(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

“(f) COMMITTEES.—

“(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

“(A) The Audit Committee.

“(B) The Compensation Committee.

“(C) The Ethics Committee.

“(D) The Nominating and Governance Committee.

“(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

“(A) 3 board members described in subsection (b)(2)(A), selected by the board;

“(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

“(C) 1 board member described in subsection (b)(2)(C), selected by the board.

“(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

“(g) NOMINATION AND ELECTION.—

“(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

“(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

“(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

“§ 220542. Assembly

“(a) IN GENERAL.—

“(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

“(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

“(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

“(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

“(b) STRUCTURE OF THE ASSEMBLY.—

“(1) IN GENERAL.—The assembly shall consist of—

“(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

“(B) the International Olympic Committee's members for the United States; and

“(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

“(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

“(c) VOTING.—

“(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

“(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

“(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

“§ 220543. Chief executive officer

“(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

“(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

“(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

“(2) implement the mission and policies of the corporation, as determined by the Board.

“§ 220544. Whistleblower procedures and protections

“The corporation, through the board of directors, shall establish procedures for—

“(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

“(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

“§ 220545. Ethics and compliance

“(a) IN GENERAL.—The ethics committee shall be responsible for oversight of—

“(1) all matters relating to ethics policy and practices of the corporation's employees, board members, and volunteers;

“(2) officers or directors of a member organization insofar as their activities relate to corporation business; and

“(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.

“(b) INTERNAL ETHICS OFFICER.—

“(1) IN GENERAL.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.

“(2) DUTIES.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.

“(3) LINE OF AUTHORITY.—

“(A) IN GENERAL.—The chief ethics officer shall report to the chief executive officer of the corporation.

“(B) CERTAIN PARTIES.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—

“(i) senior management or directors of the corporation;

“(ii) officers or directors of a member organization;

“(iii) a bid city; or

“(iv) the International Olympic Committee.

“(c) ETHICS POLICY.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—

“(1) a conflict of interest policy;

“(2) an anti-discrimination policy;

“(3) a workplace harassment policy;

“(4) a gift, travel reimbursement, honorarium, and outside income policy;

“(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;

“(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;

“(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;

“(8) a procedure for reporting and investigating potential ethics violations; and

“(9) procedures to assure due process for any individual accused of an ethics violation, including—

“(A) a timely hearing before the ethics committee;

“(B) the right to be represented by counsel; and

“(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.

“(d) WRITTEN STATEMENT REQUIRED.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation's ethics policy and agree to abide by its rules.

"(e) Ethics Committee Adjudication of Violations.—When the ethics committee determines that an individual has violated the corporation's ethics policy, it will report to the Board and may make recommendations for action to be taken.

"(f) Investigation, Reporting, and Review Procedures.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations, and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.

"(g) Outside Counsel.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.

"(h) Bid City Defined.—In this section, the term 'bid city' means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.".

(b) Transition.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) Initial Nominating and Governance Committee.—

(1) In general.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) Election of new board of directors.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) Conforming Amendments.—

(1) Representation requirements.—Section 220504(b) is amended—

(A) by striking "representation of—" and inserting "representation on its board of directors and in its assembly of—"; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

"(B) ensure that—

"(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

"(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;".

(2) Constitution and bylaws.—Section 220505(a) is amended—

(A) by striking "bylaws." and inserting "bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.";

(B) by inserting "the board of directors proposes and approves by majority vote such an amendment and" after "only if"; and

(C) by striking "publication," in paragraph (1) and inserting "publication and on its website,".

(3) Ombudsman to report to board of directors.—Section 220509(b) is amended—

(A) by inserting "the board of directors and" in paragraph (1)(C) after "report to";

(B) by striking "corporation's executive director" in paragraph (2)(A)(i) and inserting "board of directors";

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

"(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.";

(D) by striking "corporation" the first place it appears in paragraph (2)(B) and inserting "board of directors";

(E) by striking "to the corporation's executive committee by either the corporation's executive director" in paragraph (2)(B)(ii) and inserting "by 1 or more members of the board of directors"; and

(F) by striking "corporation's executive committee" in paragraph (2)(B)(iii) and inserting "board of directors".

(4) Eligibility requirements.—Section 220522(a)(4)(B) is amended by striking "corporation's executive committee" and inserting "board of directors".

(5) Chapter analysis.—The chapter analysis for chapter 2205 is amended by adding at the end the following:

"SUBCHAPTER III. GOVERNANCE

"220541. Board of directors
"220542. Assembly
"220543. Chief executive officer
"220544. Whistleblower procedures and protections
"220545. Ethics and compliance".

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) Biennial Report.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

"(1) annual financial statements—

"(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

"(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;";

(2) by striking "4-year period;" in subsection (a)(2) and inserting "2-year period;"; and

(3) by inserting "free of charge on its website (or via a similar medium that is widely available to the public), and otherwise" in subsection (b) after "persons".

SEC. 6. RELOCATION OF HEADQUARTERS.

Section 220508 is amended—

(1) by inserting "(a) In General.—" before "The corporation shall"; and

(2) by adding at the end the following:

"(b) Relocation of Headquarters.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

"(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

"(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

"(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.".

SEC. 7. SENIOR OLYMPICS.

Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words "Senior Olympics" to promote national athletic competition among senior citizens.

Mr. McCAIN. Mr. President, I am pleased that the Senate has passed S. 1404, the United States Olympic Committee Reform Act of 2003. I thank the cosponsors of this important legislation, Senators STEVENS and CAMPBELL, for their passion for the Olympic movement and their contribution to the reform of the United States Olympic Committee, USOC. S. 1404 is intended to make significant improvements to the governance structure of the USOC by vastly reducing the size of the current board of directors and by creating an assembly of USOC stakeholders. The bill is intended to allow the USOC to operate more effectively within a more streamlined and transparent structure.

S. 1404 is the product of three Commerce Committee hearings held this year in response to a series of embarrassing leadership and ethics scandals that have plagued the USOC and distracted the organization from its mission. The new board of directors, which would be the primary governing body of the organization, would appoint a chief executive officer to carry out the board's policies and run the organization's day-to-day business operations. The board would defer to the judgment of the assembly on matters relating specifically to the Olympic Games.

While maintaining the representation and voting authority of athletes and national governing bodies, this legislation also would provide increased financial transparency to the USOC and establish whistle-blower protection for its employees. The bill is designed to streamline the USOC to allow a larger percentage of the revenue generated by the organization to be allocated to support amateur athletes.

In addition, we have worked to make this bill comply with the charter of the International Olympic Committee, IOC, and will continue to do this. It is important to note that corporate governance in the United States has changed dramatically over the past year, and these changes are leading this country's private and public sectors to adopt higher standards of responsibility and accountability. These same standards should be applied to the USOC to ensure that the narrow agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization. To accomplish this objective, we propose that the USOC adhere to best corporate governance practices, such as requiring that the newly constituted USOC board have at least a majority of independent directors. In the end, the newly reformed board would govern the day-to-day operations of the USOC, and would be able to work with the IOC to address any concerns that it might have regarding the USOC's operations.

The fast-approaching Olympic Games in Athens next summer, as well as the ongoing bid by New York City to host the games in 2012, lend urgency to this legislation, and I look forward quickly to resolving any differences between the Senate and House measures. I urge my colleagues to support this very important legislation.

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 229, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 229) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas chronic obstructive pulmonary disease ("COPD") is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

EXPRESSING THE CONDOLENCES OF THE SENATE UPON THE DEATH OF GENERAL RAYMOND G. DAVIS, UNITED STATES MARINE CORPS, RETIRED

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 232, submitted earlier today by Senators MILLER, BURNS, CHAMBLISS, and CORZINE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 232) expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas General Raymond Gilbert Davis (United States Marine Corps, retired) of Stockbridge, Georgia, an American hero who represented the supreme ideals of an American and a Marine, died on Wednesday, September 3, 2003, at the age of 88;

Whereas Raymond Gilbert Davis, born on January 13, 1915, in Fitzgerald, Georgia, was commissioned as a second lieutenant in the United States Marine Corps in 1938 following graduation from the Georgia School of Technology;

Whereas during World War II, he participated in the Guadalcanal Tulagi landings, the capture and defense of Guadalcanal, the Eastern New Guinea and Cape Gloucester campaigns, and the Peleliu operation;

Whereas during the fighting on Peleliu, although wounded during the first hour of the landing, he refused evacuation to remain with his men and, on one occasion, when heavy Marine casualties and the enemy's point-blank cannon fire had enabled the Japanese to break through, he personally rallied and led his men in fighting to reestablish defense positions;

Whereas his actions while commanding the 1st Battalion of the 1st Marines at Peleliu in September 1944 earned him the Navy Cross and the Purple Heart and a promotion to lieutenant colonel;

Whereas returning to the United States in November 1944, Lieutenant Colonel Davis was assigned to the Quantico Marine Barracks, Quantico, Virginia, as Tactical Inspector, Marine Corps Schools, and was named chief of the Infantry Section, Marine Air-Infantry School, Quantico, in May 1945, and served in that post for two years before returning to the Pacific area in July 1947 to serve with the 1st Provisional Marine Brigade on Guam;

Whereas following other peace-time duties, in August 1950 he embarked for Korea to command the 1st Battalion, 7th Marines, 1st Marine Division, in the Korean conflict and, in that capacity, heroically enabled the historic breakout of the 1st Marine Division from an entrapment by overwhelming numbers of Chinese soldiers at the Chosin Reservoir in North Korea;

Whereas on the night before the breakout then Lieutenant Colonel Davis led his battalion in an epic across-country fight against vastly superior numbers of entrenched enemy soldiers, across ice- and snow-covered terrain, in subzero temperatures to save a beleaguered rifle company and seize a critical mountain pass that enabled the escape of two Marine regiments, arriving three days later at the port of Hagaru-ri with every one of his wounded Marines;

Whereas as a result of his actions in Korea, Lieutenant Colonel Davis was awarded the Medal of Honor for his actions in the Chosin Reservoir, twice earned the Silver Star Medal by exposing himself to heavy enemy fire while leading and encouraging his men in the face of strong enemy opposition, received the Legion of Merit with Combat "V" for exceptionally meritorious conduct and professional skill in welding the 1st Battalion into a highly effective combat team, and earned the Bronze Star Medal with Combat "V" for his part in rebuilding the regiment after the Chosin Reservoir campaign;

Whereas following service in the Korean conflict, Lieutenant Colonel Davis served in a series of increasingly responsible staff and training positions, while being promoted to colonel in October 1953 and brigadier general in July 1963;

Whereas his first assignment as a general officer was in the Far East where he served as Assistant Division Commander, 3d Marine Division, on Okinawa, from October 1963 to November 1964;

Whereas he was assigned to Headquarters, Marine Corps, from December 1964 until March 1968 and during that service was awarded a second Legion of Merit and was promoted to major general;

Whereas when ordered to the Republic of Vietnam in March 1968, Major General Davis served briefly as Deputy Commanding General, Provisional Corps, and then became Commanding General, 3d Marine Division where he was awarded the Distinguished Service Medal and three personal decorations by the Vietnamese Government for service in the latter capacity from May 2, 1968 until April 14, 1969;

Whereas upon his return to the United States in May 1969, he was assigned duty as Deputy for Education with additional duty as Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia, and upon his promotion to lieutenant general on July 1, 1970, he was assigned as Commanding General, Marine Corps Development and Education Command;

Whereas on February 23, 1971, President Nixon nominated General Davis for appointment to the grade of general and assignment to the position of Assistant Commandant of the Marine Corps and, after confirmation by the Senate for service in that position, he received his fourth star upon assuming those duties on March 12, 1971;

Whereas upon his retirement on March 31, 1972, after more than 33 years of active commissioned service, he ended his military career as Assistant Commandant of the Marine Corps, the second highest ranking Marine;

Whereas General Davis' decorations include the Medal of Honor, the Navy Cross, the Distinguished Service Medal with Gold Star in lieu of a second award, the Silver Star Medal with Gold Star in lieu of a second award, the Legion of Merit with Combat "V" and Gold Star in lieu of a second award, the Bronze Star Medal with Combat "V", the Purple Heart, the Presidential Unit Citation with four bronze stars indicative of second through fifth awards, the Navy Unit Commendation, numerous campaign and service medals, and numerous foreign decorations;

Whereas following retirement from his beloved Corps, General Davis directed the Georgia Chamber of Commerce for several years and later took on the challenge of design, funding, and dedication of the Korean War Veterans Memorial in Washington, DC;

Whereas General Davis continued to work in support of issues concerning the national interest, including a visit to North Korea in an effort to persuade that government to allow more travel and to become more active in identifying missing American soldiers; and

Whereas General Raymond G. Davis is survived by his wife of 61 years, Knox Heafner Davis, two sons Raymond Gil Davis Jr. of Covington, Georgia, and Gordon Miles Davis of Seminole, Alabama, a daughter Willa Kerr of Stockbridge, Georgia, seven grandchildren, and two great-grandchildren: Now, therefore, be it

Resolved,

SECTION 1. CONDOLENCES AND RECOGNITION.

The Senate—

(1) has learned with profound sorrow of the death of General Raymond G. Davis (United States Marine Corps, retired) on September 3, 2003, and extends its condolences to his family; and

(2) recognizes and expresses its appreciation and admiration for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of General Raymond G. Davis.

COMMENDING ROCHESTER, MINNESOTA A's

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 233 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 233) commending the Rochester, Minnesota A's American Legion baseball team for winning the 2003 National American Legion World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 233

Whereas on Wednesday, August 27, 2003, the Rochester, Minnesota A's won the National American Legion World Series by defeating Cherry Hill, North Carolina 5 to 2 in Bartlesville, Oklahoma;

Whereas the American Legion Baseball League is the oldest and most prestigious baseball league in the United States with over 5,200 teams competing nationwide, nearly 50 percent of major league baseball players having played American Legion baseball as teenagers, and nearly 70 percent of all college players having played American Legion baseball as teenagers;

Whereas the A's became only the fourth team from Minnesota to ever win the National American Legion World Series in the 77-year history of the Series;

Whereas the A's finished a stellar season with a record of 52 wins and 5 losses;

Whereas the A's displayed determination and resolve by battling back from a 2 to 0 deficit in the championship game to prove themselves the best high school age baseball team in the Nation;

Whereas the American Legions of America, including Rochester American Legion Post 92, should be commended for their service to the youth of the United States and to the entire Nation;

Whereas the players and coaches of the A's represented Rochester and the State of Minnesota in outstanding fashion with their masterful play, competitive spirit, and good sportsmanship on and off the field, despite 100 degree-plus heat; and

Whereas the players, coaches, managers, and their families exemplified the heart of Minnesota during a special season that has made all of Minnesota proud: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Rochester, Minnesota A's for winning the 2003 National American Legion World Series;

(2) recognizes the achievements of all the players, coaches, and support staff of the team; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Rochester American Legion Post 92 for appropriate display; and

(B) each coach and member of the 2003 National American Legion World Series championship team.

UNANIMOUS CONSENT AGREEMENT—S. 150

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate Commerce Committee reports out S. 150, the Internet Tax Nondiscrimination Act of 2003, the bill be referred to the Committee on Finance for up to 30 calendar days, and if the Committee on Finance does not report out the bill within that time, it will be discharged and placed on the Legislative Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 24, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 24. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 1 hour, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the remaining 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to consideration of Calendar No. 278, H.R. 2765, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. For the information of all Senators, tomorrow following morning business, the Senate will begin consideration of H.R. 2165, the DC appropriations bill. The two bill managers will be here tomorrow morning to begin working through the amendments on the bill. Rollcall votes should be expected throughout the day as the Senate attempts to finish action on the DC appropriations bill. Members will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Wednesday, September 24, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 2003:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, VICE THOMAS EHRLICH, TERM EXPIRED.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008, VICE CHRISTOPHER C. GALLAGHER, TERM EXPIRING.

LEGAL SERVICES CORPORATION

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE MARIA LUISA MERCADO, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JUDITH C. HERRERA, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE JAMES A. PARKER, RETIRED.

LOUIS GUIROLA, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE WALTER J. GEX III, RETIRING.

DAVID L. HUBER, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE STEPHEN BEVILLE PENCE, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate September 23, 2003:

THE JUDICIARY

KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

HOUSE OF REPRESENTATIVES—*Tuesday, September 23, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 23, 2003.

I hereby appoint the Honorable ROB BISHOP of Utah to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

The message also announced that under the authority of the Order of July 30, 2003, the Senate disagrees to the amendment of the House to the bill (S. 3) "An Act to prohibit the procedure commonly known as partial-birth abortion", agree to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. DEWINE, Mr. SANTORUM, Mrs. FEINSTEIN and Mrs. BOXER, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

REPEALING THE TAX ON THE DEATH GRATUITY

Mr. JONES of North Carolina. Mr. Speaker, this is a very important issue that I bring to the floor. As you can see behind me, these are the faces of just a few of the men and women who have died for this country, both in Afghanistan and Iraq. I bring this to the floor because last year I introduced a bill to repeal the tax on the death gratuity.

The death gratuity, Mr. Speaker, is a "thank you," if you will, not enough, but it is a check that is given to the families of those who have given loved ones in uniform that have died for this country. I want to say to the leadership on both sides that last year you did, and I thank both sides, put the language from that bill into a larger bill to bring tax relief to our men and women in uniform, but the other body did not pass the bill.

This year, I put the bill back in as H.R. 693, to repeal the tax on the death gratuity. It was put into a larger bill known as the Military Tax Fairness Act, supported by both sides, sent to the other body, known as the Senate, and they still have not moved that bill. So I am coming to the floor as much as possible to ask the leadership on the House side, both Republican and Democrat, to please bring up as a stand-alone bill, H.R. 693.

Mr. Speaker, I wanted to show you another photograph. This is a young fellow whose father was killed in Iraq. His name is Tyler Jordan. His father was a Gunnery Sergeant killed while fighting for freedom in Iraq. Mr. Speaker, I bring this to the floor because this next year, his mother will receive a tax bill from Uncle Sam.

Mr. Speaker, how much does a family have to give? It gives a loved one, who has died for freedom, to protect the American people. Why can we not, as a Congress, send to the President, before we leave in November, a bill to say that we are going to repeal the tax on the death gratuity?

Mr. Speaker, I hope that the leadership on the House side, both Republican and Democrat, will join me in bringing this bill to the floor as a stand-alone bill, and let us send it to the other body and ask them to please look into their own hearts and pass that legislation and send it to the President. No family that has given a loved one, and in many cases a child, a father, a husband, should be asked next year by Uncle Sam to pay a tax on that gift.

So, with that, Mr. Speaker, I am going to close, as I do all over my district, the Third District of North Carolina, the home of Camp Lejeune Marine Base, Cherry Point Marine Corps Air Station and Seymour Johnson Air Force Base.

Mr. Speaker, I ask God to please bless the men and women in uniform; I ask God to please bless the families of the men and women in uniform; I ask God to please hold the families who have lost loved ones in His loving arms. I ask God to please bless the House and Senate, that we will do what is right in the eyes of the Lord; and I ask God to please bless the President of the United States, that will he have courage and wisdom to what is right for this Nation, today and tomorrow.

Mr. Speaker, I close three times by asking God, God please, God please, God please continue to bless America.

THE COST OF THE IRAQ WAR AND OCCUPATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, a study released by the House Committee on the Budget staff concludes that the cost of the Iraq war and the Iraq occupation could easily reach $417 billion over the next decade. That is $17 billion more than the President has proposed for a prescription drug benefit for our seniors. The report says the best-case scenario would cost taxpayers only $308 billion. Deputy Defense Secretary Wolfowitz said recently, "No one I know of would ever say that this war is cheap."

That, Mr. Speaker, contradicts what everyone in the Bush administration was saying before the war. Budget Director Mitch Daniels said Iraq would be "an affordable endeavor" that "will not require sustained aid." Top White House Economist Glen Hubbard said back then before the war, the "costs of any such intervention would be very small." And another White House aid, Larry Lindsey, was fired after he said it would cost $100 billion to $200 billion.

The report details how the President's request allocates $157 per Iraqi for sewage improvements, while the President's budget has only $14 per American for sewer improvements. This is U.S. tax dollars. The administration is devoting $38 per Iraqi for hospitals, compared with $3.30 per American.

The President is seeking $5.7 billion to rebuild and expand Iraq's electricity generation, transmission and distribution systems, just as millions of Americans are regaining power lost due to Hurricane Isabel, and Congress continues to deal with the fallout from the August blackout in my part of the country and in the Northeast.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The President's request would send over 350 times more per person, $255 per Iraqi, compared to 71 cents per U.S. citizen on electric power rehabilitation.

The President wants $856 million to upgrade Iraqi airports, seaports, railways and communication systems. Another $470 million would go towards repairing roads, bridges and houses in Iraq and rehabilitating Iraqi government buildings.

The fine print of the President's request shows how far U.S. expenditures are going overseas and how the Bush administration, frankly, misled us before the war when he said this could be done on the cheap.

In Iraq, $875 million is earmarked to restore drained marshlands, while at home the administration wants to hold wetland conservation programs to last year's level at $100 million, one-eighth as much.

We have a duty, to be sure, to help the people of Iraq and Afghanistan as they rebuild their countries, but not at the expense of our own. I urge my colleagues to support H.R. 1738, the Iraqi Parity Act, a bill to require the U.S. Government to pay for infrastructure and social service needs for the 50 U.S. States in the same amount as the amount of relief and reconstruction funds provided to Iraq. State and local governments in the United States deserve, at a minimum, the same level of Federal involvement to address infrastructure and social service shortfalls as the amount of relief and reconstruction funds provided to Iraq.

What I am hearing from my constituents, and I have come to this floor day after day reading letters from constituents about their concern about our entry into the war and the aftermath of that war and how the administration may not have told us everything, it may not have told us the truth in how this Congress, this Republican leadership in this Congress, has failed and refused to investigate these expenditures and failed to and refused to investigate many of the other issues around the Iraq war.

But what I am hearing from my constituents in these letters is the U.S. cannot go it alone in Iraq. My constituents are uncomfortable with the huge price tag for reconstruction; my constituents do not feel their tax dollars should bear the entire burden of reconstruction in Iraq; my constituents do not feel our troops should bear the entire burden of protecting Iraq; and, most of all, my constituents are concerned that the administration is simply not doing enough to ensure the safety of our men and women in the Armed Forces.

Mr. Speaker, this is a serious issue that this Congress needs to debate. We need answers. We need the Bush administration to tell us what their plans are. How long we are going to be in Iraq? How we are going to rebuild that country? How much it is going to cost, and when we are going to withdraw from that country?

SERIOUSNESS IN THE SPOTLIGHT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized.

Mr. DELAY. Mr. Speaker, I just would like to start by saying that Franklin Delano Roosevelt, in fighting World War II, did not tell the American people how long it was going to take or what it was going to cost; all he told them was that we were going to win.

Ronald Reagan did not tell the American people how long it would take or what it would cost to defeat communism; he just told the American people we were going to win.

This week, two items on the agenda will give Members of both parties the opportunity to show the American people just how serious they are about winning the war on terror. In the coming days, we will hold hearings on the President's supplemental spending request for military and democracy-building operations in Afghanistan and Iraq.

And also this week, the House will likely debate the conference report on the Homeland Security spending bill.

Since September 11, some have tried to split homeland security from national security, as if they were two separate issues. But the war on terror cannot be won if we employ such flawed logic. Homeland security and national security are one and the same, and only by accepting this fundamental fact can we hope to defeat terrorism.

Whether we like it or not, we have to fight this war on terror. Our choice is whether to fight it in the streets of Baghdad, or in the streets of Brooklyn.

Critics of the President's policy suggest that spending billions on civil defense without aggressively fighting the terrorists everywhere they live and plan will, in and of itself, make America safer. But in this war, with an enemy that acknowledges no rules of engagement, we should not have to rely on responding to their actions; they should be responding to ours. And today in Afghanistan and Iraq, they are.

Here at home, the President's comprehensive security policy has made America a safer and better prepared Nation than ever before. Our intelligence and law enforcement communities foil terrorist plots every month. Our enemies, those here and around the world, are on the run, killed or captured, hiding in caves, or sitting in cells.

And the comprehensive security policy of the Bush doctrine is the reason for our success in the war on terror and our only hope for seeing that war through to ultimate victory.

If the President's critics do not like this policy, then it is time for them to either propose their own or get out of the way.

□ 1245

In the hearings and debate, the President's critics once and for all will finally reveal either alternative war policy or their basic unfitness for wartime leadership.

THE STATE OF THE ECONOMY

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. GREEN) is recognized during morning hour debates for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today to talk about the state of our ailing economy. The administration recently announced that it is requesting $87 billion from Congress to fund the war and rebuild Afghanistan and Iraq's infrastructure and the economy. This is in addition to the $79 billion that Congress made available for these efforts last spring.

Mr. Speaker, I do not have any problem with fighting the war against terrorism, whether it is in Iraq or in Afghanistan, but I am wondering where the funding is to rebuild our own economy.

Just put this $87 billion in context for those in the Chamber and for our constituents at home. $87 billion is more than our government spends on any domestic agency, with the exception of the Department of Defense and the Department of Health and Human Services. With this request, we will spend more rebuilding Iraq than we will spend rebuilding crumbling American roads and bridges. We will spend more in Iraq than we spend on rebuilding outdated schools where our children are educated. In fact, we will spend more rebuilding Iraq than President Lyndon Johnson spent to fund the entire Federal Government in his first year in office, and that was the first year of our Great Society. My colleagues on the Republican side talk about how bad it was; well, we are actually spending more in Iraq than we were in the first year of the Great Society.

While this administration is focused like a laser beam on Iraq, and I agree with some of that, we are falling asleep at the wheel while driving our economy. Quite frankly, our economy is swerving and is heading for a wreck. If you have lost your job or cashed your last unemployment check, you already know you are in a wreck.

Mr. Speaker, we have presided over the largest fiscal reversal in history by turning a $5.6 trillion surplus into a $3.3 trillion deficit. Under this administration's economic leadership, 3.2 million Americans have lost their jobs, and these jobs will not return, if you read the business sections of our major dailies. The gross domestic product growth has averaged 1.6 percent, and real business investment has fallen to 10.4 percent.

Now, if we show these figures to the administration, we will hear their cries of recession and economic swings. Well, this country has weathered recessions before, but these figures do not represent just any recession. These figures represent the worst economic conditions since the Great Depression. That is right, the worst economic conditions since the Great Depression.

This administration has the worst economic record since Herbert Hoover presided over the Great Depression. And as much as this administration hates to admit it, tax cuts are not the answer to every economic problem. Oh, they promised us that cutting taxes would ease the burden on businesses and pave the way for job creation. Well, since the President took office, we have had three major tax cuts and lost 3.2 million jobs. That is over a million jobs lost for each tax cut. And this Congress, by the way, enacted those tax cuts.

This country has already lost 437,000 jobs this year, raising our unemployment levels to 6.1 percent. Factory employment in this country has declined in every single month for the last 3 years. In fact, of the 3.2 million jobs lost under this administration, 2.7 of them are manufacturing jobs. And over 150,000 of those manufacturing jobs come from my home State of Texas.

Mr. Speaker, I have the distinct honor of representing the 29th District of Texas, and it is the third most blue-collar district in the country, according to the last census. These good-paying jobs belonged to my constituents and provided them with a livable wage and a good chance to achieve the American dream. In 1950, manufacturing jobs represented one-third of our country's labor market. Today they represent one-tenth. Part of this country's economic problem is it does not make anything anymore. It is great to be the information economy, but it is not great if you do not have anything to have any information about. Our push for free trade has pushed our products and our jobs right out of this country.

Mr. Speaker, I am proud to represent the Port of Houston, the second largest port in our country. The port has been an economic boon for both the city of Houston and Texas and our region. But for the sake of our country, I just wish those ships going out of the port were as full as when they come in.

Mr. Speaker, our country is in a dire economic situation. It does not take too much to go out and listen to our constituents to know that. Like my colleagues, I listened intently when the President recently talked about the need for unity and sacrifice, and I think he is right. But our country's economy and unemployed workers have sacrificed enough. It is high time that this administration made some sacrifices and the tough decisions necessary to start putting this country and all of our people first.

AMERICAN EFFORTS TO HELP IRAQIS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I have some good news after that speech. As we talk about Iraq and how to fund our efforts over there, I do not think we should forget the amazing deeds that our troops are doing every day. Major combat has ended, and there are still terrorists at work in the country, but a powerful tyrannical regime has fallen, and, of course, it will take time and concerted efforts before democracy can grow from the ash and rubble of 35 years of Saddam Hussein.

Far from the headlines about the United States' military mission in Iraq, American GIs are daily making contributions to help mend Iraq both from the ravages of combat, but also from a decade of neglect, as I say, under Saddam Hussein. From the rebuilding of the hospitals to the delivery of school supplies and care packages, our troops have personally organized over 5,000 different humanitarian projects while, also, at the same time, trying to secure the security for Iraq. Slowly but surely change is coming to the people of Iraq, and it is the United States who is delivering that change, and someday, I believe, the world will realize this.

Mr. Speaker, I would like to take this opportunity to detail a sampling, just a small sampling, but a few examples of projects carried out by our U.S. troops recently. For example, a battalion of the Army's 101st Airborne Division is hooking up the folks back home in America with Iraqi villages, organizing, in typical American style, an "adopt-a-village" campaign for sending care packages of school supplies, sports equipment, canned food, and toiletry items. So far, the 426th Forward Support Battalion has signed up the city of Salem, Utah, several Minnesota residents, and a Tennessee car dealership to help two villages. Perhaps others want to help today.

An Army reservist with the 432nd Civil Affairs Battalion from Green Bay, Wisconsin, dreamed up the "Backpacks for Iraq" project which aims to ship 2,000 donated packs filled with school supplies given by people in Wisconsin and elsewhere. So far the soldier has distributed 120 packs with another semitrailer truckload on the way.

The Combined Joint Task Force-Seven started a "Beanies for Baghdad" program which is delivering more than 7,000 stuffed animals and 1,000 classroom school supplies packages to Baghdad neighborhoods and children's hospital wards.

The Army Reserves 171st Area Support Group in Nasiriyah in southern Iraq collected money from the soldiers to buy stoves, refrigerators, fans, televisions, and kitchen tables and chairs for three orphanages which the troops have taken under their wing, in a city where, at the same time, fierce fighting rages daily in that location.

Soldiers from the Army's 490th Civil Affairs Battalion from Abilene, along with others from the 3rd Armored Cavalry Regiment, have rebuilt a school from the ground up in a village outside Ar Ramadi, adding a new roof, a bathroom, water tanks, fans, windows, and chalkboards.

The Naval Coastal Warfare sailors delivered over 200 packages of school supplies after a San Diego church donated $800 to ship them to poor children in a southern Iraq port city. On their own time, sailors with the Inshore Boat Unit 15 from Corpus Christi, Texas, constructed 16 children-sized picnic tables using just scrap lumber as materials to do this.

Mr. Speaker, Seabees from the Naval Mobile Construction Battalion 4 based in California supervised a wholesale renovation of a girls' high school in southern central Iraq. The school now has freshly painted rooms and new electrical wiring, lighting, ceiling fans, and bathrooms. The $72,000 needed for the project came from funds that were confiscated from Saddam's Baath Party.

U.S. reservists from a Denver-based combat engineer battalion have adopted a small village in northern Iraq where, on their own time, they are building a playground and equipment and restoring the irrigation well system.

Army engineers from Fort Lewis, Washington, have resurrected a water treatment plant in Iraq, freeing Iraqis there from the scourge of dysentery. And elsewhere, Mr. Speaker, American troops are volunteering to pick up and fix up orphanages, schools and hospitals, and even kicking in cash from their own pockets to buy refrigerators, stoves, and beds for needy Iraqis.

So it is clear that our troops are doing more for the Iraqi people than was ever asked of them. Out of compassion, character, and a will to do what is right, our men and women abroad will make sure that the job gets done and that change comes finally to these long-forgotten people.

CHANGES NEEDED IN ADMINISTRATION'S POLICY IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, this morning I went out to Walter Reed Hospital again. I went out 2 weeks ago. There are boys still coming home without legs, without eyes, all kinds of casualties. And one cannot help but listen to my colleague from Florida and think how well our troops are doing and what they are doing on behalf of all of us, but to continue to see what is going on at Walter Reed is very sobering.

And everybody who is going to vote for money around here in the next week or so ought to go out to Walter Reed and walk around and talk to some of these people. Talk to the kid I talked to today who was riding in a Humvee that ran over one of these IEDs that implement some kind of explosive device that people just make up by tying a bunch of things together, and he loses a leg and is on a ventilator at Walter Reed. When you see that, you realize that we could do all of these humanitarian projects, and God knows they need them, there is plenty of stuff to do; but until we are able to bring security to that country, we are not going to be really dealing with what affects the Iraqis, nor protects our own people.

Now, I came back from Walter Reed and I sat down in my office and I turned on the television, and there is the President talking at the United Nations. Just like the last talk: We know what is right. You people ought to get behind us. The same tone to the world that we heard before.

The world believes that we all ought to do it together in the United Nations. We ought to make it that way, not the United States charging out and deciding we are going to do it, and you are either for us or against us. That kind of cowboy mentality did not work, and it has created the mess we have today. There was no hint in anything the President said of acknowledging the foolishness of going to Iraq alone. What he wanted them to do was to say, you are right, you did exactly the right thing, and we were really wrong. We should have endorsed what you were doing from the start. But the world is not going to do that.

The President is going to have to change the tone in which he talks, and, Mr. Speaker, I do not know how we get him to do that.

We are going to have an opportunity with a resolution for $87 billion.

Now, Mr. Bremmer was over in the Senate yesterday, and he said, we do not anticipate having to ask for any more. Now, this is the war department of Mr. Rumsfeld that did not anticipate that they would need water purification, did not anticipate the need for generators, did not anticipate anything in the way of reconstruction. That is why we are in the mess we are in today.

□ 1300

Everybody knew we were going to win the war. Our troops are the best in the world, but it is how we put it together afterward that is so missing, and the United States cannot do it by itself. We cannot write all the rules and regulations.

Yesterday, the newspaper carried a story that says Iraq is now for sale. The United States has sort of put this thing through this council they have that will allow companies to come in and buy the companies in Iraq and take over. One Iraqi reacted by saying, well, now it is not going to be just the Americans here. The whole world's going to come and take advantage of us in this process.

This war department headed by Mr. Rumsfeld and Mr. Wolfowitz, nobody has changed. They are still talking the same way. These are the people who told us that this would all be over in 3 months; that the Iraqi people would run out and throw their arms around our soldiers; that we would use all that oil money; we would rebuild the country with the oil money. None of it was true, and they knew some of it was not true when the President came here before us. We cannot have a war built on a faulty premise.

Now we are going to have this week the opportunity to look at this $87 billion. We can just write another blank check for the President, rubber stamp it, give it to him; or we can require that he negotiate with the United Nations.

RECESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are pure act, yet ever-still. Give us wisdom to understand the meaning in the parable of the hurricane.

Members of the House of Representatives, as so many Americans, have schedules of demanding motion. The swirl of activity may often leave best efforts shaken and priorities damaged. But may the rushing wind never lift them from the common ground or uproot deepest commitments.

In their combined energy to address America's problems and be good legislators, may the velocity of their actions never leave victims around them. Rather in the midst of the daily hurricane may they find themselves in the hurricane's eye, calmly centered on You, the All-Powerful and Source of Peace now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WHERE DO WE GET SUCH MEN?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as he stood on the beaches of Normandy, taking stock of what it cost to invade Europe, then-General Eisenhower asked, "Where do we get such men?" I think he would have asked a similar question last week. As Hurricane Isabel bore down on the east coast, Washington did what it often does: It panicked. We closed up the government and shut down the schools. But a different story was unfolding at Arlington National Cemetery.

That solemn ground is the resting place for 260,000 soldiers. It is a site of the Tomb of the Unknown Soldier, built to honor those who died for our country, but whose remains were never identified. Members of the 3rd Infantry Regiment stand guard at the Tomb 24 hours a day. They are known as "The Old Guard." When Hurricane Isabel hit the Washington, D.C., area, it packed winds up to 75 miles per hour and torrential rains.

Cemetery officials relieved The Old Guard of their duty until the storm passed, but The Old Guard refused to leave. Staff Sergeant Alfred Lanier said the Tomb is something "we cherish." Sergeant Christopher Holmes said leaving the Tomb is "never an option for us," saying he was prepared to die while guarding it. We can only join with President Eisenhower in asking, "Where do we get such men?"

SUPPORT SUPPLEMENTAL REQUEST FOR IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in strong support of our Commander in Chief's supplemental request for the military operations and reconstruction projects in the war on terror. We have won the war in Iraq, and we must continue supporting our troops so we can win the peace.

Media accounts paint a bleak picture of the postwar efforts in Iraq, but I can tell Members some are only reporting the negative. Having just returned last week from a visit to Iraq, I saw firsthand the extraordinary successes our men and women have achieved in bringing relief to the people of Iraq. Schools and hospitals are opening throughout the country, and business areas are filled with traffic and shoppers. Led by General Sanchez, our troops are making progress in the war on terror we must win.

Americans should be proud of our men and women whose sweat and blood have brought freedom and new hope to Iraqis. I urge my colleagues to support President Bush's supplemental request. May God bless our troops.

HONORING STAFF SGT. FREDERICK L. MILLER, JR.

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Bible tells us if you owe debts, pay debts; if honor, then honor; if respect, then respect. I rise humbly today to begin to pay a debt of honor and respect to an American hero, Staff Sergeant Frederick L. Miller, Jr., of Hagerstown, Indiana. Staff Sergeant Miller was killed Saturday outside Ramadi in Iraq when a bomb exploded near his Humvee, according to the Department of Defense's information made public yesterday. Staff Sergeant Miller leaves behind a pregnant wife expecting his first son, two beautiful daughters, grieving parents and a grieving community.

Miller commanded a Bradley Fighting Vehicle assigned to Troop K in the 3rd Squadron of the 3rd Armored Cavalry Regiment based in Fort Carson, Colorado. He joined the Army after graduating from high school, and would have celebrated his 8th year in the service next month. Miller was discharged after his first tour of duty, but he reenlisted after 9/11. His mother said, "It was his purpose to save our country, and he had a job to do." And so he did it, Mr. Speaker.

Staff Sergeant Frederick L. Miller, Jr., is a hero, and he died as heroes do, saving his country. I extend on behalf of the people of eastern Indiana my deepest sympathies and fervent prayers to Staff Sergeant Miller's wife and family as they grieve the death of this heroic American.

HONORING JOE EDWARDS, JR.

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to honor a constituent from Augusta, Georgia. Joe Edwards, Jr., is an astronaut, an aviator, and a test pilot. He was awarded the United States Navy's only peacetime Distinguished Flying Cross for landing an open-cockpit F-14 Tomcat on his aircraft carrier with a broken arm and a blinded right eye in a feat described as "the most daring feat of flying seen in peacetime or war."

Mr. Edwards has an extensive career centered on military affairs and the execution of foreign policy. While there are many admirable accomplishments of Mr. Edwards, what is arguably the most significant part of his life is that he has taken his expertise and skill to improve the quality of science and mathematics education in America. Mr. Edwards serves as the chairman and CEO of the National Science Center in Augusta, which has a unique partnership with the United States Army. The primary mission of the center is to improve technical literacy and to encourage an interest in math and science careers.

Joe Edwards is a role model for students; Joe Edwards is a role model for us all. He has taken his passion for learning and is encouraging students to enrich their lives.

DEMOCRATS SHOULD DENOUNCE WORDS OF DEAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what some have referred to as the Democrat prancing ponies, others call the Democratic Presidential candidates, the leading candidate, Governor Dean, last week made a completely irresponsible, if not crazy, lunatic statement when he said that the United States of America should not take sides in the Middle East conflict between the Palestinian Authority and our ally, Israel.

I want Members to think about this. The United States should not take sides in a classic strife of good versus evil. I do not know if he is speaking for the Democratic Party. He is the leading guy, it seems. I do not know what the good general might do to that dynamic amongst the prancing, but I do know this: There is one side which blows up innocent people coming back from the Western Wall praying. There are the wives and the loved ones of those people saying, I am glad that my husband, my son, my daughter died a martyr. We have one side that has repeatedly thrown the peace process off track and broken any peace treaties that were ever negotiated. Clearly, because of this, we have an evil side versus a side that is trying to be part of the world community.

Mr. Speaker, I call on the Democrats of this House to denounce the words of Governor Dean and ask that the United States of America continue to side with our great ally, the nation of Israel.

HONORING THE LIFE OF BRIGADIER GENERAL JOHN H. McCLAIN

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, I rise today to honor a lifetime of courage and selflessness. Brigadier General John H. McClain, who passed away early this morning, valiantly served our Nation for nearly 4 decades, both on active duty and as a Reservist.

A native of Pittsburgh, Pennsylvania, General McClain enlisted in the United States Army in 1940. He fought in the Second World War's European Theater, participating in the Battle of the Bulge and in the Relief of Bastogne as a member of General George Patton's Third Army. He also served in the Korean War as senior adviser with the Korean Military Advisory Group.

His induction into the Field Officer Candidate School Hall of Fame in 1976 capped a heavily decorated career that included the Legion of Merit, the Bronze Star Medal, the Europe Theater of Operations Medal with three campaign stars, the World War II Victory Medal, the Korean Service Medal with three campaign stars, and the United Nations Service Medal.

Mr. Speaker, as we offer our prayers and condolences to his beloved wife of 49 years, Patricia Ann, may this American hero's devotion to his country continue to animate our dreams and aspirations as public servants.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING IMPORTANCE AND CONTRIBUTIONS OF SPORTSMEN TO AMERICAN SOCIETY

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities.

The Clerk read as follows:

H. RES. 362

Whereas there are more than 38 million sportsmen in the United States;

Whereas these sportsmen, who come from all walks of life, engage in a sport they love, while helping to stimulate the economy, especially in small, rural communities, and contributing to conservation efforts;

Whereas sportsmen demonstrate values of conservation, appreciation of the outdoors, and love of the natural beauty of the United States;

Whereas sporting activities have both physical and mental health benefits that allow Americans to escape from the fast pace of their lives and to spend time with their families and friends;

Whereas sportsmen pass down their love of the outdoors from generation to generation;

Whereas many sportsmen consider hunting, trapping, and fishing of tremendous importance to the American way of life;

Whereas sportsmen have a passion for learning about nature and have a tremendous respect for the game pursued, other sportsmen, the non-hunting populace, and the natural resources upon which they depend;

Whereas the total economic contribution of sportsmen amounts to $70 billion annually, with a ripple effect amounting to $179 billion;

Whereas sportsmen contribute $1.7 billion every year for conservation programs, and these funds constitute a significant portion of on-the-ground wildlife conservation funding;

Whereas anglers support one million jobs and small businesses in communities in every part of the United States, and they purchase $3.2 billion in basic fishing equipment every year;

Whereas tens of millions of Americans hunt and are a substantial economic force, spending $21 billion every year;

Whereas a sportsman President, Theodore Roosevelt, established America's first National Wildlife Refuge 100 years ago, and with the committed support of sportsmen over the last century, this system includes more than 540 refuges spanning 95 million acres throughout all 50 States;

Whereas the funds raised from sportsmen through their purchase of Federal migratory bird hunting and conservation stamps under the Act of March 16, 1934, (commonly known as the Duck Stamp Act, 16 U.S.C. 718a et seq.), are used to purchase and restore vital wetlands in the refuge system;

Whereas the sale of such stamps has raised more than 500 million dollars which has been used to acquire approximately 5 million acres of refuge lands so far;

Whereas, in 1937, Congress passed the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), whereby sportsmen and the firearms and ammunition industries agreed to a self-imposed 10 percent excise tax on ammunition and firearms, the proceeds of which are distributed to the States for wildlife restoration;

Whereas the Pittman-Robertson Wildlife Restoration Act has created a source of permanent funding for State wildlife agencies that has been used to rebuild and expand the ranges of numerous species, including wild turkey, white-tailed deer, pronghorn antelope, wood duck, beaver, black bear, American elk, bison, desert bighorn sheep, bobcat, and mountain lion, and several non-game species, including bald eagles, sea otters, and numerous song birds;

Whereas, in 1950, Congress passed the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) whereby recreational anglers and the fishing and tackle manufacturing industries agreed to a self-imposed 10 percent excise tax on sport fishing equipment (including fishing rods, reels, lines, and hooks, artificial lures, baits and flies, and other fishing supplies and accessories), the proceeds of which are used for the purposes of constructing fish hatcheries, building boat access facilities, promoting fishing, and educating children about aquatic resources and fishing; and

Whereas the Dingell-Johnson Sport Fish Restoration Act was amended in 1984 to extend the excise tax to previously untaxed items of sport fishing equipment and to dedicate a portion of the existing Federal tax on motorboat fuels to such purposes, such that now approximately one-third of all the funds expended by State fish and wildlife agencies for maintenance and development of sports fisheries are collected through the use of this excise tax: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance and contributions of sportsmen to American society;

(2) supports the traditions and values of sportsmen;

(3) supports the many conservation programs implemented by sportsmen;

(4) recognizes the many economic benefits associated with outdoor sporting activities; and

(5) recognizes the importance of encouraging the recruitment of, and teaching the traditions of hunting, trapping, and fishing to, future sportsmen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present this bipartisan resolution to recognize the valuable contributions of the 38 million sportsmen in the United States. Hunting, fishing and trapping is woven into the fabric of our cultural heritage. There have been many notable hunters and fishermen throughout our history, including the father of the National Wildlife System, President Theodore Roosevelt; the founder of the Audubon Society, John James Audubon; and the great literary writer, Ernest Hemingway.

Today's sportsmen contribute more than $70 billion annually to our economy with a positive ripple effect amounting to $179 billion. Both hunters and fishermen voluntarily pay Federal excise taxes on guns, rods, reels, ammunition and outdoor equipment. In fact, since 1937, sportsmen have contributed billions of dollars through the Pittman-Robertson Act and the Dingell-Johnson Act for the benefit of all fish and wildlife species.

Mr. Speaker, autumn is rapidly approaching, and soon 28 million Americans will take to the woods and streams to enjoy nature, relax and reaffirm their connection to the land. These sportsmen are the true environmentalists who have sacrificed time, money, and labor to improve habitat throughout the Nation. Let there be no mistake, without fishermen and hunters, there would be no Canadian geese, ducks, striped bass, rainbow trout or wild turkeys because there would be no money to maintain the habitat which is essential to the survival of these species.

□ 1415

All of us have fishermen and hunters in our districts. This resolution is important for them and for the millions who enjoy hiking, bird watching, and wildlife photography. Without the dollars and leadership provided by sportsmen, there would be no fish or wildlife to enjoy.

I want to compliment the sponsors of this resolution, including the gentleman from New York (Mr. WALSH), the gentleman from North Carolina (Mr. HAYES), the gentleman from California (Mr. THOMPSON), the gentleman from Michigan (Mr. DINGELL), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Alaska (Mr. YOUNG), and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for their leadership on behalf of sportsmen in this country. This resolution, which has been endorsed by 44 hunting and conservation groups, will recognize the importance of sportsmen, conservation programs, outdoor sporting activities, and the importance of teaching the traditions of hunting and fishing.

I urge an "aye" vote on House Resolution 362.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by my colleague, the previous speaker, this noncontroversial resolution would recognize the importance and contribution of sportsmen to the American economy and our traditional values.

Mr. Speaker, there is little doubt that hunting and fishing remain popular recreational pastimes for millions of Americans. These activities remain as much a fabric of American culture as the village green in New England or the county fair in Nebraska.

According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, expenditures by sportsmen in 2001 totaled $70 billion. By any measure, this is a significant figure. It demonstrates the substantial economic importance of these traditional forms of outdoor recreation to our national economy, but most especially to our rural economy.

I support this resolution and urge other Members to do likewise. However, I also consider it important to note that other types of nonconsumptive wildlife-based recreation, activities such as bird watching and wildlife photography, also provide significant economic benefits that we would be remiss to overlook.

According to National Survey data, these activities contributed an additional $38.4 billion to the economy in the same year. In fact, over 66 million people enjoyed these activities, almost double the number of sportsmen who only hunt or fish.

In passing this resolution, I hope that the economic and social contributions of these other people who enjoy our Nation's abundant wildlife diversity will also not be forgotten.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Mexico for the leadership that he has provided on this important committee and on this resolution.

I rise today in support of House Resolution 362, a bill that I sponsored with many, many of my colleagues. There is tremendous interest in the Congress in sporting issues; and we have a broad caucus of Members, I believe, from every State and territory. This resolution expresses this body's support for millions of Americans who partake in sportsman activities.

With fall in the air, some of the best hunting and fishing days of the year are just around the corner. As this Saturday, September 27, is recognized as National Hunting and Fishing Day, there is no better time to honor the American sportsman and -woman.

Sporting activities provide families with an escape from the fast-paced life of modern society. Through outdoor activities, parents and children are able to spend quality time together, and time-honored traditions are passed on from generation to generation. Some of my fondest memories were spent growing up with my family hunting and fishing in the Finger Lakes region of New York. I still am involved in both of those but have added birding and hiking to those outdoor activities, also. It is a wonderful way to spend time to learn about the environment, to gain an appreciation for nature and its wonder.

In addition to sporting's positive impact upon the American family, most anglers and hunters alike are ardent environmentalists. They are respectful and appreciative of our Nation's natural resources and beauty and often pass that same level of appreciation and respect and understanding on to their children when participating in outdoor activities. My own commitment to environmental preservation and protection of our water resources stems from lessons learned and experiences undertaken as a youngster in the woods and on the lake.

Through licensing fees and associated charges, American sportsmen and -women contribute millions of dollars annually to the protection of wetlands critical to habitat, forests and unique environmental sites and the propagation of various species. American sporting activities also have a significant impact on our Nation's economy. This $70 billion industry benefits the economy everywhere from the big city to the small town. Anglers alone support 1 million jobs nationwide and buy $3.2 billion in fishing equipment every year.

It was a fellow New Yorker, President Theodore Roosevelt, an avid outdoorsman and environmentalist, who established America's first wildlife refuge and laid the foundation for our current national park system. It was this sportsman President's leadership that led to our Nation's tradition of strong environmental stewardship today.

Mr. Speaker, if it had not been for the resolution and the work of this body today, I would have been on the Salmon River just north of my district in the district of the gentleman from New York (Mr. MCHUGH) because there is a tremendous salmon run on today because of the rainstorm that we received last night. It is breathtaking in its beauty to plumb those waters and breathe the crisp fall air that is inhabiting that area right now.

In conclusion, Mr. Speaker, this resolution provides the U.S. House of Representatives with a perfect opportunity to recognize the importance and impact American sportsmen have in our country today. As a member of the bipartisan Sportsmen's Caucus, I encourage my colleagues to support this deserved resolution.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I thank my colleague for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 362, a resolution that honors our Nation's sportsmen for their importance and contributions to American society and recognizes the many benefits associated with outdoor sporting activities on our Nation's economy.

My good friend, the gentleman from New York (Mr. WALSH), and I, working with our partners at the Congressional Sportsmen's Foundation, drafted this resolution in honor of the 32nd observance of National Hunting and Fishing Day on September 27, 2003. This resolution is strongly supported by the Congressional Sportsmen's Caucus, the Congressional Sportsmen's Foundation, and over 40 sportsmen and conservation groups, including Ducks Unlimited and the National Rifle Association.

The thousands of sportsmen in my district have much to be grateful for in upstate New York. From the Adirondacks to the Catskills to the Finger Lakes and the wonderful waterways throughout my district, I am privileged to represent such a pristine place. My district is home to some of the Nation's most captivating trout fishing rivers and rich hunting land, and I will continue to lead the charge in Congress to promote conservation efforts to keep the air we breathe and the water we drink clean and safe for future generations. My experience has proved to me that our Nation's sportsmen are among the most responsible stewards of our precious environment. I am their partner.

In addition to their important role as conservationists in the field, sportsmen are an integral component of economic success in New York and across the Nation. In 2001 alone, the over-38 million sportsmen nationwide directly injected $70 billion into our Nation's economy. New York State's 714,000 bow and gun hunters and 1.5 million anglers had a $56.2 million impact on the Empire State. Hunters, anglers, and trappers also contributed to over 29,000 jobs in New York State. Mr. Speaker, jobs is my favorite four-letter word.

Following in the steps of Theodore Roosevelt, one of our Nation's truly great conservationists, really the first truly great conservationist, we must work together to ensure that our open spaces enjoyed by sportsmen are protected for use for years to come. Clean water and clean air are essential to enjoying activities like hunting, fishing, and trapping. They are recreational, they are good for the mind, and they are good for the spirit.

Mr. Speaker, I ask that we include the following letter of support for H. Res. 362 from over 40 sportsmen and conservation organizations in the appropriate place in the RECORD. I urge my colleagues to join me in honoring our Nation's sportsmen and vote in favor of H. Res. 362.

September 10, 2003.

Hon. RICHARD POMBO, MC,
Chairman, House Committee on Resources, Longworth HOB, Washington, DC.
Hon. NICK J. RAHALL, MC,
Ranking Member, House Committee on Resources, Longworth HOB, Washington, DC.

DEAR CHAIRMAN POMBO AND CONGRESSMAN RAHALL: The listed sportsmen conservationist organizations, representing millions of sportsmen and women across America, are writing in support of H. Res. 362, a resolution recognizing the importance and contribution of sportsmen and women to American society and our nation's economy.

With the coming of fall, a time-honored tradition for America's 38 million-plus sportsmen begins anew. Fall marks the beginning of the hunting season and often offers some of the best fishing. It is a time for families and friends to spend quality time in America's great outdoors, to escape the fast-paced life of suburbia, and to appreciate the beauty and bounty of nature. It provides an opportunity to pass down skills and traditions that reach back for generations, and to foster an understanding and appreciation of nature and the role of conservation and wildlife management.

For sportsmen there is also a responsibility for good stewardship for America's wildlife and natural resources. Through excise taxes on sporting equipment, license fees and conservation stamps such as the federal duck stamp, sportsmen directly contribute $1.7 billion every year for conservation programs. The total economic contribution of sportsmen amounts to $70 billion annually, with a ripple effect amounting to $179 billion per year. To put this in context, if sportsmen were a corporation, they would rank #11 on the Fortune 500 list.

September 27th marks National Hunting and Fishing Day, so we are asking that you and your colleagues expeditiously move this resolution so that the House of Representatives can approve it and reaffirm the appreciation for America's sportsmen on Capitol Hill.

Sincerely,

American Sportfishing Association; BASS/ESPN Outdoors; Bear Trust International; Boone and Crockett Club; Bowhunting Preservation Alliance; Buckmasters American Deer Foundation; California Waterfowl Association; Campfire Club of America; Congressional Sportsmen's Foundation; Conservation Force; Conservation Fund.

Dallas Safari Club; Delta Waterfowl; Ducks Unlimited; Foundation for North American Wild Sheep; Houston Safari Club; Hunting and Shooting Sports Heritage Trust; International Association of Fish and Wildlife Agencies; International Hunter Education Association; Izaak Walton League of America; Mule Deer Foundation.

National Rifle Association; National Shooting Sports Foundation; National Trappers Association; National Wild Turkey Federation; North American Grouse Partnership; Northwest Sportfishing Industry Association; Orion The Hunter's Institute; Pheasants Forever; Pope and Young Club; Pure Fishing; Quail Unlimited, Inc.

Quality Deer Management Association; Rocky Mountain Elk Foundation; Ruffed Grouse Society; Safari Club International; Texas Wildlife Association; The Wildlife Society; U.S. Sportsmen's Alliance; Whitetails Unlimited, Inc.; Wildlife Forever; Wildlife Habitat Council; Wildlife Management Institute.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the resolution, H. Res. 362.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE BICENTENNIAL OF THE LOUISIANA PURCHASE

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 21) commemorating the Bicentennial of the Louisiana Purchase.

The Clerk read as follows:

H. CON. RES. 21

Whereas in 1803, the United States purchased the Louisiana Territory from France for a total of $15,000,000;

Whereas President Thomas Jefferson designated Robert Livingston and James Monroe to negotiate the treaty with Napoleon Bonaparte;

Whereas the Louisiana Purchase included 827,987 square miles, nearly 600,000,000 acres, the largest single land purchase in our Nation's history;

Whereas the Louisiana Purchase territory stretched from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains, nearly doubling the size of the United States at that time;

Whereas this purchase enabled dramatic further westward expansion and helped fuel the Nation's rise as a world power;

Whereas 15 States or parts of States were carved out of the Louisiana Purchase territory, including Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming;

Whereas the land was acquired by peaceful means, in stark contrast to the usual methods of old-style empires, which often conquered new territories by force;

Whereas the acquisition secured the United States' trading abilities by guaranteeing its navigation rights on the Mississippi River and its ability to send goods through the Port of New Orleans for shipment to the Atlantic Coast and Europe; and

Whereas generations of Americans have benefited from President Jefferson's noble vision of America and his efforts at expanding our new Nation onto the continent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress celebrates the 200th anniversary of the Louisiana Purchase, recognizes the extraordinary work of the individuals involved in the transaction, and is grateful for the tremendous part the event played in fulfilling our Nation's Manifest Destiny.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 21, introduced by the gentleman from Louisiana (Mr. VITTER), would commemorate the bicentennial of the Louisiana Purchase. As my colleagues know, the Louisiana Purchase was the largest single land acquisition in our Nation's history, 827,987 square miles, or nearly 600 million acres. Purchased from France in 1803 for $15 million, it stretched from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains, nearly doubling the size of the United States at the time. Today, 15 States or parts of States exist within the area carved out by the Louisiana Purchase.

House Concurrent Resolution 21 is a commemorative resolution that would pay homage to one of the most significant events of our Nation's history. I urge my colleagues to support House Concurrent Resolution 21.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would be difficult to overstate the historical significance of the Louisiana Purchase. Looking back, it is difficult to imagine a single land purchase which doubled the size of this Nation, and it is equally hard to imagine what America might look like today had that purchase not been made.

We support the findings and sentiments expressed in this concurrent resolution and support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the sponsor of this resolution.

Mr. VITTER. Mr. Speaker, this year the United States celebrates this very significant anniversary, the 200th anniversary of the Louisiana Purchase.

In my home State of Louisiana in particular, but really all across the country, celebrations are taking place throughout this year in honor of the role this historic event played in our Nation's history. When President Jefferson designated Robert Livingston and James Monroe to negotiate the Louisiana Purchase treaty with Napoleon Bonaparte, he hoped to secure for the country the Port of New Orleans and guarantee access to the important trade route along the Mississippi River. Of course, he did accomplish that; but he accomplished so much more than even that, doubling the size of the new country. The whole territory stretched from Canada to the Gulf of Mexico and included all or part of what are now 15 States; and, of course, it enabled further westward expansion by later settlers.

□ 1430

It is noteworthy of course that this largest land transaction in our country's history was accomplished without the use of force, which was certainly in stark contrast to similar land transactions of earlier countries and empires. The Louisiana Purchase has been call the greatest land deal in history, as was mentioned, 600 million acres for $15 million or about 4 cents an acre. Not only did the acquisition guarantee our navigation rights along the Mississippi and our ability to ship goods for foreign trade, but it was absolutely central to our rise as a world power.

So it is fitting that we take a little time today to formally recognize the significance these events played in shaping our country and the way it benefited generations of Americans.

The Louisiana Purchase shaped the United States's destiny. Our country will be forever grateful for the extraordinary work of the individuals involved and the noble vision exercised by President Jefferson. Robert Livingston who was a relative, by the way, of my predecessor, Bob Livingston. As he signed the treaty, he perhaps put it best: "We have lived long, but this is the noblest work of our whole lives . . . from this day the United States take their place among the powers of the first rank . . . the instruments which we have just signed . . . prepare ages of happiness for innumerable generations of human creatures."

I would like to thank my colleagues from Louisiana, also the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from Arkansas (Mr. ROSS), the site of the initial surveying in our new territory; the gentleman from Virginia (Mr. GOODE), home of President Jefferson; the gentleman from California (Mr. POMBO), Chair of the Committee on Resources, and all of the leadership for their work on this legislation.

Mr. ROSS. Mr. Speaker, I rise today to help commemorate an event in our Nation's history that we can all join together in celebrating.

With the stroke of a pen in 1803, President Jefferson doubled America in size, making us one of the largest Nations in the world. The Louisiana Purchase comprised more than 600 million acres at less than 3 cents an acre in what today is the greater part of 13 states between the Mississippi River and the Rocky Mountains.

Arkansas was one of those states—the third state formed after Louisiana and Missouri. Two hundred years later, Arkansas continues to prove itself a valuable asset to our Nation. Our state has contributed much to our great country—our agriculture and other industries feed our Nation and fuel our economy; our State's natural beauty is an endless source of enjoyment for families and visitors. Arkansas has supplied our Nation with food and fiber, entertainers, and even a president.

The 828,000 square mile west of the Mississippi River is some of the most beautiful and bountiful land in our country. If only $15 million could go that far today! I invite my colleagues and our Nation to join me in celebrating one of the single most noteworthy events in our Nation's history—the Louisiana Purchase. This year as we celebrate the bicentennial, I hope that you will visit Arkansas and any of the other states that were purchased for so little, and that now prove to be priceless.

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the storied legacy of the great state I represent, Louisiana. This year marks the bicentennial of the Louisiana Purchase, and today I am proud to commemorate this monumental event in our nation's history and in the history of the state of Louisiana and welcome the nation's participation in the yearlong celebration that will educate, entertain, and impart a lasting wonder for Louisiana. I have the esteemed privilege of representing Louisiana's fifth district, the 'heart of Louisiana'.

In 1803, Thomas Jefferson and Napoleon negotiated the United States' purchase of Louisiana from France. With just two strokes of the pen, our young nation doubled in size overnight, becoming one of the largest nations in the world. The Louisiana Purchase, approved by treaty in April of 1803, is called the most significant real estate transaction in the history of civilization. Encompassing over 800,000 square miles of land and costing about four cents per acre, the Louisiana Purchase eventually became all or part of 15 states: Arkansas, Missouri, Iowa, North Dakota, Texas, South Dakota, New Mexico, Nebraska, Wyoming, Kansas, Minnesota, Oklahoma, Colorado, Montana and definitely not least of all, Louisiana, my home state.

As part of the bicentennial celebration friends of the Louisiana Purchase bicentennial have collaborated to provide museum exhibits, concerts, films, re-enactments, and memorabilia. One of the museum exhibits that is especially dear to me is the Heart of Spain at the Alexandria Museum of Art in my district. Louisiana's history is intertwined with that of Spain's, and the influences of Spanish culture are still realized in the state's food, architecture, and government. In honor of the Louisiana Purchase Bicentennial, the Alexandria Museum of Art is inviting America, until November 30, to experience artifacts from world-renown Spanish museums, monasteries, churches and private collections El Corazon de Espana, in Alexandria, Louisiana offers a unique opportunity to be nourished and inspired by art and culture that is indicative of the friendship between Spain and Louisiana.

Mr. Speaker, I am thrilled to extend an invitation to my colleagues and to the nation to live, learn, and love Louisiana's rich history. When commenting to Thomas Jefferson on the Louisiana Purchase General Horatio Gates said, "Let the land rejoice for you have bought Louisiana for a song." Today, I hope my colleagues will join with Louisiana, its citizens and friends, in singing "Happy Birthday."

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 21.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the current resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING EXCHANGE OF LAND AT FORT FREDERICA NATIONAL MONUMENT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as "NPS Lands for Exchange" on the map entitled "Fort Frederica National Monument 2003 Boundary Revision" numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as "Private Lands for Addition" on the same map.

(b) MAP AVAILABILITY.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange under subsection (a), the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1113, introduced by the gentleman from Georgia (Mr. KINGSTON), and amended by the Committee on Resources, would authorize the Secretary of the Interior to convey 6 acres of land within the boundaries of Fort Frederica National Monument on St. Simons Island, Georgia, to the Christ Church also located on St. Simons Island. In return, the park service would receive 8.7 acres of nearby property that would be acquired first by the church from the Sea Island Company and then exchanged with the park service. The exchange is viewed by all parties as a win-win.

Mr. Speaker, Christ Church has doubled in size in the last 9 years, and the additional land is needed for its expansion. In return, the monument would receive lands that are known to contain valuable archeological remains from the colonial period.

I urge my colleagues to support H.R. 1113, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as may I consume.

Mr. Speaker, H.R. 1113, which authorizes a land exchange at Fort Frederica National Monument in Georgia, raises a number of issues that were discussed at the hearing on this measure in April before the Committee on Resources. Evidently, appraisals and archeological surveys of the lands proposed to be exchanged have not been completed. So the value and historical significance of the proposed lands have not been established. Furthermore, the National Park Service testified that the noncontiguous parcel that the National Park Service would acquire through the exchange will likely increase the administrative and operational costs of the national monument.

The National Park Service testimony on H.R. 1113 elaborated on these concerns and, while generally supportive of the exchange, provided little guidance on how they should be addressed. We need to be careful about altering the boundaries of national park system units. Former Resources Committee Chairman Hansen spoke many times about the National Park Service acquiring a historic site that did not contain the historic resources that were claimed. We should not make the same mistake here. In that regard I would note that H.R. 1113 authorizes, but does not require, a land exchange at Fort Frederica National Monument. Before any exchange should occur, the National Park Service would be required to complete appraisals and historical surveys as well as comply with the requirements of NEPA.

As such, there are a number of administrative procedures in place to ensure that the exchange, if it goes forward, is in the public interest. Mr. Speaker, that being the case, we will not object to the consideration of H.R. 1113 by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the sponsor of H.R. 1113.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from New Mexico for yielding me this time, and I thank the gentlewoman from the Virgin Islands for the opportunity to speak about H.R. 1113.

This bill is a small one, but it represents an important land exchange between Fort Frederica National Monument on St. Simons Island and Christ Church. Aside from some of the issues which the gentlewoman from the Virgin Islands has already outlined, it is largely noncontroversial and it benefits all the parties.

The Christ Church community, and I have to say this about Christ Church, it is an old Episcopal church and I would love everybody to visit particularly if they have the time this summer when the G–8 is going to be held in the Golden Isles of Georgia. I believe those dates are anywhere from June 12 to June 14, somewhere in that time frame; but of course everybody is really excited about it. The G–8, the economic impact, for those who have ever followed it, they probably know it is about a $200 million economic impact. People from all over the world will be there, 2,500 members of the press alone along coastal Georgia really all the way from Jacksonville to Charleston; and I have the honor of representing the entire coast.

We already have 7,000 hotel rooms reserved. I am glad I can say this because the gentlewoman from the Virgin Islands and the gentleman from New Mexico know what beautiful States they represent; and if this deal was not already done, they would probably be trying to solicit the G–8 and give us a very competitive run for our money on it, but we are very excited; and already members of the international community, members of the press community, members of the G–8 itself have already been coming to town and making preparations. So there is a lot of excitement; and I just want to say, Mr. Speaker, when any Member of Congress comes to that area, I hope that they will take the time not just to witness the G–8 but to look at all the other things we have in that area.

Christ Church is one of the oldest churches. John Wesley taught there. John Wesley came to America to Savannah and was actually a minister right after George Whitfield in Christ Church, Savannah, which was founded in 1733; and incidentally that is the home of America's first Sunday school, and then he moved to St. Simons and helped start Christ Church. And it was after that that he returned to England and started Methodism, but it can accurately be said that the birthplace of the Methodist Church, or the concept, was probably the Golden Isles of Georgia in Glynn County.

Christ Church, though, is not just about history; but if the Members do want to read about the history, there is a great book written by a man named Ethridge called "Strange Fires," and I would recommend it to anybody. But it is not just about history. It is about today. It is about children in the nursery. It is about young couples getting married. It is about senior citizens living out their life in communion with Christ. This church, because it is dynamic and because it is part of the fabric of today's society, has doubled in the last 9 years and needs additional land.

The church recently acquired, with private funds, not with any Federal tax dollars, 8.69 acres of land, and this land is adjacent to Fort Frederica National Monument. Fort Frederica is where some of the early colonists lived, and it is nothing but ruins; but the ruins are very well preserved, and it is an interesting romantic spot to look at.

One of the great things they do at Fort Frederica is they have some archeological findings, some items which are not historically significant, old cannonballs and bits and pieces of utensils and pottery; and they dug it up and they have identified it and catalogued it as not being historically significant, and they get the local elementary school and they rebury these archeological gems, and they let the school kids dig it back up, and then they catalogue it and then they study it and then they rebury it for the next year's class. And it is such a great living way to teach children. In today's world of education, and I was so proud that we passed No Child Left Behind with such great bipartisan support, that this is just one other way to teach children. And the thing that I think we all share in common, liberals, conservatives, Democrats, and Republicans, is that we want our kids to get the best education they can possibly have and then they can go on and think for themselves, and I think examples of that are just wonderful exercises of things that are going on in the country today.

This land also was recognized as the site James Oglethorpe occupied after coming to Georgia. Oglethorpe actually landed in Savannah Harbor and founded the city of Savannah in 1733, February 12, 1733, and then went on to Brunswick, Georgia, which is where the Battle of the Bloody Marsh was fought, because as the Members well know, the British basically owned most of the colonies, the 12 colonies north of Georgia. The Spanish owned Florida. The gentleman from Florida who is the distinguished gentleman who sits as Speaker today knows well of the great Spanish heritage of Florida. And if we go to cities like St. Augustine and we see the influences of forts down there like Castillo de San Marco and St. Augustine and so many of the other things, it is great Spanish heritage.

But back then the British and the Spanish were kind of fighting over the land a little bit, and Georgia was a buffer State. It was founded as a penal colony. And the showdown happened actually in Glynn County, Georgia, between the British and the Spanish; and it was called the Battle of Bloody Marsh because there was so much blood spilled that the water itself turned to red because of the blood, and we can still visit that site. And again, if the Members come down for the G–8, let me know. I am going to give the tour personally if they give me the honor. But James Oglethorpe's part, as one of the founders of Georgia, is very significant and yet another reason why we want this bill to go through.

The Christ Church community wants to give this 8.69 acres to the National Park Service so that it can expand the national monument and in return get 6 acres back from Fort Frederica National Monument, which is already adjacent to Christ Church; and then they can use this for their future expansion and whatever needs they have.

I want to say that the 6 acres do not hold any historical significance and are not occupied by any facilities of the national park right now. So the national park is not going to be inconvenienced by it.

My sister, Mr. Speaker, lived in Italy for a number of years; and one of the things I found somewhat to my amusement when one goes to Rome or Naples or any of those great Italian cities, they cannot issue building permits because every time they put a trowel in the ground, they hit an ancient Roman ruin. We all know the song by Bob Dylan that says "The streets of Rome are filled with rubble. Ancient footprints are everywhere." I do not want to overindulge, but I think the next line was also pretty, "You can almost think that you're seein' double on a cold, dark night on the Spanish stairs." And if one has ever been to Rome, I think that song captures so much of the essence and the romanticism and the history of Rome.

To a minor degree, the coastal area of Georgia is the same way. Every time they dig, they can find something. From native Americans to the early Spanish to the British to missionaries and everybody else in between has been there at one time or the other.

But I strongly believe that this exchange would benefit the United States and protect and conserve significant cultural resources as the Oglethorpe ruins. This property contains historical and archeological resources worthy of protection and preservation by the National Park Service for all generations in the future, and the bill is supported by the National Park Service.

In conclusion, let me say this: this bill will allow Christ Church to expand; so it is a win-win. It captures history and yet lets progress take place.

I thank the gentleman from California (Mr. POMBO), Committee on Resources chairman; the gentleman from California (Mr. RADANOVICH), the subcommittee chairman; the gentleman from West Virginia (Mr. RAHALL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking members, for their support of this bill. And I also want to recognize the efforts of the former Senator of Georgia, Mr. Mack Mattingly, for his dedication to this cause.

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Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for sharing such rich cultural heritage of the area.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1113, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

The Clerk read as follows:

H.R. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORT BAYARD NATIONAL HISTORIC LANDMARK ACT.

(a) SHORT TITLE.—This section may be cited as the "Fort Bayard National Historic Landmark Act".

(b) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(c) ADMINISTRATION.—Nothing in this section shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

(d) COOPERATIVE AGREEMENTS.—The Secretary, in consultation with the State of New Mexico, Grant County, New Mexico, and affected subdivisions of Grant County, may enter into cooperative agreements with appropriate public or private entities, for the purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(e) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (d).

(f) NO EFFECT ON ACTIONS OF PROPERTY OWNERS.—Designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit any actions which may otherwise be taken by any property owners, including the owners of the Fort Bayard National Historic Landmark, with respect to their property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2059. First I would like to take this opportunity to thank the gentleman from California (Chairman POMBO); the subcommittee chairman, the gentleman from California (Mr. RADANOVICH); along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), for allowing the Committee on Resources to consider H.R. 2059 in an expedited manner and for allowing it to be considered on the House floor today.

Mr. Speaker, H.R. 2059 would designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark.

On August 21, 1866, troops under the command of Lt. James Kerr, Company B, 125th United States Colored Infantry, began building a new post in Apache country near the mining communities of Pinos Altos and Silver City, New Mexico. The infantry troops stationed at Fort Bayard were nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche Indians. The post was named after Brigadier General George D. Bayard, who had been killed in the battle of Fredericksburg.

After Geronimo's surrender, Fort Bayard as a military post was no longer needed. As a result, in 1899 Fort Bayard became the first sanatorium dedicated to the treatment of soldiers suffering from pulmonary tuberculosis.

In 1922, Fort Bayard came under the jurisdiction of the Veterans' Administration and became a treatment center for veterans. During World War II, Fort Bayard housed German prisoners of war.

Today, the post is operated as a hospital by the State of New Mexico and presently employs approximately 400 employees. To this day, Fort Bayard continues to play a vital role in the health care of Grant County, New Mexico, and the surrounding area.

Designation of Fort Bayard as a National Historic Landmark is important for the preservation of its historical significance. It is also very important to southeastern New Mexico's economic development. The region is currently suffering from high unemployment and stagnant economic growth. This designation would allow Fort Bayard to attract more tourism to the area and would bring in much-needed economic revenue, which could help fuel more investment in the region.

H.R. 2059 has the unanimous support of the New Mexico Congressional delegation, is cosponsored by the entire delegation, and also has very strong public support.

Mr. Speaker, I urge all of my colleagues to support H.R. 2059.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2059 is the companion measure to the Senate bill, S. 214, introduced by Senator BINGAMAN, which passed the Senate on March 4, 2003, and has been referred to the Committee on Resources. The legislation provides for the establishment of the Fort Bayard National Historical Landmark in the State of New Mexico. The legislation also authorizes the Secretary of the Interior to provide technical and financial assistance to the site.

The fort has a long history of use as a military post and medical facility. The site is currently listed on the National Register of Historic Places.

While no hearings have been held on this bill, the Committee on Resources ordered it reported to the House in July. We will not object to the consideration of H.R. 2059 by the House today, but I would note for the record that taking up the House bill, when the companion Senate bill has been pending in the House since March, only serves to needlessly complicate the process of enactment.

Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2059.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1409) to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

The Clerk read as follows:

H.R. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern Band of Cherokee Indians Land Exchange Act of 2002".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(2) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(3) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(4) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(5) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(6) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(7) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

(8) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(9) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(10) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(11) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(12) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(2) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(3) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(b) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (c)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (d)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(c) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the "Yellow Face Tract" on the map entitled "Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians," numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(d) RAVENSFORD TRACT.—The lands declared by subsection (b) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the "Ravensford Tract" on the map identified in subsection (c). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(e) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall file a legal description of the areas described in subsections (c) and (d) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

SEC. 4. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.,

(b) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this Act on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in Section 3(c), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

SEC. 5. GAMING PROHIBITION.

Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1409 provides a land exchange between the National Park Service and the Eastern Band of Cherokee Indians whose reservation is located in western North Carolina. The bill is sponsored by the tribe's Congressman, the gentleman from North Carolina (Mr. TAYLOR). The bill was the subject of a full Committee on Resources hearing on June 18, 2003, and was ordered reported on a unanimous voice vote.

The purpose of the land exchange is to enable the construction of a new school, which is necessary to replace the overcrowded, outdated and unsafe school that the Cherokee students are presently forced to attend.

Under the legislation, the Eastern Band will give the American public 218 acres of high-value, pristine land along the Blue Ridge Parkway. This land has high habitat value for several endangered species. Because this land is private property, it would otherwise be open to future development. Instead, it will be made part of the National Park System.

In return, only 143 acres of lower-value land in the Great Smoky Mountains National Park, called the Ravensford tract, will be placed in a trust for the Tribe. This property is adjacent to the Cherokee Reservation and is part of the Tribe's ancestral land area.

On this site, a new educational campus emphasizing traditional Cherokee values, including the preservation of the natural environment, would be constructed. The bill upholds a strict set of construction standards to minimize environmental impact.

In short, this is an education bill, an education bill for Native American youth on the Eastern Cherokee Reservation. The Tribe is setting an example that ought to be followed by local, State and Tribal governments who care about providing America's youth with a high-quality learning environment.

During the committee hearing on H.R. 1409, we heard from Cherokee student Cory Blankenship, who traveled to Washington, D.C. and spoke on the need for this land exchange. He said, "In the last decade, over 3.5 million acres of land nationwide have been placed under the protection of the National Park Service. We are asking only for 143 acres to help us build our school and preserve our culture."

The Eastern Band has already spent over $1.5 million to carefully evaluate this proposal. The Ravensford Tract was determined to be the ideal site for a new Cherokee school. The terrain is flat, accessible, and located away from the dangerous intersection where the existing school is situated. In the past, this site was used as a site of a lumber mill, and it is now nowhere near the pristine state that the other tract that is being offered for it is.

More important, the Eastern Cherokee people have a moral claim to the Ravensford Tract. In the 1940s, the parcel in question was supposed to be conveyed to the Cherokee as part of a deal in which the Indians gave up land so that the government could build the Blue Ridge Parkway through their Reservation, but Congress deleted this parcel after the deal was agreed to. Therefore, in addition to this being a bill about building a new school for the Tribe's children, we need to uphold our end of the bargain made in good faith with sovereign Indian Nations.

It is hard to believe that some could oppose this legislation. The Eastern Band is a Tribe of Native Americans who were barely able to avoid the Trail of Tears. Yet there are some groups that want to deny them an opportunity to build a new school for their children.

We have an obligation to pass this bill. The vote on H.R. 1409 is simple: Let us support an Indian Tribe that wants to educate its children and preserve its culture.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1409, which would provide for a land exchange for a school for the Eastern Band of the Cherokee Tribe which everyone would otherwise support, however, is in the middle of the most visited National Park and cannot be, by any stretch of the imagination, considered a noncontroversial bill. It, therefore, does not belong on the suspension calendar. In addition to this, its appearance on the floor is premature, given that the National Park Service has not completed its environmental impact statement and that a further study on alternative sites is also not finished.

I do support the need for a school for the Eastern Band of the Cherokee Tribe, but with so many unanswered questions and the importance of the site in question, as well as the bad precedent that I think it sets, I regrettably must ask my colleagues to vote no on this measure on suspension today.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me indicate my strong support for this legislation. It is an important piece of legislation that I think deserves bipartisan support.

The bill, as we know, seeks to secure land for Native Americans so they can provide desperately needed educational facilities to their young people. I believe that investing in education and Native American youth is something we can all agree upon.

Specifically, the bill would direct the Secretary of the Interior to exchange approximately 143 acres, and I stress 143 acres, of land now under the control of the National Park Service for approximately 218 acres of land controlled by the Eastern Band of Cherokee Tribe.

I would point out, and I know my colleague from Arizona mentioned part of this, in my opinion the National Park Service is actually benefiting from this land exchange because effectively they are getting more land. They are getting 218 acres, as opposed to having to give back to the Cherokee Nation 143 acres of land.

In addition to that, the land that the National Park Service is getting is pristine. One could argue, it is actually better, and in a more pristine state, than the land that they are giving to the Cherokee Nation. As was mentioned by my colleague from Arizona, the land that the Park Service would obtain actually has two endangered species, where there is no indication that the land that the Cherokee Nation is going to receive has any endangered species.

In addition to the fact that there is more land going to the Park Service, also the appraiser, and it was an independent appraiser who has done this type of appraisal for the Park Service before, indicated that the land that the Park Service is going to get is worth more and has a higher appraised value than the land that the Cherokee Nation is actually going to receive. So from an environmental point of view, as well as from a cost point of view, the Park Service is actually benefiting from the exchange. I want to stress that.

If approved, the bill would provide the Tribe with the flat land necessary to build badly needed schools, as well as to add pristine land, as I said, to the National Park Service.

There is an educational crisis now on the Eastern Cherokee Reservation. There is only one Cherokee elementary school, and it is in extremely poor condition. It was built almost 40 years ago by the Interior Department. It was designed for only 480 students.

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Today, over 700 students are housed in a dilapidated building that is run down and in dire need of repair. But most important, because of the school's location on a main road and its proximity to other buildings, the current facility cannot be expanded. The tribe needs this additional land to expand the school because they cannot physically do it now, and this road, this highway, is very congested. We heard testimony in the committee about the potential danger to the students from the existing facility, and that is why we need to have the land exchange.

There are a number of reasons. I am just trying to make the case, Mr. Speaker, if I can, that there are a number of reasons why this should be done and why this bill should be passed today.

Mr. Speaker, for too long Indian country has suffered from high unemployment and poverty. The only way to improve the lives of Indian children is to ensure that they receive the best education possible. I believe that one of the best ways to achieve this is to give students the best conditions for learning. I believe strongly that passage of this bill will help the Cherokee children achieve this goal. I do not really see any downside to the bill, and I urge my colleagues to support this bill and pass it today.

Mr. RENZI. Mr. Speaker, I want to thank the gentleman from New Jersey for his stalwart advocacy on behalf of Native Americans, particularly in the East.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time, and I thank my good friend, the gentleman from New Jersey (Mr. PALLONE) for his comments. He well stated the case for this land transfer.

Mr. Speaker, I think many times that we all, no matter which side we are on, Democrat or Republican, we want to do what we think is right for the people of this country, as well as the environment. And as the gentleman from New Jersey said, my friend, and the gentleman from Arizona previously, this is a win-win for the Park Service and the taxpayers. Very seldom do we have debates on the floor where we can have both parties coming together and saying that this is a win for the taxpayer and this is a win for the Park Service.

I want to just share with my colleagues, I have three or four photographs I would like to show. I have had the pleasure of getting to know these wonderful people from the Cherokee Tribe in Cherokee, North Carolina, the home of the gentleman from North Carolina (Mr. TAYLOR), who wanted to be here today, but is running late because of his flight. These are the people that I think, and the gentleman from Michigan (Mr. KILDEE) can speak to this better than I when he speaks in a few minutes, that of all of the people in this country that have been neglected, it has to be the Indians. I have never met such nice people, and meek and easy-going, intelligent people.

As was said by the gentleman from Arizona, the young student from Cherokee High School that came down and testified before the committee, I had an opportunity to meet with Cory and some of his classmates in my office in the Cannon Building. They were saying to me, Congressman, it does not make any sense about this land transfer. We have tried to transfer this land for 3 or 4 years now, and nothing has ever come of it. And it is time that our kids, our children, K through 12, have a better environment to learn.

This photograph, Mr. Speaker, to my left is a gym wall that is cracked and pushing inward. I will hold this up. This, in itself, shows us that the buildings are in a terrible situation. This is just one of three or four photographs I would like to show.

Mr. Speaker, this is a photograph, it says, high school, major cracks in walls. This is just a regular classroom, and we can see the major cracks that have already developed in this building. As the gentleman from New Jersey (Mr. PALLONE) said, this school is over 40 years old, 40 years old. All we are asking for today is a land swap. The Indians, by God, have given the Federal Government more than they have ever received from the Federal Government. That is a known history of this country. But in this case, this is a swap that is to the benefit of the environment and to the Park Service. But there again, I want to show this to the Members on the House Floor today, this is a major structural problem that the high school has in Cherokee, North Carolina.

Mr. Speaker, this is another, if you will, crack at the school that I want everyone to see. I imagine anyone that is watching today can see that fairly well. But to my friends on the Democratic side, that is just another example of just how deplorable this school is and why this land swap needs to take place. Again, this land swap is supported by the majority on both sides.

We all know about trailers. The Cherokee Indians are spending a lot of their time in trailers, but we know that is true outside of the Cherokee Tribe. That is one of the problems that we as a Nation need to address as it relates to other schools. But, Mr. Speaker, this actually comes down to the fact that these school buildings are structurally unsafe and have been condemned. I am not sure if the gentleman from New Jersey (Mr. PALLONE), my friend, might have said that, but I want to reaffirm if he did say it, these buildings have been condemned. So this is the only opportunity and option that these students have.

The Cherokee leadership has been for 4 and 5 years coming here to Washington, meeting with the gentleman from North Carolina (Mr. TAYLOR) and the two Senators from North Carolina, just asking the Interior Department to just transfer this land, to swap it. And we, the American Government, get a better deal when it comes to the cost and the price of the land.

As the gentleman from New Jersey (Mr. PALLONE) said, and I will close in just a second, that 218 acres of pristine land that contains two endangered species, that is now owned by the Cherokees, will be transferred to the Federal Government. In turn, the Federal Government will transfer 143 acres of nonpristine land and has no endangered species on that land.

So, Mr. Speaker, I see this as a win.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE), a senior member of the Committee on Resources.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in strong support of H.R. 1409, a bipartisan land exchange bill, which will allow the Eastern Band of Cherokee to build new schools for their children.

This bill passed out of the Committee on Resources on July 15, 2003, by a voice vote. During the markup, several Members from both sides of the aisle expressed strong support for the bill to move forward.

I am aware of the environmental concerns that the gentleman from West Virginia has raised about this bill. I am a strong supporter for the National Environmental Policy Act, NEPA. I am a strong supporter of that process, and I do not believe that passage of this bill circumvents that process. The public comment period on the land exchange ended last month, and the National Park Service will complete review of this environmental impact statement regardless of this legislation.

In addition, in its draft environmental impact statement, the Park Service determined that the exchange will have no impairment on the experience of visitors to the Great Smoky Mountains and determined there will be no impairment to the biodiversity based on mitigation efforts. The Park Service will receive pristine land that it selects, which will result in a net increase of national parklands.

Mr. Speaker, the Eastern Cherokee face an educational crisis of having condemned, overcrowded classrooms we would not house criminals in. I have traveled throughout this country, and I have seen schools that are horrible, and these buildings are not fit for human habitation.

The tribes' mountainous reservation has no more available flatland suitable for building new schools. This is the kind of environment which many of our Indian children have been forced to learn in. This is unacceptable. Through this legislation, we can help the Eastern Band of Cherokee move forward with its commitment to educate its children.

In my years of elected office, Mr. Speaker, I have enjoyed the support of the environmental community. I have one of the highest environmental records in this Congress because of my commitment to protecting our Nation's precious resources. That is something of which I am very proud. I know that some of my environmental friends have concerns about this legislation and feel that no land should ever be exchanged for the National Park Service, but in this instance I must disagree. The Park Service will get more land and will get better land, and the land of their choosing. I believe that this bill is consistent with proenvironmental principles and with Indian sovereignty.

Congress is the one that makes this decision. Article I, Section 8, all of which we have taken an oath to uphold, says the Congress shall have power to regulate commerce with foreign nations, and among the sovereign States, and with the Indian tribes. This Cherokee Nation, this sovereign nation, all they want is some land to educate their children. The Park Service has selected more land, land of their choosing in exchange. I urge the passage of this bill.

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That is unacceptable. Through this legislation we can help the Eastern Band of Cherokee move forward with its commitment to educate its children.

In my years of elected office, I have enjoyed the support of the environmental community for my commitment to protecting our nation's precious resources. That is something for which I am very proud.

I know that some of my environmental friends have concerns with this legislation and feel that no land should ever be exchanged from the National Park Service.

But in this instance, I must disagree. I believe that this bill is consistent with pro-environmental principles, and with Indian Sovereignty—two principles dear to me.

I urge my colleagues to vote "yes" on this bill.

Mr. RENZI. Mr. Speaker, I thank the gentleman from Michigan, and I yield 3 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today in strong support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange. This land exchange is urgent for the Eastern Band community because it would allow them to build a new K-through-12 complex in Cherokee, North Carolina, that they desperately need.

We owe it to our children. We owe it to each one of us to make sure that every child has an opportunity to learn, to be in a safe environment. So when we look at where these tribes are and the kids are, they are in overcrowded classrooms right now. How can our children learn in an overcrowded classroom? We cannot even have wiring. We say leave no child behind, and our President has said leave no child behind. The only way we can do that is if we build new schools, modernize schools so we are able to put the kind of technology that we need to make sure that our children are able to meet the 21st century in computer and technology, and that they are in a safe environment.

When you are in a safe climate and a safe environment, it adds to your attitude and you behavior in the classrooms. You feel good about yourself; your self-esteem is built. Well, if we do not allow for this land exchange, how can we then say that we are building for our future? How can we say that every child, regardless of whether you are in a sovereign country or in another country, that you do not deserve the right to learn, that you do not deserve the right to be in that kind of environment? We owe that to every one of our children.

Let me tell my colleagues, we should all be proud of this kind of legislation that has come before us, because it has given someone an opportunity to build the kind of schools that our children need; an opportunity to allow them to grow and to develop; an opportunity for them to be proud not only of themselves, but of the school that they are doing to. When we saw the photos earlier. It is very difficult to be proud to be in that kind of environment, to say that I am in a classroom where there are potholes that are there, when we see that there are faucets that are not working, water that is not flowing. Well, it is difficult. And then when we begin to compete and bring other individuals to compete in our schools, we want to stand up and say we are proud of this school. We are proud of this school. And we should allow them to build that school.

They are overcrowded, as I stated. They have 800 students right now, and they are putting them into a 400 classroom capacity at this point. We must not forget the rights and the needs of the Americans, and that is our first Americans. This tribe that survived the Trail of Tears in the 1830s, this is a tribe that was promised this land, that was promised this land. This tribe was promised this land many years ago. This tribe deserves better than what they have been given.

Native Americans, including Eastern Band Cherokee Indians, are working hard to become self-sufficient, and we must offer them our help. This proposal is a perfect example of that. I am proud of the tribe's efforts to improve educational, cultural, and economic development in their communities. I support this bill. I applaud the efforts of the Eastern Band. I urge all of my colleagues to do the same.

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Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California for his passion and fighting spirit on behalf of the Native Americans nationwide.

Mr. Speaker, I have no other speakers; and I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. CULBERSON). The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 11½ minutes remaining, and the gentleman from Arizona (Mr. RENZI) has 8 minutes remaining in this debate.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I am a proud cosponsor of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act, and I rise in strong support of that bill.

This particular bill has personal and professional interest to me as my father was a long-time housing agent on the Eastern Band of Cherokee's reservation, and I spent several years of my youth in the beautiful Smoky Mountains.

The Great Smoky Mountains, which are very beautiful, offer a rich cultural heritage to the Eastern Band of Cherokees; but sadly, they provide little in the way of developmental land. This legislation today, as other speakers have said, is necessary to provide for the educational and cultural benefits of the Eastern Band of Cherokees by enabling the tribe to construct three new school facilities: one elementary, one middle school, and one high school.

The current facilities, as the pictures we have seen show, are greatly in need of replacement. The Cherokee Elementary School, to take one example, was built by the Department of the Interior over 40 years ago with the capacity to hold 480 students. Today, this facility holds approximately 800 students. To accommodate all of the students, the school has been forced to add temporary facilities. In addition, the main school and temporary facilities are located at a dangerous highway intersection in downtown Cherokee, North Carolina.

Today, the tribe offers the National Park Service, in exchange for the 143-acre Ravensford Tract, 218 acres of highly desirable, pristine land. The building of this new facility will enable the Eastern Band of Cherokees to teach Cherokee language and culture so as to foster and preserve tribal practices for future generations.

I can think of no better use for a tract of land than the construction of a complex to further the educational and cultural pursuits of Eastern Band children and to replace the current overcrowded and aging schools. After all, the key to a brighter future for Indian country runs through the classroom door.

I believe the Federal Government must actively assist the tribe in this endeavor, and I respectfully urge my colleagues to vote in support of the Eastern Band of Cherokee Indian Land Exchange Act.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

I want to take this moment to thank the gentleman from Oklahoma, particularly for his personal knowledge, the firsthand experiences that he shared, and the fact that he has actually lived right in the same area where we are discussing and debating here today.

Mr. Speaker, again, I have no speakers, and I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, native people, both Native Americans as well as people of different ethnicities, have been displaced during the settlement of most of the U.S. This is a sad, but true, chapter in our history. I would say, though, that if we are serious about returning lands to native people, and we should be, then let us look at developing a nationwide, consistent policy. We cannot start carving up our national parks piece by piece, case by case. This does a disservice to the parks, the tribes, and the American people.

Mr. Speaker, it has been said that environmental groups support the exchange. In fact, most, if not all, are against this exchange but are willing to work with the tribe on a suitable alternative site. We recognize that the condition of the school is poor and should be unacceptable; but as I recall from the hearing, there was $8 million there for years that had never been used to repair the schools in all of this time.

Those of us who object do not object on the basis of need. The tribe's children and all of this country's children need, deserve, and should have good, safe, well-equipped and well-staffed schools. We want the Eastern Band of Cherokees to have the educational complex that they should have. The question that remains is where is that facility best placed.

Even, Mr. Speaker, the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of this body, chaired by the gentleman from North Carolina (Mr. TAYLOR), just 2 months ago called for a study before this exchange should be decided on because of the yet-unanswered questions. We should honor this and do the land exchange in the right way.

Therefore, I join the gentleman from West Virginia (Mr. RAHALL), the ranking member, in opposition to the passage of this bill on the suspension calendar.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

In closing, I just state simply that the Eastern Band of Cherokees has spent 3½ years, $1.5 million to study this, to thoroughly research, to provide one of the cleanest and fairest land exchanges we have seen in this House in many years. I would ask that the colleagues who spoke on both sides please help influence the other colleagues in their own parties to vote in favor of this legislation, to not any longer delay the education of these children, to not obstruct any longer the possibility that they can have a bright future and a brand new school.

Mr. FALEOMAVAEGA. Mr. Speaker, today I rise in support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act of 2003. This legislation would allow for an exchange of 143 acres of public lands for 218 acres of private lands between the Eastern Band and the National Park Service. These lands are needed to build suitable educational facilities for the children of the Eastern Band of Cherokees.

Mr. Speaker, the Cherokee people have endured many hardships at the hands of the United States. The Eastern band people today are descendants of those who escaped or survived the Trail of Tears in the 1830's. But lost culture, stolen lands, and broken promises did not end there. In the 1940's, the United States promised to convey the very land in question to the Cherokee to replace Reservation lands taken from the Tribe to build the Blue Ridge Parkway. However, despite negotiating an agreement, the transfer never materialized.

Today, the Eastern Cherokee Reservation is located on mountainous terrain that is unsuitable for construction and this is why H.R.

1409 is necessary. H.R. 1409 would provide the Eastern Band with flat land that is necessary for the construction of new school facilities. There are nearly 800 elementary aged children who attend classes in a building constructed to hold 480 and the building is located at the intersection of two federal highways. The Cherokee High School has also reached its maximum capacity and parts of it have been declared condemned and unfit for educational purposes.

Mr. Speaker, I believe it is our duty to correct this deplorable situation. The children and the youth of the Eastern Band of Cherokee deserve better. They deserve to attend school in a safe and conducive environment and I urge my colleagues to support this important legislation.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume.

In the time that I have had the honor to serve as the ranking member on the Resources Committee, I have never had to come to the floor to oppose a bill reported by the committee being considered under suspension of the rules.

Indeed, under former Chairman Jim Hansen, and during this Congress, under Chairman RICHARD POMBO, we have instilled a greater degree of bipartisanship when conducting committee business.

I realize some may not want to hear that.

Those who manipulate this body's schedule seeking to make political points—even if they last for a nano-second or do not even register in the public's mind—by overt partisanship maneuvers, no, they do not want to hear that.

The fact of the matter is that Chairman POMBO has been fair in his dealings with all Members. He has been extremely fair with me. So I do not believe that it was through his will that H.R. 1409 is being considered under suspension today.

This bill has been placed on the suspension calendar over my objection. It is a controversial measure and should be considered under regular order, with opportunities for Members to offer amendments and a full and open debate.

I suspect that some in the majority are eager to push this bill because they hope to make Democrats in the House choose between our friends in the Native American community and our passion for our National Parks. This is a false choice and we refuse to make it.

The condition of the facilities found on many Indian reservations is unacceptable. Far too often, Native Americans are forced to endure housing, medical facilities and educational facilities that many Americans would find shocking. However, carving out large chunks from the middle of our national parks, as H.R. 1409 would have us do, is not the solution to this problem.

H.R. 1409 purports to deal with the Eastern Band, but of course a lack of quality educational opportunities is a problem that plagues Native Americans across the land. We are eager to work with the chairman of the Interior Appropriations Subcommittee—for whom I have a great deal of respect—to devise a solution to this problem that might help all Native American children. And we must find solutions that do not destroy our National Parks.

What the pending bill does is carve out a huge chunk of land from the heart of the Great Smokey Mountains National Park valued at more than $3 million and trades it to the Eastern Band for land 30 miles away, not even within the park's boundaries, valued at $600,000. The bill is an attempt to shortchange the administrative process that is currently underway.

The National Park Service and a coalition of nonprofit environmental organizations are examining this proposed exchange as we speak. The NPS is putting the finishing touches on an Environmental Impact Statement that will address the obvious impacts this planned construction will have on the Park's resources, as well as the possibility of building the schools elsewhere.

The nonprofit groups have also publicly pledged to work with the Tribe to find an alternative site.

Once we have gathered all the facts, we could move forward with carefully crafted legislation if necessary to resolve the educational needs of the children of the Eastern Band without impacting a national treasure. And yet we are moving full steam ahead with this legislation, cutting off the NEPA process and abandoning any attempt at compromise.

This is particularly ironic given that language was included in the House-passed Interior Appropriations bill requiring further study of this proposal. Apparently, as recently as July, the supporters of this legislation felt that this proposed exchange raised concerns serious enough to warrant further study. To ram it through the House 2 months later is unwise and unwarranted.

I would raise one additional issue. It is passing strange that tomorrow the Resources Committee is scheduled to consider another bill concerning lands Indians lay claim to, but in that case, the proposed solution is to pay them off rather than cede them the land. Why the difference in approaches?

Simply put, the land in question in that case is rich in gold. It is valuable to the mining industry. Yet, the claims by the Western Shoshone to this land is well established.

I have to wonder whether the inconsistent approach between these two bills is related to the fact that the land taken from the Western Shoshone is known to be extremely valuable to mining companies, while in the case of H.R. 1409, the land in question is in a National Park.

To the Eastern Bank of the Cherokee, I understand that your history is one of broken treaties and stolen lands. It is the story of a great Indian nation hunted by the U.S. Cavalry, split at the seams, and forced either to escape to the mountains or to trudge along on a death march to a strange land.

The Eastern Band were able to escape the Trail of Tears and live in the mountains of North Carolina. They stayed together and rebuilt their nation.

I have nothing but respect for the Eastern Band, however, I must object to the consideration of H.R. 1409 under the suspension of the rules. If the administrative process underway is to be trammeled upon, I say to the proponents of this bill, at least bring it up under regular order.

I urge my colleagues to defeat this measure on suspension.

Mr. UDALL of Colorado. Mr. Speaker, I must object to the manner in which the House is taking up this bill, and cannot support the motion to suspend the normal rules that otherwise would apply to its consideration.

The bill would authorize an exchange of land between the Federal Government and an Indian tribe. The purpose of the exchange is to provide the tribe with land appropriate for building much-needed new schools. The land that would go to the tribe is now part of a national park, while the land that the government would receive is a park inholding.

The Resources Committee's hearing on the measure left me with no doubt about the tribe's need for those new schools—and of course that means that a suitable site is necessary.

But the hearing also made clear that the specific details of this bill, and the exchange it would mandate, are controversial and that the legislation is opposed strongly by a variety of people, both in North Carolina and here in Washington, DC.

Therefore, I think the House should consider the bill under procedures that would allow for more extensive debate and for the possibility of amendments—rather than through a motion to suspend the rules, which severely limits debate and does not allow for any amendments to be offered. Motions to suspend the rules should be used only for less controversial measures.

Accordingly, I will vote against the motion in this instance, and urge the leadership of the House to allow the House to consider H.R. 1409 under normal procedures.

Mr. BLUMENAUER. Mr. Speaker, I voted in favor of H.R. 1409, which would provide for an exchange of land with the Eastern Band of the Cherokee Nations. There had been some concerns raised by environmental interests, but evidence about the environmental merits of the exchange are mixed, and opinions are not unanimous.

Furthermore, the basic issue for me must be equitable treatment for Native Americans. This is an area where the relationship between the Federal Government and the Cherokee Nation is shameful. The history of this land includes the infamous Trail of Tears, and more recently, when the land was involved in a land exchange for building the Blue Ridge Parkway, a promise that was never fulfilled.

In cases like this where items are controversial, I give heavy weight to treating Native Americans fairly and whenever possible, to correct past injustices. This appears to meet that fundamental criterion and therefore I support it.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The Clerk read as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Naomi Wilderness Boundary Adjustment Act".

SEC. 2. BOUNDARY ADJUSTMENTS.

(a) LANDS REMOVED.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as "Land Excluded".

(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as "Land Added". The Utah Wilderness Act of 1984 (Public Law 98–428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.

SEC. 3. MAP.

(a) DEFINITION.—For the purpose of this Act, the term "Map" shall mean the map entitled "Mt. Naomi Wilderness Boundary Adjustment" and dated May 23, 2002.

(b) MAP ON FILE.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mount Naomi is located in the Wasatch-Cache National Forest in Utah and borders the eastern boundary of the city of Logan in my State. At over 44,000 acres, it is clearly one of the largest wilderness areas in the State of Utah and was designated in the Wilderness Act of 1984. Unfortunately, mysteriously, some utility poles have grown up in this wilderness area.

In reality, when it was created, by an oversight of Congress it encompassed an area which has utility corridors, both water and electricity. In addition to that utility corridor, there is a section of the Bonneville Shoreline Trail system that runs through this wilderness area. This is a trail system that connects northern and southern Utah. It is extremely popular with bikers, hikers, equestrian traffic; and it is the only section of that trail system which actually happens to be in a wilderness area.

Seeing that problem, maintaining that utility corridor as well as maintaining that trail system in a wilderness area, the Forest Service and the local community have found a solution, which is in this particular bill. By taking 31 acres, which is the smallest footprint possible, on the western side of this wilderness area, which abuts the city of Logan, and transferring that out of the wilderness area and then finding on the eastern side of the wilderness area a section by the Forest Service 31 other acres which fits the contour of Mount Naomi and also has all the characteristics that are required for a wilderness area, we have been able to make an exchange which will allow the city of Logan to maintain their utility corridor, the State to maintain their trail system and also maintain the same acreage of wilderness in the State of Utah.

This has passed this particular House before. I hope to do it a second time and then solve this problem for the city of Logan as well as for the Forest Service, which has the support of the Forest Service and the local community and all other entities that I am aware that have an interest in this particular area. It is a good piece of legislation.

I definitely thank my colleagues on the committee for expediting its consideration, and I urge adoption of Senate bill 278.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 278 would remove from the wilderness designation 31 acres of land in one section and would add 31 acres to another portion of the Mount Naomi Wilderness Act. Last Congress, the House passed identical legislation. S. 278 passed the Senate earlier this year.

We support this legislation.

Mr. Speaker, I have no further speakers on this bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the Senate bill, S. 278.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

The Clerk read as follows:

H.R. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

(a) EXTENSION.—Subsection (b) of section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4157; 40 U.S.C. 8903 note) is amended to read as follows:

"(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code. Notwithstanding section 8903(e) of such title, the authority provided by this section expires November 12, 2006.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "the Commemorative Works Act (40 U.S.C. 1001 et seq.)" and inserting "chapter 89 of title 40, United States Code"; and

(2) in subsection (d)—

(A) by striking "section 8(b) of the Commemorative Works Act" and inserting "section 8906(b) of title 40, United States Code";

(B) by striking "section 10(b) of that Act" and inserting "subsection (b)"; and

(C) by striking "section 8(b)(1) of that Act" and inserting "section 8906(b) of such title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1209, introduced by the gentlewoman from California (Ms. WATSON), would extend the authority for the construction of a memorial to Dr. Martin Luther King, Jr., in our Nation's capital. H.R. 1209 would simply extend to November 2006 the authorization given to the site's sponsor, Alpha Phi Alpha Fraternity, in the Omnibus Parks And Public Land Management Act of 1996 to raise further funds to build the memorial to Dr. King.

Mr. Speaker, H.R. 1209 is strongly supported by the administration and the majority and minority of the Committee on Resources. I urge my colleagues to support H.R. 1209.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1209, introduced by the gentlewoman from California (Ms. WATSON), our colleague who we will hear from in a short time, is a simple piece of legislation that extends for 3 years the authority for the construction of a memorial to Dr. Martin Luther King, Jr., here in the District of Columbia.

In 1996, Public Law 104–333 authorized the Alpha Phi Alpha Fraternity, through the Martin Luther King Memorial Project Foundation, to establish a memorial here in our Nation's capital to America's foremost civil rights leader.

Since that time, the sponsors have worked diligently to secure a memorial site and design approvals. In addition, there is a significant fund-raising campaign underway to secure the necessary funds to build and maintain the memorial. However, not all of the necessary funds have been secured, and ground cannot be broken until the funds are in place. That is the reason we are asking for the extension.

Mr. Speaker, it was only a few short weeks ago that a ceremony was held on the steps of the Lincoln Memorial to dedicate a plaque marking the spot where Dr. Martin Luther King, Jr., delivered his famous "I have a dream" speech 40 years ago.

The proposed memorial will complement both this site and the Martin Luther King, Jr., National Historic Site in Atlanta in providing for present and future generations a greater understanding of the accomplishments of Dr. King in the cause for civil rights.

Mr. Speaker, I strongly support H.R. 1209 and urge its adoption by the House today; and at this time I would like to thank the gentlewoman from California (Ms. WATSON), who introduced this bill, for her leadership in shepherding this bill through the committee process and to the floor.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in support of the bill, H.R. 1209, to extend the authority for the construction of a memorial to Reverend Dr. Martin Luther King, Jr., on the National Mall.

□ 1530

The authorization set by Congress in 1996 to raise funds for the memorial will expire on November 12, which happens to be my birthday, so I would like to extend the authorization until November 12, 2006.

The tireless efforts by the King Memorial Foundation to raise $100 million for the construction and maintenance of the project have been strong, but more time is needed to reach its fund-raising goal, and I believe it is our job as lawmakers to ensure that Dr. King will be memorialized in a manner that befits his legacy.

The idea of putting a King Memorial in the Tidal Basin on the National Mall between the Lincoln and Jefferson Memorials is a privilege within itself, and Dr. King deserves such an honor. However, Congress must authorize more time for funds to be raised to build the King Memorial, and it is a huge project.

Our National Mall is representative of the rich history and the strength of our Nation. Dr. King is one of our Nation's most important leaders, and this monument should carry the same weight and significance as other distinguished Americans who have been honored with memorials.

Congressional leaders, including the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), also support the effort to put Dr. King's legacy at Washington's forefront. They, along with several other of my colleagues, sit on an honorary bipartisan congressional committee for the Martin Luther King, Jr. National Memorial.

Dr. King's preachings of nonviolent civil disobedience to combat segregation and racial equality affected not only minorities but every culture and creed in this Nation. In 1963, Dr. King led the march on Washington, very near the site where we wish to honor him today. Dr. King's leadership also helped in the passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. King acted on his dream for America and succeeded in making the United States a better place. We must ensure that Dr. King's valiant efforts will be remembered by generations yet to come.

Mr. Speaker, I ask my colleagues to join me in keeping the dream alive set forth by Dr. King and help continue to honor him amongst our Nation's finest.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands for her leadership, and the gentleman from Arizona (Mr. RENZI) for his leadership. And my thanks go to the committee for being so forthright in its movement of this legislation, particularly to my friend and colleague, the gentlewoman from California (Ms. WATSON) for her vision of putting forth this legislation recognizing, if you will, the high mountains that this very able partnership has to climb.

So I rise this afternoon to enthusiastically support H.R. 1209, which, Mr. Speaker, is a simple premise, and that is to applaud and reaffirm the commitment of the many sponsors, corporations, board members and organizations that have collaborated together to provide the $100 million which will provide us the opportunity to acknowledge and recognize Dr. Martin Luther King, Jr. with a memorial in Washington, D.C., the Nation's Capital.

Let me note that one of the pivotal roles being played in this partnership is that of the Alpha Phi Alpha Fraternity, Inc., in which Dr. King was a member. Alpha Phi Alpha Fraternity and other organizations have partnered in order to raise the funds needed for the memorial.

The objectives of this fraternity are to stimulate the ambition of its members; to prepare them for the greatest usefulness in the community and in the cause of humanity, freedom and dignity of the individual; to encourage the highest and noblest form of manhood; and to aid downtrodden humanity in its efforts to achieve higher social economic and intellectual status. Certainly these concepts epitomized the life that Dr. King lived and, as well, what he embodied.

Everywhere I go in the United States there is a great deal of excitement that we have the opportunity to honor Dr. Martin Luther King, his legacy and his life, here in Washington, D.C., the Nation's Capital, a Capital that belongs to all of the Nation, and a Capital that the world admires. I am delighted to have as my constituent, Harry E. Johnson, the 31st General President of the Alpha Phi Alpha, Inc., who has been president since the year 2000. Though he is a native of St. Louis, Missouri, he is a current resident of Houston, Texas, and he has been key in leading and fostering the movement of providing resources to ensure that we have the dollars for this very monumental and important tribute to Dr. Martin Luther King.

I believe, Mr. Speaker, that the Nation is better when we reflect upon the diversity of our Nation. Certainly, recognizing that the original settlers or the original people of this great continent and great Nation are the Native Americans, but since that time we have welcomed to this Nation in many different ways, some more sadder than others, different groups from around the world. And naturally, of course, I as an African American, first came to this Nation in the bottom of a belly of a slave boat. Dr. Martin Luther King, in the 20th Century, rose to be able to establish the equality and justice for all. He did it through peaceful and nonviolent ways.

As a follower of Ghandi, Dr. King brought to this Nation a concept of turning the other cheek. He was able to march, he was able to walk, he was able to talk, and he was able to generate the excitement and coalition of people of good will and good faith from all over the Nation no matter what their race, no matter what their religious or ethnic background. Dr. Martin Luther King focused on the fact that we all are created equal. He focused on the fact that we were a people united. I believe his monument in this Capital would be symbolic of where the Nation needs to go.

We have not yet reached the dream of Dr. Martin Luther King. Just today in

Houston, Texas, many of my constituents and others will be launching Immigration Freedom Ride. They will be traveling from California to Washington, D.C., and then on to New York to speak for the rights of immigrants and to express the fact that they are in need of rights and justice too.

I was moved to hear them speak this past weekend as they indicated that their organization and their movement was inspired by the work and life of Dr. Martin Luther King. They said, and rightfully so, that it is time now for the immigration movement and the Civil Rights movement to intertwine. Based upon the leadership of Dr. Martin Luther King, these new immigrants, these individuals seeking access to legalization, the very same people who have offered their lives in Operation Iraqi Freedom, who are not yet citizens, who deserve our appreciation, and who are going to now bus ride across America to express their need for just rights were inspired by Dr. Martin Luther King.

Might I also say that it is important in this time to give tribute to Dr. King on the basis of his call for peace and justice. He was a man who believed in nonviolent action, and he was a man who believed in peace over war and life over death. Now, in the backdrop of the violence of terrorism, but particularly in the predicament we find ourselves in Operation Iraqi Freedom, with our young men and women on the front lines and with a cry by the world for peace in the Middle East, it is important to honor Dr. Martin Luther King, a man of freedom, a man who promoted equality, a man of peace, a man who applauded and respected the diversity of this Nation.

This is appropriate legislation that extends the time for us to be able to honor him by giving more time to raise the dollars until November 12, 2006. I ask my colleagues to vote for this legislation.

Mr. Speaker, I rise in support of H.R. 1209 to extend the authority for the construction of a memorial to Dr. Martin Luther King, Jr. in the District of Columbia, and for other purposes. First, I extend my thanks to our colleague Congresswoman DIANE WATSON for sponsoring this legislation. Constructing a memorial to this great man is important to the collective memory and spirit of this country.

A worthy partnership has been created with private organizations lead by the Alpha Phi Alpha Fraternity, Incorporated, of which Dr. King was a member. Alpha Phi Alpha Fraternity, Inc. and other organizations have partnered to raise the funds that are needed to design the memorial.

The objectives of Alpha Phi Alpha Fraternity, Inc. are to stimulate the ambition of its members; to prepare them for the greatest usefulness in the cause of humanity, freedom, and dignity of the individual; to encourage the highest and noblest form of manhood; and to aid downtrodden humanity in its efforts to achieve higher social, economic, and intellectual status. Dr. Martin Luther King, Jr. was a man who embodied all of these objectives, and it is only apropos that we in the House of Representatives do what we can to facilitate the timely construction of a memorial to show our appreciation. Other prominent members of the organization include the Honorable Andrew Young, the Honorable David Denkins, Julius L. Chambers, Lester Granger, Frederick Douglass, W.E.B. Dubois, Adam Clayton Powell, Justice Thurgood Marshall, Paul Robeson, Dick Gregory, William Gray, and Franklin Williams among many others.

Harry E. Johnson, Sr., is the 31st General President of Alpha Phi Alpha, Inc. and has been since 2000. A native of St. Louis, MO and current resident of Houston, Texas with his family, Bro. Harry E. Johnson practices Law in Houston, Texas and serves as an adjunct professor of law at Texas Southern University's Thurgood Marshall School of Law in the city. Additionally, he has completed post Baccalaureate work in Public Administration at Washington University in St. Louis, Missouri and earned his Doctor of Jurisprudence from Thurgood Marshall School of Law in Houston, Texas. Mr. Johnson was elected to the National Board of Directors of Big Brothers Big Sisters of America during October 2001. He also serves on the Council of Presidents of the National Pan Hellenic Council, which is an organization composed of the nine historically black fraternities and sororities that is responsible for coordinating collaborative responses to issues impacting black fraternities and sororities and community outreach initiatives.

His other professional affiliations include the National Bar Association, American Bar Association, NAACP, and the Boy Scouts of America. Since his election as the 31st General President of the Alpha Phi Alpha Fraternity, Inc., Harry E. Johnson has worked to reinvigorate the Fraternity's active membership through promotion of community-based mentoring, as aggressive reclamation and retention initiative that features the highly acclaimed "Value Added Services" Program, as well as many other innovations within the Fraternity.

Through his involvement in activities that affect the youth and historically disadvantaged groups in this nation, Harry E. Johnson, Sr. has shown that he has committed himself to carrying forth the high standards that have been established by Dr. Martin Luther King, Jr. H.R. 1209 will extend the 1996 authorization to construct a memorial to Dr. King. I am pleased to note that when the legislation was introduced, it received broad bipartisan support. The fraternity is now on the way to securing enough funds to complete this project. The expedient passage of this bill will help them achieve this goal.

Dr. King was a giant among men whose legacy has blazed a trail for us all. He was remarkable in his accomplishments, and he helped created a remarkable change in our nation. For that we are all grateful, and although this memorial will be a handsome tribute, it will still not be sufficient to demonstrate all that Dr. King has meant to this country.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume and take this opportunity to once again commend my colleague, the gentlewoman from California (Ms. WATSON), for introducing this legislation giving the Alpha Phi Alpha Fraternity an opportunity to make this dream a reality.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume, and, in closing, I want to thank the articulation, the continued teaching that all of my colleagues have given us, this Nation, on the life and the legacy of Dr. King. I cannot think of a more hopeful tribute that this Nation is going to have, the idea of the gentlewoman from California (Ms. WATSON), this vision she has brought of Dr. King's statue being here in Washington where millions of Americans, young Americans especially, will come and learn firsthand the lessons of Dr. King. So I thank her for her leadership, her vision, and the hope that she brings.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1209.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF INTERIOR TO CONDUCT STUDY TO DETERMINE NATIONAL SIGNIFICANCE OF MIAMI CIRCLE IN FLORIDA AND OF ITS INCLUSION IN NATIONAL PARK SYSTEM AS PART OF BISCAYNE NATIONAL PARK

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 111) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The Clerk read as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RESOURCE STUDY.

(a) STUDY.—Not later than 3 years after the date funds are made available, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall conduct a special resource study to determine the national significance of the Miami Circle archaeological site in Miami-Dade County, Florida (hereinafter referred to as "Miami Circle"), as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park. In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) CONTENT OF STUDY.—In addition to determining national significance, feasibility, and suitability, the study shall include the analysis and recommendations of the Secretary on—

(1) any areas in or surrounding the Miami Circle that should be included in Biscayne National Park;

(2) whether additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of Biscayne National Park; and

(3) any effect on the local area from the inclusion of Miami Circle in Biscayne National Park.

(c) SUBMISSION OF REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report on the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 111, introduced by Senator BOB GRAHAM of Florida, and passed by the Senate earlier this year, would authorize the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle as well as the suitability and feasibility of its inclusion as part of the Biscayne National Park.

Miami Circle, a 2.2-acre archeological site discovered in 1998, is presumed to have been constructed by the Tequesta Indians about 2,000 years ago. The Tequesta Indians are thought to be among the first people to establish permanent villages in southeast Florida.

The bill is supported by the administration and the majority and the minority of the committee, and I urge my colleagues to support S. 111.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 111 authorizes a special resource study to determine the national significance of the Miami Circle as well as the feasibility of including the site in the Biscayne National Park. Miami Circle is an archeological site discovered in 1998, located in Miami-Dade County, Florida. The most important features of the site are 24 large basin-holes carved into the limestone bedrock forming a circle approximately 38 feet in diameter. The circle is thought to be the footprint of a structure built by Native Americans and may date back 2,000 years.

Our former colleague, Representative Carrie Meek, worked tirelessly on this legislation, and now her successor in this office, the gentleman from Florida (Mr. MEEK) has taken up the banner for this important project. We are eager to see this study move forward as a small part of the huge legacy that has remained after Ms. Meek's retirement, and because the historical and culture resources present at this site are potentially invaluable.

Mr. Speaker, this measure passed the Senate by unanimous consent and passed the House during the previous Congress, and so we urge our colleagues to support S. 111 at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for yielding me this time. I also wish to thank the members of this committee and the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), as well as the chairman of the subcommittee. Additional thanks to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources. I met both of them in the course of consideration of this legislation, and I am very much appreciative of the fact that with their assistance, we were able to move this legislation forward to the floor today.

Mr. Speaker, this is very important to every Floridian and should be important to every American as it relates to the Tequesta Indians and what they were able to do in such a time, in prehistoric time, as relates to having a sun dial, or a dial to be able to determine the months of the year or the time of day. This is definitely something that we find is a gift in south Florida.

Those individuals that believe in preservation in Florida put together their resources to make sure we make it to this point. I would like to commend Senator BOB GRAHAM of Florida for bringing this bill up. I would like to also commend Congresswoman Carrie Meek for her work in the last Congress in bringing this bill to the floor. I would also like to thank the Florida delegation for its work in a bipartisan way to make sure this bill made it to the floor and supporting it as cosponsors.

This bill would authorize the Secretary of the Interior to conduct a feasibility study on the possibility of inclusion of the Miami Circle, which we call it now, as a part of the National Park System, as a part of Biscayne Bay National Park. The Circle is truly a wonderful historic site. In 1998, workers preparing land for development at the mouth of the Miami River noticed a strange circle formation in the limestone bedrock, which we call the Miami Circle.

□ 1545

The circle itself is 38 feet in diameter within a 2.2-acre archaeological site in downtown Miami. It is very interesting because the developers, when they stumbled upon this site, thought it was quite interesting, and individuals in Miami raised almost $2.4 million to be able to purchase the land.

Mr. Speaker, this would point the National Park Service into conducting a study and must give consideration to be able to add this to Biscayne National Park, which is one of our national treasures.

Mr. Speaker, I urge Members to vote for this bill to allow it to become law so we can preserve and learn more about what these Tequesta Indians put together almost 2,000 years ago, which is definitely a part of our civilization.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to urge the passage of S. 111, a bill to study the inclusion of the Miami Circle in the Biscayne National Park. This important archaeological site must be preserved for education and cultural benefit.

Over 2,000 years ago, the Tequesta civilizations inhabited the Biscayne and Miami Circle areas in what is present-day Miami. Although at times numbering only 800 inhabitants, the Tequesta were one of the largest South Florida civilizations. Their marine village consisted of a complex network of jobs, including set tasks for fishing and gathering of food. As a result of disease and territory disputes, the Tequesta began to lose power and eventually all but disappear in the early 1800's, but their society remains a historical part of South Florida.

While speculation continues on the use of the Miami Circle site, its archaeological importance is unquestioned. Many scholars believe that the site was used as a large astronomical tool or a center of culture in their society. On a national scale, the Miami Circle deserves preservation as the only cut-in-rock prehistoric footprint in the United States. While many of the smaller Tequesta sites are included in Biscayne Bay National park, this new site which is thought to house the bulk of the civilization remains an unprotected treasure.

Mr. Speaker, S.111 is a good bill and one that will continue the efforts of this Congress to preserve our important historical places across the Nation. To study the inclusion of the Miami Circle in the Biscayne National Park is a significant step towards our goals and I urge its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Arizona (Mr. RENZI) and the Republican members of the committee for their strong support for this bill, which has been a bipartisan effort, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 111.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RENZI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky (during consideration of H.R. 1409) submitted the following conference report and statement on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–280)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $80,794,000: Provided, That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $130,983,000: Provided, That of the total amount provided, $20,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,664,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A, title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $8,106,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $330,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading may be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Department of Homeland Security enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Department of Homeland Security and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,396,350,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to Public Law 103–182 and notwithstanding section 1511(e)(1) of Public Law 107–296; of which not to exceed $40,000 shall be for official reception and representation expenses; of which not to exceed $100,800,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $12,725,000 shall be for activities to enforce laws against forced child labor in fiscal year 2004, of which not to exceed $4,000,000 shall remain available until expended: Provided further, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; $2,151,050,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $200,000 shall be for Project Alert; and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $3,000,000 shall be for activities to enforce laws against forced child labor in fiscal year 2004, of which not to exceed $1,000,000 shall remain available until expended.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $54,000,000 are rescinded.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal air marshals, $626,400,000, to remain available until expended.

FEDERAL PROTECTIVE SERVICE

(TRANSFER OF FUNDS)

For necessary expenses for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $40,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading may be obligated for Atlas until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs enforcement enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $210,200,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2004 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $3,732,700,000, to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount provided under this heading, not to exceed $1,805,700,000 shall be for passenger screening activities; not to exceed $1,318,700,000 shall be for baggage screening activities; and not to exceed $703,300,000 shall be for airport security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act may be obligated or expended to carry out provisions of section 44923(h) of title 49 United States Code: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,662,700,000: Provided further, That any security service fees collected pursuant to section 118 of Public Law 107–71 in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: Provided further, That of the total amount provided under this heading, $250,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $150,000,000 shall be available only for procurement of checked baggage explosive detection systems.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $263,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $125,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $17,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (115 Stat. 597), $13,600,000.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $155,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (115 Stat. 597), $427,200,000, to remain available until September 30, 2005.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed twenty-five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $4,713,055,000, of which $340,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids *to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $967,200,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $162,500,000 shall be available until September 30, 2006, for other equipment, including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems program; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $668,200,000 shall be available until September 30, 2008, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006, only for Rescue 21: Provided further, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.*

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $19,250,000, to remain available until expended: Provided, That in fiscal year 2004 and thereafter, funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $15,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,137,280,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,287,000,000, which shall be allocated as follows:

(1) $1,700,000,000 for formula-based grants and $500,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3714): Provided, That no funds shall be made available to any State prior to the submission of an updated State plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 30 days after enactment of this Act; that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 15 days after receipt of an application or receipt of an updated State plan, whichever is later: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

(2) $725,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall not apply to these grants:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), $750,000,000, to remain available until September 30, 2005: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,450,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $225,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C.

App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount appropriated, $60,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed 3 percent may be made available for administrative costs.

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $167,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the funds appropriated under this heading by chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $3,000,000 are rescinded.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

BIODEFENSE COUNTERMEASURES

For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: Provided, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 1441A–59 et seq.), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000, to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for "Office of Inspector General" for audits and investigations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $560,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That not to exceed 5 percent may be made available for administrative costs.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, $236,126,000, of which not to exceed $5,000 shall be for official reception and representation expenses.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $155,423,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 509 note); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That *the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $37,357,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $125,000,000.

ASSESSMENTS AND EVALUATIONS

For expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $714,300,000, to remain available until September 30, 2005.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $44,168,000.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For expenses of science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $874,000,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations for salaries and expenses for fiscal year 2004 in this Act shall remain available through September 30, 2005, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. In fiscal year 2004 and thereafter, unless otherwise provided, funds may be used for purchase of uniforms without regard to the general purchase price limitation for the current fiscal year; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State to furnish health and medical services to employees and their dependents serving in foreign countries; services authorized by section 3109 of title 5, United States Code; and the hire and purchase of motor vehicles, as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 506. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313, 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

SEC. 507. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313, 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": Provided further, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 509. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 510. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the Department or its directorates from: (1) any discretionary or formula-based grant program of the Office for Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 511. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 512. The Director of the Federal Law Enforcement Training Center shall ensure that all training facilities under the control of the Center are operated at optimal capacity throughout the fiscal year.

SEC. 513. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 514. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a *salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).*

SEC. 515. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 516. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 517. None of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to—

(1) negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items, or

(2) space for necessary security checkpoints.

SEC. 518. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 519. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers.

(c) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than February 15, 2004.

SEC. 520. For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation: Provided, That the establishment and collection of fees shall be subject to the following requirements:

(1) such fees, in the aggregate, shall not exceed the costs incurred by the Department of Homeland Security associated with providing the credential or performing the background record checks;

(2) the Secretary shall charge fees in amounts that are reasonably related to the costs of providing services in connection with the activity or item for which the fee is charged;

(3) a fee may not be collected except to the extent such fee will be expended to pay for the costs of conducting or obtaining a criminal history record check and a review of available law enforcement databases and commercial databases and records of other governmental and international agencies; reviewing and adjudicating requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background record check, and denying requests for waiver and appeals; and any other costs related to providing the credential or performing the background record check; and

(4) any fee collected shall be available for expenditure only to pay the costs incurred in providing services in connection with the activity or item for which the fee is charged and shall remain available until expended.

SEC. 521. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".

And the Senate agree to the same.

HAROLD ROGERS,
C. W. BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 108–169 and Senate Report 108–86 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly.

In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Further, in a number of instances, House Report 108–169 and Senate Report 108–86 direct agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the House and Senate Committees on Appropriations no later than November 14, 2003.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide $80,794,000 instead of $78,975,000 as proposed by the House and $83,653,000 as proposed by the Senate. Within the funds provided for the Office of the Secretary and Executive Management, travel expenses may not exceed $2,575,000. The conferees agree to provide an additional $490,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

Immediate Office of the Secretary	$2,139,000
Immediate Office of the Deputy Secretary	1,116,000
Office of Security	19,899,000
Chief of Staff	5,047,000
Executive Secretary	5,239,000
Special Assistant to the Secretary/Private Sector	3,995,000
Office of National Capital Region (NCR) Coordinator	560,000
Office of State and Local Government Coordination	3,095,000
Office of International Affairs	1,165,000
Office of Public Affairs	8,168,000
Office of Legislative Affairs	5,907,000
Office of General Counsel	8,696,000
Office of Civil Rights and Liberties	13,027,000
Citizenship and Immigration Services Ombudsman	1,243,000
Homeland Security Advisory Committee	726,000
Privacy Officer	772,000
Total	80,794,000

RECEPTION AND REPRESENTATION EXPENSES

The conferees have provided $40,000 for reception and representation expenses for the Office of the Secretary and Executive Management, as proposed by the House, instead of $100,000 as proposed by the Senate in a general provision. Separate reception and representation allowances have been provided directly to other departmental agencies.

The conferees have not included bill language, proposed by the House, permitting the Secretary to use up to $2,000,000 for unforeseen emergencies.

BUDGET JUSTIFICATIONS

The conferees direct the Department to submit its fiscal year 2005 budget justifications on the first Monday in February, concurrent with official submission of the President's budget to the Congress. These justifications should include detailed data and explanatory statements in support of the appropriations requests, including tables that detail each agency's programs, projects, and activities for fiscal years 2004 and 2005. The budget justifications should also include a table identifying the last year that authorizing legislation was provided by Congress for each program, project, or activity; the amount of the authorization; and the appropriation in the last year of the authorization.

MONTHLY REPORTING REQUIREMENTS

The conferees agree with House report language directing the Department to submit to the Committees on Appropriations a monthly budget execution report showing the status of obligations and costs for all components of the Department.

DETAILEES

The conferees direct the Department to report for fiscal year 2003 and for the first quarter of fiscal year 2004 to the Committees on Appropriations by January 1, 2004, by agency on the number of detailees in the Department as well as those detailed to other executive and legislative agencies; originating agency; salary; length of detail (including beginning and end dates); and purpose of the detail.

PROTECTION OF CLASSIFIED INFORMATION

The conferees agree with House report language regarding proper storage and security of classified information and materials, and, within available funds for the Office of Security, up to $3,000,000 shall be made available for initial purchase and installation of locks meeting or exceeding federal specification FF–L–2740–A. Consistent with House report language, the conferees expect a complete assessment of needs to be delivered to the Committees on Appropriations no later than December 15, 2003.

COUNTERMEASURES AGAINST SHOULDER-FIRED MISSILES

The Secretary shall report to the Committees on Appropriations no later than March 1, 2004, in classified form, on the progress made to develop countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, a vulnerability assessment of category X and category 1 airports from the threat of shoulder-fired missile systems, and the interim measures being taken to address the threat.

ASSET FORFEITURE FUNDS

The conferees note that asset forfeiture funds have played a vital role in support of law enforcement and homeland security operations. The conferees also are aware that new legal and/or administrative structures are under consideration for the operation of the current Treasury and Justice Department forfeiture funds. Because a number of the Department's law enforcement agencies rely on the use of assets from these funds for on-going investigations and other operations, the conferees direct the Department to notify the Committees on Appropriations prior to any changes in the existing structure of these funds or changes to the distribution of the assets from these funds.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide $130,983,000 instead of $116,139,000 as proposed by the House and $167,521,000 as proposed by the Senate. Within the funds provided for the Office of the Under Secretary for Management, travel expenses may not exceed $602,000. Due to lack of details, the conferees have not provided funding for Strategic Initiatives. The conferees agree to provide an additional $333,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

Under Secretary for Management	$1,278,000
Office of Chief Financial Officer	10,592,000
Office of Procurement	6,171,000
Office of Human Resources	6,743,000
Office of Chief Information Officer	60,496,000
Office of Administration	25,703,000
Headquarters	20,000,000
Total	130,983,000

STANDARDIZATION OF SYSTEMS

The conferees expect that standardization and savings will be realized through consolidation of support operations, personnel, and systems within the Department of Homeland Security. The conferees direct the Department to undertake these consolidation efforts in such areas as administration, finance and accounting, and procurement.

COMMAND CENTER

The conferees have fully funded the command center under the Information Analysis and Infrastructure Protection management and administration account. No funding is included for this center under the Chief Information Officer, as proposed by both the House and Senate.

DHS HEADQUARTERS

The conferees agree to provide $20,000,000 for necessary renovations at the Nebraska Avenue Complex instead of $30,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees include a new general provision (Section 516) prohibiting the expenditure of funds absent an approved prospectus, if required by the Public Buildings Act of 1959. Funding is provided for evaluations and planning; security upgrades; renovations and improvements of buildings 1, 4, 5, 18, 19, and 100; SCIF construction in building 5; and Navy relocation costs.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

The conferees agree to provide $185,000,000 as proposed by the Senate instead of $206,000,000 as proposed by the House. Funds are available until expended. Statutory language proposed by the House has been included prohibiting the use of funds to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment system.

The conference agreement includes $72,506,000 for information technology services; $31,000,000 for security activities; $100,000,000 for wireless programs; and $2,494,000 for federal salaries and expenses. The conference agreement also includes the Senate proposal to use $21,000,000 transferred to the Department of Homeland Security from the Department of Justice Working Capital Fund for enterprise architecture and the information and evaluation program. Full funding has been provided for consolidation of the Department's watch lists.

The Department is to report to the Committees on Appropriations by December 15, 2003, on how the federal wireless program will operate with the state and local communications systems that are being implemented concurrently, and to identify the level of funding provided to all Departmental components for mobile radios.

The Department is to report to the Committees on Appropriations by December 15, 2003, on the status of the Department's efforts to: complete an inventory of the Department's entire information technology structure; devise and deploy a comprehensive enterprise architecture that promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department; consolidate multiple overlapping and inconsistent terrorist watch lists; and align common information technology investments within the Department and between the Department and other federal, state, and local agencies responsible for homeland security to minimize inconsistent and duplicative acquisitions and expenditures.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $58,664,000 instead of $58,118,000 as proposed by both the House and the Senate; and $22,000,000 is transferred from the Emergency Preparedness and Response Disaster Relief Fund for a total of $80,664,000 for the Office of Inspector General. The conferees agree to provide an additional $546,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment.

Bill language is included to allow the Inspector General to use not to exceed $100,000 for unforeseen emergencies, including the payment of informants, as proposed by the Senate instead of $1,000,000 as proposed by the House.

The conferees direct the Inspector General to provide all audit reports requested by the Committees on Appropriations to the Committees no less than 15 days prior to public distribution of such reports.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

Office of the Under Secretary for Border and Transportation Security

SALARIES AND EXPENSES

The conferees agree to provide $8,106,000 as proposed by the House instead of $8,842,000 as proposed by the Senate. Within the Office of the Under Secretary for Border and Transportation Security, travel may not exceed $418,000.

ADMINISTRATIVE SUPPORT AND INTERAGENCY COOPERATION

The conferees recognize that there will continue to be significant requirements for support between agencies within the Directorate of Border and Transportation Security, as well as other Departmental agencies, notably the Bureau of Citizenship and Immigration Services, as transition continues. This may include shared services, modernizing and supporting shared automated systems, shared infrastructure, access to databases, and other forms of support. The conferees direct that the Under Secretary and all bureaus collaborate to ensure that the needs of frontline employees are being met, regardless of which bureau is providing legacy system support or administrative infrastructure.

United States Visitor and Immigrant Status Indicator Technology (US VISIT)

The conferees agree to provide $330,000,000 instead of $350,000,000 as proposed by the House and $380,000,000 as proposed by the Senate. Funds are available until expended.

US VISIT PLANNING, EXPENDITURE AND OVERSIGHT INFORMATION

The conferees are concerned about the progress in planning and deploying the US VISIT system. Given the priority of US VISIT, the conferees expect that some expenditure plans would be completed and submitted to the Committees on Appropriations shortly after appropriations become available, and not held up until late in the fiscal year as has been true in the past.

The conferees expect to be provided additional information about overall program characteristics, as well as greater details in specific expenditure plans. Overall, information needs to be provided showing the context in which US VISIT is being developed, to include, but not be limited to: an estimate of overall costs; a comprehensive explanation of the exit control business process on which planning is based; staffing plans being developed for entrance and exit control activity; and explanations of how US VISIT information will be made available to the Bureau of Immigration and Customs Enforcement and other law enforcement and homeland security agencies. In addition, expenditure plans shall provide a greater level of detail, including: annual cost, schedule, and performance milestones; outyear costs; and related impacts on staffing, infrastructure, and communications costs.

The conferees further direct DHS to submit its privacy policy to protect information held by US VISIT to the Committees on Appropriations not later than 45 days after enactment of the Act.

To assist the Committees in their oversight of US VISIT, the conferees direct DHS to submit detailed monthly reports on the planned and actual deployment of US VISIT entry and exit systems and equipment at airports and seaports. The first report shall be submitted not later than October 15, 2003, and shall include information on deployment through September 2003, as well as for the remainder of fiscal year 2004.

US VISIT BIOMETRICS

The conferees believe that the success of US VISIT depends on the effective integration of biometrics into its systems and operations. The biometric infrastructure being built must be a viable long-term solution fully interoperable with the FBI Integrated Automated Fingerprint Identification System that meets biometric standards of the National Institute of Standards and Technology. As stated in Public Law 108–7, procurement decisions for the overall US VISIT program should ensure full and open competition.

An example of a technology with great capacity for storing biometric information is optical memory, now used by the Department for permanent resident cards and by the State Department for border crossing cards. The conferees encourage the Department to ensure that all technologies are considered as it proceeds with US VISIT development and as the State Department moves forward with the next generation of travel documents and credentials. The conferees further encourage the Department to ensure that it coordinates with other federal agencies engaged in such technology development and that such technologies are developed to comply with current and planned international civil aviation standards.

Customs and Border Protection

SALARIES AND EXPENSES

The conferees agree to provide $4,396,350,000 for the Bureau of Customs and Border Protection (CBP) instead of $4,587,600,000 as proposed by the House and $4,369,000,000 as proposed by the Senate. This includes: $18,000,000 to cover the costs of 2003 pay increases and partially restore unspecified administrative reductions taken to establish the Department; $4,750,000 for textile transshipment enforcement, as authorized in the Trade Act of 2002; $12,725,000 to enforce laws relating to forced or indentured child labor, of which $4,000,000 is available until expended; $63,800,000 for non-intrusive inspection technology; $6,700,000 for additional staffing needed to support new inspection technology and implement wireless personal data assistant database access; $41,000,000 for an additional 570 Border Patrol Agents; $9,000,000 for additional inspectors; a reduction to correct for $18,000,000 that had been double-counted in the budget request; and an additional $23,200,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The appropriation also reflects reductions that correspond to realignment of construction funding into separate appropriations, and $128,000,000 for administrative support for investigations and air and marine operations into the Bureau of Immigration and Customs Enforcement appropriation. Funding requested for Plum Island is provided in the Science and Technology biological countermeasures program. Further details on the allocation of funds can be found in the conference funding tables included in this report.

The conferees are aware that the Department is conducting a comprehensive review of administrative and other mission responsibilities, particularly as they affect CBP and other agencies that have inherited multiple legacy missions. While funding provided by this conference agreement is based on the best possible information available, the conferees understand there may be a need to adjust funding to conform to the decisions resulting from the review.

BORDER STAFFING

The conferees support adequate staffing to secure the nation's ports and borders, and have included a total of $76,300,000 for increased deployment of inspection technology, the Customs-Trade Partnership Against Terrorism, canine enforcement officers, CBP inspectors and Border Patrol Agents.

The conferees recognize the effort required to integrate these increases while continuing to adjust the structure and organization of a new, consolidated bureau. In order to assess the status of current and projected staffing, the conferees direct CBP to submit to the Committees on Appropriations not later than December 1, 2003, a detailed staffing plan including: actual on-board personnel for fiscal year 2003; projected staffing for fiscal year 2004; positions authorized but vacant; full-time, part-time, and temporary positions funded through direct appropriations; full-time, part-time and temporary fee-funded positions; and staffing at each port of entry and border area. The report shall also identify the new positions funded by this Act. The conferees expect this staffing plan to be coordinated and consistent with the staffing assumptions included in the CBP construction master plan.

NON-INTRUSIVE INSPECTION AND RADIATION DETECTION TECHNOLOGY

The conferees are aware of several instances where improvements can be made in evaluating new technology for cargo screening and radiation detection. For example, completion of the demonstration project for pulsed fast neutron analysis at the Ysleta border crossing has been significantly delayed. The conferees direct CBP to accelerate its efforts to complete this test and report its findings to the Committees on Appropriations not later than August 1, 2004. In another example, the conferees note that $3,000,000 was provided to CBP in the fiscal year 2003 appropriation to evaluate and prototype next generation technology to screen and detect contraband, explosives, radioactive materials, and potential chemical and biological weapons. However, it appears that a significant share of this funding is instead being used to test modifications to existing detection technology.

The conferees strongly support Departmental coordination of efforts by CBP and other DHS agencies to test and invest in technology for inspection, detection and monitoring for weapons of mass destruction, and integrate such technology in all operations. The conferees direct both CBP and DHS to ensure that all potential candidate technologies are permitted to compete and be fairly evaluated as part of any acquisition decisions for inspection and radiation detection technology.

ANTI-DUMPING ENFORCEMENT

The conferees have ensured that this account includes sufficient funds to enforce the anti-dumping authority contained in section 764 of the Tariff Act of 1930 (19 U.S.C. 1675c). Additionally, the conferees are aware of the Department of the Treasury Office of Inspector General audit report (OIG003–085), "Customs Needs to Improve Compliance with CDSOA (Continued Dumping and Subsidy

Offset Act of 2000)'' and expect the CBP to fully comply with the recommendations made in that report.

STEEL IMPORTS TRADE LAW ENFORCEMENT

The conferees fully support the language on enforcement of U.S. trade laws regarding steel imports contained in House Report 108–169. The conferees note that the report submitted May 30, 2003, on this issue did not contain the requested data on the types and value of illegal imports seized and penalties imposed. The conferees direct the CBP to submit a revised report by April 20, 2004, that includes all of the information requested.

OFFSETTING FEE COLLECTIONS

The conferees are concerned about the financial health of the Immigration Inspection User Fee, COBRA passenger inspection fees, and the Land Border Inspection Fee, all of which have been affected by declining travel volume. The conferees direct the Department and CBP to manage programs within the levels of actual receipts, and to adjust Land Border Inspection fees quickly to ensure adequate revenue. The conferees direct CBP to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported in justification materials provided to Congress, before undertaking any new initiatives.

AUTOMATION MODERNIZATION

The conferees agree to provide $441,122,000, as proposed by the Senate, instead of $493,727,000 as proposed by the House. Funds are available until expended. This includes funding as requested for the Automated Commercial Environment, the Integrated Trade Data System, and the costs of the legacy Automated Commercial System.

CONSTRUCTION

The conferees agree to provide $90,363,000 as proposed by the Senate, instead of $95,552,000 funded within the CBP Salaries and Expenses appropriation as proposed by the House. Funds are available until expended. The conferees direct CBP to review its nationwide priority list for construction funding for the Border Patrol, and provide a detailed plan of its intended use of this funding within 45 days of enactment of this Act. In addition, the conferees direct CBP to submit an updated construction master plan to the Committees on Appropriations not later than July 1, 2004.

CONFERENCE FUNDING LEVELS

	Amount
Customs and Border Protection:	
Salaries and Expenses	$4,396,350,000
Automation Modernization	441,122,000
Construction (Border Patrol)	90,363,000
Subtotal, Direct Appropriations	4,927,835,000
Offsetting Fee Collections:	
Immigration user fee ...	(509,000,000)
Immigration examinations fund	(0)
Immigration enforcement fines	(6,000,000)
Land border inspection fund	(28,000,000)
COBRA	(302,000,000)
Subtotal, Offsetting Fee Collections	(845,000,000)
Total, Customs and Border Protection	(5,772,835,000)

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide $2,151,050,000 for the Bureau of Immigration and Customs Enforcement (ICE) instead of $2,030,000,000 as proposed by the House and $2,180,000,000 as proposed by the Senate. This includes: $7,500,000 to cover the costs of annualizing 2003 pay increases and to partially restore unspecified administrative reductions taken to establish the Department; $4,750,000 for textile transshipment enforcement, as authorized in the Trade Act of 2002; $3,000,000 to enforce laws relating to forced or indentured child labor, of which $1,000,000 is available until expended; $6,700,000 in new funding for additional investigators, particularly for compliance monitoring; $5,400,000 for personnel costs associated with establishing a Northern Border airwing; and $6,400,000 for the Intellectual Property Rights Center.

The funding level reflects realignment of funding for construction into a separate construction appropriation, and realignment of $128,000,000 for administrative support for investigations and air and marine operations into ICE. The conferees agree to provide an additional $15,000,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The conferees continue to support alternatives to detention and to providing legal orientation to persons in detention prior to their first hearing before an immigration judge, and expect that these programs will be funded at the same level as the previous fiscal year. Further details on funding allocations can be found in the conference funding tables included in this report.

The conferees are aware that the Department is conducting a comprehensive review of administrative and other mission responsibilities, particularly as they affect ICE and other agencies that have inherited multiple legacy missions. While funding provided by this conference agreement is based on the best possible information available, the conferees understand there may be a need to adjust funding to conform to the decisions resulting from the review.

STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM

The conferees direct the General Accounting Office to report on the implementation of the Student and Exchange Visitor Information System (SEVIS). The report should include an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by DHS to resolve problems in SEVIS. This report should be provided to the Committees on Appropriations not later than 180 days after enactment of the Act.

INTELLECTUAL PROPERTY RIGHTS

The conferees direct the Under Secretary for Border and Transportation Security to report, not later than January 15, 2004, on the number of Immigration and Customs Enforcement open cases, closed cases, arrests, convictions, and prosecutions that result in dismissals or civil actions related to intellectual property rights enforcement for each of fiscal years 2001 through 2003. The conferees strongly encourage the Department to establish a government/industry anti-counterfeit working group in order to facilitate investigations, interdictions and prosecutions.

OFFSETTING FEE COLLECTIONS

The conferees are concerned about the accuracy of estimates for fees supporting ICE operations. There have been significant downward adjustments in the estimates of funding available from breached bond/detention and removal collections that have forced the detention building program to be delayed as long as two years, and similarly, overestimates have been made for the Immigration Inspection User Fee Account. The conferees direct ICE to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported in justification materials provided to Congress, before undertaking any new initiatives. The conferees also direct DHS and ICE to inform the Committees on Appropriations in a timely manner of potential short-term operational or programmatic impacts from reduced fee collections.

RESCISSION OF FUNDS

The conferees have rescinded $54,000,000 from funds made available in chapter 6 of title I of Public Law 108–11. These funds were originally appropriated for expenses related to Operation Liberty Shield, but are no longer required for such purposes.

FEDERAL AIR MARSHALS

The conferees agree to provide $626,400,000 for the Federal Air Marshals program within the Bureau of Immigration and Customs Enforcement rather than the Transportation Security Administration (TSA), pursuant to the Administration's reorganization notification submitted to the Congress on September 2, 2003. The House bill proposed $634,100,000 for the Federal Air Marshals program as a separate account within TSA's budget. The Senate bill provided $610,000,000 as a separate line item within TSA's aviation security appropriation. Within the funds provided, the conferees agree to provide an additional $2,300,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

Federal Air Marshals	$602,300,000
Explosive unit	4,100,000
Scheduling and information technology	10,000,000
Air-to-ground communications	10,000,000
Total, Federal air marshals	626,400,000

FEDERAL PROTECTIVE SERVICE

(TRANSFER OF FUNDS)

The conferees agree to provide $424,211,000, as proposed by the House and as included by the Senate in the Salaries and Expenses appropriation for ICE.

AUTOMATION MODERNIZATION

The conferees agree to provide $40,000,000, instead of $367,605,000 as proposed by the House. Funds are available until expended. The Senate included funding for this purpose within the ICE appropriation. This new account will fund major information technology investment projects for ICE, including Atlas/Chimera data modernization and connectivity. The conferees include a new provision prohibiting the obligation of funds until the Committees receive and approve an expenditure plan.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide $210,200,000, instead of $175,000,000 as proposed by the House and $257,291,000 as proposed by the Senate. Funds are available until expended. This includes $35,200,000 to establish a Northern Border airwing, of which $12,800,000 is available for aircraft procurement.

AIR AND MARINE INTERDICTION (AMI) PROGRAM MODERNIZATION PLAN

The roles and missions of AMI are being redefined as it becomes integrated as a core component of the Department, and as a result of expanded airspace security missions following the September 11, 2001, attacks and during the recent Liberty Shield operation. The heightened need to coordinate air and marine operations, as well as to continue aggressive counterdrug efforts, make it essential that AMI modernize. As part of a comprehensive review of AMI missions, structures, operations and resources, a number of security shortfalls were identified by the Department. These include the need to establish Northern Border operations and to provide airspace security for the National Capital Region. Other priorities include replacing AMI's aging air and marine assets, and continuing counterdrug interdiction in the source and transit zones. The conferees were informed that, based on the review, a modernization plan including a five-year recapitalization plan will soon be completed.

The conferees are committed to seeing AMI succeed, and need to know more about the ultimate plan for AMI development, modernization and deployment, including its relationship to the Border Patrol and to the U.S. Coast Guard. The conferees therefore direct the Under Secretary for Border and Transportation Security to report to the Committees on Appropriations no later than November 14, 2003, on the five-year plan for AMI missions, structure, operations, and resources, including deployment and command and control requirements, such as the need to increase the number of servers at the Air and Marine Operations Center to eliminate significant surveillance gaps affecting the Northern Border and the western United States. In addition, the report should address: (1) the status of any air traffic control communications with recommendations on how to fill any voids; (2) the current and future role played by tethered aerostat radars (TARs) in airspace interdiction and homeland security, describing any gaps in TARs coverage, such as those that may exist in the central Gulf of Mexico; (3) the basing of air assets, in particular the P-3 aircraft, many of which now occupy temporary or inadequate hangar space such as that at Jacksonville, Florida; and (4) detailed plans for using the $35,800,000 included in the Act for continued support of the Western Hemisphere Drug Elimination Act.

AMI STAFFING AND PERSONNEL

The conferees direct the Under Secretary to report, no later than November 14, 2003, on AMI staffing needs and personnel policies affecting the use and assignment of personnel, including staffing grades, maintenance and operational issues. The report, covering the next five years, should display the numbers and types of authorized positions needed to fulfill the mission of AMI; personnel and benefits costs; current on-board staffing levels; and projections for filling vacant positions.

CONSTRUCTION

The conferees agree to provide $26,775,000 as proposed by the Senate and as included by the House in the Salaries and Expenses appropriation for ICE. Funds are available until expended. The conferees direct ICE to review its nationwide priority list for construction project funding and submit a detailed plan for use of this funding within 45 days of enactment of this Act. The conferees further direct ICE to submit an updated construction master plan to the Committees on Appropriations not later than July 1, 2004.

CONFERENCE FUNDING LEVELS

	Amount
Immigration and Customs Enforcement:	
Salaries and Expenses	$2,151,050,000
Federal Air Marshals	626,400,000
Federal Protective Service	424,211,000
Automation and Modernization	40,000,000
Air and Marine Interdiction	210,200,000
Construction	26,775,000
Subtotal, Direct Appropriations	3,478,636,000
Offsetting Fee Collections:	
Immigration user fee	(107,000,000)
Immigration examinations fund	(25,000,000)
Breached bond/Detention fund	(116,000,000)
SEVIS fund	(25,000,000)
COBRA	(0)
Subtotal, Offsetting Fee Collections	(273,000,000)
Total, Immigration and Customs Enforcement	(3,751,636,000)

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide $3,732,700,000 instead of $3,659,200,000 as proposed by the House and $4,523,900,000 as proposed by the Senate. Within this amount, not to exceed $3,000 is available for official reception and representation expenses as proposed by the House. The conference agreement includes the use of $95,000,000 of prior year balances carried over from fiscal year 2003. Bill language is also included that reflects the collection of $2,070,000,000 from aviation user fees, as authorized. The following table specifies funding levels by budget activity:

Aviation Security	
Passenger screening:	
Screening pilots	$119,000,000
Passenger screeners—PC&B	1,319,600,000
Passenger screeners—training and other	114,100,000
HR services	151,000,000
Checkpoint support	62,000,000
CAPPS II	35,000,000
Registered traveler	5,000,000
Subtotal, passenger screening	1,805,700,000
Baggage screening:	
Baggage screeners—PC&B	774,200,000
Baggage screeners-training and other	69,500,000
EDS Purchase	150,000,000
EDS Installation	250,000,000
EDS/ETD maintenance	75,000,000
Subtotal, baggage screening	1,318,700,000
Security direction and enforcement:	
Aviation regulation and other enforcement	275,400,000
Airport management and staff	233,800,000
Airport information technology and other support	139,100,000
Federal flight deck officer program	25,000,000
Air cargo	30,000,000
Subtotal, security direction and enforcement	703,300,000
Subtotal, aviation security	3,827,700,000
Use of prior year balances	−95,000,000
Total, Aviation Security	3,732,700,000

SCREENER CAP

The conferees include bill language that caps full-time equivalent screener staff to 45,000, as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 full-time equivalent screeners on its rolls at the end of fiscal year 2004. In order to meet this requirement, the conferees urge TSA to hire more part-time and seasonal screeners. However, the conferees recognize that there are still staffing imbalances in many airports around the country and that TSA continues to lose screeners through attrition. Consequently, TSA may need to reduce staffing in some locations to comply with this provision while recruiting and hiring additional or replacement screeners at other airports. The prohibition on the number of full-time equivalents is not intended to prohibit TSA from hiring screeners during fiscal year 2004 at those airports where additional or replacement screeners are required to maintain aviation security and customer service.

WAIT TIMES

The conferees do not agree with language contained in the Senate report that requires TSA to ensure a 10-minute passenger screening standard is consistently met.

AIR CARGO

The conferees provide a total of $30,000,000 within aviation security to strengthen the agency's oversight of air cargo security. Additional funding of $55,000,000 is provided within the Research and Development account.

Currently, to secure 100-percent of cargo transported aboard passenger aircraft, TSA prohibits any cargo from "unknown or high-risk" shippers from being placed aboard these aircraft. TSA ensures that any shipper wishing to transport cargo on passenger aircraft achieve "known" status through participating in the agency's "known shipper program". Passenger carriers, all-cargo carriers, and freight forwarders that interline cargo to passenger carriers are responsible for validating the known shippers. Shippers that cannot be validated are not allowed to transport cargo via passenger carriers.

Within this funding, the conferees direct TSA to improve its oversight of the known shipper program, using a risk-weighted freight screening system that will identify pieces of cargo that require closer scrutiny before being loaded on passenger aircraft. An additional 100 TSA staff are provided to perform more in-depth audits of shipper compliance with the known shipper requirement. An improved automated system should include the automated known shipper verification system, the automated indirect air carrier certification and recertification program, and automated cargo profiling systems. In addition, funding has also been provided for TSA to conduct background checks on those employees who handle cargo, have access to secure areas or ramps in which cargo is loaded onto passenger airplanes, or have direct access to air cargo being shipped. Finally, TSA should consider testing the expansion of the Customs-Trade Partnership Against Terrorism (C-TPAT) to the domestic air cargo supply chain.

FEDERAL AIR MARSHALS

The conferees agree to provide $626,400,000 for the Federal Air Marshals program within the Bureau of Immigration and Customs Enforcement (ICE) rather than TSA, pursuant to the Administration's reorganization notification submitted to the Congress on September 2, 2003.

MARITIME AND LAND SECURITY

The conferees agree to provide $263,000,000 instead of $231,700,000 as proposed by the House and $295,000,000 as proposed by the Senate. Funding is available until September 30, 2005, as proposed by the Senate instead of until expended as proposed by the House. The following table specifies funding levels by budget activity:

Maritime and Land Security:	
Port security grants	$125,000,000
Credentialing/transportation worker identification card	50,000,000
Intercity bus security	10,000,000
Operation Safe Commerce	17,000,000
Trucking industry security program (Highway Watch)	22,000,000
Hazardous materials security and truck tracking program	7,000,000
Nuclear detection and monitoring	4,000,000
Staffing and operations	28,000,000
Total, Maritime and Land Security	263,000,000

TRANSPORTATION WORKER IDENTIFICATION CARD

The conferees agree to provide $50,000,000 for the transportation worker identification card (TWIC) instead of $55,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The conferees are concerned with the status of implementing TWIC and the lack of progress in the test and evaluation phase as well as the development of guidelines, technology, applications, and enrollment for personalization and issuance of a universal card that are to be developed by fiscal year 2004.

The conferees encourage TSA to evaluate all technologies for these cards, including those currently in use in other federal agencies, to ensure that the most secure and cost efficient identification card is developed. Further, the conferees agree with language contained in the House report that TSA develop a personalization system that is centralized and uses an existing government card production facility for these activities. While providing funds for this program, the conferees direct TSA not to obligate funds for the next phase until a spend plan has been developed, the Committees on Appropriations are briefed on the results of the technical evaluation and prototype phases, and agree that the program should move forward.

INTELLIGENCE

The conferees agree to provide $13,600,000, as proposed by the Senate instead of $13,700,000 as proposed by the House. Funding is available until September 30, 2004, as proposed by the Senate instead of available until expended as proposed by the House.

RESEARCH AND DEVELOPMENT

The conferees agree to provide $155,200,000 instead of $125,700,000 as proposed by the House and $130,200,000 as proposed by the Senate. The following table specifies funding levels by budget activity:

Research and Development:	
Research and development (Tech Center)	$55,200,000
Next generation EDS/ETD	45,000,000
Air cargo	55,000,000
Total, Research and Development	155,200,000

AIR CARGO

The conferees agree to provide $55,000,000 for air cargo security research and development activities. This funding should be used by TSA to pursue a variety of technological solutions that would allow for the most efficient and targeted inspections of cargo being carried on passenger aircraft. TSA is directed to issue a request for proposals at the earliest date possible for these technologies and report back to the Committees on Appropriations by April 1, 2004, on the options to inspect air cargo, the associated costs, and timetable. Furthermore, TSA should immediately launch a pilot program to use explosive detection machines in select locations to screen high-risk cargo. Consideration should be made for those air carriers or routes that carry a high percentage of cargo on passenger aircraft. TSA should also consider expanding the canine screening teams for additional cargo screening applications. Funding should also be made available to test additional air cargo screening tools, based on recommendations from the industry, or to initiate a public-private partnership to design, develop and test air cargo facility security applications at high-cargo airports in the United States.

ADMINISTRATION

The conferees agree to provide $427,200,000 instead of $487,100,000 as proposed by the House and $433,200,000 as proposed by the Senate. Funding is available until September 30, 2005, as proposed by the House. The following table specifies funding levels by budget activity:

Administration:	
Headquarters support	$173,700,000
Mission support centers	40,000,000
Information technology applications	198,100,000
Corporate training	15,400,000
Total, Administration	427,200,000

BACKGROUND INVESTIGATIONS

Within the funding provided under Administration the conferees agree to provide $6,000,000 to conduct background investigations on TSA employees, including security screeners, instead of $12,000,000 as proposed by the Senate. The House included no similar provision. In addition, a general provision has been included that provides TSA broader authority to collect fees for background investigations and credentialing necessary for all modes of transportation.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide a total appropriation of $4,713,055,000 instead of $4,719,000,000 as proposed by the Senate and $4,703,530,000 as proposed by the House. Within this total, $340,000,000 shall be available for defense-related activities, as proposed by the Senate instead of $1,300,000,000 as proposed by the House. In addition, the conferees have rescinded $71,000,000 from funds made available in chapter 6 of title I of Public Law 108-11 as proposed by the Senate. The House bill contained no similar provision.

Funding for operating expenses shall be allocated as follows:

Military Pay and allowances:	
Military pay and allowances	$1,993,713,000
Military health care	464,890,000
Permanent change of stations	105,184,000
FECA/UCX	4,420,000
Subtotal, military pay and allowances	2,568,207,000
Civilian pay and benefits:	
Civilian pay and benefits	381,246,000
Pay parity for civilians	4,247,000
Subtotal, civilian pay and benefits	385,493,000
Training and Recruiting:	
Training and education	106,638,000
Recruiting	20,702,000
Area and district training and education	4,000,000
Command training and education	35,100,000
DHS administrative service	−2,200,000
Subtotal, training and recruiting	164,240,000
Operating funds and unit level maintenance:	
Atlantic command	145,714,000
Pacific command	161,540,000
1st District	38,708,000
7th District	54,498,000
8th District	39,150,000
9th District	20,860,000
13th District	16,050,000
14th District	11,522,000
17th District	28,852,000
Headquarters offices	415,913,000
Headquarters managed units	111,310,000
Other activities	2,290,000
Portable radiation search tools	1,500,000
Travel	−4,000,000
DHS administrative services	−11,200,000
Centrally-managed accounts (rent, ammo, postal)	−131,100,000
Command training and education	−35,100,000
Subtotal, operating funds and unit level maintenance	866,507,000
Centrally-managed accounts:	
Centrally-managed operating expenses	131,100,000
DHS administrative services	−1,700,000
Subtotal, centrally-managed accounts	129,400,000
Intermediate and depot level maintenance:	
Aircraft maintenance	218,771,000

Electronic maintenance	89,889,000
Ocean engineering and shore facilities maintenance	152,048,000
Vessel maintenance	146,400,000
DHS administrative services	−7,900,000
Subtotal, immediate and depot level maintenance	599,208,000
Subtotal, operating expenses	4,713,055,000
Rescission	−71,000,000
Total, Operating Expenses	4,642,055,000

For the fiscal year 2005 budget justification and for reprogramming purposes in fiscal year 2004, the Coast Guard shall use the six new budget categories listed above (military pay and allowances, civilian pay and benefits, training and recruiting, operating funds and unit level maintenance, centrally-managed accounts, and intermediate and depot level maintenance). However, the conferees expect sufficient detail on each program, project, or activity in the fiscal year 2005 budget justifications to make informed decisions about the appropriate level of funding in each program line item within these six budget categories.

The conference agreement contains bill language to permit operating expenses to be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund, as proposed by the Senate. The conference agreement also limits the number of passenger vehicles that the Coast Guard may purchase or lease in fiscal year 2004 to 25, instead of 5 as proposed by the Senate. The House bill contained no similar provisions. Finally, the conference agreement includes bill language to permit the Coast Guard to use not to exceed $3,000 for official reception and representation activities, as proposed by the House. The Senate bill contained no similar provision.

ICE BREAKING

The conferees direct the Coast Guard to renegotiate the memorandum of agreement relating to ice breaking activities with the National Science Foundation (NSF), as discussed in House Report 108–169. A reduction of $2,500,000 has been made to the budget request to reflect additional payments from NSF in fiscal year 2004 for ice breaking activities in the Antarctic region.

MARITIME SAFETY AND SECURITY TEAMS

A total of $71,800,000 has been provided for Maritime Safety and Security Teams (MSSTs) instead of $64,000,000 as proposed by the House and $76,000,000 as proposed by the Senate. At this level, the conferees assume that seven MSSTs will be funded in fiscal year 2004 for a minimum of two quarters each, including one MSST in the 17th District.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conferees agree to provide $17,000,000 as proposed by the Senate and the House.

RESERVE TRAINING

The conferees agree to provide $95,000,000 as proposed by the Senate instead of $94,051,000 as proposed by the House.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide $967,200,000 instead of $805,000,000 as proposed by the House and $1,035,000,000 as proposed by the Senate. Consistent with prior practice, bill language is included to distribute the total appropriation by separate obligation availabilities to prevent long-term unobligated balances and ensure fiscal discipline. The following table summarizes the recommended level by program, project, and activity:

Vessels	$66,500,000
Great Lakes Icebreaker (GLIB) replacement	(2,000,000)
41 foot UTB and NSB replacement project	(12,000,000)
9 additional coastal patrol boats to enforce security zones	(52,500,000)
Integrated Deepwater Systems	668,200,000
Aircraft	(142,700,000)
Surface ships	(302,600,000)
C4ISR	(101,400,000)
Logistics	(45,400,000)
Systems engineering and integration	(42,100,000)
Government program management	(34,000,000)
Other equipment	162,500,000
Defense messaging system (DMS) implementation	(3,500,000)
National distress & response system modernization project (Rescue 21)	(134,000,000)
Oil spill prevention efforts under ports and waterways safety systems	(1,000,000)
Automatic Identification System	(24,000,000)
Personnel and related support	70,000,000
Core acquisition costs	(69,500,000)
Direct personnel cost	(500,000)
Total, Acquisition, Construction, and Improvements	$967,200,000

INTEGRATED DEEPWATER SYSTEMS

The conferees agree to provide $668,200,000 instead of $702,000,000 as proposed by the Senate and $530,000,000 as proposed by the House. The following table summarizes the recommended level by program, project, and activity:

Aircraft	
Maritime Patrol Aircraft	25,000,000
Unmanned Air Vehicles	50,000,000
Other contracts/legacy sustainment	67,700,000
Surface	
National Security Cutter	208,000,000
OPC conceptual and contract design	20,000,000
Fast Response Cutter/110–123 ft. patrol boat conversion	66,000,000
Short Range Prosecutor	1,600,000
Other contracts/legacy sustainment	7,000,000
C4ISR	
Command and Control System for Common Operating Picture	58,000,000
Cutter upgrades—C4ISR	7,100,000
Shore sites	22,100,000
Other contracts/legacy sustainment	14,200,000
Logistics	
Integrated logistics support	19,200,000
Facilities design required for future deployments	5,500,000
Shore Facilities	20,700,000
Systems Engineering and Integration	42,100,000
Government Program Management	34,000,000
Total, Integrated Deepwater Systems	$668,200,000

CAPITAL INVESTMENT PLAN

Bill language is included to require the Coast Guard to submit a five-year capital investment plan with initial submission of the President's budget request, as proposed by the House. The Senate bill contained no similar provision.

DISPOSAL OF REAL PROPERTY

Bill language is included to credit to the Acquisition, Construction, and Improvements appropriation any proceeds from the sale or lease of the Coast Guard's surplus real property and to provide that such receipts are available for obligation only for the Rescue 21 project until September 30, 2006, as proposed by the House. The Senate bill contained similar language, but made these funds available until expended.

ALTERATION OF BRIDGES

The conferees agree to provide $19,250,000 instead of $19,500,000 as proposed by the House. The Senate funded alteration of bridges under acquisition, construction, and improvements. Within this total, the funds shall be allocated as follows:

Fourteen Mile bridge in Mobile, Alabama	$5,250,000
Burlington Northern Santa Fe bridge in Burlington, Iowa	2,000,000
Canadian Pacific Railroad bridge in LaCrosse, Wisconsin	1,000,000
Chelsea Street bridge in Chelsea, Massachusetts	2,250,000
Florida Avenue bridge in New Orleans, Louisiana	6,750,000
EJ&E Railroad bridge in Morris, Illinois	1,000,000
John F. Limehouse bridge in Charleston, South Carolina	1,000,000

In addition the conferees include a proviso in the bill that funds be available only to the extent that steel, iron and manufactured products used in such projects are produced in the United States with certain exceptions, as proposed by the Senate. The House bill contained no similar provision.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees agree to provide $15,000,000 instead of $22,000,000 as proposed by the House. The Senate provided $15,000,000 under the Science and Technology Directorate for Coast Guard's research, development, test, and evaluation program.

The conferees are aware that the development of new technologies is necessary if the Coast Guard is to keep pace with its expanding mission. The conferees therefore direct the Commandant to conduct an independent study on research and development priorities, as outlined in the Senate bill under the operating expenses account, and submit the findings of this study to the Committees on Appropriations by June 1, 2004.

RETIRED PAY

The conferees agree to provide $1,020,000,000 as proposed by both the Senate and the House.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,137,280,000 instead of $1,148,700,000 as proposed by the

House and $1,114,737,000 as proposed by the Senate. This includes $16,365,000 for White House mail screening; $6,824,000 to annualize fiscal year 2003 pay base funding not captured in the fiscal year 2004 budget; $6,475,000 to fully fund the 2003 pay raise; $3,336,000 to fully annualize prior year staff increases; and $5,450,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding also includes $2,100,000 for forensic support to the National Center for Missing and Exploited Children (NCMEC) as well as a $5,000,000 grant to NCMEC.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $3,579,000 as proposed by the House and the Senate. Funds are available until expended. The conferees include bill language under the Salaries and Expenses Account, as proposed by the House, to permit the James J. Rowley Training Center (JJRTC) to provide protective training on a reimbursable basis. The conferees note that the JJRTC is currently operating at full capacity simply to meet training requirements of the Secret Service and is presently unable to accommodate training outside students. The current facilities would need to be expanded to permit increases in training capacity. No additional funding for such expansion has been requested or provided in this Act. The conferees include bill language based on the expectation that it would only be utilized in emergency situations, subject to prior notification to the Committees on Appropriations.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE FOR DOMESTIC PREPAREDNESS

The conferees view state and local jurisdictions' ability to detect, prevent and respond to a terrorist attack as a high priority. State and local responders are first to arrive on scene when a terrorist attack occurs and must be prepared to protect life and property. This function is inherently non-federal, although federal resources and expertise are needed to manage the crisis, and provide support to state and local assets when an attack overwhelms their resources. For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, port authority, transit authority, water district, regional planning commission, council of government, Indian tribe, authorized tribal organization, Alaska Native village, or other political subdivision of any state shall constitute a "local unit of government."

STATE AND LOCAL PROGRAMS

The conferees agree to provide $3,287,000,000 instead of $2,888,000,000 as proposed by the Senate and $3,513,000,000 as proposed by the House for the Office for Domestic Preparedness (ODP). Funding is available until September 30, 2004, as proposed by the Senate, instead of until expended as proposed by the House. None of these funds may be used for construction or renovation of facilities.

State and local programs	*Amount*
Formula-Based Grants	$1,700,000,000
Law Enforcement Terrorism Prevention Grants	500,000,000
High-Threat, High-Density Urban Areas Grants	725,000,000
Citizen Corps	40,000,000
National Domestic Preparedness Consortium	135,000,000
Technical Assistance	30,000,000
National Exercise Program	50,000,000
Competitive Training Grants	60,000,000
Equipment and Testing	17,000,000
Management and Administration	30,000,000
Total	3,287,000,000

FORMULA-BASED GRANTS

The conferees agree to provide $1,700,000,000, instead of $1,900,000,000 as proposed by the House and $1,200,000,000 as proposed by the Senate. These funds are available to all states for purposes of training, procuring equipment (such as interoperable communications equipment), and conducting exercises, based on the state's approved, updated homeland security strategies. The conferees expect that these funds will be made available to states within 30 days after enactment of this Act; that states will have 30 days to apply after the grant is announced; and that ODP will act within 15 days of receipt of an application or receipt of an updated state plan, whichever is later. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds.

The conferees are aware of the need for overtime funding to backfill those first responders attending ODP certified training classes. The conferees understand that ODP anticipates continuing this overtime as an allowable expense of the formula-based grant program. The conferees support this effort with the understanding that only overtime directly related to backfilling first responders attending ODP certified training classes is eligible.

The Secretary may provide a waiver for the use of state grant funds by a local jurisdiction to purchase aviation equipment, where such equipment will be utilized primarily for homeland security objectives and permissible program activities and provided that the local jurisdiction certifies that it has an operating aviation unit and that the costs for operation and maintenance of such equipment will be paid from non-grant funds.

LAW ENFORCEMENT TERRORISM PREVENTION GRANTS

The conferees agree to provide $500,000,000, as proposed by the Senate, instead of $510,000,000 as proposed by the House. These funds are made available to all states for purposes as described in Senate Report 108–86. The conferees expect that these funds will be made available to states within 30 days after enactment of this Act; that states will have 30 days to apply after the grant is announced; and that ODP will act within 15 days of receipt of an application or receipt of an updated state plan, whichever is later. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds.

Law enforcement terrorism prevention activities that involve compensation of overtime shall be limited to those specifically related to homeland security, such as providing expanded investigative and intelligence efforts. Funding may not be used to supplant ongoing, routine public safety activities of state and local law enforcement. State applications must certify that all requests for overtime funding comply with this requirement.

HIGH-THREAT, HIGH-DENSITY URBAN AREAS GRANTS

The conferees agree to provide $725,000,000, instead of $500,000,000 as proposed by the House and $750,000,000 as proposed by the Senate. The conferees do not agree to provide $200,000,000 in a separate account for the protection of critical infrastructure, as proposed by the House. These funds are made available to the Secretary for discretionary grants to high-threat, high-density urban areas. The Secretary shall take into consideration credible threat, presence of critical infrastructure, population, vulnerability, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and the identified needs of public agencies when determining the allocation of these funds. The conferees expect that these funds will be obligated no later than 60 days after enactment of this Act. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds. Grants may be made to single or multiple jurisdictions in the same urban area.

The conferees are concerned with the limited information provided to the Committees on Appropriations regarding the manner in which the Department is distributing these grants. The conferees direct the Department to fully brief the Committees on Appropriations on the methodology for the proposed distribution of the funds appropriated for these grants before the distribution is announced.

CITIZEN CORPS GRANTS

The conferees agree to provide $40,000,000, instead of $45,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $135,000,000, instead of $125,000,000 as proposed by the House and $140,000,000 as proposed by the Senate. Of the funds provided, $55,000,000 shall be for the Center for Domestic Preparedness.

TECHNICAL ASSISTANCE

The conferees agree to provide $30,000,000 for direct technical assistance to states, as proposed by the Senate, instead of $67,000,000 as proposed by the House. The conferees do not provide an additional technical assistance account as proposed by the Senate for $10,000,000 and by the House for $32,000,000 under Grant Administration and Planning.

NATIONAL EXERCISE PROGRAM

The conferees agree to provide $50,000,000, as proposed by both the House and Senate. The conferees fully support the Department's initiative to establish a performance-based national exercise program that centers on the Top Officials (TOPOFF) exercise series.

COMPETITIVE TRAINING GRANTS

The conferees agree to provide $60,000,000, instead of $35,000,000 as proposed by the House under Centers for Emergency Preparedness. The Senate proposed $28,000,000 for the continuation of core training and $60,000,000 for emerging training in separate accounts. The conferees expect ODP to fully honor all current training commitments.

EQUIPMENT AND TESTING

The conferees agree to provide $17,000,000, instead of $40,000,000 as proposed by the Senate. The House provided $5,000,000 for equipment and $12,000,000 for testing in separate accounts. The conferees agree that funding of $15,000,000 for standards development be moved to Science and Technology to consolidate department-wide research and development efforts. The conferees further direct Science and Technology to continue the program established by ODP in coordination with the National Institute of Standards and Technology (NIST), consistent with the fiscal year 2003 budget directive and the 5-year plan for development with NIST.

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,000,000, as proposed by the Senate. The House provided $21,000,000 for management and administration and $11,000,000 for contractor support in separate accounts. Of the funds provided, up to $11,000,000 shall be available for contractor support.

EMERGENCY MEDICAL SERVICES (EMS)

The conferees agree with the language in both House Report 108–169 and Senate Report 108–86 regarding EMS providers. Further, the conferees direct the Department to submit the EMS grants report directed in Senate Report 108–86 no later than March 1, 2004.

BEST PRACTICES

The conferees request a report from the Department, no later than January 15, 2004, detailing efforts to assess and disseminate best practices to emergency responders. This report shall address, at a minimum, efforts to coordinate and share information with state and local officials and emergency preparedness organizations, and steps the Department proposes to improve the coordination and sharing of such information.

PREPAREDNESS GRANTS CONSOLIDATION

The conferees are disappointed in the inability of the Department to provide a comprehensive plan on the "one-stop shop" proposal. The conferees fully expect to receive this plan as soon as it is available and direct ODP to submit all legislative proposals required to achieve this initiative as part of the fiscal year 2005 budget request.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide $750,000,000, as proposed by the Senate. The House proposed $760,000,000 under the Emergency Preparedness and Response Directorate. Not to exceed 5 percent may be used for administrative expenses. Funds are available until September 30, 2005.

The conferees agree to provide Firefighter Assistance Grants as a separate appropriation within the Office for Domestic Preparedness. The conferees agree that the Department shall continue current administrative practices in a manner identical to the current fiscal year, including a peer review process of applications, granting funds directly to local fire departments, and the inclusion of the United States Fire Administration during grant administration.

The conferees believe that, when establishing priorities for firefighting vehicles within this grant program, the Department should take into consideration the unique geographical needs of individual fire departments.

COUNTERTERRORISM FUND

The conferees agree to provide $10,000,000, instead of $20,000,000 as proposed by the House and the Senate. Funds are available until expended. The Secretary shall notify the Committees on Appropriations 15 days prior to obligation of these funds.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

The conferees agree to provide $3,450,000, instead of $3,615,000 as proposed by the Senate. The House provided $3,293,000 for the Office of the Under Secretary in Title I, under Departmental Operations.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide $225,000,000, instead of $363,339,000 as proposed by the House. The Senate provided $163,000,000 for Preparedness, Mitigation, Response, and Recovery under Operating Expenses. Funding is available until September 30, 2004, as proposed by the House, instead of until expended as proposed by the Senate. The conferees agree to provide an additional $2,000,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment.

The conferees do not provide $25,000,000 for an emergency operations center competitive grant program, as proposed by the House.

URBAN SEARCH AND RESCUE TEAMS

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide $60,000,000 for Urban Search and Rescue Teams, instead of $64,587,000 as proposed by the Senate under Operating Expenses. The House bill contained no similar provision. Not to exceed 3 percent may be used for administrative expenses, instead of 5 percent as proposed by the Senate.

WEB-BASED TECHNOLOGY

In concurring with language in House Report 108–169, the conferees direct the Emergency Preparedness and Response Directorate to continue the Disaster Management Initiative, commonly referred to as DisasterHelp.gov. The conferees further direct the Emergency Preparedness and Response Directorate to collect the appropriate sums as necessary from the following contributing agencies: the Department of Justice, the Department of Commerce, the National Oceanic and Atmospheric Administration, the U.S. Army, the Department of Transportation, the Department of Interior, the Department of Health and Human Services, the Department of Agriculture, and the Environmental Protection Agency.

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide $167,000,000, instead of $168,589,000 as proposed by the House. The Senate provided $165,214,000 for Administrative and Regional Operations under Operating Expenses. Funding is available until September 30, 2004, as proposed by the House, instead of until expended as proposed by the Senate. The conferees agree to provide an additional $1,733,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding of not to exceed $3,000 is provided for official reception and representation expenses.

OPERATING EXPENSES

(RESCISSION OF FUNDS)

The conferees rescind $3,000,000 of the funds provided by Public Law 108–11, as proposed by the Senate. The House bill included no similar provision.

PUBLIC HEALTH PROGRAMS

The conferees agree to provide $484,000,000, as proposed by the House. The Senate provided $434,000,000 under Operating Expenses. Of the funds provided, $400,000,000 shall be available for the Strategic National Stockpile, to remain available until expended; $34,000,000 for the National Disaster Medical System; and $50,000,000 for the Metropolitan Medical Response System.

BIODEFENSE COUNTERMEASURES

The conferees agree to provide $5,593,000,000 for fiscal years 2004 through 2013 as proposed by the House. Not to exceed $890,000,000 is available for obligation in fiscal year 2004, and not to exceed $3,418,000,000 is available for obligation in fiscal years 2004–2008 as proposed by the House. The Senate included no similar provision.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to retain the Radiological Emergency Preparedness Program as a separate appropriation, as proposed by the Senate. The House proposed the Radiological Emergency Preparedness Program be funded under Preparedness, Mitigation, Response, and Recovery.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $1,800,000,000, as proposed by the House, instead of $1,956,000,000 as proposed by the Senate. Of the funds provided, not to exceed $22,000,000 shall be transferred to the Office of Inspector General. Funds are available until expended. The conferees direct the continuation of the Section 404 post-disaster hazard mitigation grants program as part of a comprehensive mitigation strategy.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide $560,000 for administrative expenses, instead of $558,000 as proposed by the House and $557,000 as proposed by the Senate. The conferees agree to provide an additional $3,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Gross obligations for the principal amount of direct loans shall not exceed $25,000,000, as proposed by both the House and Senate.

NATIONAL PRE-DISASTER MITIGATION FUND

The conferees agree to provide $150,000,000, as proposed by the Senate. The House proposed $180,000,000 for pre-disaster mitigation under Grant Programs. Not to exceed 3 percent may be used for administrative expenses. Funds are available until expended. The conferees do not provide $250,000 to each state for planning purposes, as proposed by the House.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide $200,000,000, as proposed by both the House and the Senate. Not to exceed 3 percent may be used for administrative expenses. Funds are available until expended.

To correct a misprint on page 54 of House Report 108–169, the conferees agree, in the first line of the first paragraph after the heading "Flood Mapping Projects", to insert "Perry," after "of".

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide up to $32,663,000 for salaries and expenses as proposed by the Senate, instead of $32,761,000 as proposed by the House. The conferees further agree to provide up to $77,809,000 for flood mitigation activities and limitations of $55,000,000 for operating expenses, $565,897,000 for agents' commissions and taxes, and $40,000,000 for interest on Treasury borrowings as proposed by both the House and the Senate.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $20,000,000 by transfer from the National Flood Insurance Fund, as proposed by the Senate. The House proposed $20,000,000 for flood mitigation by transfer under Grant Programs. Funds are available until September 30, 2005.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG)

The conferees agree to provide $180,000,000, instead of $165,000,000 as proposed by the Senate. The House provided $168,000,000 for

EMPGs under Preparedness, Mitigation, Response, and Recovery. Not to exceed 3 percent may be used for administrative expenses. The conferees agree that EMPGs shall remain in the Emergency Preparedness and Response Directorate where the focus is an all-hazards approach to emergency management. In addition, the conferees direct the continuation of funding personnel expenses, as stated in both the House and Senate reports.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide $153,000,000, as proposed by both the House and the Senate. Not to exceed 3.5 percent may be used for administrative expenses. Funds are available until expended.

CERRO GRANDE FIRE CLAIMS

The conferees agree to provide $38,062,000, as proposed by the Senate. The House included no similar provision. Not to exceed 5 percent may be used for administrative expenses. Funds are available until expended. This funding will fully cover all remaining Cerro Grande fire claims.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide $236,126,000 for the Bureau of Citizenship and Immigration Services (BCIS), instead of $248,500,000 as proposed by the House and $229,377,000 as proposed by the Senate. This includes: $3,836,000 for physical security and staffing; $5,600,000 to cover the costs of 2003 pay increases and unspecified administrative reductions; and $1,125,500 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The conferees do not provide additional funding requested for information technology and for a program evaluation unit, but strongly support establishment of a program evaluation unit if funded through fee collections. Within the funds provided, not to exceed $5,000 is provided for official reception and representation expenses.

TAMPER-PROOF TRAVEL AND IDENTIFICATION DOCUMENTS

The conferees are concerned that certain documents issued by the Department of Homeland Security and the State Department represent a significant security risk, being vulnerable to fraud, misuse, and counterfeiting to permit illegal entry into the United States or false identification. These include travel documents such as Refugee Travel Documents, Re-Entry Permits, Seamen Booklets, and Advance Parole Documents, as well as old identification cards issued to Mexican citizens. The conferees are aware of efforts to improve security of such documents, but believe that far more must be done.

The conferees direct the Department, in cooperation with the Department of State, to: (1) develop and implement a plan to replace old Mexican identification cards by September 30, 2004; and (2) initiate a pilot program to develop tamper-proof documents. That program should take into account all relevant current and planned International Civil Aviation Organization standards, and incorporate security features such as biometrics (including fingerprint and photograph templates) as well as embedded contactless programmable chips. In addition, such a program should be carried out in consultation with the Forensic Development Laboratory of the Bureau of Immigration and Customs Enforcement.

CONTRACT MANAGEMENT

The conferees are troubled by a July 2003 General Accounting Office (GAO) report that outlined significant contracting weakness within legacy INS agencies, including functions transferred to BCIS. Among other problems, the GAO found that agencies lacked basic infrastructure for contract management and oversight, and documented a lack of procurement coordination. The contract for records management services at the regional support centers in California, Vermont, Texas, and Nebraska is an example of a critical activity dependent on competent oversight. The GAO recommended that the Department undertake a number of significant steps to ensure adequate oversight, management, and staffing for procurement, to include use of cross-functional acquisition teams, procurement performance measures, and upgrading procurement and financial information systems. As the Department has agreed to proceed in accordance with the GAO recommendations, the conferees direct that the Department submit a report to the Committees on Appropriations not later than April 1, 2004, on its specific plans and timetable for implementing these recommendations.

OFFSETTING FEE COLLECTIONS

Current estimates of examination fee collections, which constitute the majority of BCIS offsetting resources, are $1,564,000,000. These support the adjudication of applications for immigration benefits and would be derived from fees collected from persons applying for immigration benefits. Operations are heavily dependent on a variety of fees to offset operations, particularly the Immigration Examination Fee. The fluctuation of these fees can adversely affect operations if allowances are not made for prioritizing spending. The conferees direct BCIS to ensure that it fully funds current, ongoing base operations that are fee-supported before undertaking new initiatives. The conferees also agree to correct page 57 of House Report 108–169 to delete the reference to the Microfilm Rescue Project.

The following table displays how the conferees expect these fees will be applied:

Citizenship and Immigration Services, Offsetting Collections:	
Backlog Elimination Initiative	$20,000,000
Telephone Customer Service Center Operations	43,000,000
Digitization Projects	20,400,000
Other Immigration Staffing and Operations	1,480,600,000
Total, Citizenship and Immigration Services, Offsetting Collections	1,564,000,000

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $155,423,000, instead of $136,629,000 as proposed by the House and $172,736,000 as proposed by the Senate. The additional $33,044,000 provided above the budget request is to be used for expenses related to the anticipated growth in student weeks of basic training ($32,120,000), including retention of 130 instructors first provided in fiscal year 2003, and to offset a portion of the costs of the fiscal year 2004 4.1 percent pay parity ($924,000). Within this total, $36,174,000 is for materials and support and not to exceed $12,000 may be used for official reception and representation expenses. The conferees also include bill language authorizing reimbursement for the use of personal cellular phones for official duties, as proposed by the House. Funds in this account are available until September 30, 2005, as proposed by the Senate, instead of September 30, 2006, as proposed by the House.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $37,357,000, instead of $32,323,000 as proposed by the House and $28,708,000 as proposed by the Senate. Funds above the budget request (+$13,678,000) are for priorities at the Center's facilities in Cheltenham, Maryland, and Artesia, New Mexico. The conference agreement includes bill language that authorizes the Center to accept reimbursements from government agencies requesting construction of special use facilities operated by the Federal Law Enforcement Training Center, as proposed by the House. The Senate bill contained no similar provision.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $125,000,000 for management and administration. The Senate proposed $10,460,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection (IAIP) and the House proposed this funding under Title I. The funding recommendation includes $4,800,000 for the Office of the Under Secretary; $100,200,000 for other salaries and expenses for federal employees in the IAIP directorate; and $20,000,000 for the Department's command center. The House and Senate provided funding for the command center in two separate accounts, as requested. The conference agreement consolidates this funding within the IAIP management and administration program. Within the funds provided for the Office of the Under Secretary, travel expenses may not exceed $231,000.

The conferees want to ensure that personnel requirements for critical intelligence positions are met and direct the Department to submit a report by December 15, 2003, on plans to meet the personnel requirements of the IAIP directorate, improve communications and disseminate information between the directorate and the intelligence community, and improve coordination between the directorate and state and local public safety entities. This report should include the specific manpower details requested in the House report.

ASSESSMENTS AND EVALUATIONS

The conferees agree to provide $714,300,000 for assessments and evaluations instead of $776,000,000 as proposed by the House and $823,700,000 as proposed by the Senate. All funding for federal salaries and expenses has been moved from the individual programs, as proposed by the House, and is provided in the management and administration account. Funds in this account are available until September 30, 2005.

THREAT DETERMINATION AND ASSESSMENT

The conferees agree to provide $28,400,000 as proposed by the House.

INFORMATION AND WARNING ADVISORIES

The conferees agree to provide $52,300,000, of which $32,800,000 is for cybersecurity, as proposed by the Senate.

The conference agreement includes the use of $10,000,000 within information and warning advisories funding to better develop a national alert system to notify the general public in the event of a terrorist attack. Redundancy in the dissemination of warnings is essential. The conferees are aware of the capabilities of the National Oceanic and Atmospheric Administration (NOAA) nationwide radio network and direct the Under

Secretary to report to the Committees on Appropriations by December 15, 2003, on the immediate use of the NOAA radio network as a key component of the warning systems, measures to expand consumer access to the warning systems, and efforts to educate and inform the public about the existence of this warning system.

The Under Secretary should consult with the Chairman of the Federal Communications Commission to develop the best way to communicate with the general public during threat alerts by using a full range of communication devices, such as wireline and cellular telephones, e-mail and instant messaging systems, radio and television broadcasts, and personal digital assistants. To the extent possible, the Department should incorporate existing federal, state, and local alert systems and consult with state and local public safety and emergency preparedness agencies.

The conferees direct the Under Secretary to report to the Committees on Appropriations by December 15, 2003, on proposed improvements to the Homeland Security Advisory System including an assessment of how the system is fulfilling its intended missions, and an evaluation of progress being made to tailor the system so that alerts are raised on a regional rather than national basis.

INFRASTRUCTURE VULNERABILITY AND RISK ASSESSMENT

The conferees agree to provide $84,200,000 as proposed by the House.

REMEDIATION AND PROTECTIVE ACTIONS

The conferees agree to provide $345,100,000. Funding of $3,900,000 is provided for the critical infrastructure information management office to establish a program to enable and manage the sharing of critical infrastructure information among federal, state, local, and private sector homeland security officials. The office is to develop and deploy information management tools and techniques to provide quick, complete access to information relevant to the protection of physical and cyber critical infrastructure.

The conference agreement provides $172,700,000 for vulnerability field assessments. In scheduling and performing vulnerability assessments of critical infrastructure and key assets, the conferees expect the Department to ensure that public assembly facilities are also addressed.

Funding of $65,700,000 is provided for cybersecurity, as proposed by the Senate, and $8,000,000 is provided for protection standards and performance metrics.

The conferees are aware that the Department of Energy and the Nuclear Regulatory Commission are reviewing and analyzing the safety and security of spent nuclear fuel storage at commercial nuclear power plants. The Under Secretary is directed to perform an independent review and analyses of this information as it becomes available.

NATIONAL COMMUNICATIONS SYSTEM

The conferees agree to provide $141,000,000 as proposed by the House.

ADMINISTRATION AND OUTREACH

For administration and outreach programs, the conferees agree to provide $18,900,000 for competitive analysis and evaluation, $3,500,000 for national plans and strategies, and $40,900,000 for outreach and partnerships, as proposed by the House.

CONFERENCE FUNDING LEVELS

Program	*Amount*
Threat determination and assessment	$28,400,000
Information and warning advisories	52,300,000
Infrastructure vulnerability and risk assessment	84,200,000
Remediation and protective actions	345,100,000
National communications system	141,000,000
Competitive analysis and evaluation	18,900,000
National plans and strategies	3,500,000
Outreach and partnerships	40,900,000
Total, Assessments and Evaluations	714,300,000

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $44,168,000 for management and administration instead of $5,400,000 as proposed by the Senate solely for the Office of the Under Secretary for Science and Technology. The House provided funding for this office under Title I. The funding recommendation includes $5,168,000 for the immediate Office of the Under Secretary and $39,000,000 for other salaries and expenses for federal employees in the Science and Technology directorate. Within the funds provided for the Office of the Under Secretary, travel expenses may not exceed $250,000.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide $874,000,000 for research, development, acquisition, and operations instead of $900,360,000 as proposed by the House and $866,000,000 as proposed by the Senate. The recommendation includes the use of $68,000,000 of prior year unobligated funds that will remain available for use in fiscal year 2004. All funding for federal salaries and expenses has been moved from the individual programs, as proposed by the House, and is provided in the management and administration account. Funds in this account are available until expended, as proposed by the Senate.

The conferees are concerned that research and development is being conducted independently by each of the Department's legacy components leading to duplicative research activities, wasted funds, and lack of appropriate management oversight. The Department is directed to consolidate all Departmental research and development funding within the science and technology programs in the fiscal year 2005 budget request.

BIOLOGICAL COUNTERMEASURES

The conference agreement includes $198,500,000 and the use of $68,000,000 of prior year unobligated funds that will remain available for use in fiscal year 2004. This funding level supports the budget request for the individual programs within biological countermeasures with the following exceptions: $18,500,000 is transferred to management and administration for federal salaries and expenses; an additional $15,000,000 is provided for the urban monitoring program; signatures and bioassays is reduced by $5,000,000; and $88,000,000 for construction of the National Biodefense Analysis and Countermeasures Center is funded as a separate program.

NUCLEAR AND RADIOLOGICAL COUNTERMEASURES

The conference agreement includes $127,000,000. This supports the budget request with the following exceptions: $7,000,000 is transferred to management and administration for federal salaries and expenses, and sensor research and development is reduced by $3,000,000.

CHEMICAL AND HIGH EXPLOSIVES COUNTERMEASURES

The conference agreement includes $52,000,000 for chemical countermeasures and $9,500,000 for high explosives countermeasures, as proposed by the House.

THREAT AND VULNERABILITY, TESTING AND ASSESSMENT

The conference agreement includes $93,500,000. This supports the budget request with the following exceptions: $4,500,000 is transferred to management and administration for federal salaries and expenses; cybersecurity is increased by $11,000,000; and the remaining programs are reduced by a total of $3,000,000.

CONVENTIONAL MISSIONS IN SUPPORT OF DHS

The conference agreement includes $34,000,000, allocated as follows: $25,000,000 for border and transportation security; $2,000,000 for the Secret Service; and $10,000,000 for emergency preparedness and response. Funding of $3,000,000 is transferred to management and administration for federal salaries and expenses.

RAPID PROTOTYPING PROGRAM/TECHNICAL SUPPORT WORKING GROUP

The conference agreement includes $75,000,000, an increase of $45,000,000 over the budget request of $30,000,000. The conferees encourage Science and Technology to evaluate information sharing proposals between the law enforcement and intelligence communities.

STANDARDS/STATE AND LOCAL PROGRAM

The conference agreement includes $39,000,000, as proposed by the House, which transfers $15,000,000 for development of standards from the Office for Domestic Preparedness (ODP). The conferees expect all standards development in the Department to be done by Science and Technology. Working with the public and private sectors, Science and Technology will develop a network of security certification laboratories to provide a consistent level of assurance in the effectiveness of homeland security technologies, systems, and equipment, and allow state and local governments to make better informed decisions on equipment needs. The conferees direct Science and Technology to continue the standards program established by ODP in coordination with the National Institute of Standards and Technology (NIST), consistent with the fiscal year 2003 budget directive and the 5-year plan for development with NIST.

The conferees support House language regarding search and rescue robotics certification and expect the Department to develop standards and criteria for search and robotics certification.

In preparing the report requested by the House on narrowbanding, Science and Technology is directed to consult with the Department of Commerce, the National Telecommunications and Information Administration, the Department of Justice, the Department of Treasury, and major organizations that support state and local public safety agencies.

The conferees support incorporation by SAFECOM of Project 25 technical standards where applicable, and encourage continued involvement of the user community in development and implementation of standards such as those being developed by Project 25 which allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems.

EMERGING THREATS

The conferees agree to provide $21,000,000 as proposed by the House.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide $66,500,000, of which $60,000,000 is provided for research, development, testing, and evaluation of an anti-missile device for commercial aircraft. Funding of $500,000 is transferred to management and administration for federal salaries and expenses.

UNIVERSITY PROGRAM/HOMELAND SECURITY FELLOWSHIP PROGRAMS

The conferees agree to provide $70,000,000, an increase of $60,000,000 over the budget request of $10,000,000, to establish a university-based system to enhance the nation's homeland security efforts. The conferees encourage the Department to consider all colleges and universities that meet the requirements of 6 U.S.C. 188 in the selection of university-based centers, including historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native-serving institutions.

NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER

The conferees agree to provide $88,000,000 to initiate construction of a National Biodefense Analysis and Countermeasures Center that is to be the principal Department of Homeland Security component of the Fort Detrick Interagency Biodefense Campus in Maryland.

CONFERENCE FUNDING LEVELS

Program	*Amount*
Biological countermeasures	$198,500,000
Nuclear and radiological countermeasures	127,000,000
Chemical countermeasures	52,000,000
High explosives countermeasures	9,500,000
Threat and vulnerability, testing and assessment	93,500,000
Conventional missions in support of DHS	34,000,000
Rapid prototyping/Technical support working group	75,000,000
Standards/State and local program	39,000,000
Emerging threats	21,000,000
Critical infrastructure protection	66,500,000
University programs/homeland security fellowships	70,00,000
National Biodefense Analysis and Countermeasures Center	88,000,000
Total, Assessments and Evaluations	874,000,000

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Section 501. The conferees agree to a provision that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conferees agree to a provision that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees agree to a provision that provides reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriation accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of the statement of the managers. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2004.

The conferees expect the Department to submit reprogramming requests on a timely basis and not wait until the end of the fiscal year in an attempt to use funds that would otherwise expire. Any reprogramming that is submitted within 45 days of the end of the fiscal year must be due to exceptional or emergency circumstances. Additionally, the conferees are concerned that reprogramming requests submitted to date by the Department have not been sufficiently documented. Justifications have been incomplete and explanations of funding offsets have been inadequate requiring time consuming follow-up questions and briefings. The conferees expect the Department to review its internal reprogramming process to correct these deficiencies in fiscal year 2004.

Section 504. The conferees agree to a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2004 from appropriations made for salaries and expenses shall remain available through fiscal year 2005 subject to reprogramming guidelines.

Section 505. The conferees agree to a provision that allows the use of funds for: purchase of uniforms without regard to the general purchase price limitation, purchase of insurance for official vehicles in foreign countries, entering into contracts with the State Department for furnishing health and medical services to employees serving in foreign countries, hire and purchase of motor vehicles, and purchase of police-type passenger vehicles without regard to the general purchase price limitation, and make this provision permanent.

Section 506. The conferees agree to a provision that converts the Federal Emergency Management Agency "Working Capital Fund" to the "Department of Homeland Security Working Capital Fund".

Section 507. The conferees agree to a provision that converts the Federal Emergency Management Agency "Bequests and Gifts" account to the "Department of Homeland Security, Gifts and Donations" account.

Section 508. The conferees agree to a provision that provides that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2004 until the enactment of an Act authorizing intelligence activities for fiscal year 2004.

Section 509. The conferees agree to a provision that directs the Federal Law Enforcement Training Center to establish an accrediting body to establish standards for assessing federal law enforcement training programs, facilities, and instructors.

Section 510. The conferees agree to a provision that requires notification of the Committees on Appropriations 3 days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the Department.

Section 511. The conferees agree to a provision that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the Committees on Appropriations.

Section 512. The conferees agree to a provision that requires the Director of the Federal Law Enforcement Training Center to ensure that all training facilities are operated at optimal capacity throughout the fiscal year.

Section 513. The conferees agree to a provision that none of the funds may be used to produce customs declarations that do not inquire whether a passenger has been in proximity to livestock, and make this provision permanent.

Section 514. The conferees agree to a provision that none of the funds may be used for any activity or to pay the salary of any government employee if that would result in a determination, regulation, or policy that would prohibit enforcement of section 307 of the Tariff Act of 1930, and make this provision permanent.

Section 515. The conferees agree to a provision that none of the funds may be used to import goods that have been produced by forced or indentured child labor, and make this provision permanent.

Section 516. The conferees agree to a provision that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved.

Section 517. The conferees agree to a provision that none of the funds may be used to require airport sponsors to provide building modifications, utilities and expenses, or space to the Transportation Security Administration without cost for services related to aviation security.

Section 518. The conferees agree to a provision that none of the funds may be used in contravention of the Buy American Act.

Section 519. The conferees modify a provision related to the Computer Assisted Passenger Prescreening System (CAPPS II). The provision prohibits the use of funds for deployment or implementation of CAPPS II until certain conditions are met.

Section 520. The conferees agree to a provision that the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations for transportation purposes, and may credit the fees to the appropriation available for that purpose, and make this provision permanent.

Section 521. The conferees modify a provision regarding the inspection of air cargo.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 604 of the Senate bill providing that no Departmental employee may be detailed to another component without compensation. This requirement is addressed in the statement of managers.

The conference agreement deletes section 606 of the Senate bill providing a single official reception and representation expenses account. These funds have been provided in separate accounts.

The conference agreement deletes section 616 of the Senate bill requiring a report on countermeasures against shoulder-fired missile systems. This requirement is addressed in the statement of managers.

The conference agreement deletes section 617 of the Senate bill requiring a report on security costs incurred by state and local law enforcement offices for visits by foreign and domestic officials.

The conference agreement deletes section 619 of the Senate bill requiring a report on the Homeland Security Advisory System. This requirement is addressed in the statement of managers.

The conference agreement deletes section 620 of the Senate bill expressing the sense of the Senate that tourist populations should be factored into grant allocations.

The conference agreement deletes section 621 of the Senate bill requesting a review of damage claims from the University of North Dakota.

The conference agreement deletes section 622 of the Senate bill requiring a report on state and local law enforcement access to the "Tipoff" database.

The conference agreement deletes section 623 of the Senate bill requiring a report on information technology infrastructure. This requirement is addressed in the statement of managers.

The conference agreement deletes section 624 of the Senate bill prohibiting use of funds for companies that incorporate overseas.

The conference agreement deletes section 625 of the Senate bill requiring the department to ensure active minority institution participation in the university research program. This requirement is addressed in the statement of managers.

The conference agreement deletes section 626 of the Senate bill requiring a report on enhancing operations of the Information Analysis and Infrastructure Protection program. This requirement is addressed in the statement of managers.

The conference agreement deletes section 627 of the Senate bill requiring a report on all data-mining programs.

The conference agreement deletes section 628 of the Senate bill directing the Secretary to consider unique geographical needs when establishing priorities for firefighting vehicles. This requirement is addressed in the statement of managers.

The conference agreement deletes section 629 of the Senate bill requiring a report on the status of air traffic control communications. This requirement is addressed in the statement of managers.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the following table:

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
DEPARTMENT OF HOMELAND SECURITY		
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS		
Departmental Operations		
Immediate Office of the Secretary	2,340	2,139
Immediate Office of the Deputy Secretary	1,207	1,116
Office of Security	20,025	19,899
Chief of Staff	5,284	5,047
Executive Secretary	6,103	5,239
Special Assistant to the Secy/Private Sector	4,777	3,995
Office of National Capital Region Coordinator	583	560
Office of State and Local Government Coordination	3,698	3,095
Office of International Affairs	1,384	1,165
Office of Public Affairs	9,633	8,168
Office of Legislative Affairs	7,463	5,907
Office of General Counsel	10,750	8,696
Office of Civil Rights and Liberties	14,885	13,027
Citizenship and Immigration Services Ombudsman	1,304	1,243
Homeland Security Advisory Committee	767	726
Privacy Officer	767	772
Subtotal, Office of the Secretary and Executive Management	90,970	80,794
Office of the Under Secretary for Management:		
Under Secretary for Management	1,471	1,278
Strategic Initiatives	1,844	---
Office of Chief Financial Officer	12,175	10,592
Office of Procurement	7,134	6,171
Office of Human Resources	7,824	6,743
Office of Chief Information Officer	82,167	60,496
Office of Administration	28,809	25,703
Headquarters	30,000	20,000
Subtotal, Office of the Under Secretary for Management	171,424	130,983

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Other Departmental Operations		
Office of the Under Secretary for Border and Transportation Security	10,132	---
Office of the Under Secretary for Information Analysis and Infrastructure Protection	5,730	---
Command Center	5,459	---
Office of the Under Secretary for Emergency Preparedness and Response	4,115	---
Office of the Under Secretary for Science and Technology	6,170	---
Subtotal, Other Departmental Operations	31,606	---
Total, Departmental Operations	294,000	211,777
Department-Wide Technology Investments		
Information technology services	75,000	72,506
Security activities	31,000	31,000
Wireless program	100,000	100,000
Salaries and expenses	---	2,494
Subtotal, Department-wide technology investments	206,000	206,000
Transfer from working capital fund	---	-21,000
Total, Department-Wide Technology Investments	206,000	185,000
Office of Inspector General		
Operating expenses	58,118	58,664
Emergency Preparedness and Response Disaster Relief Fund (by transfer)	(22,000)	(22,000)
Total, Office of Inspector General	(80,118)	(80,664)
Total, Title I	558,118	455,441

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS		
Office of the Under Secretary for Border and Transportation Security	---	8,106
U.S. Visitor and Immigrant Status Indicator Technology	---	330,000
Customs and Border Protection		
Salaries and expenses	4,170,042	---
Inspection, port operations, and other activities	---	2,204,559
Inspection Technologies:		
Wireless PDA Access to Databases: equipment	14,500	14,500
Non-Intrusive Inspection Technology	57,800	63,800
Fiberoptic Scopes	6,800	6,800
License Plate Readers	6,000	6,000
Customs Automated Operations System (CAOS)	9,700	9,700
Explosive and Chemical Detector Canine programs	17,500	17,500
Other, includng Inspection Technology Staff	6,700	6,700
Subtotal, Inspection technologies	119,000	125,000
Container Security Initiative	61,754	61,754
Customs-Trade Partnership Against Terrorism	18,000	14,100
Free and Secure Trade initiative (FAST)	3,900	3,900
Agricultural Quarantine Inspection	42,000	42,000
Plum Island	8,000	---
Textile Transshipment Enforcement	---	4,750
Enforcement of laws against forced child labor	12,725	12,725
Border Patrol operations	---	1,924,562
Border Patrol construction	43,385	---
Other construction	52,167	---
U.S. Visitor and Immigrant Status Indicator Tech.	444,300	---
IT Transformation to Homeland Security Fund	30,210	---
ATLAS/CHIMERA IT Connectivity	22,395	---
Automated Commercial Environment/ International Trade Data System (ITDS)	441,122	---
Air and marine interdiction	175,000	---
Harbor maintenance fee collection (trust fund)	3,000	3,000
Subtotal, CBP Salaries and expenses	5,647,000	4,396,350

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Automated Commercial Environment/International Trade Data System (ITDS)	---	318,690
Automated Commercial System & Legacy IT Costs	---	122,432
Subtotal, Automation modernization	---	441,122
Construction (Border Patrol)	---	90,363
Total, Direct appropriations	5,647,000	4,927,835
Offsetting fee collections:		
Immigration inspection user fee	(509,000)	(509,000)
Immigration examinations fund	(25,000)	---
Immigration enforcement fines	(6,000)	(6,000)
Land border inspection fee	(28,000)	(28,000)
COBRA passenger inspection fee	(253,000)	(302,000)
Subtotal, Offsetting fee collections	(821,000)	(845,000)
Total, Customs and border protection	(6,468,000)	(5,772,835)
Immigration and Customs Enforcement		
AMI Staffing (northern border airwing)	---	5,400
Investigations, Intelligence, and Interdiction	903,708	1,041,214
Textile transshipment enforcement	---	4,750
Child pornography tipline	---	100
Project Alert	---	200
Enforcement of laws against forced child labor	3,000	3,000
Intellectual Property Rights Center	6,400	6,400
Detention and Removals	1,082,186	1,089,986
Detention and removals construction	21,000	---
Other construction	5,796	---
U.S. Visitor and Immigrant Status Indicator Tech.	35,700	---
ATLAS/CHIMERA IT Connectivity	5,210	---
Subtotal, Salaries and expenses	2,063,000	2,151,050

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Rescission	---	-54,000
Subtotal, ICE Salaries and expenses	2,063,000	2,097,050
Federal Air Marshals:		
Federal Air Marshals	---	616,400
Air-to-ground communications	---	10,000
Subtotal, Federal Air Marshals	---	626,400
Federal Protective Service	424,211	424,211
Automation Modernization:		
ATLAS/CHIMERA IT connectivity	---	40,000
Subtotal, Automation Modernization	---	40,000
Air and marine interdiction	---	175,000
Northern border airwing	---	35,200
Subtotal, Air and marine interdiction	---	210,200
Construction	---	26,775
Total, Direct appropriations	2,487,211	3,424,636
Offsetting fee collections:		
Immigration inspection user fee	(132,000)	(107,000)
Immigration examinations fund	---	(25,000)
Breached bond/Detention fund	(116,000)	(116,000)
SEVIS fund	---	(25,000)
COBRA passenger inspection fee	(49,000)	---
Subtotal, Offsetting fee collections	(297,000)	(273,000)
Total, Immigration and customs enforcement	2,784,211	3,697,636

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Transportation Security Administration		
Passenger screening:		
Screening pilots	112,000	119,000
Passenger screeners--P,C&B	1,319,600	1,319,600
Passenger screeners--training and other	114,100	114,100
Human resource services	153,300	151,000
Checkpoint support	62,200	62,000
CAPPS II	35,000	35,000
Registered traveler	5,000	5,000
Subtotal, Passenger screening	1,801,200	1,805,700
Baggage screening:		
Baggage screeners--P,C&B	774,200	774,200
Baggage screeners--training and other	69,500	69,500
EDS purchase	---	150,000
EDS installation	---	250,000
EDS/ETD maintenance	100,000	75,000
Checked baggage data system	100	---
Subtotal, Baggage screening	943,800	1,318,700
Airport Security Direction and Enforcement:		
Aviation regulation and other enforcement	366,800	275,400
Airport management and staff	283,800	233,800
Airport information technology & other support	176,200	139,100
Federal flight deck officer program	25,000	25,000
Air cargo	20,000	30,000
Subtotal, Airport security direction and enforcement	871,800	703,300
Use of prior year balances	---	-95,000
Subtotal, Aviation security	3,616,800	3,732,700
Port security grants	---	125,000
Credentialing (TWIC)	55,000	50,000
Intercity bus security	---	10,000
Operation Safe Commerce	2,500	17,000
Trucking industry security	---	22,000

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Hazardous materials security	---	7,000
Nuclear detection and monitoring	---	4,000
Staffing and operations	28,000	28,000
Subtotal, Maritime and land security	85,500	263,000
Intelligence	13,600	13,600
Research & development at Tech Center	55,200	55,200
Next generation EDS and ETC	10,000	45,000
Air cargo	10,000	55,000
Subtotal, Research and development	75,200	155,200
Headquarters administration	167,700	173,700
Mission support centers	40,000	40,000
Information technology	198,100	198,100
Corporate training	15,400	15,400
Subtotal, Administration	421,200	427,200
Subtotal, TSA	4,212,300	4,591,700
Offsetting collections	-2,070,000	-2,070,000
Total, Transportation security administration	2,142,300	2,521,700

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
United States Coast Guard		
Military pay and allowances	2,568,207	2,568,207
Civilian pay and benefits	381,246	385,493
Training and recruiting	---	164,240
Operating funds and unit level maintenance	1,041,107	866,507
Centrally managed accounts	---	129,400
Intermediate and depot level maintenance	607,108	599,208
Subtotal, operating expenses	4,597,668	4,713,055
Less adjustment for Defense function	-99,668	-340,000
Defense function	340,000	340,000
Rescissions	---	-71,000
Subtotal, Operating expenses	4,838,000	4,642,055
Environmental compliance and restoration	---	17,000
Reserve training	---	95,000
Acquisition, Construction, and Improvements:		
Vessels:		
Great Lakes Icebreaker (GLIB) replacement	2,000	2,000
41 foot UTB and NSB replacement project	12,000	12,000
9 add'l coastal patrol boats to enforce securi	52,500	52,500
Subtotal, Vessels	66,500	66,500
Automatic identification system	---	24,000
Defense messaging system (DMS)	4,500	3,500
National distress & response sys modernization	134,000	134,000
Port and waterway safety	---	1,000
Subtotal, Other equipment	138,500	162,500
Core acquisition costs	500	500
Direct personnel cost	69,500	69,500
Subtotal, Personnel compensation & benefits	70,000	70,000
Aircraft	67,700	142,700
Surface ships	230,400	302,600

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
C4ISR	80,400	101,400
Logistics	45,400	45,400
Systems engineering & integration	42,100	42,100
Government program management	34,000	34,000
Subtotal, Integrated deepwater systems	500,000	668,200
Research, development, test, and evaluation	22,000	---
Subtotal, AC&I	797,000	967,200
Alteration of bridges	---	19,250
Research, development, test, and evaluation	---	15,000
Subtotal, U.S. Coast Guard discretionary	5,635,000	5,755,505
Retired pay (mandatory)	1,020,000	1,020,000
Total, United States Coast Guard	6,655,000	6,775,505
United States Secret Service		
Protective, Investigative, & Uniformed Activities:		
Other Prot., Investigative & Unif. Activities	1,017,790	1,048,875
White House Mail Screening and Processing	33,000	16,365
Investigations of Missing/Exploited Children:		
Support	1,633	2,100
Grants	3,009	5,000
Presidential Candidate Protective Activities	64,940	64,940
Subtotal, Salaries and expenses	1,120,372	1,137,280
Acquisition, construction, improvements & related exp.	3,579	3,579
Total, United States Secret Service	1,123,951	1,140,859
Total, Title II	18,055,462	19,128,641

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
TITLE III - PREPAREDNESS AND RECOVERY		
Office for Domestic Preparedness		
Office for Domestic Preparedness	2,558,000	---
State and local programs:		
Basic formula grants	---	1,700,000
Law enforcement terrorism prevention grants	500,000	500,000
Firefighter assistance grants	500,000	---
High-threat High-density urban area	---	725,000
Citizen Corps	---	40,000
National domestic preparedness consortium	---	135,000
Technical assistance	---	30,000
National exercise program	---	50,000
Competitive training grants	---	60,000
Equipment and testing	---	17,000
Management and administration	---	30,000
Subtotal, State and local programs	1,000,000	3,287,000
Firefighter assistance grants	---	750,000
Total, Office of Domestic Preparedness	3,558,000	4,037,000
Counterterrorism fund	40,000	10,000

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Emergency Preparedness and Response		
Office of the Under Secretary for Emergency Preparedness and Response	---	3,450
Operating expenses:		
Preparedness, mitigation, response and recovery	163,000	---
Administrative and regional operations	165,267	---
Public health programs	434,000	---
Rescissions	---	-3,000
Subtotal, Operating expenses	(762,267)	(-3,000)
Preparedness, mitigation, response and recovery:		
Operating activities	---	165,000
Urban search and rescue teams	---	60,000
Subtotal, Preparedness, Mitigation, Response and Recovery	---	225,000
Administrative and regional operations	---	167,000
Strategic national stockpile	---	400,000
National disaster medical system	---	34,000
Metropolitan medical response system	---	50,000
Subtotal, Public health programs	---	484,000
Biodefense countermeasures	890,000	890,000
Advance appropriations	4,703,000	4,703,000
Subtotal, Biodefense countermeasures	5,593,000	5,593,000
Radiological emergency preparedness program	1,000	---
Radiological emergency preparedness fund	-1,000	---
Disaster relief	1,956,000	1,800,000
(Transfer to Office of the Inspector General)	(-22,000)	(-22,000)
Disaster assistance direct loan program account:		
(Limitation on direct loans)	(25,000)	(25,000)
Administrative expenses	557	560

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
National pre-disaster mitigation fund................	---	150,000
Flood map modernization fund.........................	200,000	200,000
National flood insurance fund:		
(Limitation on administrative expenses):		
Salaries and expenses........................	32,663	32,663
Flood mitigation.............................	77,809	77,809
Subtotal, National flood insurance fund.........	110,472	110,472
(Transfer to Grant programs).....................	(-20,000)	---
(Transfer to National flood mitigation fund)......	---	(-20,000)
National flood mitigation fund (by transfer)..........	---	(20,000)
Grant programs..	280,000	---
National flood insurance fund (by transfer).......	(20,000)	---
Subtotal, Grant programs.......................	(300,000)	---
Emergency Management Performance Grants..............	---	180,000
Emergency food and shelter...........................	153,000	153,000
Cerro Grande fire claims.............................	---	38,062
Total, Emergency Preparedness and Response......	9,055,296	9,101,544
Total, Title III..............................	12,653,296	13,148,544
Current Year appropriations................	(7,950,296)	(8,448,544)
Advance appropriations.....................	(4,703,000)	(4,703,000)

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES		
Citizenship and Immigration Services		
Operating expenses	155,000	156,126
Backlog Elimination Initiative	80,000	80,000
Subtotal, Operating expenses	235,000	236,126
Offsetting fee collections:		
Immigration user fee	(4,000)	(4,000)
Immigration examinations fund	(1,550,000)	(1,550,000)
H-1b Visa fees	(10,000)	(10,000)
Subtotal, Offsetting fee collections	(1,564,000)	(1,564,000)
Total, Citizenship and immigration services	(1,799,000)	(1,800,126)
Federal Law Enforcement Training Center		
Salaries and expenses	122,379	155,423
Acquisition, const, improvements & related expenses	23,679	37,357
Total, Federal Law Enforcement Training Center	146,058	192,780
Information Analysis and Infrastructure Protection		
Management and administration:		
Office of the Under Secretary for Information Analysis and Infrastructure Protection	---	4,800
Other salaries and expenses	---	100,200
DHS Command Center	---	20,000
Subtotal, Management and administration	---	125,000

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Threat determination and assessment..............	32,000	28,400
Information and warning advisories...............	69,700	52,300
Infrastructure vulnerability and risk assessment..	95,000	84,200
Remediation and protective actions...............	383,900	345,100
National communications system...................	155,000	141,000
Competitive analysis and evaluation..............	20,000	18,900
National plans and strategies....................	5,000	3,500
Outreach and partnerships........................	60,000	40,900
Office of the Under Secretary for IAIP............	8,400	---
Subtotal, Assessments and evaluations...........	829,000	714,300
Total, Info Analysis & Infrastructure Protection	829,000	839,300
Science and Technology		
Management and administration:		
Office of the Under Secretary for Science and Technology..............................	---	5,168
Other salaries and expenses......................	---	39,000
Subtotal, Management and administration.........	---	44,168
Biological countermeasures:		
Operating expenses...........................	274,735	266,500
Construction.................................	90,000	---
Use of prior year balances...................	---	-68,000
Subtotal, Biological countermeasures........	364,735	198,500
Nuclear and radiological countermeasures..........	136,625	127,000
Chemical countermeasures..........................	55,000	52,000
High explosives countermeasures..................	10,000	9,500
Threat and vulnerability, testing and assessment..	90,000	93,500
Conventional missions in support of DHS..........	55,000	34,000

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

	FY 2004 Request	Conference Agreement
Rapid prototyping program/ Technical support working group	30,000	75,000
Standards/State and local program	25,000	39,000
Emerging threats	22,000	21,000
Critical infrastructure protection	5,000	66,500
University programs/Homeland security fellowship	10,000	70,000
National Biodefense Analysis and Countermeasures Center	---	88,000
Subtotal, Research, development, acquisition, and operations	803,360	874,000
Total, Science and Technology	803,360	918,168
Total, Title IV	2,013,418	2,186,374
Total, Department of Homeland Security	33,280,294	34,919,000
CONGRESSIONAL BUDGET RECAP		
Scorekeeping adjustments:		
Airline bailout	215,000	215,000
Less advance appropriations for subsequent years	-4,703,000	-4,703,000
Total, scorekeeping adjustments	-4,488,000	-4,488,000
Total (including adjustments)	28,792,294	30,431,000
Amount in this bill	(33,280,294)	(34,919,000)
Scorekeeping adjustments	(-4,488,000)	(-4,488,000)
Total mandatory and discretionary	28,792,294	30,431,000
Mandatory	(1,020,000)	(1,020,000)
Discretionary	(27,772,294)	(29,411,000)

CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2003	$	29,764,233
Budget estimates of new (obligational) authority, fiscal year 2004		29,392,294
House bill, fiscal year 2004		30,430,982
Senate bill, fiscal year 2004		29,541,000
Conference agreement, fiscal year 2004		30,431,000
Conference agreement compared with:		
New budget (obligational) authority, fiscal year 2003		+666,767
Budget estimates of new (obligational) authority, fiscal year 2004		+1,038,706
House bill, fiscal year 2004		+18
Senate bill, fiscal year 2004		+890,000

HAROLD ROGERS,
C.W. BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
Managers on the Part of the Senate.

COLTSVILLE STUDY ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 233) to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

The Clerk read as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coltsville Study Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) Hartford, Connecticut, home to Colt Manufacturing Company (referred to in this Act as "Colt"), played a major role in the Industrial Revolution;

(2) Samuel Colt, founder of Colt, and his wife, Elizabeth Colt, inspired Coltsville, a community in the State of Connecticut that flourished during the Industrial Revolution and included Victorian mansions, an open green area, botanical gardens, and a deer park;

(3) the residence of Samuel and Elizabeth Colt in Hartford, Connecticut, known as "Armsmear", is a national historic landmark, and the distinctive Colt factory is a prominent feature of the Hartford, Connecticut, skyline;

(4) the Colt legacy is not only about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States, including—

(A) the development of telegraph technology; and

(B) advancements in jet engine technology by Francis Pratt and Amos Whitney, who served as apprentices at Colt;

(5) Coltsville—

(A) set the standard for excellence during the Industrial Revolution; and

(B) continues to prove significant—

(i) as a place in which people of the United States can learn about that important period in history; and

(ii) by reason of the close proximity of Coltsville to the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings;

(6) in 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of precision manufacturing sites; and

(7) the report on the study stated that—

(A) no other region of the United States contains an equal concentration of resources relating to the precision manufacturing theme that began with firearms production;

(B) properties relating to precision manufacturing encompass more than merely factories; and

(C) further study, which should be undertaken, may recommend inclusion of churches and other social institutions.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall complete a study of the site in the State of Connecticut commonly known as "Coltsville" to evaluate—

(1) the national significance of the site and surrounding area;

(2) the suitability and feasibility of designating the site and surrounding area as a unit of the National Park System; and

(3) the importance of the site to the history of precision manufacturing.

(b) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

SEC. 4. REPORT.

Not later than 30 days after the date on which the study under section 3(a) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 233, introduced by Senator DODD of Connecticut and passed by the Senate earlier this year, would authorize the Secretary of Interior to conduct a suitability and feasibility study of the Coltsville site, an area within the city of Hartford, Connecticut, for the potential inclusion in the National Park System.

The Coltsville site, founded by Samuel Colt, flourished during the industrial revolution, spurring innovation in not only the production of firearms, but also with the development of technology. S. 233 is supported by the administration, as well as the majority and minority of the subcommittee. I urge my colleagues to support S. 233.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 233 is a Senate companion legislation to a bill, H.R. 437, introduced by the gentleman from Connecticut (Mr. LARSON), which would authorize a study of the Coltsville historic district in Connecticut. This district is located in the city of Hartford. The site, which is associated with the historically significant Colt Manufacturing Company, contains a notable number of historic resources that provide an important glimpse into the history of American industry and precision manufacturing.

At the April 8 subcommittee hearing on the House bill, the National Park Service and public witnesses testified in favor of the study. The legislation also has the support of the entire Connecticut delegation.

Mr. Speaker, I want to commend the work of the House sponsor, the gentleman from Connecticut (Mr. LARSON), on this measure. He has been a strong and effective advocate of the Coltsville community and the city of Hartford. It is our hope and intention that the study will provide Congress and the community with information on how to appropriately preserve and interpret the historic resources of the Coltsville community.

Mr. Speaker, I support the legislation and urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. LARSON), the sponsor of this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her kind words. I would also like to thank the gentleman from Arizona (Mr. RENZI) for his remarks. I thank as well the gentleman from California (Chairman POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their consideration of this legislation, and the gentleman from California (Mr. RADANOVICH) for his help in assisting bringing this important legislation to the floor.

I would be remiss not to mention, as the gentlewoman did, the involvement of the entire Connecticut delegation, with special thanks to United States Senators DODD and LIEBERMAN, the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Connecticut (Mr. SIMMONS) for their tireless efforts as well.

A hearing was conducted on this back in April with the National Park Service testifying in favor of this study going forward. We have also, as was noted by the gentlewoman, received numerous support from State and local public officials, the State's oldest continuous published newspaper, and many civic groups, neighborhood groups, the Connecticut Historical Society and others who support this wholeheartedly.

The historical significance is paramount. This actually was the seat of the industrial revolution. Connecticut has long been known as being an arsenal for democracy dating back to our Revolution, and Samuel Colt is known most famously for the Colt 45 and the gun that won the West. What is not known in history is the effort of Elizabeth Colt.

Samuel Colt died at a very young age, and it was Elizabeth Colt who for 42 years managed this business and made it the most successful precision manufacturing business in the world at the time. It was the business to which Henry Ford came to study. It was the business in which both Pratt and Whitney were interns, and later were the pioneers of manufacturing Pratt & Whitney aircraft engines. It was here that people came to look at precision manufacturing; but Elizabeth Colt, who would have been among the Fortune top 10 at the time, did not even have the right to vote.

The gentlewoman from California (Ms. PELOSI) has talked frequently about how she was able to break through the glass ceiling and become the first to make history. Well not only did Elizabeth Colt make history, she also made a difference, as I know our leader will as well. In doing so, Elizabeth Colt was able to focus on housing concerns in the region, she was able to focus on the need to bring in assurances to help out workers in the workplace, and so she became a study not only in terms of precision manufacturing, but how to build a community around an industrial base.

It is for this reason and at the dawn of our industrial revolution, and the fact that this was the first American overseas factory, that this community enterprise of State government and the private sector is worthy of this study and, as indicated, was unanimously passed by both the Senate and by the respective committee and subcommittee in this body. I urge its support today, and thank all of those for their kind words and help in bringing this to fruition. It is an outstanding achievement for the city of Hartford and the citizens of Coltsville, and a great step forward for America in recognizing the genius of Samuel Colt and the long-overdue recognition of Elizabeth Colt.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Connecticut (Mr. LARSON) for the rich history and the articulation he shared with us today. It is truly a fitting tribute to the Colt family.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 233.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the nine bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ROBERTO CLEMENTE WALKER POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building".

The Clerk read as follows:

H.R. 2826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERTO CLEMENTE WALKER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, shall be known and designated as the "Roberto Clemente Walker Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Roberto Clemente Walker Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2826, introduced by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) designates the U.S. Postal Service facility in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building. Roberto Clemente was one of baseball's greatest heroes, both when he commanded the right fields of baseball stadiums across America, and when he was so giving of his time, energy and resources off the field. Naming this post office in Carolina, his hometown, is a wonderful tribute to a man all of us ought to never forget.

This legislation is particularly relevant to my constituents and myself because of Roberto Clemente's great years with the Pittsburgh Pirates. He played all of his 18 major league seasons in Pittsburgh, slugging 240 home runs and exactly 3,000 hits. Clemente remains the Pirates' all-time leader in at-bats and hits. Along with his hitting prowess, Pittsburghers and Pirate fans everywhere remember his cannon of an arm. Number 21 finished his career with 266 assists from the outfield, and won 12 Gold Gloves.

And at a time when we may confuse the meaning of hero, he truly fits the definition, showing sacrifice and courage and giving of himself to help others. Beyond the baseball field, Roberto Clemente took seriously his role as a community leader. He was known for his work to bring better lives to disadvantaged children all over the world. And tragically, it was his charitable conduct that led to his death. After relief supplies had failed to be sent to Nicaragua immediately following a devastating earthquake in December 1972, Clemente wanted to see to it himself that essential provisions were delivered. Roberto loaded 16,000 pounds of supplies into a DC-7 aircraft and set off for Nicaragua. The plane, apparently overloaded, crashed just off the coast of his native Puerto Rico on New Year's Eve.

Major league baseball honored Roberto Clemente the very next summer by inducting him into Baseball's Hall of Fame. He was the first player ever from Latin America to become a Hall of Famer; and today, Major League Baseball's annual Man of the Year Award is named in Roberto Clemente's honor.

□ 1600

After Clemente's death, his eldest son, Roberto, Jr., sought to continue his father's benevolent legacy; and in 1993 he established the Roberto Clemente Foundation, which provides educational and recreational programs for disadvantaged youth in the Pittsburgh area. I want to commend all those involved in the work of the Roberto Clemente Foundation today.

Roberto Clemente once said, "I want to be remembered as a ball player who gave all he had to give." Off the field, perhaps more than on, today we remember Roberto Clemente as just that, a man who gave all he had to give.

Therefore, Mr. Speaker, I urge all Members to support the passage of H.R. 2826 that will name this post office after Roberto Clemente, number 21. I thank the gentleman from Puerto Rico for his work on this fitting honor for a baseball great and a great humanitarian.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2826 would designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building. As a member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 2826, which designates a U.S. postal facility in Puerto Rico after Roberto Clemente Walker. H.R. 2826 was introduced by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) on July 23, 2003.

Roberto Clemente Walker was born in Barrio San Anton in Carolina, Puerto Rico, in 1934. A top athlete from his early years where he excelled in track and field, he went on to play amateur baseball in Puerto Rico. From there he signed with the Brooklyn Dodgers, playing for the Montreal Royals. He later joined the Pittsburgh Pirates baseball team as the number one draft pick in 1954. He played 18 years, his entire major league career, with the Pirates.

During his career with the Pirates, Roberto Clemente played in two World Series, he was the National League batting champion four times, was awarded 12 Gold Gloves, and selected National League Most Valuable Player. Roberto Clemente Walker could do it all, and he did.

He was also a very caring man. He was the father of three sons, Roberto, Jr.; Luis Roberto; and Roberto Enrique, and the husband of Vera Cristina Zabala. Sadly, he died in a plane crash in 1972 delivering food, clothes, and medical supplies to an earthquake-stricken Nicaragua.

Mr. Speaker, while we often honor athletes for their great athletic ability, for the number of home runs that they hit, for how fast they can run, how well they can catch, how many touchdowns they may have thrown or how many they may have caught, Roberto Clemente died demonstrating that when you give of yourself, when you give of yourself for others, that is when you truly give. That is really what makes you great. Roberto Clemente died proving that if he could help somebody as he passed along, if he could cheer somebody with a word of song, if he could give his life for the benefit of others, that is the real stuff that heroes are made of. That is really what made Roberto Clemente the hero that we all know him to be.

I commend my colleague for seeking to honor this great American, this great humanitarian, this great man. I urge passage of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), the author of this legislation.

Mr. ACEVEDO-VILÁ. Mr. Speaker, today is a very important day for Puerto Ricans, for fans of baseball, and for humanitarians alike who value the legacy of Roberto Clemente, one of the greatest ball players of all time. It gives me great pride to recognize Roberto Clemente's successful career, both on the field as a baseball player and off it as a humanitarian, by naming a post office after him in his native town of Carolina, Puerto Rico.

Roberto had rare talent that combined all the essential elements of a great baseball player. He had a powerful bat, speed, graceful fielding, and an especially amazing arm. But perhaps the most important characteristics about Roberto Clemente for Puerto Ricans and for Americans include his character, integrity, humility, and commitment to excellence both on and off the field.

Between 1955 and 1972, Roberto Clemente batted 9,454 times in the major leagues, scored 1,416 runs, 3,000 hits, the first Puerto Rican to reach that mark; 240 home runs and batted in 1,305 runs in 2,433 games. Also, Roberto won four National League batting titles, 1961, 1964, 1965 and 1967; had a .317 lifetime batting average; and was selected 12 times to the Midsummer Classic, the All-Star game.

Roberto also participated in two World Series, won the National League Most Valuable Player award in 1966, and became the first Puerto Rican to win such an award. He also won 12 Gold Gloves as a right fielder; and was selected, and I remember that one, in 1971 the World Series Most Valuable Player. Also, Roberto Clemente has been the only Latin American to appear in two First Class stamps.

Puerto Ricans remember Roberto Clemente with great pride, for he not only made the most of his athletic talents, he was also a role model for us all, helping those in need and giving back to the community what he earned through his hard work and dedication. In a day when we often cringe at the scandals involving some of our greatest athletes, we can remember Roberto Clemente for all the great things he embodied.

Last December 31, 2002, we commemorated the 30th anniversary of his tragic death. Roberto died on New Year's Eve while delivering aid to the victims of a major earthquake that hit Nicaragua in 1972. I was 10 years old, and I clearly remember that New Year's Day in Puerto Rico the reaction, a holiday that is supposed to be a celebration, New Year's Day was a day of great, great sorrow for the people of Puerto Rico when we all learned about what had just happened to Roberto. Even though his family urged him not to do the trip because of foul weather, Roberto was determined to help the victims. Unfortunately, the plane suffered a tragic accident; and Roberto and the whole crew perished in the incident.

H.R. 2826 will honor Roberto's legacy by naming his hometown post office in his honor. This legislation will serve much-deserved recognition to Roberto Clemente. It is for our fallen star, his family, and for all his fans in Puerto Rico, Pennsylvania, and throughout the world. We will never ever forget what he brought to both the baseball field and to our society.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

Again, I would like to commend the gentleman from Puerto Rico for introducing this legislation. In my community, there is a Roberto Clemente High School that we revere as one of the great institutions in the city of Chicago. I certainly would urge passage of this legislation naming a post office for a tremendous athlete, but more than that for a great humanitarian and a great citizen.

Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I yield myself the balance of my time.

I am just reminded of one other thing. When Roberto Clemente hit his 3,000th hit, as he reached the base, he stood there and raised his hat to the fans. It is fitting for a man who gave his life helping others that we raise our hats to him. I urge all Members to support the passage of this measure that honors Roberto Clemente.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 2826.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

J.C. LEWIS, JR. POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2533) to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

The Clerk read as follows:

H.R. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J.C. LEWIS, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, shall be known and designated as the "J.C. Lewis, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the J.C. Lewis, Jr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. KINGSTON), the sponsor of this legislation.

Mr. KINGSTON. Mr. Speaker, I wanted to start out saying that there is a statement, I cannot quite get it right, but it states to the effect that men who have monuments built after them to honor them do not need monuments built after them to honor them because their achievements speak for themselves. Nothing could be truer for Mr. J.C. Lewis, Jr. His achievements have touched and reached thousands of lives in Savannah, Georgia, the State of Georgia, and the United States of America. He is truly a renaissance man, a modern day Cincinnatus, who goes and leads his community time and time again in cause after cause and then returns to his own business life or quietly takes a step offstage to avoid the applause.

In fact, the bill today, Mr. Speaker, would not be here if the family had their wish; but I have known the Lewis family for some time, and I know the sons well enough to speak frankly, and I have told them despite their opposition because they do not really seek the limelight under any circumstances, to a person in the family, I said, we need to do this for your dad. I figured that forgiveness was easier than permission, and waiting around for the permission of any Lewis to give them honor will keep one waiting for a long, long time. So we are moving forward.

When I spoke to the gentleman from Georgia (Mr. BURNS) about this, whose district contains this post office, he absolutely jumped up and down about it because the gentleman from Georgia (Mr. BURNS) knew of Mr. Lewis long before committing himself to run for the United States Congress. And so we are proud to offer this legislation as partners. It basically names this post office after Mr. J.C. Lewis, Jr., not sufficient enough in terms of an honor to a guy who has done so much for our community; and yet in another way it is a token, just one way of saying thanks not just to Mr. Lewis but to his wife, Nancy, and to the six children, Nan, Curtie, Walter, Wistar, Scott, and Christian. I hope I named six of them. It is a big family. I know they will kill me if I left out one of them.

Mr. BURNS. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Georgia.

Mr. BURNS. Mr. Speaker, I thank the distinguished gentleman for yielding. I join with the gentleman from Georgia (Mr. KINGSTON) and the entire Georgia delegation in honoring J.C. Lewis, Jr., by the naming of the post office on Abercorn Street in the 12th District of Georgia. As the gentleman from Georgia (Mr. KINGSTON) pointed out, Mr. Lewis seeks no recognition. A humble man, a servant of our community for decades, he was born in Savannah, Georgia; and throughout his life he has served Savannah and the low country and the rest of our State, his community, his country, and his God. He went to public schools in Chatham County and attended and graduated from the University of Georgia with honors. J.C. Lewis, Jr. is a true Bulldog. He later received the school's outstanding award as an alum. I am sure that was one of the proudest moments in his life.

After his university education, he acknowledged his patriotic duty. He served in the United States Navy. He continued to remain devoted to the U.S. military in his actions. One of the most significant things that he has done for our community is serve as chairman of the Mighty Eighth Air Force Museum. He has also served as president of the Association of the United States Army and is a member of the Navy League.

☐ 1615

After his education he returned to his childhood home in Savannah and, with his wife, Nancy Nelson Lewis, and their children, made it his home and his dream and his passion. He became the first Republican Governor in Georgia since reconstruction when he was elected as mayor of the city of Savannah. He is a successful businessman, serving as President and CEO of J.C. Lewis Enterprises. He is a devoted family man, a member and deacon of the First Baptist Church of Savannah.

But I think probably most notably that when most other Americans Mr. Lewis's age were retiring, he was just getting started. He was concerned about the rising problem of homelessness in the city of Savannah. He approached the Board of the Union Mission in 1985, nearly 20 years ago. He then purchased and donated facilities that provide for the care of both homeless men and women, and shelters are located there. He also funded a cancer program for the homeless, the J.C. Lewis Health Center, and he serves continuously as the honorary chairman of Union Mission's capital campaign as they seek in their mission to end homelessness in the city of Savannah, Georgia.

Throughout his life, J.C. Lewis has been a physically and personally devoted individual to helping and serving mankind, and I join the gentleman from Georgia (Mr. KINGSTON) and the rest of the Georgia delegation in supporting H.R. 2533 as just a very small way that we can thank Mr. Lewis for his service to Savannah, Georgia and to the 12th District.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 2533, which designates a U.S. postal facility in Savannah, Georgia after J.C. Lewis, Jr. H.R. 2533 was introduced by the gentleman from Georgia (Mr. KINGSTON) on June 19, 2003. Mr. Lewis, the former mayor of Savannah, Georgia, serves on many charitable and community-oriented boards. A given and committed man, he financed the building site for the Savannah Baptist Center, which serves as a recreational and education center in town. He is best known for his work with Union Mission to end homelessness in Savannah. He purchased and donated the Union Mission's main office building and helped to renovate the facility so that needed and necessary health care services could be provided to those in dire straits. Mr. Lewis is currently the honorary chair of Union Mission's capital campaign.

Mr. Speaker, oftentimes individuals are involved and help raise money and generate money, not always do they give as much of their own money as Mr. Lewis seemingly does. So, Mr. Speaker, I commend the gentleman from Georgia (Mr. KINGSTON) for seeking to honor such an individual, and I urge swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time. And I also want to thank the gentleman from Illinois (Mr. DAVIS) for those kind words about a very important local hero, but I think one who shows what kind of country we have and why this country is so great.

The gentleman from Georgia (Mr. BURNS) had enumerated so many of J.C. Lewis's accomplishments, but I wanted to go over a couple of them, just maybe from a personal standpoint.

I first got to know the Lewis family through my father-in-law, Archie Morris, who was a boyhood friend of his. And my mother in-law, Betty Morris, has been friends with Mrs. Lewis, and the Morris kids and the Lewis kids were all friends. In fact, I think my first encounter with one of them was with Wistar Lewis when he was riding a horse down the street, down Milledge Avenue in Athens, Georgia for one of his Kappa Alpha fraternity parades and they were going by the Lambda Chi House, which I was a member of. And I was proud to see that my fraternity brothers spooked his horse and caused his date to fall off the horse in hopes that she would join us as far better bulldogs than that fraternity. Wistar never let me forget that, and I was really surprised when I started dating my wife, Libby, and the Lewis family was known for having a big Christmas party on Christmas night in Savannah, and they invited me through the Morrises to come to it, and I thought I do not know why they would want me to come. They hardly know me. But I realized I was riding the coattails of my future in-laws. But that is the kind of people they are. Opening up the doors on Christmas Day for people to come, strangers and mere acquaintances, to come in and enjoy their fellowship.

The gentleman from Georgia (Mr. BURNS) had spoken about Mr. Lewis being in the Merchant Marines, in the Coast Guard, and the Navy. He also did not know that from there he went on to have a lot of fun fishing and had a boat at one point called the NAUTINAN, and I think in time the children sort of took over. Certainly, Scott and Wistar became the big mariners in the family, but I think all of them enjoyed it. In fact, I think that webbed-feet tradition continues and his son Curtie, actually, I was counting his boats this summer, and he has four of them. I do not know how one would utilize all those, but the Lewises absolutely loved the waterfront and living in Savannah, Georgia, on the water.

The gentleman from Georgia (Mr. BURNS) had pointed out that he has been active in the First Baptist Church and on the board of deacons and the trustees. He has also been very active in our Wednesday Businessmen's Bible study with a Presbyterian minister, Terry Johnson, who is in charge of it, but Mr. Lewis and son Scott and son Christian are very active and stalwarts in that Bible study. And what happens every Wednesday is they try to drill the Gospel message into the thick skulls of business people such as myself and a lot of our friends. But to see people like that, each and every Wednesday, devoting time to the Lord is very instrumental for the rest of us.

The gentleman from Georgia (Mr. BURNS) talked about when J.C. Lewis was mayor of Savannah and pointed out that he was the first Republican mayor of Savannah, a major Georgia city, but one of the things that is interesting, from that point on, he did somewhat become the godfather of the Republican Party in Savannah in as much as anybody who ran under the Republican ticket always went by to see J.C. Lewis. But rather than assume the role of local political Republican kingmaker, he took a much broader approach.

Number one, he would not just see aspiring Republican candidates. Democrats, or Independents, the door was wide open. And he never said this is the strategy for winning, so that I can grow my kingdom and my influence and my clout. It was always, What do you stand for, and what is best for Chatham County, Georgia? What is best for Savannah, Georgia? How are we going to make this a better community? So whether one's name is JACK KINGSTON, MAX BURNS, SAXBY CHAMBLISS, or anybody else, Sonny Perdue, he always tried to do what was best for the State or the community or the country and never would call them. Once they were elected, he would never say, I want you to vote on House bill whatever. He has never made such a call to me to ask me to vote for anything. And I can tell the Members how rare that is, and we have 435 Members of Congress who would certainly agree to that.

As a businessman, Mr. Lewis lost his father at a young age, and he took over an automobile business, which probably the easiest thing would have been to sell it, but instead he grew it. It became one of the largest Ford dealerships in coastal Georgia. But, in addition, he added broadcasting and equipment leasing and real estate and insurance.

For example, they have had a television station, WJCL, which is an ABC affiliate. They also had WJCL for many years on the radio, which had some of those great classic tunes that we all enjoyed from the swing era. It kind of always put a little class and a little taste in the city of Savannah airwaves.

Charitable donations, an incredible list of them. He gave land to the YMCA on Habersham Street; for the Agudath Achim Congregation Synagogue; for Memorial Baptist Church; land for Virginia Heard Public School; land for the Episcopal Church in Oakdale, Georgia; land and building for the Skidaway Island Baptist Church; land and building for the Savannah Baptist Center; and funded the new Cancer Program at the J.C. Lewis Health Center.

The Gospel tells us that to those whom much has been given, much is expected. Mr. Lewis has followed that line. He also has been a Free and Accepted Mason and the past potentate of the Alee Temple Shrine, and part of the creed of Masons is somewhat to look after each other, and I have heard many Masons who do not know Mr. Lewis personally say Mr. Lewis is a Mason who looks after his brother Masons and looks after the community in general.

A friend of mine, a formal liberal, which I cannot tell if he is still a liberal anymore or not. He still tells me he is a Democrat, but Reverend Michael Elliott, whom the gentleman from Georgia (Mr. BURNS) and I deal with on homeless issues, he and I were talking over the weekend, and I told him what we were doing with this legislation, that we were sneaking out something on Mr. Lewis and hoped he would forgive us. He said, he is the guy that I have had the opportunity to have this homeless shelter built, because of his generosity, because of his leadership, and the fact he has opened so many doors for me and getting other businessmen to see them.

When we think about all the down and out people in the world that have benefitted from the generosity and the leadership of Mr. Lewis, there again, we do not know who is always benefitting. In the Gospel there is a part where followers of John the Baptist asked him, Are you the Messiah? And he says to them, No, I am not the Messiah. I have come to prepare a place for Him, and I am not even worthy to pick up the breadcrumbs from his table. That, Mr. Speaker, is so important because often when we do things for others, we do not know who is going to benefit, and indeed, when we receive these blessings, we do not know who caused these blessings to happen. That is the case with Mr. Lewis on everything that he has done.

Civic responsibilities, and I know this is just voluminous, but I want to name a few. He has been active on the Board of the Kiwanis Club; on the Bethesda Home for Boys, on the Board of Directors; the Georgia Baptist Children's Home; Woodberry Forest School Board of Trustees; the President of the YMCA; the Chamber of Commerce Board of Directors; the United Community Appeal or United Way; Savannah Country Day School, Board of Directors; Association of the United States

Army, President, Coastal Empire Chapter; the Elks Club, Lodge 183; American Legion, Post 184; the Navy League; Salvation Army as an Honorary Director. The gentleman from Georgia (Mr. BURNS) mentioned the Mighty Eighth Air Force Museum Foundation; and many more. And I think one of the more important things, recently, was he was the sponsor of the Isle of Hope Mudcats baseball team in the U12 League last year and probably will be doing it again.

His awards, the gentleman from Georgia (Mr. BURNS) had mentioned some of these: A Brotherhood Award from Agudath Achim Synagogue, the President's Award from Savannah State College, Outstanding Alumni Award from the University of Georgia; Union Mission, Golden Heart Award; Community Service Award from the Georgia Municipal Association; Department of Army Award for patriotic civilian service while serving as President of the AUSA, Coastal Empire Chapter; Salvation Army, "Others" Award; Savannah Exchange Club, Golden Deeds Award; the Rotary Club, Paul Harris Fellow, which one of the big motives of the Rotary Club is service above self, which I think, again, he epitomizes; the Oglethorpe Leadership Award; a two-time recipient of the Ben Franklin Quality Dealer Award sponsored by Time Magazine; and also an inductee in the Savannah Business Hall of Fame. And I want to say this on behalf of the local Chatham County Republican Party, we name our annual award in his honor, the J.C. Lewis Award.

Mr. Speaker, it is not often when people like this are born, and with Mr. Lewis, it is a family unit. If we know him, we know his family, and we know they are all in it together. They have made Savannah and Georgia and the United States of America and the world a better place to live. So I am very honored to be a cosponsor with the gentleman from Georgia (Mr. BURNS) on this piece of legislation.

Mr. MURPHY. Mr. Speaker, I urge all Members to support this resolution which honors J.C. Lewis, Jr, a man truly worthy of our commendation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 2533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 6 o'clock and 31 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Harry S Truman Scholarship Foundation:

Mr. SKELTON of Missouri.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2003.

Honorable J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 22, 2003 at 2:55 p.m. and said to contain a message from the President whereby he submits a national interest waiver consistent with section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246).

With best wishes, I am

Sincerely,

JEFF TRANDAHL
(Clerk of the House).

WAIVING SUSPENSIONS UNDER FOREIGN RELATIONS AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–128)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the suspensions under section 902(a) of the Act with respect to the issuance of licenses for QSR–11 sensors that serve as components of an Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft. License requirements remain in place for these exports.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2003.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the previous order of the House, proceedings will resume on the three motions to instruct postponed on Wednesday, September 17, 2003, and on motions to suspend the rules postponed earlier today. Votes will be taken in the following order:

Motion to instruct on H.R. 1308, by the yeas and nays; motion to instruct on H.R. 1, by the yeas and nays; motion to instruct on H.R. 1588, by the yeas and nays; H.R. 1409, by the yeas and nays; and S. 111, de novo.

The first electronic vote will be conducted as a 15-minute vote. If a vote is ordered on S. 111, that vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. RYAN) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 214, not voting 21, as follows:

[Roll No. 509]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Koibe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Shays
Sweeney
Tancredo
Terry
Woolsey

□ 1857

Mr. OXLEY and Mr. PETERSON of Pennsylvania changed their vote from "yea" to "nay."

Mr. GEORGE MILLER of California changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Pursuant to clause 8 of rule XX, the next three votes in this series will be conducted as 5-minute votes. The last vote in this series, if ordered, will be conducted as a 15-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. STENHOLM) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 213, not voting 19, as follows:

[Roll No. 510]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin

Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE) (during the vote). There are 2 minutes remaining in this vote.

☐ 1906

Mr. GUTKNECHT changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on rollcall No. 509 (H.R. 1308) and rollcall No. 510 (H.R. 1), I was detained in my district touring disaster areas from Hurricane Isabel and trying to obtain help from FEMA. Had I been present I would have voted "no" on both H.R. 1308 (rollcall 509) and H.R. 1 (rollcall 510).

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. RODRIGUEZ) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 298, nays 118, not voting 18, as follows:

[Roll No. 511]

YEAS—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Paul
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—118

Akin
Ballenger
Barrett (SC)
Barton (TX)
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Herger
Hoekstra
Hostettler
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
King (IA)
Kingston
Knollenberg
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Northup

Norwood
Nussle
Ose
Oxley
Pence
Pitts
Platts
Pombo
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—18

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1915

Mr. HULSHOF, Mr. EVERETT, and Mrs. KELLY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1915

EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

The SPEAKER pro tempore (Mr. PENCE). The pending business is the question of suspending the rules and passing the bill, H.R. 1409.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 288, nays 127, not voting 19, as follows:

[Roll No. 512]

YEAS—288

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ose
Oxley
Pallone
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—127

Ackerman
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berman
Berry
Bishop (GA)
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Clyburn
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Lee
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pascrell
Pelosi
Peterson (MN)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—19

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Otter
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1924

Messrs. MOLLOHAN, SPRATT and SHERMAN changed their vote from "yea" to "nay."

Mr. MEEKS of New York changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISRAEL. Mr. Speaker, early tonight when the House voted on the Ryan Motion to Instruct on H.R. 1308, rollcall No. 509, the Stenholm Motion to Instruct on H.R. 1, rollcall No. 510, the Rodriguez Motion to Instruct on H.R. 1588, rollcall No. 511, and passage of H.R. 1409, rollcall No. 512, I was not present. Unfortunately, I was compelled to miss these votes due to a long-standing meeting with Prime Minister Silvio Burlusconi of Italy. Had I been present I would have voted "yes" on rollcall Nos. 509 through 511, "no" on rollcall No. 512.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 509, No. 510, No. 511, and No. 512. Had I been present, I would have voted "yea" on rollcall No. 509, "yea" on rollcall No. 510, "yea" on rollcall No. 511, and "no" on rollcall No. 512.

DIRECTING SECRETARY OF INTERIOR TO CONDUCT STUDY TO DETERMINE NATIONAL SIGNIFICANCE OF MIAMI CIRCLE IN FLORIDA AND OF ITS INCLUSION IN NATIONAL PARK SYSTEM AS PART OF BISCAYNE NATIONAL PARK

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 111.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. KIND. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. KIND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

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ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Mr. CROWLEY. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1588, the defense authorization bill.

The form of the motion is as follows:

Mr. CROWLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in paragraphs (3) and (4) of section 1074a(f) of title 10, United States Code, as proposed to be added by section 701 of the Senate amendment (relating to health care for members of reserve components).

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING JUDGE A. JAY CRISTOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to share the story of a man who is far more than ordinary, a man who has achieved more than some do in three lifetimes, always compassionate, caring and loving to the community to which he belongs.

Today I am proud to honor Judge A. Jay Cristol, an astonishing man and native of Miami who remains vital, curious, and energetic. This pious man, who is dedicated to his country, put off law school to ultimately earn his distinguished Navy Wings of Gold. Judge Cristol braved active duty as an aircraft carrier combat pilot during the Korean Conflict, in addition to flying operational flights during the Cuban missile crisis. His commitment to our Nation was also seen in his volunteering to perform airlift missions to Vietnam, his affirmation being, "I am proud to be an American and I love my country."

Judge Cristol, who was later made an honorary professor of the Naval Justice School, was assigned by the Department of Defense to lecture abroad concerning law of naval warfare. After retiring from the Navy in 1988 and dutifully practicing law for 25 years, Judge Cristol was appointed to the bench of the U.S. bankruptcy court where he continues to serve in Florida's Southern District. If that were not enough, it is noteworthy to state that Judge Cristol is also an adjunct professor at the University School of Law.

Always positive and with a smile on his face, Jay's inquisitiveness for international terrorism led him right into the university's graduate school of international studies. Interested in naval history, he began to research the 1967 incident with the USS *Liberty* where Israeli air and naval forces erroneously engaged the ship in international waters off the Sinai Peninsula. His meticulous analysis formed the basis for his book, "The Liberty Incident," and earned him his Ph.D. His studies and his experience in the field have made him a sought-after scholar, appearing on national broadcasts such as CNN's "Late Edition with Wolf Blitzer."

Mr. Speaker, what more could be said about the man who refused to see Pan Am Airlines shattered and who told the owners to "kick the tires, light the fires and get those planes in the air," or the man who donates his aircraft and his time to perform angel flights, bringing children in need of medical aid who are in difficult-to-reach areas.

In his humility, Judge Cristol attributes everything simply to being lucky and always believing that we have to make peace for mankind, love instead of hate, as there we find the promise of a better humankind.

Indeed, it is an honor to speak of a man who pioneered in all of his endeavors and who continues to motivate others to do as well. Judge A. Jay Cristol is a brilliant, concerned individual who has put ripples in time with his profound dedication to a Nation that deserves him well.

Congratulations, Judge Cristol.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, earlier this month was a very somber time for our Nation, in fact, for all freedom-loving people. It was 2 years ago this month that America and the world watched in horror as terrorist thugs took the lives of an estimated 3,000 innocent people on American soil. Our worst fears were realized, our very way of life was challenged, and our world was changed on that day, perhaps forever. In the days, weeks, months, and now years that have followed, our Nation has responded to that challenge. In the war on terrorism that ensued and continues today, we have led the free world in rooting out these terrorist thugs and in holding accountable those who would harbor and aid them in their insidious pursuits. The challenge and cost has been great, but the stakes are even greater. This is a war we simply cannot afford to lose.

Still, Mr. Speaker, for all we have done and all we are doing at home and abroad to secure our homeland, there is a troubling and growing crisis within our borders that has been largely ignored and presents another challenge in securing our homeland that simply must be met. It is a crisis that has created countless innocent victims and that continues to put our Nation's citizens and law enforcement officers in greater and unnecessary danger with each passing day it is not addressed.

Mr. Speaker, the crisis I am referring to is America's criminal alien crisis. The sad fact is our own badly broken immigration system has created this very crisis; and the numbers, quite frankly, are staggering and shocking. First, consider the staggering. Today, there are roughly 400,000 individuals living in the United States who have received their final deportation orders to go, but have not left. Why have they not left? It is pretty simple. It is because our Federal Government does not know where they are. Now for the truly shocking. Of the 400,000 individuals that should have been deported, 80,000 of those are criminal aliens, meaning that they have been charged and convicted of committing criminal acts, some of which include the most heinous and atrocious deeds one can possibly imagine. Yet these 80,000 convicted criminals, rapists, murderers, pedophiles and the like among them, who were in the hands of law enforcement officials, were simply turned loose because of an outmanned, inefficient, and unaccountable immigration system that is failing both the law-abiding citizens of our Nation who live here legally and peacefully and the courageous, hardworking men and women who wear the badge who protect us who must face the prospects of arresting and rearresting these criminals over and over again.

Mr. Speaker, it is also worth noting, again looking back at earlier this month's somber anniversary, that an estimated 3,800 of these individuals are from countries with a known presence of al Qaeda. Unfortunately, America's criminal alien crisis has been allowed to continue and worsen because our Federal Government and this Congress are not serious about addressing it. Today there are only 2,000 Federal agents who have the job of finding any of the 400,000 I mentioned earlier. Mr. Speaker, that is not a fair fight, and it is not the right message to send to the American people.

Recently, along with the gentleman from Florida (Mr. BOYD), the gentlewoman from Pennsylvania (Ms. HART), and the gentleman from Georgia (Mr. DEAL), I introduced the CLEAR Act. This is a bill that makes clear that our Nation's 600,000 local and State law enforcement officers have the authority to enforce immigration laws, gives those 600,000 men and women wearing the badge the training, access to data and appropriate funding they deserve, and gives the 2,000 Federal agents in the field the assistance they so badly need.

□ 1945

And that, finally, provides the needed accountability that our immigration system has lacked for far too long.

Mr. Speaker, I encourage my colleagues to join me in sending a strong message that this Congress is serious about protecting Americans from this crisis within our own borders, and I encourage my colleagues to support the CLEAR Act.

OPPOSITION TO CUTS IN LOAN GUARANTEES TO ISRAEL

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my concern regarding reports that President Bush has already approved cuts in loan guarantees to Israel and is considering further cuts. Last week I spoke on the House floor regarding a decision by the Bush administration to cut loan guarantees to oppose Israeli settlements in the West Bank and Gaza. As I stated last week, I oppose any cuts in loan guarantees. These guarantees allow Israel to rebuild after years of violence and economic decline and are critical to Israel's future.

I am further disturbed by reports that the Bush administration is considering additional cuts in loan guarantees to protest Israel's construction of a security fence along the West Bank.

Mr. Speaker, on a recent trip to Israel in August along with, I think, 29 other Democratic Members, I had the opportunity to view the security fence firsthand. While in Jerusalem, I toured border communities where Israeli citizens live in constant fear of sniper attacks and suicide bombings. This fence will provide a sense of safety and security to these border families and will help prevent continued attempts to derail the peace process through violence.

In my meetings with government officials in Jerusalem, they acknowledged that the fences are temporary and can be moved or removed pending future peace agreements. Furthermore, Prime Minister Ariel Sharon has shown that he is willing to work with the United States and has sent a diplomatic delegation here to continue discussions on the fence. However, until the Palestinian Authority dismantles the terrorist infrastructure, Israel must be permitted to take steps to protect their citizens from violence without financial retribution from the United States.

Mr. Speaker, I just think this is the wrong decision by the Bush administration. That is why today I sent a letter to President Bush to urge him to reverse his decision to restrict loan guarantees to Israel and to reconsider any future restrictions. With the continued rise in violence, now is not the time to take punitive action against the Israeli Government. It is critical to our role in the region that the United States maintains its steadfast support of Israel and not undercut Israel's military and diplomatic authority or, most important, their ability to protect their citizens from harm and terrorism.

PURCHASE CARD AND TRAVEL CARD ACCOUNTABILITY ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, today's Washington

Waste Watch highlights the vast amount of waste, fraud, and abuse throughout the government purchase card and travel card programs. Mr. Speaker, such waste steals from the hard-working taxpayers in order to line the pockets of some career bureaucrats who seek to profit from the obviously broken system.

Mr. Speaker, Americans should and would be outraged at the consistent abuse of their tax dollars within the purchase card and travel card program. These cards are paid for by the taxpayers, and they are supposed to be used, obviously, for official government business. However, Mr. Speaker, I think taxpayers would be horrified and outraged of the fact that these cards have purchased, among other things, Elvis Presley pictures, vacations and cruises, designer leather goods, Internet pornography, power tools and toys, music, designer clothing, luggage, fine china, jewelry, escort services, electronics, and televisions and even a pet dog. And yet our friends on the other side of the aisle, the Democrats, insist still on sometimes introducing bills to raise taxes to do more of this, Mr. Speaker?

If this abuse, Mr. Speaker, happened within the private sector, these individuals would clearly get thrown out of their jobs and in many cases would be turned over to law enforcement agencies. But when it is the taxpayers who are paying for it, when it is the taxpayers who are footing the bill, these people do not lose their jobs. They just stay in their careers. Many times they get their annual pay increases. Very few of these employees, Mr. Speaker, are ever appropriately disciplined for this improper use of purchase cards and travel cards.

Therefore, Mr. Speaker, I will introduce the Purchase Card and Travel Card Accountability Act of 2003, which will create a uniform system of accountability for all Federal agencies. This system will include repayment to the Federal agencies by those who have used those cards incorrectly. It would also, furthermore, ask the inspector general to report regularly to Congress on disciplinary actions taken against employees for abuse of purchase cards and travel cards, and, yes, it will also create a uniform system of accountability for all Federal agencies, which will include termination.

Only, Mr. Speaker, in the Federal Government, a place where billions of dollars, billions of dollars, are just lost every year, can people go shopping with a card that the taxpayer pays for on things, as I said, for china and designer leather products, $163,000, for example, worth of designer leather goods and a billiard table, and nothing happens. And, again, the Democrats want to raise taxes to do more of this?

Mr. Speaker, for too long the bureaucracy have been given free rein to do what they want with taxpayers' money with no accountability. That is why we are filing this bill, Mr. Speaker. Purchase cards provide a great avenue to continue this waste. The American taxpayers deserve better. They should not support irresponsible spending. They do not support it.

DEBT RELIEF FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 2482, the Iraqi Freedom from Debt Act, but first I would like to respond to the gentleman's statement that Democrats want to raise taxes. That is not true. The Kerry-Biden bill calls for a repeal of only the top 1 percent. This would result in $600 billion, and this would pay for the $87 billion for the challenge in Iraq. Some Democrats support that. I am one of those, but I disagree with the statement from the gentleman who preceded me.

Mr. Speaker, I rise really in support of one of the administration's spokesmen, Mr. Paul Bremer, and he said that it would be a mistake to lay any more debt onto the backs of the Iraqi people, and he wisely added that there would be no way that the Government of Iraq will be able to pay Iraq's current debt. Mr. Bremer estimates that Iraq owes over $100 billion to other nations as a result of Saddam Hussein's irresponsible borrowing, and how can we expect Iraq to begin paying on this debt when the challenges of funding reconstruction are so steep? The Financial Times reported: "Even assuming a resumption of oil exports at 2 million barrels a day, Iraq's debt-to-export ratio would exceed 700 percent, the highest in the world. Clearly, Iraq cannot rebuild its economy, establish conditions for growth and development and," also, "service all its outstanding debt."

It is impossible to imagine that the people of Iraq will be able to reconstruct a future if they are forced to pay for their own oppression by paying back odious debt accrued by this regime for his 34 palaces and other expenses that helped his immediate family and circle and not the people of Iraq.

We learned from World War II reconstruction that the most effective way to ensure regional security and facilitate a friendship with the people of a once-hostile nation was to provide debt cancellation and new aid for reconstruction. We learned this lesson the hard way after World War I when Hitler campaigned for his election on a platform that included working towards the cancellation of the debts Germany accrued during reconstruction after the First World War. The allies did not want to repeat that mistake after World War II, and let us learn from this history and provide the same support to Iraq by urging for creditors to cancel Iraq's debt.

The International Monetary Fund and the World Bank are priority creditors, creditors that will be paid first, and leaders in the creditor community. It is our responsibility as key stakeholders at the World Bank and IMF to encourage these institutions to take the first step for debt cancellation for Iraq. The IMF and World Bank are owed relatively little by Iraq, only about $150 million. So while it would not be a burden on the institutions, because $150 million to these organizations is not a lot of money, this act of generosity could leverage reduction of the debt of Iraq by other creditors.

The IMF and World Bank are meeting at this moment in Dubai discussing Iraq and the debt of the most impoverished countries in the world. Join me in calling on these institutions to take action on Iraq's debt by cosponsoring H.R. 2482, the Iraqi Freedom from Debt Act. It is a bipartisan legislation that I introduced with the gentleman from Iowa (Mr. LEACH), and it states that the U.S. should work within the IMF and World Bank to encourage the institutions to reduce debts owed by Iraq. It also contains a "Sense of Congress" urging countries around the world to reduce debt. Without reducing Iraq's debt, our investment of aid and loans in Iraq will simply be recycled into debt service payment to other creditors.

When Ambassador Bremer spoke before this Congress, he supported this legislation and this effort, and when I joined with the gentleman from Virginia (Mr. TOM DAVIS) in Iraq, visiting Baghdad and Tikrit and Mosul, we met with Ambassador Kennedy, his deputy. He likewise supported this legislation as a step in the right direction.

In order to rebuild Iraq, we must forgive this debt, most of which is odious, for purposes that did not help the Iraqi people. So I urge my colleagues to cosponsor the Iraqi Freedom from Debt Act and work towards rebuilding Iraq.

QUESTIONS CONCERNING THE WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, recently Senator EDWARD KENNEDY of Massachusetts took the floor of the other body and made the observation that the stated reasons of the President for going to war in Iraq were a fraud, that the war in Iraq had nothing to do with the war on terrorism and certainly nothing to do with the specific attack on the United States of September 11. Rather, his observation was that the President's reasons for going to war in

Iraq were political, and partisan political reasons at that.

Senator KENNEDY's observations were correct and courageous. Since September 11, for almost 2 years, the President has inferred that there was a direct relationship between the attack on the United States by the al Qaeda network of September 11, 2001, and the Government of Iraq; that there was a direct connection between those two. Just recently the President had to admit that there was no evidence whatsoever associating either Saddam Hussein or the Government of Iraq in any way with the attack on our country of September 11.

The President has alleged that the other reason for going to war in Iraq was that Iraq possessed substantial so-called weapons of mass destruction, chemical and biological weapons. He made that statement repeatedly, and that statement was made also by Secretary Rumsfeld and Vice President CHENEY. In fact, statements were made at certain points that they knew precisely where those so-called weapons of mass destruction were located and that they could find them very easily. That, too, has proven not to be an accurate statement.

□ 2000

The reasons that we have gone to war in Iraq have nothing to do with terrorism, nothing to do with the attack on the United States of September 11 and nothing to do with the presence of so-called weapons of mass destruction. They have not been found.

The administration has got to answer a basic question: Why? Why did we engage in a preventive war against another sovereign country? Why have more than 200 Americans lost their lives? Why have more than 70 Americans lost their lives since the President declared victory in Iraq? And why, because of the destruction that was caused in that war, are we now about to spend in the neighborhood of $200 billion or more for the rehabilitation and reconstruction of that country?

The President most recently has asked this body for $87 billion. That expenditure would have been unnecessary had this war not taken place.

So there is much that this administration has to answer for, and the American people, and specifically their representatives in this body, have the profound obligation to answer those questions.

If the leadership of this House was discharging its responsibilities, it would begin a series of hearings to get to the bottom of the rationale behind the administration's actions in Iraq. Why was this preventive war engaged in, and why have we lost so many lives? Why have so many Iraqis been killed? And why are we spending so much of our treasure in Iraq, when our needs here at home are so substantial and significant and those needs are not being addressed?

These are serious questions, they need to be asked, and that is one of our most important duties as Members of the House of Representatives, to raise these questions. Why is the leadership of this House not raising these questions? Why are we not engaged in those hearings? Why are we not trying to get to the bottom of this matter? That is the responsibility of the people who operate this House of Representatives.

I call upon the leadership to engage in a concerted and directed effort to find the answer to this question: Why did we go to war? Why did we engage in this so-called preventive war, when the President now has admitted there was no connection between September 11 and the government in Iraq, when no so-called weapons of mass destruction have been found. Therefore, the stated reasons of the administration for engaging in this war have been shown to have absolutely no legitimacy, yet the costs of this action are substantial, in human life and in treasure. We must get to the bottom of this.

THE COST OF THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it has been a year since the President began pressing to invade Iraq. At the time, many of us pressed the President to fully account for the cost of his planned war. Most Americans would agree that if the issue of Iraq was important enough to start a war over, it was important enough to pay for.

For a year, Congress has asked for hard numbers on the cost of occupying and rebuilding Iraq, and for a year the President has given us nothing but blandishments and pie-in-the-sky forecasts. At the time, experts, including the President's own chief economist, predicted the war and reconstruction would cost as much as $200 billion. But the President and his aides actively downplayed those numbers, saying it would only cost around $50 billion.

Well, guess what? Last week the President finally admitted that he had low-balled the cost of the war when selling it to Congress a year ago. The President is now asking for an additional $87 billion, billion with a B, to extricate our troops from what is beginning to look like a quagmire.

Let me be perfectly clear: The current situation in Iraq should not have come as any surprise to anyone in this administration or in this Congress. Last fall, the Chief of Staff of the United States Army, General Eric Shinseki, told Congress that it would require close to 300,000 troops to secure Iraq after toppling Saddam. Today, only about half that number are in Iraq. As the toll of American soldiers killed in the occupation of Iraq rises, our young men and women in uniform are paying the price of trying to wage war on the cheap.

I was just reading a news report referring to a young man from Micronesia, Hilario Bermanis, II, and how he was injured in Iraq. He has lost an eye, an arm and both legs. He is being honored by being made an American citizen. And a few weeks earlier, the proposal was made to reduce veterans' services. I cannot understand that.

This additional $87 billion comes on top of the $78.5 billion Congress gave the President just 5 months ago, bringing the grand total so far to $165 billion, and we would cut the cost of veterans' services.

If that sounds like a lot of money, hold on to your hat for this piece of information: A recent analysis by the Committee on the Budget shows that the entire cost for rebuilding Iraq could rise to as much as $400 billion over the next 5 years.

Now, this new $87 billion alone is a big number by itself. That is a number most people will never encounter at any point in their lives. So it is important to put these numbers into context.

Eighty-seven billion dollars is more than twice what the President requested to protect the United States from the terrorist attack that might come at any time. Eighty-seven billion dollars is about three times what the request was for highway and road construction across the country next year. Eighty-seven billion dollars is about twice the net worth, not annual income, but total net worth of America's wealthiest man, Bill Gates. Eighty-seven billion dollars is almost six times the profits of America's largest corporation, General Electric. Eighty-seven billion dollars is more than $300 for every man, woman and child in the United States of America. That is a lot of money to spend on a country halfway around the world, when our local schools, hospitals, fire and police departments are struggling to make ends meet.

TRIBUTE TO JOHN H. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, America is indeed a land blessed with many treasures and foremost among them are people. Some countries, for example, such as Japan, have formal programs to honor citizens which they classify as "national treasures." We have no such formal program, but I take this opportunity to acknowledge such an individual.

This evening I want to highlight one of America's great national treasures who lives in my district, John H. Johnson.

John H. Johnson was born, a descendant of slaves, to extremely modest circumstances in Arkansas City, Arkansas, in 1918. John's father died when he was very young. His mother, Gertrude Johnson Williams, worked as a domestic and levee cook.

It was a time when Jim Crow law defined life in the South. Arkansas schools did not permit African Americans admittance to high school and, under normal conditions of the day, John Johnson's education would have ended with the eighth grade. However, Gertrude Johnson would not accept normal circumstances, and moved with her family to Chicago in 1933.

John enrolled at DuSable High School and became an honor student, class president, student council president and editor of the school newspaper and the yearbook. He taught himself public speaking by standing in front of a mirror at home. Among his classmates at DuSable were Nat King Cole, Redd Foxx and William Abernathy.

He won a scholarship to attend the University of Chicago at night while working for the Supreme Liberty Life Insurance Company, owned by African American businessman Harry Pace. His job at Supreme Liberty came as a result of his public speaking talent after Pace heard him speak at an Urban League event.

One of his tasks at Supreme was the collection and organization of news of the African American community into a weekly digest. The black press of the day, such as the Chicago Defender and the Pittsburgh Courier, was a kind of national nerve system, transmitting information to every corner of every community where African Americans lived.

John appreciated the value of the news he was collecting and, in 1942, he launched his first magazine, Negro Digest. The $500 he used as seed money for his new venture came from his mother, who pawned their furniture. The first issue sold 3,000 copies. Within one year, circulation hit 50,000.

By 1945, he launched his second magazine, Ebony, which highlighted the achievements of African Americans. Six years later he began publishing a news magazine of African American politics, entertainment, business and sports: Jet.

Today, Johnson Publishing is headquartered in an 11-story building, located at 820 South Michigan Avenue in Chicago's Loop. The last time I looked, Johnson Publishing had annual revenues of some $425 million and more than 2,000 employees. Ebony now has a readership of more than 11 million, and Jet enjoys a readership in excess of eight million. Together, it is estimated these periodicals are read in half the black households in America.

Today the book division of Johnson Publishing is home to such authors as Lerone Bennett, Jr. and to such publishing standards as the New Ebony Cookbook. For those who would like to know more about the life and work of John H. Johnson, they also published his autobiography, Succeeding Against the Odds.

The Johnson Publishing empire also encompasses Fashion Fair Cosmetics and Supreme Beauty Products, headed by Mrs. Eunice Johnson. The Ebony Fashion Fair is the world's largest traveling fashion show and raises money for scholarships and charities in the United States and Canada.

John H. Johnson has received the Presidential Medal of Freedom, the Spingarn Medal, the Horatio Alger Award, the USC Journalism Alumni Association Distinguished Achievement Award, the Black Journalists' Lifetime Achievement Award and countless other awards and recognitions.

Awards are nice, but I suspect that Mr. Johnson takes the greatest pleasure in watching as his daughter, Linda Johnson Rice, joins him in managing Johnson Publishing as its president and chief operating officer.

Mr. Speaker, John H. Johnson's dream has profoundly influenced America and its people. We are all impacted for the better by his vision and his implementation of that first of our great freedoms, the freedom of speech and freedom of the press.

On September 26, Howard University will be holding its 136th opening convocation and will celebrate the accomplishments of communications pioneer John H. Johnson. In January, Mr. Johnson made a $4 million contribution to the School of Communication at Howard, which will be renamed in his honor. Mr. Johnson, a firm believer in education, is a great contributor to the United Negro College Fund and many other charities.

Mr. Speaker, John H. Johnson may truly be said to be one of America's greatest living treasures. I congratulate him and his family for their contributions to America.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–281) on the resolution (H. Res. 374) waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–282) on the resolution (H. Res. 375) providing for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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NOT ALL DOOM AND GLOOM IN IRAQ

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 60 minutes as the designee of the majority leader.

Mr. KENNEDY of Minnesota. Mr. Speaker, this last Sunday in the Minneapolis Star Tribune on the front page of the opinion section was a picture in Iraq, and above this picture it says, "Look at this picture. What do you see?" And then it lists a couple of counterpoints, including one from myself. If you look at the picture, you see a market in Mosul, and you see some fruits up front, you see some women dressed in clean, neat clothes. You see a market with the shelves full, and you see a U.S. soldier from the 101st Airborne watching over that market and making sure that it stays secure.

Some in this Chamber have expressed doom and gloom as to what they see. As we listen to the articles in the paper and the TV and the radio, too often we hear that saying, doom and gloom. But there is a different picture that I am going to try to, with several of my colleagues, bring out today. Those who have been to Iraq, as I have, and many of my colleagues, have seen a different picture. There are two sides to this story, and I would argue that the story of advancement, of progress, of moving towards a democracy and an open government, an open economy, is the more accurate picture.

I was challenged recently by someone back home in Minnesota who said, Mark, why is not anybody else saying anything positive about Iraq? And my answer would be, well, I am not sure that anybody is reaching beyond some of the press they are getting, because not everybody is going to Iraq, not everybody is looking at other sources. Mr. Speaker, it was Thomas Jefferson who said that you would be better educated if you read nothing than if you read nothing but papers, newspapers, and that is, unfortunately, the case in this situation.

Mr. Speaker, the press does a better job of reporting crashes than landings. We are certainly having great reporting of the crashes, but the landings and the progress that we have seen, with progress towards quality of life, progress towards getting Iraqis governing themselves, and progress towards more stability, more freedom in a country that is very diverse and has great potential is something that we are going to try to bring out here today.

As I mentioned, I will have several folks joining me, and I would, first of all, like to welcome the gentleman from Georgia (Mr. GINGREY) for some comments that he has.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Minnesota. The gentleman has actually been to Iraq, he has been to Baghdad, and he has seen on the ground many of these things of which we are speaking about tonight. As the gentleman points out, we are not really getting, if you rely just on 24-hour news and the newspapers and coverage, we are not really getting the whole picture, the full picture. I am glad that the gentleman was part of a group that recently was in Iraq who could see for themselves and understand that, as he points out, how much progress is being made.

Mr. Speaker, there is a lot of discussion, of course, about where the weapons of mass destruction are, where is Saddam Hussein, and, of course, we want answers to those questions. But what the public needs to understand is that progress is definitely being made. Nobody denies the existence of Saddam Hussein, and I think we will ultimately find him. But let me just point out a little bit of information that I think is important on this issue.

The Iraq Survey Group is tasked with the search for the weapons of mass destruction. The ISG has between 600 and 800 personnel in Iraq and is headed by former U.N. inspector David Kay. The Iraq Survey Group's highest priority is the hunt for weapons of mass destruction. They have formed quick reaction teams to explore sites indicated by intelligence. The Coalition Provision Authority has actually offered a reward of up to $25 million for the capture of Saddam Hussein. And, of course, this same type of incentive is what led to the finding and the killing of Uday and Qusay.

So a lot of progress is being made. We have the inspectors on the ground, and we are following up on every lead. This is just one of the things that I wanted to point out, and the gentleman from Minnesota, of course, knows that because he has been there and he has seen it.

Mr. KENNEDY of Minnesota. Mr. Speaker, one of the first things I did when we landed in Baghdad was I asked the general in charge there, I said, how are things here relative to what we are hearing back home? And he said, with a combination of disgust and disappointment, that it is total distortion. There are so many things that are going on positive here. We in our group saw that. We had a bipartisan group of 11 Members. We went to Mosul, to Tikrit, to Babylon. We drove around in Baghdad, visited the police academy, visited the hospital, met with folks from Iraq who had recently been elected to city councils and to provincial councils, and what we saw was progress in every direction. As we flew over Iraq at night, the lights were on. As we drove through even Baghdad, the markets were up. There were cars and, in fact, traffic jams even in Baghdad as people were getting on with their lives.

As we went up to Mosul, we went in a garden variety tour bus, 11 Members of Congress, through the markets of Mosul, and, for the most part, most of the citizens did not really pay much attention to us. They were just going about their normal life in the progress of rebuilding. We passed by schools and hospitals that were rebuilt.

So having all of the hospitals up and running again and the schools up and running is great progress, and that is something I was very pleased to see. I know the gentleman as a physician can appreciate what we are doing on the health care side, and I think on all of those fronts we are making great process.

Mr. GINGREY. Mr. Speaker, if the gentleman will yield, yes, and I am so glad the gentleman from Minnesota (Mr. KENNEDY) brought that up, because there are some 240-some hospitals in Iraq, and many of them are being brought back on line, and there is a lot of work that is being done. The gentleman points out the fact that schools are being built, hospitals are being reopened. Much of the infrastructure is markedly improved.

Electricity is an example. I think currently there are 3,200 megawatts of electricity being generated. The prewar level was 4,000. The national demand is estimated to be 6,000, but the Coalition Provision Authority plans to reach 4,000 megawatts by August. Baghdad is receiving, the city of Baghdad, 1,200 megawatts. Prewar levels were 2,500, averaging 3 hours on and 3 hours off each day.

So we are definitely making progress, as the gentleman points out, and not only in the infrastructure, but, as he also mentions, in health care, and in water as well. Much of Iraq is at prewar water level supply levels now. There is no critical shortage of water.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would say the gentleman is absolutely right on all of those counts. One of the reasons that possibly explains why we get such negative press is that Iraq, like America, is a very diverse country, with a lot of different ethnic groups and different regions throughout the country. And one of those, the Sunni Arabs from which Saddam came, represents about 15 percent or maybe 20 percent of the total population, and that group as a whole received preferential treatment. So as we compare their state today versus where they were before, it is not quite as attractive as the Shiites in the south that were really abused and tortured and done things to that one would not even want to describe in some cases, but some of them as vicious as rerouting the river so that they could not cultivate their crops. Similarly, the Kurds in the north were treated in a like fashion.

There were three electrical grids in Iraq prior to us coming in there, and even today: one electrical grid to make sure that all of Saddam's palaces, his almost 50 palace compounds, were lit up around the country. The second was for the Sunni areas around Baghdad, because Baghdad was a showcase to the world to show the world that "I have a great country here." And the third went to the southern and northern regions if there was any left over. Now today, of course, we are treating everybody equal. So in and around Baghdad, it might not be quite up to their preferential status they received before the war, but in the 80, 85 percent of the rest of the country, they are doing significantly better.

We also have a situation in Baghdad that really is not talked about enough, and that is that 100,000 criminals, we are talking murderers and rapists and thieves, were let out just before the Americans took over, and their records destroyed, so that these criminals are wandering around the city causing untold havoc to the native Iraqis, making it a much riskier environment than it was before, as well as cheap criminals for hire to go after our soldiers. So within Baghdad, it is a much more challenging situation. It is much more difficult. It is much more risky.

Unfortunately, like any capital, that is where most of the press are. But I have to tell my colleagues, when one goes out beyond Baghdad, it is a lot calmer. One does not hear the reports of the attacks on American troops out there. They are working with the natives. They are making great progress. I remember driving down one country road and having several children run down the country driveway to come waving at us and showing their appreciation. And I have talked to many Members, even on the other side of the aisle, who have said one of the things that struck them most was just how appreciative the Iraqis were, particularly outside of Baghdad.

So there is good progress. It is not evenly distributed around the country, but that is because Saddam was not evenly treating people in the fashion that Americans have come to expect.

Mr. GINGREY. Mr. Speaker, I think the gentleman has pointed out something that is very important in regard to the fact that Saddam Hussein, at the outset of the conflict, just opened the prison doors. I mean, he just literally opened those prison doors and turned all of these bad guys, and when I say bad guys, I am talking about murderers, onto the streets of Baghdad, particularly in the population center. Now, one can just imagine if we did that in this country. In my home State of Georgia, if we just all of a sudden opened that Federal penitentiary in Atlanta and let all of these people out on the street, the number of attacks, assault, battery, assault with a deadly weapon, murder, rape that would occur in the city of Atlanta, and one can understand. One begins to get, I think, a better picture.

But as the gentleman points out, there is not mass chaos in Baghdad. We have, yes, some very difficult things to deal with, as the gentleman from Minnesota (Mr. KENNEDY) points out, Mr. Speaker. But let me give my colleagues this information about security and force protection that we have begun to restructure.

Coalition forces are on the offensive. They are putting constant pressure on the enemy to disrupt some of these attacks. The coalition forces are also deterring attacks with aggressive patrolling, cordons, and raids based on actionable intelligence. I do not think anything is more important than intelligence, and we are beginning to get that.

Currently the Coalition Provisional Authority has actually hired some 32,000 police officers nationwide, and 28,000 are already on the streets. The ultimate goal, by the way, is some 61,000. The police are conducting joint patrols with coalition forces.

So this picture that is being painted of mass chaos and everything on the backs of our brave American fighting force, they are doing a great job; they are doing a great job, but they are not doing it completely on their own. As I point out, we are hiring, we are putting Iraqi security forces on the street, and ultimately they will do the job. They will restore order for their own country.

Mr. KENNEDY of Minnesota. Mr. Speaker, the gentleman from Georgia is very correct. Our soldiers are doing a fabulous job. They are rightly proud of the great work they are doing, and they are not alone. We have long known that the British have had a region of the country around Basra. But while we were there, down in Babylon, also in southern Iraq, they were preparing to turn that region over from the 1st Marine Expeditionary Force, which came in with the initial assault, and turn that over to a Polish-led division, and that has happened.

□ 2030

The Spanish are helping them, and just recently this week the remaining portion around Nasref was handed over to the Spanish, which was with that Polish division. So two of the six regions of the country are already being administered by our allies, by a group of almost 30 countries that are providing 20, 25,000 troops; but the gentleman is absolutely correct.

The solution here is to have Iraqis protecting Iraqis, and while we were in Baghdad we met with the police academy; and Bernie Kerik, the former police commissioner from the city of New York City, is there on the ground in charge of helping to train these Iraqis. One of the most emotional statements that I heard during my whole trip there was when we were talking to the Iraqi general in charge of the police that are helping to secure Iraq right now.

He says as they come through the academy and they learn about the things that we take for granted here in Minnesota from our great police forces around the country and teach them respect for civilians, not to torture, civilian authority, so many other things to keep us secure and protect our civil liberties as well, he says, When they come, I challenge them to be heroes. He says, When I tell them about what a hero is, a hero is somebody who leaves their family, leaves their wife, leaves their children, leaves their parents, lives their familiarity of home and goes to a strange land, suffer through tremendous heat, tremendous deprivations and puts their life at risk for a stranger.

Hearing from him how appreciative he was for our soldiers, our Marines that are doing that each and every day and how he holds those men and women up as their heroes was a great comfort and a great reassurance to me, but it is not just from the police. We are adding them on the border patrol. We are adding civil defense units to guard units to take our troops out of those regions and have Iraqis protecting Iraq, and we are seeing that.

We had a second unfortunate attempt to bomb the U.N. headquarters in Baghdad; and if we see who it was that unfortunately lost their life in that attempt, it was the bomber himself and an Iraqi policeman that was on guard doing exactly what my colleague was talking about, guarding the treasures of Iraq, guarding their own security and protecting their own citizens. We are moving as fast as we can in that direction. They are taking it on very willingly, and that is a very positive step.

Mr. GINGREY. Mr. Speaker, I am glad the gentleman mentioned about the heroism of our troops and of course some 130,000; and of course, he also pointed out that there are about 25,000 from other countries, indeed some I think the gentleman said maybe 20-or-so other countries, obviously the Brits, the Pols, and that is growing every day; but there is just no question that the commitment of the coalition forces and our own troops is strong.

They know what the mission is; and obviously, loved ones back home, spouses, parents, grandparents, they are concerned. Their youngsters, their loved ones are in harm's way. Sure, they want them to come back home and they will come back home; but they know what their mission is, just as our men in World War II and the Korean conflict and other wars that we have been engaged in, they are committed and they will stay the course. I just could not be prouder of the job that they are doing there.

Mr. KENNEDY of Minnesota. I could not be prouder either and the gentleman is right. We have 130-or-so thousand, from I think it is up to 30 countries now. It is about 55,000 Iraqis on the job making sure that Iraqis are safe, and that number is growing. I think it is the Czech Republic that stepped forward to train another 25,000-or-so on a police program up in their country and get them more on duty to guard their own country.

One of the other things that is really very gratifying is that our soldiers are working with the people to make the country better; and as they go on these raids that the gentleman spoke of earlier and they are collecting a million dollars here, a hundred million dollars there as part of those raids of money that was stolen from the American people, they are putting it back to work on projects there in Iraq. In fact, there are 6,000 projects that have been completed and these might be cleaning up the school, making it more presentable and safe and a better learning environment, helping with the hospitals. We were in a neonatal institute there in Baghdad. Helping the water be a little bit cleaner, buying a fire engine for the local fire department, buying equipment for the local police department, on and on and on these projects are going on.

My favorite was the 101st Airborne brought 10,000 Screaming Eagle soccer balls for the children to have something to play with, but these are helping to move that forward in an endless number of ways and really making it a better country each day and I think helping to really have a positive working relationship between our brave men and women in uniform and the Iraqi people.

Mr. GINGREY. Mr. Speaker, I wanted to talk a little bit about the cost. Of course, the President is coming to Congress now and asking for a supplemental appropriation to continue the efforts to win this war on terrorism, not only in Iraq and Baghdad but also in Afghanistan and really in the entire world. We hear a lot of discussion obviously about, well, how can we afford 87 additional billion dollars to continue this effort, and I want to just talk to the gentleman a little bit about that and maybe get into a discussion about cost and putting this in its proper perspective.

Obviously, $87 billion is a big number and the question comes up, we hear it all the time, can the United States afford this war and continue to do everything else the President calls for? The answer is yes, in my opinion. We cannot afford not to do what is necessary to win the war against terror, ensure a sustained economic recovery, and secure the homeland. The funding for the war is necessary and significant; but keep in mind, it is a temporary cost, and the cost of fighting the war is well below the cost of previous conflicts. In fact, $87 billion is less than 4 percent of the entire Federal budget.

I think it is important, Mr. Speaker, that people understand the total cost of the 9/11 attack. We are talking about hundreds of billions of dollars in costs just from that act of terrorism, and one study even pegged the cost to our economy of well over $2 trillion. So we know that this effort that we are conducting in Iraq, this war against terrorism there, better there than on our own soil, and our continued expenditures for homeland security, it is a big number but it is small in comparison to what it would cost us and the devastating effect on this economy should we have another 9/11 occur anytime soon.

So I think it is real important that we put that in perspective, and I would like for the gentleman to speak to that if he would.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would absolutely agree. The issue we have is we have a situation where we have a country that is in desperate need and has traditionally been a source of frustration for its own neighbors, disrupting the security of its own neighbors and contributing to terrorism and making us less safe here at home.

The question that I would have is when FDR decided that we were going to take Hitler out of Germany, did we ask how much it was going to cost? As I hear our friends on the other side of the aisle lambasting what is going on and lambasting the costs, it is a terrible cost to pay. I do not want to have to pay anything like that. It is something we have to watch over closely and make sure it is well spent, but we cannot not afford to pay it, and when they are talking. I say what if this was FDR? What if this was World War II? Would the same thing not apply?

If we look at what we did in Germany, what we did in Japan, we had the best track record of setting a region anew, setting a country anew. In the 50 years before 1945, Germany had helped initiate two world wars where millions of people had died. In the 50 years since, they have been a great contributor to prosperity, to world peace, a great friend and neighbor and a great friend of ours. We can say the same thing about Japan.

I have the very real sense that what will happen with our success, that we cannot afford to fail, we must win, we must create a democracy in Iraq, that we will have that same stark contrast between a disruptive past and a future that will benefit the region as much as it has in the past.

Mr. GINGREY. The gentleman is so right, and of course, people want to say, well, we have not found any weapons of mass destruction, we have not killed or captured Saddam Hussein, so we have not accomplished the mission, the reason we went there; but of course, that was never the reason. As the gentleman from Minnesota points out, the reason for being there was to rid that part of the world of a dictator, of a tyrant; and of course, although we have not found a cache of weapons of mass destruction, in the process of looking, we have certainly found lots of evidence of mass destruction, that is, bodies, mass graves, where Saddam Hussein has murdered his own people.

As the gentleman points out, the main purpose is to bring some stability to the Middle East and to that part of the world as we effect this regime change; and make no doubt about it, that mission has been accomplished, and I wanted to just speak a little bit more, continue in that vein on cost, and it is actually estimated that since the Gulf War 10 years ago that the cost of containing Saddam Hussein, and that cost would be continuing if we were not rid of him, that cost over that 10-year period cost Americans at least $30 billion, $30 billion from the end of the Gulf War to the beginning of Operation Iraqi Freedom, for the military forces stationed in the Persian Gulf, patrols over the no-fly zone and, of course, associated costs.

So just appeasing, or if we want to say containing, Saddam and maintaining the status quo, as so many of our allies of the United Nations, countries who have been our friends and I think will continue to be our friends, that appeasement, that stance of do nothing and taking a chance and letting a sleeping dog lie was costing us, over a 10-year period of time, $30 billion; and those costs were just going to escalate.

Mr. KENNEDY of Minnesota. The gentleman is absolutely right. The cost of freedom is high, but the cost of not defending freedom is far greater, and I appreciate the gentleman bringing up the mass graves.

Our soldiers over there, part of what really drives the fact is that they know they are there for a reason, and they are proud of what they are doing is having seen mass graves. One stands in front of a mass grave, as we did in our group in Babylon where there was 3,000 bodies recovered, 2,100 of them identified but 900 just reburied with whatever personal effects were remaining, were left in plastic bags on top for someone to try to identify them afterwards, and that is out of what they expect to find a 3 to 500,000-people mass grave, a million three people missing. This is out of a country with a population of 26 million where most people can tell you they know somebody who is no longer around, and that is the kind of grave, grave tragedy that we have recovered them from.

I am very pleased that we have been joined today by our good friend, the gentleman from South Carolina (Mr. WILSON), who I know has been to Iraq even more recently than I have and has some thoughts to share with us on this subject.

Mr. WILSON of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor to be here tonight. I want to thank my colleague, the gentleman from Minnesota (Mr. KENNEDY), for asking me to be here tonight. Prior to my visit to Iraq, the gentleman was very helpful to brief me on what to expect, what to look for. He was very incisive, he was very knowledgeable, and it certainly made the visit I had very helpful.

Mr. Speaker, the central front in the war on terror is being fought in Iraq, and I was honored to be selected by the gentleman from Missouri (Mr. SKELTON), the Committee on Armed Services ranking Democrat, to serve on a delegation last week to newly liberated Iraq.

□ 2045

Our troops are heroes of an historic military victory and I was privileged to see firsthand how they are professionally conducting peacekeeping as they enable democracy to develop in Iraq.

This is not a war we sought, Mr. Speaker, but is a direct consequence of the September 11 attacks on America, leading to our fulfilling the President's plan to stop any country from harboring or supporting terrorists. As my colleague from Minnesota stated a moment ago, this is a war we must win. It is a war we can face head on in the terrorist breeding grounds overseas or it will return in full force on American soil.

As I met in Baghdad with Lt. General Ricardo Sanchez, the commander of coalition forces in Iraq, I was impressed by our military competence and resolve. At each stop we met with top military Iraqi and coalition civilian officials, but a highlight was to meet informally with troops of all ranks from our home States. I was startled that instead of patrolling streets by remote armed vehicles, our soldiers were walking the sidewalks, really getting to know the people, who are favorable 70 to 90 percent to our presence, and this has led to improved human intelligence, reducing terrorist attacks, Mr. Speaker.

When I asked General Sanchez about media reports of being mired, he responded very forcefully that this was untrue because real progress is being made. From his perspective, and that of Major General David Patraeus at Mosul, the coalition efforts are progressing much more quickly than what they had experienced in Bosnia and Kosovo.

Daily administration of Iraq is capably led by Ambassador Paul Bremer of the Coalition Provisional Authority. His leadership has coordinated recruiting over 60,000 new Iraqi security forces and initiating over 6,000 community development programs for hospitals, schools, electrical transmission, business development, and road improvements.

From South Carolina, we are very proud that Columbia attorney George Wolfe, counsel of the U.S. treasury, is detailed to the Authority in Baghdad. He is helping coordinate currency conversion of tons of Hussein dinars to be replaced by new money beginning this month. Following World War II, it took nearly 3 years to convert German Deutschmarks, but the coalition will complete this feat in only 5 months.

The Iraqi Governing Council has been formed of 25 supporters of democracy to begin the process of self-government. It was encouraging on our delegation at the Al-Rashid Hotel to meet at a reception with Chairman Ahmad Chalabi.

Since the fall of Saddam's dictatorship, more than 90 percent of Iraqi municipalities have elected town councils, and I met courageous supporters of democracy serving as mayors, council members, and provincial governors as we toured Baghdad and then visited Al Hillah to the south and Mosul to the north. Traveling by helicopter, I could see markets filled with people, bridges left intact with heavy traffic and minimal war damage.

Visiting Al Hillah, I met the Polish general who is commanding over 20,000 coalition forces from 32 countries. In ancient Babylon, we were welcomed by religious university president Sayyed Qizwini, a descendant of Mohammed, who explained that Americans are revered as liberators. Then, as a chilling reminder of the Hussein dictatorship, the local governor escorted us to a mass grave site where thousands of women and children were slaughtered by the regime, which was cited a few minutes ago by my distinguished colleague, the gentleman from Georgia (Mr. GINGREY).

Following meetings at the palaces of Hussein, which have been transformed into Coalition military headquarters, I was glad to see the vibrancy of Mosul, the northern city of 1.8 million people, which had been the ancient capital of Nineveh of the Assyrian Empire. We attended the reopening of Kisik refinery, where 300 new jobs were restored. The refinery was abandoned 4 years ago, but is back on line producing fuel to trade with Syria for electricity to be sent to Baghdad as the dilapidated infrastructure is being rebuilt, ignored for decades by Saddam Hussein as he put more money into his palaces.

As our delegation returned last Tuesday, our transport carried a body bag containing a soldier who had died in Iraq, a sad reminder of the courage and sacrifice of our troops. He is a hero, protecting our homeland overseas from a hate-filled terrorist enemy, which has as its goal the destruction of modern Western democracy. His service should be an inspiration for Americans to take forcefully the new challenges we face.

Again, I would like to conclude by thanking my colleagues here tonight. They are making excellent points and ones that need to be brought to the attention of the American people. I want to thank both of them for making such a difference on behalf of our troops, our country. Civilization as we know it is under attack, and this is not the time to quibble, it is a time to stand together, and both of my colleagues are making a difference.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from South Carolina. I thank him for going there and finding out the truth for himself. And I really appreciate your bringing up the elected governments, because our goal there is to get out. Our goal there is to turn over the reins to the Iraqis. But we are not going to do that until there is a constitution that protects the rights of the minorities, the Assyrian Christians, the Kurdish, and so many other minorities there, the Turkamens.

Over 90 percent, as the gentleman mentioned, of the town councils have been elected. One of the things that struck me, and maybe the gentleman got the same briefing, they have provincial councils up and running as well. And our troops helped organize those elections, and if there are, say, 30 members on the provincial council, the leaders of the town and the province would come together and elect them, but the generals would hold out, say five to appoint themselves. And that was to make sure we had women involved, that we had the minorities properly represented. And we do have women on the Iraqi governing council, women in the provincial councils.

One of the things that struck me is that the Wall Street Journal recently published the first poll that was conducted in Iraq, the Zogby and American Enterprise Magazine did this, and one of the many things that I took away from that poll is when they asked, Do you want democracy or not? Women wanted democracy by a far greater percentage than men. This is a country and a culture that has not always had the same views towards women that we have in this country. We obviously respect the great corrections that they are not only applying throughout our country here, but if you go to Iraq you see many. And I am sure the gentleman saw many servicewomen doing just fine jobs, great jobs, and being wonderful examples for the Iraqi people. And I think that is something that is really another great sign of progress.

Mr. WILSON of South Carolina. What is also very impressive, too, is that when, in fact, we talk about other countries, such as Germany, and how we helped restore democracy to Germany, we cannot say that about Iraq. Iraq has never had a democratic history. So this is a new challenge. And I think it is extraordinary, as my colleague pointed out, that the Zogby poll indicated there is a favorable desire.

What I found so impressive in talking to the troops from my home State of South Carolina, and it was an informal setting, it was not contrived, there were no ranking officers there to make sure everybody said the right thing at the right time, they told me in walking the streets of Baghdad, which was really surprising, again, that they would be walking the streets of Mosul, that the people really impressed them as to their education level and their knowledge of issues. So there is really a bright future because of the people who live in that country and who deserve a chance.

Another point that was so exciting too, as we flew over by helicopter, we could see the number of satellite dishes. Prior to March, with the fall of the Saddam Hussein regime, there were no satellite dishes. Just as in North Korea, it is illegal to have a satellite dish in a totalitarian regime. But we saw hundreds, possibly thousands of satellite dishes, where people could stay in touch with what is going on in the world. They could receive the various networks from around the world by satellite. This is a new development which I think will be encouraging for democracy.

Mr. KENNEDY of Minnesota. Yes. And, Mr. Speaker, one of the things we did not see was all the planned-for catastrophes that never happened. We have challenges, yes, but the dams were not blown up, so they did not flood everybody down river. The oil refineries and the oil wells were not blown up, so they are producing. They are maybe not producing as much as they will in the future, and they are helping to offset the cost we are incurring. We did not have the tribal warfare everybody projected.

So there are so many negative things that did not happen at the same time all these positive things are happening.

Mr. WILSON of South Carolina. And, Mr. Speaker, the gentleman is being very concise in what he is saying. He is not overstating. The gentleman did not include the predictions of mass refugee formations going into Iraq out of Iraq through different regions. And if my colleagues will remember, there were dire predictions of urban warfare; there was going to be a massive quagmire. Did not occur. Even the quagmire that had been announced when we had like a 24-hour pause due to a sand storm, that did not occur.

Then, finally, of course, there was people who made extraordinary predictions of mass starvation. That did not occur. And it did not occur because the American military made substantial planning. The American government, through U.S. Agency for International Development, did extraordinary planning. I had the privilege of being last year in Kuwait in November and learning of the plans that were being made in the event an invasion was necessary.

I was very fortunate to go back in February to Kuwait and meet with the troops on the front lines, the 3rd Infantry Division from Hinesville, Georgia, and the 1st Marine Division, and I saw the preparation being made for the conflict and then for after the conflict to avoid the dire consequences that we had heard would occur and did not occur.

Mr. KENNEDY of Minnesota. And the gentleman spoke of the satellite dishes. They are watching all kinds of channels now that they never saw before. They are seeing the outside world.

If you ask me, Mr. Speaker, what the average Iraqi thinks, the average Iraqi is thinking, how do I get to be like Kuwait as quickly as possible? How do I become a prosperous country? How do I have everything everybody else has? And it is not just the oil Iraq has. And I am sure my other colleague saw the same thing, when we looked down from those helicopters, it was green. They actually grow rice there. They have enough water between the Tigris and the Euphrates Rivers to flood fields and grow rice. This was the old supposed Garden of Eden. This was the cradle of civilization. So we have, really, a region that has foundations for prosperity, not just oil but water, that can produce a strong agricultural base as well as industry.

I know my colleague must have in Georgia many industries that rely on water, and having that diversified economy to employ the people is something that Iraq is potentially uniquely qualified in that region to do.

Mr. GINGREY. Well, Mr. Speaker, if the gentleman will yield, I think it is important to point out that in Iraq we are not talking about a Third World country. We are talking about what we formerly knew as Mesopotamia, the land between the Tigris and Euphrates. It is one of the oldest nations on the face of the earth and has had beautiful civilizations.

This is a situation where a brutal dictator was suppressing, indeed even killing his own people. And not only his own people, but also the neighboring countries, where we have moderate Muslim countries that are friendly and understand the value of life, like Turkey, as an example, and we mentioned Kuwait, and, of course, other neighbors of Saddam Hussein. Under this dictator, this regime and its reign of terror, if you will, these other countries lived in constant fear. And until we rid Iraq of Saddam, there would never be any opportunity for people to feel secure.

I am real pleased that the gentleman from South Carolina joined us this evening, and I commend him. He is one of maybe only 25 percent of the Members of Congress who is actually a veteran. I know his three sons also served in the military, and no doubt his teenage boy one day will. And it is really good to hear in these colloquies, and I know the gentleman from Minnesota would agree with me, to hear from people like the gentleman from South Carolina (Mr. WILSON) who knows the military, understands, and who was part of a group that just recently returned from Baghdad, along with the gentleman from Minnesota, and with his own eyes, and your own eyes, saw the tremendous job that our troops, our well-trained troops, our modern technology was able to perform. They were able to inflict maximal damage with minimal collateral damage; with laser precision attacks, protecting as many innocent men, women and children as possible and I commend you.

Mr. KENNEDY of Minnesota. And we absolutely saw that. People might ask if everything is so great over there, why do we need this money to rebuild Iraq. Well, I want to point out, it was not due to the war.

As we went through Baghdad, and I am sure the gentleman from South Carolina saw the same things, we saw specific buildings, specific floors on buildings that were targeted and that were hit, but right beside that there would be a building standing and continuing in commerce today.

□ 2100

But what has caused a need for reconstruction is the fact that Saddam Hussein spent one-third of total income on armaments, and we are constantly recovering huge caches of arms in palaces. We were in one palace complex in Tikrit that had 112 buildings on the palace compound, each one of which could be called a palace itself. When you spend money in such awful ways on destructive things and neglect the people, that is what we are recovering from. We are not recovering from the war. That damage was very tightly focused, and maybe the gentleman from South Carolina (Mr. WILSON) can talk about what he saw in Iraq.

Mr. WILSON of South Carolina. Mr. Speaker, that was something very startling. I was showing pictures to my family of my visit; and I, of course, had some terrific aerial photos as we were flying by helicopter. We had a perfect view of the communities. I saw during the flights that I had six buildings destroyed. I also saw sites where rubble was pushed up, so I knew there were buildings no longer there. But the infrastructure is in place. The bridges that had to be destroyed in Serbia, that did not occur in Iraq. The bridges were in across the Tigris and the Euphrates.

When we talk about rebuilding, I hope the American people understand it is not because of the American destruction. The destruction is that created by Saddam Hussein. For example, in the schools, we are working very hard to show our good faith to the people of Iraq to get the schools open on October 1. When we talk about rebuilding the schools, we are not building beautiful edifices. Many of these schools are one-room schoolhouses which we are repainting. Particularly in the Shiite areas, the persons less likely to be followers of Saddam Hussein, their schools were closed or left to be dilapidated. They are not to American standards, but they are going to be very fine schools. And very importantly, the materials they have to learn from will be modern materials. No longer will the math book have contrived subliminal messages of how bad America is and how bad the West is. Now it will deal with math, and history will be authentic. This starts on October 1.

Another part of the rebuilding that the American people should understand because it was not due to our destruction was the electrical transmission. Because Saddam Hussein had such a heinous dictatorship, there were two electrical transmission systems. This is, unfortunately, a very common occurrence in dictatorships, and that is the palaces had a system. Additionally, the Baath Socialist Party members, they were on the system that worked, and then the different government agencies were on that system, but then the general public was on another system. In fact, that system had been left in place during the 1930s and the 1940s, built by the British. That system is not only antiquated, it had rolling power service. The people who got service were the ones who paid a bribe to the people who administered the power plants. This is a bizarre circumstance.

It is very difficult, obviously, for Americans to realize there are two transmission systems: We are going in to help rebuild that system because it is crucial for economic development. One of the greatest industries of Iraq is cement production to build buildings and have commerce. That is a very high-intensive use of electricity. By getting the electrical transmission, some people perceive that as we are just trying to provide frills; but, no, we are trying to provide basic services so the economy can come back.

The bottom line is that is beneficial to America, because, as has been pointed out, after World War II we had the Marshall Plan. That was to rebuild Germany. It was not because we were fond of the Germans, but what it was is that we did not want that to become a breeding ground for communism, and the way to avoid that is for the economy to be revived. Our challenge in Iraq is to restore the economy so it will not be a breeding ground for terrorists.

Mr. KENNEDY of Minnesota. Mr. Speaker, as the gentleman mentioned, with electricity, we are bringing forth that core concept of equal treatment under the law. No longer does the Baath Party chair or the Sunni Arabs around Baghdad get their electricity before the rest of the country. Everybody is being treated equal.

Now the children are also benefiting from those schools. We are not having Saddam Hussein's picture on every other page of the textbooks.

We have had some very vicious attacks on Iraq by terrorists recently. This is the new front for the war on terrorism. We are fighting them in their area of strength. Patton said, do not let the enemy pick where you are going to fight, bring the battle to them, and we are. But those terrorists think they are somehow hurting America and dividing us from the American people, but I sense something completely different.

When they attack the U.N., they are attacking the people who are trying to help in Iraq. When they attack the Shiite cleric in Najaf, they are creating a common enemy. The Iraqi people and America have a common enemy, and these acts are pulling us together toward the same goal of getting to the point of security and government where everybody in Iraq, as mentioned, can be equal under the law, and that is the final goal that we have to achieve before we turn over the reins.

Mr. GINGREY. Mr. Speaker, if the gentleman will yield, pointing out the attack on the U.N. Embassy in Baghdad where most of the deaths were Iraqi citizens, and, of course, the Ambassador from Brazil who had spent his entire professional life in trying to promote humanitarian efforts not just in Iraq, but in many, many countries, and for them to just come in and blow up that U.N. Embassy, and what was the U.N. doing in Baghdad? They were not a fighting force, they were just there for humanitarian reasons, that is all; in fact, so humanitarian that they refused to defend that facility. They did not want it to be guarded. They did not want it to appear that they were in any way there as a fighting force. And look what happened to them.

As the gentleman from Minnesota (Mr. KENNEDY) has pointed out, this killing is wanton, it is indiscriminate, and so they are not just attacking our fighting men and women, the United States troops, it is their own people. And it is this reign of terror that we are having to deal with, and it is something that just could not stand, and we had to bring an end to that, and we are going to have to continue.

The President has come to the Congress, and I talked earlier about the cost, and trying to put it in the proper perspective. And I think the gentleman from South Carolina (Mr. WILSON) and the gentleman from Minnesota (Mr. KENNEDY) would agree with me, none of us like deficits. We do not like debt. We would love to have a balanced budget. We are all fiscal conservatives, and $87 billion is a lot of money, but let us talk about cost and try to put it in its proper perspective.

I have heard this statement: The $87 billion is far more than what we spend on education or other priorities. How can we justify that? That is absolutely wrong. Of course it is a lot of money, but remember this: This is a temporary expenditure. This is an investment in America's security.

In contrast, the government's sustained commitments to domestic priorities are dollars spent every year, and they grow over time which appropriately dwarf this incremental cost.

Let me just give some comparisons in the fiscal year 2004 budget: Social Security spending, $492 billion in fiscal year 2004 and growing; Medicare, $259 billion; Medicaid and the Children's Health Insurance Program, $187 billion; veterans expenditures, $57 billion; education K-12, $53 billion; the amount of money this country spends and we will be appropriating this year for higher education in the way of Pell grants and student aid loans to our neediest students so they can go to college, $90 billion.

Again, $87 billion, and I love to get the input from the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from South Carolina in regard to this overall cost and putting it in the right perspective. We hear over and over that people are more concerned about jobs than they are about homeland security. Members have heard that. We see it on some of the news shows at night. But while jobs, jobs, jobs are very important, and the President has brought to us an economic growth package that is going to grow those jobs, yes, there is a little bit of lag in the policy before those small business men and women can create those jobs, but just keep in mind, and I want to throw this out to put it in the right perspective, on September 11, 2001, some 2,875 men and women that went to work that morning at the Twin Towers at the Trade Center, they had jobs. They had good jobs. They had good jobs with good benefits, and they went to work that day feeling secure. Unfortunately, they were not secure. They no longer have jobs. They no longer are with us. They lost their lives that morning.

So while jobs are extremely important, and we need to do everything we can to stimulate this economy, and I commend this President and this administration and this leadership in what we are doing, Mr. Speaker, in trying to grow those jobs, they are not worth a tinker's darn if we cannot assure these workers when they go to work every day that they are going to come home to their loved ones in the evening. So we have to put it in its proper perspective.

Mr. KENNEDY of Minnesota. Mr. Speaker, I appreciate the gentleman from Georgia (Mr. GINGREY) helping us do that. This is the front line in the war on terrorism. We are up against people who kill men and women with no mercy and with no shame. One of the most vivid discussions I had was with the vice mayor of Mosul. He said, for you in America, this is a foreign policy issue. But for the jihadists that want to take the world back and have the women wearing veils, and have the men punished if they shave their beards, and have a few guys in beards making all of the decisions, and do what they have not been able to accomplish in so many other areas, if we succeed and have a democracy and freedom and an open economy in Iraq, they will fail and fail forever, because just as Iraq has been a very disrupting force in the region in the past, it has the potential to be a force that expands that freedom, expands that prosperity, expands that openness and that choice to their neighbors, to Iran, to Syria, to Saudi Arabia, and what better way to make Americans secure, to make sure that they are not going to have to be worrying about their security than to plant that freedom in Iraq in that neighborhood.

Mr. Speaker, I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, indeed what we are talking about is jobs, because in the war on terrorism, if we were to have disruption of our economy as we did on September 11, it could be immediately catastrophic.

□ 2115

With the container ships that we all very much depend on for products being sent from the United States by export, back to the United States by import, we know that there is a potential for an abuse there of explosives or whatever. So by having an interruption of our shipping, it could be absolutely catastrophic, particularly in the Northeast. If there was even a 3-day disruption of shipping, there could be a disruption of the oil and gasoline necessary for refining above New York City to the Northeast to the point where it would be catastrophic. We would have the return of the lines with the lack of fuel; people would lose jobs. In my home State, the number one industry is tourism. We already know that if we were to have a terrorist attack of some nature, that it would completely devastate the hospitality industry. This is just a ripple effect all over the United States, actually all over the world. So the war on terrorism is crucial for us to proceed. It is a war we must win. I want to thank both of my colleagues again for making this clear.

Mr. KENNEDY of Minnesota. I thank the gentleman from South Carolina. I thank the gentleman from Georgia. We cannot afford to lose. This is a fight that we must win.

IRAQ WATCH

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, we have come back to the floor this evening, the Iraq Watch has come back to the floor, and we are glad to be back. There is new information to discuss, the President's speech today at the United Nations to review. I am looking forward to the next hour, joined by my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Illinois (Mr. EMANUEL), the gentleman from Ohio (Mr. STRICKLAND); and I know others are on the way.

I would like to just start, though. The previous hour was taken by three distinguished Members of the other side of the aisle speaking about Iraq. I listened carefully to what they said and found myself in agreement with many of their comments. Certainly their frustrations that the press does not accurately report the good news, tends to report and dwell on the confrontations and the failures. That obviously is something we have broad bipartisan agreement on, the failures of the media to cover things the way we would like them to be covered. I would hope perhaps tonight could be the beginning of a more bipartisan discussion during this Special Order when we give our Iraq Watch hour. Perhaps in the future, the Republican Members could join us, not in a confrontational way, but in a way to see if there is common ground and, if we have disagreements, to develop those more fully. The purpose of Iraq Watch is to ask questions about our policies in Iraq, to see if there cannot be more information solicited for the Members of Congress and for the general public and to suggest policy changes that we think are necessary. Perhaps we can do that with our Republican friends in the future.

Let me take a few moments before turning to my colleagues to respond to the President's speech today in the United Nations. I should not say "respond," comment upon the President's speech. He essentially gave a summary of our role and our spending in Afghanistan, in Iraq, in the worldwide fight against AIDS and in measures to fight the traffic in humans and the sex trade. He also challenged the member nations of the United Nations to do more and join us in these efforts. It was a wonderful opportunity for the President to set forth our challenge to the United Nations, our desire for them to be involved in Iraq, to step forward, to provide leadership for the reconstruction and the security that clearly needs to be done in Iraq.

Yet the President, from my point of view, did not achieve that. I found his remarks to be flat and uninspiring. He did not set forth the role that the United Nations could assume in Iraq. He did not discuss the parameters of that role. He surely did not discuss the power-sharing that the United Nations member states have indicated they want to share in order to assume the major role in Iraq in terms of their reconstruction and their security needs. In fact, he made it clear in a reference to America working to submit a new resolution to the Security Council to bring in the U.N., the President's vision is for the United States to stay in control of the occupation in Iraq.

I think one fundamental question Congress has to ask as we consider the $87 billion request the President has made, does the United States have to be in charge of the reconstruction? Why should the United Nations not be in charge of the reconstruction and the new governance and the security? That would require the U.N. to step up to the plate, and perhaps they will not. If they do not, then we must finish the job ourselves, because surely we cannot leave a vacuum in Iraq. We must make sure that the innocent civilians of that country have an opportunity to move forward in a pluralistic way toward freedom, toward self-government, hopefully toward democracy as soon as possible. But why does the President refuse to consider the notion that the United Nations be given the primary responsibility, if they will assume it, to reconstruct Iraq, to provide security and bring a new governance forward? From my way of thinking, that is why there is a United Nations.

The President in his campaign for office scorned the notion of nation-building. He did not want to do it. Yet that is exactly what he wants America to do, primarily be in charge of nation-building in Iraq. I would suggest we consider a larger role for the United Nations. It was interesting the other day, the President sort of quickly, without any warning, finally indicated that he believes that Saddam Hussein was not behind the terror attacks of 9/11. He indicated that there is no evidence that Saddam Hussein was behind, or responsible for, those horrible attacks on 9/11.

Mr. DELAHUNT. If my friend would yield for just a moment.

Mr. HOEFFEL. I will indeed.

Mr. DELAHUNT. I thought what was particularly ironic was that the day before, on "Meet the Press," President Bush's Vice President, DICK CHENEY, said something entirely different. He made statements in which the only reasonable inference that one could draw is that somehow al Qaeda, Osama bin Laden, had a relationship with Saddam Hussein. I want to compliment the President of the United States finally for being forthcoming on that and ending that assertion that I think has caused great confusion among the American people.

Could I just go on for one minute, because, as you did, I witnessed the colloquy among our good friends, the Republicans from the other side of the aisle, and their discussion about Iraq. I have obviously significant disagreements. But I believe there is one thing we can agree on, that our men and women there have acted professionally, have reflected great pride on the military, and, in fact, on a number of occasions have acted heroically. But what I would do is to challenge them that when these men and women return as veterans and are no longer part of the military but assume that honored title "veterans," that we do not disrespect them. Because as you well know, this administration and this Republican Congress failed to support adequate funding for veterans health care benefits to the tune of $1.8 billion. I wish one of them were here right now. In addition to that, if we are concerned about our veterans, if we are concerned about the men and women that are serving in Iraq today when they come home, it is important that we address the issue of disability for those that have been wounded in combat.

This is a story from yesterday, maybe today's, Miami Herald. I think it is important that the American people know this:

"Three months ago, the Republicans stalled a vote on a bill to erase a century-old injustice whereby the money that disabled military veterans collect in disability pay from the Veterans' Administration is deducted dollar for dollar from their military retirement pay." This, I daresay, is unacceptable, given the fact that we have a foreign policy that is creating more and more veterans. While we can praise them here on the floor of the House, there is currently right here in this Chamber a place to sign a so-called discharge petition that would redress this injustice, this travesty.

Let me continue with this story that appeared in the Miami Herald:

"A group of 401 retired generals and admirals signed a letter to President Bush earlier this month urging him to do the right thing by changing a law that penalizes disabled military retirees. In the words of one veteran, if George Bush only knew how deep and bitter the sentiment over this issue really is, he would immediately order his stooges and henchmen to back off and do the right thing. It will definitely be out the door in 2004 for everyone who did not support disabled military retirees." I daresay that there are close to 200 Members of this body that have signed that discharge petition, and it is my understanding there is only one Republican Member of the House of Representatives that has done so. That is wrong.

Mr. STRICKLAND. I would just like to point out to my friend that 202 Democrats have signed the discharge petition. Only one Republican has signed the discharge petition. It is something that I think the American people, especially the veterans in our country, need to know. They need to ask their Representative whether or not they have signed the discharge petition; and if they have not, they should ask them why they have not.

Mr. HOEFFEL. Before I go to the gentleman from Illinois, who has got important information about his American Parity Act and before we come back to discussions of the veterans, let me just quickly return to the point that I yielded to the gentleman from Massachusetts on, his absolutely accurate comments about the President obviously responding to the Vice President's comments when the Vice President tried to once again weave that web that Saddam Hussein was responsible for 9/11. It reminds me of that movie "A Bridge Too Far." I would suggest that the President finally leveled with the American people about that because the Vice President made a comment too far. He just said it once too often and the press was paying attention and the President decided he had to say what we have all known, that there is no evidence of that connection between Hussein and 9/11.

But if you look at the President's speech today to the United Nations, he did it again. As another President said, "There he goes again." There were several references when the President talks about the regime of Saddam Hussein cultivating ties to terror while it built weapons of mass destruction, and nations are more secure because an ally of terror has fallen. Saddam Hussein is a murderous and evil man who was willing to use weapons of mass destruction against innocent civilians. He did it against his own Kurds. He did it against innocent Iranians. But there is no evidence of the so-called ties to terror.

It seems to me, before I yield to my colleagues, that one of the most fundamental things we need from the White House is for the President to level with the American people. The situation in Iraq and with Hussein was bad enough. It does not have to be exaggerated. We do not need to continue to try to make connections with terror that simply do not exist. Hussein is evil enough on his own. And every time a bogus claim is made or an exaggeration is made by the administration and by the spokesmen for the administration, it weakens the President's credibility, it weakens the national credibility, and it does not help us accumulate the international support that we need to internationalize the reconstruction of Iraq and to get the Iraqis back in charge of Iraq, which must be our two primary goals.

I thank the gentleman for being patient with me, and I am happy to yield to the gentleman from Illinois.

Mr. EMANUEL. I want to thank my colleague again for organizing this Special Order to discuss the news in Iraq. I think it is appropriate to focus on the President's speech, but I am also very interested in Mr. Bremer's testimony the other day and the document they produced about the plan for reconstruction in Iraq. They have produced a blueprint to how they plan to spend $21 billion of American taxpayer dollars, hard-earned dollars to rebuild Iraq.

□ 2130

I just want to highlight some of the individual items. There is a $5.6 billion plan to rebuild the entire Iraqi electric grid. In the summer, America had a blackout. The response in the new energy bill for investment in the American electric grid, not a single dollar will be dedicated. As everybody has noted, Democrat or Republican, conservative or liberal, we have the most modern economy on top of a Third World late-19th century, early 20th Century electric system. It is not up to the power that we need for an economy that is an information-driven economy. They are going to get $5.6 billion for an electric grid, a new system in Iraq. Not a single dollar is in the energy bill dedicated to the United States, and we had a massive Third World-equivalent blackout that covered the east coast and parts of the Midwest.

I would like to also note, and it obviously was in the gentleman from Ohio's State primarily, but the estimates are for every billion dollars we spend, we could produce 10,000 jobs here at home. That would create 50,000 jobs here in America if we would spend that money on America's electric grid, upgrade it and bring it up to snuff and the level that is equivalent to the greatness of this economy.

Mr. DELAHUNT. Mr. Speaker, I would ask the gentleman how many American jobs, $5 billion-plus that we are sending to either construct or upgrade the electric grid in Iraq, how many American jobs will that generate?

Mr. EMANUEL. Mr. Speaker, I have no idea, but two points on that, if I could, to my colleague. One is we do know it would produce 50,000 here at home if it was spent here. Second, there was an article the other day in The New York Times about how we are paying thousands of Iraqi workers who do not show up for work but just to flood the economy with money, thousands of no-show jobs. I am from Chicago. We think we have written the book on no-show jobs. We know something about no-show jobs. And thousands of people are getting paid a salary who do not show up.

Let me bring up a couple other things, if I could, because I think this is relevant to everybody's district. We are going to spend, according to the Wall Street Journal today, $4.6 billion of the $21 billion in Iraq, 4.6 is going to go for drinking water, wetlands restoration, environmental policy for Iraq, and also irrigation. I have a bill to invest $4 billion in the Great Lakes, Lake Michigan, Lake Erie, Superior, Lake Huron. Twenty-seven million Americans get their daily drinking water from the Great Lakes. Twenty percent of the world's entire freshwater exists here in the United States. It is the largest body of freshwater in North America. Not a single Federal dollar; yet we are going to spend $4.6 billion in Iraq for drinking water when we have got 27 million Americans here who get their daily drinking water from the Great Lakes and not a single dollar dedicated?

What I find most fascinating is we finally have an environmental policy for this administration. It is in Iraq because they are going to restore the wetlands.

Third, $850 million of the $21 billion will be spent in hospital construction. Of that, Basra is going to get $150 million for a new children's hospital; $150 million for a new children's hospital in Basra out of the $850 million.

Mr. DELAHUNT. Mr. Speaker, I have hospitals in the Commonwealth of Massachusetts that, because of the cuts to Medicaid, are on the verge of closing and our people are suffering.

Mr. EMANUEL. Mr. Speaker, of the $150 million, I have a request to spend $1.5 million for the Children's Memorial Hospital in Chicago. It is one of the top five pediatric hospitals not only in the country, but the world. In fact, that hospital saved my life when I was 16 years old. I was there for 8 weeks. 1.5, it equals to 1 percent, and I am struggling to find the money for construction for a new facility to keep it on the forefront of children's facilities in pediatric care; yet we are going to spend $150 million. So I am going to suggest tomorrow to the Children's Memorial Hospital in the city of Chicago at the corner of Lincoln, Halsted, and Fullerton that they may want to set up a sister program with the Basra Children's Hospital. They want 1.5 million? See if they can set up a sister program and borrow out of $150 million for the new Basra children's hospital.

I would also like to draw people's attention in this $21 billion that there is also money for Afghanistan. There is $40 million to build 275 schools and train 10,000 more teachers in Afghanistan.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield for just a moment, the President in his speech today said that he intended to build 1,000, 1,000 new schools in Iraq. And I serve a district where children are going to schools that are unsafe, where they have so many safety violations because of the age of the buildings that if they were a business, they probably would be closed down, where a prisoner that was a ward of the State could not be housed because the safety violations would keep the State from putting the prisoners in those buildings; and we have got school children going to those buildings, and the President is going to use the tax dollars coming from southeastern and southern Ohio where I have one county with unemployment of 13.5 percent, tax dollars are going to come from those moms and dads. They are going to come here from Washington, and the President is going to take those tax dollars and use them to build new schools in Iraq. It just does not make sense.

Mr. EMANUEL. Mr. Speaker, I also have a request. There is an academy in Chicago called the Chicago Academy, Carnegie endowment, called one of the landmarks for teacher trainings, a request for $1 million for a landmark facility doing new teacher training in the schools for teachers who get master's degrees. The truth is I have nothing against the reconstruction investment in Iraq, but to vote for these cuts here at home, to ask the people in the gentlemen's districts and my district to pay the taxes, work hard, get the kids off to school, teach them the right values, and see their tax dollars go over there when schools are being closed, teachers are being laid off, police and firefighters are being laid off, health care is being cut, 3 million unemployed Americans, 45 million uninsured Americans, and yet all this investment over there.

As my colleagues know, I have a bill called the American Parity Act, and it says whatever we invest in Iraq, we have got to do here at home. So when that bill comes on the floor, I will offer the amendment to ensure that our investment in Iraq does not in any way supersede our investment here at home because Iraq cannot have a future that is brighter and stronger than the one we are committed to to our families here at home and our children.

Mr. HOEFFEL. Mr. Speaker, if the gentleman does not mind a friendly correction, he hopes to offer the amendment. I know he will try to offer the amendment, but the House Committee on Rules is unlikely to allow any amendment to be offered to that bill.

Mr. EMANUEL. Mr. Speaker, to my colleague, I do think that the House Committee on Rules will give me "welcome to the NBA" treatment. I do see my bill getting stuffed.

Mr. DELAHUNT. Mr. Speaker, I intend to offer another amendment too along with the gentleman from Ohio (Mr. STRICKLAND) which would provide $1.8 billion for our veterans, for American veterans who are currently fighting in Iraq so that when they come home, they will have the health care that they need and that they deserve.

Mr. EMANUEL. Mr. Speaker, one last thing. I draw these health care analogies, these school analogies, infrastructure analogies, the producing of jobs and building a future at home. There is also a request in there for $100 million for a witness protection plan for Iraq. The entire budget for the United States on witness protection: $30 million, for the entire United States. The last time I checked, we could help people who wanted to finger drug dealers, who wanted to finger big gang leaders. We could use that money. Thirty million dollars is all we spend for fighting crime here in the United States, but we are going to dedicate $100 million to the Iraqi witness protection plan. I think Americans will look at that and think maybe we should have a dual citizenship program. Maybe they should apply over there and start fingering people.

Mr. DELAHUNT. Does the gentleman have any details on this plan?

Mr. EMANUEL. No. It is in there. If we ever get a chance to ask Mr. Bremer or the people that developed this, I am not suggesting they do not need resources to help people who would turn on former Baathists that are living in the neighborhood, but $100 million for a witness protection plan in Iraq, and we spent our entire Department of Justice request last year in 2001, $30 million; $3 million in the State of California. Ten percent of the budget to that. Does anybody really believe that we could not use more money or that is going to be well spent? And yet the American soldiers, their families and their kids in the recent tax credit get only $450 per child tax credit.

Mr. HOEFFEL. And many of them do not get that.

Mr. EMANUEL. No, they will not get that. There are 12 million children in this country who will not get the tax credit; yet we are going to spend $100 million in Iraq on a witness protection plan.

There is a desire to build 3,500 units of affordable housing in Iraq. The President's budget submitted had 5,000 units of affordable housing. Iraq's entire affordable housing unit will be nearly equal to the President of the United States' plan for America.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield for a moment before he leaves the floor, what I find particularly ironic is that it is the so-called Iraqi Governing Council that is really supporting our premise. They think that the administration is overspending. Stop for a moment and we should explain to those that are watching us here this evening that it was Secretary Rumsfeld and this administration that appointed the governing council.

According to a story that appeared in The New York Times yesterday, they are coming to Congress. They are going around the administration. They are getting frustrated. They are coming directly to the legislative body; and according to this particular story that appeared, again, in yesterday's New York times, they are coming to argue that American taxpayers could save billions of dollars on Iraq's reconstruction by granting sovereignty more rapidly. In interviews, the Iraqi leaders said they plan to tell Congress about how the staff of L. Paul Bremer, the American occupation administration, sends its laundry to Kuwait, how it costs $20,000 a day to feed the Americans at Al-Rashid Hotel in Baghdad, how American contractors charge large premiums for working in Iraq, and how across the board the overhead from supporting and protecting the large American and British presence here is less efficient than granting direct aid to Iraqi ministries that operate at a fraction of the cost.

One member of the governing council made this statement: he estimated that in some cases the savings could be a factor of 10 where, and these are his words, our appointee to the group that is commonly described as the governing council, he said where they spend $1 billion, we would spend $100 million. What are we doing?

Mr. EMANUEL. Mr. Speaker, we have been joined by the gentleman from Hawaii, but I want to add one thing. What I described was the line items of the $21 billion for the Iraq and Afghanistan reconstruction. I went through the hospitals, the education, infrastructure, the water projects. I did not mention that today in the newspaper there is an additional $8 billion that was just recently offered for Turkey. I do not have anything against offering assistance to Turkey. They are a good American ally, but $8 billion so they would participate. What I find interesting is we spend about $11 billion a year on Pell grants. So Turkey in 1 year will get nearly what we spend for one of the largest Federal assistance programs for kids to go to college here in the United States. That is what we are going to offer Turkey.

So just to put this in perspective, we have $21 billion for the Iraq and Afghanistan reconstruction, the lion's share going to Iraq. That does not count what we are spending now in Turkey that was just approved yesterday. I do not know, but the last time I checked, we fought tooth and nail to get Medicaid reimbursement here at home for our hospitals for the health care of our citizens, and I know our colleagues from Ohio and Hawaii, and I do not want to take more time than is allocated here for me.

□ 2145

But I want to add that piece for Turkey to that number. As we talk about $21 billion, there is another $8 billion just offered for Turkey. Again, there are needs at home. It need not be an either/or situation that the President has put us in, America versus some of our allies.

Mr. STRICKLAND. If my friend will yield for a moment, we keep talking about the $21 billion for Iraq, and that is out of the $87 billion the President has requested. But we should not forget that we have already appropriated $65 billion. What we are talking about here is over $150 billion that has already been requested out of the American taxpayers' pocketbook. So it is maddening to me when the President stands before the U.N. today and he says we are going to build 1,000 new schools in Iraq, and we are underfunding the No Child Left Behind bill by $8 billion.

We ought to care about Iraqi children, but we ought to care about American children and American kids as well. And then he says we are going to build hospitals and health care clinics, and we are underfunding our VA health care system by $1.8 billion.

So which is it, Mr. President? Do you care more for the Iraqi citizens or for America's veterans? Do you care more for Iraqi children or America's kids?

It is just maddening to me. I do not think the President has been a straight shooter with the American people, and I do not think it was any coincidence that when the President finally came clean and 'fessed up that there was no evidence that connected Iraq with September 11, 2001, that he did it in the midst of a hurricane, when the Nation's attention was focused on the weather. But the fact is, it is significant, because about 70 percent of the American people apparently continue to believe that we went to Iraq because Iraq was involved in the attack upon our country.

Afghanistan was involved in the attack upon our country, and I think we all supported going into Afghanistan. But the American people need to know that there was no connection between Iraq and September 11, and no weapons of mass destruction have been found. So I find myself asking, what is the justification for what has happened, and how are we going to deal with this mess we have gotten ourselves into?

Mr. HOEFFEL. I just wanted to add to the gentleman's comments that the reference to Afghanistan is important because we have been distracted from the challenge in Afghanistan because of our commitment in Iraq, and things are not going so well in Afghanistan these days. The Taliban is reforming, President Karzi is having a difficult time with security outside of the capital city of Kabul, and clearly we did not get the job finished in Afghanistan, where al Qaeda was clearly located and where the Taliban was allowing al Qaeda to flourish.

Mr. STRICKLAND. And where Osama bin Laden is still hiding somewhere out there planning the next attack upon our people.

Mr. HOEFFEL. I thank the gentleman for his comments.

We have been joined by the gentleman from Hawaii (Mr. ABERCROMBIE). Aloha.

Mr. ABERCROMBIE. I came in just at the moment when I could say to our good friend from Chicago, maybe we ought to talk a little turkey tonight.

I just find it extraordinarily interesting that people continue to come to our offices, and I want to emphasize that all of us are here working today, and we find ourselves, do we not, meeting with constituents who come to our offices with concerns, and among them, and perhaps Members here can verify today, they probably saw, if they have any military dependents in their districts, representatives of the Impact Aid Coalition.

For those in our listening audience and for those Members who may not be thoroughly familiar with what Impact Aid means, you will find that when a child is in a school district as a result of his or her parents being assigned there by the United States military, that district is generally eligible for what is called Impact Aid, because that child has an impact on the finances of that school system. That child's parents may or may not be paying the same kinds of taxes, contributing the same kind of financial support, that would be there if that parent was in fact living in that district as a matter of course in their life. So in areas where we have a high number of military dependents, the United States and Congress in its wisdom has evolved a system called Impact Aid.

Now, the astounding thing that is taking place today is here are our constituents on behalf of military-dependent children appearing in our offices asking for funding, full funding of Impact Aid, inside the boundaries of the United States. We will pay foreign nations 100 cents on the dollar with respect to those children and their education, but within the boundaries of the United States, tonight as I speak, those children and their parents have to beg the United States Government for financial assistance for the children of our own military that are serving.

Some of the same military that is serving tonight in Iraq have children in this country whose education is not being paid for by the Impact Aid to which they are entitled. This is the kind of disconnect that is taking place with the prosecution of this war and its aftermath that the people of this country have to come to grips with and come to terms with.

Mr. DELAHUNT. If Mr. EMANUEL could tell us how many tax dollars from the United States are going to Iraq to construct or rehabilitate schools in Iraq. What is the dollar figure?

Mr. EMANUEL. The schools number has not been determined. What I do know is they have $40 million for an Afghan school program, 10,000 teachers trained. The budget is not line-itemed. There is a big number in there for the 1,000 schools that our colleague from Ohio noted the President has planned for Iraq.

The $21 billion, at this point, we just got this today and are still going through it. The whole line item, as I outlined earlier, it has numbers for the electric grid, for the water projects, for the hospital program.

As my colleague noted, there is a vision there. But there is not a person here among us whose constituents have not talked about after-school programs, teachers being laid off, police and firefighters being laid off, hospital doors closing on the uninsured in this country. So there is not one of us who are not begging for money for their districts and see plans and visions and dollars for Iraq that do not match up with what we hear here at home, in America.

Mr. ABERCROMBIE. If the gentleman would yield on that point, all of that is true, but my emphasis here is these are military dependents. These are the dependent children of people who are now fighting in Iraq, and those children and the school districts within which they are now living are not funded under the Impact Aid program that we ourselves have authorized in the Congress.

If this is taken as the basis for our conversation in the immediate, I would point out that is one of the reasons why some of us are insisting that before any of this money be voted, that it be authorized; that the requisite subject matter committees, perhaps the Committee on Education and the Workforce or most certainly the Committee on Armed Services, have hearings on this to determine what in fact should be authorized, how much unexpended funds there are, where funds have been allocated, and have an audit of what has been spent to this point, what is expected to be spent, before we simply go to the Committee on Appropriations and in effect block the entire legislative process that has been established for every other item.

The fact is that an appropriation, an emergency appropriation, a supplemental appropriation, should be handled only under emergency circumstances. These are not emergency circumstances. This is the result of what has taken place up to this point and needs a sober, serious consideration and analysis before we take one step forward.

Ms. JACKSON-LEE of Texas. If the gentleman would yield, to add I guess insult to injury on his point about Impact Aid, we have just been told, my office has been told and a number of you, I am sure, have been contacted, that posttraumatic mental health services for returning service veterans and their families are now being cut, so that certain military bases where our troops will be returning from Iraq, and these are enlisted persons, will not have sufficient mental health services to deal with the trauma that they have experienced in Iraq.

Some of my constituents were in my office just this past weekend talking about that kind of crisis, which leads me to support this whole idea that there has to be an accounting of how these monies were spent.

I just sent to my colleagues a whole list of discussion points about the $87 billion, which takes into account accountability, full hearings, and I might say that we should question the reason for voting for the total package of $87 billion without having a separate vote for how much it will take to support our troops in Iraq and get them the kind of equipment and food and services that they need, and then place the rebuilding of Iraq, so we can address the questions of the distinguished gentleman from Hawaii. Why we are not funding the Impact Aid? Why do we not separate out the rebuild question?

I leave you on this point: I have asked for full hearings on the weapons of mass destruction and what we spent money on, but the real question is, what will our allies pay for? I did not see much in the speech today at the United Nations where I would have been any more encouraged as an ally to jump in and join us, because I did not see any conciliatory remarks by the President. But he is asking them to send troops, he is asking them to pay money, and he is asking them to see lives lost. We are already experiencing that.

The question is, before we spend money on the rebuild, what are these allies willing to do? What is the deal we are cutting? How many troops will be sent and how much money will be expended? So we can spend good money on our troops.

The last point is very important: The defense appropriations we just passed, that are coming up, how much of that could we not utilize for the operation in Iraq?

So I thank the distinguished gentleman from Pennsylvania (Mr. HOEFFEL) for having this special order, and I hope that we can have the kind of honest debate that will be befitting of the oversight responsibilities of this Congress and our commitment to the American people.

Mr. HOEFFEL. I thank the gentlewoman from Texas for joining us. She adds great wisdom and enthusiasm to the discussion. I hope you will be here every week with us. We plan to continue this for the duration.

I know there is one of our colleagues who has been patiently waiting who has not spoken yet. First the gentleman from Illinois (Mr. EMANUEL) has a quick point to make.

Mr. EMANUEL. I want to make one quick point that I left out of my notes, and I would like to draw people's attention to it.

There is $21 billion in this for rebuilding for Iraq. There is another line item for $150 million for retraining and recruiting police officers to guard the streets of Baghdad. Yet the President's budget zeros out the police program that funds police on the street here in the United States, the 100,000 police program.

So we will have dollars dedicated to recruiting, training, upgrading the police security for the city of Baghdad and the rest of Iraq, 40,000 of them; yet the President's budget zeros out the COPS program here in the United States to help recruit 100,000 police on our streets, to make sure we have the right types of police on our street, they have the resources they need, so we can actually bring crime down here at home.

These are the people, if we have a terrorist threat, we are going to be calling on. And yet, as I went through the hospital program, I went through the water purification program, I went through the electric program, comparing what was going on there versus the cuts or eliminations here or nonfundings here at home, I left out the police program that I think is also important. Somehow we have placed the safety and security of what goes on in the streets of Baghdad above what we are doing here at home. I did not want to leave that out from the discussion.

Mr. HOEFFEL. I thank the gentleman from Illinois (Mr. EMANUEL). He has done a magnificent job with this fiscal analysis of the requested money for reconstruction in Iraq. It is a fascinating comparison that I think all of America needs to pay attention to. You made a reference to wanting to ask Paul Bremer these questions directly. I know the gentleman from Massachusetts (Mr. DELAHUNT) and I will have an opportunity on Thursday when he appears before the Committee on International Relations, and maybe we will have a chance to use some of your material, and we will credit you and ask the appropriate questions.

Let me now yield to our colleague the gentleman from Washington (Mr. INSLEE).

□ 2200

Mr. INSLEE. Mr. Speaker, I just want to note the message that I heard in my district this weekend, representing the First District north of Seattle. I went to the homecoming of the USS *Carl Vinson*, one of our great aircraft carriers stationed in the west Pacific. They went for a tour that was supposed to be 1 month, but because of the Iraq War, they were essentially out to sea for 8 months, and it was really exciting to see families reunited after this patriotic service in the west Pacific.

But I heard two messages while I was out and about this weekend talking to these folks. One was how proud we are of our people doing this very difficult duty, and the second was being absolutely flabbergasted by the amount that the administration has requested for the reconstruction of Iraq and these expenditures. People were absolutely floored when they saw the numbers that are associated with this project that the President has led us into or gotten us into, depending on one's perspective, in Iraq.

And we worked just on the back of an envelope as I was talking to some constituents about how much money this is. Conservatively this is going to be $200 billion before we are out of Iraq, conservatively. The gentleman from South Carolina (Mr. SPRATT) has done a great job on the House Committee on the Budget, which has done an analysis of the various scenarios, and, conservatively, it is going to be over $200 billion. That is $480 million for every congressional district in the United States. That is $8 million a week for every congressional district in the United States. That means if we think about what this money really means, it means in your town, it means $8 million you could be spending on a new school or health care. $8 million a week you could put, conservatively, 7,000 to 10,000 kids in your hometown through college with the amount the Iraq project is going to cost.

Mr. Speaker, that is why people are flabbergasted by this number. The reason they are flabbergasted is because the enormity of the number and because the President simply did not shoot straight with the American people on how much this was going to cost when we started this entire project, and now people are very, very upset about it.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield just for a moment, the numbers are startling, I agree, but I think they are even more troublesome when we put them in perspective. We are talking about billions and billions and billions to rebuild Iraq, and as has been pointed out this evening, we are underfunding our veterans' health care by $1.8 billion. It seems so easy for the President to talk about billions and billions and billions for Iraq, and yet this administration and the leadership of this House, they are fighting us tooth and toenail to keep us from getting the $1.8 billion we need just to provide the basic medical services to our soldiers.

I want to tell my colleagues something that I found out today that is shocking. I think the American people will be appalled when they find this out. The soldiers who have been wounded in Iraq and have been brought back to this country and are currently in hospitals a few miles from here, Walter Reed Hospital, when they leave the hospital, if they are able to leave the hospital, they receive a bill. They are being charged $8.10 every day they are in that hospital for the food they eat. Think of that. You are in Iraq, you get your leg blown off, you come to Walter Reed Hospital here outside of Washington and get medical care, and when you leave the hospital, they present you with a bill totaling $8.10 for every day you are in that hospital for the food you have eaten.

Why are we willing to nickel and dime our veterans and be so incredibly generous with those who are living in Iraq or Turkey or elsewhere around the world? It is almost beyond belief.

Mr. DELAHUNT. Mr. Speaker, it does border on the incredible when we just hear our friend, the gentleman from Hawaii (Mr. ABERCROMBIE), talk about the issue of impact aid in those school districts which provide education for the children of military personnel, when we reflect on the $1.8 billion underfunding for health care, when we think about the fact that this Republican Majority is continuing to penalize disabled veterans, and now this, this $8 per day to feed veterans that are in our hospitals after combat in Iraq. I cannot imagine anything so obscene.

Mr. Speaker, back in the early 1930s there was a very famous march in Washington, and it was the march of the veterans to decry the way they were being treated. We are getting to the point where there will be another march of the veterans on Washington unless this House and this President take action.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, we have tried to emphasize, and our chairman, the gentleman from Pennsylvania (Mr. HOEFFEL) would agree, that we have tried to emphasize in our remarks in the Iraq Watch, as we have proceeded from week to week, that this is not a partisan attack; this is not meant to be a Democratic Party discussion and analysis. Obviously, anybody can come and join us who wishes to do so. But nonetheless, the plain fact is that the House, as the gentleman from Massachusetts (Mr. DELAHUNT) points out, is going to have to act, the Congress is going to have to act.

The gentleman from Florida (Mr. YOUNG), for example, the chairman of the Committee on Appropriations, is aware of what has taken place at the hospital because I know that the chairman of the Committee on Appropriations and his wife and family visit regularly, and this did not just start with the war in Iraq; this is something that has been a lifelong commitment of the Youngs. They have, that is to say, upon the discovery of that, I know that in at least one instance the gentleman from Florida (Mr. YOUNG) has paid that bill himself, and he has a bill in the Congress now which we should pass instantly. We should have that on the floor.

Mr. DELAHUNT. By unanimous consent.

Mr. ABERCROMBIE. Mr. Speaker, it should just come right down on a suspension vote and be passed. But the fact that it has to be passed, the fact that the gentleman from Florida (Mr. YOUNG) has to take the lead as the appropriations chair to right this wrong is indicative of the fact that the administration has failed to understand what is at stake here. Surely something like this could be rescinded by an Executive Order. We are apparently able to go to war without the slightest recourse to the Congress for approval; one would think that the administration could rescind this tax on food for wounded veterans in our Nation's military hospitals.

So I think the Congress has the obligation to get involved in this oversight in a way beyond that which is the ordinary passage of bills and the ordinary scope of legislation that we go through in the quotidian details of legislative life here in Washington. This is a perfect example of it. In some respects, it is almost shameful that the chairman of the Committee on Appropriations has to resort to a legislative bill to right this wrong, which is obvious to anyone who would objectively look at the situation.

There is no doubt in my mind that the good offices of the chairman of the Committee on Appropriations is utterly and totally sincere and straightforward. The question is not the motivation of a Republican Member or a Democratic Member; it is that the Congress has to bring any administration, Democrat or Republican, to account with respect to how we fund things, where we fund things, why we fund things, and what the rationale is behind it. This is our obligation as Members, regardless of party.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, I want to note another little secret cost, and this is another reason for congressional oversight of this expenditure. There is a secret little bitter financial pill in here that so far I do not think we have talked a lot about, and that is because the administration wants to borrow, every single dollar for this Iraq operation, the President wants to take it right out of the Social Security Trust Fund, every single dollar. He will be borrowing every single dollar he expends in Iraq from the Social Security Trust Fund. And to do that, of course, we will have to pay interest on that. The interest alone, for which Americans will get absolutely nothing, conservatively, under an optimistic scenario, will be $83.9 billion in interest charges that the President of the United States wants to impose on our children, because that is the generation that will actually be paying this. If it is not so rosy and we are there through 2008, it will be $104 billion in interest charges.

One of the reasons Congress needs to engage in a debate about how to handle this situation is we do not believe we should put those interest charges on our children. It is unconscionable to put $80 billion of debt on our kids of interest for which they get no teachers, no cops, no sailors, no soldiers. This is the biggest item of waste, fraud, and abuse probably in the Federal budget, this interest charge that they want to sneak by the American public so they do not know about it. And they do want to sneak it by. And do my colleagues know why they want to sneak it by? Because the President did not tell us about this when they started this war. I do not remember him saying, this is going to cost $80 billion in interest, and I can borrow it from the Social Security Trust Fund.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, in contrast to what the gentleman has just offered about how we are spending on this war, in the Bush I war, if you will, the Gulf War, the total expenditures were about $62 billion, $63 billion. Because of the coalition, whatever one's opinion was on that war or this war, because of the approach that was utilized, a coalition effort, in fact, they were going in to liberate Kuwait, we spent only $7.5 billion. The American people are willing to make sacrifices, but we did it as a coalition.

Right now we are standing postured to spend $150 plus billion, $79 billion and $87 billion, and then possibly another $75 billion, which speaks to the question of layering this country and layering our children with enormous debt and getting nothing for it, and our soldiers and our veterans and our families having no school aid, no impact aid, no mental health aid, nothing for what we are doing. We need to have full oversight of this Congress on behalf of the American people.

Mr. INSLEE. Mr. Speaker, I just want to note also that the projections that the President has given us are assuming that he is going to go with his tin cup to the rest of the world and get another $50 billion to $60 billion from the rest of the world. I do not see that money coming in in the next 10 days.

Mr. DELAHUNT. And today, from the reaction of the United Nations, it was clearly that $60 billion from the rest of the world is a pipe dream.

In addition to that, earlier we heard from our Republican colleagues, and they were making the comparison with FDR and how he excited the American people and made a commitment to peace. And yet what a difference, because FDR asked the American people if they would accept a war tax. And yet we have this administration doing exactly the opposite, creating deficits that are looming so large that all economists, from the right to the left and in between, are saying we are on the cusp of real economic danger. We are looking at a bleak economic future if we continue down this road. So any comparison between President Bush and the conduct of FDR, I dare say, is not apropos.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for that point. It is very well taken.

We have about 2 minutes left this evening in our Iraq Watch. I would summarize my thoughts based upon what all of us have said, and the President's speech today, it is clearer than ever before that the President needs to do three things. First, he needs to level with the American people about the costs, about the timetables, about what we are getting into. Secondly, we need a plan on how he is going to internationalize the reconstruction and the security challenges in Iraq, and how he is going to get Iraqis back in charge of Iraq; how long will it take, when will we know it is going to happen. The third thing we need is an exit strategy. We cannot leave until these other things happen, or until the United Nations steps up in a real way to do it. If they do not step up, we have to stay and do it. How will we judge our progress? When will we know when it is time for us to leave?

We have 1 minute left, I think. Any comments from my colleagues?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want to offer and hope that we can separate the vote. We are united behind our troops, and to be able to have a deliberative, studied approach to the operation, rebuild, that will allow us to have accountability and an exit plan, and all the remarks that the gentleman said.

Mr. ABERCROMBIE. Mr. Speaker, I think in conclusion it is important for us to reiterate that what we must avoid is equating support for a political agenda with support for our troops.

□ 2215

To the degree or extent that that is deliberately confused in people's minds by politicians who are attempting to associate their political policies with support for the troops that has to be resisted. That has to be pointed out. That has to be applied and dissected, and so I think that it is important for us to continue to meet, to continue to urge the media to do more than simply take press releases and speeches at face value and to perhaps follow a little bit more analytically what is taking place and most certainly for all of us to stand up and make sure that everyone in this country understands that political agendas and support from the troops and for the troops are two different things.

I do not think anybody recognizes the full degree of anger that is building in this country as a result of trying to confuse those two points.

Mr. DELAHUNT. I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for everything he has done. This is, I think, our 11th week; and as has been said over and over again, there will not come a week when we are not here to ask those questions because it is our responsibility, it is our patriotic duty; and I thank the gentleman.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for the promotion they have given me this evening, but we are all equal in the Iraq Watch, and we will be back next week; and I thank the Speaker for his cooperation.

ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore (Mr. McCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Mr. Speaker, this evening I wanted to take the opportunity to deal with the critical issue of our Environmental Protection Agency, the key Federal agency dealing with the environment and of great import to citizens all across this country.

Recently, we have seen the resignation of Christine Todd Whitman as the administrator. Ms. Whitman was a former moderate Governor of New Jersey and was hailed by some as an important signal, when she was appointed by the Bush administration, of perhaps some environmental moderation and balance, that there would be an opportunity for the administration to use the appointment of someone like Ms. Whitman to send a signal that it was going to try and operationalize some of the rhetoric that was used by then-Governor Bush in his Presidential campaign where at times, in some of the debates with Vice President Gore, he was actually making even stronger statements in support of the environment. My colleagues will remember he was going to deal with all four of the air pollutants dealing with, in the debate, in terms of the regulation.

What we have seen in the course of the past 32½ months, sadly, has been a rather extreme disappointment on the part of those who follow the environmental developments and, in fact, has been rather unnerving for many Americans.

Administrator Whitman has left, some would say, under a cloud, literally and figuratively, being repeatedly undercut or backtracking in terms of her environmental pronouncements, most notably internationally dealing with global climate change, staking out a position of reasonableness and international cooperation, only to be pulled back by the administration and to repudiate that position by the President himself.

New attention is being directed to the EPA and its administrator, as we have a nomination by the President of Utah Governor Mike Leavitt to replace Ms. Whitman; and indeed, today our colleagues in the other body began hearings on the confirmation. In his opening statement, Governor Leavitt talked about balance, "Balance between this generation and next, balance between sustainable environments and sustainable economies and balance among regions."

I was struck by how, in this language, he was closely following the advice of the Republican political consultant Frank Luntz who sent a memo to the Republicans in Congress earlier this year entitled Straight Talk, which has become rather notorious here on Capitol Hill, because its advice to the Republican Party in Congress is not to deal with strengthening its record, not to deal with new initiatives to protect the environment, not pushing back on the President's efforts to erode environmental protection; but instead, it is a blueprint of how to talk about the environment.

The memo starts with: "Tell them a personal story from your life," and it is interesting that Governor Leavitt started out his testimony with a story about being 8 and going to the Grand Canyon.

Luntz urged Republicans to talk about a "fair balance between the environment and the economy," and indeed, Leavitt has even made up a word called "enlibra," which he wants to mean this environmental balance.

The Luntz memo tells Republicans that they need to be even more active in recruiting experts who are sympathetic to your view and more active in making them part of your message. Governor Leavitt has been accused by those working on the environment in Utah of reassigning or demoting dozens of wildlife scientists after they recommended needed protections for endangered species in Utah.

The issue is not making up words. It is about telling the truth about the environment and the public health consequences.

I would like to make clear from the outset that there are some aspects of Governor Leavitt's record that I personally find very interesting. I have done a lot of work over the years in the State of Utah, and I have worked with the people who are involved with a program called Envision Utah, which is planning for the future that people in Utah want to promote livability, to promote sound land use and integrating the built environment with the natural environment; and I will say that Governor Leavitt by all accounts has been involved with smart growth issues.

He was the honorary co-chair of Envision Utah, a public-private partnership to implement this quality-growth strategy, to help protect Utah's environment, economic strength and quality of life from urban sprawl; and I personally think that this is a positive development. There are 130 key stakeholders in Utah, State and local government officials, business leaders, developers, conservationists, landowners, members of the LDS Church and others in the religious community and citizen groups.

They had 150 public workshops where citizens discussed how they wanted to shape future land use, transportation and open space preservation; and in these public workshops, when citizens were given the chance to, they demonstrated that they wanted more investment in public transit, more initiatives with affordable housing, more reliance on alternative transportation like cycling and walking. They were concerned about the preservation of open space and more town-like development along the transit lines.

I have been pleased to note that Governor Leavitt has been part of an implementation of this vision for the future. He supported the creation of a special fund for open space protection, secured funding for 175 miles of railway right-of-way for commuter rail and has been involved with leadership in the National Governors Association as chair, raising the profile of growth issues and promoted tools that States can use to contain sprawl and build healthy cities and towns. He even lobbied the National Governors Association to produce its first-ever land use principle.

This is an encouraging development because this is truly an area of environmental protection that cries out for bipartisan support, for leadership from the administration and Congress, for doing things where Congress leads by example, with the administration, to model the sort of behavior we want from the rest of America, to lead by example.

Another area that I thought was intriguing in the Governor's record, as I have examined it, deals with the accomplishments attendant to the Olympic games. He was Governor during this period. There was a net zero air emissions. There was a voluntary effort where local companies donated emissions reduction to offset pollution from the games, an interesting and innovative approach. There was zero waste from recycling and composting, and there was complete compliance with all environmental standards, unlike what some in Congress would do, exempting parts of the Federal Government.

Most recently, we had an effort here in Congress to eliminate environmental requirements of the Department of Defense to play by the same environmental rules as the rest of America, except of course when there was a need for an exemption for national security; but there are some here who were saying that is too hard for the Department of Defense, we want to exempt them across the board. Governor Leavitt did not use the Olympics and the significant task that that faced for his community and for our country to shortcut environmental standards. Instead, as near as I can tell, his administration was in complete compliance, an interesting and important precedent that I would like to see modeled here in the Federal Government. They were involved with things like planting over 100,000 trees.

So I want to be clear that I am not reflexively opposed to the Governor; and I do think there are elements of his record that are worthy of praise, and I hope that we would find willing people here in the Federal Government to implement some of them; but there must be a full look at the Governor's record, and as a long-tenured Governor, he has achieved a number of other areas.

I have already referenced deep concerns from some of the people who have been following environmental developments in the State of Utah, the notion of not having hands off when it came to allowing the scientific experts to state their opinion. He fired a division of wildlife resource enforcement official who had fined the Leavitt family fish farm for violations that had brought devastating whirling disease to Utah's wild fish stocks. He downplayed toxic releases reported by the mining industry, including releases of neurotoxin mercury by saying, "In reality, it is not pollution."

He supported the infamous Legacy Highway, an extremely controversial project that threatens wetlands along the Great Salt Lake. This was a project that was challenged by community activists and local government officials; and taken to court, the Legacy Highway project was rejected by the 10th Court of Appeals for the failure of the people planning this project to consider less environmentally harmful alternatives and for ignoring the impacts on Utah's wildlife and environment, a sad note on his watch.

It is no secret that there was a series of closed-door negotiations with Secretary Norton, after which Governor Leavitt signed a memorandum of understanding that opened up 10 million acres of Federal lands in Utah for possible development under the arcane RS 2477 road provision. He also brokered a back-room agreement with the Interior Department to prevent a new wilderness study area designation. This agreement opens 2.6 million acres of former wilderness study areas to oil and gas drilling, off-road vehicle use, and other development.

It is no accident, I suppose, that Utah has the least amount of designated wilderness out of 11 Western States, in part because of this Governor's dedication to preventing new wildlife proposals from being passed by Congress during his tenure. Utah is one of only a handful of States without any, without any wildlife and scenic river designations, again because the Leavitt administration worked to oppose Federal wild and scenic river reviews in southern Utah.

In objective, objective appraisal of Utah's environmental performance under the Governor's administration, looking at the EPA itself, this administration's recent EPA report on Clean Water Act enforcement from major sources, Utah tied for last place with two other States for performance in six key environmental indicators.

□ 2230

This from the EPA that he seeks to lead, published in February of 2003.

According to the 2001 EPA toxic release inventory, Utah has the second highest volume of toxic chemical releases in the Nation. And between 1995 and 2002, during the Leavitt administration, Utah power plants actually increased their emissions of nitrogen oxide, a pollutant linked to respiratory disease, while the rest of the country decreased such emissions substantially, on average over 21 percent during the same period.

Well, Mr. Speaker, in addition to defending and explaining his environmental record, positive and negative, there are other issues that the nominee should address as he appears before Congress and the American public. These are some of the issues that have caused Senators to place a hold on his nomination, people who are concerned about EPA statements about the pollution in New York City after 9/11; the New Source rules; the Clean Skies administration strategy. Indeed, what may be the major issue in these discussions will not be Governor Levitt's record at all but that of this administration, its environmental record and the fundamental question about the independence of the EPA.

It is interesting to note that Russell Train, who was the EPA Administrator under Presidents Nixon and Ford, and I would state parenthetically that the EPA has a long and proud bipartisan history, being created under the administration of President Nixon, Russell Train, a Republican appointee, has said recently that the White House has constantly injected itself into the way the EPA approaches and decides the critical issues before it. The agency today has little or no independence. I think it is a very great mistake and one for which the American people could pay over the long run in compromised health and reduced quality of life.

The administrator designate, Governor Leavitt, and this administration need to be held accountable in terms of the initiatives on Superfund. Will the administrator and the administration push to reinstate the Superfund tax and help clean up sites? The GAO reported that the Superfund would run out of money next month. There are currently 1,200 sites in the annual $3 billion Superfund program. It has cleaned up only 42 toxic waste sites last year, down more than 50 percent from the late 1990s.

The EPA announced this summer they would have to cut funding for 10 Superfund sites, including one close to home for me, but I have heard from Republican colleagues who have been concerned about loss of projects in their districts, citing lack of funding as a reason. Yet the administration refuses to come to Congress to have the Superfund tax, which is the very principle of "polluter pays" that was supported by Presidents Reagan, George H.W. Bush, and Clinton. Silence from the administration.

Mr. Speaker, where will the new EPA Administrator be when it comes to deal with the Clean Air Act? One of the holds that has been placed on the Leavitt nomination deals with the relaxation of the New Source Review rules, which inhibit the intent of the Clean Air Act. As you know, 30 years ago, when the Clean Air Act was enacted, there was a reprieve given to the dirtiest coal-fired plants, giving them a reasonable time to come into compliance. They did not all have to do it immediately, that would have been disruptive and expensive. The notion was that the new technology, under the New Source rule, was designed so that plants would modernize and then the new technology would be put into place when it was the most economical. Instead, what we have seen is an industry that has kept these aging powered dinosaurs in place because they make a lot of money. They are cash cows.

But rather than enforcing the Clean Air Act, as previous administrations have done to put pressure on the industry to deal with the modernization and upgrade of these plants, President Bush has now proposed that the old plants, in effect, be grandfathered permanently, being able to spew forth pollution indefinitely. The changes that he announced to the New Source Review rules would allow plants to make a 20 percent investment without triggering the rule. There is no reason for the vast majority of them to ever come into full compliance.

Now, there are approximately 17,000 of these plants, and the estimates from the scientific experts that we are supposed to listen to are that they caused conservatively 20,000 premature deaths each year. Because of the patterns of prevailing winds that blow the smoke from these plants, the pollution is not just in the vicinity of the plant. If they were just polluting their neighborhood, maybe it would be a sort of rough justice for the cities and States that permitted them. But the effects move away often because of the pattern of prevailing winds.

They are concentrated particularly in the New England States. It is interesting that Attorney Generals in New York, New Jersey, Pennsylvania, Wisconsin are lining up to challenge these rules in court. The changes were also opposed by the States of Massachusetts, Illinois, and California.

Earlier this month, the President was in Michigan for a photo-op for the power plant in Monroe to promote the Clear Skies Initiative, which it is estimated may be responsible for up to 300 premature deaths itself. Now, the President attempted to paint this as a job creation issue, but local labor leaders were quick to point out that when the owner of the Monroe plant, Detroit Edison, found out that the New Source rules were going to be relaxed, they stopped their efforts to install pollution controls required by law. And I understand there are some 800 union workers who are out of work.

The administration and the new administrator should be straight with the American public about the economic, environmental, and national security consequences of continuing to rely on these aging, polluting plants. When we deal with issues like the Clean Skies Initiative, it is an important question for the administrator designate and for the administration: Who are they going to be taking advice from? For instance, there have been calls for the resignation of the Assistant EPA Administrator of Air and Radiation, Holmstead, the leader behind the Clean Air Act overhaul. The Clear Skies Initiative, which actually is going to move us back beyond what would happen if we just enforced the Clean Air Act now, and leave any progress well, well into the future.

The EPA has withheld scientific data from two different EPA studies that undercut the administration's claims about the benefit of the proposed legislation. It has drug its feet in completing the analysis of competing Clean Air Acts before Congress so that we do not have the information before us as a legislative body, and the American public does not have the benefit of this analysis. It took months of delay before the EPA finally agreed to study Senator CARPER's Clean Air bill, but will not include carbon dioxide reductions in the analysis. Carbon dioxide, a critical element in the Senator's bill, one of the key elements of global warming, is not going to be included.

The EPA overstated State and local support for the Clear Skies Initiative. In fact, many of the Governors and mayors cited as allies in an August press release have decided not to support it at all. The Southern Governors Association did not have a policy for or against the plan if they are included. The National Association of Counties has adopted a position that generally supported the reduction of emissions. No reference to this specific bill.

Assistant Secretary Holmstead, is an attorney for the former industry that he is now seeking to—supposed to—regulate. He represented several clients in fighting title I, III, and V of the Clean Air Act. Those clients include the Ad Hoc Industry Group on Regulatory Reinvention, Alliance for Constructive Air Policy, Hughes Communication, Montrose Chemical, and he is an adjunct scholar at a think tank, the Citizens for the Environment, that actually believes that many of these environmental problems are myths and lobbies for deregulation of corporations as a solution to the environmental problems, something that has not had great effect as we have looked at the securities industry, at the deregulation of energy, and has in the State of Texas, the voluntary program of then Governor Bush, has yielded really pitiful results in terms of cleaning up the air.

There is a deep and troubling question that is circulating now about the representations of the EPA about the World Trade Center pollution. Will the EPA, under the new administrator, be an independent agency that can give the American public the truth? One week after September 11, Christie Whitman assured the citizens of New York that the air was safe to breathe, the waters safe to drink. Her statements focused on asbestos levels and did not mention any other pollutants. Well, an investigation by the EPA Office of Inspector General has revealed that the White House, through its Council on Environmental Quality, told the EPA to downplay these concerns. The facts are that the EPA did not have sufficient data to evaluate short-term or long-term health impacts, and they had only data on four of 14 pollutants. It will be one of, I think, the black marks of former Governor Whitman's administration to make statements like this to the citizens of New York.

A team of independent scientists, led by the University of California, Davis, found that in fact the air was the most polluted the world has experienced. The area had high levels of sulfur, sulfuric acid, titanium, nickel and silicon. The EPA had not tested for these small particles, even though EPA scientists acknowledge that they are the most hazardous. Tragically, tragically, the rescue workers, the people who on this floor were commemorated and celebrated, with whom this administration has been involved with photo-ops and issued flowery words, these rescue workers were the most likely to suffer from this pollution. Yet the EPA was involved in, to be charitable, shading the truth. And we do not know what the long-term consequences will be with a failure to level with the American public.

There is a question about whether the EPA in the remaining term of President Bush, under a new administrator, will be able to change the pattern of manipulating and ignoring science to serve political and their own policy ends. For instance, in June of this year, the EPA released a report that was commissioned by former EPA Administrator Whitman to examine the state of the environment.

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It noted improvements which were actually due to landmark legislation passed decades ago. If the EPA does a follow-up report in a decade, what will be the likely increases in air and water pollution, global warming and ozone depletion as a result of this administration's policies because it is claiming credit for what happened 10, 20, and 30 years ago and under its watch is undermining and delaying?

The report ignored global warming, the single most important long-term threat to our environment. The White House forced the EPA to eliminate references to many studies concluding that warming is at least partially caused by human activity. There is a denial despite the 2001 National Academy of Science report that was requested by President Bush that confirmed that greenhouse gases are accumulating in our atmosphere as a result of human activities, and this is causing air and ocean temperatures to rise.

The edits made by the White House and acquiesced to by the former EPA Administrator were so severe that an internal EPA memo stated that the section on climate "no longer accurately represents scientific consensus on climate change, global warming."

Another example, last September the annual EPA report on air pollution that for 6 years had contained a section on climate change, this time when the scientific community has reached an even stronger consensus that global warming is a reality, when we have permafrost thawing in Alaska, roads buckling, villages washing away, parts of the Alaskan pipeline sagging and temperatures increasing 4, 6 and 8 degrees Fahrenheit, this report for the first time in 6 years had no section on global warming, climate change.

Mr. Speaker, Russell Trane, the Nixon-Ford EPA Administrator that I quoted earlier, stated that we have moved radically "away from regulation based on independent findings and professional analysis of scientific health and economic data by the responsible agency to regulation controlled by the White House and driven primarily by political considerations."

It has been one of the great frustrations and concerns during my tenure in Congress to watch the Environmental Protection Agency, an agency that I have worked with throughout my public service career, where I have worked with many fine, dedicated public servants, professionals, who are in that so-called faceless bureaucracy, but are really doing their best to deal with their mission of protecting the environment, and when I have worked with Republican and Democratic administrations going back over 20 years, it saddens me to see the politicalization of the EPA, the reversal, the abrogation of responsibility to give the American public the truth about the environment, to say nothing of hard work to move forward with policies and programs to give our communities the type of environment that our families deserve.

I can only hope that the Senate in the course of its deliberations will be able to focus on this and that the new Administrator, should Governor Leavitt be confirmed, will be the Governor Leavitt that was so creative in dealing with livable communities, sprawl, planned growth, transportation, and allowing the community to work to gain control over its destiny, and not be the Governor Leavitt of questionable environmental achievements dealing with air and water, open space, and certainly not an EPA that has been characterized by the reversals and the politicization of these last 2½ years.

Mr. Speaker, time will tell, but the American public deserves an answer sooner rather than later, and I will continue to do all I can to put appropriate focus on these critical issues.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today and September 24.

Mr. FEENEY, for 5 minutes, September 24.

Mr. NORWOOD, for 5 minutes, today, September 24, and September 30.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, September 24.

Mr. JONES of North Carolina, for 5 minutes, today and September 24.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. MALONEY, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 13. To reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. To amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 24, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4340. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General John M. Keane, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

4341. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Richard W. Mayo, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4342. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Pelham and Meigs, Georgia) [MB Docket No. 03-58; RM-10608] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4343. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Laramie, Wyoming and Timnath, Colorado) [MB Docket No. 02-365; RM-10451] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4344. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to United Kingdom for defense articles and services (Transmittal No. 03-36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Denmark and The Netherlands (Transmittal No. DTC 093-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan (Transmittal No. DDTC 094-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4347. A letter from the Acting Director of Human Resources, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4348. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4349. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 090203A] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4350. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Managment Area [Docket No. 021212307-3037-02; I.D. 080103C] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4351. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082203D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4352. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations [Docket No. 021107268-2268-01; I.D. 102402A] (RIN: 0648-AQ54) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4353. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA [Docket No. 030421095-3202-02; I.D. 111902C] (RIN: 0648-AQ61) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4354. A letter from the Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 030725185-3207-02; I.D. 071403B] (RIN: 0648-AR34) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4355. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Manangement Measures; Corrections [Docket No. 030828215-3215-01; I.D. 082103A] (RIN: 0648-AR47) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4356. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 011120279-1311-02; I.D. 092401E] (RIN: 0648-AP68) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4357. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-0334-01; I.D. 111300E] (RIN: 0648-AN40) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4358. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-1313-06; I.D. 092101B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4359. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 020819200-2200-01; I.D. 021202A] (RIN: 0648-AP93) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4360. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4361. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 001128334-2292-10; I.D. 112702B] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4362. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 00128334-1312-02; I.D. 091401B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4363. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment [Docket No. 030612150-3214-02; I.D. 051503B] (RIN: 0648-AQ94) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4364. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lake Washington Ship Canal, WA [CGD13-02-012] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-03-011] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-03-022] (RIN: 1625-AA00) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Maryville, MO [Docket No. FAA-2003-15720; Airspace Docket No. 03-ACE-62] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4369. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Centerville, IA [Docket No. FAA-2003-15724; Airspace Docket No. 03-ACE-66] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4370. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Montgomery, AL [Docket No. FAA-2003-15409; Airspace Docket No. 03-ASO-8] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4371. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airsapce; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4372. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cambridge, NE [Docket No. FAA-2003-15257; Airspace Docket No. 03-ACE-50] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade, KS [Docket No. FAA-2003-15723; Airspace Docket No. 03-ACE-65] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2003-15718; Airspace Docket No. 03-ACE-60] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO [Docket No. FAA-2003-15722; Airspace Docket No. 03-ACE-64] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. 97-CE-27-AD; Amendment 39-13278; AD 2003-17-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747SP, and 747SR Series Airplanes [Docket No. 2001-NM-178-AD; Amendment 39-13280; AD 2003-17-06] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas [Docket No. 2001-NM-77-AD; Amendment 39-13281; AD 2003-17-07] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2002-NM-13-AD; Amendment 39-13283; AD 2003-17-08] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders [Docket No. 2003-CE-33-AD; Amendment 39-13282; AD 2003-16-51] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300/200, EA-300L, and EA-300S Airplanes [Docket No. 2003-CE-14-AD; Amendment 39-13275; AD-2003-17-02] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines; Correction [Docket No. 2001-NE-34-AD; Amendment 39-13257; AD 2003-16-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-325-AD; Amendment 39-13274; AD 2003-17-01] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-08-AD; Amendment 39-13271; AD 2003-16-18] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-228-AD; Amendment 39-13265; AD 2003-16-12] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes [Docket No. 2001-NM-314-AD; Amendment39-13268; AD 2003-16-15] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney JT9D-3 or JT9D-7 Series Engines (except JT9D-70 Series Engines) [Docket No. 2002-NM-27-AD; Amendment 39-13267; AD 2003-16-14] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-328-AD; Amendment 39-13266; AD 2003-16-13] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Luftfahrt GMBH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. 2003-CE-20-AD; Amendment 39-13270; AD 2003-

16-17] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-322-AD; Amendment 39-13221; AD 2003-14-02 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt and Whitney PW2000 Series Engines [Docket No. 2001-NM-341-AD; Amendment 39-13247; AD 94-01-10 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A and PW206E Turboshaft Engines [Docket No. 2003-NE-25-AD; Amendment 39-13263; AD 2003-16-10] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4394. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the pending accession to the World Trade Organization of the Kingdom of Nepal; to the Committee on Ways and Means.

4395. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2005 to OMB, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–280). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 374. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–281). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 375. Resolution providing for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 108–282). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. SANDERS, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Ms. WOOLSEY, Mr. HINCHEY, Mr. OLVER, Ms. KAPTUR, Mr. OWENS, Mr. MCNULTY, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mrs. MALONEY, Mr. TIERNEY, Ms. DELAURO, Mr. MATSUI, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. FROST, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. SHERMAN, Mr. NEAL of Massachusetts, Mr. BERMAN, and Ms. WATERS):

H.R. 3139. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURR (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. DINGELL, Mr. WAXMAN, Mr. STARK, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. ROGERS of Michigan, Mr. BISHOP of Utah, Mr. SENSENBRENNER, and Mr. GIBBONS):

H.R. 3140. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of Georgia:

H.R. 3141. A bill to direct the Secretary of the Army to release to Clay County, Georgia, a reversionary interest of the United States requiring the non-profit operation of certain land as a retirement community, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself and Mr. BERMAN):

H.R. 3142. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 3143. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. STUPAK, and Ms. SCHAKOWSKY):

H.R. 3144. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 3145. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; to the Committee on International Relations.

By Mr. THOMAS:

H.R. 3146. A bill to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 3147. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. HASTERT, Mr. LAHOOD, and Mr. LIPINSKI):

H.R. 3148. A bill to award a congressional gold medal to Monsignor Ignatius McDermott in recognition of his contribution to the drug treatment community, and his accomplishments as a priest and humanitarian; to the Committee on Financial Services.

By Mr. JANKLOW:

H.R. 3149. A bill to ensure that members of the Armed Forces serving in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom do not experience a reduction in the total monthly rate of combat zone-related special pay and allowances after September 30, 2003; to the Committee on Armed Services.

By Mr. LANTOS:

H.R. 3150. A bill to amend the Internal Revenue Code of 1986 to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. CUMMINGS, Mr. TOWNS, Mr. RUSH, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. NORTON, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. WYNN, Mr. PAYNE, and Mr. MEEKS of New York):

H.R. 3151. A bill to amend part B of title III of the Higher Education Act of 1965 to expand the eligibility requirement to include Predominantly Black Institutions of higher education; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. OWENS, Mrs. CHRISTENSEN, Mr. FILNER, Mr. GRIJALVA, and Mr. ANDREWS):

H.R. 3152. A bill to enhance the global competitiveness of the United States by increasing the participation of African Americans, Hispanic Americans, American Indians, and other underrepresented minorities in the international service, including private international voluntary organizations, the foreign commercial service, and the foreign service of the United States; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3153. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Mr. SHAW:

H.R. 3154. A bill to promote programs for the beneficial use of sand; to the Committee on Transportation and Infrastructure.

By Mr. STARK (for himself, Mr. EMANUEL, and Mr. GRIJALVA):

H.R. 3155. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; to the

Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. DeFazio):

H.R. 3156. A bill to amend the Temporary Extended Unemployment Compensation Act of 2002 to provide for additional weeks of benefits thereunder; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. Acevedo-Vilá, Mr. Baca, Mr. Becerra, Mr. Berman, Mr. Blumenauer, Mr. Frost, Mr. Gonzalez, Mr. Grijalva, Mr. Hinojosa, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Lipinski, Mr. McGovern, Mr. Meeks of New York, Mr. Menendez, Mrs. Napolitano, Mr. Ortiz, Mr. Owens, Mr. Pastor, Mr. Payne, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Ms. Ros-Lehtinen, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Serrano, Ms. Solis, Mr. Towns, Ms. Velázquez, and Ms. Waters):

H. Con. Res. 287. Concurrent resolution recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mr. Frost, and Ms. Carson of Indiana):

H. Res. 376. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Rehberg.

H.R. 33: Mr. Hinojosa.

H.R. 58: Mr. Deal of Georgia and Mr. Deutsch.

H.R. 167: Mr. Weldon of Florida.

H.R. 195: Mrs. Musgrave and Mr. Franks of Arizona.

H.R. 236: Mr. Turner of Texas.

H.R. 284: Mr. Olver, Mr. Langevin, Mr. Reyes, and Mr. Ortiz.

H.R. 328: Mrs. Davis of California.

H.R. 333: Mr. Kennedy of Rhode Island.

H.R. 339: Mr. Bilirakis and Mr. Sullivan.

H.R. 428: Mr. Weldon of Pennsylvania.

H.R. 525: Mr. McIntyre, Mr. Udall of New Mexico, Mr. King of New York, Mr. Thompson of Mississippi, Ms. DeLauro, Mr. Levin, Ms. Corrine Brown of Florida, Mr. Meeks of New York, Mr. Conyers, Mr. Wynn, Mr. Kind, Mr. Thompson of California, Mr. Kildee, Mr. Mario Diaz-Balart of Florida, Ms. Harris, Mr. Cramer, Mr. Bilirakis, Mr. Peterson of Minnesota, Mr. Portman, Mr. Lucas of Kentucky, Mr. Gutierrez, Mr. Renzi, and Mr. Weldon of Florida.

H.R. 574: Mr. Lampson.

H.R. 594: Ms. Harris.

H.R. 645: Mr. Paul.

H.R. 713: Mr. Frank of Massachusetts.

H.R. 785: Mr. Moran of Virginia and Mr. Sullivan.

H.R. 807: Ms. Hooley of Oregon.

H.R. 833: Ms. Hart and Mr. Beauprez.

H.R. 857: Mr. Capuano.

H.R. 870: Mr. Ryun of Kansas.

H.R. 873: Mr. Bell.

H.R. 880: Ms. DeLauro and Ms. Schakowsky.

H.R. 896: Mr. McIntyre.

H.R. 920: Mr. Ross and Mr. Grijalva.

H.R. 935: Mr. Levin.

H.R. 996: Mr. Moore.

H.R. 1210: Ms. Roybal-Allard.

H.R. 1244: Mrs. Capps.

H.R. 1322: Mr. Delahunt, Mr. Cramer, Mr. Peterson of Minnesota, Ms. Millender-McDonald, Mr. Pascrell, Mr. Wexler, Mr. Boucher, Mr. McGovern, and Mr. Capuano.

H.R. 1359: Ms. McCarthy of Missouri.

H.R. 1372: Mr. Price of North Carolina.

H.R. 1385: Mr. Bradley of New Hampshire, Mr. Deutsch, Mr. Gutierrez, and Mr. Hinojosa.

H.R. 1421: Mr. McDermott.

H.R. 1480: Ms. DeLauro.

H.R. 1546: Mr. Bartlett of Maryland.

H.R. 1552: Mr. Shaw, Mr. Feeney, and Ms. Hooley of Oregon.

H.R. 1563: Mr. Case and Mr. Blumenauer.

H.R. 1622: Mr. Kirk, Mr. Cunningham, and Ms. Solis.

H.R. 1633: Mr. Faleomavaega and Mr. Gutierrez.

H.R. 1653: Mr. Cunningham.

H.R. 1708: Mr. Olver.

H.R. 1731: Mr. Barton of Texas.

H.R. 1742: Mr. Becerra.

H.R. 1752: Mr. Grijalva and Mr. Emanuel.

H.R. 1763: Mr. Cooper.

H.R. 1769: Ms. Carson of Indiana, Mr. Davis of Illinois, Mr. Rahall, and Mr. Hill.

H.R. 1819: Mr. Weller.

H.R. 1929: Mrs. Jones of Ohio.

H.R. 1930: Mr. Davis of Illinois.

H.R. 1943: Mr. Wolf, Mr. Tancredo, Mr. Sherwood, and Mr. LaTourette.

H.R. 1958: Mr. Towns and Mr. Abercrombie.

H.R. 1961: Ms. Jackson-Lee of Texas and Mr. McNulty.

H.R. 2020: Mr. Hastings of Florida.

H.R. 2034: Mr. McInnis, Mr. Nethercutt, Mr. Hensarling, Mr. Vitter, and Mrs. Musgrave.

H.R. 2047: Mrs. Johnson of Connecticut and Mr. Brady of Texas.

H.R. 2118: Mr. Sherman and Mr. Lampson.

H.R. 2133: Mr. Barton of Texas and Mr. Abercrombie.

H.R. 2221: Mr. Rogers of Michigan, Mr. Barton of Texas, and Mrs. Bono.

H.R. 2241: Mr. Gutierrez.

H.R. 2265: Mr. Berry.

H.R. 2442: Mr. Kildee, Mr. Lincoln Diaz-Balart of Florida, Mr. Gilchrest, Mr. Price of North Carolina, Mr. Doyle, Mr. Markey, Mr. Kucinich, Mr. Nadler, Mr. Hinchey, Mrs. Tauscher, Mr. Brown of Ohio, Mr. Andrews, Mr. Allen, Mr. Green of Texas, Mr. Tierney, Mr. Crowley, Mr. King of New York, Mr. Lynch, Mr. Inslee, Ms. Watson, Ms. Kaptur, Mrs. McCarthy of New York, Mr. Terry, Mr. Weldon of Pennsylvania, and Mrs. Napolitano.

H.R. 2456: Mrs. Maloney.

H.R. 2511: Mr. Payne.

H.R. 2512: Ms. Granger.

H.R. 2519: Mr. Smith of Washington.

H.R. 2527: Ms. McCollum.

H.R. 2538: Mr. Davis of Florida.

H.R. 2568: Mr. Spratt and Mr. Capuano.

H.R. 2569: Mr. Brady of Pennsylvania and Mr. Davis of Florida.

H.R. 2619: Mr. Abercrombie.

H.R. 2626: Mr. McHugh.

H.R. 2663: Mr. Berman.

H.R. 2677: Mr. Israel.

H.R. 2699: Mr. Rogers of Michigan and Mr. Osborne.

H.R. 2700: Ms. Eshoo, Ms. Loretta Sanchez of California, Mr. Calvert, Mr. Pallone, and Mr. Dreier.

H.R. 2719: Mr. Tom Davis of Virginia, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mr. Paul, Ms. Hart, Mr. McHugh, and Mr. Frank of Massachusetts.

H.R. 2727: Mr. Dingell.

H.R. 2733: Mr. Otter, Mr. Berry, and Mr. Thompson of Mississippi.

H.R. 2787: Mr. Grijalva.

H.R. 2806: Mr. Miller of Florida.

H.R. 2808: Mr. Menendez and Mr. Miller of Florida.

H.R. 2813: Mr. Vitter.

H.R. 2849: Mr. Shays and Mr. Knollenberg.

H.R. 2883: Mrs. Napolitano, Mr. Emanuel, Mr. McCotter, and Mr. Wexler.

H.R. 2891: Mr. Faleomavaega.

H.R. 2897: Mrs. Jones of Ohio.

H.R. 2898: Mr. Davis of Florida and Mr. Strickland.

H.R. 2899: Mr. Putnam.

H.R. 2908: Ms. Jackson-Lee of Texas and Mr. Larson of Connecticut.

H.R. 2913: Mr. Kind.

H.R. 2932: Mr. Frank of Massachusetts and Mr. Emanuel.

H.R. 2944: Mr. Goode and Mr. Calvert.

H.R. 2949: Mrs. Maloney.

H.R. 2963: Mr. Lipinski, Mr. Weldon of Pennsylvania, and Mr. Renzi.

H.R. 2968: Mr. Murphy, Mr. McInnis, Mr. English, and Mr. Michaud.

H.R. 2983: Mr. Evans, Mr. Towns, Mr. Honda, Mr. Grijalva, and Ms. Norton.

H.R. 2999: Mr. Gutknecht, Mr. Barrett of South Carolina, Mr. Paul, Mr. Shimkus, Mr. Walsh, Mr. Pitts, and Mr. Istook.

H.R. 3011: Mr. Hunter, Mr. Cunningham, Mr. Thompson of California, Ms. Woolsey, Mr. Faleomavaega, Mr. Stark, Ms. Pelosi, and Mr. Herger.

H.R. 3014: Mr. Frost.

H.R. 3023: Mr. Strickland.

H.R. 3026: Mr. Frost.

H.R. 3049: Mr. Case.

H.R. 3066: Mr. Terry, Mr. LaTourette, Mr. Sensenbrenner, and Mr. Wilson of South Carolina.

H.R. 3097: Mr. Foley and Mr. Duncan.

H.R. 3106: Mr. Souder and Mr. Hunter.

H.R. 3125: Mr. Tancredo.

H.R. 3126: Mr. Bishop of Utah, Mr. Hayworth, Mr. Cole, Mr. Sessions, Mr. Garrett of New Jersey, and Mrs. Musgrave.

H.R. 3134: Mr. Isakson and Mr. Gerlach.

H.R. 3137: Mr. Nadler and Mr. Israel.

H.J. Res. 52: Mr. Linder.

H.J. Res. 62: Mr. Brady of Pennsylvania.

H.J. Res. 67: Mr. Sherman.

H. Con. Res. 87: Ms. Linda T. Sánchez of California.

H. Con. Res. 206: Mr. Barton of Texas.

H. Con. Res. 247: Mr. Reynolds, Mr. Isakson, and Mr. Simmons.

H. Con. Res. 275: Mr. Crowley.

H. Con. Res. 280: Mrs. Capito and Mr. Boehlert.

H. Res. 45: Mr. Hostettler.

H. Res. 103: Mr. Gerlach and Mr. Oberstar.

H. Res. 140: Mr. Matsui.

H. Res. 157: Mr. Snyder and Mr. Van Hollen.

H. Res. 167: Ms. Bordallo.

H. Res. 261: Mr. Filner, Mr. Payne, and Mr. Turner of Texas.

H. Res. 304: Mr. Emanuel and Mr. Burton of Indiana.

H. Res. 320: Ms. Linda T. Sánchez of California.

H. Res. 344: Ms. Ros-Lehtinen and Mr. Israel.

H. Res. 362: Mr. Farr, Mr. Foley, Mr. Cunningham, Mr. Tanner, Mr. Miller of

Florida, Mr. SOUDER, Mrs. CUBIN, and Mr. HOEFFEL.

H. Res. 363: Mr. GEORGE MILLER of California.

H. Res. 364: Mr. STARK, Ms. BERKLEY, Mr. EVANS, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. OWENS, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. KLECZKA, Mr. CUMMINGS, Mr. FROST, Ms. DELAURO, Mrs. NAPOLITANO, and Ms. MCCOLLUM.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments ware submitted as follows:

H.R. 2557

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 1: Page 107, after line 18, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

SEC. . MISSOURI RIVER MAINSTEM AND TRIBUTARIES ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

"SEC. 514. MISSOURI RIVER MAINSTEM AND TRIBUTARIES ENHANCEMENT PROJECT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Interior, and the Governors of the States of Montana, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Colorado, Wyoming, and Missouri, and federally recognized Missouri River basin Native American Tribes, may undertake, as identified in a comprehensive plan, ecosystem restoration projects necessary to protect, restore, recover, and monitor fish and wildlife habitat along the mainstem and floodplain of the Missouri River from Three Forks, Montana, to the confluence of the Missouri and Mississippi Rivers at St. Louis, Missouri, and the following tributaries of the Missouri River: Yellowstone River; Platte River; and the Kansas River.

"(b) COMPREHENSIVE PLAN.—

"(1) DEVELOPMENT.—

"(A) PURPOSE.—The Secretary shall develop a comprehensive plan for the areas identified in subsection (a) for the purpose of protecting, monitoring, restoring, and recovering fish and wildlife habitat.

"(B) REQUIRED ISSUES.—The Plan shall include—

"(i) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

"(ii) modification and creation of side channels to protect and enhance fish and wildlife habitat;

"(iii) restoration and creation of island fish and wildlife habitat;

"(iv) creation of riverine and terrestrial habitat for fish and wildlife;

"(v) establishment of criteria for prioritizing the type and sequencing of activities based on the likelihood of ecological success;

"(vi) support for facilities for the propagation of the pallid sturgeon; and

"(vii) physical and biological monitoring for evaluating the success of the plan.

"(c) AUTHORIZED ACTIVITIES.—In carrying out projects identified in the plan under subsection (b), the Secretary shall ensure that activities do not adversely affect the other water-related needs of the region surrounding the Missouri River and select tributaries, including flood control, navigation, recreation, and enhancement of water supply.

"(d) NATIONAL TECHNICAL REVIEW COMMITTEE.—

"(1) IN GENERAL.—In carrying out this section, the Secretary, through the Engineering Research and Development Center, shall establish a National Technical Review Committee (referred to in this subsection as 'NTRC'). The NTRC shall provide technical expertise to the Secretary on an on-going basis during the development of the plan under subsection (b) and during implementation of projects carried out pursuant to such plan.

"(2) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The NTRC shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000 for each of fiscal years 2004 through 2009.

"(e) MISSOURI RIVER RECOVERY TASK FORCE.—

"(1) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The Secretary shall establish an Inter-Agency Task Force on the Missouri River and Tributaries Enhancement Project (referred to in this subsection as the 'Task Force'). The Task Force shall consist of the following members at the level of assistant secretary or an equivalent level:

"(A) The Secretary, who shall serve as chairperson.

"(B) The Secretary of Interior.

"(C) The Secretary of Commerce.

"(D) The Secretary of Energy.

"(E) The Secretary of Transportation.

"(F) The Secretary of Agriculture.

"(G) The Administrator of the Environmental Protection Agency.

"(2) DUTIES OF TASK FORCE.—The Task Force—

"(A) shall consult with and provide recommendations to the Secretary during the development of the plan under subsection (b);

"(B) shall assist the Secretary in coordinating with interested stakeholders during the development of the plan under subsection (b).

"(C) shall make recommendations to the Secretary on implementation of projects and activities in the plan.

"(D) shall establish a regional working group which shall include representatives of the agencies represented on the Task Force as well as Federally recognized Missouri River basin Native American Tribes, other governmental entities, and non-governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force.

"(3) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Task Force shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) COMPENSATION.—No member of the Task Force shall receive compensation for the service of the member on the Task Force.

"(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency that the member represents.

"(f) PUBLIC PARTICIPATION.—In carrying out the development of the plan under susbsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

"(1) providing advance notice of meetings;

"(2) providing adequate opportunity for public input and comment;

"(3) maintaining appropriate records; and,

"(4) compiling a record of the proceedings of meetings.

"(g) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the plan under subsection (b) and any subsequent projects, the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there is authorized to be appropriated to pay the cost of carrying out activities under subsections (b) and (c) $42,000,000 for each of fiscal years 2004 through 2009.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF JOHN M. BAILEY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to Former Chief State's Attorney John M. Bailey, one of the most dedicated and well-respected public officials to have served the state of Connecticut, who passed away Monday, September 22, 2003.

To know Jack Bailey was to respect him. As Connecticut's longest-serving Chief State's Attorney, Jack defined law enforcement for nearly three decades with his boldness, commitment, and integrity. Jack's initial dabble in politics began with his White House internship for President Lyndon B. Johnson, the work at the 1964 and 1968 Democratic national conventions, and ended after a primary race for the 2nd Congressional District in 1974. Although politics was the family business, with Jack's father, the legendary Democratic state and National Committee Chairman John M. Bailey, and sister, the former Connecticut Secretary of State and U.S. Representative Barbara B. Kennelly, Jack's true passion was for law. A graduate from Catholic University School of Law, Jack became a career prosecutor and at the age of 35, was appointed Hartford State's Attorney.

Jack was my longtime friend and colleague and I remember his Chief State's Attorney appointment in 1993, when I was still serving in the state Senate. I knew then that he would change Connecticut's justice system, and he did. Prior to this appointment, Jack served as the State Attorney for the Hartford Judicial District where he challenged the system and launched grand jury investigations in Enfield and investigated corruption within the Hartford Police Department. His office targeted drug and gang violence, prison riots, and developed a successful unit to investigate unsolved homicides.

In 2002, Jack's failing health forced him to resign as Chief State's Attorney. There is no known cause or cure for ALS, a motor neuron disorder that makes swallowing, talking and breathing increasingly difficult. He faced this disease the way he faced life, with courage. I will forever have the sincerest respect for Jack, who battled this illness with Irish will, dignity, and faith.

Love of family, community, state, and nation were hallmarks in his life. Our hearts go out to the entire Bailey family, especially his beloved wife Dee and his sons John and Brian.

Mr. Speaker, I ask that my colleagues join me today in remembering and honoring the life of Jack Bailey, a remarkable man who will be greatly missed by his family, friends, and the state of Connecticut he served so well. God Bless him and his family.

TRIBUTE TO REVEREND FATHER DEMETRIOS KAVADAS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate Reverend Father Demetrios Kavadas of Assumption Greek Orthodox Church, who will receive the 2003 "Alexander Macomb Citizens of the Year" award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

Father Kavadas will be the recipient of the 2003 Man of the Year Award. Father Kavadas takes great pride in accepting this award as the first clergyman and the first citizen of Hellenic background to be honored as Man of the Year.

He married Rodothea Palaiologou and they had four children: Iphigenia, Stephen, John, and Basil. Four years after being ordained he was appointed the "Protopresbyter" of the Assumption congregation which is now located in St. Clair Shores. He served in this capacity for 42 years before his retirement.

Through Father Kavadas's infectious passion, sense of humor, and charismatic sermons, Assumption has grown to become one of the largest churches in the Metro-Detroit area. His commitment to building a vibrant church not only served parishioners, but the surrounding community as well. Our family has had the privilege and pleasure of his friendship for many years.

While at Assumption, he created a cultural center that residents of all ages and religious backgrounds have come to depend on for exercise classes, cooking lessons, driver's training courses, basketball games, seminars, senior expos, etc. He also oversaw an award winning PreSchool which was open to all in the community.

In his years serving the metro Detroit community, Father Kavadas has received many awards and served in various ways. His achievements include being an active member of groups that have touched the community, especially groups that have fought illnesses, from thalassemia (a disease particular to the Greek community) to MIRA (Mental Illness Research Association, founding member). He coordinated COPS FOR KIDS for more than 25 years, helping needy children of St. Clair Shores.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Father Demetrios Kavadas for his service to his community as he receives the Alexander Macomb Citizens of the Year-Man of the Year Award.

RECOGNIZING EDITH BURCH FOR BEING NAMED CALIFORNIA'S 2003 OUTSTANDING OLDER WORKER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize California's 2003 Outstanding Older Worker, Edith Burch. A youthful and vigorous 81, Ms. Burch is the owner and operator of Capital Business Services in the City of Napa and often works well in excess of 60 hours a week.

Ms. Burch learned her work habits early. She grew up on a farm in Pendleton, IN, and her first job, at age 6, was to pull a wagon of water to the workers in the field.

When her family moved into town when she was 18, she found a job at the local bank. She worked at the bank until she married her husband, George, a World War II veteran of the South Pacific campaigns.

Together they purchased a jewelry store, which they ran successfully until family tragedy forced them to sell the business and move in with her husband's parents in Napa. Her father-in-law taught Ms. Burch and her husband accounting and they opened Capital Business Services in 1957 in her in-law's spare bedroom. Ms. Burch has managed the business continuously since then.

Ms. Burch and her husband had to adapt to the rapid advances in the accounting field with the advent of personal computers. Since many small businesses began using personal computers to do their own bookkeeping, Ms. Burch moved her company into tax preparation, and estate, nonprofit and corporate returns and IRS audits.

She passed the Enrolled Agent Exam at age 57, which allowed her to practice before the IRS. To keep her license current, she has to have 80 hours of continuing education every 3 years, but to stay current with the changing tax laws, she earns many more continuing education credits than the minimum requirement.

In addition to her long hours of work, Ms. Burch also finds time to volunteer with her church and its preschool, Soroptomist International, Meals on Wheels, battered women's programs, special needs scholarships and single moms. She and her husband, who passed away 5 years ago, helped start the first Boys and Girls Club in Napa.

Mr. Speaker, Edith Burch is a woman of exceptional talent, energy and dedication to our community. It is therefore appropriate for us to honor her today as California's Outstanding Older Worker.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THREE EDUCATORS FOR LIFELONG COMMITMENT TO EDUCATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate three innovative educators who tonight will receive the Harold W. McGraw Jr. Prize in Education. One of these highly motivated educators, Dr. Mark Edwards, just happened to serve as the first principal of Northfield Elementary School in my hometown of Murfreesboro, TN.

Along with Dr. Edwards, Kati Haycock and Dr. Carol Twigg are being honored during an awards ceremony at the New York Public Library. The three have been chosen to receive the prestigious 16th annual award for introducing students to technology at an early age, developing affordable post-secondary distance-learning programs and influencing education policy to embrace high standards for all students.

Dr. Edwards now serves as the superintendent of Henrico County Public Schools in Richmond, Virginia. He has spearheaded the innovative use of technology to raise achievement in Henrico County through the Technology and Learning Initiative, one of the largest educational laptop programs in the country.

Ms. Haycock serves as one of the nation's leading advocates for children and high achievement in education. In 1990 she founded the Education Trust, an organization known nationwide for its authority on education reform.

And Dr. Twigg is an internationally recognized expert in using information technology to transform teaching and learning in higher education. She currently serves as the executive director of the Center for Academic Transformation at Rensselaer Polytechnic Institute.

I salute these three for their remarkable and untiring contributions to education. Our children, after all, reap the rewards of the hard work and determination that people like Dr. Edwards, Ms. Haycock and Dr. Twigg possess. They are truly gifted educators who have made a tremendous difference in the lives of so many.

TRIBUTE TO ISHMAEL-LATEEF AHMAD

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Ishmael-Lateef Ahmad for being awarded the 2003 Excellence in Communications Award by the Greater St. Louis Association of Black Journalists. Winning the News Analysis category, Ahmad was essentially recognized for his outstanding ability to provide fair and effective coverage of local events. Ahmad has an exceptional skill of covering issues of importance to the African-American community in metropolitan St. Louis.

In addition to his unwavering commitment to expanding the positive image of African-Americans in the media, Ahmad has selflessly dedicated time for community service. He has volunteered 20 years with the minority journalism workshop. Ahmad has influentially shaped the careers of minority youth interested in journalism. Through this free workshop, he has introduced many high school students and college freshmen to the world of communications.

Mr. Speaker. It is with great privilege that I recognize Ishmael-Lateef Ahmad today before Congress. Receiving this honorable award and his commitment to efficiently educating the next generation of journalists, makes him more than worthy of receiving our recognition today. I ask that my colleagues join me in honoring Ishmael-Lateef Ahmad.

A TRIBUTE TO ELVIN JONES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished American musical artist, Elvin Jones.

Born on September 9, 1927, in Pontiac, Michigan, Elvin Jones is the youngest brother of a remarkable musical family, which also includes Hank Jones (a pianist) and the late Thad Jones (a coronetist and big band leader). Elvin Jones began his career playing drums with local bands active in Detroit's fertile jazz scene. After serving in the Army from 1946–1949, he returned to the Detroit area, establishing himself as the house drummer at the renowned Bluebird Club.

In the mid-50s, Elvin Jones relocated to New York City, where he rapidly established himself as a leading exponent of bop drumming. During this period, he worked with several notable musicians including J.J. Johnson, Donald Byrd, Harry "Sweets" Edison, Bud Powell and Sonny Rollins. In 1960, Elvin Jones became a member of John Coltrane's most celebrated quartet, working alongside pianist McCoy Tyner and bassist Jimmy Garrison. Jones played with "Trane" for five years, gaining the renown that has led him to be regarded as one of the outstanding drummers in jazz history.

After leaving Coltrane, Elvin Jones worked mainly as a leader of his own small groups, where he was able to exercise full control over the musical policy. In 1966, however, Jones toured Europe with Duke Ellington's Orchestra. Back on his own in the late 60s, and on through the 70s and 80s, Jones toured ceaselessly, playing clubs, concerts and festivals around the world. With the 90s came the emergence of the very popular "Elvin Jones' Jazz Machine." During his many years as a leader, Jones' sidemen have included Joe Farrell, George Coleman, Frank Foster, Andrew White, and members of jazz's younger vanguard like Delfeayo Marsalis and Nicholas Payton. Among the labels that Elvin Jones has recorded on are Atlantic, Riverside, Impulse, Blue Note, Enja, PM, Vanguard, Honey Dew, Denon, Storyville, Evidence and Landmark.

In 1998, Elvin Jones was elected by the critics into the "Down Beat Hall of Fame." By his colleagues and fans around the world, Jones is recognized as one of the master drummers of jazz.

90TH ANNIVERSARY—ST. JOSEPH'S CARMELITE HOME FOR GIRLS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest honor and pride that I congratulate the St. Joseph's Carmelite Home for Girls in East Chicago, Indiana as they celebrate their 90th anniversary. On September 27, 2003, the women of St. Joseph's and other community members will gather together for a reunion of gratitude and friendship during their 90th Jubilee Celebration.

In 1913, the vision of St. Joseph's Carmelite Home for Girls became a reality when Mother Mary Theresa of St. Joseph was granted permission from Bishop Herman Alerding to actively work with the poor children of Lake County. It was the generous donation of two small frame houses by Mr. Walter Riley, chairman of the First National Bank in East Chicago that brought the home to life. The two small houses became homes to some seventy children and at the time both boys and girls lived in the homes.

St. Joseph's Carmelite Home for Girls began as an orphanage, grew to a group home, and today provides residential treatment to many Northwest Indiana girls. It was in 2001 that the doors of the Holy Innocents Center and Emergency Shelter opened to newborns, infants, toddlers, as well as young children in need.

Sister Maria Giuseppe, the home's administrator, along with six nuns, four postulants, and 45 lay people, give support, guidance, and comfort to over 50 young girls who are now in residence at the home. Their selfless dedication to the girls in the home, as well as all the citizens of East Chicago, is an outstanding model for all Americans.

With my father Mr. John Visclosky as a former member of the Carmelite Home's board of directors, I know firsthand the importance of St. Joseph's Carmelite Home for Girls to the Northwest Indiana community. The generosity and love that the St. Joseph Carmelite Home provides for its residents is remarkably selfless and giving and deserves the highest recognition.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. Joseph's Carmelite Home for Girls as they celebrate their 90th anniversary. Their sincere commitment to the children of East Chicago and all of Northwest Indiana is worthy of the highest gratitude and admiration. I am truly honored to represent such exceptional and giving citizens in Congress.

TRIBUTE TO DANA CAMPHOUS PETERSON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate Dana Camphous Peterson, who will receive the 2003 Alexander Macomb Citizens of the Year Award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

Dana Camphous Peterson will be the recipient of the 2003 Woman of the Year Award. Dana is one of the founding directors of the Care House in Mount Clemens.

Like the March of Dimes, Care House provides care and comfort to the most vulnerable and important members of the community: our children. While successful in the business world, Dana wanted to refocus her energies so that she could give more to the community. When local community leaders began exploring the idea of founding Care House, Dana immediately jumped on board. And we are glad she did.

The continuing goal of Care House is to increase public awareness for the need to expand this kind of service to other communities. Child abuse is a national problem and in many communities around the country, the abuse is left untreated. But thanks to Dana's hard work and dedication, Macomb has a place to serve the victims of child abuse.

Her dedication and commitment to the community is demonstrated also through her involvement with the Zonta Club of Macomb, the Downtown Mount Clemens Planning Breakfast Club and the children's clothing store "It's a Small World's Children's Fashions."

Mr. Speaker, I ask my colleagues to join me in recognizing Dana Camphous Peterson for her care and comfort to abused children as she receives the Alexander Macomb Citizens of the Year—Woman of the Year Award.

HONORING THE RAYMOND FAMILY ON THE OCCASION OF THEIR 30TH ANNUAL "CRUSH"

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor and celebrate a great family tradition that has been taking place in St. Helena, CA for the last 30 years. This weekend the Raymond family celebrated their 30th annual "crush" at the Raymond Vineyard winery. The crush marks the annual harvesting of grapes and the beginning of the process of turning grapes into fine Napa Valley wine.

Over the last 30 years three generations of Raymonds have worked extremely hard to build their small business into one of the true success stories of the Napa Valley. And along the way, they have produced some outstanding, award winning wines.

Roy Raymond, Sr., arrived in the Napa Valley in 1933 and began his winery career as a cellar worker at Beringer Brothers Winery. After a distinguished career at Beringer, Roy Sr. and his two sons, Roy Jr. and Walter, decided it was time to start making wine under the Raymond name. So in 1974, with a small, metal farm shed serving as a winery, and an office and tasting room in their backyard pool house, the Raymonds held their very first crush of grapes that became their first vintage of 1974 wine.

It may have been a small beginning, but big things are happening at the Raymond winery. Today the winery is producing 300,000 cases of premium wine each year. Roy Jr.'s son, Craig, and Walter's daughter, Chrissie, are the third generation of Raymonds working hard to build on the family's success. The hard work and determination of all of the Raymonds has made them one of the real leaders of our Napa Valley community.

Mr. Speaker, I want to salute Roy Jr., Walter, Craig and Chrissie Raymond for carrying on the great traditions of their family business. Roy Sr. is no longer alive, but I know he would be extremely proud of his family to see the Raymond Vineyard winery going strong as it marks its 30th crush. I congratulate all of the Raymonds on reaching this great milestone and look forward to celebrating many more with them.

HONORING THE CITIZENSHIP OF CORPORATE FLIGHT MANAGEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the citizenship of Corporate Flight Management. Located in Smyrna, TN, this small-business enterprise epitomizes the American spirit.

Corporate Flight Management has always gone above and beyond the call of duty. An example of the company's generosity is located in the National Air and Space Museum's How Things Fly gallery. Visitors are invited to climb into the cockpit of a Cessna 150 trainer, operate the controls and get a pilot's eye view of flight. The Smyrna-based company donated its services to restore and modify this aircraft.

My office first got to know Corporate Flight Management through the company's community-outreach efforts. In 1991 the company designed and built a full-motion simulator scaled for children. Nearly 200,000 young pilots have earned their wings aboard this unique machine. The company has also sponsored an Explorers Post and flight-based enrichments programs at local elementary schools.

Corporate Flight Management provides 120 jobs through its charter, maintenance, and ground-support activities. In addition to hiring skilled professionals, the Middle Tennessee company affords students enrolled in the aerospace program at Middle Tennessee State University with opportunities to gain experience in their chosen field.

As we approach the Centennial of Flight, it is appropriate to remember that small businesses account for a significant percentage of innovation and job creation in aviation, space and related fields. Through its business ventures and community outreach efforts, Corporate Flight Management provides leadership by example. I commend the company for all it has done for its community and country.

TRIBUTE TO WILEY PRICE

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Wiley Price for being awarded the 2003 Excellence in Communications Award by the Greater St. Louis Association of Black Journalists. Winning the Photojournalism award for the News, Features and Sports categories, Price was honorably recognized for his outstanding ability to capture photographs that speak to the masses. In a world where a photograph has more impact than the story of a thousand words, Price has exceptionally conveyed messages of importance to the African-American community in metropolitan St. Louis.

Impressively, Price exhibits his dedication to increasing the positive image of African-Americans in the media by unselfishly donating his time teaching minority youth the importance of Photojournalism. He has volunteered twenty years with the Minority Journalism workshop. Price has influentially shaped the careers of minority youth interested in Photojournalism. Through this free workshop, he has taught many high school students and college freshmen how to take photographs that tell stories which need no explanation.

Mr. Speaker. It is with great honor that I recognize Wiley Price before the U.S. House of Representatives. Receiving this esteemed award and his unwavering commitment to educating the next generation of Photojournalists, makes him more than worthy of receiving our recognition today. I ask that my colleagues join me in honoring Wiley Price.

A TRIBUTE TO ANDREW WHITE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished American musical artist, Andrew White. White is renowned as "the most voluminously self-industrialized artist in the history of the music business."

Born in Washington, DC on September 6,1942, Andrew White was raised in Nashville TN, but returned to Washington where he makes his home today. He has had a long and diversified career as a musician, Coltrane scholar and music publisher. Here are a few highlights.

As a saxophonist, Andrew White was the musical director for Washington, DC's J.F.K.

Quintet from 1961 through 1963. In addition, he has performed with drummers Kenny Clarke in Paris, France in 1965; Elvin Jones from 1980 to 1981; and Beaver Harris in 1983. White has recorded with pianist McCoy Tyner; drummers Elvin Jones and Beaver Harris, the saxophone sextet of Julius Hemphill and the Dutch saxophone sextet—"The Six Winds." Andrew White debuted his own sextet, "The Zorrosax Allstars," at Washington, DC's Kennedy Center and the Corcoran Gallery of Art in October 2002.

As an oboist, Andrew White was the principal oboist with New York's American Ballet Theatre Orchestra from 1968 through 1970.

As an electric bassist from 1966 through 1976, Andrew White's services were enlisted by Stevie Wonder, the Fifth Dimension, Stanley Turrentine, and the jazz-fusion group Weather Report, among others.

As a transcriber, Andrew White is primarily known for his transcription and publication of the world's largest catalogue of saxophone transcriptions—totaling 1056 to date. These works include 661 solos of John Coltrane, 308 of Charlie Parker, 11 of Eric Dolphy and 76 of his own.

As a writer, Andrew White has authored over 150 books, treatises, essays and articles, including his current bestselling 840 page hard-back autobiography, "Everybody Loves the Sugar—The Book."

As an entrepreneur, Andrew White is the president and founder of Andrew's Musical Enterprises, Inc. of Washington, DC. Established on September 23, 1971, the business now maintains a catalog of over 2000 products.

This year, Andrew White is celebrating four musical milestones on September 23, 2003. First, White will celebrate the 32nd anniversary of his publishing firm, Andrew's Musical Enterprises, Inc. Second, he will celebrate the 30th anniversary of his flagship publication, "The Works of John Coltrane, Volumes I through 14," which contains 661 transcriptions of John Coltrane's improvised saxophone solos. Third, he will celebrate the fourth anniversary of his four-compact disc set entitled "Andrew White—The Living Legend—Gigtime 2000, Volumes 1–4." Fourth, Andrew White will celebrate the 2nd anniversary of his 840 page hardback autobiography entitled "Everybody Loves the Sugar—The Book."

Most recently, composer and conductor Andrew White floored the classical music world on June 21, 2003 with the world premiere of his composition "3 Jazz Parodies for Double Reed Sextet." This grand performance was given at the 32nd Annual Convention of the International Double Reed Society at the University of North Carolina, Greensboro by The Mass Double Reed Society Orchestra, which has over 150 players.

Finally, Andrew White has been acknowledged and honored as "International Musician of the Year 2003 for his Contributions to Jazz Historiography Through Transcription" by the International Biographical Centre of Cambridge, England.

85TH ANNIVERSARY OF ST. JOHN THE BAPTIST CHURCH IN GARY, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I congratulate St. John the Baptist Church in Gary, Indiana, as they celebrate their 85th anniversary. They will be celebrating this special event on September 28, 2003, with a morning mass, a candlelight service in the afternoon, followed by a dinner in the evening honoring long time members with awards and recognition.

St. John the Baptist Church was first organized on July 10, 1918, by Reverend J. R. Butler. Over the many years of St. John's history, there have been many influential pastors that have led the congregation in faith and spiritual growth. Some of these inspirational pastors were Reverend A. J. Allen, Reverend T. L. Ballou, Reverend Leon Davis, Reverend Ivor Moore, Reverend Julius James, and the current pastor, Reverend Raymond McDonald, II.

It was during the 38th year of St. John's service to the Northwest Indiana community, and under the pastorate of Reverend Julius James, that Dr. Martin Luther King, Jr. made his first visit to Gary, Indiana. It was also during this time that St. John's began its 144 unit non-for-profit housing development, St. John Homes, which supported fair employment and housing in Gary. Pastor James is most remembered and revered for his implementation of the Ecumenical Celebration, which honors the lifetime legacy and goodwill of Dr. Martin Luther King, Jr., and Reverend McDonald has continued this celebration and legacy.

Reverend McDonald, along with his parishioners, has given selflessly to the citizens of Gary by actively pursuing the church's mission of "Serving People Between Sundays" through a variety of community outreach programs. Some of these programs include weekly feeding programs where thousands of people are given nourishment, the Community Anchor's Program which helps form future leaders through after school programs, and the Golden Eagles Seniors' Program which fosters community involvement by senior citizens of Northwest Indiana.

Reverend McDonald and his congregation continue their vision for a new church building in the hope to even better serve the needs of the citizens of Gary and all of Northwest Indiana. By offering service and guidance to others, the members of St. John the Baptist Church have proven their sincere dedication and motivation for assisting others in need.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. John the Baptist Church of Gary, Indiana on their 85h anniversary. They deserve the highest commendation for their devotion and commitment to all the citizens of the First Congressional District of Indiana.

TRIBUTE TO THE SWITALSKI FAMILY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Switalski family, who will receive the 2003 "Alexander Macomb Citizens of the Year" award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

The Switalski family will be the first recipients of the Donna Greco Issa Family of the Year Award. This award was renamed in honor of a volunteer who passed away this year. Donna was a great supporter of the March of Dimes and her community.

It is a fitting and a richly deserved recognition for a family that serves their communities through civil service as well as community involvement.

Norbert and Nancy Switalski married in 1950 and raised seven children. As parents, they inculcated the virtues of faith, discipline, hard work, and public service into their children. Norbert died in 1981 at the age of 58.

The Switalskis have made public service their calling. Mark and Matthew are both Macomb County Court Judges in the Family Court Division. Mickey is a State Senator having served as a State Representative, County Commissioner and on the Roseville City Council.

Their commitment to family is best reflected through their devotion to adoption. In 1997, Mark adopted three children from Poland; Matthew presides over all Macomb County adoptions as a Family Court Judge, and Mickey worked diligently to get an adoption income tax credit into law.

Mr. Speaker, I ask my colleagues to join me in recognizing the Switalski family for their extraordinary service and distinguished leadership as they receive the Donna Greco Issa Family of the Year Award.

RECOGNIZING NIELS CHEW

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Niels Chew, President and CEO of Dowling Miner Magnetics as the third recipient of the Sonoma Valley Business of the Year award.

Mr. Chew purchased Dowling Miner Magnetics, a company that produces industrial, educational and toy magnets, in 1967 when it was a one-man operation. It has since grown to a more than $6 million business with more than 45 employees.

Not only has Mr. Chew run a very successful business that has provided many jobs to people in our community, including a significant number of persons with disabilities, but he has also been a tireless community volunteer.

He has served as a trustee of the Sonoma Valley Unified School District, a member of the board of the Sonoma Overnight Shelter and is a past president of the Sonoma Valley Chamber of Commerce.

Mr. Chew currently serves as a board member of the El Nido Teen Center, the Sonoma Valley Hospital Foundation, the Sonoma Plaza Kiwanis Club and is a mentor with the Stand By Me mentoring program.

He and his wife, Susan, are ardent supporters of Friends in Sonoma Helping (FISH), contributing their time, talent and financial assistance to this community organization.

Mr. Speaker, Niels Chew is a man of remarkable talent and commitment and it is therefore appropriate for us to honor him today as he has been selected by his peers to be Sonoma Valley's Businessman of the Year.

NYUMBANI ORPHANAGE ANNIVERSARY BENEFIT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, this week here in Washington, many Members of this House are joining together to commemorate the annual benefit for the Nyumbani Orphanage for HIV positive children in Nairobi, Kenya, which recently celebrated its 11th anniversary. I have spoken on this floor numerous times to note the enormous achievements and contributions of the Nyumbani program, and I know that I speak for every House Member, regardless of party, when I offer our congratulations and our encouragement for this program to continue to serve the children of Kenya.

I particularly want to extend our congratulations to Father Angelo D'Agostino, SJ, MD and his outstanding staff who have built this unique facility for HIV positive children in the midst of AID-ravaged sub-Saharan Africa. I had the honor to visit Nyumbani several years ago, as have several other Members of the House and Senate, and I know we all salute Father D'Ag, his staff, and the children for the great work they are doing. I particularly want to congratulate the children who are members of the "Watoto wa Mungu" singing group whose recording "Shauri Yakou" has been No. 1 on the Kameme FM Swahili hit parade for four weeks now. The group also participated in a rock concert organized by the Kenya United States Association with some of the leading Kenyan singers and musicians.

One of the great reasons to celebrate this year is that for the first time, the Nyumbani program is receiving enthusiastic support from the new Kenyan government of President Emilio Mwai Kibaki, who was elected last December. I know that there was a great deal of frustration in the past at the reluctance of the national government to provide leadership on the issues of AIDS prevention and treatment, and at its unwillingness to provide the program with the kind of support—financial, land, technical assistance—that is needed to serve the very large HIV positive population. Under President Kibaki, the government has sent the first financial assistance to Nyumbani to help with its medical and education programs. I also understand the government is working diligently to acquire the anti-retroviral drugs needed to provide effective treatment to the HIV population.

President Kibaki and those in his Administration should note that we in the Congress recognize and appreciate his leadership in helping to address the very serious AIDS problem that confronts not only Kenya, but much of sub-Saharan Africa.

It was not long ago that it was a challenge to even operate such programs in many African nations, including Kenya. "When Nyumbani was first established," Father D'Ag has written, "very few of us thought these children would grow to adulthood, but through all your love, prayers, care, attention and valued contributions and donations, we are keeping the kids alive, happy and educated. We expect them to become valued members of Kenyan society." To the extent that AIDS awareness, prevention and treatment becomes a critical initiative of these governments, the children of Africa face a very different and more hopeful future, as do their countries.

Now it is the turn of the United States to follow through on our commitment to greatly expand our AIDS assistance programs to Africa. Although this program was cited as a primary foreign policy and humanitarian initiative by President Bush earlier this year, there are many concerns that insufficient funding will flow to the frontline efforts, like Nyumbani, that are delivering services and health care, but are close to being overwhelmed by the need. We have promised to substantially increase aid to Africa for AIDS prevention and treatment, and I know that the child of Nyumbani, and we in this chamber, are waiting to see if that promise assistance actually reaches the people in need.

The people of Nyumbani continue to raise money through their "Nyumbani Gift Shop" that sells locally made items and gives all profits to the Nyumbani project. And of course, efforts to secure private contributions and donations to enable Nyumbani, like the dinner Wednesday night, continue in the United States and worldwide. More assistance for this program is always needed, and welcome, as are instruments for the band the children want to form.

So while some have offered rhetoric about addressing the AIDS crisis in Africa, Dr. D'Ag and the men and women of the Nyumbani program continue to achieve dramatic results on the ground, every day. They are receiving important new assistance from the Kenyan government, and hopefully will soon benefit from the promised U.S. assistance for the Africa AIDS initiative. Visiting this program was a moving and inspirational day, and I hope that every Member will do whatever is possible to ensure that the Nyumbani Orphanage, and the Lea Toto community outreach program, are able to continue their work towards making Africa AIDS-free and assuring that those who have become HIV positive live longer and more productive lives

Congratulations to Dr. D'Ag, the Nyumbani and Lea Toto staff, and especially, to the children and families of Nyumbani.

THE TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 2003

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. POMEROY. Mr. Speaker, I rise today in opposition to the authorization of an automatic cost-of-living (COLA) pay increase for Members of Congress contained within H.R. 2989. It is essential that Members have the opportunity to consider a pay raise independently of funding for important transportation projects in their districts.

I was disappointed with the automatic inclusion of a Congressional pay raise in the bill and I voted against the rule to allow consideration of H.R. 2989 with the inclusion of this provision. Unfortunately, the motion to prevent consideration of the bill failed 235–178. While I did not support the pay raise, I ultimately voted for the bill because it included $5.2 million for transportation projects in North Dakota. I am excited that my State received these funds for important road and transit improvements, but I am also disappointed that I was unable to consider the Congressional pay raise as a measure separate from Department of Transportation funding.

A fiscally responsible Congress should consider the automatic COLA pay increase independently of funding for other programs. It is my hope that Congress will take steps to ensure separate consideration for any increases in the future.

H. CON. RES. 284

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to support H. Con. Res. 284, expressing the sense of Congress that the United States actively support Taiwan's membership in the United Nations and other international organizations.

A number of countries have asked the United Nations to reconsider U.N. Resolution 2758, which has not resolved the issue of Taiwan's representation in the U.N. This resolution gave what has been called the "China Seat" to the People's Republic of China and excluded Taiwan from membership.

For thirty years, Taiwan's 23 million people have had no representation at the U.N. This is a violation of the U.N. Charter and the Universal Declaration of Human Rights.

Taiwan does not seek the expulsion of the People's Republic of China, but asks that it be given its own voice in U.N. matters. Taiwan and the PRC can both be members of the U.N. The precedent exists: East and West Germany in the past, and North and South Korea in the present.

U.N. membership does not threaten or endanger reunification of Taiwan and China. In recent years, Taiwan has permitted banks and financial institutions to open offices in China. Taiwan has welcomed mainland journalists and eased restrictions on mainland spouses of Taiwan residents. It is conceivable that political relations will improve if Taiwan is given U.N. membership.

Taiwan's return to the U.N. will benefit all nations, especially the 23 million people of Taiwan. They deserve to have a voice in the U.N. and to be treated in the same manner as all other people in the world.

DEMOCRACY DAY AND A FREE CUBA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. STEARNS. Mr. Speaker, last Wednesday, September 17, the U.S. Constitution turned 216 years old, and we celebrated Democracy Day, commemorating its signing. Our National Archives held an unveiling ceremony, where the Constitution, the Declaration of Independence and the Bill of Rights are now presented in a new, clearer display in the rotunda. There, President Bush, U.S. Chief Justice William H. Rehnquist and Senate and House Leaders reminded us that the ideals spelled out in these documents—collectively called our "Charters of Freedom"—are spreading unstoppably beyond United States borders.

I couldn't agree more. On the same day, I delivered a speech to the Center for Democracy and Technology's Democracy Day reception. To the audience of young people just starting to get involved in national affairs, I made similar points as heard down at the National Archives. The Constitution, a remarkable document, is the result of numerous forces, among them the Age of Enlightenment and the doctrine of natural law. In the 18th century, despotism provided the rule of the day throughout much of Europe. In challenging the goals and powers of Europe's institutions, the men of the Enlightenment advocated the liberty of the individual, the right to property, and the freedom of expression.

Rousseau and others outlined the legal equality of man and the sovereignty of the governed. Those who met in Philadelphia were well acquainted with these thoughts and incorporated them in the American Enlightenment. These concepts are clearly reflected in the Declaration of Independence and in our Constitution. Several of the amendments to the Constitution expand political participation to those who had been shut out of the process. The 15th amendment adopted in 1870 recognizes the voting rights of former slaves; the 19th extends the franchise to women, and the 26th reduced the voting age to 18. These were all steps to open the political process to the powerless.

With our freedom comes responsibility—an obligation to participate. People in this Nation have fought, bled, and died to preserve our freedom; and they have fought, bled, and died for the right to vote and to hold office. Although we are free to not participate, it is an insult to these men and women, the martyrs for freedom, if apathy replaces activism. I believe that we have a duty to share our freedom, to extend the benefits of freedoms to others.

Technology provides us many powerful tools, including the means to advocate for liberty. The repressive regimes of the world share a fear of information, and take great strides to control what their people are told. We saw in Iraq, and in Yugoslavia, and we still see in China and elsewhere, a repression of the Internet. Nearly one in 10 persons in the world has the ability to go on line. The Internet poses a significant threat to the forces of tyranny and provides a strong medium for advocating freedom. New ideas are a tyrant's worst nightmare, and through the Internet we can give them many sleepless nights.

On the day after Democracy Day, three former presidents of Eastern European nations, who know tyranny, wrote a joint OpEd in the Washington Post entitled "Building a Free Cuba". Vaclav Havel, former president of the Czech Republic, Arpad Gonez, former president of Hungary, and Lech Walesa, former president of Poland, resoundingly rebuked the Castro regime for imprisoning 75 representatives of the Cuban opposition, including coordinators of the Varela Project, journalists, and other pro-democracy leaders. They were subject to mock trials and jokes of prison terms. At the same time, the free-thinking Cubans are making more noise, and Castro and his regime know that their days are numbered.

Finally, the 3 former Presidents eloquently presented what we, the free, can all do to help the Cuban freedom-fighters. While the U.S. has chosen an economic embargo, our European friends have taken different, more lenient approaches. But, Havel, Goncz, and Walesa point out that while we disagree on this policy, we can agree on this: vocally support the dissidents. Provide encouragement and comfort for Cuban dissidents, prisoners of conscience, and their families. Use technology, like the powerful Internet, to spread words of freedom like our Constitutional amendments did to fellow Americans. Let's make it clear to Cuba that a dictator is not welcome to join free countries at the international. table. I am grateful and proud of the heritage of the United States, and encourage my fellow Americans and fellow liberty-enjoying citizens of the world in continuing the flourishing of the flower of democracy.

TRIBUTE TO SACRAMENTO REGIONAL TRANSIT DISTRICT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Sacramento Regional Transit District. On September 26, 2003, the Sacramento Regional Transit District will celebrate the grand opening of the South Line Light Rail Extension Project. As the people of Sacramento gather to commemorate this momentous occasion, I ask all of my colleagues to join me in welcoming one of the Capital Region's most important transportation projects.

The Sacramento Regional Transit District began operations on April 1, 1973. During its first decade of service, the Sacramento Regional Transit continued to expand bus service to the growing Sacramento region while a cooperative effort emerged among city, county and state government officials to develop a light rail system. In 1987 the 18.3-mile light rail system opened, linking the northeastern (Interstate 80) and eastern (Highway 50) corridors with Downtown Sacramento.

Today, the Sacramento Regional Transit District (RT) operates 77 bus routes and 20.6 miles of light rail covering a 418 square-mile service area. Buses and light rail run 365 days a year using 36 light rail vehicles, 152 buses powered by compressed natural gas (CNG) and 55 diesel buses. Passenger amenities include 31 light rail stops or stations, nine bus and light rail transfer centers and 10 free park-and-ride lots. RT also serves more than 3,800 bus stops throughout Sacramento County.

Annual ridership has steadily increased on both the bus and light rail systems from 14 million passengers in 1987 to more than 27 million passengers in fiscal year 2002. Weekday light rail ridership averages about 29,500, which accounts for approximately 30 percent of the total system ridership. Bus weekday ridership has reached an average of 62,500 passengers per day.

The South Line Light Rail Extension Project is a two-phased, 11.2-mile extension of the existing line to south. Phase I, which extends 6.3 miles from Broadway south to Meadowview Road, is expected to increase daily ridership by 15,000 passengers by 2015. Grounded on extensive community outreach, each of the seven new stations has been individually created to reflect the character of the neighborhoods they serve.

The South Line Light Rail Extension Project comes at an important in the renaissance of the South Sacramento area. South Sacramento's population is expected to grow from 67,313 in 1998 to over 85,000 in 2022. The South Line Rail Extension Project will provide residents of the area with less traffic congestion, improve mobility in and around the downtown area, reduce parking demands and costs, and improve air quality. For these reasons, the South Line Rail Extension Project serves as a shining example of the great value of public transportation and the benefits of investing in local, state, and federal partnerships.

Mr. Speaker, I am honored to welcome the South Line Rail Extension to the South Sacramento Community. I would like to thank all the people who, through their commitment and hard work, have made this project a reality. I am confident that this project will yield tremendous benefits for the people of Sacramento. I ask all my colleagues to join with me in wishing the Sacramento Regional Transit District continued success in all its future endeavors.

TRIBUTE TO THE LATE REV. JAMES WASHINGTON STEPHERSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most remarkable leaders, the late Rev. James Washington Stepherson. He genuinely exuded the noble attributes that define the character of God's chosen steward in his role as the Good Shepherd of various churches throughout Georgia and Florida.

On Saturday, September 20, 2003, at 10 a.m., Commissioner Barbara Carey-Shuler, chairwoman of the Miami-Dade County Board of Commissioners, will lead elected and appointed officials and community leaders, at ceremonies that will name 2799 N.W. 46th Street as the Rev. J.W. Stepherson Street. This event will symbolically consign his countless deeds of good work to the lasting appreciation of our generation and generations more to come.

Born to the late Israel and Janie Hill Stepherson on September 22, 1914, in Jacksonville, GA, Rev. Stepherson preached his first sermon in 1946 at Kings Chapel Baptist Church in Abba, GA, and was subsequently ordained in that year by the late Rev. H.J. Walker.

Historic milestones characterized Reverend Stepherson's pastoral service. In 1959 he visited Miami, FL, and became enamored of the Antioch Missionary Baptist Church of Brownsville. After preaching at this church on two occasions, the Board of Deacons offered him an invitation to become the pastor of the church. He accepted this providential offer, and the rest was history. As a visionary, he ordained and licensed countless clergymen and deacons throughout the State and across the Nation. Under his leadership more than 5,000 souls were led to Christ, as he fervently persevered to deepen his insights and expand his knowledge by enrolling at Bryant Theological Seminary in Georgia, Florida Memorial College and Barry University in Miami-Dade County.

The 17th Congressional District of Florida and its contiguous cities and neighborhoods will surely miss the dedication of this Man of God. The timeliness of his wisdom and the focus of his expertise guided us in committing ourselves to the well-being of the less fortunate, the voiceless and the underrepresented. By establishing the People United to Lead the Struggle for Equality (PULSE), he led the memberships of the Baptist Ministers Council, the Religious Leaders Coalition and the General State Convention to stand by and continue the mission of the civil rights movement.

He was often heard to define the role of the church in its stewardship over the voiceless and the disenfranchised members of society as something analogous to the role that the civil rights leaders played as they resiliently struggled through the harrowing challenges of racial equality and the demands for simple justice and equal opportunity.

I was truly privileged to enjoy the friendship of this quintessential Man of God in his understanding of and commitment to the less fortunate and downtrodden in our community. The sharpness of his mind, the timeliness of his common sense and the courage of his conviction served to strengthen and guide us when our community and the state of Florida needed someone to put in perspectives the agony and pain of disenfranchised African-Americans and other voiceless minorities yearning to belong and pursue the promise of the American dream.

We lost this giant of a leader when Reverend Stepherson died in the service of his God and his fellowmen on September 8, 1998. Indeed, he exemplified a calm but reasoned leadership whose stewardship and advocacy buttressed our hope for a brighter future. While he is sorely missed by our community, particularly the congregation of Antioch Missionary Baptist Church of Brownsville, we will once again be given the opportunity to thank God for uplifting our lives through the stewardship of Reverend Stepherson, who faithfully and religiously consecrated his noble efforts on our behalf.

This fitting but symbolic ceremony is but one small measure of our genuine acknowledgement for his remarkable contributions to the good name of our community. Our collective pride in sharing his friendship is only exceeded by our gratitude for all that he has sacrificed on our behalf. This is the legacy with which we will honor his memory.

RECOGNIZING THE CAREER AND CONTRIBUTIONS OF GARY T. PUMA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. HOLT. Mr. Speaker, I rise today to recognize the career of Gary T. Puma, the president and chief executive officer of Presbyterian Homes and Services of Princeton for his more than twenty-five years of service to New Jersey's senior citizens and their families.

Mr. Puma's dedication to meeting the needs of the elderly began when he was an undergraduate at John Fisher College, where he was active in creating a gerontology department. His dream of helping the elderly led him to service on the N.J. State Department of Health and Senior Service—Assisted Living Task Force and the N.J. Housing Mortgage and Finance Authority—Assisted Living Financing Task Force. His expertise has also resulted in testimony before the U.S. House of Representatives and in assisting with the drafting of affordable housing regulations for New Jersey.

Mr. Puma's own Italian immigrant grandparents were his inspiration. Knowing how hard they worked to create a good life for his family here in America gave him a life-long determination to help other older people at a time when they were in need and deserved first-rate housing and care. Because of his grandparents, Mr. Puma has worked tirelessly to bring to life his vision of an organization with a wide spectrum of care and housing options to assist as many seniors as possible. Mr. Puma has refused to accept anything less than excellence in every aspect of the Presbyterian Homes and Services. Under his guidance, Presbyterian Homes and Services received the 1996 New Jersey Governor's Award for Excellence in Affordable Housing.

Wanting to help seniors age in place at home, Mr. Puma conceived of and championed the State's first subsidized assisted living program for seniors who lived in affordable housing. This innovative program has served as a model for other communities in New Jersey and throughout the country, and it has been recognized by AARP and the Assisted Living Federation of America.

As an inspiration to individuals in New Jersey and throughout the country, Gary T. Puma has contributed significantly to the quality of life of thousands of senior citizens regardless of their income or denomination. He has earned our heartfelt appreciation for his efforts. Please join me in congratulating him for his many years of service.

OPINION PIECE FROM THE NEW YORK TIMES

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the following opinion piece from the New York Times on Sunday, September 21, 2003. Written by Mark L. Kimmey, a lieutenant colonel in the United States Army Reserve and a systems engineer in civilian life, this piece portrays Reservists' frustration with the Defense Department's recent decision to prolong their deployment.

BOOTS ON THE GROUND, FAMILY BACK HOME

(By Mark L. Kimmey)

The Army's decision to keep its Reserve forces in Iraq on duty for a full year from their arrival may have profound consequences for both the Army and the war in Iraq. While the Army will gain increased flexibility with its "boots on the ground," the long deployments may demoralize reservists. When mobilization and demobilization are included, 12 months on duty in Iraq will mean a 14- to 16-month separation from family and career for reservists.

"Fair doesn't mean equal," a battalion commander once told me. But the message to reservists is unmistakable: the Army no longer takes into account sacrifices made to maintain two careers and lives. Many reservists will watch the regular soldiers with whom they came to Iraq go home before they do. The Army may not care about the disparity between the way the forces are treated. but those of us in the Reserve do.

Everyone knows that the regular and Reserve units of the Army are not equal. Regulars are better trained, better equipped and expected to execute their missions more professionally. That's the way it should be: it's their job—their only job.

Reservists have jobs in the civilian world. For a reservist, every day in uniform is a day away from what might be (or might have been) a promising career. Despite the Uniformed Services Employment and Re-employment Rights Act, which prohibits discrimination against an employee because of military service, we understand that when a dispute with an employer arises, the reservist always loses—even if the employer is forced to take us back. What's more, many of us don't serve long enough to qualify for a military pension—and even if we do, it's not enough to compensate for opportunities missed while we were deployed.

Hardships on Reserve families have increased with longer and more frequent deployments. Reservists don't always have ready access to a military base and its support programs. Left to fend for themselves, Reserve families are becoming more vocal about their unhappiness with the situation. Politicians may not be listening to their complaints, but you can bet we husbands and wives overseas are hearing their pain.

The Army is fond of bragging about the advantages of the all-volunteer force. But reservists are volunteers, too. We sign up for the Reserve when we leave the Army because we want to continue to serve with people we respect. We sign up because we want to serve our country. We sign up for extra income or educational benefits. Some of us sign up to be part of history, for the possibility of adventure. But nobody signs up for occupation duty, especially occupation of a country that never officially surrendered.

It is not a question of performing our duty. I have served as a peacekeeper in the Balkans, a job that most of us found hard but acceptable. Even though most active-duty soldiers were deployed to Bosnia or Kosovo on 180-day assignments—90 days shorter than us reservists—my unit didn't suffer from a flood of resignations after Balkan duty. In fact, we laughed that reservists were providing more continuity there than the regulars.

The problem in Iraq is that the Army doesn't seem to know what to do with us. The Army has only one civil affairs battalion on active duty. Its job is to get in fast, stabilize the situation and then hand responsibilities to a mobilized Reserve unit as quickly as possible.

That's where my Reserve civil affairs brigade comes in. I am a communications officer in a unit filled with higher-ranking officers. Why so many senior soldiers in a civil affairs brigade? Because our knowledge, skills and experience, gained in the civilian world, make us valuable in rebuilding countries like Iraq and Afghanistan.

In the case of my brigade, we've had nothing to do for almost a month. We were originally deployed in support of the First Marine Expeditionary Force, but when it went south to Kuwait at the end of August to begin its journey home, we were left to cool our heels. Our three battalions were dispersed on far-flung assignments. One battalion was sent to Bosnia on a scheduled peacekeeping rotation; another was split, with half reinforcing the 101st Air Assault Division. The remaining soldiers are filling holes in my own unit.

So here in a makeshift base camp, we have a brigade headquarters with few reservists to command and no regular Army commander to support. The feeling throughout the ranks is that we are being held in place while someone tries to think of something for us to do. We've been assured that new orders will be published "any day now," but we've heard that before.

The advantage of experienced reservists to a unit is immeasurable. But here in Iraq, I am hearing more soldiers talk about calling it quits when they return to the States. Even though some soldiers are only four or five years from qualifying for retirement pay and benefits, they're getting out. The constant deployments are difficult for families and careers, they say, and waiting around for retirement benefits is no longer worth it.

The evidence I see in other units around me is the same: the United States Army is about to see a mass exodus from its Reserve.

For me, the length of time I spend in Iraq is less important than getting the job done right. I don't want my son to have to come here in five years because we messed it up. But if the Army continues its policy of year-plus tours for its Reserve forces in Iraq and elsewhere, it will soon find those ranks empty.

The question the Army faces is simple: will more frequent, extended deployments dry up the Reserve pool? We need an answer soon. If the Reserve continue to be misused, soldiers will vote with their feet when they get home. By then it will be too late for the Army to figure out what went wrong.

Secretary of Defense Donald Rumsfeld has said that we need to be fair to reservists, their families and their employers. If reservists are forced to spend too much time on active duty, he said, "we're going to end up losing them, and we can't afford to lose them."

From my perspective, however, we're already losing them. The real impact of the Army's policy on Reserve deployments won't be felt until long after his watch. But because everything bad that happens is the commander's fault, Mr. Rumsfeld's tenure may be remembered less for its battlefield victories than for the damage it caused to the morale of the Army.

HONORING MAX AND VERDA FOSTER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to posthumously honor Max and Verda Foster who are receiving the "Pioneer Award" from the California Poultry Federation. As the founders of Foster Farms, they provided countless economic opportunities to local workers and shaped the poultry industry today.

Max and Verda Foster launched Foster Farms in 1939 on an 80–acre ranch just outside of Modesto, CA. With a small loan and his earnings as City Editor of The Modesto Bee the couple was able to raise their first batch of chickens and turkeys. Dedicated to their vision of providing better, safer farm products to the consumer they expanded their company to dairy as well as poultry. Blazing the path in both the dairy and poultry industry they remained steadfast in their determination to uphold the principles upon which Foster Farms was founded: Excellence, Honesty, Quality, and Service.

Always a leader in the industry, Foster Farms always accepted and embraced new technology. In fact, the Fosters were often leaders in this arena as well. With the consumer in mind, Max Foster worked to revolutionize the industry by computerizing both the poultry and dairy operations. Many of his ideas are still in use today.

Not only were the Fosters dedicated to the consumer but also dedicated to protecting farm land as well. They always used natural chicken fertilizer on their dairies and led the industry by having the first Manurial Lagoon. Both Foster Farms' dairy and poultry products continue to be hormone free.

The Fosters' impact can be felt among many in their local community as well. Foster Farms currently employs more than 9,000 people in their poultry and dairy operations. They are one of the largest employers in Stanislaus County. The vision and passion for quality shared by Max and Vera Foster in 1939 remains the legacy of every Foster Farms employee today. Leading it to become the largest poultry company in the Western United States with annual sales in excess of $1 billion. It is my honor and distinction to recognize the efforts of Max and Verda Foster and to represent their legacy Foster Farms in the 18th Congressional District.

HONORING MAY W. NEWBURGER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of May Newburger, who is serving her fifth term as North Hempstead Town Supervisor. May is an asset to our community, and an excellent role model for our younger generations. Put simply, May is my role model.

Many Long Islanders know May Newburger as the first female chief executive of a Nassau County town, but she is much, much more than that. A graduate of Hunter College and Columbia University, May is an intelligent woman who has worked on local, state and national issues.

Before becoming supervisor, May spent 2 years as a town councilwoman and 8 years as a New York State assemblywoman. She has worked extensively on behalf of women and children by serving as a New York State delegate to the National White House Conference on Families, chairing the American Jewish Congress' National Commission on Women's Equality, among other committees and commissions.

May's efforts are endless. Under May's responsible and practical supervision, North Hempstead has transformed a $7 million budget deficit to a $7.7 million surplus. In fact, the town was the first on Long Island to adopt a debt reduction plan that emphasized the need for long-term strategies. May has built a reputation around her dedication to the environment, securing $200,000 from the Environmental Protection Agency to designate New Cassel as a Brownfields Pilot Community. She is continually working to protect and preserve our local lands and waterways.

Today, as May Newburger nears her retirement, I honor her for her numerous contributions to our community. May is the reason that I, along with many other women, had the courage to enter politics and government service. Not a day goes by without me reflecting on or using something May has taught me, and I am proud to call her my friend and mentor.

Mr. Speaker, I thank May Newburger on behalf of each and every person whose life she has improved over her years of service.

FIRST CONGREGATIONAL CHURCH'S 300TH ANNIVERSARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, the First Congregational Church of Rochester, Massachusetts, in the district which I am privileged to represent, will mark a very impressive occasion—the church's 300th Anniversary. During these 300 years—which of course predate the establishment of our country, an event in which members of the church had an important role—the First Congregational Church has made innumerable contributions to society while serving its central religious purpose. Recently I received a letter from the Reverend Dr. Leo D. Christian, which gives a brief history of the church—brief because it would take a volume the size of this RECORD adequately to document what has happened here over 3 centuries. This is an impressive example of the way in which our institutions ought to work, and how institutions can both serve the needs of their members and contribute to the greater society. I ask, because I think this is an example that should be widely shared, that the letter from the Reverend Dr. Leo D. Christian be printed here, and I again express my congratulations to Dr. Christian and the members of the church for their truly impressive record.

FIRST CONGREGATIONAL CHURCH,
Rochester, MA.

DEAR REPRESENTATIVE FRANK: On October the 13th, 2003, we at the First Congregational Church are celebrating our 300th Anniversary. As a Church we have had the privilege of not only watching the development of this nation and this commonwealth, but we participated in its very formation. The laws and governing principles were decided by the input and votes of our people along with the other great peoples of the day. A list of some notable people is as follows: Joseph Burge, First Representative to Province Court and John Hammond, Second Representative to Province Court. Representatives to the General Court before the Revolution: Abraham Holmes, John Hammond, Noah Sprague, Thomas Dexter, John Freeman, and Samuel Sprague.

Rochester Selectmen Town Clerks: Between the years from 1690 to 1909, more than 30 of our members took on the civic roles of Town Clerk and Selectman, the first three being Samuel White, Samuel Hammond and Mark Haskell. From 1909 until present times, our members have continued to play a major part in local government.

When the settlers came to the shores of New England they found this a very rustic place in comparison to their mother country. Our first minister, the Reverend Samuel Arnold, noted that this was a dark wilderness. Our church has had the privilege of helping our nation and state be what it is today. Whether it was the issue of slaves or the rights for women to vote we, along with other of like mind, stood for emancipation and for the suffrage movements.

When our nation was involved in its Revolutionary War we mustered the militia on the church green and sent many of our own to answer the call to arms in our nation's revolution. Thirty three (33) of our young men never returned home. In a time of great national crisis we sent people again to stand for liberty in the Civil War. It is more than likely that our people have served in every war and conflict that our nation has fought, even to the point of our ladies' society making bandages and giving support to the troops. Such people of note are Militia: (1690) Lieut. John Hammond and Ensign Isaac Holmes. Rev. Jonathan Moore went as chaplain with the 1st company of militia answering the Lexington call. Captain Earl Clapp was at the Battle of Bunker Hill and rose in rank to Major. Major Elnathan Haskel was an aid to General George Washington and as such is shown in a painting hanging in the Capitol in Washington, D.C. portraying Borgoyne's Surrender.

As our nation was threatened from the north there were those who fought in the French and Indian Wars: Paul Sears and Joseph Doty. Those who served in Canada were Joseph Barlow, Charles Sturtevant and Earl Clapp. Then again in the War of 1812: Joseph Doty, Jonathan King and Samuel Cowing represented our church and community.

Missionaries, authors, educators, civil servants, physicians, lawyers and politicians have come from this beautiful white meeting house on the village green. Through these 300 years our mother church has given birth to four daughter congregations, Marion, Mattapoisett, Warcham and North Rochester Congregational Churches. Our vestry served for years as a town school and many people in the community still remember attending there as children.

We have hosted and still do many civic programs such as senior citizens, Boy Scouts and Girl Scouts. The men of our church formed an organization known as the Brotherhood that not only provided them fellowship, but served the community with a host of family entertainment opportunities and benevolent contributions to those who were in need.

Some of those who served in the following capacities were: Medicine: Dr. James Foster. (Note) The early pastors, namely Rev. Samuel Arnold and Timothy Ruggles, also aided their people by extracting teeth, doling out opium, saffron, older, yellow dock and snake root when their parishioners' own remedies failed.

Education: The first pastor, Samuel Arnold, along with his pastoral duties, taught young boys who wanted to attend Harvard College. (Rochester has always been known for its support of academics and in the early days it was generally the presiding Reverend who led the quest for education.)

Abraham Holmes, a lawyer and representative to the General Court, used his home office to teach law students, there being no law school available.

Rev. Jonathan Bigelow who came in 1827, was responsible for the building of our present meetinghouse, a parsonage and the Rochester Academy. The latter a "noted and highly accredited institution gave instruction in all English studies, Latin, Greek and French languages and great attention was paid to the Moral Conduct, general deportment and intellectual improvement of its scholars." Many graduates became doctors, lawyers, teachers, ministers and judges, living beneficial lives in their own communities.

Henry Martyn Dexter, one of the first preceptors of Rochester Academy afterwards became Nestor of Congregationalism. Our congregation has always been blessed with an abundance of teachers.

Although we are separate organizations to our governing and civil structures we have always been in congruence for the good of the community, our commonwealth and our nation. Whatever the need of the community we have tried to rise to the occasion and offer assistance.

TRIBUTE TO MR. BAUDILIO VILA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today I rise to celebrate the accomplishments of a remarkable man, my friend, Mr. Baudilio Vila.

Born on May 20, 1932 in Camaguey, Cuba as the youngest of eight siblings, Baudilio quickly found his calling in the company of Mother Nature. As a very young man, Baudilio worked alongside his father and his siblings as they tilled the soil under the bright Cuban sun. The work was difficult and unending, but Baudilio proved to have a gift for cultivating the land.

At the age of 25 Baudilio married his beloved partner Dulce Diaz. Invigorated by both his newfound marital bliss and a new farm—a wedding present from his father-in-law—Baudilio redoubled his labors in order to provide for his new family. Unfortunately for the Vila family, beginning in 1959, Castro's communist tyranny stifled all attempts to create a small private business that would support a family. Nonetheless, Baudilio devoted his life to developing the farm until he could no longer bear Castro's constant repression of the human spirit. Unable to achieve the dreams he nurtured as a small boy under Castro's totalitarian regime, Baudilio Vila and family made the decision to seek freedom in the United States of America.

While it is never an easy decision to flee your homeland, it is often a simpler decision for those who make this daring journey in their youth. As yet unaffected by the responsibilities of family, young people are capable of making immense decisions with the confidence that often characterizes early adulthood. At the age of 48, well into middle age, Baudilio was fully cognizant of the risks he and his family were taking as they crossed the perilous Florida Straits. For Baudilio to start again with nothing at the age of 48, with a family to feed, takes a daring unknown to most of humankind.

In 1980, temporary facilities were set up in Miami's "Orange Bowl" to accommodate the enormous number of Cuban refugees seeking asylum in the United States of America. As the Vila family settled into this temporary housing, Baudilio's first thoughts were how could he help, how could he begin to provide for his family? Baudilio suggested he could help pick up the trash in the refugee camp. The authorities running the tent city said yes, he could help pick up the waste accumulating in the Orange Bowl. For his efforts, Baudilio would receive the sum of $1 dollar for every large bag of trash he collected.

After departing the Orange Bowl, and upon being assimilated into South Florida, Baudilio and Dulce both took jobs as they attempted to realize their American Dream. Initially, Baudilio tended to lawns with borrowed tools, while his wife cleaned houses every day of the week.

Never forgetting the connection to the land he felt as a farmer in Cuba and attempting to realize his dream of starting his own business, in 1982 Baudilio and the Vila family rented 4 acres of land. While the family continued to work in different types of gardening jobs, they were also collecting the plant seeds they would need to open their own agriculture business.

In the years that followed, the Vila family slowly began to expand their landscape contracting and growing business, Vila & Son, by buying equipment and obtaining small contracts with Miami-Dade and Broward Counties. After years of successfully striving to establish a growing business, Vila & Son was awarded the prestigious contract to service the grounds of Walt Disney World.

Vila & Son, begun on four acres of rented property, now has 462 employees in three district offices. Vila & Son annually surpasses $34 million in sales in addition to planting 6000 plants every working day.

In recognition of their hard work and success, the Vila family has received many honors including the keys to Miami-Dade County and having May 18, 2002 proclaimed "Vila & Son Day."

Baudilio Vila, born in Cuba in 1932, a refugee who arrived in the United States at age 48 with nothing more than his dream of living in freedom, and later an extraordinarily successful entrepreneur, was invited by President George W. Bush to his inauguration in January, 2001.

Baudilio Vila is an extraordinary human being who has lived a remarkable life. I am proud to call Baudilio Vila and his family my friends and I am pleased to share Baudilio's remarkable story with the United States Congress.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BEREUTER. Mr. Speaker, this Member rises in opposition to this motion to instruct House conferees to H.R. 1588. Certainly, this Member has no objections to expediting citizenship for non-citizen members serving in U.S. armed services and supports efforts to provide appropriate incentives for a very small percentage of the few non-citizens who meet established requirements to join our professional military forces. However, in granting citizenship to these qualified men and women, it is not necessary or desirable to also grant priority to their parents, spouses, and children. And it is certainly not appropriate to waive the requirement that such family members financially support themselves in the U.S. Unfortunately, the provisions in the Senate-passed version of H.R. 1588, which this motion instructs House conferees to accept, would have that effect.

Through the provisions, the spouses, children under the age of 21, and parents of men and women who have been granted citizenship based on their service in the U.S. armed forces and who have died in the line of duty would be authorized to seek permanent resident status on an expedited basis. Then, unlike other people seeking legal immigrant status, these family members would not be required to meet financial thresholds which indicate that they would not immediately be public charges.

Most of the American public is unaware of these provisions. Enacting such excessive inducements for joining the U.S. military is a step in the wrong direction, particularly if it results in this country increasingly depending upon what could come to be thought of and called "foreign mercenaries" to serve in the armed forces. This practice has too many similarities to the mercenary forces of the Roman Empire in its decline as Roman citizens themselves became unwilling to serve in the Roman legions. Imagine, too, the reactions of foreign nations that begin to see our military personnel as serving almost solely to gain citizenship for themselves and their families.

Mr. Speaker, this Member encouraged his colleagues to vote against the Rodriguez motion to instruct.

HONORING MAJOR GENERAL HAWTHORNE L. PROCTOR UPON HIS RETIREMENT FROM THE ARMED SERVICES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to recognize Major General Hawthorne Proctor as he prepares to retire after 35 years of distinguished military service.

Major General Proctor received his commission in 1968 as a distinguished military graduate from North Carolina Agricultural and Technical State University in Greensboro, N.C. He then continued his education with a master's degree in Public Administration from Central Michigan University in 1976. His military schooling includes the Quartermaster Basic and Advanced Courses, the Command and General Staff College, the Army War College, and finally Executive Management Development Training at the University of California at Berkley.

. Major General Proctor's military career began with his assignment to the 25th Infantry Division. From there he served as Chief Production Management Branch at the Defense Industrial Supply Center; and as a company grade officer he served as Platoon Leader and Assistant Brigade S–4 at Fort Ord, California.

As Major General Proctor rose through the ranks he held command posts all over the world from Philadelphia, Pennsylvania to Uijongbu, Korea and Bangkok, Thailand. He also held the prominent positions of Deputy Chief of Staff for Logistics and Operations, U.S. Army Material Command in Alexandria, Virginia and 46th Quartermaster General and Commander at the Quartermaster Center and School. Since July 2001 he has held the illustrious post of J–3, Chief of Logistics Operations at the Defense Logistics Agency.

Major General Proctor has been recognized many times for the excellence and professionalism with which he has performed his duties. He has been awarded the Defense Distinguished Service Medal, Distinguished Service Medal, Defense Superior Service Medal, with three oak leaf clusters, and the Bronze Star Medal. Moreover, in recognition of his notable career Major General Proctor was inducted as a distinguished Member of the Quartermaster Regiment in 1994.

Mr. Speaker, in closing, I want to commend Major General Proctor on his accomplishments for the dedication and distinction with which he served his country. I ask all my colleagues to join in congratulating the long and successful career of this great patriot.

TRIBUTE TO THE GERMANIA HOSE COMPANY ON THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the Germania Hose Company in Duryea, Pennsylvania as it celebrates its 100th anniversary this Saturday, September 27, 2003.

Germania Hose Company was incorporated in 1903. As this company of volunteer firefighters approaches its centennial celebration, it continues to provide their community with the highest quality of service and protection. This all-volunteer company prides itself on a staff of over 60 members both active and retired. With approximately 35 active firefighters and fire police ranging from the age of 18–70, the Germaine Hose Company repeatedly holds successful annual fundraisers such as picnics and pancake breakfasts to help subsidize costs.

On this upcoming milestone for this fire department, I would like to recognize some of firefighters the Germania Hose Company considers its founding fathers. Paul Komenski, George Orenich, Henery Lewandowski, Charles Bartlow, Jim Steer, Mike Kosik, Ed Slatky and Ed Murzinski. Their founding fathers both living and deceased provided the initial training and support that has continued their reputation of tradition and excellence to the community.

Heading this volunteer fire company is Fire Chief, Mike Shovlin. Under his guidance and assistance, members of the fire company respond to more than 200 calls per year that range from structure to grass fires. They also run Mutual Aid assists to neighboring towns. In addition to fire fighting they also have a Scuba Search and Rescue Team that consist of 8 certified divers and the latest state of the art search and rescue equipment.

On their upcoming day of celebration, I would like to remind all House Members of the critical role firefighters and rescue personnel play in protecting our families and communities. Their profession, a dangerous and volunteer service, provides the people of Northeastern Pennsylvania the safety and security that so many take for granted.

Mr. Speaker, on their 100th anniversary, I pay tribute to both the effort and positive impact that the Germania Hose Company, Fire Chief Mike Shovlin and all the volunteer firefighters have on their community in Duryea and all of Northeastern Pennsylvania.

PERSONAL EXPLANATION

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. RUPPERSBERGER. Mr. Speaker, on Tuesday, September 23, 2003, I was detained in Baltimore while assisting my constituents in dealing with the devastating damages from Hurricane Isabel.

While estimates on the economic damages are not yet available, we do know that the hurricane damaged or destroyed 3,300 homes on the eastern shore of the Chesapeake Bay displacing thousands of Marylanders. It caused over 1.34 million Marylanders to lose power. All of Baltimore County's 70 marinas were destroyed, devastating a $225 million dollars a year industry. Thousands of businesses, including ISG's Bethlehem Steel plant, are flooded ruining their daily operations.

Today, Department of Homeland Security Secretary Tom Ridge, Governor Robert Ehrlich, and I toured an area of Baltimore County that experienced extensive damage. After viewing the damage and I encouraged Secretary Ridge to expedite efforts to assist Maryland's Second Congressional district. It is important that the Federal, State and local governments work together.

Hurricane Isabel devastated Maryland's Second Congressional District and I was there assisting my constituents in their discussions with the Federal Emergency Management Agency, the U.S. Department of Housing and Urban Development, and the Small Business Administration to help re-establish their homes and businesses.

TRIBUTE TO MR. AND MRS. JAMES PIERCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize two exceptional members of my community, Mr. and Mrs. James and Susie Pierce, and to congratulate them on reaching an exceptional milestone. On September 22, 2003, this inspiring couple celebrated their 75th Anniversary, surrounded by family and friends.

Married in 1927, they moved in 1932 from Georgia to the Booker T. Washington Housing complex in Jersey City, NJ, where they still reside. James was 19 and Susie was 15.

Mrs. Pierce has served New Jersey for many years as a Licensed Day Care provider for the State.

Mr. and Mrs. Pierce have been members of Emmanuel Pentecostal United Holy Church since 1932, amassing 72 years of devotion and service. Susie served as Trustee for 40 years, President of the Ushers for 47 years, Women's Day Chairperson for 30 years, Hospitality Committee for 30 years, Acting Church Treasurer for 3 years, and YPHA for 12 years. She has been both a fieldworker for the New Jersey District United Holy Church Sunday School and Chairperson for the finance department of New Jersey's District Ushers Union. In 1979, she was Women's Day's Woman of the Year and on Mothers' Day in 1986, she was honored by Jersey City Housing as the mother who has lived longest in the development.

James has retired from his years of service at the Domenico Bus Company and has held the positions of Deacon and Trustee at Emmanuel Pentecostal Church. He has committed himself to community service by recruiting neighborhood children to Sunday School and Church, even picking them up himself so that they might attend. These children, now adults, have grown and matured in the Lord, a living testimony to James' legacy.

Their beautiful family includes 4 children: James, a Serviceman in San Antonio, Texas; Akua Clark, a bank Vice-President in Franklin Park, NJ; Linda Stokes, a Guidance Counselor at Public School No. 8; and John, a Construction Worker in Jersey City. They also have 7 grandchildren and 6 great-grandchildren.

These fine people have been pillars in my community, and I am honored to call them my neighbors. Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in saluting Mr. and Mrs. Pierce for their many years of service to their city and to their church community.

HONORING SUE KLUGER FOR ESTABLISHING LEADERSHIP WILKES-BARRE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Sue Kluger of Wilkes-Barre, Pennsylvania for making Leadership Wilkes-Barre what it is today. I ask that my colleagues pay tribute to her achievements as she is honored at a dinner this Wednesday, September 24, in Wilkes-Barre.

Established in 1981, Leadership Wilkes-Barre is an outstanding community development program designed for those in the field of business and industry, healthcare, social services, utilities, government, labor, education, and professional and volunteer organizations. Graduates of the program usually take on leadership roles throughout my Congressional District in Northeastern Pennsylvania, and throughout the United States.

Leadership Wilkes-Barre has a strong commitment to developing leadership skills and of informing class members about the issues confronting our community. It encourages its participants to address community needs by completing group projects, and the program instills a commitment and a personal responsibility to serve and strengthen our community. This program inspires people to get involved and lead their community toward a brighter future.

Sue Kluger exemplifies community involvement and leadership. She is a member of the founding Board of Directors of Leadership Wilkes-Barre and its Executive Director since 1983. She has assisted in the formation of 15 Leadership programs throughout Pennsylvania.

She is a member of countless organizations throughout the Wilkes-Barre area and has participated in many community projects throughout the years. It is no surprise that Sue has been recognized for her community leadership on several occasions. She has been honored as Woman of the Year by the Sisters of Mercy, won the Lifetime Achievement in Philanthropy Award from the National Society of Fund Raising Executives, was awarded the Preceptor Award from the National Association for Community Leadership, was included in the National Directory of Who's Who in Executive and Professional Women, and was the winner of the United Ways of Pennsylvania Volunteer of the Year Award. She has also received the Greater Wilkes-Barre Chamber of Commerce Award for Outstanding Business Woman.

Mr. Speaker, I insert in my remarks at this point the complete text of a recent editorial honoring Sue.

[From the Wilkes-Barre Citizens Voice, Sept. 23, 2003]

SUE KLUGER RADIATES LEADERSHIP

Her tenure created 3,000-plus leaders, doers and friends.

If the Greater Wyoming Valley is well-supplied with anything, it is with individuals who are groomed for community leadership. This, to a great extent, is the result of the career of one who has been called "the leader of leaders," Sue Kluger. Sue Kluger will be honored tomorrow evening with a party and salute at the F.M. Kirby Center For the Performing Arts on Public Square. The salute will be for 20 years of service as executive director of Leadership Wilkes-Barre as she completes that tenure and takes up the role of senior adviser to the organization.

During those two decades, Sue Kluger has headed this well-known community program that identifies as many as 40 emerging community leaders each year and educates them about needs and assets—ranging from economic development to local government to social services. During the same two decades, too, she has encouraged and helped the core program expand to leadership training for high school students, college students, executives and senior citizens through programs called Junior Leadership, Intercollegiate Leadership, the Executive Leadership Series and The Masters Leadership Program. By way of all these programs, more than 3,000 local people have gained understanding of our community and been put into position to help it progress.

Equally as impressive as the large numbers of "graduates," however, is the substantive result of their participation. The boards of directors of scores of area organizations and agencies are more diverse and more vital because they include individuals who have gone through the leadership programs. The actual leaders in training have completed hundreds of class projects. They have done environmental cleanups. They have organized recreational events. They have held performances events promoting the arts in Northeast Pennsylvania. They have held forums—attended by several thousand people over the years—addressing community concerns.

Too, the Leadership Wilkes-Barre program has been personally enriching for those who participate in it. The many alumni of the leadership programs have become a network of friends who can call upon each other to advance community goals.

Friendship, community activism, diversity, and belief in the future of the Greater Wyoming Valley will fill the room tomorrow night at the Kirby Center as the graduates and friends of Leadership Wilkes-Barre gather. And it will radiate—as it long has—from the woman being saluted, Sue Kluger.

Mr. Speaker, It is a privilege and honor to represent a woman who has done so much for her community and for all of Northeastern Pennsylvania.

HONORING WALTER STRONG, PH.D.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. RADANOVICH. Mr. Speaker I rise today to honor Dr. Walter Strong upon his celebration of 30 years in higher education administration at California State University, Stanislaus, and to congratulate him on his new position at Charles Drew Medical School. He will be honored at a reception on Thursday, September 25th in Stanislaus County in California.

Dr. Strong considers himself "imbued with a can-do spirit from the '60s" and has dedicated his life to education, serving many communities throughout his career. Born in Brooklyn, New York, he received his education at State College of Environmental Studies at Syracuse University, Southern Illinois University, University of Nebraska, University of Illinois, and Golden Gate University. Dr. Strong has served as Assistant Vice Chancellor for Academic Affairs, Assistant Vice President, Senior Vice President, and Executive Vice President at numerous colleges and universities. He has been the recipient of numerous honors and awards for excellence, performance, and community service. Dr. Strong saw one of his visions come to fruition with his leadership in the merger and consolidation of Meharry's Teaching Hospital with the city/county hospital of Metropolitan Nashville. In addition, Dr. Strong has twice co-chaired the Stanislaus County United Way fund drive, raising more than $7 million.

Dr. Strong's contributions to California State University, Stanislaus, and the community are abundant and appreciated by all. He presently serves as the Vice President for Development and University Relations, while also holding the position of Executive Officer for the University's Foundation. Dr. Strong is responsible for development, university relations, athletics, media relations, public affairs, marketing, community affairs, alumni relations, and all aspects of university fundraising at CSU Stanislaus.

Mr. Speaker, I rise today to honor Dr. Strong for his years of service and to thank him for his dedication to the students and the community. I invite my colleagues to join me in extending him best wishes for his future.

IN HONOR OF DR. DOROTHY I. HEIGHT—A GREAT AMERICAN HERO

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor one of America's great civil rights and human rights leaders—Dr. Dorothy I. Height.

At ninety years of age, Dr. Height has had a long and distinguished career in the struggles for equality, social justice, and human rights for all peoples, and is today recognized as one of the most important social and civil rights activists of our time.

Born on March 24, 1912, Dorothy Height earned her bachelors and masters degrees from the New York University.

She began her work as a civil rights advocate in the 1930s, then went on to serve as President of the National Council of Negro Women (NCNW), an organization of 250 local groups and 38 national groups focused on social and economic development, women's issues and children's issues. Under her leadership the NCNW implemented numerous innovative initiatives including: Operation Woman Power to expand business ownership by women and to provide funds for vocational training; leadership training for African-American women in the rural South; the nationwide annual Black Family Reunion to encourage, renew, and celebrate African American and all families; the Women's Center for Education and Career Advancement to empower minority women in nontraditional careers; and the Bethune Museum and Archives devoted to the history of African-American women.

Quite notably, Dr. Height was the only female member of the "Big Six" civil rights leaders, which included Whitney Young, A. Phillip Randolph, the Reverend Dr. Martin Luther King, Jr., James Farmer, and Roy Wilkins. Dr. Height was an important confidante and consultant to First Lady Eleanor Roosevelt on human and civil rights issues. She encouraged President Eisenhower to desegregate America's schools, and urged President Johnson to appoint African American women to high-ranking government positions.

During her life she has also worked tirelessly to educate Americans and those around the world about the realities of AIDS and established NCNW offices in West Africa and South Africa.

Dr. Height is the recipient of numerous awards and recognitions including: the NAACP's Spingarn Award, the highest honor bestowed by the NAACP for civil rights contributions; (C) the John F. Kennedy Memorial Award, from the National Council of Jewish Women; the Ministerial Interfaith Association Award, for her contributions to interfaith, interracial, and ecumenical movements for over 30 years; the Lovejoy Award, the highest recognition by the Grand Lodge of the Benevolent and Protective Order of Elks of the World, for outstanding, contributions to human relations; the Ladies Home Journal Woman of the Year Award, in recognition for her work for human rights; the William L. Dawson Award, presented by the Congressional Black Caucus for decades of public service to people of color and women; the Citizens Medal Award for distinguished service, presented by President Reagan; the Franklin Delano Roosevelt Freedom Medal, awarded by the Franklin and Eleanor Roosevelt Institute; and the Presidential Medal of Freedom, awarded by President Clinton in 1994 for her lifelong leadership and dedication to civil and human rights issues.

Dr. Dorothy I. Height—a great American hero. Today we thank and honor her, as our lives are all the better for her struggles and her lifelong commitment and leadership in creating opportunities for Americans, and for all peoples.

FREE NÉSTOR RODRIGUEZ LOBAINA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today, as I rise every week, to speak about the courageous prisoners of conscience in Castro's gulags. Previously, I have informed the Congress about the political prisoners Rafael Ibarra, Raúl Rivero, Juan Carlos Gonzalez Leyva, Jorge Luis Garcia Perez, Oscar Espinosa Chepe, Jose Luis Garcia Paneque, and Marta Beatriz Roque. Today I rise to speak of Néstor Rodriguez Lobaina.

Néstor Rodriguez Lobaina has been arrested and/or detained over 90 times since 1991, and is currently serving a six-year prison sentence for "disrespect to the figure of the Commander in Chief Fidel Castro" and "public disorder."

Why has Néstor Rodriguez Lobaina been savagely beaten while serving his sentence at the maximum security "Combinado of Guantánamo?" Why was Mr. Rodriguez Lobaina taken to Niva Mountain by Castro's police thugs and mock executed? Why is Mr. Rodriguez Lobaina considered a prisoner of conscience by Amnesty International? The answer to all of these questions is simple: Néstor Rodriguez Lobaina is one of the founders and current President of the Cuban Youth for Democracy Movement.

The Cuban Youth for Democracy Movement is a nongovernmental organization that promotes democracy and human rights for the people of Cuba. These concepts are so antithetical to Castro's tyrannical regime that when Mr. Rodriguez Lobaina worked to promote the ideals of freedom and democracy he was locked away for six years in a maximum security gulag.

Mr. Speaker, think about that, for encouraging people to think about freedom, to think about democracy, Néstor Rodriguez Lobaina has been arrested or detained over 90 times and is currently serving a six-year sentence. Six Years! Mr. Speaker, Six Years! Néstor Rodriguez Lobaina is serving six years because he thinks the people of Cuba should be free.

My colleagues, we must all call for the release of Néstor Rodriguez Lobaina and all political prisoners in totalitarian Cuba.

TRIBUTE TO DR. SUZANNE INSOOK AHN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with sadness that I pay tribute to the memory of my dear friend and a remarkable woman from Dallas, Dr. Suzanne Insook Ahn. I would like to extend my greatest sympathy to her family by taking a moment to reflect on Dr. Ahn's rich life.

Dr. Suzanne Insook Ahn was born in Pusan, South Korea and raised in the United States, She was a graduate of the University of Texas at Austin and the University of Texas Southwestern Medical School.

Dr. Ahn trained at Parkland Hospital in Dallas and maintained a successful practice as a neurologist for thirteen years. She was the youngest person, and only the second woman, to serve on the Texas State Medical Board of Examiners in its 100–year history. Dr. Ahn was the co-inventor of 14 U.S. patents and founded the medical division of a start-up technology company.

A recognized civic leader and advocate of women's rights, she founded the Summit, a group of Dallas women in decision-making positions. Dr. Ahn was instrumental in organizing the Dallas/Fort Worth Chapter of the American Medical Women's Association.

Dr. Suzanne Ahn was a strong advocate for Asian Americans. She lectured across the country on civil rights and lobbied vigorously for the rights of Asian American workers at the Wards Cove cannery. Dr. Ahn led a march against Dallas nightclubs that illegally banned Asian Americans, In 2002 she led picketers at a bookstore in Plano that was denying service to Asian Americans. Dr. Ahn was a founder of the Asian American Forum that provides leadership training for Asian Americans in Dallas/Fort Worth.

In 1991, Dr. Ahn worked in the Texas Air Control Board to control air pollution. As she often pointed out, half of all those with lung cancer are non-smokers. Indeed, the Dallas/Ft. Worth Metroplex is plagued by severely poor air quality that will continue to kill some of our best and brightest—such as Dr. Ahn.

Mr. Speaker, we must improve air quality in metropolitan areas across this Country or we will face disastrous consequences both in terms of our health and our economy. In Dr. Ahn's memory, I reaffirm my efforts to promote alternative transportation and cleaner power generation so that future generations will not grow up in a haze that will shorten their lives, happiness, and contributions to our society.

I join the residents of Dallas/Ft. Worth Metroplex in extending our condolences to her family. A physician, inventor, community leader, and civil rights activist, Dr. Ahn was a remarkable woman who will be deeply missed and never forgotten. She will be remembered for her enthusiasm, her vision, her dedication to equal rights and her many contributions to the State of Texas.

INTRODUCTION OF THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act, a bill to ensure that Direct-To-Consumer (DTC) prescription drug ads provide complete and accurate information about prescription drugs.

The Medicare prescription drug bill passed by the Republicans in the House does nothing to control drug pricing. In fact, their bill explicitly. prohibits Medicare from negotiating with drug manufacturers to get a better deal on prescription drug prices for seniors.

I believe Congress must do something about the high costs of prescription drugs, for Medicare beneficiaries and all Americans. That's why I'm introducing this legislation.

The Fair Balance Prescription Drug Advertisement Act will empower the FDA to determine whether pharmaceutical companies present information about their products in a fair manner, balancing risks and benefits. Any advertisements found to violate this standard would be denied currently allowed tax deductions.

Under this bill, print ads would be required to display pros and cons in equal typeface and space, and on the same or facing pages. If the advertisements ran onto additional pages, those pages would have to be consecutive with the first pages. In television and radio ads, risk and benefit descriptions would be allotted equal airtime and volume level.

Since the FDA relaxed restrictions on television advertising in 1997, DTC advertising has soared. Drug companies' advertising expenditure doubled between 1998 and 2000, and is expected to reach seven billion dollars annually by 2005.

As a consequence of such large-scale advertising, consumers have been led to demand drugs that may not be medically necessary or appropriate for their conditions. According to the National Institute for Health Care Management, 86% of patients who requested a prescription for Clarion from their doctor received one (this drug is now available over-the-counter). Similarly, a 2000 study showed that nearly half of the increased spending on pharmaceuticals was attributable to the fifty most advertised prescription drugs, and also that DTC advertising has increased the prices of prescriptions.

DTC advertising not only drives up the costs of prescriptions, but also increases demand for more expensive drugs in cases when a cheaper alternative will do. The cost of prescription drugs is heavily impacting our country. We all know the problems facing seniors and their ability to afford their medications. States are finding the costs of providing comprehensive drug benefits so expensive that Illinois has announced that they will contract with a Canadian pharmacy to get a better deal for their state employees. Employers are facing similar dilemmas. Given this cost crisis, we need to take every step we can to reduce increasing drug costs. That's why making sure that advertisements aid consumers in making informed decisions, rather than simply increasing demand for the newest drug, makes so much sense.

The Fair Balance Prescription Drug Advertisement Act is endorsed by the California Public Employees' Retirement System, which provides health benefits to more than 1.3 million members. They know far too well the difficulties facing consumers and employers due to increasing drug prices. Their President, Sean Harrigan, says, "Representative STARK's bill is the best medicine for reining in the costs of drugs while ensuring consumers get the real truth about the benefits and the risks of direct-to-consumer advertised drugs."

The new guidelines this bill sets forth will help the pharmaceutical industry educate consumers by enabling them to make informed decisions based on a fair and balanced presentation of risks and benefits. Today's DTC ads simply don't meet that standard. One advertising executive with significant experience with DTC ads said, "we want to identify the emotions we can tap into to get that customer to take the desired course of action." That's not a decision based on facts.

In a survey of 1,872 people who viewed drug advertisements, 70 percent said they had learned little or nothing more about the conditions the drug is supposed to treat, and over half said they learned little or nothing more about the drug being advertised. Very few ads informed viewers of how successful the treatment is, what alternative treatments are available, how long a patient needs to take the drug, or attempt to correct common misconceptions about the disease the drug treats. Predictably, a strong majority of doctors—75 percent—said that the ads caused patients to think that advertised drugs work better than they do.

Physicians themselves have voiced their frustration with the way DTC ads have harmed their ability to provide the best medical care to their patients. In fact, the American Medical Association has asked the FDA to require pharmaceutical companies to include a disclaimer in all ads stating that physicians may suggest other alternative, medically appropriate treatments.

The bill I am introducing today is simple. It would eliminate the tax deduction for ads that do not fairly present the risks and benefits of prescription drugs. Only ads that truly and honestly provide balanced information that enables consumers to make informed, educated decisions would continue to qualify for a business tax deduction.

Since the pharmaceutical industry already argues that their ads educate consumers, they should have nothing to fear by this bill. This bill will provide an incentive for advertising to provide education rather than blatant promotional material that spurs patients to demand drugs that may be medically inappropriate for their condition and drive up costs. This is a bill we should be able to support on a broad bipartisan basis. We should pass it immediately and take a concrete step to reduce prescription drug price increases for America's consumers now. The American public is sick of rhetoric on prescription drug price. They want action. Join me in support of the Fair Balance Prescription Drug Advertisement Act.

SURFACE TRANSPORTATION EXTENSION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. DINGELL. Mr. Speaker, I rise today to call upon the President and House Leadership to work with Chairman YOUNG and Ranking Member OBERSTAR to craft a comprehensive transportation bill that addresses the needs of our nation. While I will vote for the short-term extension for our transportation program, I do so reluctantly.

We have had months to prepare a good bill that does right for the nation. I believe my dear friends, Chairman YOUNG and Ranking Member OBERSTAR are headed in the right direction, but, unfortunately, a select few have held up any attempt at crafting a good bill, bringing us to this impasse.

Mr. Speaker, I also want to reiterate my support for Chairman YOUNG's and Ranking Member OBERSTAR's $375 billion proposal. In my home state of Michigan, 1 in 5 roads have been rated as being in "poor condition". In Southeast Michigan, Metro Detroit ranks fifth for motorists who pay the most annually in additional vehicle maintenance because of poor road quality. The only way to help alleviate the problems in my state is to ensure that we grow the program so Michigan and all the other donor states receive their fair share of highway dollars. The longer we wait to pass a comprehensive bill the longer it will take to improve our nation's infrastructure.

For some, they will say, DINGELL, it is only six months. But I have been here long enough to know how the cow chews the cabbage, and a delay puts us into an election year. That delay could easily be extended and put our state department's of transportation planning process in serious jeopardy: We cannot continue to operate our government through continuing resolutions. To do so not only puts our infrastructure in jeopardy, but the well being of our nation.

We must craft a comprehensive bill that helps our nation's infrastructure, puts people to work, and gets our economy moving again. Many people understand this, a few do not. It is time the few stop blocking the path to progress, and help kick start our economy with a bill that my Transportation and Infrastructure Chairman and Ranking Member support.

MAY NEWBURGER, AN ICON OF PUBLIC SERVICE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to honor an icon of public service, May W. Newburger, for her exemplary career, dedicated to the people of the Town of North Hempstead, Nassau County and New York State.

May Newburger has had a long and distinguished career, to the great benefit of the people. May spent eight highly productive years, from 1978 to 1986, in the New York State Assembly. She served as Town Councilwoman in North Hempstead from 1991 to 1993, and was the first woman to be elected chief executive of a Nassau County town. Now in her fifth term, she has served as Town Supervisor of North Hempstead since 1993.

As Town Supervisor, May Newburger has been the driving force behind long-term strategic financial planning in North Hempstead, most notably through the Debt Management and Capital Plans. She has already transformed a $7-million budget deficit into a surplus of $7.7 million, and through her leadership and foresight, she will have reduced the Town's debt by $107 million over the next ten years. This planning has helped move the Town from the lowest bond rating in its history to its highest ever.

Mr. Speaker, under May Newburger's dynamic leadership, North Hempstead was named "Town of the Year 1999" by the Long Island Development Corporation, and received the "Quality of Life" award from the Long Island Division of the American Society of Civil Engineers. May also spearheaded the initiative to reclaim the Morewood Property, an environmentally damaged area, turning it into the Harbor Links municipal golf course. This prescient, breathtaking project is one of America's most environmentally friendly championship level golf courses, winning the "Environmental Stewardship Award" as well as the prestigious "Audubon Signature Distinction." Supervisor Newburger also successfully lobbied the Environmental Protection Agency for $200,000 to designate New Cassel as a Brownfields Pilot Community.

Throughout her career in public service, May Newburger has served on many state and national committees and has received innumerable awards and honors. In 1981, she served as a New York State Delegate to the White House Conference on Families; from 1987 to 1989 she chaired the American Jewish Congress' National Commission on Women's Equality. She was also a member of the State Judicial Committee on Women in the Courts, the Governor's Commission of Domestic Violence and the State Commission on Child Care.

Mr. Speaker, the good citizens of North Hempstead and Nassau County are truly blessed to have had the great benefit of May Newburger's vision, leadership, dedication and drive for these many years. Her commitment to her constituents has never flagged; she has been indefatigable in the cause of improving the lives of others. I am awed by her accomplishments, humbled to have known her, and very proud to call her my friend.

Mr. Speaker, I ask my colleagues in the House of Representatives to please rise and join me now in honoring May W. Newburger, in celebrating her outstanding career in public service, and in extending our best wishes to her as she goes on to meet new challenges.

IN RECOGNITION OF THE MARINETTE JAYCEES' 50TH ANNIVERSARY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor the Marinette Jaycees as they celebrate fifty years of dedicated service to the Marinette community.

Since their establishment in 1920, the United States Jaycees have helped thousands of young men and women develop personal and leadership skills through community service. Their positive presence across the country has touched millions of lives, and furthered the causes of some of our nation's most noble organizations.

For fifty years the Marinette Jaycees have carried on that tradition of service and leadership in northeast Wisconsin. They've organized countless volunteer activities, given young folks an opportunity to learn more about business and government, and fostered a greater since of pride in their community. There's no question, Marinette is a better place because of their efforts.

Mr. Speaker, it is an honor and pleasure to recognize today the Marinette Jaycees on their 50th anniversary. On behalf of my constituents, we say thank you, and we wish them another fifty years of overwhelming success.

A DEMON FOR OUR TIMES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. OXLEY. Mr. Speaker, it is rare that an issue as important as homeland security is written with such cogency and realism as the following column by Dorothy Rabinowitz, a member of the Wall Street Journal editorial board. I recommend it to all of my colleagues.

[From the OPINION, Sept. 22, 2003]

A DEMON FOR OUR TIMES

(By Dorothy Rabinowitz)

Frenzy mounts uncontrolled over John Ashcroft, now considered—in those quarters touched by the delirium—enemy number one of the Bill of Rights, the Constitution and all that Americans hold dear. What is the cause of these fevers? Is there a doctor in the house?

We may exclude Dr. Howard Dean, running for the Democratic presidential nomination, who has already offered his findings, to wit: "John Ashcroft is not a patriot. John

Ashcroft is a descendant of Joseph McCarthy." Sen. John Kerry, once properly—and eloquently—infuriated over the campaign of cretinous slanders mounted against John McCain in the last Republican presidential primary, has in turn offered his views on the attorney general. During the Democrats' debate in Baltimore, Candidate Kerry said he saw before him "people of every creed, every color, every belief, every religion. This is indeed John Ashcroft's worst nightmare here." Richard Gephardt, eyes similarly on the prize, has let America know which of our great national concerns he considered most pressing—a good thing to know about a candidate. The national priority looming largest in his mind is, Mr. Gephardt has let it be known, to fire John Ashcroft in "my first five seconds as president."

On the subject of the attorney general, no candidate has waxed more passionate than John Edwards, who warned, "we cannot allow people like John Ashcroft to take away our rights, our freedoms, and our liberties." And further: John Ashcroft and this administration can "spin their wheels all they want about the Patriot Act . . . they, have rolled over our rights for the past two years," says Mr. Edwards, one of the most uncompromisingly staunch Senate supporters of the Patriot Bill when it was passed after September 11—a fact the candidate seems to have found little or no occasion to mention in the course of his current crusade. Also among those voting for the bill were Rep. Gephardt, and Sens. Kerry, Lieberman and Graham.

It's hardly necessary by now to list all the charges and the alarms ,being raised about Mr. Ashcroft, by those portraying the attorney general as the menace to civil liberties that should haunt the dreams of all Americans who want to preserve our way of life. This is no exaggeration; the fever has spread wide, fed largely by the American Civil Liberties Union and allied sentinels of freedom, its signs clear in the ads calling on citizens to "Save Our Constitution," in emergency rallies led by the ACLU, and such groups as "Families for a Peaceful Tomorrow," and "The New York Bill of Rights Defense Committee."

The attorney general has declared the New York Civil Liberties Union, "led a massive assault on our most basic rights." Indeed, to hear the aforementioned groups, John Ashcroft is a greater threat to our national life and our freedoms than that posed by terrorists—a view that itself speaks volumes about the character and disposition of the Constitution-protectors up in arms over Mr. Ashcroft.

Then there is the issue of the facts—a scarce commodity in the oceans of oratory now spilling forth about our threatened Bill of Rights, and about agents spying on Americans' reading habits. In none of the descriptions of the out-of-control attorney general, and accompanying suggestions of incipient Fascism on the march, is there to be found any mention of the truth that the attorney general did not, of course, arrogate to himself the power to extend security measures: he went to the courts for permission. They were put in place only after scrutiny by judges.

Likewise, current hair-tearing about secret investigations and library spies notwithstanding, it remains a fact that for decades now, in its pursuit of crimes like money-laundering, the government has been free to prohibit banks from informing clients they were under investigation—and has done so without any outcry from the ACLU about civil rights violations. The Patriot Act could be said to be imperfect in some areas, a dissident member of the ACLU recently informed me—but so dishonest was his organization's portrayal of it as a threat to our basic freedoms, he could hardly bring himself to join any argument against it.

That ACLU dissidents harbor feelings of disgust at their leadership and its policies shouldn't come as news. For some 20 years now, control of the organization has rested securely in the hands of activists devoted to issues dear to the hearts of the left. No one was surprised when the ACLU of Southern California—home to the organization's most far-out activists—undertook the lawsuit to delay the state's recall vote.

The ACLU was the first to charge, after Sept. 11, that the government's anti-terrorist measures and detention of terror suspects threatened civil liberties. Even as workers struggled to pull bodies from the mountain of rubble in downtown Manhattan, the ACLU and like-minded allies had begun issuing warnings that government efforts to prevent more terrorist assaults posed greater dangers to the nation—would destroy our Constitution and the America we have always known—than the terrorists could possibly do.

The arguments found instant acceptance, not surprisingly, among faculty ideologues on the campuses. Who can forget the instantly organized teach-ins, where speakers argued, even as the nation mourned nearly 3,000 dead, that the United States had received just deserts for its policies? Efforts to protect ourselves with rational means of defense—investigations and apprehension of likely suspects, increased security measures, profiling—all connected with the spirit of these arguments: We—not the terrorists so avid for our destruction—were the enemy that would cause the demise of our democracy.

This was, and remains, claptrap of the rankest kind, which the great mass of sane Americans would never buy—and still, it cannot be ignored. It cannot be ignored, that is, that we are in a time never before seen in this country—a time produced in part by what remains of the politics and values of the 1960s, but only in part. For even in the '60s, we did not see what we do today—namely significant quarters of the culture, elite and popular, sympathetic to the views of those home and abroad most hostile to this nation. A time when talk of American "swagger" and "bullying" comes tripping from the tongue.

For such times John Ashcroft was a target made to order. Devoutly religious, appointee of George Bush, he could scarcely have been a better fit for the bogeyman figure advanced as the greatest threat to our civil liberties—the perfect model to fire up the crowds at marches, and breast-beating festivals. Not for nothing do the Democratic presidential candidates out-do themselves denouncing the attorney general: they know, the candidates do, what has filtered down to their base, their main audience, after all. They all know, as John Kerry does, that he can say whatever he wants about John Ashcroft—that he views, as a nightmare, members of other races, creeds and religions; or anything else the Democratic candidate finds convenient—and it will all be understood, a mark of political virtue.

Mr. Ashcroft's detractors were at no time more infuriated—at least recently—than when he undertook his journey to various states, to speak up in defense of the USA Patriot Act. Indeed, Janet Reno, former attorney general, was sufficiently exercised by Mr. Ashcroft's journeys to come forward to join the denunciations of his policies. Ms. Reno, whose devotion to civil liberties was best exemplified in 1993, when she ordered tanks in to assault the Branch Davidian compound in Waco—which exercise resulted in the deaths of 19 children and 57 adults—has not been heard from for a while. But it is worth remembering that attorney general's notions of due process in a time of emergency. A dangerous situation was becoming more dangerous, Ms. Reno would later explain—there had been word that children had been sexually abused. In went the tanks and the flammable gas canisters. As far as one can tell, the ACLU launched no protests. The 19 children, were, it could be argued, certainly saved from molestation.

Mr. Ashcroft's efforts as attorney general have, as far as anyone knows, resulted in no such mass casualties. Still the hot-eyed demonstrators keep rolling out to shout their denunciations and wave placards saying "R.I.P. Civil Rights" and "Here Lies Your Freedom." Much has been invested in the demagoguery portraying John Ashcroft as the most serious threat to our liberties in memory: an investment that has enriched the ACLU's funding coffers, and delivered priceless publicity. No one should expect it to end any time soon.

MILLWRIGHT LOCAL 1043

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great admiration and respect that I offer congratulations to some of Northwest Indiana's most dedicated and talented workers. On Friday, September 26, 2003, the Millwright Local 1043 of Burns Harbor, Indiana will honor special members at their Annual Retirement and Awards Banquet at the Avalon Manor in Hobart, Indiana. Devoted to their hard work and dedication, these individuals will be recognized for their many years of service to their union. Members who have served for 20 years or more will be honored, as well as the 2003 retirees. Millwright Apprentice Graduates will also be recognized at this gala event. Finally, the ceremony will include special recognition of members who have passed away in 2003.

Local 1043, led by President Bruce Wright, will celebrate tenures ranging from 20 years to 55 years of service. Those members being honored for 55 years of service include: Nick Christoff, Joseph Drasich, and Steve Kicho. Millwrights who will be honored for 50 years of service include: Whitney Duhon, Robert Erickson, and Alfred N. Salvesen. Members of Local 1043 who will be honored for 45 years of service include: John Cisarik, Archie Fisher, Joe Williams, and Paul D. Maness. Those who will be honored for 40 years of service include: James L. Geer, John Pegg, and Herbert E. Sprinkle. Millwrights honored for 35 years of service include: Dona Banks and Carl Dean Robinson. Those who will be honored for 30 years of service include: Randy Ames, Jerome Bielak, Gary Talcott, Dionisio Trinidad, Louis A. Vendramin, John Vintila, David B. Whitaker, and John Zavalydriga. Local 1043 members who will be honored for 25 years of service include: Michael Adams, Greg Allen, Terrill

Crase, Steven J. Kime, Mark Liston, Monie Parker, Jon R. Smith, Houston L. Stevens, and John Wardell. Finally, those Millwrights being honored for 20 years of service include: Jay Beere, Jay Childress, Jeffery Ludvigson, John E. Naccarato, Paul Pasley, and John Williams.

Local 1043 will also be recognizing and honoring dedicated members who are 2003 retirees. These members include: Jerry Forcht, Fred Miller, Rick Pierce, Gerald Purevich, Sr., and Kenneth Rippe. The Apprentice Graduates of Millwright Local 1043 will be acknowledged for their hard work and dedication. These individuals are Ryan M. Davis, Frank A. Hines, Thomas J. Hoeckelberg, Rodney L. Hyatt, Jon P. St. Myer, Gary E. Torbeson, Jr., Mark A. Tuszynski, and Vanessa Vlach. There will also be special recognition in memory of members who have passed away in 2003. These members include: Frank Kark, Lawrence Ray, Donald Janisch, William Kollada, James Dowdy, Thomas Stewart, and Tony Vrbancic.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated, hard-working, and honorable members of Millwrights Local 1043 in Burns Harbor, Indiana. They, along with all the other men and women of the Northwest Indian unions, represent the true backbone of our economic community. Their commitment and loyalty to the First Congressional District is worthy of the highest commendation and respect.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. STEARNS. Mr. Speaker, I missed the following votes due to personal family reasons, Rollcall vote No. 506 (To H.R. 7, Charitable Giving Act of 2003)—Had I been present I would have voted "no." Rollcall vote No. 507 (To H.R. 7)—Had I been present I would have voted "no." Rollcall vote No. 508 (H.R. 7)—Had I been present I would have voted "yes," and given the following statement which I now include in my extension of remarks.

Mr. Speaker, I am pleased to support H.R. 7, and am glad to especially support the flattening of the excise tax on the net investment income for private foundations from a two-tiered tax to a single tier of 1 percent. This could be one of the most effective steps Congress could take to spur charitable giving.

Currently, private foundations generally are subject to a 2 percent excise tax on their net investment income.

The tax was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits of these organizations, in the wake of some unfortunate—and clearly wrong—mismanagement of foundation income. However, excise tax revenues have steadily climbed and IRS audits of private foundations have steadily dropped over the past decade. Specifically, in 1990, the excise tax raised $204 million and the IRS conducted 1,200 audits of private foundations. In 1999, the last year for which figures are available, the excise tax raised $499.6 million with the IRS conducting only 191 audits.

Congress reduced this tax in 1978 and 1984. In both instances it was noted that the adjustments were necessary because the revenues collected from the tax exceeded IRS auditing needs. Accordingly, the Joint Committee on Taxation recognized in its April 2001 recommendations the need to repeal this tax. Finally, the tax is inequitable, as other tax-exempt organizations are also audited, however, private foundations are the only tax-exempt organizations that have to fund their own policing.

Repeal of the excise tax would result in dollar for dollar increase in qualifying distributions of hundreds of millions of dollars every year, boosting the ability of charitable organizations to address national priorities across the range of fields that are the focus of some 58,000 private foundations. President Bush has proposed a reduction in this excise tax in his FY2004 budget to 1 percent, and for that I am quite appreciative. If we went further, though, the elimination of this tax would spur additional charitable giving. One of the most compelling arguments I've received comes from foundations pointing out that the money they would save from a repeal won't benefit the foundation officers, trustees, or even any employees. Who will benefit from a repeal of the excise tax? The causes for which each foundation was created. For example, the William Caspar Graustein Memorial Fund in Hamden, Connecticut writes me: "Congressman (Stearns), the William Caspar Graustein Memorial Fund would gain nothing from the flattening of this tax. The check we write to the United States Treasury we would instead write to our grantees. Our 2002 excise tax payment was $22,176. We would prefer to put that money to work where we know it would help—the children and families in Connecticut." Signed, David M. Nee, Executive Director.

Foundations often spring from a corporate beginning. Take Robert W. Woodruff, the President of The Coca-Cola Company from 1923 until his death in 1985. He transformed the fledgling soft drink enterprise and its bottler franchise system into a corporate giant with the world's most widely known trademark. But this was not enough. Mr. Woodruff established a remarkable record as a businessman and philanthropist. Mr. Woodruff gave anonymously to many institutions, a number of which owe their very existence to his generosity. Prominent on Mr. Woodruff's desk was his personal creed: "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit." Last year, the Robert W. Woodruff Foundation, Inc. in Atlanta, Georgia, donated more than $106 million to aid schools, health care, art and cultural activities and the conservation of natural resources.

In my state, The Blue Foundation for a Healthy Florida, the philanthropic arm of Blue Cross and Blue Shield of Florida, serves to positively impact Florida's many different health care challenges. This includes a focus on the uninsured and underserved. The Blue Foundation provides aid to charities across the state that provide outreach and care to the underserved and uninsured population, as well as address other pressing health care needs.

This nation was founded on a principle of helping hands, charity, volunteerism, and the free flow of aid and comfort to fellow Americans. The grace of giving where one wants to is one of our precious liberties. Foundations touch the lives of every American—from access to public libraries, development of the polio vaccine, and even leading in the creation of Emergency 911. Let us encourage this and let charitable works thrive.

IN APPRECIATION FOR A LIFETIME OF DEDICATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. ROSS. Mr. Speaker, I rise today to thank an outstanding and dedicated constituent of mine who is retiring after a lifetime of caring for our nation's most beautiful places.

Roger Giddings is a 42-year veteran of federal service who began his career in 1960 as a seasonal park ranger for Glacier National Park in Montana and Everglades National Park in Florida. Giddings landed his first permanent National Parks Service assignment as a supervisory park guide at Carlsbad Caverns National Park in New Mexico. He has worked at Colonial National Historic Park in Virginia, Natchez Trace Parkway in Mississippi, the NPS Headquarters in Washington, DC, and Grand Canyon National Park in Arizona before becoming superintendent of Hot Springs National Park in Arkansas in 1981.

His work in Arkansas has resulted in preservation and restoration of our national treasure, our bathhouses. In the late 1980's he helped to establish the Friends of Fordyce group that worked to get the Fordyce Bathhouse rehabilitated into the Park's Visitor Center. For this effort, the National Trust for Historic Preservation awarded the park its highest honor, the Historic Preservation Honor Award.

Giddings's greatest challenge was to save and restore the unique and historic Bathhouse Row in Hot Springs, where an essential stabilization project is already underway. When he arrived at Hot Springs National Park, he set to work not only to revitalize the bathhouses, but all of downtown Hot Springs as well. The results of his efforts can be seen by all who come to visit, and his work has ensured that many more will visit Hot Springs National Park in the future.

On behalf of all who have visited, enjoyed, and shared the beauty of our National Parks, I want to thank Roger Giddings for his persistent efforts not only at Hot Springs National Park, but also at some of the most amazing places in our great nation.

OPPOSING THE EPA'S FINAL NEW SOURCE REVIEW RULE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition to the EPA's recent decision to gut the Clean Air Act—landmark legislation that protects the public from deadly air toxins.

With one swift blow the Bush Administration has rolled back three decades of environmental protection by allowing some 20,000 of the oldest and dirtiest power plants, oil refineries, incinerators, chemical plants and industrial facilities that were exempted from the Clean Air Act to avoid installing the newest and best available pollution control technologies when they upgrade and modernize their facilities. It is a reckless act that will shower thousands of additional tons of smog and soot from dirty Midwest power plants onto the people and communities of New Jersey, endangering the public health most severely in densely-populated urban areas—such as those in my district—that already suffer the ill-effects of downwind industrial pollution.

The New Source Review program had been the linchpin of our nation's clean air laws. Since the late 1980's—during successive Republican and Democratic Administrations—the EPA and the Department of Justice teamed up to investigate and sue polluters who refused to install "best-available" pollution control technologies when they modernized their plants and increased emissions.

Some 540 "grandfathered" coal-fired power plants nationwide cause 98 percent of the soot emissions that lead to 30,000 premature deaths and 170,000 asthma attacks each year. Through the new source review process, DOJ has filed suit against 53 of these plants that are in violation of the Clean Air Act. Five of the 53 admitted wrongdoing and settled with the federal government—settlements that will result in 393,000 less tons of sulfur dioxide, 175,000 less tons of nitrogen dioxide, and 10.7 million less tons of carbon dioxide being released into the air we breathe each year. Despite this success, in issuing this new rule, the Administration has cast doubt on the pending cases while announcing that it will no longer pursue those polluters who have broken the law for years.

As a downwind state, New Jersey suffers disproportionately from power plants that refuse to clean up their act. New Jersey is hit by increased emissions in the form of acid rain and increased respiratory disorders. In fact, because of these out-of-state polluters, New Jersey has the worst air pollution and the sixth highest rate of asthma in the nation. The societal and economic costs of air pollution come in the form of missed school and work days, more emergency room visits, more heart attacks and strokes.

Unfortunately, this Administration has turned a blind eye to environmental science, the written comments of over 300,000 Americans who opposed the New Source Review rule, and the enforcement successes of the NSR program in favor of its corporate polluter friends. This is a travesty. And at the same time that the Administration is rewriting the Clean Air Act, it has set about dismantling the EPA's criminal enforcement division. The President's current EPA budget proposal would eliminate 126 EPA enforcement positions over the last three years—a 60 percent decline in civil enforcement and compliance monitoring. Further, a recent GAO report stated that EPA relied heavily on anecdotal evidence to build a case for the New Source Review rule—something Jeffrey Holmstead, Assistant EPA Administrator for Air and Radiation, all but admitted in newspaper reports when he stated that the EPA "wished it had better data." This perhaps explains why EPA tried to catch the American people off guard by signing the final rule two days before the traditional Labor Day holiday when many Americans were enjoying their last few days of summer rest with their families.

Mr. Speaker, I share the view of countless Americans and over 350 newspapers nationwide in calling the Bush Administration's actions an outrage and a devastating blow to public health. I urge all my colleagues in Congress—Republican and Democrat—to disapprove this rule and come together to craft new legislation that sets tough new standards for the dangerous toxic pollutants that will now cloud our air.

TRIBUTE TO TONY AUTORE IN RECOGNITION OF FOUR DECADES OF EXEMPLARY COMMUNITY SERVICE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. STUPAK. Mr. Speaker, I rise today to recognize the dedication and achievements of a constituent of mine who is a true asset to his community, Tony Autore.

On Friday, September 26, 2003, the Chippewa-Luce-Mackinac Community Action Agency Head Start Program Center in Cedarville, Michigan will be designated the Autore Center, in recognition of Tony's many years of devotion to the important work of that agency.

To understand Tony's deep roots in the eastern Upper Peninsula of Michigan, you have to go back to the beginning, when Tony was born in Sault Ste. Marie and went through Catholic elementary school and public high school there. He married Ethel Duff in 1949, and over the years they have been blessed with three sons, two daughters and seven grandchildren. Tony also served in the U.S. Army from 1952 through 1954.

Before entering military service, Tony began his career as an employee of the local branch of Standard Oil Company. After coming home from the Army, Tony moved to Cedarville, Michigan and with Ethel purchased Standard Oil's delivery route for oil and propane for the Cedarville/Hessel area. Moving to Cedarville, where they still reside, they began developing the community and business relationships that continue today as a testament to their place in the community.

Tony and Ethel both devoted themselves to building a reputation for customer service that survives today. One of their first innovations was automatic delivery of propane fuel and oil for their customers, to avoid the problem of customers running out of heating and cooking fuel because they forgot to order it. That may sound academic today, but it was a new idea at the time Autore Oil began the program. The business today represents a family tradition of customer service, with children Beth McConkey and Steve and Scott Autore active in the business. Even though Ethel is supposed to be retired, you will often find her at the Autore Oil offices as well, providing her indispensable assistance.

Tony began his community service early, and it would be hard to find another person who has contributed more to Cedarville, the eastern Upper Peninsula and to Michigan. He established Cedarville Boy Scout Troop 40 and served on the board of the Les Cheneaux Education Foundation which helped students to pursue extracurricular interests in the arts, music, woodworking or other activities that kept them motivated, learning and moving forward educationally.

Tony has served on the Mackinac County Planning Commission, the Mackinac County Housing Commission, and Mackinac County Economic Development Corporation. He is a member and past president of the Cedarville Lions Club. He belongs to the Knights of Columbus, the Christopher Columbus Association and served with the Clark Township Volunteer Fire Department. As a member of the Les Cheneaux Chamber of Commerce, Tony was instrumental in hosting Michigan Outdoor Writers winter and summer conventions that brought the attention of far flung readers to the eastern Upper Peninsula's attractions.

Perhaps Tony's crowning achievement is what he has done to foster the health and growth of the Chippewa-Luce-Mackinac Community Action Agency, headquartered in Sault Ste. Marie. Tony served on its board of directors for 18 years and has been treasurer of the board since 1989. He has always been willing to step in when needed, most recently as Vice Chair when that position was temporarily vacant.

The best example of Tony's hands-on, 'can-do' attitude is how he helped start a food commodity delivery program for the C–L–M Community Action Agency. His trucks and drivers traveled three counties for at least seven years to deliver food through the federal TSAP program to as many as twenty different distribution sites, free of charge, until funding came through for a paid driver and vehicle. He assisted the Agency in developing the Head Start Center which will bear his name after September 26th. Because of his work in the community, he was able to secure the use of the Cedarville Town Hall for senior meals, where they still are served today.

Over the years, the Community Action Director and staff have come to rely not just on Tony's capacity for hard work, but also on his sage counsel and advice—not a small benefit for an agency with a five and a half million annual budget.

Mr. Speaker, I ask that you and my colleagues join me in giving a well-deserved and heartfelt round of congratulations to a real Michigander, a devoted family man and a shining example of service to his community, which needless to say, contains many friends and admirers of Tony Autore.

READMIT TAIWAN TO THE UNITED NATIONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. TOWNS. Mr. Speaker, as the United Nations General Assembly convenes for its 58th session this week, I remind my colleagues that the Republic of China on Taiwan—a free and open democratic society and a leading trade partner of the U.S.—is still being denied membership to that world body. It is time for the U.N. to readmit Taiwan.

Taiwan not only has a thriving democracy and prosperous economy, but its 23 million people make it larger than three quarters of the existing member states of the U.N. It is hard to conceive of any good reason to continue denying such a worthy country admission to this vitally important world body.

There exists now, and has existed before, examples of parallel representation of the countries in the U.N. I speak now of East and West Germany which both held memberships in the U.N. until their reunification in 1990. Today both the Democratic People's Republic of Korea and the Republic of Korea are members of the United Nations.

Taiwan is not only a free and open democracy, a bulwark for human rights and an important player in our global economy, but it is a good neighbor to countries in need around the world. Time and time again, Taiwan has heeded calls by the U.N. and others for emergency assistance to countries suddenly fallen victims to natural disasters or war. Among others, it has assisted Afghanistan, Kosovo, Turkey, Nicaragua, El Salvador, the fight against aids in Africa, and the current relief needs of Iraq.

The 23 million people of this country—who have demonstrated in nearly every way imaginable that they are responsible citizens of the world—deserve a voice at the U.N.

IN SUPPORT OF REAUTHORIZATION OF TEA 21 AND H.R. 1789, THE AMERICAN PARITY ACT

HON. NICK J. RAHALL III

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. RAHALL. Mr. Speaker, I rise today to call once again for reauthorization of the Transportation Equity Act of the 21st Century (TEA 21), which will expire in just over one week.

Today, the House considers a five-month extension to TEA 21. But it ought to be passing a meaningful surface transportation bill that will address measurable needs in our infrastructure, provide desperately needed jobs, and bolster our economy.

Several weeks ago, the American Society of Civil Engineers (ASCE) said that we are failing to maintain even the substandard conditions of our transportation infrastructure. It described our national roads system as "poor," and our national bridges and transit systems as "mediocre." For my home state of West Virginia, the ASCE report said more than a third of state roads are in poor or mediocre condition, and one-fifth of the state's bridges are deficient or functionally obsolete.

This should not come as a surprise to anyone. The United States is in need of infrastructure reinvestment. The Federal Highway Administration, the General Accounting Office, and industry trade groups have clearly communicated the shortcomings in our Nation's infrastructure since last year.

Almost 30 percent of our bridges are structurally or functionally deficient, and half our interstate bridges are over 33 years old.

Of the 102,859 bridges that are part of our Strategic Highway Network, which the Department of Defense would use to mobilize against global and domestic threats, over 20,000 of them are rated as deficient.

Twenty-four percent of both our Urban Bus and Urban Rail maintenance facilities are substandard.

Highway congestion in cities with less than 500,000 in population experienced an increase of 217 percent in the years 1987 to 2000. It is worth noting that most of America resides in cities with less than 500,000 in population.

Traffic delays in rush hour traffic increase travel times by 63 percent in urban areas.

Estimates place the loss of productivity and motor fuel at $68 billion currently, and it is expected to near $100 billion by 2009.

Importantly, the FHWA has also noted the benefits of economic investment in our infrastructure. Every $1 billion we invest in our highways creates 47,500 good-paying jobs at a time when unemployment levels remain unsteady, and it provides $6.1 billion of economic activity in return, which would help restore our uneven economy.

Mr. Speaker, the FHWA said that we need to invest $375 billion over the next six years to sustain our surface transportation system in its current condition to maintain economic growth.

However, many in Congress and the President say that we cannot afford this investment in our infrastructure, which is an investment in our present and in our future. For this reason, efforts to craft a meaningful surface transportation bill as the successor to TEA 21 stalled months ago.

Congress should not oppose investment in our infrastructure to ensure our future. We know what needs to be done, yet we are being delinquent in our responsibility to the American people by not doing it. Congress should enact a surface transportation bill as a worthy successor to TEA 21.

Meanwhile, the Bush administration tells Congress that what is needed is $87 billion for Iraq. Furthermore, a House Budget Committee study indicates that the cost of the Iraq war and occupation could easily reach $417 billion over the next decade.

Mr. Speaker, this reflects skewed priorities. Moreover, it raises concerns for what programs may be cut to pay for the Iraq funding.

My support for our brave troops is total, and that means they must have every resource made available to them. However, the task of rebuilding Iraq cannot be America's responsibility alone. We should draw upon the support and aid of the world community.

However, we have needs at home as I have suggested. That is why I am a proud cosponsor of H.R. 1789, the American Parity Act, which would require that America's priorities be addressed with the same urgency that the administration is giving to rebuilding Iraq.

In addition to the infrastructure needs I mentioned, we suffer from having 42 million uninsured Americans and rising health costs for insured individuals, proposed reductions in Medicaid funding, insufficient funding for the Maternal and Child Health Block Grant of the National Health Service Corps, a national nursing shortage, the most far-reaching energy blackout in U.S. history, attempts to buy homeland security on the cheap, and record-level deficits.

Americans need and deserve affordable health care, capable schools, quality education, sufficient homeland security, safe and reliable roads and mass transit, modern water infrastructure, and jobs, jobs, and jobs. We won't get these things by ignoring our problems here at home.

We need to reinvest in America, first and foremost.

TRIBUTE TO ANALYTICAL SERVICES FOR BEING RECOGNIZED AS THE NASA WOMAN OWNED BUSINESS OF THE YEAR

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. CRAMER. Mr. Speaker, I rise today to congratulate an outstanding Huntsville-based aerospace contractor, Analytical Services, Inc. for being named the 2003 NASA Woman Owned Business of the Year. ASI began operations under the strong leadership of Irma Tuder in Huntsville, Alabama with just two employees in 1992. Today 250 people work for ASI, 150 of them are from my district.

Analytical Services, Inc. provides program planning, technical writing and multimedia design and development to the Orbital Space Plane program which is managed by NASA's Marshall Space Flight Center. ASI supports the OSP mission to provide a system for crew rescue from the International Space Station, and ultimately crew and limited cargo transport to and from the Station. It is also supporting the management of the design and development of a new multipurpose space transportation system for assured access to space and to provide operational flexibility for NASA.

ASI is best summarized by their company philosophy, "and then some." ASI employees are committed to these words by providing their customers with responsiveness, innovation, professionalism, and then some. ASI has a strong dedication to its community and should serve as a model for small businesses everywhere.

Mr. Speaker, today ASI Founder, President and CEO, Irma Tuder, will accept the 2003 NASA Woman Owned Business of the Year Award on behalf of all the employees of ASI. Since I cannot be there, I want to take this opportunity on behalf of the people of North Alabama, to congratulate all the employees of

Analytical Services, Inc. on a job well done and thank them for their service.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. REYES. Mr. Speaker, I am proud to support the motion to instruct conferees offered by my dear friend and colleague, and fellow member of the Armed Services Committee, the Chairman of the Congressional Hispanic Caucus, Ciro Rodriguez.

This motion instructs the conferees on the Defense Authorization bill to adopt provisions that were overwhelmingly approved by the House when it passed the Armed Forces Naturalization Act earlier this year. These provisions would remove administrative and financial barriers to obtaining citizenship by those non-citizens who are risking their lives to defend of our Nation. Thirty-seven thousand legal permanent residents currently serve in our armed forces, and their service deserves to be recognized.

The Rodriguez motion also recognizes the important supportive role that family plays and calls for inclusion of measures to ensure that when their loved ones die in the line of duty, family members will not suffer even more by having their immigration status placed in jeopardy.

After every major conflict in the past 100 years, we have granted citizenship to thousands of immigrants who fought wearing the U.S. uniform. Let us do the right thing and act now to continue the American tradition of honoring those who have proven their loyalty to our country on the battlefield. I urge my colleagues to vote in favor of the Rodriguez motion to instruct.

TO COMMEMORATE THE BIRTHDAY, LIFE AND LEGACY OF THE LATE SENATOR CLAUDE DENSON PEPPER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to commemorate the birthday, life and legacy of the late Senator Claude Denson Pepper.

I first met Congressman Pepper in 1984 when we worked together to craft the National Democratic Platform. Even then, at age 84, his energy and passion for making life better for others was clear. During his near 90-year career, Pepper played a leading role in American politics. Pepper won vast victories for all Americans, notably our country's elderly population.

Pepper was elected to the United States Senate in 1935, where he gained the respect and friendship of President Franklin D. Roosevelt. He stayed in the Senate for 3 terms and served in the House, where he represented the greater Miami area. He served his House district for almost 30 years, becoming Chairman of the House Select Committee on Aging and of the House Rules Committee.

Claude Pepper did so much for so many, but is best remembered for his work on behalf of older Americans. He was their voice and their advocate. He led the battle to pass legislation that erased mandatory retirement laws. He authorized the bill that created the National Institute on Aging. His leadership made passage of Medicare a reality.

Near the end of his life, Chairman Pepper fought for the enactment of a prescription drug benefit in Medicare. Concurrently, he worked to enact a long-term home benefit in Medicare to assist the growing number of Americans who needed help performing essential activities of daily living in their homes. Pepper came away a few votes shy of enacting these bills, but his visionary actions shaped the path for future generations.

Pepper's life work was firmly routed in his personal principles. His passionate advocacy and unquestionable integrity made him a role model for public servants and generations of young men and women to invest their lives in giving back to their communities.

Claude Pepper is a hero to senior citizens and all Americans, and I am proud to have known him. As Congress continues to debate the future of Medicare and other programs, we would do well to remember his legacy and his simple philosophy: "Make it better. Do all you can to make life better for others."

Thank you, Senator Pepper, for your service to our country, and for making our Nation a better place for generations of senior citizens.

CONGRATULATING P.V.'S HUT ON ITS FIFTIETH ANNIVERSARY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. TANNER. Mr. Speaker, I rise today in recognition of P.V.'s Hut, which is celebrating its fiftieth year as a popular institution in my hometown of Union City, Tennessee. Over five decades, P.V.'s Hut has served millions of its famous specialty—hand-made hamburgers.

P.V.'s Hut was founded in June 1953 by Horace Aaron "P.V." and Mary Lou Peevyhouse. Their daughter and son-in-law, Sue and Jim Isbell, now operate the restaurant, but patrons know they are receiving the same exceptional service that generations of customers have received at the small diner for five decades.

When I was a young boy, my family would go to P.V.'s for twenty-five-cent hamburgers and would dine at one of the two small tables located inside the restaurant at its original location. P.V.'s Hut has moved to a larger building now and can accommodate more guests at its booths and lunch counter. The prices have also changed over the years, but patrons still travel from miles away for hand-made hamburgers and baked-from-scratch pies at affordable prices.

Mr. Speaker, as we look for ways to help our economy grow, let us take the opportunity to thank and praise those small business owners who work so hard every day to contribute to our local and regional economies. They truly make a difference, with their customer service-minded business philosophies and their dedication to the community.

Because of its founders' and owners' love for old-fashioned food service, P.V.'s Hut has been rewarded with fifty years of success. Mr. Speaker, please join me in congratulating P.V.'s Hut on its long service to our community and hoping all the best for P.V.'s in the years to come.

INTERNATIONAL REHABILITATION CENTER FOR TORTURE VICTIMS RECEIVES CONRAD N. HILTON FOUNDATION HUMANITARIAN PRIZE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues the leadership shown by the Conrad N. Hilton Foundation for focusing attention on the widespread use of torture by some outlaw regimes by awarding this year's Conrad N. Hilton Humanitarian Prize of $1 million to the International Rehabilitation Center for Torture Victims (IRCT). I also want to take this opportunity to congratulate and pay tribute to the ICRT.

Mr. Speaker, as Co-Chairman of the Congressional Human Rights Caucus I have had the privilege of working with ICRT and its network of affiliates around the world. Every year, the Caucus organizes a public briefing to mark the United Nations "International Day in support of Survivors of Torture," during which we bring together survivors of torture from all over the world, healthcare personnel who assist in their treatment and rehabilitation, Members of Congress, congressional staff and the general public. These briefings are designed to educate our colleagues and their staff, on the practice of torture and the devastating physical and emotional complications that revisit torture victims, and to encourage appropriate Congressional action to address this important issue.

This Hilton Award will be presented to ICRT today at a luncheon in New York City, at which the Dalai Lama will speak. The awarding of this prestigious prize comes at a very appropriate moment, as this Congress is about to re-authorize the Torture Victims Relief Act of 1998 by our adoption of H.R. 1813, which has already been approved by the House Committee on International Relations.

The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishes the basic human right of freedom from torture. Thus far, 134 States have recognized this right by becoming state parties to this important convention. Yet torture continues to take place in more than 117 countries. It is estimated that one-third of the world's 12 million refugees are victims of torture.

Mr. Speaker, torture is a brutal form of social and political control designed to stifle dissent through terror and it violates the basic rights of human beings and is contrary to the principles of the U.S. Constitution and fundamental nature of our Republic. Politicians, journalists, teachers, students, religious leaders, trade union and human rights activists are special targets. The aim of torture is not to kill the victim, but to break down the victim's personality. Crippled, traumatized, and humiliated, the victims are returned to their communities as a warning to others.

I will not elaborate on the methods and consequences of torture, which my colleagues know well from previous debates here on the House floor. But I would like to emphasize again that there are an estimated 500,000 torture survivors in the United States alone—refugees and asylum-seekers who have fled repressive regimes. In recent years, there has been a dramatic increase in the number of victims of torture seeking help at U.S. rehabilitation centers, and many centers now have long waiting lists. In the United States there are 25 rehabilitation centers and programs joined together under the National Consortium of Torture Treatment Programs. The passage of the Torture Victims Relief Act in 1998 positioned the United States as a leading donor to the work against torture. The re-authorization of this legislation, which the Committee on International Relations reported to the House on July 23rd, will continue and expand American leadership to assist those who have been subject to this terrible human rights abuse. I urge the House leadership to schedule this bill for floor action as soon as possible.

Mr. Speaker, I would like to briefly summarize for my colleagues the global efforts that IRCT has undertaken to eliminate torture and to explain the extraordinary work they are accomplishing now. The medical response to torture began in 1973 with an Amnesty International campaign calling for help to diagnose torture victims. At that time, very little was known about torture methods or the physical or psycho-social consequences for torture victims. An Amnesty group of four doctors in Denmark was the first to respond and was soon joined by a network of some 4,000 medical doctors from 34 countries worldwide. It quickly became evident that, in addition to documenting cases of torture for use in potential legal proceedings, it was also critical to identify methods to help treat and rehabilitate victims of torture.

In 1982, the first rehabilitation center was founded and established by medical humanitarian my dear friend Dr. Inge Genefke and the Rehabilitation and Research Center for Torture Victims (RCT) in Copenhagen, Denmark. As the global movement developed, and the need for global support increased, the International Rehabilitation Council for Torture Victims (IRCT) was founded in 1985, initially as the international arm of the RCT, until 1987 when it became a fully independent organization. IRCT's mission, with Dr. Genefke as its Ambassador, is to support and promote the rehabilitation of victims of torture, to advocate for the prevention and eradication of torture worldwide, and to provide documentation and research that will ultimately bring perpetrators to justice.

Mr. Speaker, from a handful of rehabilitation centers in the mid-1980s, a global network of 200 rehabilitation centers and programs is now operating in 80 countries. These efforts, however, are just a beginning in the global fight against torture. To keep a spotlight on the issue, IRCT's global campaign, "Together against Torture," involves more than 10,000 people and 300 organizations in some 100 countries every year to commemorate the United Nations International Day in Support of Torture Victims, which takes place annually on June 26.

In recent years, IRCT has developed successful models in post-conflict interventions in support of torture victims in East Timor, Kosova, and in Pakistan for Afghan refugees. The IRCT Documentation Center is the world's largest library on torture-related research and IRCT is initiating the first comprehensive monitoring and documentation system on torture at the global, regional, and national levels.

In conclusion, Mr. Speaker, let me mention to my colleagues statements from global leaders in support of IRCT.

Dr. Bertrand Ramcharan, Acting U.N. High Commissioner for Human Rights, said: "Torture is a violation of basic human rights. Through extensive documentation and research, IRCT has become an essential source for governments and legal authorities in their efforts to expose atrocities and to bring perpetrators to justice."

Mary Robinson, former U.N. High Commissioner for Human Rights and former President of Ireland, said: "Through its support for victims and its global campaigning for the universal ratification and implementation of the U.N. Convention Against Torture and its Optional Protocol, the IRCT reminds us of our shared responsibility for ending torture throughout the world."

Former United States President Jimmy Carter said, "Freedom from torture is one of the most fundamental of all human rights principles, enshrined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other international agreements. This year, it is particularly fitting that the Conrad N. Hilton Foundation has chosen to bestow its Humanitarian Prize on the International Rehabilitation Council for Torture Victims, an organization that has done so much to end torture and to support its victims worldwide."

Danish Minister for Foreign Affairs, Per Stig Miller said, "There is no doubt that IRCT has had a determining role in placing torture and organized violence onto the international agenda and that the organization has achieved a special recognized status and voice that is listened to worldwide. The prize underlines the need for continued international support towards the work of the IRCT."

Dr. Reiner Brettenhaler, President of the Standing Committee of European Physicians, said: "We are proud to nominate the IRCT for this year's Conrad N. Hilton Humanitarian Prize. A unique strength of the IRCT is its approach to the work against torture: focusing on the medical aspects of torture, thereby focusing on the individual recovery of those subjected to this act of inhumanity."

Mr. Speaker, I again want to express my deepest appreciation and gratitude to the ICRT and its global network of treatment and support centers for their continued invaluable service to humanity. I also want to commend the Conrad N. Hilton Foundation for recognizing and supporting the ICRT's efforts by awarding it the Conrad N. Hilton Humanitarian Prize.

HONORING THE 112TH ANNIVERSARY OF THE OXFORD HOTEL OF DENVER, CO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 23, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 112th Anniversary of the Oxford Hotel in Denver, Colorado.

Mr. Speaker, 1891 was a tremendous year. Fueled by the Silver Rush, it was a time of great promise for the fledgling State of Colorado, and in September of that year, the Oxford Hotel opened its doors for the first time. With its beautiful artwork and antique furniture, the Oxford offered its patrons class and luxury in the heart of the American Frontier. It provided its patrons with world-class dining facilities. The Oxford also was one of the first hotels in the West to have an elevator.

Located in the historic Lower Downtown district of Denver, the Oxford is only a walk away from the city's most cherished landmarks: The Denver Mint, the State Capital, Larimer Square, and the Denver Center for the Performing Arts, just to name a few. Its history and location helped build the Oxford's reputation as a cultural beacon in Colorado. This was reinforced in the 1960's and '70's when the hotel became renowned as a jazz center.

For years I have had the privilege of knowing the owners of the Oxford Hotel: Walter and Christie Isenberg and Dana Crawford. And I must commend them for their fabulous preservation of the Oxford as a piece of Colorado history and for maintaining its reputation as one of the West's best hotels.

The Oxford has seen a city, a state, and indeed a whole region grow around it in its 112 years. Even though the country around the Oxford has changed dramatically, the hotel has not. This wonderful hotel remains a unique visiting experience for its patrons. It still provides world-class services to all who stay there. And it is, and shall be, one of Colorado's most cherished landmarks for as long as it stands.

Mr. Speaker, I encourage my colleagues to join me and show support for the Oxford Hotel and its 112 years of greatness.

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